



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

NOV 29, 2017

Honorable Julia Keleher
Secretary
Puerto Rico Department of Education
P.O. Box 190759
San Juan, Puerto Rico 00919

Dear Secretary Keleher:

The purpose of this letter is to provide you a summary of the results of the monitoring and support activities conducted by the Office of Special Education Programs (OSEP) during an on-site visit the week of March 13, 2017 to the Puerto Rico Department of Education (PRDE). Participants during the visit included staff from the U.S. Department of Education (OSEP, Risk Management Services, and Office of Elementary and Secondary Education); PRDE (Offices of the Secretary, Special Education, Finance/Procurement, Federal Affairs, Academic Affairs; Regional Service Centers and Assistive Technology representatives; and PRDE consultants); the Puerto Rico Department of Health; and the National Center for Systemic Improvement (technical assistance provider).

In 2016, OSEP began providing differentiated monitoring and support (DMS) to States as part of its Results Driven Accountability (RDA) framework. Under RDA, OSEP made a shift from monitoring based solely on compliance to monitoring and support focused on both compliance and improving results for children and youth with disabilities. OSEP differentiates its approach for each State based on the State's unique strengths, progress, challenges, and needs.

As part of the DMS process, OSEP conducts an organizational assessment (OA) of risk factors to identify States' progress in meeting performance standards and complying with the requirements of Part B of the Individuals with Disabilities Education Act (IDEA) and its implementing regulations, the Education Department General Administrative Regulations, and the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. OSEP uses the information from the OA and an Engagement Decision Tree to make designations of universal, targeted, or intensive monitoring and support that a State will receive for the fiscal year. For 2016-2017, OSEP identified five areas for DMS: 1) results; 2) compliance; 3) State Systemic Improvement Plan (SSIP); 4) correctional education; and 5) fiscal.

On October 19, 2016, OSEP sent PRDE's DMS notice to Carlos Rodriguez Beltran, the former IDEA Part B Special Education Director. That notice provided a designation of universal or intensive engagement for each of five areas OSEP identified for DMS. The information in the notice was based on Federal fiscal year (FFY) 2014 data in the corresponding five areas, along with information about the factors contributing to the elevated need for monitoring and support, the support the Commonwealth has accessed,

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the Commonwealth's capacity to improve results and compliance, and additional contextual information. The notice also identified the monitoring and support activities that would be carried out to address the factors contributing to the elevated need for monitoring and support in each of the areas that were designated for intensive engagement. We have attached a copy of the DMS notice for your convenience.

As part of its DMS activities, including the on-site monitoring and support visit, OSEP examined issues related to PRDE's SSIP; compliance with IDEA requirements related to early childhood transition, dispute resolution, and the timely provision of assistive technology devices; and fiscal requirements related to IDEA, financial management generally, transportation contracts, and transportation for students in the Bayamon region. Because PRDE's failure to comply with these IDEA programmatic and fiscal requirements was addressed in the Special Conditions imposed on PRDE's FFY 2016 IDEA Part B grant award, OSEP's monitoring activities focused on the progress PRDE had made towards meeting the Commonwealth's FFY 2016 Special Conditions. Results data related to the graduation and drop out rate for children with disabilities submitted for FFY 2015 were not addressed during the on-site monitoring visit because the FFY 2015 State Performance Plan/Annual Performance Report (SPP/APR), submitted on February 1, 2017, was under review by OSEP staff at the time of the visit.

Attached is a summary of the results of the specific areas that were the subject of OSEP's monitoring and support activities, including PRDE's SSIP and compliance with the specific IDEA requirements identified above. Although OSEP also addressed the fiscal issues identified in the FFY 2016 Special Conditions during the on-site visit, a summary of those discussions is not included in the attached summary, but was included in the Special Conditions attached to PRDE's FFY 2017 IDEA Part B grant award.

OSEP will provide technical assistance (TA) to PRDE later this year during its monthly TA calls on improving its FFY 2015 SPP/APR data related to the graduation and drop-out rate for children with disabilities. OSEP will also continue to provide ongoing TA to PRDE regarding its SSIP during its monthly TA calls. In addition, OSEP will monitor any potential impact of the ongoing fiscal issues on PRDE's ability to meet its obligations under Part B of the IDEA, and remains available for TA as needed.

Finally, we recognize that the Commonwealth is under tremendous distress given the recent impact of the hurricanes, and that many staff resources at PRDE are dedicated to recovery efforts. We acknowledge that additional time may be needed to address some of the next steps outlined in the Enclosures. For the two areas in which OSEP identified noncompliance, we will work collaboratively with you to develop a corrective action plan and establish appropriate implementation timelines that take into consideration the Commonwealth's need to prioritize its recovery efforts.

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We appreciate your efforts to improve results for children with disabilities. If you have any questions, please contact Lynne Fairfax, your OSEP State Lead, at 202-245-7337 or by electronic mail at lynne.fairfax@ed.gov.

Sincerely,

/s/

Ruth E. Ryder
Acting Director
Office of Special Education Programs

cc: Eliezer Ramos Pares, Part B Director

Enclosures