



STATE OF SOUTH CAROLINA
DEPARTMENT OF EDUCATION

Mick Zais
Superintendent

1429 Senate Street
Columbia, South Carolina 29201

May 9, 2011

Alexa Posny, Ph.D., Assistant Secretary
Office of Special Education and Rehabilitative Services
U. S. Department of Education
400 Maryland Avenue, S.W.
Washington, DC 20202

Dear Dr. Posny:

Members of my staff met with Joan Bardee and William Carroll from your office earlier this week. The purpose of that meeting was to determine the need and the extent of the need for South Carolina to request additional waivers of state-level maintenance of effort.

The South Carolina Department of Education previously requested a waiver of state-level maintenance of effort for state Fiscal Year 2010 (2009–2010). Please accept this letter as a request from South Carolina for a waiver of state-level maintenance of effort as permitted under 34 C.F.R. §300.163(c), *Waivers for exceptional or uncontrollable circumstances*, for two additional years: Fiscal Years 2009 (2008–2009) and 2011 (2010–11).

We have worked closely with the General Assembly to ensure that the state will meet its future maintenance of effort requirements. At our request, the General Assembly is including a safeguard in the State's 2011–2012 budget, which is currently under debate, that will ensure that the required funding levels are met. We anticipate that this provision will be included in the final state Appropriation Act.

Under separate cover, we will send supporting documentation and additional information that was requested by Ms. Bardee and Mr. Carroll during the May 4, 2011, meeting.

Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in black ink that reads "Mick Zais". The signature is written in a cursive style and is positioned above a horizontal line.

Mick Zais, Ph.D.
State Superintendent of Education

MZ/sk