



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

**Dec. 19, 2017**

Honorable Joshua Baker  
Acting Director  
South Carolina Department of Health and Human Services  
P.O. Box 8206  
Columbia, South Carolina 29202

Dear Director Baker:

This letter summarizes the results of the on-site monitoring visit conducted by the Office of Special Education Programs (OSEP) of South Carolina's (SC's) early intervention program under Part C of the Individuals with Disabilities Education Act (IDEA). BabyNet is the IDEA Part C early intervention program in South Carolina and it is administered by the SC Department of Health and Human Services (SCDHHS).

OSEP's monitoring visit occurred on August 8 and 9, 2017. Participants included staff from SCDHHS, the SC School for the Deaf and Blind, (SCDBS), and the SC Department of Developmental Disabilities (SCDDSN) as well as technical assistance (TA) providers from the IDEA Data Center (IDC) and the Early Childhood Technical Assistance Center (ECTA).

In 2016, OSEP began providing differentiated monitoring and support (DMS) to States as part of its Results Driven Accountability (RDA) framework. SC's IDEA Part C program was targeted for monitoring under DMS due to the State's longstanding noncompliance in the areas of monitoring, data, timely service provision, 45-day timeline and the State's plan to improve results through its State Systemic Improvement Plan (SSIP). These areas were the subject of Special Conditions imposed on SC's Federal fiscal year (FFY) 2017 Part C grant award and the State was required to submit data and progress reports to OSEP on August 1, and October 1, 2017. To date, OSEP has not received the required data and progress report.

The State has a history of noncompliance with IDEA Part C requirements. SC's IDEA Part C grant has been subject to special conditions since FFY 2008. During the past ten years, three different State agencies have served as the lead agency in South Carolina. SCDHHS became the State lead agency on July 1, 2017 (the two prior lead agencies were the SC First Steps to School Readiness (FSSR) and the SC Department of Health and Environmental Control (DHEC)).

OSEP's August 2017 monitoring visit was held after OSEP's October 17, 2016 DMS letter informed SCDHHS that SC received a designation of universal, targeted, or intensive engagement in five areas under Part C of the IDEA. The five areas were: compliance, fiscal, results, child find, and SSIP. OSEP's notice was based on the State's FFY 2014 Annual Performance Report (APR) data for Indicator 1 (Timely Provision of Services) and Indicator 7 (45-Day Timeline), SC's high-risk designation with special conditions on its FFY 2016 IDEA

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Part C grant, and its low data for child find. For these reasons, SC was designated as needing intensive engagement under Part C of the IDEA in the areas of compliance and child find, which were the areas of focus during the August 2017 visit.

During the August 2017 visit, OSEP identified, and the State acknowledged, significant noncompliance with four critical requirements of Part C. Specifically, OSEP finds that South Carolina has failed to:

1. Implement its State-level general supervision responsibilities including, monitoring, funding, and ensuring interagency coordination of, the early intervention program as required by IDEA sections 635(a)(10) and 640 and 34 CFR §§303.120, 303.501.
2. Have in place a Statewide system and provide early intervention services to infants and toddlers with disabilities in a timely manner as required by IDEA sections 633 and 634 and 34 CFR §303.342(e).
3. Provide valid and reliable data under IDEA sections 616, 618, 635(a)(14), and 642 and 34 CFR §§303.701(c) and 303.720.
4. Submit its FFY 2015 (Phase III) SSIP, which was due on April 3, 2017 and is submitted under IDEA sections 616 and 642 and 34 CFR §303.700 through 303.708.

During OSEP's visit, SCDHHS requested OSEP's assistance in addressing these challenges and helping the State to implement and enforce IDEA Part C requirements. OSEP learned that much of this noncompliance stems from at least three longstanding root causes that include: (1) the lack of State-level coordination between the State Lead agencies and the South Carolina Department of Developmental Disabilities (SCDDSN); (2) the decentralized provider system with over 1,400 early intervention service (EIS) providers that do not provide data to the State; and (3) payment systems that are not coordinated across different funding sources for early intervention services.

OSEP has grave concerns about how South Carolina can ensure compliance with each of the four requirements identified above and how the State will address its longstanding structural challenges. OSEP is reviewing each of these four areas of noncompliance to determine the appropriate enforcement action, which include: (1) requiring a corrective action plan (CAP) or improvement plan for all areas for which the State can ensure correction within one year from the date of this letter; (2) entering into a compliance agreement under section 457 of the General Education Provisions Act (GEPA) if the State demonstrates that it cannot come into compliance within one year as required by 34 CFR §303.700(e); (3) revising the special conditions on SC's FFY 2017 IDEA Part C grant; and/or (4) taking additional enforcement action.

We are scheduling a follow-up visit in January to discuss the State's plan for correcting each of these four noncompliance areas as soon as possible. In the interim, if you have any questions, please contact your State lead, Brenda Wilkins, at 202-245-6820.

Sincerely,

/s/

Ruth E. Ryder

Acting Director

Office of Special Education Programs

cc: Stephanie Hicklin,  
SCDHHS Acting Part C Coordinator