

Enclosure B

South Carolina IDEA Part C FFY 2015 Special Conditions

1. Basis for Requiring Special Conditions

Pursuant to IDEA sections 616(g) and 642 and 2 CFR §200.207 and 3474.10, 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) 2015 grant award under Part C of the Individuals with Disabilities Education Act (IDEA Part C). These FFY 2015 Special Conditions are imposed to ensure that South Carolina First Steps to School Readiness (FSSR), 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).

Ensuring correction of findings of noncompliance has been the subject of Special Conditions on South Carolina’s IDEA Part C grant for the last seven years (for FFYs 2008, 2009, 2010, 2011, 2012, 2013, and 2014), and over those seven years the State has established a monitoring system that appears to be identifying and correcting noncompliance. As a result of the 2013 and 2014 “needs intervention” determinations under IDEA sections 616 and 642, South Carolina was also required to submit and implement corrective action plans (CAP) to ensure correction of findings of noncompliance.

Under the FFY 2014 Special Conditions and the 2014 Determinations letter, FSSR was required to submit the 2014 CAP by August 11, 2014 to help ensure that it could submit, with its FFY 2013 IDEA Part C APR (due February 1, 2015), data showing the correction of all findings identified by the State in FFY 2012 (July 1, 2012 to June 30, 2013). However, in its FFY 2013 APR, the State did not report data showing the correction of all findings identified by the State in FFY 2012. In the FFY 2013 APR, the State reported under Indicators 1, 7, 8A and 8C that 88 of 105 of its FFY 2012 findings of noncompliance were corrected.

As part of Department’s 2015 determination that South Carolina “needs intervention” in implementing the requirements of IDEA Part C for five consecutive years under IDEA sections 616 and 642, the Department is requiring South Carolina to submit a CAP to OSEP by August 3, 2015 to address two areas that contributed significantly to the State’s 2015 determination: (1) compliance with timely transition plans¹ and (2) correction of findings of noncompliance (correction). The State’s FFY 2015 IDEA Part C Special Conditions incorporate the State’s 2015 CAP’s correction requirement.

These Special Conditions (and CAP) require the State to provide by February 1, 2016 (with the FFY 2014 SPP/APR) data showing correction of the State’s 17 remaining FFY 2012 findings that were reported as uncorrected in the State’s FFY 2013 APR, and the correction data required in the FFY 2014 SPP/APR on the State’s FFY 2013 findings of noncompliance.

¹ Compliance with timely transition plans is one of the subjects of the CAP for the 2015 “needs intervention” determination, but is not the subject of these special conditions.

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 2015 IDEA Part C grant award.

2. Nature of the Special Conditions

Consistent with the Department's 2015 determination that South Carolina needs intervention, and pursuant to these FFY 2015 Special Conditions, South Carolina must submit a CAP by August 3, 2015 that ensures that it will submit, with its FFY 2014 IDEA Part C APR, due February 1, 2016, data demonstrating correction of the State's 17 remaining FFY 2012 findings that were reported as uncorrected in the State's FFY 2013 APR, and the correction data required in the FFY 2014 SPP/APR on the State's FFY 2013 findings of noncompliance, as reported in Indicators 1, 7, 8A, 8B, and 8C.

Specifically, by August 3, 2015, the State must submit a CAP that sets forth:

- The status of correction of the 17 remaining FFY 2012 findings,
- The number of findings of noncompliance the State made during FFY 2013 (July 1, 2013 through June 30, 2014),
- The number of findings identified in FFY 2013 for which the State verified the noncompliance was corrected as soon as possible and in no case later than one year after the State's identification of the noncompliance,
- The number of findings identified in FFY 2013 for which the State verified the noncompliance was corrected more than one year after the State's identification of noncompliance (i.e., "subsequent correction"), and
- For any 2012 and 2013 findings not corrected, the State's plan for ensuring correction of those findings.

Finally, the State must provide OSEP with a report by February 1, 2016 that provides:

- The status of correction of any remaining FFY 2012 findings,
- The status of correction of any remaining FFY 2013 findings, and
- For any 2012 and 2013 findings not corrected, the State's plan for ensuring correction of those findings.

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 its 17 remaining FFY 2012 findings of noncompliance and correction of its FFY 2013 findings of noncompliance, 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

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