

## **South Carolina IDEA Part C FFY 2018 Specific Conditions**

### **Enclosure B**

#### **1. Basis for Requiring Specific 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 the following Specific Conditions on South Carolina’s Federal Fiscal Year (FFY) 2018 grant award under Part C of the Individuals with Disabilities Education Act (IDEA Part C).

The IDEA Part C program in South Carolina has a history of noncompliance with IDEA Part C requirements. OSEP imposed Specific Conditions on South Carolina’s IDEA Part C grant for the last ten years (for FFYs 2008 through 2017) and, in that time, South Carolina had three different State lead agencies. The South Carolina Department of Human Services (SCDHHS) became the State lead agency on July 1, 2017 (the two prior lead agencies were the SC First Steps to School Readiness (FSSR) and the SC Department of Health and Environmental Control (DHEC)). Conditions were also imposed on the State’s FFYs 2013 through 2016 IDEA Part C grants due to the State’s “needs intervention” determination for those years under IDEA sections 616 and 642.

In 2016, OSEP began providing differentiated monitoring and support (DMS) to States as part of its Results Driven Accountability (RDA) framework. South Carolina’s IDEA Part C program was targeted for monitoring under DMS and RDA, due to the State’s longstanding noncompliance in the areas of monitoring, data, timely service provision, 45-day timeline and the State’s plan to improve results through its State Systemic Improvement Plan (SSIP). These areas were also the subject of Conditions imposed on South Carolina’s FFY 2017 Part C grant award and the State was required to submit data and progress reports to OSEP on August 1, and October 1, 2017. OSEP did not receive the required data and progress reports.

OSEP conducted its DMS monitoring visit in August 2017. As a result, OSEP’s December 2017 DMS visit monitoring letter identified noncompliance in four major areas due to South Carolina’s failure to:

1. Implement its State-level general supervision responsibilities including, monitoring, funding, and ensuring interagency coordination of, the early intervention program as required by IDEA sections 635(a)(10) and 640 and 34 CFR §§303.120, 303.501;
2. Have in place a Statewide system and provide early intervention services to infants and toddlers with disabilities in a timely manner as required by IDEA sections 633 and 634 and 34 CFR §303.342(e);
3. Provide valid and reliable data under IDEA sections 616, 618, 635(a)(14), and 642 and 34 CFR §§303.701(c) and 303.720; and
4. Submit its FFY 2015 (Phase III) SSIP, which was due on April 3, 2017 and is submitted under IDEA sections 616 and 642 and 34 CFR §303.700 through 303.708.

## **South Carolina IDEA Part C FFY 2018 Specific Conditions**

OSEP required SCDHHS to submit a Corrective Action Plan (CAP) and conducted a technical assistance visit on February 28, 2018 to assist SCDHHS in developing its CAP. SCDHHS submitted on May 14, 2018, a revised CAP to address each of the four areas of noncompliance and OSEP approved the CAP in its June 1, 2018 memo.

For the reasons mentioned above, OSEP is imposing the following Specific Conditions on South Carolina's FFY 2018 IDEA Part C grant award and incorporates the CAP as part of the Specific Conditions.

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

South Carolina must submit in a timely manner by the date specified in the CAP all of the documentation and information required in the highlighted rows in the attached CAP, approved by OSEP on June 1, 2018.

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

The Department will remove the Specific Conditions if, at any time prior to the expiration of the grant year, SCDHHS provides documentation, satisfactory to the Department, that it has fully met the requirements and conditions set forth above.

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

The State can write to OSEP's Acting Director, Ruth Ryder, at the address below, if it wishes the Department to reconsider any aspect of these Specific Conditions. The request must describe in detail the changes to the Specific 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 Specific Conditions must be submitted to:

U.S. Department of Education  
Office of Specific Education and Rehabilitative Services  
Attn.: Brenda Wilkins  
550 12<sup>th</sup> Street S.W.  
Washington, D.C. 20202-0031  
By email: [Brenda.Wilkins@ed.gov](mailto:Brenda.Wilkins@ed.gov)