



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

JUL - 5 2011

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

Dear Dr. Zais:

This is in response to the June 29, 2011 letter from Shelly Bezanson Kelly, General Counsel for the South Carolina Department of Education, to Larry Ringer of my staff, supplemented by additional information submitted by Ms. Kelly on June 30, 2011. Ms. Kelly's letter was in response to my June 17, 2011 letter, which denied the State's request for a waiver of the requirement in the Individuals with Disabilities Education Act (in 20 U.S.C. §1412(a)(18)(A) and 34 CFR §300.163(a)) to maintain State financial support for special education and related services for State fiscal year (SFY) 2011 (school year 2010 – 2011).

The State reported that, on June 24, 2011, in order to meet the maintenance of effort requirement, the State made available \$75,343,070 in State financial support for special education and related services for SFY 2011. Accordingly, based on the information provided by the State, the Department believes that the issue related to the maintenance of State financial support for special education and related services for SFY 2011 is resolved, and therefore, the Department will not reduce the State's section 611 allocation for any fiscal year due to a failure to maintain fiscal effort in SFY 2011. We commend the State for taking prompt and effective action to resolve this serious matter.

In light of the South Carolina Advisory Council on the Education of Students with Disabilities' duties under 20 U.S.C. §1412(a)(21)(D), particularly its duty under 20 U.S.C. §1412(a)(21)(D)(i) to "advise the State educational agency of unmet needs within the State in the education of children with disabilities," we are providing it with a copy of this letter.

We appreciate your commitment to serving children with disabilities and look forward to our continued collaboration on their behalf.

Sincerely,

Alexa Posny, Ph.D.

cc: South Carolina Advisory Council on  
the Education of Students with Disabilities