

## **Enclosure B**

### **South Carolina IDEA Part C FFY 2016 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) 2016 grant award under Part C of the Individuals with Disabilities Education Act (IDEA Part C). These FFY 2016 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 eight years (for FFYs 2008 through 2015), and over those eight years the State has established a monitoring system that appears to be identifying and correcting noncompliance. As a result of the State’s 2013, 2014, and 2015 “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 2015 Special Conditions and the 2015 Determinations letter, FSSR was required to submit a CAP by August 3, 2015, and a report by February 1, 2016, reporting on the status of correction of the State’s remaining FFY 2012 findings, and the correction of the State’s FFY 2013 findings of noncompliance. As acknowledged in OSEP’s August 27, 2015 response to the State’s August 5, 2015 CAP, the State reported that the remaining FFY 2012 findings have been verified as corrected or the child has left the jurisdiction of the State’s early intervention system. However, in its FFY 2014 APR, the State did not report data showing the correction of all findings identified by the State in FFY 2013. In the FFY 2014 APR, the State reported (under Indicators 1, 7, and 8C) that 91 of its 115 FFY 2013 findings of noncompliance were corrected.

As part of the Department’s 2016 determination that South Carolina “needs intervention” in implementing the requirements of IDEA Part C for six consecutive years under IDEA sections 616 and 642, the Department is requiring South Carolina to submit a CAP to OSEP by August 1, 2016 to address three<sup>1</sup> areas that contributed significantly to the State’s 2016 determination: (1) the collection and reporting of valid and reliable data regarding the timely provision of early intervention services, consistent with 34 CFR §303.342(e); (2) compliance with the 45-day timeline requirements, consistent with 34 CFR §§303.310(a) and (b) and 303.342(a); and (3) correction of findings of noncompliance (correction), consistent with IDEA section

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<sup>1</sup> The collection and reporting of valid and reliable data regarding the timely provision of early intervention services and compliance with the 45-day timeline requirements are subjects of the CAP for the 2015 “needs intervention” determination, but are not the subject of these special conditions.

635(a)(10)(A) and 34 CFR §§303.120 and 303.700(e). The State's FFY 2016 IDEA Part C Special Conditions incorporate the State's 2016 CAP's correction requirement.

These Special Conditions (and CAP) require the State to provide by February 1, 2017 (with the FFY 2015 SPP/APR) data showing correction of the State's 24 remaining FFY 2013 findings that were reported as uncorrected in the State's FFY 2014 APR, and data showing the full correction of the State's FFY 2014 findings of noncompliance.

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 2016 IDEA Part C grant award.

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

Consistent with the Department's 2016 determination that South Carolina needs intervention, and pursuant to these FFY 2016 Special Conditions, South Carolina must submit a CAP by August 1, 2016 that ensures that it will submit, with its FFY 2015 IDEA Part C APR, due February 1, 2017, data demonstrating correction of the State's 24 remaining FFY 2013 findings that were reported as uncorrected in the State's FFY 2014 APR, and data showing full correction of the State's FFY 2014 findings of noncompliance.

Specifically, by August 1, 2016, the State must submit a CAP that sets forth:

- The status of correction of the 24 remaining FFY 2013 findings,
- The number of findings of noncompliance the State made during FFY 2014 (July 1, 2014 through June 30, 2015),
- The number of findings identified in FFY 2014 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 2014 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 FFY 2013 and FFY 2014 findings not corrected, the State's plan for ensuring full correction of those findings.

Finally, the State must provide OSEP with a report by February 1, 2017 that provides:

- The status of correction of any remaining FFY 2013 findings,
- The status of correction of any remaining FFY 2014 findings, and
- For any 2013 and 2014 findings not corrected, the State's plan for ensuring full 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 24 remaining FFY 2013 findings of noncompliance and full correction of its FFY 2014 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, Ruth Ryder, 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](mailto:Brenda.Wilkins@ed.gov)