



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

Honorable Earl C. Hunter  
Commissioner  
Department of Health and Environmental Control  
260 Bull Street  
Columbia, South Carolina 29201

SEP - 1 2005

Dear Commissioner Hunter:

The purpose of this letter is to respond to South Carolina's March 31, 2005 submission of its Federal Fiscal Year (FFY) 2003 Annual Performance Report (APR) under the Individuals with Disabilities Education Act (IDEA) Part C for the grant period July 1, 2003 through June 30, 2004. The APR reflects actual accomplishments that the State made during the reporting period, compared to established objectives. The Office of Special Education Programs (OSEP) has designed the APR under the IDEA to provide uniform reporting from States and result in high-quality information across States. The APR is a significant data source for OSEP in the Continuous Improvement and Focused Monitoring System (CIFMS).

The State's APR should reflect the collection, analysis, and reporting of relevant data, and include specific data-based determinations regarding performance and compliance in each of the cluster areas. This letter responds to the State's FFY 2003 APR, and South Carolina's quarterly report submissions of June 2005 under the State's September 9, 2003 Part C IDEA Compliance Agreement with the Department. OSEP has listed its comments, analysis and determinations by cluster area.

### ***Background***

OSEP conducted an on-site monitoring visit to South Carolina from October 27-28, 2004 to review the State's progress in addressing five findings from OSEP's 2002 Monitoring Report in its September 9, 2003 Compliance Agreement (Agreement) with the Department under Part C. Prior to the on-site monitoring visit, OSEP reviewed and analyzed data from the Department of Health and Economic Security's (DHEC) four quarterly reports submitted under the Agreement to verify the State's progress in implementing the terms of the Agreement, that are incorporated or referenced in the FFY 2003 APR. OSEP responded to the State's progress in implementing the terms of the first year of the three-year Agreement and the State's quarterly report submissions through June, 2005 in a letter dated July 5, 2005. OSEP will respond regarding the State's second year of implementation to the five outstanding findings and the quarterly report submission under the Compliance Agreement after it receives the State's September, 2005 report submission. DHEC must demonstrate to OSEP that it is in full compliance with Part C of IDEA within three years of the date the Agreement was signed (September 9, 2003).

The conclusion of OSEP's September 23, 2004 FFY 2002 APR response letter stated that OSEP could not determine whether the State had corrected the deficiencies identified in the Agreement and was effective in identifying and correcting noncompliance, before reviewing monitoring reports, data and other documentation that DHEC was required to submit under the Agreement.

OSEP's September 2004 letter directed the State to submit, in the FFY 2003 APR: (1) data or an update on its strategies demonstrating any progress regarding the four findings of noncompliance identified in the early intervention services in natural environments cluster area; and (2) responsive data or the State's plan on how it will collect the child outcome data (whether through sampling, monitoring, individual IFSP review, or other methods).

### *General Supervision*

#### Identification and timely correction of noncompliance

- **Not ensuring a method to identify local noncompliance with Part C requirements (34 CFR § 303.501(b)(1)); did not monitor other agencies or enforce all obligations under Part C (34 CFR §303.501(b)(2)); and had not adopted and used proper methods of administering each program, including providing technical assistance and training (34 CFR §303.501(b)(3)).**

This area of noncompliance is addressed in the Compliance Agreement. OSEP responded to the first year quarterly report submissions in a letter dated July 5, 2005 and noted that the State has made significant systemic changes to the monitoring and data systems that appear to have enabled the State to identify noncompliance with all Part C requirements. OSEP cannot yet determine whether the system is able to correct State-identified noncompliance.

#### Dispute resolution

DHEC included, in the September 30, 2004 Agreement quarterly report submission, the following projected activities to improve performance: (1) the development of draft policies and procedures for procedural safeguards by June 2005; (2) the implementation of statewide technical assistance on procedural safeguards by December 2005; (3) the implementation of training activities on procedural safeguards under Part C for mediators and hearing officers; and (4) the development of a Family Guide to the Part C early intervention system by July 2005.

DHEC reported that there were no formal complaints, requests for mediations or due process hearing requests during the reporting period. OSEP looks forward to reviewing the State's data in this area in the State Performance Plan (SPP), due December 2, 2005.

#### Personnel

On page 9 of the FFY 2003 APR, DHEC reported the following activities to ensure adequate personnel and supports: (1) the establishment of a system of personnel standards, core competencies, and individualized professional development plans for all early intervention services providers; and (2) the implementation of a web-based managed learning system to

include multiple methodologies of technical assistance and system evaluation. OSEP appreciates the State's efforts in this area.

#### Collection and timely reporting of accurate data

Based on OSEP's visit to South Carolina during the week of September 22, 2003 to verify the effectiveness of the State's systems for general supervision and the collection of data under Section 618 of IDEA, DHEC reported that it developed a system to verify the accuracy of its Section 618 data. On page 10 of the FFY 2003 APR, DHEC reported: (1) that data elements would be expanded to include the data tracking reporting required by the Compliance Agreement, including benchmarks and targets; (2) the development of an electronic system of payments that would allow the creation of online authorizations, contracts, and reimbursement; and (3) an increase in end-user data entry capacity. OSEP looks forward to reviewing the State's data in this area in the SPP.

#### *Comprehensive Public Awareness and Child Find System*

- **Not ensuring a coordinated child find system and not ensuring that public awareness materials were made available to the public (34 CFR §303.321(a)-(c)).**

This area of noncompliance is addressed in the Agreement. OSEP responded to the first year quarterly report submissions in a letter dated July 5, 2005 and noted that the State has made progress in this area.

#### *Family Centered Services*

On pages 18-19 of the FFY 2003 APR, the State included data regarding performance in this area. DHEC reported the following baseline information: (1) maintaining collaboration with the Parent Training and Information Center to address parent education needs; (2) establishing statewide parent-to parent support networks; and (3) requiring parent participation in interagency monitoring of the early intervention system.

DHEC reported in the September 2004 Agreement quarterly report submission to OSEP that it completed the following activities to improve performance: (1) provided statewide service coordination, Individualized Family Service Plans (IFSPs), and family-directed assessment training for all service coordinators, including other public agencies and private contractors providing Part C services; (2) conducted statewide parent update meetings; (3) revised the role of a family support agency to include child find responsibilities; (4) coordinated statewide training activities related to transition and service coordination with the Parent Training and Information Center; and (5) the State Interagency Coordinating Council adopted seven Family Centered Services Principles. OSEP appreciates the State's work in this area.

### *Early Intervention Services in Natural Environments*

#### Service coordination

On page 24 of the FFY 2003 APR, the State included projected targets and activities to achieve results for the next reporting period (July 1, 2004-June 30, 2005) and ongoing. DHEC reported that it planned to expand statewide capacity for service coordination through collaboration with its interagency partners.

DHEC reported in the September 2004 Agreement quarterly report submission that it completed the following activities to improve performance and to ensure that all families had access to a service coordinator that facilitates ongoing, timely, early intervention services in natural environments: (1) provided additional funding to the South Carolina School for the Deaf and Blind to expand its service coordination options; and (2) provided statewide service coordination, IFSP, and family assessment training for all service coordinators. OSEP appreciates the State's effort in this area.

#### Evaluation and identification of needs and individualized family service plans (IFSPs)

- **Not ensuring multi-disciplinary evaluations and assessments of all infants and toddlers were conducted in all five required developmental areas (34 CFR §§303.322(a)(1) and 303.322(c)(3)(ii)); not ensuring evaluations and assessments were completed within the 45-day timeline from referral to convening the initial IFSP meeting (34 CFR §§303.321(e)(2), 303.322(e)(1) 303.342(a)); parents and infants and toddlers were on waiting lists for services; not ensuring a family-directed identification of the needs of each child's family to assist in the development of the child, was conducted (34 CFR §303.322(a)(1)).**

These areas of noncompliance are addressed in the Agreement. OSEP responded to the first year quarterly report submissions in a letter dated July 5, 2005 and noted that although the State had made progress in the 45-day timeline, it had yet to collect data to demonstrate its progress in the areas of IFSP service provision and needed services being identified on the IFSP.

#### Natural environments

OSEP did not identify noncompliance in this area in the FFY 2002 APR. On pages 26-27 of the FFY 2003 APR, DHEC reported on its strategies to improve its performance and ensure compliance in the provision of services in natural environments including: (1) convening an interagency finance workgroup to evaluate funding strategies to support services in natural environments; and (2) developing and implementing technical assistance materials and training for parents and providers.

DHEC reported in the September 2004 Agreement quarterly report submission, the following strategies to ensure the provision of appropriate early intervention services in natural environments and informal supports to meet the unique needs of infants and toddlers and their families: (1) conducted statewide training on the provision of services in natural environments

for 50 providers; and (2) implemented a new IFSP procedure which includes a justification form when services are not included in the natural environment. OSEP looks forward to reviewing the State's data in this area in the SPP.

#### Early childhood outcomes

OSEP's September 2004 letter directed the State to submit either responsive data, or the State's plan on how it will collect the data (whether through sampling, monitoring, individual IFSP review, or other methods) in the FFY 2003 APR. On pages 24-27 of the FFY 2003 APR, the State provided data and information as follows: (1) child file audits regarding services provided, indicated that IFSP outcomes were addressed 78% of the time and site visit data indicated 70% of the time; (2) documentation of progress towards outcomes on IFSPs were addressed 86% of the time and 82% of the time in site visits; and (3) family survey data indicated that families believed their service providers helped them understand the supports and services that led to IFSP outcomes. DHEC reported that the data demonstrated a need for improvement in documenting the results of services in relation to IFSP outcomes. In preparing the SPP, the State must determine whether data collected related to this area and plans to collect additional data will be responsive to those requirements. OSEP looks forward to the State's response to this indicator.

#### *Early Childhood Transition*

- **Not ensuring timely and content appropriate transition planning including transition meetings for children who are transitioning from Part C services (34 CFR §303.148(b)(2)(i)(ii)).**

This area of noncompliance is addressed in the Agreement. OSEP responded to the first year quarterly report submissions in a letter dated July 5, 2005 and noted that the State has yet to collect data responsive to these requirements and approved the proposed transition data to be submitted by the State in its second year under the Compliance Agreement.

This is an indicator in the SPP under section 616 that is due December 2, 2005. In preparation for the submission of the SPP on December 2, 2005, the State should carefully consider its current data collection against the requirements related to this indicator in the SPP packet to ensure that data will be responsive to those requirements. The State must submit responsive baseline data regarding the percentage of children referred by Part C prior to age 3 and who are found eligible for Part B and receive special education and related services by their third birthday in the SPP. The absence of baseline data in this area will be considered in OSEP's decision about approval of the State's SPP.

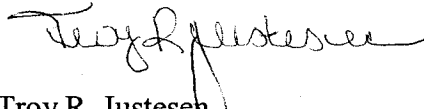
#### *Conclusion*

IDEA 2004, Section 616, requires each State to submit a SPP that measures performance on monitoring priorities and indicators established by the Department. These priorities and indicators will be, for the most part, similar to clusters and probes in the APR. OSEP encourages

the State to carefully consider the comments in this letter as it prepares its SPP, due December 2, 2005.

OSEP recognizes that the APR and its related activities represent only a portion of the work in your State and we look forward to collaborating with you as you continue to improve results for infants and toddlers with disabilities and their families. If you have questions, please contact Jacquelyn Twining-Martin at (202) 245-7558.

Sincerely,

A handwritten signature in cursive script, appearing to read "Troy R. Justesen".

Troy R. Justesen  
Acting Director  
Office of Special Education Programs

cc: Ms. Cheryl Waller  
Acting Part C Coordinator