



South Carolina
Department of Education

Jim Rex
Superintendent of Education

Together, we can.

February 26, 2010

Alexa Posny, PhD, 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:

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*. This request is for Fiscal Year 2009.

This request for relief is based on a severe and precipitous decline in state revenue, which is outside the control of the South Carolina Department of Education (SCDE) and the state legislature. This decline in state revenue is equitably distributed since it has been imposed through an across-the-board reduction in financial support to the state's local educational agencies (LEAs), thereby negatively impacting special education and related services within the state.

Based on your memorandum of December 2, 2009, we are collecting information on financial support for special education and related services for children with disabilities provided by other state agencies. We do not believe this will improve our total state financial effort since all public agencies have seen reductions due to economic circumstances.

If any additional documentation or specific information is necessary for the consideration or approval of our request, please contact Marlene Metts, the director of the SCDE's Office of Exceptional Children. You can reach Ms. Metts by telephone at 803-734-8806 or by electronic mail at mametts@ed.sc.gov.

Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Jim Rex".

Jim Rex
State Superintendent of Education

JR/MM