UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES
OFFICE OF SPECIAL EDUCATION PROGRAMS

July 1, 2020

Honorable Joshua Baker
Director
South Carolina Department of Health and Human Services
P.O. Box 8206
Columbia, South Carolina 29202

Dear Director Baker:

We have conditionally approved South Carolina's application for Federal fiscal year (FFY) 2020 funds under Part C of the Individuals with Disabilities Education Act (IDEA Part C). Our conditional approval is based on our review of the IDEA Part C application, submitted by the South Carolina Department of Health and Human Services (SCDHHS) to the U.S. Department of Education (Department), Office of Special Education Programs (OSEP), on April 30, June 12, and June 26, 2020.

Our conditional approval of the SCDHHS's FFY 2020 IDEA Part C grant is also based on the State's policies, procedures, methods, descriptions, assurances, and certifications identified in Section II.A, II.B, and II.C, which is incorporated by reference to this grant award letter as Enclosure A.

Our conditional approval is also based on the SCDHHS's certification in Section II.D of its FFY 2020 IDEA Part C application, signed by you on April 30, 2020, in which the State certifies under 34 CFR §76.104 that it will:

1. Operate throughout the period of the FFY 2020 grant award consistently with the requirements of the IDEA Part C as found in 20 U.S.C. §§1431 through 1443 and the regulations in 34 CFR Part 303; and
2. Make such changes to existing policies, procedures, methods, and descriptions as are necessary to bring those policies, procedures, methods and descriptions into compliance with the requirements of IDEA Part C, as soon as possible, and not later than either the date indicated by the State in Section II.A or B of its application or June 30, 2021 whichever is earlier.

South Carolina's IDEA Part C FFY 2020 grant award is being released subject to Specific Conditions to ensure that the State is in compliance with three IDEA Part C requirements that are set forth in Enclosure B, which is incorporated by this reference into this grant award letter. The Specific Conditions are imposed pursuant to the Department's authority in IDEA sections 616(g) and 642 and 2 CFR §§ 200.207 and 3474.10. By accepting this grant award, South Carolina expressly agrees to comply with the Specific Conditions identified in Enclosure B throughout the period South Carolina uses its IDEA Part C FFY 2020 funds. These Specific Conditions also apply to any outstanding funds available for obligation from South Carolina's FFYs 2018 and 2019 IDEA Part C grants.

These Specific Conditions require SCDHHS to submit two progress reports, on November 1, 2020 and May 1, 2021, to ensure that the State: (1) provides IDEA Part C early intervention services in a timely manner (as required by IDEA sections 633 and 634 and 34 CFR §303.342(e)), (2) meets the IDEA Part C 45-day timeline (IDEA section 636(a) and (c) and 34 CFR §303.310), and (3) timely identifies and corrects noncompliance (as required by IDEA sections 635(a)(10) and 640 and 34 CFR §§303.120, 303.501).

Enclosed is the State's FFY 2020 grant award for funds currently available under Title III of Division A of the Further Consolidated Appropriations Act, 2020 (Public Law 116-94), for the IDEA Part C program. These funds are available for obligation by States from the effective date of the grant award, July 1, 2020 through September 30, 2022 in accordance with 34 CFR §76.709.

Under IDEA Section 605, and 2 CFR Part 200, and 34 CFR §303.104, the State must obtain prior approval to charge certain expenses as direct costs. On October 29, 2019, the Office of Special Education and Rehabilitative Services (OSERS) released a Frequently Asked Questions (FAQ) document on prior approval [1]. The State did not identify any such costs in Section III of its grant application. If the State plans to use its FFY 2020 IDEA Part C grant funds for such costs, and those costs fall outside of the scope of the FAQ, it must submit a request for prior approval to which OSEP will respond separate from the grant letter.

Section IV.B of the IDEA Part C FFY 2020 application requested updated information about how your lead agency implements the restricted indirect cost rate requirements in 34 CFR §303.225(c). Your State indicated in Section IV.B that SCDHHS is not charging and will not charge indirect costs to its IDEA Part C FFY 2020 grant funds. Under 2 CFR §200.210(a)(15), by accepting this IDEA Part C FFY 2020 grant, your State lead agency is agreeing not to charge indirect costs for the period that the State uses any funds awarded under this FFY 2020 IDEA Part C grant.

Section 604 of the IDEA provides that "[a] State shall not be immune under the 11th amendment to the Constitution of the United States from suit in Federal court for a violation of this [Act]." Section 606 provides that each recipient of assistance under IDEA make positive efforts to employ and advance in employment qualified individuals with disabilities in programs assisted under the IDEA. Therefore, by accepting this grant, your State is expressly agreeing as a condition of IDEA funding to a waiver of Eleventh Amendment immunity and to ensuring that positive efforts are made to employ and advance employment of qualified individuals with disabilities in programs assisted under the IDEA.

The enclosed grant award of FFY 2020 funds is made with the continued understanding that this Office may, from time to time, require clarification of information within your application, if necessary.

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1 Prior approval must be obtained under IDEA for the following direct costs: (1) equipment (2 CFR §200.33 and 34 CFR §303.104); (2) participant support costs (2 CFR §200.75); (3) rent (2 CFR §200.465 and 34 CFR §303.225(d)); and capital improvements (IDEA section 605 and 34 CFR §303.104). Under the FAQ, OSERS granted prior approval for participant support costs under IDEA that: are associated with State Interagency Coordinating Councils; incurred during the provision of services under IDEA; do not exceed $5000 per individual participant per training/conference. In addition, the FAQ provides prior approval for equipment that is identified on or directly related to the implementation of the individualized family service plan.

These inquiries may be necessary to allow us to appropriately carry out our administrative responsibilities related to IDEA Part C.

If your State adopts a new or revised IDEA Part C policy or procedure that is required under Part C of the IDEA or under the regulations in 34 CFR Part 303, it must subject those policies and procedures to the public participation requirements in 34 CFR §303.208 and, for those policies and procedures specifically referenced in 34 CFR §303.101(c), receive OSEP approval prior to their implementation.

As a reminder, all prime recipients of IDEA (Part B or Part C) funds, must report subaward information as required by the Federal Funding Accountability and Transparency Act of 2006 (FFATA), as amended in 2008. First-tier subaward information must be reported by the end of the following month from when the award was made or obligated. FFATA guidance is found at https://www.fsrs.gov/. Please contact your State's Fiscal Accountability Facilitator if you have further questions.

We appreciate your ongoing commitment to the provision of quality early intervention services to infants and toddlers with disabilities and their families.

Sincerely,

Laurie VanderPloeg
Director
Office of Special Education Programs

Enclosures

Enclosure A (Sections IIA-C of the State's application)
Enclosure B (Section II.D of the State's application)
Enclosure C (Specific Conditions)

cc: Part C Coordinator

Section II

A. State Policies, Procedures, Methods, and Descriptions

As checked below, the State hereby declares that it has or has not filed the following policies, procedures, methods, and descriptions with the U.S. Department of Education, and, as of the date of the signature below, affirms and incorporates by reference those policies, procedures, methods, and descriptions with respect to Part C of the Individuals with Disabilities Education Act (IDEA or Act) in 20 U.S.C. 1431–1443 and the Part C regulations in 34 CFR Part 303 (Part C). By submission of this Section II, the State assures that throughout the period of this FFY 2020 grant award, the State will operate consistently with all requirements of Part C of the IDEA in 20 U.S.C. 1431 through 1443 and the Part C regulations in 34 CFR Part 303. The State will develop and/or make such changes to existing policies, procedures, methods, descriptions, and assurances as are necessary to bring the policies, procedures, methods, descriptions, and assurances into compliance with the requirements of the IDEA Part C Act and regulations by the date indicated below and not later than June 30, 2021.

- Check and enter date(s) as applicable.
- Enclose relevant documents.

Yes (If New or Revised is checked, the State is submitting policies, procedures, methods, and descriptions with this application. If already 'On File with OSEP', check OF.)

N = 'New' Policy and/or Procedure

R = 'Revised' Policy and/or Procedure

OF = Policy and/or Procedure is already 'On File' with the USDE

No (Policies, procedures, methods, and descriptions have not been provided. Provide date by which State will submit to OSEP required documentation, which date shall be no later than June 30, 2021.)

Yes: N	Yes: R	Yes: OF	No	State Policies, Procedures, Methods, and Descriptions
				Subpart C—State Policies and Procedures
		X		1. Each application must include the name of the State lead agency, as designated under §303.120, that will be responsible for the administration of funds provided under this part. (34 CFR §303.201)
		X		2. Each application must include a description of services to be provided under Part C to infants and toddlers with disabilities and their families through the State's system. (34 CFR §303.203(a))
				3. Each application must include the State's policies and procedures regarding the identification and coordination of all available resources within the State from Federal, State, local, and private sources as required under subpart F of 34 CFR Part 303. *The State must have policies and procedures that meet the requirements listed in 3(a) and the methods identified in 3(b), and must provide responses to those*

Yes: N	Yes: R	Yes: OF	No	State Policies, Procedures, Methods, and Descriptions
				entries. If the State has not adopted a system of payments, it may respond "NA" to 3(a).
		X		(a) If the State has adopted a system of payments, each application must include any policies or procedures adopted by the State as its system of payments and those policies and procedures must meet the requirements in §§303.510, 303.520 and 303.521 (regarding the use of public insurance or benefits, private insurance, or family costs or fees). (34 CFR §303.203(b)(1)) ***The policies and procedures listed in 3(a) are optional. Enter 'NA' in the cells to the left if the State has elected not to adopt a system of payments (which includes a system to use public insurance or benefits or private insurance or family fees to pay for Part C services); otherwise check the appropriate response under the 'Yes' column and, if checking 'N' or 'R', attach policies and procedures.*** ***The State's response under 3(a) of Section II.A must match the State's response under Section IV.A.***
			X 6/30/2021	(b) Each application must include the methods (State law, regulation, signed interagency or intra-agency agreements or other appropriate written method(s) approved by the Secretary) used by the State to implement the payor of last resort and fiscal responsibility requirements in §303.511(b)(2) and (3). (34 CFR §303.203(b)(2)) ***If the State uses signed interagency agreements or "other appropriate written method(s)" to meet the requirements in 3(b), please check 'N' or 'R' and submit with the application. If the State's method is a State statute or regulation, the State does not need to submit that method (the statute or regulation) with its application.***
		X		4. Each application must include the State's rigorous definition of developmental delay as required under §§303.10 and 303.111. Each Statewide system must include the State's rigorous definition of developmental delay, consistent with §§303.10 and 303.203(c), that will be used by the State in carrying out programs under Part C of the Act in order to appropriately identify infants and toddlers with disabilities who are in need of services under Part C of the Act. The definition must— (a) Describe, for each of the areas listed in §303.21(a)(1), the evaluation and assessment

Yes: N	Yes: R	Yes: OF	No	State Policies, Procedures, Methods, and Descriptions
				procedures, consistent with §303.321, that will be used to measure a child's development; and (b) Specify the level of developmental delay in functioning or other comparable criteria that constitute a developmental delay in one or more of the developmental areas identified in §303.21(a)(1). (34 CFR §§303.203(c) & 303.111)
			N/A	5. If the State provides services under Part C to at-risk infants and toddlers through the statewide system, the application must include— (a) The State's definition of at-risk infants and toddlers with disabilities who are eligible in the State for services under Part C (consistent with §§303.5 and 303.21(b)); and (b) A description of the early intervention services provided under Part C to at-risk infants and toddlers with disabilities who meet the State's definition described in §303.204(a). (34 CFR §303.204). ***The policies and procedures listed in 5 are <u>optional</u> (i.e., they only apply if the State opts to serve at-risk children). Enter 'NA' in the cells to the left if the State has elected not to provide services under Part C to at-risk infants and toddlers; otherwise check the appropriate response under the 'Yes' column and, if checking 'N' or 'R', attach the definition and description.***
				6. Each State application must include a description of the State's use of funds under Part C for the fiscal year or years covered by the application. (34 CFR §303.205) ***The State must complete Section III of this application.***
		X		7. Each application must include the State's policies and procedures that require the referral for early intervention services under Part C of specific children under the age of three, as described in §303.303(b) (which includes children who are the subject of a substantiated case of abuse or neglect, or directly affected by illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure). (34 CFR §303.206)
		X		8. Each application must include a description of the procedure used by the State to ensure that resources are made available under Part C for all geographic areas within the State. (34 CFR §303.207)

Yes: N	Yes: R	Yes: OF	No	State Policies, Procedures, Methods, and Descriptions
		X		9. Each application must include a description of the policies and procedures used by the State to ensure that, before adopting any new policy or procedure (including any revision to an existing policy or procedure) needed to comply with Part C of the Act and 34 CFR Part 303, the lead agency— (1) Holds public hearings on the new policy or procedure (including any revision to an existing policy or procedure); (2) Provides notice of the hearings held in accordance with §303.208(b)(1) at least 30 days before the hearings are conducted to enable public participation; and (3) Provides an opportunity for the general public, including individuals with disabilities, parents of infants and toddlers with disabilities, EIS providers, and the members of the Council, to comment for at least 30 days on the new policy or procedure (including any revision to an existing policy or procedure) needed to comply with Part C of the Act and 34 CFR Part 303. (34 CFR §303.208(b))
			X 6/30/2021	10. (a) Application Requirements: Each State must include the following in its application: (1) A description of the policies and procedures it will use to ensure a smooth transition for infants and toddlers with disabilities under the age of three and their families from receiving early intervention services under Part C to preschool or other appropriate services (for toddlers with disabilities) or exiting the program for infants and toddlers with disabilities. (2) A description of how the State will meet each requirement in §303.209(b) through (f). (3) (i) (A) If the lead agency is not the SEA, an interagency agreement between the lead agency and the SEA; or (B) If the lead agency is the SEA, an intra-agency agreement between the program within that agency that administers Part C of the Act and the program within the agency that administers section 619 of the Act (ii) To ensure a seamless transition between services under Part C and under Part B of the Act, an interagency agreement under paragraph (a)(3)(i)(A) of this section or an intra-agency agreement under paragraph (a)(3)(i)(B) of this section must address how

Yes: N	Yes: R	Yes: OF	No	State Policies, Procedures, Methods, and Descriptions
				the lead agency and the SEA will meet the requirements of paragraphs (b) through (f) of this section (including any policies adopted by the lead agency under §303.401(d) and (e)), §303.344(h), and 34 CFR 300.101(b), 300.124, 300.321(f) and 300.323(b). (4) Any policy the lead agency has adopted under §303.401(d) and (e). (b) Notification to the SEA and appropriate LEA. The State must ensure that— (1) Subject to paragraph (b)(4) of this section, not fewer than 90 days before the third birthday of the toddler with a disability if that toddler may be eligible for preschool services under Part B of the Act, the lead agency notifies the SEA and the LEA for the area in which the toddler resides that the toddler on his or her third birthday will reach the age of eligibility for services under Part B of the Act, as determined in accordance with State law; or (2) Subject to paragraph (b)(4) of this section, if the lead agency determines that the toddler is eligible for early intervention services under Part C of the Act more than 45 but less than 90 days before that toddler's third birthday and if that toddler may be eligible for preschool services under Part B of the Act, the lead agency, as soon as possible after determining the child's eligibility, notifies the SEA and the LEA for the area in which the toddler with a disability resides that the toddler on his or her third birthday will reach the age of eligibility for services under Part B of the Act, as determined in accordance with State law; or (3) Subject to paragraph (b)(4) of this section, if a toddler is referred to the lead agency fewer than 45 days before that toddler's third birthday and that toddler may be eligible for preschool services under Part B of the Act, the lead agency, with parental consent required under §303.414, refers the toddler to the SEA and the LEA for the area in which the toddler resides; but, the lead agency is not required to conduct an evaluation, assessment, or an initial IFSP meeting under these circumstances; (4) The notification required under paragraphs (b)(1), (2), and (3) of this section is consistent with any policy that the State has adopted, under §303.401(e), permitting a parent to object to disclosure of personally identifiable information.

Yes: N	Yes: R	Yes: OF	No	State Policies, Procedures, Methods, and Descriptions
				(c) Conference to discuss services. The State must ensure that— (1) If a toddler with a disability may be eligible for preschool services under Part B of the Act, the lead agency, with the approval of the family of the toddler, convenes a conference, among the lead agency, the family, and the LEA not fewer than 90 days—and, at the discretion of all of the parties, not more than 9 months—before the toddler's third birthday to discuss any services the toddler may receive under Part B of the Act. (2) If a toddler with a disability is determined to not be potentially eligible for preschool services under Part B of the Act, the lead agency, with the approval of the family of that toddler, makes reasonable efforts to convene a conference among the lead agency, the family, and providers of other appropriate services for the toddler to discuss appropriate services that the toddler may receive. (d) Transition plan. The State must ensure that for all toddlers with disabilities – (1)(i) It reviews the program options for the toddler with a disability for the period from the toddler's third birthday through the remainder of the school year; and (ii) Each family of a toddler with a disability who is served under Part C is included in the development of the transition plan required under this section and §303.344(h); (2) It establishes a transition plan in the IFSP not fewer than 90 days—and, at the discretion of all of the parties, not more than 9 months—before the toddler's third birthday; and (3) The transition plan in the IFSP includes, consistent with §303.344(h), as appropriate— (i) Steps for the toddler with a disability and his or her family to exit from the Part C program; and (ii) Any transition services that the IFSP Team identifies as needed by that toddler and his or her family. (e) Transition conference and plan meeting requirements. Any conference conducted under paragraph (c) of this section or meeting to develop the transition plan under paragraph (d) of this section (which conference and meeting may be combined into one meeting) must meet the requirements in §§303.342(d) and (e) and 303.343(a).

Yes: N	Yes: R	Yes: OF	No	State Policies, Procedures, Methods, and Descriptions
				(f) Applicability of transition requirements. (1) The transition requirements in paragraphs (b)(1) and (2), (c)(1), and (d) of this section apply to all toddlers with disabilities receiving services under this part before those toddlers turn age three, including any toddler with a disability under the age of three who is served by a State that offers services under §303.211. (2) In a State that offers services under §303.211, for toddlers with disabilities identified in paragraph (b)(1) of this section, the parent must be provided at the transition conference conducted under paragraph (c)(1) of this section: (i) An explanation, consistent with §303.211(b)(1)(ii), of the toddler's options to continue to receive early intervention services under this part or preschool services under section 619 of the Act; (ii) The initial annual notice referenced in §303.211(b)(1). (3) For children with disabilities age three and older who receive services pursuant to §303.211, the State must ensure that it satisfies the separate transition requirements in §303.211(b)(6)(ii). (34 CFR §303.209)
		X		11. Each application must contain a description of State efforts to promote collaboration among Head Start and Early Head Start programs under the Head Start Act (42 U.S.C. 9801, et seq., as amended), early education and child care programs, and services under Part C. (34 CFR §303.210)
		X		12. Each application must include, as required by Section 427 of the General Education Provisions Act (GEPA), a description of how the State has identified barriers and developed strategies to address the barriers and has provided a description of the steps the State is taking to ensure equitable access to, and participation in, Part C. (34 CFR §303.212(a))
			N/A	13. (a) General. (1) Subject to paragraphs (a)(2) and (b) of this section, a State may elect to include in its application for a grant under Part C a State policy, developed and implemented jointly by the lead agency and the SEA, under which a parent of a child with a disability who is eligible for preschool services under section 619 of the Act and who previously received early intervention services under Part C, may choose the continuation of early intervention services under Part C for his or her child after the child turns three until the child enters, or is eligible under State law to enter, kindergarten or elementary school.

Yes: N	Yes: R	Yes: OF	No	State Policies, Procedures, Methods, and Descriptions
				(2) A State that adopts the policy described in paragraph (a)(1) of this section may determine whether it applies to children with disabilities— (i) From age three until the beginning of the school year following the child's third birthday; (ii) From age three until the beginning of the school year following the child's fourth birthday; or (iii) From age three until the beginning of the school year following the child's fifth birthday. (3) However, in no case may a State provide services under this section beyond the age at which the child actually enrolls in, or is eligible under State law to enter, kindergarten or elementary school in the State. (b) Requirements. If a State's application for a grant under Part C includes the State policy described in paragraph (a) of this section, the system must ensure the following: (1) Parents of children with disabilities who are eligible for services under section 619 of the Act and who previously received early intervention services under Part C will be provided annual notice (the initial annual notice must be provided as set forth in §303.209(f)(2)(ii)) that contains— (i) A description of the rights of the parents to elect to receive services pursuant to §303.211 or under Part B of the Act; and (ii) An explanation of the differences between services provided pursuant to §303.211 and services provided under Part B of the Act, including— (A) The types of services and the locations at which the services are provided; (B) The procedural safeguards that apply; and (C) Possible costs (including the costs or fees to be charged to families as described in §§303.520 and 303.521), if any, to parents; and (2) Consistent with §303.344(d), services provided pursuant to §303.211 will include an educational component that promotes school readiness and incorporates preliteracy, language, and numeracy skills. (3) The State policy ensures that any child served pursuant to this section has the right, at any time, to receive FAPE (as that term is defined at §303.15) under Part B of the Act instead of

Yes: N	Yes: R	Yes: OF	No	State Policies, Procedures, Methods, and Descriptions
				early intervention services under Part C of the Act under §303.211. (4) The lead agency must continue to provide all early intervention services identified in the toddler with a disability's IFSP under §303.344 (and consented to by the parent under §303.342(e)) beyond age three until that toddler's initial eligibility determination under Part B of the Act is made under 34 CFR §300.306. This provision does not apply if the LEA has requested parental consent for the initial evaluation under §300.300(a) and the parent has not provided that consent. (5) The lead agency must obtain informed consent from the parent of any child with a disability for the continuation of early intervention services pursuant to this section for that child. Consent must be obtained before the child reaches three years of age, where practicable. (6)(i) For toddlers with disabilities under the age of three in a State that offers services under this section, the lead agency ensures that the transition requirements in §303.209(b)(1) and (2), (c)(1) and (d) are met. (ii) For toddlers with disabilities age three and older in a State that offers services under this section, the lead agency ensures a smooth transition from services under this section to preschool, kindergarten or elementary school by: (A) Providing the SEA and LEA where the child resides, consistent with any State policy adopted under §303.401(e), the information listed in §303.401(d)(1) not fewer than 90 days before the child will no longer be eligible under subsection (a)(2) of this section to receive early intervention services under this section; (B) With the approval of the parents of the child, convening a transition conference, among the lead agency, the parents, and the LEA, not fewer than 90 days—and, at the discretion of all parties, not more than 9 months—before the child will no longer be eligible under subsection (a)(2) of this section to receive, or will no longer receive, early intervention services under this section, to discuss any services that the child may receive under Part B of the Act; and (C) Establishing a transition plan in the IFSP not fewer than 90 days—and, at the discretion of all parties, not more than 9 months—before the child will no longer be eligible under subsection (a)(2) of this section to receive, or no longer receives, early intervention services under this section.

Yes: N	Yes: R	Yes: OF	No	State Policies, Procedures, Methods, and Descriptions
				(7) In States that adopt the option to make services under Part C available to children ages three and older pursuant to §303.211, there will be a referral to the Part C system, dependent upon parental consent, of a child under the age of three who directly experiences a substantiated case of trauma due to exposure to family violence, as defined in section 320 of the Family Violence Prevention and Services Act, 42 U.S.C. 10401, et seq. (c) Reporting requirement. If a State includes in its application a State policy described in §303.211(a), the State must submit to the Secretary, in the State's report under §303.124, the number and percentage of children with disabilities who are eligible for services under section 619 of the Act but whose parents choose for their children to continue to receive early intervention services under §303.211. (d) Available funds. The State policy described in §303.211(a) must describe the funds—including an identification as Federal, State, or local funds—that will be used to ensure that the option described in §303.211(a) is available to eligible children and families who provide the consent described in §303.211(b)(5), including fees, if any, to be charged to families as described in §§303.520 and 303.521. (e) Rules of construction. (1) If a statewide system includes a State policy described in §303.211(a), a State that provides services in accordance with this section to a child with a disability who is eligible for services under section 619 of the Act will not be required to provide the child FAPE under Part B of the Act for the period of time in which the child is receiving services under §303.211. (2) Nothing in this section may be construed to require a provider of services under Part C to provide a child served under Part C with FAPE. (34 CFR §303.211) ***The policies and procedures listed in 13 are optional. Enter 'NA' in the cells to the left if the State has elected not to develop and implement a policy under 34 CFR §303.211 to make Part C services to children beyond age three; otherwise check the appropriate response under the 'Yes' column and, if checking 'N' or 'R', attach policies and procedures.***

B. Assurances and Optional Assurance

The State makes the following assurances and provisions as required by Part C of the Individuals with Disabilities Education Act. (20 U.S.C. 1431 et. seq.; 34 CFR §§303.101-126; 303.220; 303.227)

Yes *(Assurance is hereby provided.)*	**No** *(Assurance cannot be ensured. Provide date on which State will complete changes in order to provide assurance.)* *Check and enter date(s) as applicable*	**Subpart B—Assurances** (20 U.S.C. 1434; 1435; and 1437(b); 34 CFR §§303.101-126; 303.220; 303.227)
X		1. The State has adopted a policy that appropriate early intervention services, as defined in 34 CFR §303.13, are available to all infants and toddlers with disabilities in the State and their families, including— (a) Indian infants and toddlers with disabilities and their families residing on a reservation geographically located in the State; (b) Infants and toddlers with disabilities who are homeless children and their families; and (c) Infants and toddlers with disabilities who are wards of the State. (34 CFR §303.101(a))
X		2. The State has in effect a statewide system of early intervention services that meets the requirements of section 635 of the Act, including policies and procedures that address, at a minimum, the components required in 34 CFR §§303.111 through 303.126. (34 CFR §303.101(a))
X		3. The State ensures that any State rules, regulations, policies and procedures relating to 34 CFR Part 303 conform to the purposes and requirements of 34 CFR Part 303. (34 CFR §303.102)
		4. Each statewide system (system) must include, at a minimum, the components described in §§303.111 through 303.126. (34 CFR §303.110)
X		5. The State has a policy in effect that ensures that appropriate early intervention services are based on scientifically based research, to the extent practicable, and are available to all infants and toddlers with disabilities and their families, including— (a) Indian infants and toddlers with disabilities and their families residing on a reservation geographically located in the State; and

Yes *(Assurance is hereby provided.)*	No *(Assurance cannot be ensured. Provide date on which State will complete changes in order to provide assurance.)* *Check and enter date(s) as applicable*	**Subpart B—Assurances** (20 U.S.C. 1434; 1435; and 1437(b); 34 CFR §§303.101-126; 303.220; 303.227)
		(b) Infants and toddlers with disabilities who are homeless children and their families. (34 CFR §303.112)
X		6. (a) The Statewide system ensures the performance of— (1) A timely, comprehensive, multidisciplinary evaluation of the functioning of each infant or toddler with a disability in the State; and (2) A family-directed identification of the needs of the family of the infant or toddler to assist appropriately in the development of the infant or toddler. (b) The evaluation and family-directed identification required in paragraph (a) of this section must meet the requirements of 34 CFR §303.321. (34 CFR §303.113)
X		7. The Statewide system ensures that, for each infant or toddler with a disability and his or her family in the State, an IFSP, as defined in 34 CFR §303.20, is developed and implemented that meets the requirements of 34 CFR §§303.340 through 303.345 and that includes service coordination services, as defined in 34 CFR §303.34. (34 CFR §303.114)
X		8. The Statewide system includes a comprehensive child find system that meets the requirements in 34 CFR §§303.302 and 303.303. (34 CFR §303.115)
X		9. The Statewide system includes a public awareness program that— (a) Focuses on the early identification of infants and toddlers with disabilities; and (b) Provides information to parents of infants and toddlers through primary referral sources in accordance with 34 CFR §303.301. (34 CFR §303.116)
X		10. The Statewide system includes a central directory that is accessible to the general public (i.e., through the lead agency's Web site and other appropriate means) and includes accurate, up-to-date information about: (a) Public and private early intervention services, resources, and experts available in the State;

Yes *(Assurance is hereby provided.)*	No *(Assurance cannot be ensured. Provide date on which State will complete changes in order to provide assurance.)* *Check and enter date(s) as applicable*	Subpart B—Assurances (20 U.S.C. 1434; 1435; and 1437(b); 34 CFR §§303.101-126; 303.220; 303.227)
		(b) Professional and other groups (including parent support and training and information centers, such as those funded under the Act) that provide assistance to infants and toddlers with disabilities eligible under Part C of the Act and their families; and (c) Research and demonstration projects being conducted in the State relating to infants and toddlers with disabilities. (34 CFR §303.117)
X		11. The Statewide system includes a comprehensive system of personnel development, including the training of paraprofessionals and the training of primary referral sources with respect to the basic components of early intervention services available in the State. The State's comprehensive system of personnel development— (a) Includes— (1) Training personnel to implement innovative strategies and activities for the recruitment and retention of EIS providers; (2) Promoting the preparation of EIS providers who are fully and appropriately qualified to provide early intervention services under Part C; and (3) Training personnel to coordinate transition services for infants and toddlers with disabilities who are transitioning from an early intervention services program under Part C of the Act to a preschool program under section 619 of the Act, Head Start, Early Head Start, an elementary school program under Part B of the Act, or another appropriate program. (b) May include— (1) Training personnel to work in rural and inner-city areas; (2) Training personnel in the emotional and social development of young children; (3) Training personnel to support families in participating fully in the development and implementation of the child's IFSP; and (4) Training personnel who provide services under this part using standards that are consistent with early learning personnel development standards funded under the State Advisory Council on Early Childhood Education and Care established under the Head Start

Yes *(Assurance is hereby provided.)*	No *(Assurance cannot be ensured. Provide date on which State will complete changes in order to provide assurance.)* *Check and enter date(s) as applicable*	**Subpart B—Assurances** (20 U.S.C. 1434; 1435; and 1437(b); 34 CFR §§303.101-126; 303.220; 303.227)
		Act, if applicable. (34 CFR §303.118)
X		12. The Statewide system includes policies and procedures relating to the establishment and maintenance of qualification standards to ensure that personnel necessary to carry out the purposes of Part C are appropriately and adequately prepared and trained. These policies and procedures provide for the establishment and maintenance of qualification standards that are consistent with any State-approved or State-recognized certification, licensing, registration, or other comparable requirements that apply to the profession, discipline, or area in which personnel are providing early intervention services. Nothing in Part C of the Act may be construed to prohibit the use of paraprofessionals and assistants who are appropriately trained and supervised in accordance with State law, regulation, or written policy, to assist in the provision of early intervention services under Part C of the Act to infants and toddlers with disabilities. (34 CFR §303.119(a)–(c))
X		13. The Statewide system includes a single line of responsibility in a lead agency designated or established by the Governor that is responsible for the following— (a) (1) The general administration and supervision of programs and activities administered by agencies, institutions, organizations, and EIS providers receiving assistance under Part C of the Act; and (2) The monitoring of programs and activities used by the State to carry out Part C of the Act (whether or not the programs or activities are administered by agencies, institutions, organizations, and EIS providers that are receiving assistance under Part C of the Act), to ensure that the State complies with Part C of the Act, including— (i) Monitoring agencies, institutions, organizations, and EIS providers used by the State to carry out Part C of the Act; (ii) Enforcing any obligations imposed on those agencies, institutions, organizations, and EIS providers under Part C of the Act and 34 CFR Part 303; (iii) Providing technical assistance, if necessary, to those agencies, institutions, organizations and EIS providers; (iv) Correcting any noncompliance identified through monitoring as soon as possible and in no case later than one year after the lead agency's identification of

Yes *(Assurance is hereby provided.)*	No *(Assurance cannot be ensured. Provide date on which State will complete changes in order to provide assurance.)* *Check and enter date(s) as applicable*	Subpart B—Assurances (20 U.S.C. 1434; 1435; and 1437(b); 34 CFR §§303.101-126; 303.220; 303.227)
		the noncompliance; and (v) Conducting the activities in paragraphs (a)(2)(i) through (a)(2)(iv) of this section, consistent with 34 CFR §§303.700 through 303.707, and any other activities required by the State under those sections. (b) The identification and coordination of all available resources for early intervention services within the State, including those from Federal, State, local, and private sources, consistent with subpart F of 34 CFR Part 303. (c) The assignment of financial responsibility in accordance with subpart F of 34 CFR Part 303. (d) The development of procedures in accordance with subpart F of 34 CFR Part 303 to ensure that early intervention services are provided to infants and toddlers with disabilities and their families under Part C of the Act in a timely manner, pending the resolution of any disputes among public agencies or EIS providers. (e) The resolution of intra- and interagency disputes in accordance with subpart F of 34 CFR Part 303. (f) The entry into formal interagency agreements or other written methods of establishing financial responsibility, consistent with 34 CFR §303.511, that define the financial responsibility of each agency for paying for early intervention services (consistent with State law) and procedures for resolving disputes and that include all additional components necessary to ensure meaningful cooperation and coordination as set forth in subpart F of 34 CFR Part 303. (34 CFR §303.120)
X		14. The Statewide system includes a policy pertaining to the contracting or making of other arrangements with public or private individuals or agency service providers to provide early intervention services in the State, consistent with the provisions of Part C of the Act and 34 CFR Part 303, including the contents of the application, and the conditions of the contract or other arrangements. The policy — (a) Includes a requirement that all early intervention services must meet State standards and be consistent with the provisions of Part C; and (b) Is consistent with the Education Department General Administrative Regulations in 34 CFR Part 80. (34 CFR §303.121)

Yes *(Assurance is hereby provided.)*	No *(Assurance cannot be ensured. Provide date on which State will complete changes in order to provide assurance.)* *Check and enter date(s) as applicable*	**Subpart B—Assurances** (20 U.S.C. 1434; 1435; and 1437(b); 34 CFR §§303.101-126; 303.220; 303.227)
X		15. The Statewide system includes procedures for securing the timely reimbursement of funds used under Part C of the Act, in accordance with subpart F of 34 CFR Part 303. (34 CFR §303.122)
X		16. The Statewide system includes procedural safeguards that meet the requirements of subpart E of 34 CFR Part 303. (34 CFR §303.123)
X		17. The Statewide system includes a system for compiling and reporting timely and accurate data that meets the requirements of 34 CFR §§303.700 through 303.702 and 303.720 through 303.724 and the following requirements. The data system includes a description of the process that the State uses, or will use, to compile data on infants or toddlers with disabilities receiving early intervention services under Part C, including a description of the State's sampling methods, if sampling is used, for reporting the data required by the Secretary under sections 616 and 618 of the IDEA and 34 CFR §§303.700 through 303.707 and 303.720 through 303.724. (34 CFR §303.124)
X		18. The Statewide system includes a State Interagency Coordinating Council (Council) that meets the requirements of subpart G of 34 CFR Part 303. (34 CFR §303.125)
X		19. The Statewide system includes policies and procedures to ensure, consistent with 34 CFR §§303.13(a)(8) (early intervention services), 303.26 (natural environments), and 303.344(d)(1)(ii) (content of an IFSP), that early intervention services for infants and toddlers with disabilities are provided— (a) To the maximum extent appropriate, in natural environments; and (b) In settings other than the natural environment that are most appropriate, as determined by the parent and the IFSP Team, only when early intervention services cannot be achieved satisfactorily in a natural environment. (34 CFR §303.126)
X		20. The Statewide system ensures that Federal funds made available to the State under section 643 of the Act will be expended in accordance with the provisions of 34 CFR Part 303, including §§303.500 and 303.501. (34 CFR §303.221)

Yes *(Assurance is hereby provided.)*	No *(Assurance cannot be ensured. Provide date on which State will complete changes in order to provide assurance.)* *Check and enter date(s) as applicable*	**Subpart B—Assurances** (20 U.S.C. 1434; 1435; and 1437(b); 34 CFR §§303.101-126; 303.220; 303.227)
X		21. The Statewide system will comply with the requirements in §§303.510 and 303.511 in subpart F of this part. (34 CFR §303.222)
X		22. The Statewide system ensures that— (a) The control of funds provided under 34 CFR Part 303, and title to property acquired with those funds, will be in a public agency for the uses and purposes provided in 34 CFR Part 303; and (b) A public agency will administer the funds and property. (34 CFR §303.223)
X		23. The Statewide system ensures that it will— (a) Make reports in the form and containing the information that the Secretary may require; and (b) Keep records and afford access to those records as the Secretary may find necessary to ensure compliance with the requirements of 34 CFR Part 303, the correctness and verification of reports, and the proper disbursement of funds provided under 34 CFR Part 303. (34 CFR §303.224)
X		24. The Statewide system ensures that – (a) Federal funds made available under section 643 of the Act to the State – (1) Will not be commingled with State funds; and (2) Will be used so as to supplement the level of State and local funds expended for infants and toddlers with disabilities and their families and in no case to supplant those State and local funds. (b) To meet the requirement in paragraph (a) of this section, the total amount of State and local funds budgeted for expenditures in the current fiscal year for early intervention services for children eligible under this part and their families must be at least equal to the total amount of State and local funds actually expended for early intervention services for these children and their families in the most recent preceding fiscal year for which the information is available. Allowance may be made for—

Yes *(Assurance is hereby provided.)*	No *(Assurance cannot be ensured. Provide date on which State will complete changes in order to provide assurance.)* *Check and enter date(s) as applicable*	**Subpart B—Assurances** (20 U.S.C. 1434; 1435; and 1437(b); 34 CFR §§303.101-126; 303.220; 303.227)
		(1) A decrease in the number of infants and toddlers who are eligible to receive early intervention services under this part; and (2) Unusually large amounts of funds expended for such long-term purposes as the acquisition of equipment and the construction of facilities. (c) Requirement regarding indirect costs. (1) Except as provided in paragraph (c)(2) of this section, a lead agency under this part may not charge indirect costs to its Part C grant. (2) If approved by the lead agency's cognizant Federal agency or by the Secretary, the lead agency must charge indirect costs through either— (i) A restricted indirect cost rate that meets the requirements in 34 CFR 76.560 through 76.569; or (ii) A cost allocation plan that meets the non-supplanting requirements in paragraph (b) of this section and 34 CFR Part 76 of EDGAR. (3) In charging indirect costs under paragraph (c)(2)(i) and (c)(2)(ii) of this section, the lead agency may not charge rent, occupancy, or space maintenance costs directly to the Part C grant, unless those costs are specifically approved in advance by the Secretary. (34 CFR §303.225)
X		25. The Statewide system ensures that fiscal control and fund accounting procedures will be adopted as necessary to ensure proper disbursement of, and accounting for, Federal funds paid under 34 CFR Part 303. (34 CFR §303.226)
X		26. The State ensures that policies and practices have been adopted to ensure that— (a) Traditionally underserved groups, including minority, low-income, homeless, and rural families and children with disabilities who are wards of the State, are meaningfully involved in the planning and implementation of all the requirements of Part C; and (b) These families have access to culturally competent services within their local geographical areas. (34 CFR §303.227)

Yes *(Assurance is hereby provided.)*	No *(Assurance cannot be ensured. Provide date on which State will complete changes in order to provide assurance.)* *Check and enter date(s) as applicable*	**Subpart B—Assurances** (20 U.S.C. 1434; 1435; and 1437(b); 34 CFR §§303.101-126; 303.220; 303.227)
		Assurance Regarding Optional Policy
	N/A	*Enter 'NA' in the cell to the left if this assurance is not applicable to your State.* 27. A State may adopt and has adopted a policy that includes making ongoing good-faith efforts to recruit and hire appropriately and adequately trained personnel to provide early intervention services to infants and toddlers with disabilities, including, in a geographic area of the State where there is a shortage of such personnel, the most qualified individuals available who are making satisfactory progress toward completing applicable course work necessary to meet the standards described in paragraphs (a) and (b) of this section. (34 CFR §303.119(d))

C. Certifications

The State Lead Agency is providing the following certifications:

Yes	
X	1. The State certifies that ED Form 80-0013, *Certification Regarding Lobbying*, is on file with the Secretary of Education. With respect to the *Certification Regarding Lobbying* the State recertifies that no Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making or renewal of Federal grants under this program; that the State shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," when required (34 CFR Part 82, Appendix B); and that the State Agency shall require the full certification, as set forth in 34 CFR Part 82, Appendix A, in the award documents for all sub awards at all tiers.
X	2. The State certifies that it has met the certifications in the Education Department General Administrative Regulations (EDGAR) at 34 CFR §80.11 relating to State eligibility, authority and approval to submit and carry out the provisions of its State application, and consistency of that application with State law are in place within the State.
X	3. The State certifies that the arrangements to establish financial responsibility for the provision of Part C services among appropriate public agencies under §303.511 and the lead agency's contracts with EIS providers regarding financial responsibility for the provision of Part C services meet the requirements in §§303.500 through 303.521 and are current as of the date of submission of the certification. (34 CFR §303.202)

South Carolina
IDEA Part C FFY 2020 Specific Conditions

Enclosure C

1. Basis for Requiring Specific Conditions

These Specific Conditions are imposed pursuant to IDEA sections 616(g) and 642 of the Individuals with Disabilities Education Act (IDEA) and 2 CFR §200.207 and 3474.10 by the U.S. Department of Education's (the Department's) Office of Special Education Programs (OSEP). OSEP is designating South Carolina as a "high risk" grantee and imposing Specific Conditions on South Carolina's IDEA Part C Federal Fiscal Year (FFY) 2020 grant award. These Specific Conditions are imposed to ensure that South Carolina:

(1) Implements its State-level general supervision responsibilities including monitoring to timely identify and correct noncompliance as required by IDEA sections 635(a)(10) and 640 and 34 CFR §§303.120, 303.501 (monitoring);

(2) Provides IDEA Part C early intervention services in a timely manner to eligible infants and toddlers with disabilities and their families as required by IDEA sections 633 and 634 and 34 CFR §303.342(e) (timely service provision); and

(3) Conducts the initial child evaluation, child and family assessments, and the individualized family service plan (IFSP) meeting within 45 days of referral as required by IDEA section 636(a) and (c) and 34 CFR §303.310 (45-day timeline).

The South Carolina Department of Human Services (SCDHHS) has been the State lead agency responsible for implementing the IDEA Part C early intervention program in the State since July 1, 2017. OSEP has imposed Specific Conditions on South Carolina's IDEA Part C grant for the last twelve years (for FFYs 2008 through 2019) and, during that time, South Carolina has had three different State lead agencies. While the IDEA Part C program in South Carolina has a history of noncompliance with IDEA Part C requirements, SCDHHS has worked to integrate the IDEA Part C program with the State's Medicaid program which SCDHHS also administers for South Carolina.

During FFYs 2018 and 2019, SCDHHS was subject to a Corrective Action Plan (CAP) to address four findings[1] identified in OSEP's 2017 differentiated monitoring system (DMS) visit letter, including a lack of monitoring, the inability to report valid and reliable data, and failure to provide early intervention services in timely manner. The CAP was initially approved by OSEP on June 1, 2018 and a revised CAP was approved by OSEP on January 31, 2019. During OSEP's April 16-19, 2019 follow-up DMS visit, SCDHHS staff confirmed that the State was making changes to be able to collect and report valid and reliable data for Indicator 1 (timely service provision) and Indicator 7 (45-day timeline) in its State Performance Plan/Annual Performance Report (SPP/APR). The reporting of data under these indicators was dependent on the State implementing its integrated Medicaid Enterprise System (MES), which would incorporate the State's IDEA Part C early intervention BRIDGES data system with its Medicaid Management Information System data system (MMIS). The implementation of the MES data system

[1] OSEP's 2017 letter identified four findings of noncompliance under Part C of the IDEA: (1) the four findings identified included implementing State-level general supervision responsibilities including monitoring; (2) timely provision of early intervention services; (3) valid and reliable data; and (4) submission of the SSIP. The finding regarding the SSIP was resolved in April 2018.

was critical to the lead agency's ability both to make its first monitoring findings and to report valid and reliable data in two key areas: timely service provision and 45-day timeline.

The State's FFY 2019 grant Specific Conditions required the State to provide OSEP with two progress reports with data on: (1) its short-term monitoring plan; (2) timely service provision data under SPP/APR Indicator 1; and (3) implementation of the CAP. During FFY 2019, SCDHHS timely submitted both progress reports (on October 1, 2019 and May 1, 2020). In these reports, the State confirmed its implementation of the CAP. In its progress reports, SCDHHS provided its interim monitoring plan and initial findings made under this interim plan. SCDHHS reported it made findings against four EIS programs that are organized geographically. SCHHHS noted it is in the process of developing a long-term monitoring plan in order to report on the timely identification and correction of noncompliance, and to provide updated data reflecting compliance with IDEA Part C's timely service provision and 45-day timeline requirements.

During FFY 2019, the State was able to provide for the first time under its CAP valid and reliable data for SPP/APR Indicators 1 and 7 and reported data for FFY 2018 reflecting 59.65% compliance for SPP/APR Indicator 1 (timely service provision) and 67.90% compliance for SPP/APR Indicator 7 (45-day timeline). SCDHHS submitted updated data in its May 1, 2019 progress report for FFY 2019, reporting 70% compliance for SPP/APR Indicator 1 (timely service provision) and was not required to report FFY 2019 data for SPP/Indicator 7 (45-day timeline).

OSEP recognizes the progress made by the State in implementing its CAP by integrating its data systems to provide valid and reliable data and by issuing initial findings under its monitoring system. The State now needs to focus on improving its data on timely service provision, 45-day timeline and implementing a long-term monitoring plan under Part C of the IDEA.

Therefore, for the reasons mentioned above, OSEP is imposing the following Specific Conditions on South Carolina's FFY 2020 IDEA Part C grant award.

2. Nature of the Specific Conditions

South Carolina must submit the following documentation to ensure that the State provides IDEA Part C early intervention services in a timely manner, meets the IDEA Part C 45-day timeline, and timely identifies and corrects noncompliance. Specifically, the State must submit progress reports to OSEP by November 1, 2020 and May 1, 2021 that include the following:

1. <u>Monitoring Data</u>: The State must provide:
    a. In the November 1, 2020 progress report, updates that include: (i) copies of SCDHHS letters notifying early intervention service (EIS) programs and providers of any findings of noncompliance (including those based on the requirements of SPP/APR Indicators 1 and 7) and the actions required by the EIS programs and providers; (ii) the status of correction of findings issued by SCDHHS on October 1, 2019; and (iii) SCDHHS's long-term general supervision plan for how it will identify and correct noncompliance; and

b. In the May 1, 2021 progress report, updated information about the number of findings of noncompliance issued through March 31, 2021 (for SPP/APR Indicators 1 and 7); the status of correction of these findings; and updates on the implementation of its general supervision plan.

2. Timely Service Provision/Indicator 1: Updated valid and reliable data for Indicator 1 (timely service provision):

   a. In the November 1, 2020 progress report, SCDHHS must provide Indicator 1:

      i. Data for FFY 2019 (July 1, 2019 through June 30, 2020); and

      ii. Updated data for FFY 2020 (for the period from July 1, 2020 through August 31, 2020); and

   b. In the May 1, 2021 progress report, SCDHHS must provide updated Indicator 1 data from July 1, 2020 through March 31, 2021.

3. 45-day Timeline/Indicator 7: Updated valid and reliable data for Indicator 7 (45-day timeline requirements)

   a. In the November 1, 2020 progress report, SCDHHS must provide Indicator 7:

      i. Data for FFY 2019 (July 1, 2019 through June 30, 2020); and

      ii. Updated data for FFY 2020 (for the period from July 1, 2020 through August 31, 2020); and

   b. In the May 1, 2020 progress report, SCDHHS must provide updated Indicator 7 data from July 1, 2020 through March 31, 2021.

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 lead agency can write to OSEP Director, Laurie VanderPloeg, 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 12th Street, S.W.
   Washington, D.C. 20202-0031
   By email: Brenda.Wilkins@ed.gov