



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

MAR - 9 2012

Honorable Dan Wuori, Ph.D.
Chief Program Officer
South Carolina First Steps to School Readiness
1300 Sumter Street
Concord Building, Suite 100
Columbia, South Carolina 29201-3340

Dear Dr. Wuori:

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 First Steps to School Readiness BabyNet Program (FSSR) during the week of October 31, 2011. As indicated in our letter to the State dated March 29, 2011, the visit consisted of two components: (1) the verification of State systems for implementing key requirements of Part C of the Individuals with Disabilities Education Act (IDEA); and (2) a collaborative focus on improving results.¹ The CIV is designed to ensure compliance and improve performance with Part C of the IDEA, consistent with Sections 616 and 642 of the IDEA.

The purpose of the verification component of the visit is to review the State's systems for general supervision and fiscal management. OSEP developed critical elements that were used to guide its evaluation of FSSR's general supervision (including data) and fiscal systems. The Enclosure to this letter describes the scope of OSEP's review of the State systems 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 a comprehensive, integrated response based on its review of States' fiscal systems, OSEP will be sending the State a separate letter addressing any fiscal issues, and has not included a fiscal section in the Enclosure.

During the verification component of the visit, OSEP found noncompliance, and has required corrective action in the following areas: (1) FSSR failed to make timely findings of noncompliance, as required in IDEA sections 616, 635(a)(10)(A), and 642, and 34 CFR §§303.500 and 303.501; (2) FSSR had no method to make findings of noncompliance regarding the requirements for timely, comprehensive, multidisciplinary evaluations and assessments, in 34 CFR §303.322; (3) FSSR had no method to make findings of

¹ During the week of October, 31, 2011, OSEP also conducted its Part B CIV to the South Carolina Department of Education.

noncompliance regarding the content of individualized family service plans (IFSPs), including transition steps and services, as required in 34 CFR §303.344; (4) FSSR has not ensured the timely correction of noncompliance, as required in IDEA sections 616, 635(a)(10)(A), and 642, and 34 CFR §§303.500 and 303.501; (5) the State does not have a process for collecting data for State Performance Plan/Annual Performance Report (SPP/APR) Part C Indicator 8A (IFSPs with transition steps and services); and (6) the State has not met the requirements in IDEA sections 616 and 642 to report annually to the public on the performance of early intervention service (EIS) programs on the targets in the State Performance Plan, and to make annual determinations for EIS programs and take enforcement action as necessary under IDEA sections 616(e) and 642.

As stated in the Enclosure to this letter, South Carolina must review and determine if it will update its interagency agreement and any other written method, to ensure financial responsibility for IDEA Part C services provided, or paid for, by other State-level agencies. If the State elects to update its method, the State must submit such method with its FFY 2012 IDEA Part C grant application; otherwise the State must indicate “No” and provide a date in the appropriate response to Section II.A.3 of the FFY 2012 IDEA Part C grant application.

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 State Performance Plan. 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.

During the CIV, South Carolina also focused on improving early intervention results and functional outcomes for infants and toddlers with disabilities. Prior to the visit, South Carolina participated in a process with OSEP to focus its efforts on SPP/APR Indicator 4, the percent of families participating in Part C who report that early intervention services have helped the family. With OSEP’s participation, FSSR and stakeholders engaged in a facilitated process to examine the data, as well as current and past efforts to improve results in the Family Outcomes area, and formulate strategies that South Carolina will employ to improve results for children with disabilities in its selected area. The stakeholders included participants from FSSR State Staff, Pro Parents (the Parent Training and Information Center), the Family to Family Support Agency, the South Carolina School for the Deaf and the Blind, the South Carolina Department of Disabilities and Special Needs, BabyNet Technical Assistance Staff, representatives of three different vendors of ongoing service coordination, the National Early Childhood Technical Assistance Center, the Mid-South Regional Resource Center, and the Data Accountability Center. South Carolina is developing a plan that includes specific benchmarks for improvement, as well as, timelines, resources, and measurements for FSSR- BabyNet to improve results. FSSR-BabyNet will publish this plan with updates on the State lead agency’s Web site at www.scfirststeps.org.

OSEP appreciates the cooperation and assistance provided by your State staff and others, including staff from Pro Parents, the State Interagency Coordinating Council (SICC), and parents of infants and toddlers with disabilities in providing feedback and input on the State’s systems for providing early intervention services to infants and toddlers with disabilities. We look forward to collaborating with all stakeholders and actively working with the State to improve results for infants and toddlers with disabilities and their families. If you have any

Page 3 – Honorable Dan Wuori, Ph.D.

questions or wish to request technical assistance, please do not hesitate to call your OSEP State Contact, Rhonda Spence, at 202-245-7382.

Sincerely,

A handwritten signature in black ink, appearing to read "Melody Musgrove". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

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

Enclosure

cc: Kristie Musick
Part C Coordinator