

from their specific baseline in this area and ensure continuous substantial progress until there are no infants and toddlers on waiting lists for evaluation and assessment. DHEC will monitor each BNCT to ensure that benchmarks are met and will intervene directly with individual BNCTs, as necessary. In its quarterly report to OSEP, DHEC shall provide monthly summaries by each BNCT and shall provide a narrative of how DHEC has analyzed and responded to the data provided by each BNCT.

*5. Area 5: Timely Transition Planning and Conferences*

*Current Status:* OSEP's monitoring report reflected that: School districts were not being notified of BabyNet eligible children approaching age three; transition meetings were not being held in accordance with Part C requirements; and transition plans were not being developed and implemented in accordance with Part C requirements.

*Outcome:* DHEC will ensure that timely transition notices are provided and transition meetings are held and that transition plans are developed to assist all eligible children and their families as they exit Part C.

*Measurable Goals and Verification:* DHEC has identified the following goals and will either provide or make available verification to the Department for each goal.

*Goal 1:* DHEC will ensure that the local education agency is notified of

children who are approaching the age for transition at least 90 days prior to the child turning three in accordance with Part C.

*Goal 2:* DHEC will ensure that a transition meeting is held in accordance with the requirements of Part C of IDEA.

*Goal 3:* DHEC will ensure that transition plans are developed and implemented in accordance with the requirements under Part C.

*Verification:* Each BNCT will demonstrate continuous improvement in reducing the number of eligible children who have not received required Part C Transition planning in a timely manner when exiting BabyNet. Quarterly benchmarks will be established for each BNCT and incorporated in the BNCT's Compliance Plan. Benchmarks will take the BNCT from their specific baseline in this area and ensure continuous substantial progress until all eligible children receive required Part C Transition planning in a timely manner when exiting BabyNet. DHEC will monitor each BNCT to ensure that benchmarks are met and will intervene directly with individual BNCTs, as necessary. In its quarterly report to OSEP, DHEC shall provide monthly summaries, by each BNCT and shall provide a narrative of how DHEC has analyzed and responded to the data provided by each BNCT.

*Other Conditions:* DHEC agrees that its continued eligibility to receive Part C funds is predicated upon compliance

with statutory and regulatory requirements of that program, which includes requirements not addressed specifically by this Agreement. Any failure by DHEC to comply with the goals, objectives, timetables, verification or other provisions of the Compliance Agreement, including the reporting requirements, will authorize the Department to consider the agreement no longer in effect. If DHEC fails to comply with the terms of the Agreement, the Department may take any actions authorized under the General Education Provisions Act (GEPA at 20 U.S.C. 1200 *et seq.*) and the IDEA at 20 U.S.C. 1401 *et seq.* and 1443–1445. Such actions may include, under 20 U.S.C. 1234c, the withholding of Part C funds from the State (consistent with the procedures set forth in the IDEA or at 20 U.S.C. 1234d).

Signed for the South Carolina Department of Health and Environmental Control:

Dated: August 20, 2003.

C. Earl Hunter,  
*Commissioner.*

Signed for the U.S. Department of Education:

Dated: September 9, 2003.

**Roderick Paige,**  
*Secretary.*

Date this Compliance Agreement Becomes Effective: September 9, 2003. (Date on which Written Findings of Fact are Issued).

**BILLING CODE 4000-01-P**