

Puerto Rico Part B FFY 2010 SPP/APR Response Table

| Monitoring Priorities and Indicators | Status of APR Data/SPP Revision Issues | OSEP Analysis/Next Steps |
|--|---|---|
| <p>1. Percent of youth with IEPs graduating from high school with a regular diploma. [Results Indicator]</p> | <p>The Commonwealth's FFY 2010 reported data for this indicator are 48.37%. These data represent slippage from the FFY 2009 data of 59.4%. The Commonwealth did not meet its FFY 2010 target of 66%.</p> <p>The Commonwealth reported that its Consolidated State Performance Report (CSPR) did not include graduation rate data for students with disabilities. Therefore, the Commonwealth was unable to report graduation rates using the CSPR data for the FFY 2010 submission. The Commonwealth provided a detailed progress report in its APR on the status of implementing a data collection system that will allow the Commonwealth to calculate the graduation rate in accordance with 34 CFR §200.19.</p> | <p>OSEP looks forward to the Commonwealth's data demonstrating improvement in performance in the FFY 2011 APR, due February 1, 2013.</p> <p>In reporting data for this indicator in the FFY 2011 APR, States must use the same data they used for reporting to the Department under Title I of the ESEA, using the adjusted cohort graduation rate required under the ESEA.</p> |
| <p>2. Percent of youth with IEPs dropping out of high school. [Results Indicator]</p> | <p>The Commonwealth's FFY 2010 reported data for this indicator are 41.59%. These data represent slippage from the FFY 2009 data of 32.95%. The Commonwealth did not meet its FFY 2010 target of 22.5%.</p> | <p>OSEP looks forward to the Commonwealth's data demonstrating improvement in performance in the FFY 2011 APR.</p> |
| <p>3. Participation and performance of children with IEPs on statewide assessments: A. Percent of the districts with a disability subgroup that meets the State's minimum "n" size that meet the State's AYP targets for the disability subgroup. [Results Indicator]</p> | <p>Not applicable.</p> | <p>Not applicable.</p> |
| <p>3. Participation and performance of children with IEPs on statewide assessments: B. Participation rate for children with IEPs.</p> | <p>The Commonwealth's FFY 2010 reported data for this indicator are 98.73% for Spanish and 98.81% for math. These data represent progress from the FFY 2009 data of 98.20% for Spanish and 98.31% for math. The Commonwealth met its FFY 2010 targets of 98.73% for Spanish and 98.44% for math.</p> <p>The Commonwealth provided a Web link to FFY 2010 publicly-reported assessment results.</p> | <p>OSEP appreciates the Commonwealth's efforts to improve performance.</p> <p>The Commonwealth did not report publicly on the participation of children with</p> |

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| [Results Indicator] | <p>The Commonwealth did not report publicly on the participation of children with disabilities on statewide assessments with the same frequency and in the same detail as it reports on the assessments of nondisabled children, as required by 34 CFR §300.160(f). Specifically, the Commonwealth has not reported the number of children with disabilities in regular assessments and the number of those children who were provided accommodations (that did not result in an invalid score) in order to participate in those assessments at the Commonwealth level. In addition, the Commonwealth has not reported the number of children with disabilities, if any, participating in alternate assessments based on alternate academic achievement standards, at the Commonwealth level. The failure to publicly report as required under 34 CFR §300.160(f) is noncompliance.</p> | <p>disabilities on statewide assessments with the same frequency and in the same detail as it reports on the assessments of nondisabled children, as required by 34 CFR §300.160(f). Specifically, the Commonwealth has not reported the number of children with disabilities in regular assessments, and the number of those children who were provided accommodations (that did not result in an invalid score) in order to participate in those assessments at the Commonwealth level. In addition, the Commonwealth has not reported the number of children with disabilities, if any, participating in alternate assessments based on grade-level academic achievement standards, modified academic achievement standards, alternate academic achievement standards, at the Commonwealth level. The failure to publicly report as required under 34 CFR §300.160(f) is noncompliance.</p> <p>Within 90 days of the receipt of this Response Table, the Commonwealth must provide a Web link that demonstrates it has reported to the public on the statewide assessments of children with disabilities in accordance with 34 CFR §300.160(f). In</p> |

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| | | <p>addition, OSEP reminds the Commonwealth that in the FFY 2011 APR, the Commonwealth must continue to include a Web link that demonstrates compliance with 34 CFR §300.160(f).</p> |
| <p>3. Participation and performance of children with disabilities on statewide assessments: C. Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards. [Results Indicator]</p> | <p>The Commonwealth's FFY 2010 reported data for this indicator are 29.54% for Spanish and 23.23% for math. These data represent progress from the FFY 2009 data of 26.81% for Spanish and 22.20% for math. The Commonwealth met its FFY 2010 targets of 25.0% for Spanish and 20.75% for math. The Commonwealth provided a Web link to FFY 2010 publicly-reported assessment results.</p> | <p>OSEP appreciates the Commonwealth's efforts to improve performance.</p> |
| <p>4. Rates of suspension and expulsion: A. Percent of districts that have a significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and [Results Indicator]</p> | <p>The Commonwealth's FFY 2010 reported data for this indicator are 0.0008%. These data represent progress from the FFY 2009 data of 0.0021%. The Commonwealth met its FFY 2010 target of 0.001%.</p> | <p>OSEP appreciates the Commonwealth's efforts to improve performance.</p> |
| <p>4. Rates of suspension and expulsion: B. Percent of districts that have: (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant</p> | <p>Not applicable.</p> | <p>Not applicable.</p> |

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| <p>discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.</p> <p>[Compliance Indicator]</p> | | | | | | | | | | | | | | | | | | | | | | |
| <p>5. Percent of children with IEPs aged 6 through 21 served:</p> <p>A. Inside the regular class 80% or more of the day; B. Inside the regular class less than 40% of the day; or C. In separate schools, residential facilities, or homebound/hospital placements.</p> <p>[Results Indicator]</p> | <p>The Commonwealth's reported data for this indicator are:</p> <table border="1" data-bbox="550 581 1583 1055"> <thead> <tr> <th></th> <th><u>FFY 2009 Data</u></th> <th><u>FFY 2010 Data</u></th> <th><u>FFY 2010 Target</u></th> <th><u>Progress</u></th> </tr> </thead> <tbody> <tr> <td>A. % Inside the regular class 80% or more of the day</td> <td align="center">79.3</td> <td align="center">80.7</td> <td align="center">75</td> <td align="center">1.40%</td> </tr> <tr> <td>B. % Inside the regular class less than 40% of the day</td> <td align="center">9.3</td> <td align="center">8.1</td> <td align="center">14</td> <td align="center">1.20%</td> </tr> <tr> <td>C. % In separate schools, residential facilities, or homebound/hospital placements</td> <td align="center">2.8</td> <td align="center">3.2</td> <td align="center">1.29</td> <td align="center">-0.40%</td> </tr> </tbody> </table> <p>These data represent progress for 5A and 5B and slippage for 5C from the FFY 2009 data. The Commonwealth met its FFY 2010 targets for 5A and 5B, but did not meet its FFY 2010 target for 5C.</p> | | <u>FFY 2009 Data</u> | <u>FFY 2010 Data</u> | <u>FFY 2010 Target</u> | <u>Progress</u> | A. % Inside the regular class 80% or more of the day | 79.3 | 80.7 | 75 | 1.40% | B. % Inside the regular class less than 40% of the day | 9.3 | 8.1 | 14 | 1.20% | C. % In separate schools, residential facilities, or homebound/hospital placements | 2.8 | 3.2 | 1.29 | -0.40% | <p>OSEP appreciates the Commonwealth's efforts to improve performance and looks forward to the Commonwealth's data demonstrating improvement in performance in the FFY 2011 APR.</p> |
| | <u>FFY 2009 Data</u> | <u>FFY 2010 Data</u> | <u>FFY 2010 Target</u> | <u>Progress</u> | | | | | | | | | | | | | | | | | | |
| A. % Inside the regular class 80% or more of the day | 79.3 | 80.7 | 75 | 1.40% | | | | | | | | | | | | | | | | | | |
| B. % Inside the regular class less than 40% of the day | 9.3 | 8.1 | 14 | 1.20% | | | | | | | | | | | | | | | | | | |
| C. % In separate schools, residential facilities, or homebound/hospital placements | 2.8 | 3.2 | 1.29 | -0.40% | | | | | | | | | | | | | | | | | | |
| <p>6. Percent of children aged 3 through 5 with IEPs attending a:</p> <p>A. Regular early childhood program and receiving the majority of special education and related services in the regular early childhood program; and B. Separate special education class, separate school or residential</p> | <p>The Commonwealth is not required to report on this indicator in the FFY 2010 APR.</p> | <p>The Commonwealth must provide FFY 2011 baseline data, an FFY 2012 target, and improvement activities through FFY 2012 in the SPP that it submits with the FFY 2011 APR.</p> | | | | | | | | | | | | | | | | | | | | |

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| facility. [Results Indicator; New] | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>7. Percent of preschool children age 3 through 5 with IEPs who demonstrate improved:</p> <p>A. Positive social-emotional skills (including social relationships);</p> <p>B. Acquisition and use of knowledge and skills (including early language/communication and early literacy); and</p> <p>C. Use of appropriate behaviors to meet their needs.</p> <p>[Results Indicator]</p> | <p>The Commonwealth's reported data for this indicator are:</p> <table border="1" data-bbox="548 412 1583 1425"> <thead> <tr> <th><u>Summary Statement 1</u></th> <th><u>FFY 2009 Data</u></th> <th><u>FFY 2010 Data</u></th> <th><u>FFY 2010 Target</u></th> </tr> </thead> <tbody> <tr> <td>Outcome A: Positive social-emotional skills (including social relationships) (%)</td> <td align="center">86.1</td> <td align="center">90.50</td> <td align="center">95.00</td> </tr> <tr> <td>Outcome B: Acquisition and use of knowledge and skills (including early language/ communication) (%)</td> <td align="center">82.2</td> <td align="center">87.97</td> <td align="center">90.10</td> </tr> <tr> <td>Outcome C: Use of appropriate behaviors to meet their needs (%)</td> <td align="center">85.6</td> <td align="center">92.99</td> <td align="center">95.90</td> </tr> <tr> <th><u>Summary Statement 2</u></th> <th><u>FFY 2009 Data</u></th> <th><u>FFY 2010 Data</u></th> <th><u>FFY 2010 Target</u></th> </tr> <tr> <td>Outcome A: Positive social-emotional skills (including social relationships) (%)</td> <td align="center">69.4</td> <td align="center">62.52</td> <td align="center">56.50</td> </tr> <tr> <td>Outcome B: Acquisition and use of knowledge and skills (including early language/ communication) (%)</td> <td align="center">55.0</td> <td align="center">58.14</td> <td align="center">49.20</td> </tr> <tr> <td>Outcome C: Use of appropriate behaviors to meet their needs (%)</td> <td align="center">69.4</td> <td align="center">73.37</td> <td align="center">76.70</td> </tr> </tbody> </table> <p>These data represent progress and slippage from the FFY 2009 data. The Commonwealth met part of its FFY 2010 targets for this indicator.</p> | <u>Summary Statement 1</u> | <u>FFY 2009 Data</u> | <u>FFY 2010 Data</u> | <u>FFY 2010 Target</u> | Outcome A: Positive social-emotional skills (including social relationships) (%) | 86.1 | 90.50 | 95.00 | Outcome B: Acquisition and use of knowledge and skills (including early language/ communication) (%) | 82.2 | 87.97 | 90.10 | Outcome C: Use of appropriate behaviors to meet their needs (%) | 85.6 | 92.99 | 95.90 | <u>Summary Statement 2</u> | <u>FFY 2009 Data</u> | <u>FFY 2010 Data</u> | <u>FFY 2010 Target</u> | Outcome A: Positive social-emotional skills (including social relationships) (%) | 69.4 | 62.52 | 56.50 | Outcome B: Acquisition and use of knowledge and skills (including early language/ communication) (%) | 55.0 | 58.14 | 49.20 | Outcome C: Use of appropriate behaviors to meet their needs (%) | 69.4 | 73.37 | 76.70 | <p>OSEP appreciates the Commonwealth's efforts to improve performance and looks forward to the Commonwealth's data demonstrating improvement in performance in the FFY 2011 APR.</p> <p>The Commonwealth must report progress data and actual target data for FFY 2011 with the FFY 2011 APR.</p> |
| <u>Summary Statement 1</u> | <u>FFY 2009 Data</u> | <u>FFY 2010 Data</u> | <u>FFY 2010 Target</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Outcome A: Positive social-emotional skills (including social relationships) (%) | 86.1 | 90.50 | 95.00 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Outcome B: Acquisition and use of knowledge and skills (including early language/ communication) (%) | 82.2 | 87.97 | 90.10 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Outcome C: Use of appropriate behaviors to meet their needs (%) | 85.6 | 92.99 | 95.90 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>Summary Statement 2</u> | <u>FFY 2009 Data</u> | <u>FFY 2010 Data</u> | <u>FFY 2010 Target</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Outcome A: Positive social-emotional skills (including social relationships) (%) | 69.4 | 62.52 | 56.50 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Outcome B: Acquisition and use of knowledge and skills (including early language/ communication) (%) | 55.0 | 58.14 | 49.20 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Outcome C: Use of appropriate behaviors to meet their needs (%) | 69.4 | 73.37 | 76.70 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

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| <p>8. Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.</p> <p>[Results Indicator]</p> | <p>The Commonwealth's FFY 2010 reported data for this indicator are 82.5%. These data represent slippage from the FFY 2009 data of 85%. The Commonwealth did not meet its FFY 2010 target of 90%.</p> <p>In its description of its FFY 2010 data, the Commonwealth addressed whether the response group was representative of the population.</p> | <p>OSEP looks forward to the Commonwealth's data demonstrating improvement in performance in the FFY 2011 APR.</p> |
| <p>9. Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.</p> <p>[Compliance Indicator]</p> | <p>Not applicable.</p> | <p>Not applicable.</p> |
| <p>10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.</p> <p>[Compliance Indicator]</p> | <p>Not applicable.</p> | <p>Not applicable.</p> |
| <p>11. Percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.</p> <p>[Compliance Indicator]</p> | <p>The Commonwealth's FFY 2010 reported data for this indicator are 92.02%. These data represent progress from the FFY 2009 data of 89.7%. The Commonwealth did not meet its FFY 2010 target of 100%.</p> <p>The Commonwealth reported that all 29 of its findings of noncompliance identified in FFY 2009 for this indicator were corrected in a timely manner.</p> <p><i>Additional Reporting and Special Conditions:</i></p> <p>OSEP's July 1, 2011 Response Table and the June 20, 2011 Department-wide Special Conditions required the Commonwealth to report, with the FFY 2010 APR, updated data for the period from July 1, 2011 through December 31, 2011. For the relevant period, the Commonwealth reported that 9,765 of 9,919 (129 adjusted for exiting) children with parental consent for initial evaluations were evaluated within the</p> | <p>The Commonwealth must demonstrate, in the FFY 2011 APR, that the Commonwealth is in compliance with the timely initial evaluation requirement in 34 CFR §300.301(c)(1). Because the Commonwealth reported less than 100% compliance for FFY 2010, the Commonwealth must report on the status of correction of noncompliance identified in FFY 2010 for this indicator.</p> |

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| | <p>Commonwealth-established timeline. The Commonwealth also reported that there were still 25 children pending status verification as of April 13, 2012.</p> | <p>When reporting on the correction of noncompliance, the Commonwealth must report, in its FFY 2011 APR, that it has verified that each region or district (though the Commonwealth is a unitary system, it is composed of seven regions and 28 school districts) with findings of noncompliance identified in FFY 2010 for this indicator: (1) is correctly implementing 34 CFR §300.301(c)(1) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a Commonwealth data system; and (2) has completed the evaluation, although late, for any child whose initial evaluation was not timely, unless the child is no longer within the jurisdiction of the Commonwealth, consistent with OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02). In the FFY 2011 APR, the Commonwealth must describe the specific actions that were taken to verify the correction.</p> <p>If the Commonwealth does not report 100% compliance in the FFY 2011 APR, the Commonwealth must review its improvement activities and revise them, if necessary to ensure</p> |

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| | | <p>compliance.</p> <p>Because this is an area of longstanding noncompliance where the Commonwealth has not demonstrated full correction, in addition to reporting the required FFY 2011 data, the Commonwealth must, with the FFY 2011 APR, report updated data for the period from July 1, 2012 through December 31, 2012.</p> |
| <p>12. 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.</p> <p>[Compliance Indicator]</p> | <p>The Commonwealth's FFY 2010 reported data for this indicator are 75.0%. These data represent progress from the FFY 2009 data of 53.9%. The Commonwealth did not meet its FFY 2010 target of 100%.</p> <p>The Commonwealth reported that all 12 of its findings of noncompliance identified in FFY 2009 for this indicator were corrected in a timely manner.</p> <p><i>Additional Reporting and Special Conditions:</i></p> <p>OSEP's July 1, 2011 Response Table and the June 20, 2011 Department-wide Special Conditions required the Commonwealth to report, with the FFY 2010 APR, updated data for the period from July 1, 2011 through December 31, 2011. For the relevant period, the Commonwealth reported that of 615 children with disabilities served under Part C that were referred to Part B (including 11 children exited and 25 who were determined ineligible), 458 had IEPs in place and implemented by their third birthday, with 68 additional children being served after their third birthday and 52 children who had not had their third birthday as of April 13, 2012. The Commonwealth also reported that there were no children pending status verification as of April 13, 2012.</p> | <p>The Commonwealth must demonstrate, in the FFY 2011 APR, that the Commonwealth is in compliance with the early childhood transition requirements in 34 CFR §300.124(b). Because the Commonwealth reported less than 100% compliance for FFY 2009, the Commonwealth must report on the status of correction of noncompliance identified in FFY 2010 for this indicator.</p> <p>When reporting on the correction of noncompliance, the Commonwealth must report, in its FFY 2011 APR, that it has verified that each region or district (though the Commonwealth is a unitary system, it is composed of seven regions and 28 school districts) with findings of noncompliance identified in FFY 2010 for this indicator: (1) is correctly implementing 34 CFR</p> |

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| | | <p>§300.124(b) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a Commonwealth data system; and (2) has developed and implemented the IEP, although late, for any child for whom implementation of the IEP was not timely, unless the child is no longer within the jurisdiction of the Commonwealth, consistent with OSEP Memo 09-02. In the FFY 2011 APR, the Commonwealth must describe the specific actions that were taken to verify the correction.</p> <p>If the Commonwealth does not report 100% compliance in the FFY 2011 APR, the Commonwealth must review its improvement activities and revise them, if necessary to ensure compliance.</p> <p>Because this is an area of longstanding noncompliance where the Commonwealth has not demonstrated full correction, in addition to reporting the required FFY 2011 data, the Commonwealth must, with the FFY 2011 APR, report updated data for the period from July 1, 2012 through December 31, 2012.</p> |
| 13. Percent of youth with IEPs aged | The Commonwealth's FFY 2010 reported data for this indicator are 95.8%. These data | OSEP appreciates the |

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| <p>16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student’s transition services needs. 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 was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.</p> <p>[Compliance Indicator]</p> | <p>represent progress from the FFY 2009 data of 88.9%. The Commonwealth did not meet its FFY 2010 target of 100%.</p> <p>The Commonwealth reported that all 1,017 of its findings of noncompliance identified in FFY 2009 for this indicator were corrected in a timely manner.</p> | <p>Commonwealth’s efforts and looks forward to reviewing in the FFY 2011 APR, the Commonwealth’s data demonstrating that it is in compliance with the secondary transition requirements in 34 CFR §§300.320(b) and 300.321(b). Because the Commonwealth reported less than 100% compliance for FFY 2010, the Commonwealth must report on the status of correction of noncompliance identified in FFY 2010 for this indicator.</p> <p>When reporting on the correction of noncompliance, the Commonwealth must report, in its FFY 2011 APR, that it has verified that each region or district (though the Commonwealth is a unitary system, it is composed of seven regions and 28 school districts) with findings of noncompliance identified in FFY 2010 for this indicator: (1) is correctly implementing 34 CFR §§300.320(b) and 300.321(b) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a Commonwealth data system; and (2) has corrected each individual case of noncompliance, unless the child</p> |

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| | | <p>is no longer within the jurisdiction of the Commonwealth, consistent with OSEP Memo 09-02. In the FFY 2011 APR, the Commonwealth must describe the specific actions that were taken to verify the correction.</p> <p>If the Commonwealth does not report 100% compliance in the FFY 2011 APR, the Commonwealth must review its improvement activities and revise them, if necessary to ensure compliance.</p> | | | | | | | | | | | | | | | | | | | | |
| <p>14. Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were:</p> <p>A. Enrolled in higher education within one year of leaving high school;</p> <p>B. Enrolled in higher education or competitively employed within one year of leaving high school.</p> <p>C. Enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.</p> <p>[Results Indicator]</p> | <p>The Commonwealth's reported data for this indicator are:</p> <table border="1" data-bbox="550 846 1583 1390"> <thead> <tr> <th></th> <th><u>FFY 2009 Data</u></th> <th><u>FFY 2010 Data</u></th> <th><u>FFY 2010 Target</u></th> <th><u>Progress</u></th> </tr> </thead> <tbody> <tr> <td>A. % Enrolled in higher education</td> <td align="center">48.0</td> <td align="center">59.4</td> <td align="center">48.0</td> <td align="center">11.40%</td> </tr> <tr> <td>B. % Enrolled in higher education or competitively employed</td> <td align="center">55.3</td> <td align="center">65.4</td> <td align="center">55.3</td> <td align="center">10.10%</td> </tr> <tr> <td>C. % Enrolled in higher education or in some other postsecondary education or training program; or competitively employed</td> <td align="center">87.1</td> <td align="center">83.9</td> <td align="center">87.1</td> <td align="center">-3.20%</td> </tr> </tbody> </table> <p>These data represent progress for 14A and 14B and slippage for 14C from the FFY 2009 data. The Commonwealth met its FFY 2010 targets of 14A and 14B, but did not meet its FFY 2010 target for 14C.</p> | | <u>FFY 2009 Data</u> | <u>FFY 2010 Data</u> | <u>FFY 2010 Target</u> | <u>Progress</u> | A. % Enrolled in higher education | 48.0 | 59.4 | 48.0 | 11.40% | B. % Enrolled in higher education or competitively employed | 55.3 | 65.4 | 55.3 | 10.10% | C. % Enrolled in higher education or in some other postsecondary education or training program; or competitively employed | 87.1 | 83.9 | 87.1 | -3.20% | <p>OSEP appreciates the Commonwealth's efforts to improve performance and looks forward to the Commonwealth's data demonstrating improvement in performance in the FFY 2011 APR.</p> |
| | <u>FFY 2009 Data</u> | <u>FFY 2010 Data</u> | <u>FFY 2010 Target</u> | <u>Progress</u> | | | | | | | | | | | | | | | | | | |
| A. % Enrolled in higher education | 48.0 | 59.4 | 48.0 | 11.40% | | | | | | | | | | | | | | | | | | |
| B. % Enrolled in higher education or competitively employed | 55.3 | 65.4 | 55.3 | 10.10% | | | | | | | | | | | | | | | | | | |
| C. % Enrolled in higher education or in some other postsecondary education or training program; or competitively employed | 87.1 | 83.9 | 87.1 | -3.20% | | | | | | | | | | | | | | | | | | |

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| | <p>In its description of its FFY 2010 data, the Commonwealth addressed whether the response group was representative of the population.</p> | |
| <p>15. General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification. [Compliance Indicator]</p> | <p>The Commonwealth's FFY 2010 reported data for this indicator are 88.5%. These data represent progress from the FFY 2009 data of 85.6%. The Commonwealth did not meet its FFY 2010 target of 100%.</p> <p>The Commonwealth reported that 54 of 61 findings of noncompliance identified in FFY 2009 were corrected in a timely manner. The Commonwealth reported on the actions it took to address the uncorrected noncompliance.</p> <p>The Commonwealth reported that 11 findings of noncompliance identified in FFY 2008 were corrected. The Commonwealth reported as subsequently corrected those findings that were verified consistent with OSEP Memo 09-02 after the conclusion of the one-year timeline.</p> <p><i>Additional Reporting and Special Conditions:</i></p> <p>OSEP's July 1, 2011 Response Table and the June 20, 2011 Department-wide Special Conditions required the Commonwealth to report, with the FFY 2010 APR submission, on updated data for the period from July 1, 2010 through June 30, 2011 for each of the items previously addressed in the 2007 Agreement (reevaluations; assistive technology, evaluations, assistive technology services and/or equipment; and financial management issues, including addressing and resolving the use of funds requirements related to transportation contracts).</p> <p>In addition, the Special Conditions required the Commonwealth to report, with the FFY 2010 APR submission: (1) information related to procurement strategies for special education-related purchases; and (2) updated data on correction of noncompliance from the period of July 1, 2011 through December 31, 2011.</p> <p>The Commonwealth provided the following updated information under the APR Supplemental Report:</p> <ol style="list-style-type: none"> 1. For compliance with the reevaluation requirements (see 34 CFR §§300.303-300.306), PRDE reported the required information for FFY 2010, reporting that 98.08%, or 23,039 of the 23,489 requests for reevaluations were completed, and that 450 remained pending as of February 1, 2012. 2. For compliance with the assistive technology evaluation requirements (see 34 CFR §§300.105, 300.301-300.306, and 300.324(a)(2)(v)), PRDE reported that 99.1%, or 1,354 of the 1,365 requests for evaluations were completed, and that | <p>The Commonwealth must demonstrate, in the FFY 2011 APR, that the remaining seven findings of noncompliance identified in FFY 2009 that were not reported as corrected in the FFY 2010 APR were corrected.</p> <p>The Commonwealth must review its improvement activities and revise them, if appropriate, to ensure they will enable the Commonwealth to provide data in the FFY 2011 APR, demonstrating that the Commonwealth timely corrected noncompliance identified by the Commonwealth in FFY 2010 in accordance with 20 U.S.C. 1232d(b)(3)(E), 34 CFR §§300.149 and 300.600(e), and OSEP Memo 09-02.</p> <p>When reporting on correction of findings of noncompliance in the FFY 2011 APR, the Commonwealth must report that it verified that each finding of noncompliance identified in FFY 2010 and each remaining finding of noncompliance identified in FFY 2009: (1) are correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data</p> |

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| | <p>11 remained pending as of February 1, 2012.</p> <ol style="list-style-type: none"> 3. For compliance with the requirement to provide assistive technology devices and services (see 34 CFR §§300.105 and 300.324(a)(2)(v)), PRDE reported that 80.6% of the 1,141 requests for devices and services were confirmed as purchased within SIFDE (the Commonwealth’s financial management system), and that 43.7% of the completed purchases were verified as delivered. As of February 1, 2012, there were 221 pending purchase requests and 496 pending deliveries. 4. For compliance with information related to financial management issues, PRDE reported on the activity involving use of funds for special education transportation contracts; financial accounting and reporting; and procurement strategies for special education and related services, specifically as it relates to global contracts, open market purchases, and purchasing cards. 5. For the period from July 1, 2011 through December 31, 2011, PRDE reported that 32 findings of noncompliance were identified through the State Complaint process and were corrected within one year of identification. In addition, PRDE reported that 45 findings of noncompliance were identified through the monitoring process, but that all findings were still within the one year timeline for correction. PRDE reported on April 16, 2012 that of the five entities with identified noncompliance that were referred to the legal division, four entities had corrected noncompliance and that one entity remained with outstanding noncompliance. <p>In its February 8, 2012 Continuous Improvement Visit (CIV) letter, OSEP concluded that the Commonwealth did not have a general supervision system that was reasonably designed to identify noncompliance in a timely manner using its different components, because the Commonwealth had not made findings of noncompliance when data from its SEASWeb database or information from a self-assessment showed noncompliance, and the district or region with noncompliance was not subject to an on-site monitoring visit. Based on OSEP’s letter and a subsequent request for an extension of time from the Commonwealth that OSEP granted, OSEP required submission of the following information: (1) updated procedures regarding identification of noncompliance that require findings of noncompliance when data in its database, self-assessments, or other monitoring data show noncompliance, regardless of the level of noncompliance; (2) documentation that the Commonwealth had made findings of noncompliance based on the data it collected through the SEASWeb database and based on data provided in self-assessments; and (3) an assurance that the Commonwealth would include data regarding</p> | <p>such as data subsequently collected through on-site monitoring or a Commonwealth data system; and (2) have corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the Commonwealth, consistent with OSEP Memo 09-02. In the FFY 2011 APR, the Commonwealth must describe the specific actions that were taken to verify the correction. In addition, in reporting on Indicator 15 in the FFY 2011 APR, the Commonwealth must use the Indicator 15 Worksheet.</p> <p>Further, in responding to Indicators 11, 12, and 13 in the FFY 2011 APR, the Commonwealth must report on correction of the noncompliance described in this table under those indicators.</p> <p>Because these are areas of longstanding noncompliance where the Commonwealth has not demonstrated full correction, the Commonwealth must, with the FFY 2011 APR, report FFY 2011 data and also updated data for the period from July 1, 2012 through December 31, 2012 for each of the items previously addressed in the 2007 Agreement (reevaluations, assistive</p> |

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| | <p>the correction of all findings of noncompliance (including the correction of findings it makes in FFY 2011 (July 1, 2011-June 30, 2012) based on PRDE's database and self-assessments in its data for Indicator 15 in the FFY 2012 APR (due February 1, 2014).</p> <p>On May 8, 2012, the Commonwealth timely provided the required information for items (1) and (3) and indicated that it will submit the documentation for item (2) by the agreed-upon extension, July 23, 2012.</p> | <p>technology evaluations, assistive technology services and/or equipment, and financial management issues, including address and resolving the use of funds requirements related to transportation contracts).</p> |
| <p>16. Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint, or because the parent (or individual or organization) and the public agency agree to extend the time to engage in mediation or other alternative means of dispute resolution, if available in the State.</p> <p>[Compliance Indicator]</p> | <p>The Commonwealth's FFY 2010 reported data for this indicator, as of January 31, 2012, are 100%. These data remain unchanged from the FFY 2009 data of 100%. The Commonwealth met its FFY 2010 target of 100%.</p> <p>Note that States are allowed to amend their FFY 2010 IDEA section 618 Dispute Resolution data until July 2012.</p> | <p>OSEP appreciates the Commonwealth's efforts in achieving compliance with the timely complaint resolution requirements in 34 CFR §300.152.</p> |
| <p>17. Percent of adjudicated due process hearing requests that were adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party or in the case of an expedited hearing, within the required timelines.</p> <p>[Compliance Indicator]</p> | <p>The Commonwealth's FFY 2010 reported data for this indicator, as of January 31, 2012, are 77.7%. These data represent progress from the FFY 2009 data of 69.2%. The Commonwealth did not meet its FFY 2010 target of 100%.</p> <p>Note that States are allowed to amend their FFY 2010 IDEA section 618 Dispute Resolution data until July 2012.</p> | <p>OSEP looks forward to reviewing the Commonwealth's FFY 2011 IDEA section 618 data, demonstrating that it is in compliance with the due process hearing timeline requirements in 34 CFR §300.515.</p> <p>Because this is an area of longstanding noncompliance where the Commonwealth has not demonstrated full correction, , the Commonwealth must, in the FFY 2011 APR, report updated data on the timeliness of hearing decisions for the period from July</p> |

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| | | 1, 2012 through December 31, 2012. |
| <p>18. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.</p> <p>[Results Indicator]</p> | <p>The Commonwealth's FFY 2010 reported data for this indicator, as of January 31, 2012, are 61.5%. The FFY 2009 data were 61.97%. The Commonwealth met its FFY 2010 target of 51.5%.</p> <p>Note that States are allowed to amend their FFY 2010 IDEA section 618 Dispute Resolution data until July 2012.</p> | <p>OSEP looks forward to reviewing the Commonwealth's data in the FFY 2011 APR.</p> |
| <p>19. Percent of mediations held that resulted in mediation agreements.</p> <p>[Results Indicator]</p> | <p>The Commonwealth's FFY 2010 reported data for this indicator, as of January 31, 2012, are 93.2%. These data represent progress from the FFY 2009 data of 73.97%. The Commonwealth met its FFY 2010 target of 65.0%.</p> <p>Note that States are allowed to amend their FFY 2010 IDEA section 618 Dispute Resolution data until July 2012.</p> | <p>OSEP looks forward to reviewing the Commonwealth's data in the FFY 2011 APR.</p> |
| <p>20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.</p> <p>[Compliance Indicator]</p> | <p>The Commonwealth's FFY 2010 reported data for this indicator are 100%. These data remain unchanged from the FFY 2009 data of 100%. The Commonwealth met its FFY 2010 target of 100%.</p> | <p>OSEP appreciates the Commonwealth's efforts in achieving compliance with the timely and accurate data reporting requirements in IDEA sections 616 and 618 and 34 CFR §§76.720 and 300.601(b). In reporting on Indicator 20 in the FFY 2011 APR, the Commonwealth must use the Indicator 20 Data Rubric.</p> |