



**STATE OF SOUTH CAROLINA**  
**DEPARTMENT OF EDUCATION**

**MOLLY M. SPEARMAN**  
*STATE SUPERINTENDENT OF EDUCATION*

**MEMORANDUM**

**TO:** Special Education Directors

**FROM:** Rebecca Davis, Director  
Office of Special Education Services  
Division of Federal Programs, Accountability & School Improvement

**DATE:** June 2021

**RE:** Pine Grove

The Office of Special Education Services (OSSES) continues to receive questions regarding services to students at Pine Grove Opco, LLC (Pine Grove). Pine Grove operates its educational program as a private school.

Please be reminded that anytime a student with a disability is referred to or placed in a private school by his or her school district or a state agency, there is a continuing obligation by the home school district to ensure that the student receives a free appropriate public education (FAPE). The responsibility does not rest solely with Pine Grove, and although Pine Grove is located within its territorial jurisdiction, the responsibility does not transfer to the Kershaw County School District. Pine Grove is not covered under the Proviso for Educational Responsibility/Foster Care, and is not covered under the Residential Treatment Facility Proviso. Pine Grove is a private school with public placements. Therefore, students with disabilities referred to or placed in the school by either the home school district or a state agency remain the responsibility of the home school district.

The home school district must collaborate with personnel at Pine Grove to ensure compliance with all of the requirements set forth in the Individuals with Disabilities Education Act (IDEA). This includes the following requirements:

- Adhering to procedural safeguards, including the training and assignment of qualified surrogate parents. Note: A surrogate parent can NOT be an employee of the local educational agency (LEA), the Department of Social Services (DSS), the Department of

Disabilities and Special Needs (DDSN), Pine Grove, or any other agency responsible for the care and custody of the student. 34 C.F.R. § 300.519

- Ensuring that all students with disabilities are served by appropriately certified teachers.
- Ensuring that all evaluations and reevaluations are completed in a timely manner.
- Ensuring that all students are appropriately assessed through the South Carolina College- and Career-Ready, South Carolina Palmetto Assessments of State Standards, and the End-of-Course Examination Program.
- Developing and implementing individualized education programs (IEPs) in a manner that meets all of the IEP procedural requirements, including:
  - Participating in all IEP meetings;
  - Adhering to the South Carolina curriculum standards;
  - Ensuring the provision of transition services;
  - Ensuring the provision of related services including assistive technology and devices; and
  - Ensuring that extended school year services are provided, if appropriate.

In addition to the IDEA, school districts must follow all federal and state requirements for students with disabilities. This includes requirements in the following:

- Americans with Disabilities Act;
- Section 504 of the Rehabilitation Act of 1973;
- Family Educational Rights and Privacy Act;
- Every Student Succeeds Act;
- South Carolina state statutes and State Board of Education regulations;
- State policies and procedures; and
- District policies and procedures.

If a school district disagrees with the appropriateness of a student's placement by a state agency, attempts should be made to resolve the matter with the placing state agency and Pine Grove. If the parties are unable to reach an agreement, the request for resolution should be submitted to South Carolina Department of Education (SCDE) for resolution referral to the Department of Children's Advocacy.

[Applications](#) for cost-share reimbursement from the SCDE can be found on the OSES website under Fiscal and Grants Management. The OSES will monitor the implementation of a FAPE for students placed at Pine Grove. If questions, concerns, or issues of noncompliance arise relative to a student with a disability referred to or placed at Pine Grove by a school district or a state agency, the OSES will address the matter with both Pine Grove and the home school district.

Please contact our office at 803-734-8224 if you have questions. Thank you for all you do for students with disabilities.

Executive Director, Pine Grove  
State agencies placing students at Pine Grove