

South Carolina Part C FFY 2012 SPP/APR Response Table

Part C SPP/APR Indicators

1. Percent of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner. [Compliance Indicator]
2. Percent of infants and toddlers with IFSPs who primarily receive early intervention services in the home or community-based settings. [Results Indicator]
3. Percent of infants and toddlers with IFSPs who demonstrate improved: <ul style="list-style-type: none"> A. Positive social-emotional skills (including social relationship); B. Acquisition and use of knowledge and skills (including early language/communication); and C. Use of appropriate behaviors to meet their needs. [Results Indicator]
4. Percent of families participating in Part C who report that early intervention services have helped the family: <ul style="list-style-type: none"> A. Know their rights; B. Effectively communicate their children's needs; and C. Help their children develop and learn. [Results Indicator]
5. Percent of infants and toddlers birth to 1 with IFSPs compared to national data. [Results Indicator]
6. Percent of infants and toddlers birth to 3 with IFSPs compared to national data. [Results Indicator]
7. Percent of eligible infants and toddlers with IFSPs for whom an initial evaluation and initial assessment and an initial IFSP meeting were conducted within Part C's 45-day timeline. [Compliance Indicator]
8. Percent of toddlers with disabilities exiting Part C with timely transition planning for whom the Lead Agency has: <ul style="list-style-type: none"> A. Developed an IFSP with transition steps and services at least 90 days, and at the discretion of all parties, not more than nine months, prior to the toddler's third birthday; [Compliance Indicator]
8. Percent of toddlers with disabilities exiting Part C with timely transition planning for whom the Lead Agency has: <ul style="list-style-type: none"> B. Notified (consistent with any opt-out policy adopted by the State) the SEA and the LEA where the toddler resides at least 90 days prior to the toddler's third birthday for toddlers potentially eligible for Part B preschool services; and [Compliance Indicator]
8. Percent of toddlers with disabilities exiting Part C with timely transition planning for whom the Lead Agency has: <ul style="list-style-type: none"> C. Conducted the transition conference held with the approval of the family at least 90 days, and at the discretion of all parties, not more than nine months, prior to the toddler's birthday for toddlers potentially eligible for Part B preschool services. [Compliance Indicator]
9. General Supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification. [Compliance Indicator]
12. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements (applicable if Part B due process procedures are adopted). [Results Indicator]
13. Percent of mediations held that resulted in mediation agreements. [Results Indicator]
14. State-reported data (IDEA Section 618 and State Performance Plan and Annual Performance Report) are timely and accurate. [Compliance Indicator]

Timeliness of State Complaint and Due Process Hearing Decisions
(Collected as Part of IDEA Section 618 Data rather than through an SPP/APR Indicator)

Timely Resolution of State Complaints: Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint, or because the parent (or individual or organization) and the public agency agree to extend the time to engage in mediation or other alternative means of dispute resolution, if available in the State.

Timely Adjudication of Due Process Hearing Requests: Percent of adjudicated due process hearing requests that were adjudicated within the timeline or a timeline that is properly extended by the hearing officer at the request of either party.

South Carolina Part C FFY 2012 SPP/APR Results Data Summary

INDICATOR	FFY 2011 DATA	FFY 2012 DATA	FFY 2012 TARGET
2. Infants and Toddlers Served in Natural Environments	99%	99%	$\geq 99\%$ ¹
3. Early Childhood Outcomes Data	See Attached Table	See Attached Table	See Attached Table
4. Percent of families participating in Part C who report that early intervention services have helped the family:	81%	86%	$\geq 82\%$
A. Know their rights;	81%	86%	$\geq 80\%$
B. Effectively communicate their children's needs; and	81%	86%	$\geq 80\%$
C. Help their children develop and learn.	82%	86%	$\geq 92\%$
5. Infants and Toddlers Served Birth to One	0.43%	0.81%	$\geq 1.06\%$
6. Infants and Toddlers Served Birth to Three	2.46%	2.17%	$\geq 2.77\%$
12. Hearing Requests Resolved through Resolution Session Agreements	Not Applicable	Not Applicable	Not Applicable
13. Mediations Held that Resulted in Mediation Agreements	None	None	Not Applicable

¹ As used in this table, the symbol " \geq " means that, to meet the target, the State's data must be greater than or equal to the established target.

3. Percent of Infants and Toddlers with IFSPs Who Demonstrate Improved Outcomes

Summary Statement 1²	FFY 2011 Data	FFY 2012 Data	FFY 2012 Target
Outcome A: Positive social-emotional skills (including social relationships) (%)	81%	82%	≥ 81%
Outcome B: Acquisition and use of knowledge and skills (including early language/ communication) (%)	82%	82%	≥ 82%
Outcome C: Use of appropriate behaviors to meet their needs (%)	82%	82%	≥ 82%
Summary Statement 2³	FFY 2011 Data	FFY 2012 Data	FFY 2012 Target
Outcome A: Positive social-emotional skills (including social relationships) (%)	63%	59%	≥ 63%
Outcome B: Acquisition and use of knowledge and skills (including early language/ communication) (%)	60%	56%	≥ 60%
Outcome C: Use of appropriate behaviors to meet their needs (%)	65%	59%	≥ 65%

² **Summary Statement 1:** Of those infants and toddlers who entered or exited early intervention below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they turned 3 years of age or exited the program.

³ **Summary Statement 2:** The percent of infants and toddlers who were functioning within age expectations in each Outcome by the time they turned 3 years of age or exited the program.

South Carolina FFY 2012 Results Data Summary Notes

INDICATOR 3: The State revised the targets for FFY 2012 for this indicator and OSEP accepts those revisions.

REQUIRED ACTIONS

The State must report progress data and actual target data for FFY 2013 in the FFY 2013 APR.

INDICATOR 13: The State reported that no mediations were held during the reporting period.

The State reported fewer than ten mediations held in FFY 2012. The State is not required to provide targets or improvement activities until any fiscal year in which ten or more mediations were held.

South Carolina Part C FFY 2012 SPP/APR Compliance Data Summary

INDICATOR	FFY 2011 DATA	FFY 2012 DATA	FFY 2012 TARGET	CORRECTION OF FINDINGS OF NONCOMPLIANCE IDENTIFIED IN FFY 2011
1. Timely provision of early intervention services	83%	87.5%	100%	The State reported that the 45 remaining findings identified in FFY 2011 based on FFY 2010 data were subsequently corrected by February 3, 2014.
7. 45-day timeline for evaluation and assessment and initial IFSP meeting	22%	88%	100%	The State reported that the 8 remaining findings identified in FFY 2011 based on FFY 2010 data were subsequently corrected by February 3, 2014.
8.A. IFSPs with transition steps and services	60%	72%	100%	The State reported that it did not identify any findings of noncompliance in FFY 2011 based on FFY 2010 data.
8B. Notification to LEA and SEA, if child potentially eligible for Part B	100%	100%	100%	The State reported that it did not identify any findings of noncompliance in FFY 2011 based on FFY 2010 data.
8C. Transition conference, if child potentially eligible for Part B	75%	91%	100%	The State reported that 25 of 53 findings of noncompliance identified in FFY 2011 based on FFY 2010 were corrected in a timely manner and that the 28 remaining findings were subsequently corrected by February 3, 2014.
9. Timely correction	No data	52%	100%	The State reported that 88 of 169 findings of noncompliance identified in FFY 2011 were corrected in a timely manner and that the 81 remaining findings were subsequently corrected by February 3, 2014.
14. Timely and accurate data	95%	100%	100%	

South Carolina Part C FFY 2012 State Complaint and Hearing Data from IDEA Section 618 Data Reports

REQUIREMENT	FFY 2011 DATA	FFY 2012 DATA
Timely resolution of complaints	100% (based on three complaints)	100% (based on two complaints)
Timely adjudication of due process hearing requests	The State reported that it did not receive any requests for due process hearings during the reporting period.	The State reported that it did not receive any requests for due process hearings during the reporting period.

South Carolina FFY 2012 Compliance Data Summary Notes

INDICATOR 1: OSEP's FFY 2011 Response Table required that the State demonstrate in the FFY 2012 APR that the remaining 45 findings of noncompliance identified in FFY 2011 based on FFY 2010 data were corrected. The State provided all of the required information.

REQUIRED ACTIONS

Because the State reported less than 100% compliance for FFY 2012, the State must report on the status of correction of noncompliance identified in FFY 2012 for this indicator. When reporting on the correction of noncompliance, the State must report, in its FFY 2013 APR, that it has verified that each EIS program or provider with noncompliance identified in FFY 2012 based on FFY 2011 data for this indicator: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the EIS program or provider, consistent with OSEP Memo 09-02.⁴ In the FFY 2013 APR, the State must describe the specific actions that were taken to verify the correction.

⁴ OSEP Memorandum 09-02 (OSEP Memo 09-02), dated October 17, 2008, requires that the State report that it verified that each EIS program or provider with noncompliance: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the EIS program or provider.

INDICATOR 7: OSEP's FFY 2011 Response Table required that the State demonstrate in the FFY 2012 APR that the remaining eight findings of noncompliance identified in FFY 2011 based on FFY 2010 data were corrected. The State provided all of the required information.

Corrective Action Plan for Indicator 7: As stated in OSEP's July, 2013 determination letter, the State was required to submit a Correction Action Plan (CAP) and progress report to ensure that it would submit, with its FFY 2012 IDEA Part C APR, data for Indicator 7 that reflect the requirement that children referred to Part C receive comprehensive evaluations and child and family assessments within the 45-day timeline. As stated in OSEP's November 5, 2013 Response Letter, the State timely submitted its August 15, 2013 CAP and October 31, 2013 progress report to OSEP. Consistent with its progress report, in its FFY 2012 APR, the State reported valid and reliable data for Indicator 7 that reflects this related requirement. OSEP appreciates the State reporting data in Indicator 7 that reflect this requirement. OSEP looks forward to the State's continued reporting of Indicator 7 data in its APRs.

REQUIRED ACTIONS

Because the State reported less than 100% compliance for FFY 2012, the State must report on the status of correction of noncompliance identified in FFY 2012 for this indicator. When reporting on the correction of noncompliance, the State must report, in its FFY 2013 APR, that it has verified that each EIS program or provider with noncompliance identified in FFY 2012 based on FFY 2011 data for this indicator: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the EIS program or provider, consistent with OSEP Memo 09-02. In the FFY 2013 APR, the State must describe the specific actions that were taken to verify the correction.

INDICATOR 8A:

The State reported that it did not collect documentation on the number of delays due to exceptional family circumstances, but that it plans to report that information for its FFY 2013 data. While a State is not required to include, in the numerator, the number of children for whom the State has identified the reason for the delay as exceptional family circumstances documented in the child's record, some States collect data on this reason and, if the State wishes to, it may include these children in the numerator of the calculation.

OSEP's FFY 2010 and FFY 2011 SPP/APR Response Tables required the State to post on the Lead agency's Web site its revised FFY 2010 APR to include its revised Indicator 8A data on page 33 to reflect 60%, and the data in the chart on page 34 to reflect that 176 out of 295 children had transition planning. The State reported its plans to post a revised FFY 2010 APR.

REQUIRED ACTIONS

As explained in the South Carolina 2014 determination letter, the State must submit a CAP to ensure that it provides, with its FFY 2013 APR, due February 2, 2015, data for Indicator 8A showing compliance with the timely transition plan requirements.

Because the State reported less than 100% compliance for FFY 2012, the State must report on the status of correction of noncompliance identified in FFY 2012 for this indicator. When reporting on the correction of noncompliance, the State must report, in its FFY 2013 APR, that it has verified that each EIS program or provider with noncompliance identified in FFY 2012 based on FFY 2011 data for this indicator: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the EIS program or provider, consistent with OSEP Memo 09-02. In the FFY 2013 APR, the State must describe the specific actions that were taken to verify the correction.

INDICATOR 8C: OSEP's FFY 2011 Response Table required that the State demonstrate in the FFY 2012 APR that the remaining 28 findings of noncompliance identified in FFY 2011 based on FFY 2010 data were corrected. The State provided all of the required information.

OSEP's FFY 2010 and FFY 2011 SPP/APR Response Tables required the State to post on the Lead Agency's Web site its revised FFY 2010 APR to include its revised Indicator 8C data on page 33 to reflect 87%. The State reported its plans to post a revised FFY 2010 APR.

REQUIRED ACTIONS

Because the State reported less than 100% compliance for FFY 2012, the State must report on the status of correction of noncompliance identified in FFY 2012 for this indicator. When reporting on the correction of noncompliance, the State must report, in its FFY 2013 APR, that it has verified that each EIS program or provider with noncompliance identified in FFY 2012 based on FFY 2011 data for this indicator: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the EIS program or provider, consistent with OSEP Memo 09-02. In the FFY 2013 APR, the State must describe the specific actions that were taken to verify the correction.

INDICATOR 9:

The State's FFY 2012 data is 52%, which represents the timely correction of 88 out of 169 findings identified in FFY 2011, as reported in the chart on page 37 of the FFY 2012 APR.

Corrective Action Plan and Special Conditions for Indicator 9: The Department's 2011, 2012, and 2013 determinations for South Carolina under sections 616 and 642 of the IDEA were that South Carolina "Needs Intervention" in implementing the requirements of IDEA Part C. When a State is in "needs intervention" for three or more consecutive years, the Department must take enforcement action, and in its July 1, 2013 determination letter, OSEP took enforcement action by requiring the State to submit a corrective action plan (CAP) by August 15, 2013. This issue is also the subject of Special Conditions on South Carolina's IDEA Part C FFY 2013 grant award. OSEP has imposed Special Conditions on South Carolina's IDEA Part C grant award since FFY 2008 due to the State's failure to timely correct findings of noncompliance.

As stated in OSEP's July, 2013 determination letter, and OSEP's July, 2013 FFY 2013 grant letter, the State was required to submit a CAP and progress report to address the State's failure to timely correct findings of noncompliance. As stated in OSEP's November 5, 2013 Response Letter, the State submitted its August 15, 2013 CAP and October 31, 2013 progress report to OSEP. In its FFY 2012 APR, the State reported data reflecting 52% timely correction of the findings of noncompliance identified in FFY 2011, and subsequent correction of all of the remaining 81 findings of noncompliance identified in FFY 2011. As required, the State also reported on the correction of the findings of noncompliance identified in FFY 2012 based on FFY 2011 data, indicating that 47 of the 56 findings of noncompliance for Indicator 1 were corrected, and 41 of the 44 findings of noncompliance for Indicator 7 were corrected. The State reported that it is disaggregating the findings identified in FFY 2012 based on FFY 2011 data for Indicators 8A and 8C, so that it will be able to report on those findings separately. As part of the State's 2014 determination, the State must submit a new CAP to ensure that it provides data showing correction of all of the findings of noncompliance the State identified in FFY 2012.

Continuous Improvement Visit (CIV): As stated in OSEP's March 9, 2012 CIV Letter and its January 10, 2013 CIV Response Letter, the State was required to submit its procedures for: (1) identifying findings related to whether: (a) timely, comprehensive, multidisciplinary initial evaluations and assessments that meet the requirements of 34 CFR §303.321 are conducted prior to the development of the initial IFSPs (initial evaluations); and (b) IFSPs include the required content, including transition steps and services (IFSP transition content); and (2) verifying, consistent with OSEP Memo 09-02, the correction of noncompliance with the requirements for timely, comprehensive, multidisciplinary initial evaluations and assessments and the requirements for the content of IFSPs, including transition steps and services (correction of findings regarding initial evaluations and IFSP transition content). The State provided its monitoring procedures in the document titled "Procedures for Timely Identification and Correction of Non-compliance for BabyNet State Office Associates." OSEP appreciates receiving the State's procedures, and looks forward to the State's data under Indicators 7 and 8a in its APRs.

REQUIRED ACTIONS

In responding to Indicators 1, 7, 8A, and 8C in the FFY 2013 SPP/APR, the State must report on correction of the noncompliance described in this table under those indicators. As explained in the South Carolina's 2014 determination letter, the State must submit a CAP to ensure that it provides, with its FFY 2013 APR, due February 2, 2015, data showing correction of all of the findings of noncompliance the State identified in FFY 2012. OSEP will respond to the Special Conditions in its FFY 2014 IDEA Part C grant award letter.

OTHER ISSUES

LONGSTANDING NONCOMPLIANCE: The timely correction requirement was the subject of Special Conditions on South Carolina's FFYs 2008, 2009, 2010, 2011, 2012 and 2013 Part C grant awards.