



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

JAN 31 2012

Honorable Mitchell M. Zais
South Carolina State Department of Education
1429 Senate Street, Room 1006
Columbia, South Carolina 29201-3799

Dear Dr. Zais:

This letter is to inform you of the results of the Office of Special Education Programs' (OSEP's) Continuous Improvement Visit (CIV) to the South Carolina Department of Education (SCDE) during the week of October 31, 2011. As indicated in our letter to you dated March 29, 2011, the visit consisted of two components: (1) the verification of State systems for implementing key requirements of the Individuals with Disabilities Education Act (IDEA); and (2) a collaborative focus on improving results.¹ CIVs are designed to ensure compliance and improve performance with Part B of the IDEA in accordance with 20 U.S.C. 1416.

The purpose of the verification component of the visit is to review the State's systems for general supervision and fiscal management, as well as the State's systems for improving child and family outcomes. OSEP developed critical elements that were used to guide its evaluation of South Carolina's general supervision (including data) and fiscal systems. The Enclosure to this letter describes the scope of OSEP's review of the State's systems for general supervision and briefly outlines relevant statutory and regulatory requirements for each critical element.

OSEP is currently in the process of conducting a comprehensive review of States' systems for implementing the fiscal requirements of the IDEA and related statutes and regulations, through the CIVs and other mechanisms, including the desk audits that OSEP's Recovery Act Facilitators are conducting with all States. In order to provide each State with an integrated response based on its review of States' fiscal systems, OSEP will respond to the State separately to address fiscal issues and has not included a fiscal section in the Enclosure. The fiscal information gathered during the verification component of the CIV will also be addressed in that separate letter.

OSEP found noncompliance, and has required corrective action in the following areas: (1) the procedures for determining disproportionate representation due to inappropriate identification under 34 CFR §§300.173 and 300.600(d)(3); and (2) public reporting on the performance of local educational agencies (LEAs) under 34 CFR §300.602(b)(1)(A)(ii). OSEP also noted a data problem, in that it appears that the State is not calculating data regarding disproportionate representation consistent with State Performance Plan (SPP)/Annual Performance Report (APR) Indicators 9 and 10 because the State is only considering newly-identified children in its analyses. If the data submitted in the State's FFY 2010 APR, due February 1, 2012, are not consistent with the measurement for SPP/APR Indicators 9 and 10, further corrective action will be required.

¹ During the week of October 31, 2011, OSEP also conducted its Part C Continuous Improvement Visit to the First Steps to School Readiness. 400 MARYLAND AVE. S.W., WASHINGTON, DC 20202-2600

Generally, the Enclosure to this letter does not include descriptions of the State's systems because this information is available on the State's Web site in South Carolina's SPP. OSEP's analysis of each critical element and any required actions, if noncompliance was identified during the visit, are provided in the Enclosure to this letter.²

During the CIV visit, South Carolina also focused on improving educational results and functional outcomes for children and youth with disabilities. Prior to the visit, the SCDE participated in a process with OSEP to concentrate its efforts on improving the performance of students with disabilities participating in the regular statewide assessments. The State has chosen to focus its results work in conjunction with its State Personnel Development Grant. With OSEP's participation, SCDE and stakeholders, which included participants from institutes of higher education, community constituents, LEA constituents, and parents, engaged in a facilitated process to examine the data, as well as current and past efforts to improve results for students with disabilities in the statewide assessment area, and formulated strategies that the SCDE will employ to improve results for children with disabilities in its selected area. SCDE is developing a plan that includes specific benchmarks for improvement, as well as, timelines, resources, and measurements for the SCDE to improve results. The SCDE will publish this plan with updates on the State's Web site at www.ed.sc.gov.

OSEP appreciates the cooperation and assistance provided by your State staff and other stakeholders, including Pro-Parents of South Carolina, the South Carolina Advisory Council on the Education of Students with Disabilities, the South Carolina Protection and Advocacy office, and parents of children and youth with disabilities in providing feedback and input on the State's systems for providing educational services to children and youth with disabilities. We look forward to collaborating with all stakeholders and actively working with the State to improve results and compliance for children and youth with disabilities and their families. If you have any questions or wish to request technical assistance, please do not hesitate to call your OSEP State Contact, Dr. Perry Williams, at 202-245-7575.

Sincerely,



Melody Musgrove, Ed.D.
Director
Office of Special Education Programs

Enclosure

cc: Michelle Bishop
Interim State Director of Special Education

² OSEP currently is reviewing all States' submissions of data on the Part B Report on Maintenance of Effort Reduction and Coordinated Early Intervening Services (Table 8) related to LEA maintenance of effort, significant disproportionality, LEA determinations, and comprehensive early intervention services, and all States' compliance with the maintenance of State financial support requirement, and may have further communications with the State about those issues.