

Puerto Rico Part B FFY 2011 SPP/APR Response Table

Part B SPP/APR Indicators

1. Percent of youth with IEPs graduating from high school with a regular diploma. [Results Indicator]
2. Percent of youth with IEPs dropping out of high school. [Results Indicator]
3. 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/AMO targets for the disability subgroup. [Results Indicator] B. Participation rate for children with IEPs on statewide assessments. [Results Indicator] C. Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards. [Results Indicator]
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; [Results Indicator] 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 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. [Compliance Indicator]
5. Percent of children with IEPs aged 6 through 21 served: 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. [Results Indicator]
6. Percent of children aged 3 through 5 with IEPs attending a: 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 facility. [Results Indicator; New]
7. Percent of preschool children age 3 through 5 with IEPs who demonstrate improved: A. Positive social-emotional skills (including social relationships); B. Acquisition and use of knowledge and skills (including early language/communication and early literacy); and C. Use of appropriate behaviors to meet their needs. [Results Indicator]
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. [Results Indicator]
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. [Compliance Indicator]
10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification. [Compliance Indicator]

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. [Compliance Indicator]
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. [Compliance Indicator]
13. Percent of youth with IEPs aged 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. [Compliance Indicator]
14. Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were: A. Enrolled in higher education within one year of leaving high school; B. Enrolled in higher education or competitively employed within one year of leaving high school; C. D. 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. [Results Indicator]
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]
18. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements. [Results Indicator]
19. Percent of mediations held that resulted in mediation agreements. [Results Indicator]
20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate. [Compliance Indicator]

Timeliness of State Complaint and Due Process Hearing Decisions
(Collected as Part of IDEA Section 618 Data rather than through an SPP/APR Indicator)

Timely Resolution of State Complaints: 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.

Timely Adjudication of Due Process Hearing Requests: Percent of adjudicated due process hearing requests that were adjudicated within the 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.

Puerto Rico Part B FFY 2011 SPP/APR Results Data Summary

INDICATOR	FFY 2010 DATA	FFY 2011 DATA	FFY 2011 TARGET
1. Graduation	48.37%	46.7%	≥ 66.5% ¹
2. Drop Out	41.59%	43.36%	≤ 21.75% ²
3. A. Percent of Districts Meeting AYP for Disability Subgroup	Not Applicable	Not Applicable	Not Applicable
B. Statewide Assessment Participation Rate – Spanish	98.73%	98.79%	≥ 98.73%
B. Statewide Assessment Participation Rate – Math	98.81%	98.89%	≥ 98.44%
C. Proficiency Rate – Spanish	29.54%	30.98%	≥ 25.5%
C. Proficiency Rate – Math	23.23%	25.31%	≥ 21.5%
4. A. Percent of Districts with Significant Discrepancy in Suspension/Expulsion	0.0008%	0.0061%	≤ 0.001%
5. Educational Environment for Children with IEPs 6-21			
A. In Regular Education 80% or More of Day	80.7%	77.65%	≥ 75.5%
B. In Regular Education Less than 40% of Day	8.1%	7.63%	≤ 13.8%
C. In Separate Schools, Residential Facilities, or Homebound/Hospitals	3.2%	3.17%	≤ 1.28%
6. Percent of children aged 3 through 5 with IEPs attending:			
A. Regular early childhood program and receiving majority of special education and related services in regular early childhood program;		71.92%	Baseline
B. Separate special education class, separate school or residential facility.		0.77%	Baseline
7. Preschool Outcomes	See Attached Table	See Attached Table	See Attached Table
8. Parents Reporting Schools Facilitated Parent Involvement	82.5%	88%	≥ 89.9%
14. Percent of Youth No Longer in School, within One Year of Leaving High School:			
A. Enrolled in Higher Education	59.4%	44.8%	≥ 48.4%
B. Enrolled in Higher Education or Competitively Employed	65.4%	51.0%	≥ 55.7%
C. Enrolled in Higher Education or Other Postsecondary Education or Training or Competitively Employed or in Some Other Employment	83.9%	79.0%	≥ 87.5%
18. Hearing Requests Resolved through Resolution Session Agreements	61.5%	55.9%	≥ 51.75%
19. Mediations Held that Resulted in Mediation Agreements	93.2%	75.8%	≥ 65.25%

¹ As used in this table, the symbol “≥” means that, to meet the target, the Commonwealth’s data must be greater than or equal to the established target.

² As used in this table, the symbol “≤” means that, to meet the target, the Commonwealth’s data must be less than or equal to the established target.

7. Percent of Preschool Children Age 3 through 5 with IEPs Who Demonstrate Improved Outcomes

Summary Statement 1 ³	FFY 2010 Data	FFY 2011 Data	FFY 2011 Target
Outcome A: Positive social-emotional skills (including social relationships)	90.50%	87.6%	≥ 95.1%
Outcome B: Acquisition and use of knowledge and skills (including early language/ communication)	87.97%	88.9%	≥ 90.3%
Outcome C: Use of appropriate behaviors to meet their needs	92.99%	90.8%	≥ 96%
Summary Statement 2 ⁴	FFY 2010 Data	FFY 2011 Data	FFY 2011 Target
Outcome A: Positive social-emotional skills (including social relationships)	62.52%	60.6%	≥ 56.8%
Outcome B: Acquisition and use of knowledge and skills (including early language/ communication)	58.14%	58.0%	≥ 49.4%
Outcome C: Use of appropriate behaviors to meet their needs	73.37%	71.5%	≥ 77%

³ **Summary Statement 1:** Of those preschool children who entered or exited the preschool program below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program.

⁴ **Summary Statement 2:** The percent of preschool children who were functioning within age expectations in each Outcome by the time they turned 6 years of age or exited the program.

Puerto Rico Part B FFY 2011 Results Data Summary Notes

INDICATOR 3B: OSEP's June 2012 FFY 2010 SPP/APR Response Table required the Commonwealth to report, within 90 days of the receipt of the Response Table, a Web link that demonstrated it has reported FFY 2011 data to the public on the statewide assessment of children with disabilities in accordance with 34 CFR §300.160(f). The Commonwealth provided a Web link to 2011 publicly-reported assessment results, which included all of the required information.

The Commonwealth also provided a Web link to 2011 publicly-reported assessment results.

INDICATOR 3C:

The Commonwealth provided a Web link to 2011 publicly-reported assessment results.

INDICATOR 6: The Commonwealth provided FFY 2011 baseline data, targets for FFY 2012, and improvement activities through FFY 2012 for this indicator, and OSEP accepts the Commonwealth's submission for this indicator.

The Commonwealth indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2012.

INDICATOR 7:

REQUIRED ACTIONS

The Commonwealth must report progress data and actual target data for FFY 2012 in the FFY 2012 APR.

Puerto Rico Part B FFY 2011 SPP/APR Compliance Summary

INDICATOR	FFY 2010 DATA	FFY 2011 DATA	FFY 2011 TARGET	CORRECTION OF FINDINGS OF NONCOMPLIANCE IDENTIFIED IN FFY 2010
4B. Significant discrepancy in suspension/expulsion by race/ethnicity, and policies, procedures or practices that contribute to the significant discrepancy and do not comply with specified requirements.	Not Applicable	Not Applicable	Not Applicable	
9. Disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.	Not Applicable	Not Applicable	Not Applicable	
10. Disproportionate representation by disability of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.	Not Applicable	Not Applicable	Not Applicable	
11. Timely Initial Evaluation	92.02%	89.2%	100%	The Commonwealth explained that it did not identify any findings of noncompliance in FFY 2010, because the findings that the Commonwealth identified in late FFY 2009 in the same entities (CSEEs) had not yet been corrected. The Commonwealth also reported that noncompliance was corrected for all 1,425 students for whom noncompliance was reflected in its FFY 2010 data for this indicator.
12. Early Childhood Transition	75.0%	91.2%	100%	The Commonwealth reported that both of two findings of noncompliance identified in FFY 2010 were corrected in a timely manner.

INDICATOR	FFY 2010 DATA	FFY 2011 DATA	FFY 2011 TARGET	CORRECTION OF FINDINGS OF NONCOMPLIANCE IDENTIFIED IN FFY 2010
13. Secondary Transition	95.8%	92.61%	100%	The Commonwealth reported that all ten of its findings of noncompliance identified in FFY 2010 were corrected in a timely manner.
15. Timely Correction	88.5%	100%	100%	The Commonwealth reported that all 15 of its findings of noncompliance identified in FFY 2010 were corrected in a timely manner.
20. Timely and Accurate Data	100%	98.68%	100%	

Puerto Rico Part B FFY 2011 State Complaint and Hearing Data from IDEA Section 618 Data Reports

REQUIREMENT	FFY 2010 DATA	FFY 2011 DATA
Timely resolution of complaints	100%	100%
Timely adjudication of due process hearing requests	77.7%	82.0%

Puerto Rico Part B FFY 2011 Compliance Data Summary Notes

INDICATOR 4B: Not Applicable.
INDICATOR 9: Not Applicable.
INDICATOR 10: Not Applicable.
<p>INDICATOR 11:</p> <p>The Special Conditions on the Commonwealth’s FFY 2012 IDEA Part B grant award and OSEP’s FFY 2010 SPP/APR Response Table required the Commonwealth to include in the FFY 2011 APR updated data for the period from July 1, 2012-December 31, 2012. For the relevant period, the Commonwealth reported that 8,061 of 8,785 (112 adjusted for exiting) children with parental consent for initial evaluations were evaluated within the Commonwealth-established timelines. The Commonwealth also reported that the remaining 612 children had their initial evaluations completed, though beyond the Commonwealth-established timeline, as of May 17, 2013. The Commonwealth also reported that there was one finding of noncompliance identified in FFY 2009 related to the San Juan CSEE that remains uncorrected. The Commonwealth provided all of the required information.</p> <p>REQUIRED ACTIONS</p> <p>Because the Commonwealth reported less than 100% compliance for FFY 2011, and reported one finding of noncompliance that was identified in FFY 2009 and that is uncorrected, the Commonwealth must report on the status of correction of noncompliance identified in FFY 2009 and FFY 2011 for this indicator. When reporting on the correction of noncompliance, the State must report, in its FFY 2012 APR, that it has verified that each entity with findings of noncompliance identified in FFY 2009 and FFY 2011: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on the review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the Commonwealth, consistent with OSEP Memo 09-02.⁵ In the FFY 2012 APR, the Commonwealth must describe the specific actions that were taken to verify the correction.</p>

⁵ OSEP Memorandum 09-02 (OSEP Memo 09-02), dated October 17, 2008, requires that the Commonwealth report that it verified that each entity with noncompliance: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the Commonwealth.

INDICATOR 12: The Special Conditions on the Commonwealth's FFY 2012 IDEA Part B grant award and OSEP's FFY 2010 SPP/APR Response Table required the Commonwealth to include in the FFY 2011 APR updated data for the period from July 1, 2012-December 31, 2012. For the relevant period, the Commonwealth reported that of 533 children with disabilities served under Part C that were referred to Part B (including two children who exited and 39 who were determined ineligible), 390 had IEPs in place and implemented by their third birthday, with 89 additional children being served after their third birthday and 4 children who had not had their third birthday as of May 17, 2013. The Commonwealth also reported that nine children were pending status verification as of February 15, 2013. The Commonwealth provided all of the required information.

REQUIRED ACTIONS

Because the Commonwealth reported less than 100% compliance for FFY 2011, the Commonwealth must report on the status of correction of noncompliance identified in FFY 2011 for this indicator. When reporting on the correction of noncompliance, the Commonwealth must report, in its FFY 2012 APR, that it has verified that each entity with findings of noncompliance identified in FFY 2011: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on the review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has 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 2012 APR, the Commonwealth must describe the specific actions that were taken to verify the correction.

INDICATOR 13:

The Commonwealth's FFY 2011 data for this indicator are 100%. However, OSEP recalculated the data for this indicator to be 92.61% (11,528 divided by 12,447). The State mistakenly included in the numerator files that did not include all of the required content when reviewed in FFY 2011, but which were subsequently corrected.

REQUIRED ACTIONS

Because the Commonwealth reported less than 100% compliance for FFY 2011, the Commonwealth must report on the status of correction of noncompliance identified in FFY 2011 for this indicator. When reporting on the correction of noncompliance, the Commonwealth must report, in its FFY 2012 APR, that it has verified that each entity with findings of noncompliance identified in FFY 2011: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on the review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has 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 2012 APR, the Commonwealth must describe the specific actions that were taken to verify the correction.

INDICATOR 15: The Commonwealth reported that six of seven findings of noncompliance identified in FFY 2009 were corrected. The Commonwealth reported on the actions it took to address the uncorrected noncompliance.

In its February 8, 2012 Continuous Improvement Visit 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. OSEP required PRDE to submit 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. The Commonwealth submitted all of the required documentation on July 23, 2012 to demonstrate that this finding of noncompliance was corrected.

REQUIRED ACTIONS

When reporting in the FFY 2012 APR on the correction of findings of noncompliance, the State must report that it verified that each LEA with findings of noncompliance identified in FFY 2009 and FFY 2011: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2012 APR, the State must describe the specific actions that were taken to verify the correction. In addition, in reporting on Indicator 15 in the FFY 2012 APR, the State must use and submit the Indicator 15 Worksheet.

In responding to Indicators 11, 12, and 13 in the FFY 2012 APR, the Commonwealth must report on correction of noncompliance described in this table under those indicators.

Puerto Rico Part B – Additional Reporting Required by FFY 2012 Special Conditions

The Special Conditions on the Commonwealth's FFY 2012 IDEA Part B grant award and OSEP's FFY 2010 SPP/APR Response Table required the Commonwealth to include, in the FFY 2011 APR, updated data for the period from July 1, 2010- June 30, 2011 for each of the items previously addressed in the 2007 Agreement (reevaluations, assistive technology, evaluations, early childhood transition, assistive technology services and/or equipment; and financial management issues, including addressing and resolving the use of funds requirements related to transportation contracts). The Special Conditions and Response Table also required the Commonwealth to report with the FFY 2011 APR: (1) information on procurement strategies for special education-related purchases; (2) updated data on correction of noncompliance for FFY 2011; and (3) updated data on the timely adjudication of hearing requests for the period of July 1, 2012 through December 31, 2012. Regarding initial evaluations, early childhood transition, and correction of noncompliance, see the notes, above, for Indicators 11, 12, and 15, respectively. See the notes below regarding timely adjudication of hearing requests, reevaluations, assistive technology evaluation, assistive technology devices and services, and financial management issues.

TIMELY ADJUDICATION OF DUE PROCESS HEARING REQUESTS – PRDE reported that, for the period of July 1, 2012-December 31, 2012, 80.9% of 509 hearing requests were resolved within the 45-day timeline or a timeline that was properly extended by the hearing officer at the request of either party.

REEVALUATIONS (see 34 CFR §§300.303-300.306) – PRDE reported that for: (1) FFY 2011, 100% of 18,412 requests for reevaluations were completed; and (2) the period from July 1, 2012-December 31, 2012, 100% of 8,438 requests for reevaluations were completed as of May 17, 2013.

ASSISTIVE TECHNOLOGY EVALUATION REQUIREMENTS (see 34 CFR §§300.105, 300.301-300.306, and 300.324(a)(2)(v)) – PRDE reported that for: (1) FFY 2010, 100% of 1,363 referrals for assistive technology evaluations were completed; (2) FFY 2011, 100% of 1,491 referrals for assistive technology evaluations were completed; and (3) the period from July 1, 2012-December 31, 2012, 100% of 692 referrals for assistive technology evaluations were completed as of May 17, 2013.

ASSISTIVE TECHNOLOGY DEVICES AND SERVICES (see 34 CFR §§300.105 and 300.324(a)(2)(v)) – PRDE reported that for: (1) FFY 2008, 100% of 897 requests for assistive technology devices and services (requests) were confirmed as purchased within SIFDE (the Commonwealth's financial management system), and that 100% of the completed purchases were verified as delivered; (2) FFY 2009, 100% of 759 requests were confirmed as purchased within SIFDE and that 100% of the completed purchases were verified as delivered; (3) FFY 2010, 100% of 1,089 requests were confirmed as purchased within SIFDE, that 98% of the completed purchases were verified as delivered, and 17 remained pending; (4) FFY 2011, 98.4% of 1,226 requests were confirmed as purchased within SIFDE, 86.4% of the completed purchases were verified as delivered, and 148 remained pending; and (5) July 1, 2012 through December 31, 2012, 63.4% of 602 requests were confirmed as purchased within SIFDE, 27.7% of the completed purchases were verified as delivered, and 215 were pending as of May 17, 2013.

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.