

STATE OF SOUTH CAROLINA
DEPARTMENT OF EDUCATION

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STATE SUPERINTENDENT OF EDUCATION



General Supervision Guide

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Section One: Overview

This document contains a description of what state general supervision of the Individuals with Disabilities Education Act (IDEA) entails, federal requirements specific to a state's general supervision system, and how South Carolina interconnects the required components into a cohesive approach for ensuring compliance with state and federal requirements. When a general supervision system is well defined and fully implemented, the outcome is improved access, equity, and opportunity for students with disabilities. This guide defines the components of the system, describes how it meets federal and South Carolina requirements concerning students with disabilities, outlines ongoing efforts to strengthen the system, and identifies state priorities. To be an effective general supervision system, the components must connect, interact, articulate, and inform each other.

There are eight components in South Carolina's general supervision plan:

- State Performance Plan and Annual Performance Report
- Policies, Procedures, and Implementation
- Data, LEA Determinations, and Tiered Support
- Integrated Monitoring Activities
- Technical Assistance and Professional Development
- Dispute Resolution
- Correction, Incentives, and Sanctions
- Fiscal Management

The following sections outline South Carolina's General Supervision System. The general supervision system is designed so that the South Carolina Department of Education (SCDE), Office of Special Education Services (OSES) is able provide consistent, collaborative, proactive direction and support by using data-based decision making, that leverages Evidence-Based Practices (EBPs), family and community engagement and fidelity of implementation so that local education agencies (LEAs) will have the infrastructure, capacity, and sustainability to provide students with disabilities equitable access and opportunity to meet the profile of the South Carolina graduate (world-class knowledge, world-class skills, and life and career characteristics).

Section Two: State Performance Plan and Annual Performance Report

The IDEA requires each state to develop a state performance plan/annual performance report (SPP/APR) that evaluates the state's efforts to implement the requirements and purposes of the IDEA and describes how the state will improve its implementation.

The state must have policies and procedures to monitor LEAs compliance with requirements in the IDEA. Further, the state must use quantifiable indicators to adequately measure performance in priority areas. The current federal priority areas include:

1. The provision on FAPE in the least restrictive environment.
2. The state's general supervision system and effective monitoring of
 - Child Find
 - Resolution meetings

- Mediation
 - Transition services system
3. Disproportionate representation of racial and ethnic groups in special education, when representation is the result of inappropriate identification. (§300.600)

The SPP/APR includes 18 indicators that measure both child and family outcomes as well as indicators that measure compliance with the requirements of the IDEA. A state is required to submit a state performance plan (SPP) at least every six years. Each year the state must report in its APR the progress it has made in meeting the measurable and rigorous targets established in its SPP.

Targets are set for certain priority areas and indicators. The targets set are related to:

- disproportionality
- evaluation timelines
- early childhood transition
- secondary transition
- correction of noncompliance
- state complaint timelines
- due process timelines
- academics

The United States Department of Education, Office of Special Education Programs (OSEP) requires that stakeholders be actively involved in all aspects of the SPP. The SPP is the blueprint for systems change and the development and implementation of the SPP should lead to improved results. The South Carolina Advisory Council for Educating Students with Disabilities (ACESD), LEA Special Education Directors, and parent and community members through meetings, webinars, and surveys have contributed input to this process.

You can find the most recent SPP/APR on the OSES' website using the following link:
<https://sites.ed.gov/idea/files/SC-aprtr-2023b.pdf>

The federal requirements for the State Performance Plan (SPP) can be found in the following IDEA regulations:

- 34 CFR §§76.720 and 80.40 Annual performance reports (APRs)
- 34 CFR §300.157 Performance goals and indicators
- 34 CFR §300.601 SPP
- 34 CFR §300.600 (c) and (d) Monitoring and enforcement
- 34 CFR §300.602 Targets and reporting

Section Three: Policies, Procedures, and Effective Implementation

The OSES has developed policies and procedures based not only on required compliance components, but also on evidence-based practices designed to improve outcomes. The [Special Education Process Guide](#) for South Carolina is aligned with federal and state regulations and provides state guidance for special education processes. The [Standards for Evaluations and](#)

[Eligibility Determinations](#) (SEED) provides state guidance for determining eligibility under the IDEA. Policies and procedures related to our cyclic program review process may be found on our webpage [Program Review - OSES \(sc.gov\)](#). Procedures related to the use of the state's online data collection system and individual education program (IEP), EdPlanSC are available within the system and provide eligibility worksheets, functional behavioral assessment/behavior intervention plan (FBA/BIP) guides, tutorials, and user guides that assist users in navigating processes in the electronic data collection and IEP documentation system.

South Carolina ensures LEAs implementation of procedural safeguards through its dispute resolution processes, program review process, targeted reviews, and through monitoring of the compliance indicators (4, 9, 10, 11, 12 and 13). These processes help the OSES to ensure that children with disabilities and their families are afforded the appropriate protections under the IDEA. These processes are explained in more detail in the following sections.

The South Carolina Department of Education, through its ESSA plan, has set goals for improving student performance for all students and for each student group including students with disabilities. South Carolina's ESSA plan is designed to be fair and to not marginalize any given student population as well as promoting a positive and supportive school environment focused on supporting all students and keeping them in the classroom. The OSES is working closely with the Office of School Transformation (OST) in approving appropriate use of funding for additional targeted support and improvement schools (ATSI) when the area of need is special education students.

The OSES conducts virtual information sessions for district special education administrators approximately 20 times a year. These sessions are recorded for those who cannot attend and those recordings and any handouts related to the sessions are posted on a shared document link. Sessions provide districts a variety of information such as: updates and reminders on technical assistance provided by our SCTeams technical assistance network, submission deadlines for data reporting, changes and/or updates to state policies and procedures, updates and clarification on state memos and federal guidance, updates on regulations that are pending through the regulation process, as well as information from other state agencies regarding services and trainings that can be provided to students or staff in the LEAs.

The OSES also issues [memos](#) to LEAs in response to LEAs requesting written clarification for issues related to IDEA. Memos can also be issued due to several LEAs seeking guidance on a similar topic or issue, notification of changes in processes or procedures within OSES, and additional information and clarification regarding memos issued by the South Carolina Department of Education (SCDE) and how that particular guidance impacts special education students.

The OSES updates existing State regulations and guidance documents to align with federal guidance and current research and practices (e.g., state criteria for special education eligibility, restraint and seclusion guide, etc.). The OSES will also develop new guidance documents based on LEA feedback as well as new regulations to implement state legislation (e.g., minimum standards for educational interpreters). Before any existing regulation or guidance documents are updated or new regulation is added to the South Carolina Code of Regulations, OSES establishes

a stakeholder group to provide feedback. Stakeholder feedback is critical to understanding the needs of the LEAs, students, and parents. The OSES works closely with the Office of General Council and the Office of Governmental Relations to ensure that regulations are meeting all legal requirements, paperwork is submitted appropriately, documents are posted publicly, and that the public has the opportunity to make comments in writing as well as in person during a public hearing.

The federal requirements for policies, procedures, and effective implementation can be found in the following IDEA regulations:

- 20 U.S.C. §1232d(b)(1) Program administered in accordance with rules
- 20 U.S.C. §1232e(b)(1) local educational agency (LEA) administers program in accordance with rules
- 34 CFR §76.700 Compliance with statutes
- 34 CFR §300.100 State policies and procedures (state plan)
- 34 CFR §300.154 Methods of ensuring services
- 34 CFR §§300.200-300.201 LEA policies and procedures

Section Four: Data on Processes and Results

The OSES is tasked by the OSEP to gather and verify data on special education processes and outcomes. OSES ensures that relevant data is collected, analyzed, and reported to inform decision-making. Under the IDEA, states must annually report to the public the progress of all local education agencies (LEAs) against state targets. This is done through the APR, which details the state's progress through the SPP indicators and whether the state met the rigorous targets established in the SPP.

States are required to publicly report their SPP and APR and to disclose each LEA's performance on the special education indicators outlined in these reports. OSES has created [Special Education LEA Profiles](#) summarizing the indicators data for each LEA. These indicators collectively compare each LEA's performance against the state's targets for educational programs for students with disabilities. Individually, the indicators help identify areas needing improvement and measure(s) progress towards the goals set in the SPP. Each indicator includes the source of the data used, regulatory citations, the date the data were obtained, and whether the LEA met or exceeded the state targets.

Section 618 of IDEA requires states to submit data on infants and toddlers receiving early-intervention services under Part C of IDEA, and children with disabilities receiving special education and related services under Part B. OSES is responsible for reporting data under Part B. Additionally, OSES must annually complete a dispute resolution survey, providing the U.S. Department of Education (ED) with information on occurrences of written signed complaints, mediation requests, and due process complaints.

[LEA determinations](#) are another means of data reporting. IDEA Part B regulations at 34 CFR §§300.600(c) and 300.603 mandate that state educational agencies (SEAs) make annual determinations about the performance of each LEA. In making these determinations, the SCDE considers information collected for SPP/APR reporting through onsite program and fiscal

monitoring visits, record reviews, database reviews, fiscal audits, dispute resolution processes, and other available information. OSES also considers the timely correction of noncompliance when making LEA determinations.

South Carolina’s IDEA Results Driven Accountability (RDA) Annual Determinations System for Local Education Agencies (LEAs)

The OSES revised its determinations in 2023 (FFY 2021), and now utilizes nine compliance factors and nine performance factors for annual determinations for LEAs.

Compliance Factors	Performance Factors
<ol style="list-style-type: none"> 1. Data 2. Finance 3. Post-Secondary Planning & Services (Indicator 13) 4. Timely Corrections of Non-Compliance 5. 60 Day Timeline (Indicator 11) 6. C to B Transition (Indicator 12) 7. Students with Disabilities (SWD) Suspension Rate >10 Days by Race/Ethnicity (Indicator 4B) 8. Disproportionate Representation (Indicator 9) 9. Disproportionate Representation by Race/Ethnicity and Disability (Indicator 10) 	<ol style="list-style-type: none"> 1. Graduation Rate 2. ELA Assessment 4th grade (Indicator 3B&C) 3. ELA Assessment 8th grade (Indicator 3B&C) 4. Math Assessment 4th grade (Indicator 3B&C) 5. Math Assessment 8th grade (Indicator 3B&C) 6. School Aged LRE 7. Early Childhood COS Completion 8. Discipline 9. Career Readiness
(0–2 points)	0 – 3 points for PF 1, 6, 7, 8, and 9 0 – 1.5 points for PF 2, 3, 4, and 5
<p>2 points: No findings of non-compliance</p> <p>1 point: Findings of non-compliance in the current year</p> <p>0 points: Two or more consecutive years of findings of non-compliance</p>	<p>3 or 1.5 points: Meets or exceeds current state target</p> <p>2 or 1 point: Meets or exceeds prior year’s state performance</p> <p>1 or 0.5 point: Does not meet prior year’s state performance but improved since last year</p> <p>0 points: Does not meet prior year’s state performance and did not improve</p>

Performance Factor Calculations:

Performance Factors (2022-23)	Data Source	Numerator	Denominator
Performance Factor 1: Graduation Rate	Table 4 Exiting	Total number of children with IEPs who Graduated with High School Diploma	Total number of children with IEPs who Graduated with a regular HS Diploma, received a Certificate/SC HS Credential, Reached Maximum Age, or Dropped Out
Performance Factor 2: 4th Grade ELA Assessment	Assessment	Total number of children with IEPs who scored at or above Proficiency (Regular & Alternate Assessment) Scores	Total number of 4th grade children with IEPs with valid proficient Regular & Alternate Assessment Scores
Performance Factor 3: 8th Grade ELA Assessment	Assessment	Total number of children with IEPs who scored at or above Proficiency against grade level (Regular & Alternate Assessment)	Total number of 8th grade children with IEPs with valid proficient Regular & Alternate Assessment Scores
Performance Factor 4: 4th Grade Math Assessment	Assessment	Total number of children with IEPs who scored at or above Proficiency against grade level (Regular & Alternate Assessment)	Total number of 4th grade children with IEPs with valid proficient Regular & Alternate Assessment Scores
Performance Factor 5: 8th Grade Math Assessment	Assessment	Total number of children with IEPs who scored at or above Proficiency against grade level (Regular & Alternate Assessment)	Total number of 8th grade children with IEPs with valid proficient Regular & Alternate Assessment Scores
Performance Factor 6: School Aged LRE	Child Count	Total number of children with IEPs aged 5 who are enrolled in kindergarten and aged 6 through 21 served inside the regular class 80% or more of the day	Total number of students aged 5 who are enrolled in kindergarten and aged 6 through 21 on child count
Performance Factor 7: Early Childhood COS Completion	Child Count	Total number of children with a IEPs with both COS Entry & Exit Scores	Total number of children with IEPs with COS Entry & Exit Scores

Performance Factor 8: SWD Suspensions*	Table 5 Discipline & Child Count	Total number of children with IEPs and at least 1 day Out of School Suspension (OSS)	Total number of children with IEPs ages 3 - 21 on child count
Performance Factor 9: Career Readiness	CATE/ORDA	Total number of children with IEPs are Career Ready (**See Below)	Total number of children with IEPs in the graduation cohort
Bonus Points	Indicator 14	One bonus point will be included for LEAs opting in to collect Indicator 14 survey results at a 50% or higher return rate.	One point is included in all determinations
Total Points		Total number of compliance points and performance points received	Divided by Forty

*Meeting or exceeding means BELOW the state target and state data.

** Career Readiness Areas

1. Is a CTE completer and earns a national or state industry credential as determined by the business community; or
2. Earns a Silver, Gold or Platinum National Career Readiness Certificate on the state-approved career readiness assessment; or
3. Earns a scale score of 31 or higher on the ASVAB; or
4. Successfully completes a state-approved work-based learning program
5. SC High School Employability Credential

Final scoring is calculated in percentages by adding the total number of compliance points and performance points the LEA has received and dividing by Forty, which is the maximum number of points possible. 1 bonus point is included in all determinations for Indicator 14, and 1 additional point will be included for LEAs opting in to collect Indicator 14 survey results who obtain a 50% or higher return rate. LEA determinations are posted to the OSES website.

Pursuant to the IDEA, each LEA determination will indicate a level of assistance required for the LEA

- Meets the requirements and purposes of IDEA (Tier 1);
- Needs assistance in implementing the requirements of IDEA (Tier 2);
- Needs intervention in implementing the requirements of IDEA (Tier 3); or
- Needs substantial intervention in implementing the requirements of IDEA (Tier 4).

LEAs are tiered according to the results of their LEA determinations using the following rubric.

Tiers:		Total Possible Points: 40
Tier 1	Meets Requirements (MR)	32 points and above (80% and above)
Tier 2	Needs Assistance (NA)	24 – 31 points (60 – 79.99%)
Tier 3	Needs Intervention (NI)	12 – 23 points (30 – 59.99%)

Tier 4	Needs Substantial Intervention (NSI)	0 – 11 points (0 – 29.99%)
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Technical assistance aligned to the tiers identified above are defined in four levels.

Technical Assistance Level	LEA Required Actions	Available Support
Universal Technical Assistance (Meets Requirements)	<p>“0” Points Plans</p> <p>If an LEA receives 0 points for any single performance factor, the LEA will receive technical assistance in that specific area.</p>	<p>LEAs will have access to the following universal supports:</p> <ul style="list-style-type: none"> • vetted resources (electronic and otherwise); • on-line PD (Professional Development) courses to earn CEU’s; • technical assistance calls; • guidance documents produced by the SEA; • LEA information sessions for directors for updates and collaboration • new director's leadership academy; • and events and universal technical assistance provided by SC TEAMS
Targeted Technical Assistance (Needs Assistance)	<p>Each LEA will be provided with the OSES LEA Determinations Data Analysis Report (LEADDAR).</p> <p>This report will support each LEA as they conduct a data analysis to identify areas of need and prepare a summary report of the analysis and any steps that the LEA has already taken to address the areas of need.</p> <p>Each LEA will be required to submit the report to OSES two times throughout the school year to identify how the LEA is addressing each area of need.</p>	<p>LEAs will have access to all universal supports listed above and to targeted supports based on the LEADDAR.</p>
Intensive Technical Assistance (Needs Intervention)	<p>OSES will work with each LEA to conduct the OSES LEA Determinations Data Analysis Report (LEADDAR) to identify areas of need. (See specifics above.)</p> <p>LEAs will receive intensive technical assistance based on the LEADDAR.</p>	<p>LEAs will have access to all universal supports listed above.</p> <p>LEAs will have early bird registration for identified OSES PD opportunities.</p>

	<p>OSES and SC TEAMS will work with each LEA to develop a district improvement process plan, using the District Improvement Process (DIP) Toolkit, that targets the identified areas of need and sets forth required technical assistance and action steps.</p> <p>SC TEAMS will work with each LEA to implement the improvement plan.</p> <p>As part of an improvement plan an LEA may be required to attend identified OSES sponsored PD opportunities aligned to targeted areas of support.</p> <p>LEAs may have funds withheld, funds redirected or receive oversight of special education funds, if the LEA has remained in the Intensive Technical Assistance (Needs Intervention) tier for 3 or more consecutive years.</p>	
<p>Critical Technical Assistance (Needs Substantial Intervention)</p>	<p><i>Each LEA will be required to complete the intensive support requirements described above.</i></p> <p>As part of an improvement plan an LEA will be required to attend identified OSES sponsored PD opportunities aligned to targeted areas of support.</p> <p>OSES will conduct a risk review using a risk rubric for each LEA to determine whether an immediate program review is necessary.</p> <p>LEAs will have funds withheld, redirected, or accept oversight of all special education funds to support improvements and targeted areas of support.</p>	<p>LEAs will have access to all universal supports listed above.</p>

This tiered system connects support provided by OSES and the OSES technical assistance agencies (SC Teams) to improve outcomes for students with disabilities. More information about SC Teams can be found at <https://scteams.org/about/>. The *LEA Determinations Data Analysis Report (LEADDAR)* assists LEAs in looking at the individual compliance and performance

factors with suggested additional key data points and probing questions. The LEADDAR also asks summative questions designed to assist LEAs in identifying areas of focus, opportunities to reflect on progress, and considerations for future planning. Data from the LEA determinations and the tiered technical assistance system is used to inform processes within both SC TEAMS (i.e., areas of need, support opportunities, etc.) and OSES (i.e., program monitoring process, statewide technical assistance topics, policy, etc.). Stakeholder feedback has been, and continues to be, incorporated in the development and implementation of the technical assistance plan described above. Refer to the *LEA Determinations Data Analysis Report* which is appendix A in this guide.

The federal requirements for Data on Process and Results can be found in the following IDEA regulations:

- 20 U.S.C. §1232d(b)(4) Evaluate effectiveness
- 20 U.S.C. §1232e(b) LEAs report to the state educational agency (SEA), board, Secretary
- 34 CFR §300.601(b) Data collection
- 34 CFR §300.602 Targets and reporting
- 34 CFR §300.640 Annual report of children served

Section Five: Integrated Monitoring Activities

In alignment with federal regulations, the OSES's monitoring approach is both outcome- and compliance-oriented. If noncompliance is identified through any of the OSES's monitoring activities, the OSES will require the LEA to correct the noncompliance as soon as possible, but in no case later than one year from the date of notification of the noncompliance. In addition, the OSES provides commendations for exemplary programs and provides recommendations, technical assistance and professional development as part of its monitoring activities to help LEAs improve student outcomes.

Cyclical Program Reviews (Program Monitoring)

IDEA Part B Program Reviews are conducted by OSES staff and managed by the Program Review Leaders in the OSES. The program review process currently operates on a six-year cycle with every district being monitored at least once during that cycle. The program review process is designed to be a full diagnostic review which allows the OSES to recognize compliant programs and practices, to identify noncompliant policies, procedures and/or practices, and to provide assistance and support to LEAs to sustain compliance once corrected.

Program review process:



The program review process includes the following components:

Pre-Review Activities: Prior to the program review, the team completes a review of the LEA’s profile data, determination data, dispute resolution data, correction of noncompliance history, and any other data that the team feels is relevant to the LEA’s review. Information from this review may be used to determine the priority level of the LEA in the review cycle, the number and type of files to be reviewed, the number and location of implementation reviews, interview participants, and the content expertise of the review team members. The program review team also conducts an information session each year with the LEAs to be reviewed to explain the process.

Policy and Practice Review: The review team reviews the LEA’s policies and procedures as well as the LEA’s procedural safeguards to determine if they are compliant with federal and state laws and regulations. If the program review team finds noncompliance, the LEA must revise or amend its policies and procedures and resubmit them for review by the program review team. If the program review team finds no noncompliance, the LEA may be commended for its policies and procedures in the Program Review Report. To complete the policy review, the OSES utilizes a checklist (*OSES Policies & Procedures Review Checklist*), which is Appendix B to this guide.

District practices for implementing its policies and procedures are reviewed by the district using the *OSES Program Review District Internal Review Questionnaire*. The questionnaire focuses on district information, the continuum of services provided in the district, and the district’s practices for ensuring compliance. The program review team uses this information, along with the pre-review activity information, to guide the review planning process. After the program review and any required corrections are completed, the team and the district work together to identify any practices that should be improved to ensure compliance and services in the district. The *OSES Program Review District Internal Review Questionnaire* is Appendix C to this guide.

Special Education Staffing Review: The program review team reviews the special education staffing assignments to determine if the teachers and service providers are appropriately credentialed in the areas for which they are providing instruction and services, and to determine if the teachers and service providers are assigned caseloads in accordance with State regulations. If the program review team finds noncompliance, the LEA must revise or amend its staffing

report to address any concerns, describe efforts to obtain appropriately certified staff, through recruitment activities, or send a letter of assurance that staffing concerns have been addressed. The LEA must resubmit the staffing checklist for another review by the program review team. If the program review team finds no noncompliance, the LEA may be commended for its efforts to ensure that its staff is appropriately certified in the Program Review Report. The tool utilized by OSES for staff reviews (*OSES Program Review Special Education Staffing Report*) is Appendix D to this guide.

IEP Development Reviews: The program review team conducts student record reviews for compliance with applicable regulatory requirements in the IEP development process. To conduct the reviews, the OSES and LEA identify a set of students that includes, among other things, students who, in the past year, have transitioned from Part C to B of the IDEA; received an initial evaluation; been removed from school more than ten days or have been placed at an alternative placement; reached the age of majority; and/or for whom consent for services has been revoked. The OSES ensures that the set includes a broad range of students to cover different grade levels, different eligibility categories, different LRE categories, and different schools and settings. The review team and the district are guided by the *Monitoring Overview Rubric (MOR)*. The MOR links the categories of information in the IEP with the IDEA regulations relative to that category and indicates where that information is included in the IEP itself. This allows the district to use the MOR to examine its own IEPs to ensure that all categories are appropriately addressed and to guide its training for IEP development for any areas identified as areas of need in IEP development for individual special education teachers or for the district as a whole. Refer to the *OSES Monitoring Overview Rubric* which is Appendix E to this guide.

The *OSES IEP Development Review Form* is an electronic tool (form-based) that provides individual student data as well as district wide data. This allows the district to review and correct individual student IEP issues of noncompliance as well as examine district wide areas of concern. This information is discussed with district representatives at the program review exit conference. Refer to the *OSES IEP Development Form* which is Appendix F to this guide.

The program review team gathers information to ensure that LEAs meet the requirements of the IDEA in these categories:

1. Parents can meaningfully participate in the IEP process.
2. Necessary parties participated in the IEP process.
3. The LEA adheres to required timelines and procedures.
4. The IEP team appropriately considers all relevant special factors.
5. The IEP team develops an appropriate statement of present levels of academic achievement and functional performance.
6. The IEP team develops appropriate, measurable annual goals and designates how and when the goals would be measured, and progress reported to parents.
7. The IEP team appropriately considers post-secondary transition.
8. The IEP team appropriately identifies special education and related services, supplementary services, assessment participation, and classroom and assessment accommodations and modifications.

9. The IEP team appropriately explains the extent to which the student will not participate in general education classes and activities, and the IEP team's decisions with respect to least restrictive environment (LRE).
10. The IEP team appropriately considers the need for extended school year services (ESY).
11. The LEA provides appropriate notice prior written notice (PWN) to the parents in a reasonable time before changing, or refusing to change, the student's eligibility, evaluation, program, or placement.
12. The LEA follows the applicable procedures related to a potential change of placement related to a disciplinary action.

IEP Implementation Reviews: The program review team reviews student schedules, service logs, and other relevant documents as well as visits school sites to confirm that the schools are implementing the IEPs and BIPs as written. The program review team gathers information related to the implementation of the services described in the IEP.

The *OSSES IEP Implementation Review Form* is an electronic tool (form-based) that provides individual student data as well as district wide data. This allows the district to review and correct individual student IEP issues of noncompliance as well as examine district wide areas of concern. This information is discussed with district representatives at the program review exit conference. Refer to the *OSSES IEP Implementation Form* which is Appendix G to this guide.

1. Is the LEA providing specialized instruction and related services as delineated in the student's IEP?
2. Is the LEA providing appropriate reports to parents on the student's progress towards meeting IEP goals with the frequency set forth in the IEP?
3. Is the student participating in educational activities with non-disabled peers for the amount of time designated in the IEP?
4. Is there evidence that the student's general education teachers received notice of, and have a system in place to implement, the accommodations listed on the IEP?
5. Is there evidence that the school site administrators and the student's teachers are familiar with, and prepared to utilize, when necessary, the student's behavioral intervention plan?

Interviews: The program review team conducts interviews with school site administrators, special education teachers and parents of students with disabilities to obtain additional insight and information about the operation of the LEA's special education program. Interviews are generally in person but may be individual by phone if necessary. Administrators, special education teachers, and parents of students at the elementary, middle, and high school levels are invited to participate. The specific numbers may be adjusted depending on information from the pre-review data review. Topics addressed in the interviews are consistent across groups to give differing views of the same topics. Topics include IEP development and special education services, communication, behavior/discipline, and school community. The specific interview questions and focus may be adjusted based on the information gathered in the pre-review activities and additional information noted during the IEP development and implementation reviews.

Online Surveys: The program review team disseminates online surveys for general education teachers, special education teachers, and parents of students with disabilities to obtain stakeholder input on the status of the LEA's special education programs and to identify areas for commendation and improvement. Surveys are provided with a link which they disseminate to the survey groups in their district. The number of surveys varies by the size of the district and the number of responses received. The survey for general education teachers includes questions related to their participation in the IEP process, teacher communication, accommodations for students with disabilities, behavior intervention plans, ad instruction, services and extracurricular activities. General education teachers are asked to give demographic information about their teaching experiences, but this information is not required. All survey submissions are anonymous. Special education teachers are also asked for demographic information about their caseloads, years of service, and certification. They are also asked to respond to questions related to the IEP development process including training and technical assistance, collaboration with general education teachers, and their student's participation in school activities with nondisabled peers. Special education teachers are also asked to describe any specific concerns they have about special education services in their district. Again, all survey submissions are anonymous. Parents are asked to respond to questions about their child's involvement in the school community, IEP development, and special education services. Parents are asked to share demographic information such as race/ethnicity of their child and the primary disability category of their child. This demographic information is optional, and all survey submissions are anonymous. Survey information from all three groups is used to determine if there are similar areas of concern or commendation among the survey groups. Refer to copies of the surveys in the appendices.

Exit Conference: Following the completion of the program review on-site activities, the program review team leader meets with representatives from the district determined by the district special education director. Additional program review team members may be included to address specific concerns. This conference provides a quick review of the overall findings from the review without an examination of all of the data, which will be provided later in the Program Review Report. The team may ask questions for clarity, provide preliminary impressions, and alerts the district to any practices that must be addressed as a priority pending the issuance of the Program Review Report. The program review team also gives commendations as appropriate. The conference provides a general overview of the team's findings during the program review activities.

Program Review Reports: Post program review activities include aggregating data and information gathered from the review activities. Program review results reports are generally issued within 90 days following the end of the review. The program review report includes sections to address general commendations and concerns, policies, procedures and forms review, staffing review, individual and systemic IEP development data, individual and systemic IEP implementation data, a summary of the survey data, a summary of the interview comments, the review team's summary and conclusions, and requirements for corrections and verification of all findings of noncompliance. The reports include charts and graphs of the data from individual IEP development and implementation review as well as district data to guide planning for professional development and technical assistance of systemic concerns as well as individual

corrections. The report includes the review team’s commendation and concerns for the district as well as all supporting data at both the district and individual student levels. The program review report focuses on identification of the findings of noncompliance and directions for corrections of these findings with the corrections specialists. The report addresses all areas of the program review process.

Post-Results Notification Activities: Post-results notification activities are led by OSES corrections specialists. Corrections specialists are responsible for receiving and verifying evidence of correction for all systemic and individual student level findings of noncompliance. As corrections are submitted these corrections specialists provide additional feedback and guidance, as needed, to ensure that previously identified issues of noncompliance is corrected, and that the LEA is prepared to sustain compliance moving forward. Corrections specialists are also responsible for facilitating and providing requested professional development and technical assistance, as needed, related to noncompliance identified in the program review results report.

Correcting findings of noncompliance is a three-part process.

Corrections of systemic noncompliance: Corrective actions for systemic findings include the provision of specific professional development and/or technical assistance. LEAs may request that OSES staff provide the required professional development. LEAs may choose to provide required professional development internally, submitting all materials to a corrections specialist for review prior to the professional development. The LEA submits evidence of systemic corrective actions (e.g., policy and procedure changes, updated staffing reports, professional development, technical assistance, etc.), and OSES verifies that systemic corrective actions have been completed.

Corrections of individual noncompliance: After the appropriate professional development and technical assistance have been provided, the LEA submits evidence of correction of individual student level findings of noncompliance. Evidence includes amended or reviewed IEPs and related documents. Corrections specialists use the OSES IEP Development Review Form and the OSES IEP Implementation Review Form to verify correction and document the review on the *OSES Program Review Student Correction Form*. If corrections specialists find continued noncompliance the LEA must revise or amend to correct and resubmit for review by the corrections specialist. If all noncompliance has been corrected, the corrections specialist will verify correction of the individual student level finding of noncompliance. Refer to the *OSES Program Review Student Correction Form* which is Appendix G to this guide.

Evidence of sustained compliance: Once all systemic and individual student level corrections have been verified, the corrections specialist, program review team, and LEA meet to ensure sustained compliance. The LEA reviews its internal practices and describes any changes to be made. The LEA and OSES review a new subset of post corrections process evidence to confirm that systemic issues identified by the OSES have been effectively addressed. If necessary, the LEA corrects any continuing systemic issues or individual findings from this sustaining compliance subset and submits additional evidence for review.

All corrections must be completed as soon as possible but in no case later than one year from the finding of noncompliance.

South Carolina High School Employability Credential Reviews

OSES will review the implementation of the South Carolina High School Employability Credential (SCHSEC) as required by S.C. Ann. Section 59-39-100 and State Board of Education's Regulation 43-235.

To assess the district's compliance with this State regulation, the OSES monitors the SCHSEC based on a three-pronged approach to include reviews of policies and procedures, program mechanisms, and proportionality of numbers of students exiting with the SCHSEC relative to all other exiting students with an IEP. This three-pronged review approach informs program practice and allow for targeted support.

SCHSEC policies and procedures will be reviewed with the *Policies and Procedures Review Checklist*. SCHSEC policies and procedures for all districts are reviewed cyclically.

Individual student files are reviewed annually based on LEA size relative to Child Count of students with disabilities. Files are reviewed to ensure that the LEA documents annual written notice (Parent Acknowledgement Form) to the parent, guardian, or adult student that the SCHSEC is not a state high school diploma. (SBE R.43-235(C)(3)(c)) and that the LEA considers a continuum of program options to include a South Carolina High School diploma prior to entering the SCHSEC. (SBER.43-235(C)(3)(d)).

Annual review of the SCHSEC also includes how the LEA addresses proportionate numbers for students pursuing the SCHSEC versus students pursuing the South Carolina High School diploma (SBE R.43-235(3)(a)). If the LEA exhibits significant disproportionality of exiting students with the SCHSEC relative to all exiting students with an IEP, this will trigger a request for a rationale. Proportionality will be reviewed through Table 4 Exiting Data.

Focused Reviews

A focused review can occur as a result of specific issues that arise from excessive state complaints resulting in findings of non-compliance, findings from other sources that go uncorrected, credible allegations of systemic non-compliance, fiscal and data results, or information brought to the attention of OSES from other sources. Focused reviews are aimed at looking at specific areas of concern rather than all areas addressed in the program review process. If a LEA exhibits an issue that requires a focused review a specific plan will be developed and implemented to address the specific areas of concern.

Credible Allegation Reviews

The OSES must ensure that its general supervision system includes a process to consider and address credible allegations of IDEA non-compliance in a timely manner. When OSES is made aware of an area of concern regarding an LEAs implementation of IDEA, an allegation review is

triggered to determine whether non-compliance has occurred and if so, how to address the identified concerns. Such allegations (e.g., information and awareness) may come from teachers, administrators, parents, stakeholder calls, media reports, dispute resolution systems, or other mechanisms that relate to IDEA implementation.

When OSES receives an allegation of noncompliance of IDEA the following process is conducted:

1. A Credible Report Panel convenes to review the allegation and determine if the allegation is credible and if so, what steps to take to address the issue. The Credible Report Panel includes at least three members including the following:
 - a. Program Review Leader
 - b. Policy Team Member
 - c. Review and Analysis Team Member
 - d. Content Expert (as necessary)
2. The Credible Report Panel reviews relevant information and data in the area of concern to assess the credibility of the allegation and to determine if additional information is needed. To determine the credibility of the allegation, the panel considers: (1) whether there are sufficient details in the allegation to enable a meaningful review and analysis of the concerns raised; (2) whether there is supporting evidence for the allegation (documents, data, etc.); (3) whether the source of the allegation is identifiable and is a source with direct knowledge of the allegation; (4) whether there are any issues unrelated to the student (e.g., human resource issues, personal conflicts, lawsuits, etc.) that may be influencing the allegation report; and (5) whether the allegations and/or essential facts related to the allegation are able to be independently verified. Review activities may include, but are not limited to, interviewing staff, parents of children with disabilities, adult students with disabilities, and groups that represent the families and communities served by the LEAs or providers, conducting clarifying legal research, and reviewing and analyzing data or information (e.g., prior complaints, due process hearings, determination data, etc.).
3. The Credible Report Panel submits an investigation report to the State Director of OSES with a conclusion as to the credibility of the allegation and a recommendation for next steps in responding to, and/or resolving, the allegation.
4. The State Director reviews the report and consults with the Credible Report Panel, as necessary, to reach consensus on next steps. When this review is completed, the State Director notifies the LEA and reporting party as appropriate and initiates any necessary review activities or corrective actions.
5. Suspicion of systemic noncompliance may trigger a focused review or a comprehensive program review. In addition, OSES may use other processes to address systemic concerns including providing technical assistance, coordinating appropriate professional

learning opportunities, offering informal dispute resolution options, and/or issuing updated policy or guidance materials.

6. If the process results in a determination of noncompliance with an IDEA requirement, OSES will issue a written findings letter. This findings letter will include corrective actions and will be issued within three months of when the finding was made unless the LEA corrects the noncompliance prior to that time, and the OSES is able to verify the correction.
7. All findings of noncompliance must be corrected as soon as possible but no later than one year from the date on the letter of findings of noncompliance. (Refer to the correction of non-compliance process).

Compliance Indicator Monitoring

OSES has policies and practices in place for monitoring all six SPP/APR compliance indicators, 4a/b (significant discrepancy for students with IEPs and significant discrepancy, by race/ethnicity, in suspension/expulsions), 9 (disproportionate representation in special education due to inappropriate identification), 10 (disproportionate representation in specific disability categories due to inappropriate identification), 11 (timely evaluation), 12 (Part C to B Transition), and 13 (postsecondary transition IEPs and services).

For indicators 4, 9, and 10 LEAs receive data reports and a notification letter that they have met the threshold and what the required next steps include. In the notification letter LEAs are invited to a training session for further guidance on the required actions.

For indicators 11 and 12, LEAs receive a findings letter indicating noncompliance with the timelines as well as a list of student numbers indicating the specific cases of noncompliance that need to be corrected and the actions required.

Indicator 4: Suspension and Expulsion Rates

Through the Individuals with Disabilities Education Act of 2004 (IDEA), states are required to examine data, including data disaggregated by race and ethnicity, to determine if significant discrepancies are occurring in the rate of long-term suspensions and expulsions of children with disabilities. If discrepancies are determined to be significant, the state must then review and, if appropriate, revise (or require the LEA to revise) its policies, procedures, and practices relating to the development and implementation of IEPs and the use of positive behavioral interventions, supports, and procedural safeguards to ensure that these policies, procedures, and practices comply with IDEA (34 C.F.R. § 300.170).

This is monitored through Indicator 4 of the State Performance Plan (SPP):

4A: Percent of LEAs identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with IEPs for greater than 10 days in a school year; and

4B: Percent of LEAs identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with IEPs of greater than 10 days in a school year by race and ethnicity and that have policies, procedures, and practices that contribute to the significant discrepancy and that do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.

In South Carolina, a significant discrepancy is defined as follows:

4A: A rate ratio greater than 2.5 for students with disabilities in an LEA suspended out-of-school (OSS) or expelled for a cumulative total of greater than 10 days in a school year, without respect to group size.

4B: A rate ratio greater than 2.5 for students with disabilities, *by each race/ethnicity*, in an LEA suspended out-of-school (OSS) or expelled for a cumulative total of greater than 10 days in a school year, with minimum n size (i.e., number of students with disabilities in a specific racial/ethnic group in a LEA) of 10 students.

Districts that meet the threshold for a significant discrepancy for Indicator 4a and/or 4b will receive data documentation and a notification letter that they have met the threshold and what the required next steps include. In the notification letter LEAs are invited to a training session for further guidance on the required actions. LEAs will then complete a two-part focused self-review.

Part 1: To ensure that non-compliance is not a result of policies, procedures, and practices, the local education agency (LEA) will conduct a self-review of their written policies, procedures, and practices.

Part 2: LEAs will conduct a self-review consisting of 5 files for students who have out-of-school suspension (OSS) for greater than 10 school days for each race/ethnicity that met the trigger to determine if the trigger was met as a result of noncompliance in the development and implementation of IEPs and/or the use of positive behavioral supports and procedural safeguards. Potential sources of documentation for review may include, but are not limited to, meeting notices, prior written notices, discipline records, manifestation determination reviews, functional behavior assessments, behavior intervention plans, progress reports, services logs, and teacher observations and interviews, attendance records, and IEPs.

The LEAs submit the completed policies, procedures, and practices review as well as their file reviews to the OSES. OSES staff knowledgeable in these areas will review the LEA's responses. All districts that met the trigger will receive a notification letter as to whether or not there were any findings of noncompliance. If noncompliance is found, the notification letter will include corrective actions that will be imposed on the LEA. Following notification that noncompliance was found a corrections specialist contacts the LEA to offer support and clarification if necessary.

Corrections must be completed as soon as possible but no later than one year from the date on the findings letter.

If any findings of noncompliance were identified, once corrections have been completed, OSES sends the district a verification letter indicating that the noncompliance has been corrected. OSES reviews subsequent district data to ensure the district is sustaining compliance. If continued non-compliance exists, additional improvement activities may be required (e.g., technical assistance, training, targeted monitoring, etc.).

Indicators 9 and 10: Disproportionality in Special Education

Through the Individuals with Disabilities Education Act of 2004 (IDEA), states must have in effect, consistent with the purposes of this part and with section 618(d), policies and procedures designed to prevent the inappropriate over-identification or disproportionate representation by race and ethnicity of children with disabilities with a particular impairment described in §300.8. (34 C.F.R. § 300.173)

This is monitored through Indicators 9 and 10 of the State Performance Plan (SPP):

9: Percent of districts with disproportionate representation of racial/ethnic groups due to inappropriate identification; and

10: Percent of districts with disproportionate representation of racial/ethnic groups in specific disability categories due to inappropriate identification.

In South Carolina, a disproportionate representation is defined for both Indicators 9 and 10 as occurring when the local education agency (LEA) has the following:

- a risk ratio or alternate risk ratio greater than the threshold of 2.50 for the identification of students with IEPs (Indicator 9) and students with specific disabilities (Indicator 10) with respect to race/ethnicity.

The specific racial/ethnic groups and disability categories are below:

Race/Ethnicities:	Disability Categories:
<ul style="list-style-type: none"> • American Indian or Alaska Native • Asian • Black or African American • Hispanic/Latino • Native Hawaiian or Other Pacific Islander • Two or more races • White 	<ul style="list-style-type: none"> • Autism • Emotional Disturbance • Intellectual Disability • Specific Learning Disability • Speech or Language Impairment • Other Health Impairment

Districts that have reached the risk ratio or alternative risk ratio greater than the threshold of 2.5 for Indicators 9 and/or 10 will receive data documentation followed by a notification letter that they have met the threshold and what the required next steps include. The first year an LEA

meets the threshold the LEA will receive a notification letter indicating that they have met the threshold and that they need to ensure steps are taken to prevent them from meeting the threshold for a second year. Year two the LEA will receive a notification letter with options for professional development and a final warning that a third year of meeting the threshold will result in a targeted review. If the LEA meets the threshold for the third year in a row, they will receive a notification letter of the required actions that include a two-part review.

Part 1: To ensure that non-compliance is not a result of policies, procedures, and practices, the local education agency (LEA) will provide a copy of their written policies, procedures, and practices for OSES to review.

Part 2: LEAs will select 5 student records in which an evaluation was completed, and an eligibility determination was made (initial and/or reevaluation in which an additional disability category was added) from each identified category that met the risk ratio of 2.5 for the previous three years. The LEA will submit to the OSES the student identification numbers for the number of files they are required to submit.

After the OSES reviews the LEAs policies, procedures, and practices as well as individual student files, LEAs will be issued a findings letter for any areas of non-compliance found in the review. A corrections specialist contacts the LEA following the notification that noncompliance was found to offer support and clarification if necessary. If no areas of non-compliance are identified the OSES issues a verification letter.

If any findings of noncompliance were identified, once corrections have been completed, OSES sends the district a verification letter indicating that the noncompliance has been corrected. Corrections must be completed as soon as possible but no later than one year from the date of the findings letter. OSES reviews subsequent district data to ensure the district is sustaining compliance. If continued non-compliance exists, additional improvement activities may be required (e.g., technical assistance, training, targeted monitoring, etc.).

Indicator 11: Evaluations Completed Within the 60 Day Timeline

Indicator 11 measures the percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation. The local educational agency (LEA) must complete all assessments and other evaluation components within the 60-day timeframe.

After the OSES reviews the LEAs policies, procedures, and practices as well as individual student files, LEAs will be issued a findings letter for any areas of non-compliance found in the review. A corrections specialist contacts the LEA following the notification that noncompliance was found to offer support and clarification if necessary. If no areas of non-compliance are identified the OSES issues a verification letter.

Districts that have non-compliance for exceeding the sixty-day timeline for individual students will be notified in a findings letter by OSES and must follow the following process:

- When a timeline has been missed teams should discuss the delay and determine whether the delay amounted to a denial of a free appropriate public education (FAPE) for the student at the initial eligibility meeting. If there was a denial of FAPE, determine whether compensatory services are needed to close the gap between where the student is and where he/she would have been if the timeline had been met.
- If it is not possible to have the possible denial of FAPE discussion at the initial IEP meeting, schedule a special review as soon as possible for the discussion.
- Document the discussion and decision as to whether there was a denial of FAPE and if so, any compensatory services that were determined necessary in the Prior Written Notice (PWN).
- If compensatory services are to be provided develop and implement a compensatory services plan.
- Provide documentation evidencing the resolution of the noncompliance such as the PWN, meeting minutes, or compensatory services plan.

Once corrections have been completed, OSES will review subsequent district data to ensure the district is sustaining compliance. If continuing non-compliance exists, additional improvement activities may be required (e.g., technical assistance, training, targeted monitoring, etc.).

Districts that have systemic non-compliance (repeating pattern) for Indicator 11 will also be required to complete professional development requirements related to the systemic non-compliance.

Indicator 12: Effective Transition from Part C to Part B

Indicator 12 measures the percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.

After the OSES reviews the LEAs policies, procedures, and practices as well as individual student files, LEAs will be issued a findings letter for any areas of non-compliance found in the review. A corrections specialist contacts the LEA following the notification that noncompliance was found to offer support and clarification if necessary. If no areas of non-compliance are identified the OSES issues a verification letter.

Districts that have non-compliance for exceeding the IEP timeline for having an IEP in place by the third birthday will be notified in a findings letter and must follow this process:

- When a timeline has been missed teams should discuss the delay and determine whether the delay amounted to a denial of a free appropriate public education (FAPE) for the student at the initial eligibility meeting. If there was a denial of FAPE, determine whether compensatory services are needed to close the gap between where the student is and where he/she would have been if the timeline had been met.
- If it is not possible to have the possible denial of FAPE discussion at the initial IEP meeting, schedule a special review as soon as possible for the discussion.

- Document the discussion and decision as to whether there was a denial of FAPE and if so, any compensatory services that were determined necessary in the Prior Written Notice (PWN).
- If compensatory services are to be provided develop and implement a compensatory services plan.
- Provide documentation evidencing the resolution of the noncompliance such as the PWN, meeting minutes, or compensatory services plan.

Once corrections have been completed, OSES will review subsequent district data to ensure the district is sustaining compliance. If continuing non-compliance exists, additional improvement activities may be required (e.g., technical assistance, training, focused monitoring, etc.).

Districts that have systemic non-compliance (repeating pattern) for Indicator 12 will also be required to complete professional development requirements related to the systemic non-compliance.

Corrections must be completed as soon as possible but no later than one year from the date of the findings letter.

Indicator 13: Secondary Transition

Indicator 13 measures the percentage of youth with IEPs aged 16 and above with measurable, annually updated IEP goals and appropriate transition assessments, services, and courses. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency that is likely to be responsible for providing or paying for transition services, including, if appropriate, pre-employment transition services, was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority. (20 U.S.C. 1416(a)(3)(B))

In South Carolina it is required that a student who turns 13 within the life of the IEP have transition services included on their IEP. However, for the purposes of Indicator 13 federal requirements, only IEPs of students aged 16 and above are reviewed for compliance purposes through the Indicator 13 process. Students 13 through 15 are reviewed as part of the program review process.

The State Performance Plan/Annual Performance Report (SPP/APR) Indicator 13 data collection and review process operates on a three-year data collection cycle. All (LEAs) are assigned to an Indicator 13 data collection group. Each year, one group submits Indicator 13 documents for review, receives feedback, and corrects findings of noncompliance as necessary within assigned timelines. The LEAs in other data collection groups are not required to submit documents when it is not their submission year unless the LEA is continuing to correct noncompliance from a previous year's review. The review of documents is performed by the Office of Special Education Services (OSES) using the Indicator 13 review form.

After the OSES reviews individual student files, LEAs will be issued a findings letter for any areas of non-compliance found in the review. A corrections specialist contacts the LEA following the notification that noncompliance was found to offer support and clarification if necessary. If no areas of non-compliance are identified the OSES issues a verification letter.

The required LEA corrective activities are based on the compliance percentage (% of student records that are compliant for Indicator 13) at the time of the initial data submission.

- 100% compliance: no required corrective activities
- 80-99%: must submit evidence of correction of individual findings of noncompliance
- 30-79%: must submit evidence of correction of individual findings of noncompliance, and evidence that staff who prepare Indicator 13 documents participated in OSES' Indicator 13 virtual professional learning opportunity
- 0-29%: must submit evidence of correction of individual findings of noncompliance, evidence that staff who prepare Indicator 13 documents participated in OSES' Indicator 13 virtual professional learning opportunity, and that designated staff participated in an OSES approved targeted post- secondary transition professional learning opportunity designed to meet the technical assistance needs of the LEA.

The federal requirements for Integrated Monitoring Activities can be found in the following IDEA regulations:

1. 20 U.S.C. §1232d(b)(3)(A) Proper methods of monitoring
2. 34 CFR §300.120 Monitoring least restrictive environment (LRE)
3. 34 CFR §300.149 SEA responsibility for general supervision
4. 34 CFR §300.600 State monitoring

Section Six: Technical Assistance and Professional Development

Technical assistance is directly connected to the SPP/APR, LEA determinations, targeted reviews, and LEA program reviews. Technical assistance is provided to correct noncompliance and improve results. Technical assistance and professional development can involve various agencies to assist in the development and dissemination of relevant information. The effectiveness of technical assistance and professional development must be measurable and provide meaningful improvement in compliance and results.

Technical assistance and professional development is provided by the Office of Special Education Services as well as our four technical assistance providers through SC Teams: Academic Alliance of South Carolina (AASC), Transition Alliance of South Carolina (TASC), Behavioral Alliance of South Carolina (BASC), and the South Carolina Partnership for Inclusion (SCPI). In South Carolina targeted technical assistance and professional development provides advisement, assistance, training, information, coaching, professional learning opportunities, and professional development resources. This assistance helps to guide LEAs, educational staff, and parents in the understanding and implementing the Individuals with Disabilities Education Act (IDEA) and the provision of special education services. Technical assistance and professional development are informed by data, monitoring, improvement activities, LEA determinations, policies, and the State Performance Plan.

South Carolina uses the results of their LEA determinations to target technical assistance and improve outcomes for LEA's. LEAs are tiered according to the results of their LEA determinations as described above in section four.

Evaluations of technical assistance and professional development involve evidence of a change of practice resulting in improved outcomes and compliance, as well as building sustainability and capacity. Follow-up activities are built into technical assistance to determine whether improvement activities are effective and sustainable.

The federal requirements for Targeted Technical Assistance and Professional Development can be found in the following IDEA regulations:

- 20 U.S.C. §1232d(b)(3)(B), (C), (D) Provide TA, promising practices and disseminate information
- 20 U.S.C. §1232e(b)(8) LEA has effective dissemination to teachers and administrators
- 34 CFR §300.119 TA on LRE
- 34 CFR §300.156 Personnel qualifications

Section Seven: Dispute Resolution

The South Carolina Department of Education (SCDE) provides adult students receiving special education services, parents of students with disabilities receiving special education services, local educational agencies (LEAs) and other stakeholders, with the following dispute resolution options:

Ombudsman

The OSES employs an Ombudsman that parents can contact to ask questions regarding the laws and regulations pertaining to the Individuals with Disabilities Education Act (IDEA) and to discuss specific concerns relating to a student. The Ombudsman also assists in resolving informal complaints by acting as an intermediary between parents and LEA administrators.

Facilitated Individualized Education Programs (IEPs)

Adult students, parents, or an LEA may request a facilitated IEP team meeting. Facilitated IEP meetings are voluntary and require consent from both the parent/adult student and the LEA. The role of an IEP Facilitator is to assist the IEP team to do their best thinking, interact respectfully, consider the perspectives of all participants, focus on future action, and remain student-centered. The IEP Facilitator serves the whole group rather than an individual and assists the group with the process of the IEP team meeting rather than with the content of the IEP. The Facilitator is not an advocate for the parents or the LEA. The OSES provides training for Facilitators and covers all costs associated with facilitated IEP team meetings, making this a free resource for parents and LEAs.

Mediations

The SCDE has developed mediation procedures in accordance with the Individuals with Disabilities Education Act (IDEA) regulation 34 C.F.R. § 300.506 and S.C. Code Ann. § 59-33-110. The mediation process is impartial, voluntary, and at no cost (free) to the parties. Adult students, parents or a LEA may request mediation, which is a voluntary and informal process where the parents and the public agency meet with an impartial mediator to talk openly about the areas of disagreement and to try to reach a resolution. Mediation provides a positive, less adversarial approach to resolving disputes between parents and school systems. With the assistance of a mediator, the parties involved in the dispute can communicate openly and respectfully about their differences as they work toward reaching an agreement. The decision-making power resides with the participants in mediation. When successful, mediation results in written settlement agreements signed by the parties. This process is handled by the SCDE's Office of General Counsel (OGC) and the selection process is a combination of the methodologies allowed under IDEA. The primary consideration is rotational. However, if the next person up has a personal (health, family, etc.) or professional conflict, or other considerations such as dates of availability matching with the parties agreed upon dates for the mediation come into play, the next mediator in the rotation is called.

State Level Complaints

In accordance with the IDEA, adult students, parents, and other parties may submit a written complaint to the OSES. A special education complaint investigator located in the OSES will handle the complaint. After the complaint is investigated within the required timeline, a letter of resolution (LOR) is issued and, if there are any findings of noncompliance, the LEA involved is required to complete corrective activities as soon as possible but in no case later than one year from the findings. A corrections specialist is assigned to support and assist the LEA throughout the corrections process. Once all corrective actions have been completed and verified, a verification letter is issued.

Due Process Complaints

Adult students, parents, or an LEA may request a due process hearing, where the adult student or parent and the LEA present their respective cases to an impartial hearing officer for a written decision. The hearings are conducted in accordance with the IDEA and federal regulations. If a party does not agree with the hearing officer's decision, the party can appeal to the SCDE, which will conduct an impartial review of the hearing and the hearing officer's decision. If a party does not agree with the SCDE's decision on the appeal, the party can appeal the decision in state or federal court. If a due process hearing is requested, the OGC ensures that a resolution session takes place in accordance with federal law.

Any adult student receiving special education services or parent of a student receiving special education services can use one or all of the available dispute resolution options outlined above. Further, if the OGC or any other office within SCDE suspects a pattern of noncompliance by a public agency based on information or data from compliance complaints or any other dispute

resolution process, the matter is referred to the OSES for review, and, if necessary, targeted fiscal, or targeted program monitoring may be warranted.

Additional information as well as contact information and forms can be found at the SCDE's webpage using the following link. <https://ed.sc.gov/districts-schools/special-education-services/parent-resources/dispute-resolution-information/>

The federal requirements for Effective Dispute Resolution can be found in the following IDEA regulations:

- 34 CFR §300.150 Procedural safeguards
- 34 CFR §§300.151-300.153 Complaint procedures
- 34 CFR §300.500 Procedural safeguards
- 34 CFR §300.504 Procedural safeguards notice

Section Eight: Correction, Incentives, and Sanctions

Improvement, correction, incentives, and sanctions are intended to improve educational results and functional outcomes for South Carolina students with disabilities. South Carolina utilizes these throughout its general supervision responsibilities.

Data on whether an LEA has corrected findings of noncompliance in a timely manner will impact the LEAs Determinations under Compliance Factor 4 (Timely Corrections of Noncompliance). If corrections are not made within one year from the date of the notification, that will be reported as a lower score in the LEAs Determinations for that year's data under Compliance. If timely corrections are made, that will be reported as a higher score in the LEAs Determinations for that year's data under Compliance Factor 4.

In December 2016, the Office of Special Education Programs (OSEP) finalized new regulations on significant disproportionality (34 CFR §300.646). These regulations enforce the use of Individuals with Disabilities Education Act (IDEA) funds for mandatory Comprehensive Coordinated Early Intervening Services (CCEIS), which local education agencies (LEAs) provide upon identification of significant disproportionality and distinguish the use of funds for CCEIS from the use of IDEA funds for voluntary Coordinated Early Intervening Services (CEIS).

Comprehensive Coordinated Early Intervening Services (CCEIS) are for children in those groups that were significantly over-identified from age 3 through grade 12. These set-aside funds should focus particularly, but not exclusively, on the children in those groups that were significantly over-identified. These funds may be used to serve children not currently identified as needing special education or related services, but who need additional academic and behavioral support to succeed in a general education environment, as well as children with disabilities.

Whenever a district is determined by the State, based on the district's numerical data, to have significant disproportionality in the identification, placement, and/or discipline of children with disabilities, the district must use the maximum amount of 15 percent for CCEIS to help address issues of disproportionality. CCEIS must be provided to students particularly, but not

exclusively, in those race/ethnic groups that were significantly impacted. To apply to use IDEA funds for CCEIS, the district must describe how the proposed expenditures for CCEIS will be used. The plan must be relevant in assisting the district to address the targeted area of disproportionality. LEAs are required to complete a CCEIS spending plan as well as an action plan to help reduce the area(s) of disproportionality and help prevent the identification of students who do not need specially designed instruction from being disproportionately identified.

Sanctions for Failure to Correct Non-Compliance in a Timely Manner

An LEA's failure to correct noncompliance within a timely manner and how to address the failure is considered on a case-by-case basis. South Carolina utilizes a system of progressive sanctions when LEAs fail to correct noncompliance within a required timeline. Some examples of sanctions include:

- **Level One Sanctions** – When an LEA has exceeded the one-year timeline for correcting noncompliance, the OSES sends a letter that the LEA to notify the LEA that the matter has been moved into the category of longstanding noncompliance. This letter is sent to the LEA Special Education Director and the LEA Superintendent. In addition, the LEA, with assistance from the OSES, will develop a plan to correct the longstanding non-compliance within a reasonable timeframe. Exceeding the one-year timeline also results in loss of points on the IDEA Part B LEA determinations.
- **Level Two Sanctions** - These are imposed after an LEA has failed to correct noncompliance in the category of longstanding noncompliance in accordance with the plan developed by the LEA with the OSES' assistance. The following options will be used to address longstanding noncompliance depending the specific circumstances of the matter: (1) required technical assistance; (2) redirection of all or part of the LEA's IDEA funding to be used for designated purposes; (3) partial withholding of federal and state special education; (4) withholding of all federal and state special education funds; and (5) oversight of all special education funds and the provision of special education services in the LEA by the OSES.

If the OSES proposes to redirect or withhold funds from an LEA, the LEA will be given specific notice of the longstanding noncompliance, the efforts previously made to ensure correction, the proposed sanction to address the failure to correct, the opportunity for the LEA to request a hearing to contest the sanction, and a date by which such a request must be made. If the LEA requests a hearing within the allotted timeframe, a hearing will be conducted by the State Superintendent or the State Superintendent's designee. During the hearing, the OSES and the LEA will be provided with the opportunity to present documents and other evidence relating to the underlying findings of noncompliance, the correction efforts, and the appropriateness of the proposed sanction. If the OSES proposes oversight of all LEA special education funds and services, in addition to the hearing procedures, the OSES will send a letter to all parents of special education students in the LEA notifying them of the proposal and provide an opportunity for parents to provide input on the proposal.

The federal requirements for Improvement, Correction, Incentives, and Sanctions can be found in the following IDEA regulations:

- 20 U.S.C. §1232d(b)(3(A) and (E) Proper methods—correction and enforcement
- 34 CFR §80.12 Special conditions
- 34 CFR §80.43 Enforcement
- 34 CFR §300.222 LEA compliance
- 34 CFR §300.600 State monitoring and enforcement
- 34 CFR §§300.603-300.604 Determinations and enforcement actions
- 34 CFR §300.608 Enforcement

Section Nine: Fiscal Management and Accountability

The OSES Fiscal and Grants Management (FGM) Team provides resources and technical assistance to all LEAs in the areas of fiscal accountability, fiscal compliance, and fiscal data collection. FGM assistance is provided in a variety of ways including guidance documents, resources and tools, workshops, webinars and/or direct district consultation. FGM Technical Assistance areas include maintenance of effort (MOE) calculation, excess cost calculation, allowable cost, IDEA fiscal responsibilities for new special education directors and finance directors, improved LEA fiscal policies and procedures, and improved LEA/SEA fiscal data collection and collaboration. Additional support is available to districts in need of more intensive assistance. OSES staff members and other TA providers review data to determine which districts are in need of targeted technical assistance. Districts are identified for this level of support based on factors such as missed deadlines across financial data submissions, difficulty in completing IDEA application, budget, and MOE compliance, and fiscal monitoring results. Identified districts are invited to participate in facilitated workshops designed to provide assistance with root causes analysis and improvement planning. Follow up is provided to support the implementation and evaluation of district fiscal policies and procedures.

Fiscal Reviews

The goal of the OSES's Fiscal monitoring through reviews is to ensure that LEAs are meeting the requirements of federal, state and IDEA regulations. The OSES's fiscal monitoring approach is outcome oriented. However, if noncompliance is identified through any of the OSES's monitoring activities, the OSES will require the LEA to correct the noncompliance as soon as possible, but in no case later than one year after the identification of the noncompliance.

The OSES employs a number of activities to ensure compliance with federal and local regulations to improve educational results and functional outcomes for students with disabilities. Activities include grants accounting processing system (GAPS) reviews, MOE calculator reviews, on-site and virtual fiscal monitoring, desk audits, LEA self-assessments, grant applications reviews, and audit findings reviews.

The Fiscal and Grants Management (FGM) Team in the OSES utilizes a risk-based tiered model to ensure that LEAs are appropriately allocating and expending the funds and resources they receive under the grant provisions of the IDEA. The tiered monitoring system includes increasing levels of scrutiny of processes and documentation through the tiered progression.

Tier I: Annually, each LEA Special Education Services department is required to submit a self-assessment questionnaire that includes general questions about pertinent fiscal and/or IDEA policies and procedures that should be in place. The LEA self-assessment tool facilitates a process by which LEAs assess their own performance and progress toward compliance with IDEA Part B, EDGAR and Uniform Grant Guidance. The self-assessment is designed to guide LEAs through a collaborative analysis and planning process to engage stakeholders in developing targeted improvement activities in the areas that the LEA is most in need. The self-assessment tool is based on the compliance monitoring tool used by the OSES for on-site/virtual monitoring visits; thus LEAs can prepare for future on-site/virtual monitoring as well as clearly identify areas of noncompliance in student files and LEA policies and procedures.

After the self-assessment is completed by the LEAs, it is assessed and included with other fiscal data in a risk rubric. The risk rubric consists of ratings of key fiscal information including the LEA Maintenance of Effort (MOE) and Excess Cost compliance worksheets for the prior year to ensure that the LEA has met the MOE and Excess Cost compliance standards, timely and accurate submission of the IDEA application, budget submissions, LEA expenditures, and data that affects funding. Also included are ratings for turnover in leadership in key positions, LEA single audit management decisions, results of the SCDE agency-wide risk assessment, and date of last LEA fiscal review. Final risk assessment rubric scores serve as the determination for which LEAs will move to Tier II.

Tier II: Tier II reviews will apply to up to 15 LEAs per year (dependent upon analysis of risk assessment criteria) and will involve a more detailed review of policies, procedures, financial ledgers, and timeliness and accuracy of fiscal data submissions. Fiscal Monitors work with districts during the desk audit to ensure that district policies and procedures are in compliance with Uniform Grant Guidance, IDEA, EDGAR and state regulations. Some Policies and Procedures reviewed include time & effort, equipment and inventory, allowable expenditures, and parentally placed private school children (PPPSC). Areas of focus are determined by the US GAO's Green Book, interactions with districts, professional development seminars attended by FGM and 2CFR 200.331. Desk audits are usually completed by December. The results of the Tier II desk audits are placed into a rubric to determine which districts move to Tier 3.

Tier III: Each year approximately 10 LEAs are selected for a virtual/on-site IDEA fiscal review based on risk criteria as determined by the Tier II rubric. The virtual/on-site fiscal review includes an in-depth review of time and effort reports, equipment and inventory logs, contracted services agreements, maintenance of effort supporting documentation, excess cost supporting documentation and parentally placed private school children and proportionate share records. Summary reports of non-compliance are issued to the LEAs sixty days after all submitted documents are reviewed and finalized. LEAs are required to respond to the OSES with a correction and ongoing improvement plan within ninety days of receiving the OSES's non-compliance letter. Once corrective actions have been implemented, OSES Fiscal Monitors pull sample documents to ensure implementation of corrections.

The federal requirements for Fiscal Management can be found in the following IDEA regulations:

- 34 CFR §§300.704 and 300.705 Distribution of funds

- 34 CFR §300.209 Treatment of charter schools
- 34 CFR §300.133 Private schools proportionate share
- 34 CFR §§300.163 and 300.203-300.205 Maintenance of effort
- 34 CFR §§300.162 and 300.202 Excess cost/supplement not supplant
- 34 CFR §300.226 Early intervening services 15%
- OMB Circular A-133 – Single Audits

Section Ten: Additional Initiatives and Assistance

Additional Initiatives and Assistance

The OSES creates on-going professional learning opportunities for special educators, general educators, administrators, related service providers, early interventionists, and others instructing and supporting children and youth with disabilities. The OSES coordinates and provides statewide specialized assistance for the following areas: preschool, curriculum and instruction, special populations, behavioral supports, deaf and hard of hearing, visual impairment, group homes, and residential treatment facilities. The following initiatives have been instrumental in our support of students with disabilities, their families, and educators.

- The OSES has sponsored the Centers for the Re-Education and Advancement of Teachers in Special Education and Related Services Personnel program since 2003. Widely known as [SC-CREATE](#) (or simply, CREATE), the mission of this scholarship program is to strengthen the SC public/charter school workforce with well-prepared, highly qualified professionals who serve the needs of students with disabilities. SC CREATE provides scholarships that cover financial obligations for tuition and textbook costs toward add-on certification and/or advanced degrees in fields including special education, assistive technology, behavior intervention, orientation and mobility, school psychology, secondary transition, and speech-language pathology. CREATE has received national recognition as one of only a few model "grow-your-own" state-level personnel preparation programs in the nation.
- New Directors' Leadership Academy (NDLA) is a statewide effort to provide support for new directors and coordinators of programs for students with disabilities in LEAs. Special education directors in their first two years are invited to attend monthly meetings that include training on topics specific to their role and opportunities to collaborate and network with peers.
- [SC TEAMS](#) is a network of technical assistance providers who, in collaboration with the OSES, are working toward improving outcomes for students with disabilities through building capacity within local schools and districts to implement evidence-based practices. Support is provided through consultation, professional development, communities of practice, institutes/conferences, coaching, and universal supports provided through a resource locator on their websites. SC TEAMS includes the Academic Alliance of South Carolina, the Behavior Alliance of South Carolina, the Transition Alliance of South Carolina, and South Carolina Partnerships for Inclusion.
- The [Academic Alliance of South Carolina \(AASC\)](#) provides expert instruction, coaching, consultation, and support to help LEAs build the capacity to improve outcomes for students with disabilities in reading, language, and mathematics. AASC provides support

in other areas that impact student success including communication, family engagement, and data-based decision making.

- The [Behavior Alliance of South Carolina \(BASC\)](#) uses a continuum of support to partner with state and local educational agencies to cultivate effective, community-driven systems and practices so that all students can experience a sense of belonging and engage successfully in school. BASC supports students with disabilities by helping LEAs build capacity in the areas of behavior and mental health within the context of a multi-tiered system of supports (MTSS).
- [South Carolina Partnerships for Inclusion \(SCPI\)](#) supports districts in using data for strategic planning to increase inclusive opportunities for young children. This includes a needs analysis, an action plan, and training/support in areas of need. SCPI also collects feedback from participants regarding inhibitors to inclusion of young students and reports that to the 619 coordinator at OSES, who in turn collaborates with other early childhood agencies internal and external to SCDE.
- [Transition Alliance of South Carolina \(TASC\)](#) specializes in providing assistance to school districts working to improve post school outcomes for youth with disabilities. TASC works with the OSES to assist schools in improving graduation and dropout rates for students with disabilities and provides resources to help students with disabilities prepare for the workforce.
- The [Advisory Council for Educating Students with Disabilities \(ACESD\)](#) advises the SCDE of unmet educational needs of children served under the Individuals with Disabilities Education Act. Specifically, the Advisory Council comments on proposed regulatory changes, data and reports, policies involving service coordination, and corrective actions defined by the federal monitoring process. ACESD is composed of parents, individuals with disabilities, educators, advocates, agency representatives, university professors, and community members. A majority of the members are individuals with disabilities and parents and grandparents of children with disabilities.
- The [South Carolina Pathways Project \(SCPP\)](#) was created to design, implement, and refine an innovative and multi-component collaborative model in South Carolina to enhance transition services and improve post-secondary outcomes for persons with disabilities (PWDs). SCPP partners include the SCDE, Able SC (a Center for Independent Living), South Carolina Vocational Rehabilitation (SCVR; the state's vocational rehabilitation agency) and the University of South Carolina (USC; project evaluator) and local education agencies (LEAs). Together, these partners will work during the five-year project period to enhance pre-employment transition services to students with disabilities and connect them with innovative services, new learning opportunities, including alternative pathways to a diploma, and competitive, integrated employment opportunities, such as paid apprenticeships.
- The [SC Council for Exceptional Children \(SCCEC\)](#) hosts an annual conference each spring. OSES collaborates with SCCEC to offer sessions that cover best practices in special education and helps to support stakeholder involvement by providing funding for parent registration fees.
- The South Carolina [Deaf and Hard of Hearing Education Partnership](#) meets quarterly to discuss issues and updates on the education of students who are deaf and hard of hearing.

- The Deaf and Hard of Hearing Summit is an annual event that provides professional development to stakeholders who serve students who are deaf and hard of hearing in order to improve the quality of education for students, birth through young adulthood.
- The South Carolina Vision Education Partnership is a collaboration of South Carolina agencies and organizations to ensure high-quality education for children with visual impairments through teacher education and professional development.
- Spring/Fall Procedures for Teachers of the Visually Impaired provides two full-day workshops, one in the spring and one in the fall, for teachers of students with visual impairments.
- Support for [special populations](#) of students with disabilities is provided in collaboration with the Office of Federal and State Accountability (OFSA). The OSES collaborates with OFSA to support students identified within special populations including students who are military-connected, in correctional and alternative placements, migrant students, immigrant students, Multi-Lingual learners (ML), students in foster care, and students who fall under the McKinney-Vento Act.
- South Carolina is implementing the [Pyramid Model](#) to provide behavioral and mental health support for our youngest students, statewide. A cross-sector leadership team, including parents, Head Start, Department of Mental Health, the Office of the Childcare Administrators, the Office of Early Learning and Literacy, Institutions of Higher Education, and partnerships with other task forces and initiatives, including the Autism Task Force and the Infant-Early Childhood Mental Health workgroup, are collaborating to scale up evidence-based practices to ensure infants, young children, and their families have access to developmentally appropriate, equitable, and inclusive learning environments.
- The Assistive Technology (AT) Leadership Conference is offered annually by OSES in partnership with SC Assistive Technology Program (SCATP) to assistive technology teams across the state. This conference provides AT teams with information about best practices and updated guidelines to build capacity for assistive technology in LEAs and SEAs.
- In addition to the AT Leadership Conference, OSES partners with SCATP to offer an annual [Digital Accessibility Boot Camp](#) to educators. The Boot Camp is focused on providing district personnel with the knowledge and support they need to improve the digital accessibility of their classrooms, materials, and services.
- The [SC Alternate Assessment Portal](#) is the gateway to all systems, instructional resources, and guides to support the administration of the South Carolina Alternate Assessment. It includes FAQs and resources for Test Coordinators, Test Administrators, Technology Coordinators, and families. The portal also houses the training modules for delivery of the alternate assessment. Before administering the assessment, all teachers of students with significant cognitive disabilities must complete the modules and pass a test. Three of the modules are instructions for administering the test, with the final module including training on making the general curriculum accessible for students with significant cognitive disabilities.
- The [South Carolina Educational Interpreting Center \(SCEIC\)](#) is a coordinated system of professional assessments and learning opportunities through Clemson University to improve the quality of educational interpreters in South Carolina who serve children who are deaf. Launched in 2016, the vision of the SCEIC is for every Deaf student to have

equitable access to the entire school experience through highly qualified educational interpreters.

- [Support for students who are Deaf-Blind and Deaf+](#) is provided through our OSES site, including a Virtual Toolkit to Support Educators and Parents of Young Children with Hearing Loss. The Early Identification Toolkit provides resources for educators, parents, audiologists, speech-language pathologists, and others who work with young children who experience hearing loss so that appropriate screening, evaluation, and service delivery are achieved in a timely manner.
- [Family Connection of South Carolina](#) is South Carolina's parent training and information center (PTI). They provide resources and support to families and individuals throughout the state and have been a wonderful partner with OSES, participating in many stakeholder groups and providing information to parents about SCDE offerings and initiatives.