UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

September 5, 2014

Honorable Mitchell M. Zais
Superintendent of Education
South Carolina State Department of Education
1429 Senate St., Room 1006
Columbia, SC 29201-3799

Dear Superintendent Zais:

I am writing to advise you of the U. S. Department of Education's (Department) 2014 determination under section 616 of the Individuals with Disabilities Education Act (IDEA). The Department has determined that South Carolina needs assistance in implementing the requirements of Part B of the IDEA. This determination is based on the totality of the State's data and information, including the Federal fiscal year (FFY) 2012 Annual Performance Plan (APR) and revised State Performance Plan (SPP), other State-reported data, and other publicly available information.

As you know, the Office of Special Education Programs (OSEP) is implementing a revised accountability framework designed to more directly support States in improving results for infants, toddlers, children and youth with disabilities, and their families. Section 616(a)(2) of the IDEA requires that the primary focus of IDEA monitoring be on improving educational results and functional outcomes for children with disabilities, and ensuring that States meet the IDEA program requirements.

OSEP's previous accountability system placed a heavy emphasis on compliance and we have seen an improvement in States' compliance over the past seven years of IDEA determinations. OSEP's new accountability framework, called Results Driven Accountability (RDA), brings into focus the educational results and functional outcomes for children with disabilities while balancing those results with the compliance requirements of IDEA. Protecting the rights of children with disabilities and their families is a key responsibility of State educational agencies (SEAs) and local educational agencies (LEAs), but it is not sufficient if children are not attaining the knowledge and skills necessary to achieve the goals of IDEA as reflected in Congressional findings in section 601(c)(1) of the IDEA Improvement Act of 2004: equality of opportunity, full participation, independent living, and economic self-sufficiency.

From the start, OSEP committed to several key principles to guide the development of a new accountability framework, including transparency, stakeholder involvement, and burden reduction. In keeping with these principles, over the past two years we have solicited input from stakeholders on multiple occasions and published a new SPP/APR for FFYs 2013 through 2018. The revised SPP/APR significantly reduces data collection and reporting burden by States, and shifts the focus to improving educational results and functional outcomes for children with disabilities by requiring each State to develop and implement a State Systemic Improvement Plan (SSIP).

The Department is committed to supporting States in the development and implementation of the SSIP which is designed to improve results for all children, including children with disabilities, and is investing significant resources toward that commitment. OSEP is implementing a system of differentiated monitoring and support, using data on performance (i.e., results data) and other information about a State to determine the appropriate intensity, focus, and nature of the oversight and support that each State will receive as part of RDA. OSEP's technical assistance network will be a key component of differentiated support to States and, through States, to local programs. We believe that only through a coordinated effort across the education system will we positively affect the school and life trajectories of children with disabilities.

In making determinations in 2013, the Department used a compliance matrix that included compliance data on multiple factors, thereby allowing us to consider the totality of a State's compliance data. In the 2013 determination letters, OSEP informed States that it would use results data when making determinations in 2014. OSEP published a Request for Information to solicit comments regarding how results data could be used in making IDEA determinations in 2014 and beyond, and has carefully reviewed these comments in deciding how to use results data in making determinations in 2014.

Your State's 2014 determination is based on the data reflected in the State's "2014 Part B Compliance Matrix" and "2014 Results Driven Accountability Matrix." Enclosed with this determination letter are the following: (1) the State's "2014 Part B Compliance Matrix" and "2014 Results Driven Accountability Matrix;" (2) a document entitled "How the Department Made Determinations under Section 616(d) of the Individuals with Disabilities Education Act in 2014: Part B," which provides a detailed description of how OSEP evaluated States' data using the Compliance and RDA Matrices; (3) your State's FFY 2012 Response Table, which provides OSEP's analysis of the State's FFY 2012 APR and revised SPP; and (4) a Data Display, which presents certain State-reported data in a transparent, user-friendly manner. The Data Display will be posted on OSEP's Web site and will be helpful for the public in getting a broader picture of State performance in key areas.

For the 2014 determinations, the Department is using results data on the participation of children with disabilities on regular Statewide assessments; the proficiency gap between children with disabilities and all children on regular Statewide assessments; and the performance of children with disabilities on the National Assessment of Educational Progress (NAEP). At this time, we can meaningfully use data on the participation rate, and proficiency gap, on regular Statewide assessments. We plan to measure growth in the proficiency of children with disabilities when States have transitioned to college- and career- ready standards and assessments. In the interim, we are using data from NAEP on the performance of children with disabilities, which provide a consistent and fair benchmark for performance of children across all States. In the future, OSEP plans to use only regular Statewide assessment data, rather than NAEP data, for annual determinations, including data on the growth in proficiency of children with disabilities on Statewide assessments.

As noted above, the State's 2014 determination is Needs Assistance. A State's 2014 RDA Determination is Needs Assistance if the RDA Percentage is at least 60% but less than 80%. A State would also be Needs Assistance if its RDA Determination percentage is 80% or above, but the Department has imposed Special Conditions on the State's last three (FFYs 2011, 2012, and 2013) IDEA Part B grant awards, and those Special Conditions are in effect at the time of the 2014 determination.

As a reminder, your State must report annually to the public on the performance of each LEA located in the State on the targets in the SPP as soon as practicable, but no later than 120 days after the State's submission of its FFY 2012 APR. In addition, your State must: (1) review LEA performance against targets in the State's SPP; (2) determine if each LEA "meets the requirements" of Part B, or "needs assistance," "needs intervention," or "needs substantial intervention" in implementing Part B of the IDEA; (3) take appropriate enforcement action; and (4) inform each LEA of its determination. Finally, please ensure that your APR, updated SPP, and report on the performance of each LEA located in the State on the targets in the SPP are posted on the SEA's Web site and made available to the public.

OSEP appreciates the State's efforts to improve results for children and youth with disabilities and looks forward to working with your State over the next year as we continue our important work of improving the lives of children with disabilities and their families. If you have any questions, would like to discuss this further, or want to request technical assistance, please contact Robert MacGillivray, your OSEP State Contact, at 202-245-7433.

Sincerely,

Melody Musgrove, Ed.D
Director
Office of Special Education Programs

Enclosures

cc: State Director of Special Education