



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

MAR 28 2006

Dear Commissioner Hunter:

Thank you for your timely submission of South Carolina's State Performance Plan (SPP) for review under Part C of the Individuals with Disabilities Education Act (IDEA). Section 616(b) requires States to submit, within one year after the date of enactment of the reauthorized IDEA, an SPP that evaluates the State's efforts to implement the requirements and purposes of IDEA and describes how the State will improve implementation. We appreciate the State's efforts in preparing the SPP under a short timeline and in the face of many other competing priorities. In the SPPs, due by December 2, 2005, States were to include: (1) baseline data that reflect the State's efforts to implement Part C of the IDEA; (2) measurable and rigorous targets for the next six years for each of the indicators established by the Secretary in the priority areas under section 616(a) of the IDEA; and (3) activities the State will undertake to improve implementation of Part C.

The Office of Special Education Programs (OSEP) is pleased to inform you that your SPP under Part C meets the requirements of section 616(b) to include measurable and rigorous targets and improvement activities. The State included a variety of detailed activities with timelines and resources designed to improve performance and, where applicable, compliance, with each of the indicators. The activities appear to be designed to impact performance and compliance and assist the State in meeting the established targets. The State must make its SPP available through public means, including posting on the State lead agency's website, distribution to the media, and distribution through public agencies. (Section 616(b)(2)(C)(ii)(I))

Under section 616(b)(2)(C)(ii)(II), the State must annually report to OSEP on its performance under the SPP. The State's first Annual Performance Report (APR) on its progress in meeting its targets is due to OSEP by February 1, 2007. Attached to this letter you will find Table A that addresses issues identified during our review of the SPP that – while not requiring disapproval of your plan – will affect our annual determination of State performance and compliance based on data presented in the State's APR. As a result, your State needs to provide additional information as part of its February 2007 APR submission.

Under its September 9, 2003 Compliance Agreement with the U.S. Department of Education, the Department of Health and Environmental Control (DHEC) submitted its ninth quarterly report on February 6, 2006. OSEP is commenting on DHEC's SPP and responding to the February 2006 quarterly report. Table B includes OSEP's analysis of DHEC's February 2006 quarterly report submission and SPP indicators 1, 5, 6, 7, 8 and 9, as they relate to the requirements of the Compliance Agreement. OSEP looks forward to receiving, and will respond separately to, DHEC's remaining quarterly reports under the Compliance Agreement (due March 31, 2006, June 30, 2006 and a final progress report September 30, 2006).


The State's Interagency Coordinating Council (ICC) had the option of using the State's SPP as the ICC's Annual Performance Report under section 641(e)(1)(D) for FFY 2004. However, South Carolina's ICC did not submit a certification with South Carolina's Part C SPP submitted by DHEC. State annual performance reports are due within 90 days of the end of the Federal fiscal year under IDEA section 641(e)(1)(D) and 34 CFR §§76.720 and 80.40. Therefore, the State ICC must submit its FFY 2004 Annual Performance Report to OSEP as soon as possible.

In addition to reporting to OSEP, the State must report annually to the public on the performance of each early intervention service (EIS) program located in the State on the targets in the State's performance plan. (Section 616(b)(2)(C)(ii)(I)) The requirement for public reporting on EIS program performance is a critical provision related to ensuring accountability and focusing on improved results for infants and toddlers with disabilities. OSEP will be providing technical assistance regarding the reporting on EIS program performance at the National Accountability Conference, September 18 and 19, 2006 in Denver and through periodic technical assistance conference calls.

We hope that your State found the August 5, 2005 guidance on submission of the SPPs and the technical assistance that we provided through the August 11-12, 2005 Summer Institute, periodic conference calls, and the SPP Resources website helpful in this endeavor. If you have any feedback on our past technical assistance efforts or the needs of States for guidance, we would be happy to hear from you as we work to develop further mechanisms to support State improvement activities.

Thank you for your continued work to improve results for infants and toddlers with disabilities and their families. We encourage you to work closely with your State Contact as you proceed in implementing improvement activities and developing your APR. If you have any questions regarding the SPP or the APR, please contact Mary Louise Dirrigl at 202-245-7324.

Sincerely,



Troy R. Justesen
Acting Director
Office of Special Education
Programs

Enclosures

Table A

Table B

cc: Cheryl Waller
Part C Coordinator
Norma Donaldon-Jenkins,
State ICC Chair