

From: Baker, Josh <JoshBaker@gov.sc.gov>
To: Pisarik, Holly <HollyPisarik@gov.sc.gov>
Date: 7/7/2016 11:25:08 AM
Subject: FW: Settlement Agreement

You around?

From: Heatwole, Emily [mailto:eeheatwole@ed.sc.gov]
Sent: Thursday, July 07, 2016 10:48 AM
To: Baker, Josh
Subject: RE: Settlement Agreement

Holly needs to call Barbara Drayton and this is very time sensitive so I can have Barbara call her if that is better.

Emily E. Heatwole
South Carolina Department of Education
Director of Governmental Affairs
1010 Rutledge Building
1429 Senate Street
Columbia, SC 29201
803-734-4066 -office
803-457-4794 –cell

Confidentiality Notice: This electronic mail transmission and any attachments are intended for the use of the individual or entity to which they are addressed and may contain confidential information belonging to the sender which is protected by law. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message. Thank you for your cooperation.

From: Baker, Josh [mailto:JoshBaker@gov.sc.gov]
Sent: Wednesday, July 06, 2016 7:38 PM
To: Heatwole, Emily
Subject: RE: Settlement Agreement

Holly's going to call Kathy tomorrow to talk through some legal/technical points – I think that the Governor understands the position overall.

From: Heatwole, Emily [mailto:eeheatwole@ed.sc.gov]
Sent: Wednesday, July 06, 2016 1:44 PM
To: Baker, Josh
Subject: RE: Settlement Agreement

otw

Emily E. Heatwole
South Carolina Department of Education
Director of Governmental Affairs
1010 Rutledge Building
1429 Senate Street
Columbia, SC 29201
803-734-4066 -office
803-457-4794 –cell

Confidentiality Notice: This electronic mail transmission and any attachments are intended for the use of the individual or entity to which they are addressed and may contain confidential information belonging to the sender which is protected by law. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message. Thank you for your cooperation.

From: Baker, Josh [<mailto:JoshBaker@gov.sc.gov>]
Sent: Wednesday, July 06, 2016 1:44 PM
To: Heatwole, Emily
Subject: Re: Settlement Agreement

I am indeed

Sent from my iPhone

On Jul 6, 2016, at 1:38 PM, Heatwole, Emily <eeheatwole@ed.sc.gov> wrote:

I can walk it over now. Are you free?

Emily E. Heatwole
South Carolina Department of Education
Director of Governmental Affairs
1010 Rutledge Building
1429 Senate Street
Columbia, SC 29201
803-734-4066 -office
803-457-4794 –cell

Confidentiality Notice: This electronic mail transmission and any attachments are intended for the use of the individual or entity to which they are addressed and may contain confidential information belonging to the sender which is protected by law. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message. Thank you for your cooperation.

From: Baker, Josh [<mailto:JoshBaker@gov.sc.gov>]
Sent: Wednesday, July 06, 2016 1:36 PM
To: Heatwole, Emily
Subject: RE: Settlement Agreement

Good deal – I may be able to get her to sign it at 3:00 if we have the document.

From: Heatwole, Emily [<mailto:eeheatwole@ed.sc.gov>]
Sent: Wednesday, July 06, 2016 1:27 PM
To: Baker, Josh
Cc: Drayton, Barbara A; Payne, John R; Patel, Swati; Pisarik, Holly; Traywick, Laurie; Hazelwood, Cathy
Subject: Settlement Agreement
Importance: High

Josh-

Please find response attached. Let me know if you have questions.

Emily

Emily E. Heatwole
South Carolina Department of Education
Director of Governmental Affairs
1010 Rutledge Building
1429 Senate Street
Columbia, SC 29201
803-734-4066 -office
803-457-4794 –cell

Confidentiality Notice: This electronic mail transmission and any attachments are intended for the use of the individual or entity to which they are addressed and may contain confidential information belonging to the sender which is protected by law. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message. Thank you for your cooperation.

From: Heatwole, Emily
Sent: Wednesday, July 06, 2016 11:49 AM
To: Drayton, Barbara A; Carpentier, Elizabeth; Payne, John R
Subject: RE: Settlement Agreement

Thank you, Barbara.

Emily E. Heatwole
South Carolina Department of Education
Director of Governmental Affairs
1010 Rutledge Building
1429 Senate Street
Columbia, SC 29201
803-734-4066 -office
803-457-4794 –cell

Confidentiality Notice: This electronic mail transmission and any attachments are intended for the use of the individual or entity to which they are addressed and may contain confidential information belonging to the sender which is protected by law. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message. Thank you for your cooperation.

From: Baker, Josh [<mailto:JoshBaker@gov.sc.gov>]
Sent: Wednesday, July 06, 2016 11:22 AM
To: Heatwole, Emily
Cc: Hazelwood, Cathy; Drayton, Barbara A; Traywick, Laurie; Pisarik, Holly; Patel, Swati
Subject: RE: Settlement Agreement

Emily,

I anticipate that we'll be able to cover this with the Governor a little later today, but I wanted to get some quick clarification of the provisions:

1. Do we have a schedule of MSF requirements and state support? I would like to see the shortfalls/surplus from 08-09 thru 13-14. Beginning with the FY 2011-12 Appropriations Act, allocations with carryforward authority were made to sustain the IDEA MOE – do we believe

- there was a shortfall despite the allocations made specifically to avoid a shortfall?
2. In paragraph 3, the state agrees to seek \$51 million in supplemental appropriations above the MFS base. What is the relevant base year and amount, and to any of the funds appropriated in the FY 2016-17 act count toward this appropriation – specifically the increase to EFA.
 3. Given that paragraph 3 requires a supplemental state appropriation, does this mean that we cannot count any local expenditures on qualifying activities toward this effort?
 4. How does the Department envision requesting these additional funds? Does the department intend to seek this as a stand-alone line-item, or is there a process in-place to account for increased state support for Part B activities through our major LEA funding streams? My primary concern here is annualization of these appropriations; to the extent that entities become reliant on these programs, will the natural increase in recurring aid to subdivisions be sufficient to sustain these programs.
 5. Can you reconcile the \$51 million shortfall with the \$85 million penalty?

Finally, is there a “wet ink” signature page that you all need to send over here or is putting her signature on the previously attached copy sufficient?

Thanks,

Josh

From: Heatwole, Emily [<mailto:eeheatwole@ed.sc.gov>]
Sent: Friday, July 01, 2016 4:39 PM
To: Baker, Josh; Patel, Swati
Cc: Hazelwood, Cathy; Drayton, Barbara A; Traywick, Laurie
Subject: Settlement Agreement

Josh and Swati-

Per my conversation with Josh, attached you will find the settlement agreement we have finally reached with the USED regarding the IDEA MOE. The USED requires that both the Superintendent and the Governor sign the agreement. Please review the attached and advise of any questions. We can certainly arrange for the Governor and the Superintendent to discuss as needed. In the meantime, please direct any questions to Cathy Hazelwood and Barbara Drayton, copied.

Thank you,

Emily

Emily E. Heatwole
South Carolina Department of Education
Director of Governmental Affairs
1010 Rutledge Building
1429 Senate Street
Columbia, SC 29201
803-734-4066 -office
803-457-4794 –cell

Confidentiality Notice: This electronic mail transmission and any attachments are intended for the use of the individual or entity to which they are addressed and may contain confidential information belonging to the sender which is protected by law. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message. Thank you for your cooperation.

The information contained in this transmission is intended only for the use of the person(s) named above. If you are not the intended recipient, please contact the sender by reply email. The South Carolina Department of Education is neither liable for the proper and complete transmission of the information contained in this communication nor for any delay in its receipt. To reply to the agency administrator directly, please send an email to postmaster@ed.sc.gov. Communications to and from the South Carolina Department of Education are subject to the South Carolina Freedom of Information Act, unless otherwise exempt by state or federal law.

The information contained in this transmission is intended only for the use of the person(s) named above. If you are not the intended recipient, please contact the sender by reply email. The South Carolina Department of Education is neither liable for the proper and complete transmission of the information contained in this communication nor for any delay in its receipt. To reply to the agency administrator directly, please send an email to postmaster@ed.sc.gov. Communications to and from the South Carolina Department of Education are subject to the South Carolina Freedom of Information Act, unless otherwise exempt by state or federal law.

The information contained in this transmission is intended only for the use of the person(s) named above. If you are not the intended recipient, please contact the sender by reply email. The South Carolina Department of Education is neither liable for the proper and complete transmission of the information contained in this communication nor for any delay in its receipt. To reply to the agency administrator directly, please send an email to postmaster@ed.sc.gov. Communications to and from the South Carolina Department of Education are subject to the South Carolina Freedom of Information Act, unless otherwise exempt by state or federal law.

The information contained in this transmission is intended only for the use of the person(s) named above. If you are not the intended recipient, please contact the sender by reply email. The South Carolina Department of Education is neither liable for the proper and complete transmission of the information contained in this communication nor for any delay in its receipt. To reply to the agency administrator directly, please send an email to postmaster@ed.sc.gov. Communications to and from the South Carolina Department of Education are subject to the South Carolina Freedom of Information Act, unless otherwise exempt by state or federal law.

The information contained in this transmission is intended only for the use of the person(s) named above. If you are not the intended recipient, please contact the sender by reply email. The South Carolina Department of Education is neither liable for the proper and complete transmission of the information contained in this communication nor for any delay in its receipt. To reply to the agency administrator directly, please send an email to postmaster@ed.sc.gov. Communications to and from the South Carolina Department of Education are subject to the South Carolina Freedom of Information Act, unless otherwise exempt by state or federal law.