

**Table B – Part C – South Carolina**

**Previously Identified Issues**

**(This table addresses the requirements of the September 9, 2003 Compliance Agreement – there were no additional required actions in OSEP’s September 1 , 2005 response to the State’s FFY 2003 APR.)**

Issue	State Submission	OSEP Analysis	Required Action
<p><b><u>Identification and Timely Provision of all Early Intervention Services on Individualized Family Service Plans (IFSPs)</u></b></p> <p>The Department’s September 9, 2003 Compliance Agreement with the Department of Health and Environmental Control (DHEC) requires that:</p> <p>(1) DHEC must ensure that all early intervention services needed by an eligible infant or toddler with a disability and the child’s family are identified on the IFSP, including any family training, counseling and home visits.</p> <p>(2) DHEC must ensure that all early intervention services identified by the IFSP team are provided in a timely manner to infants and toddlers with disabilities and their families, and that the present level of functioning for each developmental area is identified on each IFSP.</p> <p><b>(34 CFR §§303.322(a)(1), 303.340(c), 303.342(e) and 303.344(f)(1))</b></p>	<p><b><u>Indicator 1</u></b></p> <p>(1) DHEC reported generally on its monitoring efforts in Indicator 9.</p> <p>(2) In its response to Indicator 1 in the SPP, specifically the timely Part C service provision requirements in 34 CFR §§303.340(c), 303.342(e) and 303.344(f)(1), the State reported the following baseline data for FFY 2004: 94.3% of infants and toddlers with IFSPs received the early intervention services on their IFSPs in a timely manner (defined as 30 calendar days from parent consent).</p> <p>In its February 6, 2006 Compliance Agreement Progress Report (that reported data from November 2005), the State reported that 5.7% of infants and toddlers with disabilities and their families were waiting for IFSP services for more than 30 days.</p>	<p>(1) The State did not provide specific monitoring or other data regarding correction of this finding. It must include data demonstrating compliance by no later than its September 20, 2006 final Progress Report under the Compliance Agreement.</p> <p>(2) The State reported a 94.3% level of compliance with the service provision requirements in 34 CFR §§303.340(c), 303.342(e) and 303.344(f)(1). While this level of compliance is below 100% and requires continued implementation of improvement activities to achieve full compliance, OSEP recognizes the effort made by the State in working toward compliance with this requirement.</p> <p>Under the Compliance Agreement, the State has made substantial progress in not only its ability to collect and report data regarding this requirement, but also significant improvement in ensuring compliance.</p>	<p>OSEP looks forward to reviewing the State’s data regarding these two requirements in the Progress Reports due under the Compliance Agreement (March 31, 2006, June 30, 2006 and data demonstrating compliance with these requirements in the final Progress Report by September 30, 2006).</p>

Issue	State Submission	OSEP Analysis	Required Action
<p><b><u>Child Find/Public Awareness</u></b></p> <p>The Department's September 9, 2003 Compliance Agreement with South Carolina requires that DHEC must ensure that a coordinated child find system results in the identification of all eligible infants and toddlers with disabilities and that public awareness materials about the infants and toddlers with disabilities program are made available to the public, including rural, minority and underrepresented populations.</p> <p><b>(34 CFR §303.321(a) through (c))</b></p>	<p><b><u>Indicators 5 and 6</u></b></p> <p>In its response to Indicators 5 and 6 in the SPP, the State reported the following baseline performance data:</p> <ul style="list-style-type: none"> <li>• FFY 2004 baseline for 0-3 with IFSPs = 1.4 %</li> <li>• FFY 2004 baseline for 0-1 with IFSPs = 0.7 %</li> </ul> <p>The State has reported in its Compliance Agreement Progress Reports on its implementation of its child find efforts and public awareness activities; however, its February 6, 2006 Progress Report indicated that the Single Point of Entry (SPOE) referral process has not yet been fully implemented.</p>	<p>In OSEP's July 5, 2005 letter to the State, OSEP stated that, as verified in quarterly reports to OSEP, interviews with DHEC staff and local providers, the data demonstrated improvement in the State's identification of infants and toddlers and their families who are eligible for early intervention services, and improvements in the State's collection of referral information on underrepresented populations (including the types of referral sources and the numbers of children found eligible for the early intervention services).</p> <p>The State also reported on implementation of its activities. However, OSEP cannot determine the impact of the delay in implementation of the SPOE referral process on the State's child find efforts, and whether this proposed activity under the Compliance Agreement is required for South Carolina to achieve its goals.</p>	<p>In its June 30, 2006 Progress Report due under the Compliance Agreement, the State must explain whether the SPOE referral process is required to achieve the goals under the Compliance Agreement and, if so, whether implementation will occur by September 9, 2006.</p>

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<p><b><u>Timely/Comprehensive Evaluation</u></b></p> <p>The Department's September 9, 2003 Compliance Agreement with South Carolina requires that DHEC must ensure that all infants and toddlers referred to Part C receive (1) timely; and (2) comprehensive evaluations in all five developmental areas, such that evaluations and assessments are completed within 45 days of referral to enable the initial IFSP team meeting to be convened in that time period.</p> <p><b>(34 CFR §§303.322(a)(1) and 303.322(c)(3)(ii)); (34 CFR §§303.321(e)(2), 303.322(e)(1) and 303.342(a))</b></p>	<p><b><u>Indicator 7</u></b></p> <p>(1) In its response to Indicator 7 in the SPP, the State reported the following baseline data for FFY 2004: for 95.5% of eligible infants and toddlers with IFSPs, an evaluation and assessment and an initial IFSP meeting were conducted within Part C's 45-day timeline. In its February 6, 2006 Compliance Agreement Progress Report, the State reported that the timeline for 4.4% of IFSPs exceeded 45 days from referral.</p> <p>(2) The State did not provide data regarding: (a) whether children receive evaluations in all five developmental areas (as required by 34 CFR §§303.322(a)(1) and 303.322(c)(3)(ii)); and (b) as noted in Indicator 1 above, whether the present levels of functioning are reflected on IFSPs (as required by 34 CFR §303.344(a)).</p>	<p>(1) The State reported a 95.5% level of compliance with the requirement at 34 CFR §§303.321(e)(2), 303.322(e)(1) and 303.342(a). While this level of compliance is below 100% and requires continued implementation of improvement activities to achieve full compliance, OSEP recognizes the effort made by the State in working toward compliance with this requirement. Under the Compliance Agreement, the State has made substantial progress in not only its ability to collect and report data regarding this requirement, but also significant improvement in ensuring compliance by examining causes for delay.</p> <p>(2) The State did not provide data regarding whether children receive evaluations in all five developmental areas (as required by 34 CFR §§303.322(a)(1) and 303.322(c)(3)(ii)).</p>	<p>OSEP looks forward to reviewing the State's data regarding these two requirements in the Progress Reports due under the Compliance Agreement (March 31, 2006, June 30, 2006 and data demonstrating compliance with these requirements in the final Progress Report by September 30, 2006).</p>

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<p><b><u>Transition Planning</u></b></p> <p>The Department's September 9, 2003 Compliance Agreement with South Carolina requires that DHEC must conduct timely and content-appropriate transition planning, including transition meetings for children who are transitioning from Part C to Part B of IDEA, including IFSP transition planning, LEA notification and timely transition conferences. For families transitioning to other programs, DHEC must develop content-appropriate transition plans and make reasonable efforts to convene a transition conference.</p> <p><b>(34 CFR §§303.148(b)(1), 303.148(b)(2)(i), 303.148(b)(4) and 303.344(h))</b></p>	<p><b><u>Indicator 8</u></b></p> <p>In its response to Indicator 8 in the SPP, the State reported the following baseline data for FFY 2004:</p> <ul style="list-style-type: none"> <li>• <b>8A:</b> 95% of records included a transition plan;</li> <li>• <b>8B:</b> 95% were referred to Part B prior to the child's third birthday; and</li> <li>• <b>8C:</b> 95% completed timely transition conferences.</li> </ul> <p>The State also reported in its February 6, 2006 Compliance Agreement Progress Report that 175 children were overdue for LEA notification under 8B, and 115 were overdue for a timely transition conference under 8C.</p>	<p>In the SPP, the State reported a 95% level of compliance with the requirements of:</p> <p>8A: 34 CFR §§303.148(b)(4) and 303.344(h);</p> <p>8B: 34 CFR §303.148(b)(1) and</p> <p>8C: 34 CFR §303.148(b)(2)(i).</p> <p>While the levels of compliance for 8A, 8B, and 8C are below 100% and require continued implementation of improvement activities to achieve full compliance, OSEP recognizes the effort made by the State in working toward compliance with this requirement.</p> <p>OSEP could not determine the level of compliance from the February 6, 2006 Progress Report, because the State did not report information required to complete the compliance calculation, including the number of children exiting Part C. The State provided numbers, but it was unclear what the denominators were, so OSEP could not compare the data in the Progress Report with those in the SPP.</p>	<p>OSEP looks forward to reviewing the State's data regarding the requirements of 8A, 8B and 8C in the Progress Reports due under the Compliance Agreement (March 31, 2006, June 30, 2006 and data demonstrating compliance with these requirements in the final Progress Report by September 30, 2006).</p> <p>The State must report both the percentage compliance calculation as well as the underlying numbers used to determine compliance (and report separately for 8C the number of delays attributable to lack of family concurrence for the conference or documented exceptional child or family circumstances).</p>

Issue	State Submission	OSEP Analysis	Required Action
<p><b><u>General Supervision</u></b></p> <p>The Department's September 9, 2003 Compliance Agreement with South Carolina requires that DHEC must meet its general supervision responsibilities and monitor for compliance with regard to all requirements of Part C, including employing appropriate methods of administering the Part C program, including monitoring State agencies, institutions, organizations and private providers that are part of the Part C system, and enforcing obligations against and providing training and technical assistance to all such entities and individuals, when identified as part of a required improvement strategy.</p> <p><b>(34 CFR §§303.501(b)(1), 303.501(b)(2) and 303.501(b)(3))</b></p>	<p><b><u>Indicator 9</u></b></p> <p>In its response to Indicator 9 in the SPP, the State reported that it began monitoring visits to the health districts in August 2004, and has conducted quarterly visits since then. The State indicated that on- and off-site monitoring reports were completed within 30 days after the review, and that report findings are incorporated into BabyNet Coordination Team Compliance/Improvement Plans.</p> <p>On page 22 of the SPP, the State reported, as baseline for the percentage of findings of noncompliance corrected within one year from identification, that "Approximately 80% of the areas of non-compliance identified were not corrected within a year because they are due to systemic issues and must be corrected at the state level."</p>	<p>The data in the SPP show that the State is effective in identifying noncompliance, but not in its ability to ensure timely correction of noncompliance as required under 34 CFR §303.501(b).</p>	<p>The State must, no later than September 30, 2006 (the date of the State's final Progress Report under the Compliance Agreement), provide documentation that it is effective in ensuring that all identified noncompliance, including noncompliance that is "systemic" and "must be corrected at the State level," is corrected within one year from identification.</p> <p>In that final report, and in the quarterly reports due March 31, 2006 and June 30, 2006, the State must provide the following documentation:</p> <ol style="list-style-type: none"> <li>1. a list of agencies or providers in which DHEC found noncompliance, the date on which the finding was made and the corrective actions DHEC required the agency or provider to take;</li> <li>2. any correction data provided by that agency or provider;</li> <li>3. the status of correction of the noncompliance; and</li> <li>4. the actions taken by DHEC, including sanctions, to ensure the timely correction of noncompliance by agencies or providers that have not ensured such correction within one year.</li> </ol>