



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

Honorable Melody Schopp
Secretary of Education
South Dakota Department of Education
800 Governors Drive
Pierre, South Dakota 57501-2294

JAN 31 2012

Dear Secretary Schopp:

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 Dakota Department of Education's Birth to Three Connections, during the week of September 12, 2011 through September 16, 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 Part C 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 C of the IDEA, consistent with Sections 616 and 642 of the IDEA.

The purpose of the verification 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 and protecting child and family rights. OSEP developed critical elements that were used to guide its evaluation of South Dakota'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 (including data) 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 visit will also be addressed in that separate letter.

As stated in the Enclosure to this letter, South Dakota must review and revise its draft interagency agreement, or other written method, to ensure financial responsibility for IDEA Part C services provided, or paid for, by other State-level agencies. That method must be consistent with the requirements under subpart F of the new IDEA Part C regulations and must be current as of the time the State submits its fiscal certification with its FFY 2012 IDEA Part C grant application. With its FFY 2012 IDEA Part C grant application, the State must also submit its policies and procedures relating to its system of payments and identify that the State has a system of payments in section IV of the application. Finally, OSEP will contact the State separately to request additional information regarding the IDEA Part C nonsupplanting and maintenance of effort requirements.

¹ During the week of September 12, 2011 through September 16, 2011, OSEP also conducted its Part B continuous improvement visit to the South Dakota Department of Education

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 its 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 continuous improvement visit, the State also focused on improving early intervention results and functional outcomes for infants and toddlers with disabilities. Prior to the visit, the State participated in a process with OSEP to concentrate its efforts on Indicator 5, child find, ages birth to one. With OSEP's participation, the State and stakeholders, which included participants from the National Early Childhood Technical Assistance Center (NECTAC), Mountain Plains Regional Resource Center (MPRRC), South Dakota Parent Connection and representatives from the Center for Disabilities and Black Hills Special Services programs, engaged in a facilitated process to examine the data, as well as current and past efforts to improve results in the child find, birth to one, area and formulate strategies that the State will employ to improve results for children with disabilities in its selected area. South Dakota is developing a plan that includes specific benchmarks for improvement, as well as, timelines, resources, and measurements for the South Dakota Department of Education to improve results. The South Dakota Department of Education will publish this plan with updates on the State lead agency's Web site at <http://doe.sd.gov/>.

OSEP appreciates the cooperation and assistance provided by your State staff and others, including staff from the South Dakota Parent Connection, the South Dakota Protection and Advocacy office, 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 questions or wish to request technical assistance, please do not hesitate to call your OSEP State Contact, Dr. Josiah Willey, at 202-245-7350.

Sincerely,



Melody Musgrove, Ed.D.

Director

Office of Special Education Programs

Enclosure

cc: Susan Sheppick

Part C Coordinator