



STATE OF SOUTH CAROLINA DEPARTMENT OF EDUCATION

Mick Zais
Superintendent

1429 Senate Street
Columbia, South Carolina 29201

MEMORANDUM OEC 13-02

TO: District Superintendents
Coordinators of Programs for Students with Disabilities

FROM: Cathy Boshamer
Director, Office of Exceptional Children

DATE: February 14, 2013

RE: Pine Grove

The Office of Exceptional Children (OEC) continues to receive questions regarding services to students at Pine Grove, Inc. (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 Proviso 1.8, which deals with group homes, and is not covered under Proviso 1.61, which deals with residential treatment facilities. 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.
- Ensuring that all students with disabilities are served by appropriately certified and highly qualified teachers.
- Ensuring that all evaluations and reevaluations are completed in a timely manner.
- Ensuring that all students are appropriately assessed through the Palmetto Assessment of State Standards (PASS) and the High School Assessment Program (HSAP).



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- 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.
 - Ensuring that extended school year (ESY) 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:

- Americans with Disabilities Act (ADA),
- Section 504 of the Rehabilitation Act of 1973 (Section 504),
- Family Education Rights and Privacy Act (FERPA),
- Elementary and Secondary Education Act (ESEA),
- 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, resolution should be sought through the Children's Case Resolution System (CCRS). Referrals to CCRS can be made by either the school district or the placing state agency.

Applications for cost-share reimbursement from the SCDE are available in accordance with State Board of Education regulations. The application for a cost-share can be found on the SCDE Web site at <http://ed.sc.gov/agency/programs-services/173/documents/FinancialAidGrantApplication2008.pdf>. The OEC will monitor the implementation of a FAPE for all 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 OEC 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.

CB/mb

c: David Perhach, President, Pine Grove
State Agencies Placing Students at Pine Grove