

## **Enclosure B**

### **South Carolina IDEA Part C FFY 2014 Special Conditions**

#### **1. Basis for Requiring Special Conditions**

Pursuant to IDEA sections 616(g) and 642 and 34 CFR §80.12, the Office of Special Education Programs (OSEP) is designating South Carolina as a “high risk” grantee and imposing Special Conditions on South Carolina’s Federal Fiscal Year (FFY) 2014 grant award under Part C of the Individuals with Disabilities Education Act (IDEA Part C). These FFY 2014 Special Conditions are imposed to ensure that South Carolina First Steps (First Steps), the State’s lead agency under IDEA Part C, corrects findings of noncompliance with IDEA Part C requirements, as required by IDEA section 635(a)(10)(A) and 34 CFR §§303.120 and 303.700(e).

Correction of findings of noncompliance was the subject of Special Conditions on South Carolina’s FFYs 2008, 2009, 2010, 2011, 2012, and 2013 Part C grant awards and also the subject of the 2013 corrective action plan (CAP) required by the Department’s Determination of “needs intervention” for South Carolina for three or more consecutive years under IDEA sections 616 and 642. Under the FFY 2013 Special Conditions and the 2013 Determinations letter, First Steps was required to submit the 2013 CAP by August 15, 2013 to help ensure that it could submit, with its FFY 2012 IDEA Part C APR (due February 1, 2014), valid and reliable FFY 2012 data for Indicator 9 (regarding the timely correction of findings of noncompliance identified in FFY 2011). The State was also required to report, with its FFY 2012 APR, updated data on the number of findings of noncompliance identified by the State in FFY 2012, and the status of correction of those findings.

As noted in OSEP’s November 5, 2013 Response Letter, the State submitted its August 15, 2013 CAP and October 31, 2013 progress report to OSEP and reported the following FFY 2012 data. In its FFY 2012 APR, the State reported FFY 2012 data for Indicator 9 reflecting 52% timely correction of the findings of noncompliance identified in FFY 2011, and subsequent correction of all of the remaining 81 findings of noncompliance identified in FFY 2011. As required by its FFY 2013 Special Conditions, the State also reported updated data on the correction of the findings of noncompliance identified in FFY 2012 based on FFY 2011 data, indicating that 47 of the 56 findings of noncompliance for Indicator 1 were corrected, and 41 of the 44 findings of noncompliance for Indicator 7 were corrected. The State reported that it is disaggregating the findings identified in FFY 2012 based on FFY 2011 data for Indicators 8a and 8c, so that it will be able to report on those findings separately.

As part of Department’s 2014 determination that South Carolina “needs intervention” in implementing the requirements of IDEA Part C for four consecutive years under IDEA sections 616 and 642, the Department is requiring South Carolina to submit a CAP to OSEP by August 11, 2014 in two compliance areas: timely transition plans and correction of findings of noncompliance (correction).<sup>1</sup> The State’s FFY 2014 IDEA Part C Special Conditions incorporate the State’s 2014 CAP’s correction requirement. These Special Conditions (and CAP) require the State to provide by

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<sup>1</sup> OSEP will respond to the State’s CAP (including the timely transition plan area) after the State submits it.

February 2, 2015 (with the FFY 2013 SPP/APR<sup>2</sup>) updated data showing the correction of all findings identified by the State in FFY 2012 (July 1, 2012 to June 30, 2013).

For these reasons, and to ensure that South Carolina corrects findings of noncompliance with IDEA Part C requirements, OSEP is imposing these Special Conditions on South Carolina's FFY 2014 IDEA Part C grant award.

## **2. Nature of the Special Conditions**

Consistent with the Department's 2014 determination that South Carolina needs intervention, and pursuant to these FFY 2014 Special Conditions, South Carolina must submit a CAP by August 11, 2014 that ensures that it will submit, with its FFY 2013 IDEA Part C APR, due February 2, 2015, data demonstrating correction of all of the findings of noncompliance identified by the State in FFY 2012 (July 1, 2012 to June 30, 2013).

Specifically, by August 11, 2014, the State must submit a CAP that sets forth:

1. The specific steps and timelines (including utilizing available technical assistance sources) that the State will take to ensure that it will be able to provide with its FFY 2013 APR, due February 2, 2015:
  - Data showing the correction of all findings identified by the State in FFY 2012 (July 1, 2012 to June 30, 2013); and
2. That the State will provide OSEP with a report by February 2, 2015 regarding the State's progress in implementing each of those steps according to the specified timelines.

## **3. Evidence Necessary for Conditions to Be Removed**

The Department will remove the Special Conditions if, at any time prior to the expiration of the grant year, South Carolina provides documentation, satisfactory to the Department, that it has fully met the requirements and conditions set forth above, which require South Carolina to submit data demonstrating correction of all findings of noncompliance identified by the State in FFY 2012 (July 1, 2012 to June 30, 2013), as required by IDEA section 635(a)(10)(A) and 34 CFR §§303.120 and 303.700(e).

## **4. Method of Requesting Reconsideration**

The State can write to OSEP's Director, Melody Musgrove, Ed.D. at the address below, if it wishes the Department to reconsider any aspect of these Special Conditions. The request must describe in detail the changes to the Special Conditions sought by the State and the reasons for those requested changes.

## **5. Submission of Reports**

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<sup>2</sup> The FFY 2013 SPP/APR due on February 2, 2015 no longer includes the requirement to report on timely correction (what had been Indicator 9 in the FFY 2012 APR). Thus, the State must provide its FFY 2014 Special Conditions and 2014 CAP report with the FFY 2013 SPP/APR.

All reports that are required to be submitted by South Carolina to the Department under the Special Conditions must be submitted to:

U.S. Department of Education  
Office of Special Education and Rehabilitative Services  
Attn.: Brenda Wilkins  
400 Maryland Ave., S.W.  
Washington, D.C. 20202-2550  
By email: [Brenda.Wilkins@ed.gov](mailto:Brenda.Wilkins@ed.gov)