



STATE OF SOUTH CAROLINA DEPARTMENT OF EDUCATION

Mick Zais
Superintendent

1429 Senate Street
Columbia, South Carolina 29201

May 15, 2012

The Honorable Anthony W. Miller
Deputy Secretary, U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Secretary Miller:

The purpose of this letter is to reaffirm the willingness of the U.S. Department of Education (USED) to work with the State regarding the Individuals with Disabilities Education Act (IDEA) maintenance-of-effort (MOE) issue for state Fiscal Year 2009-2010 and provide you an update on the state budget deliberations in South Carolina.

On April 4, 2012, you and I had a conference call to discuss correspondence the South Carolina Department of Education (SCDE) would receive on April 5, 2012. The correspondence stated the USED would deny my request for a one-year extension of a permanent reduction in IDEA funds, and the reduction would occur October 1, 2012. As discussed during the conversation, I informed you of my intent to request additional one-time state funding intended to replace potential lost federal funding while the appeal continues. I note that South Carolina's original request for appeal began 11 months ago and the USED appears no closer to considering this appeal and unwilling to withhold the penalty in the interim.

As of the date of this letter, the South Carolina Senate has included a one-time appropriation of \$36,202,909 in the South Carolina state budget to serve as a bridge for a federal reduction of IDEA funds while the appeal continues. For this fiscal year, I am left with no choice but to advocate for this one-time funding so that our students with disabilities are not unfairly harmed by the glacial pace of these deliberations for the duration of our appeal. Without belaboring the merits of our appeal again, I urge Secretary Duncan and the USED to take up this appeal as quickly as possible.

Since debate regarding the State's budget for Fiscal Year 2012-13 will soon come to a close, I am confirming our conversation of April 4, 2012, regarding the use of one-time funds to serve as a bridge during the appeal process. In that conversation, you stated the USED would work with the SCDE in the event additional one-time state funding was secured to supplant IDEA funds withheld by the USED and the State's appeal was subsequently approved, the additional state funding would not increase the State's IDEA MOE. Put another way, if the state appropriates \$36,202,909 in one-time funding to school districts for FY 2012-13, this appropriation would not raise the level of state fiscal support and would not be expected to be added back into state support calculations. Please confirm in writing that SCDE's understanding of this conversation is accurate.

Sincerely,

A handwritten signature in black ink that reads "Mick Zais". The signature is written in a cursive, slightly stylized font. There are horizontal lines extending from the left and right sides of the signature.

Mick Zais, Ph.D.
State Superintendent of Education