

## Puerto Rico Part B FFY 2012 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. 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 2012 SPP/APR Results Data Summary**

<b>INDICATOR</b>	<b>FFY 2011 DATA</b>	<b>FFY 2012 DATA</b>	<b>FFY 2012 TARGET</b>
1. Graduation	46.7%	48.1%	≥ 67% <sup>1</sup>
2. Drop Out	43.36%	44.81%	≤ 21.75% <sup>2</sup>
3. A. Percent of Districts Meeting AYP for Disability Subgroup	Not Applicable	Not Applicable	Not Applicable
B. Statewide Assessment Participation Rate – Spanish	98.79%	98.80%	≥ 98.73%
B. Statewide Assessment Participation Rate – Math	98.89%	98.97%	≥ 98.44%
C. Proficiency Rate - Spanish	30.98%	31.72%	≥ 25.75%
C. Proficiency Rate - Math	25.31%	24.84%	≥ 22.25%
4. A. Percent of Districts with Significant Discrepancy in Suspension/Expulsion	0.0061%	0.006%	≤ 0.001%
5. Educational Environment for Children with IEPs 6-21			
A. In Regular Education 80% or More of Day	77.65%	77.84%	≥ 76%
B. In Regular Education Less than 40% of Day	7.63%	5.76%	≤ 13.6%
C. In Separate Schools, Residential Facilities, or Homebound/Hospitals	3.17%	3.62%	≤ 1.27%
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%	87.75%	≥ 71.95%
B. Separate special education class, separate school or residential facility.	0.77%	0.41%	≤ 0.75%
7. Preschool Outcomes	See Attached Table	See Attached Table	See Attached Table
8. Parents Reporting Schools Facilitated Parent Involvement	88%	85%	≥ 89.9%
14. Percent of Youth No Longer in School, within One Year of Leaving High School:			
A. Enrolled in Higher Education	44.8%	55.6%	≥ 48.4%
B. Enrolled in Higher Education or Competitively Employed	51.0%	56.7%	≥ 55.7%
C. Enrolled in Higher Education or Other Postsecondary Education or Training or Competitively Employed or in Some Other Employment	79.0%	94.6%	≥ 87.5%
18. Hearing Requests Resolved through Resolution Session Agreements	55.9%	44.8%	≥ 52%
19. Mediations Held that Resulted in Mediation Agreements	75.8%	78.2%	≥ 65.5%

<sup>1</sup> 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.

<sup>2</sup> 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**

<b>Summary Statement 1<sup>3</sup></b>	<b>FFY 2011 Data</b>	<b>FFY 2012 Data</b>	<b>FFY 2012 Target</b>
<b>Outcome A:</b> Positive social-emotional skills (including social relationships) (%)	87.6%	85.9%	≥ 95.2%
<b>Outcome B:</b> Acquisition and use of knowledge and skills (including early language/ communication) (%)	88.9%	85.7%	≥ 90.5%
<b>Outcome C:</b> Use of appropriate behaviors to meet their needs (%)	90.8%	90.7%	≥ 96%
<b>Summary Statement 2<sup>4</sup></b>	<b>FFY 2011 Data</b>	<b>FFY 2012 Data</b>	<b>FFY 2012 Target</b>
<b>Outcome A:</b> Positive social-emotional skills (including social relationships) (%)	60.6%	63.8%	≥ 57.0%
<b>Outcome B:</b> Acquisition and use of knowledge and skills (including early language/ communication) (%)	58.0%	57.1%	≥ 49.5%
<b>Outcome C:</b> Use of appropriate behaviors to meet their needs (%)	71.5%	71.1%	≥ 77.3%

<sup>3</sup> **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.

<sup>4</sup> **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 FFY 2012 Results Data Summary Notes**

INDICATOR 3B: The Commonwealth provided a Web link to 2012 publicly-reported assessment results.

INDICATOR 3C: The Commonwealth provided a Web link to 2012 publicly-reported assessment results.

INDICATOR 7:

**REQUIRED ACTIONS**

The State must report progress data and actual target data for FFY 2013 in the FFY 2013 APR.

INDICATOR 18: The Commonwealth's FFY 2012 reported data are 44.8%. However, the Commonwealth's FFY 2012 data under IDEA section 618 for this indicator are 10.93% (7/64). PRDE explained that the data it reported in the APR were the correct updated data and the data reported under IDEA section 618 were inaccurate. PRDE stated that it would revise the data reported under IDEA section 618 during the resubmission period for dispute resolution data.

**Puerto Rico Part B FFY 2012 SPP/APR Compliance Summary**

<b>INDICATOR</b>	<b>FFY 2011 DATA</b>	<b>FFY 2012 DATA</b>	<b>FFY 2012 TARGET</b>	<b>CORRECTION OF FINDINGS OF NONCOMPLIANCE IDENTIFIED IN FFY 2011</b>
4B. Significant disproportionality 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	89.2%	91.7%	100%	The Commonwealth reported that all five of its findings of noncompliance identified in FFY 2011 were corrected in a timely manner.
12. Early Childhood Transition	91.2%	77.5%	100%	The Commonwealth reported that all five of its findings of noncompliance identified in FFY 2011 were corrected in a timely manner.
13. Secondary Transition	92.61%	95.5%	100%	The Commonwealth reported that all six of its findings of noncompliance identified in FFY 2011 were corrected in a timely manner.
15. Timely Correction	100%	100%	100%	The Commonwealth reported that all 80 of its findings of noncompliance identified in FFY 2011 were corrected in a timely manner.

<b>INDICATOR</b>	<b>FFY 2011 DATA</b>	<b>FFY 2012 DATA</b>	<b>FFY 2012 TARGET</b>	<b>CORRECTION OF FINDINGS OF NONCOMPLIANCE IDENTIFIED IN FFY 2011</b>
20. Timely and Accurate Data	98.68%	97.82%	100%	



**Puerto Rico Part B FFY 2012 State Complaint and Hearing Data from IDEA Section 618 Data Reports**

<b>REQUIREMENT</b>	<b>FFY 2011 DATA</b>	<b>FFY 2012 DATA</b>
Timely resolution of complaints	100%	100%
Timely adjudication of due process hearing requests	82.0%	81.94%

## Puerto Rico FFY 2012 Compliance Data Summary Notes

INDICATOR 11: The Commonwealth reported that the one finding of noncompliance identified in FFY 2009 was corrected.

The Special Conditions imposed on all grants awarded to PRDE for FFY 2013, including the Commonwealth's FFY 2013 IDEA Part B grant award, required the Commonwealth to include in the FFY 2012 APR updated data for the period of July 1, 2013-December 31, 2013. For the relevant period, the Commonwealth reported that 6,515 of 6,749 children with parental consent for initial evaluations were evaluated within the Commonwealth-established timeline. (The Commonwealth also reported that a total of 6,793 children with parental consent to evaluate were initially received, but that 44 students "exited the registration process prior to receiving their initial evaluations.") The Commonwealth reported that 234 children had their initial evaluations completed, although beyond the Commonwealth-established timeline, and that no children were pending status verification as of April 28, 2014. The Commonwealth provided the required information.

### **REQUIRED ACTIONS:**

Because the Commonwealth reported less than 100% compliance for FFY 2012, the Commonwealth must report on the status of correction of noncompliance identified in FFY 2012 for this indicator. When reporting on the correction of noncompliance, the Commonwealth must report, in its FFY 2013 APR, that it has verified that each entity with noncompliance identified in FFY 2012 for this indicator: (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 entity, consistent with OSEP Memo 09-02.<sup>5</sup> In the FFY 2013 APR, the Commonwealth must describe the specific actions that were taken to verify the correction.

---

<sup>5</sup> 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 entity.

**INDICATOR 12:**

The Special Conditions imposed on all grants awarded to PRDE for FFY 2013, including on the Commonwealth's FFY 2013 IDEA Part B grant award, required the Commonwealth to include in the FFY 2012 APR updated data for the period of July 1, 2013-December 31, 2013. For the relevant period, the Commonwealth reported that of 955 children with disabilities served under Part C that were referred to Part B (including 77 children who exited and one who was determined ineligible), 330 had IEPs in place and implemented by their third birthday, with 70 additional children being served after their third birthday and 346 children who had not had their third birthday as of February 3, 2014. The Commonwealth also reported that 34 children were pending status verification as of February 3, 2014. The Commonwealth provided the required information.

**REQUIRED ACTIONS:**

Because the Commonwealth reported less than 100% compliance for FFY 2012, the Commonwealth must report on the status of correction of noncompliance identified in FFY 2012 for this indicator. When reporting on the correction of noncompliance, the Commonwealth must report, in its FFY 2013 APR, that it has verified that each entity with noncompliance identified in FFY 2012 for this indicator: (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 entity, consistent with OSEP Memo 09-02. In the FFY 2013 APR, the Commonwealth must describe the specific actions that were taken to verify the correction.

**INDICATOR 13:**

**REQUIRED ACTIONS:**

Because the Commonwealth reported less than 100% compliance for FFY 2012, the Commonwealth must report on the status of correction of noncompliance identified in FFY 2012 for this indicator. When reporting on the correction of noncompliance, the Commonwealth must report, in its FFY 2013 APR, that it has verified that each entity with noncompliance identified in FFY 2012 for this indicator: (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 entity, consistent with OSEP Memo 09-02. In the FFY 2013 APR, the Commonwealth must describe the specific actions that were taken to verify the correction.

**INDICATOR 15:** The Commonwealth reported that the one finding of noncompliance identified in FFY 2009 was corrected.

**REQUIRED ACTIONS:**

In responding to Indicators 11, 12, and 13 in the FFY 2013 SPP/APR, the Commonwealth must report on correction of the noncompliance described in this table under those indicators.

## Puerto Rico Part B – Additional Reporting Required by FFY 2013 Special Conditions

All of the Commonwealth's Part B grant awards since FFY 2004 have been subject to Special Conditions. The Special Conditions imposed on all grants awarded to PRDE for FFY 2013, including the Commonwealth's FFY 2013 IDEA Part B grant award, required the Commonwealth to include, in the FFY 2012 APR, updated data for the period of July 1, 2012- June 30, 2013 for each of the IDEA items previously addressed in the 2007 Compliance Agreement that have not been resolved (early childhood transition, initial evaluations, timely due process hearing decisions, the delivery of assistive technology devices and/or services and financial management issues, including addressing and resolving the use of funds requirements related to transportation contracts). The Special Conditions also required the Commonwealth to report with the FFY 2012 APR updated data on the timeliness of due process hearing decisions for the period of July 1, 2013- December 31, 2013. See the notes, above, for Indicators 11 and 12, regarding the updated data for initial evaluations and early childhood transition. See the notes below regarding timeliness of due process hearing decisions, delivery of assistive technology devices and services, and financial management issues.

**TIMELY DUE PROCESS HEARING DECISIONS** (See 34 CFR §300.515) PRDE reported that, for the period of July 1, 2013-December 31, 2013, the decision was issued within the required timeline, or a timeline that was properly extended by the hearing officer at the request of either party, for 575 of the 652 fully adjudicated hearings (88.2%). The Commonwealth provided the required information.

**DELIVERY OF ASSISTIVE TECHNOLOGY DEVICES AND SERVICES** (See 34 CFR §§300.105 and 300.324(a)(2)(v)) – PRDE reported that for FFY 2012, 96.8% of 1,174 requests were confirmed as purchased within the Sistema de Información Financiera del Departamento de Educación (SIFDE, PRDE's financial management system), 88.5% of the completed purchases were verified as delivered, and 97 remained pending for delivery, as of April 28, 2014. For the period of July 1, 2013-December 31, 2013, 87.2% of 454 requests were confirmed as purchased within SIFDE, 61% of the completed purchases were verified as delivered, and 119 remained pending for delivery as of April 28, 2014. The Commonwealth provided the required information.

**FINANCIAL MANAGEMENT ISSUES** – PRDE reported on activities addressing use of funds, financial accounting and reporting, and procurement strategies related to special education transportation contracts. PRDE reported that it has: (1) continued its efforts to improve the internal controls in place for special education transportation contracts; and (2) developed a Transportation Management System that: (a) will improve the administration of contracts between bus drivers and PRDE; (b) allows for the recording of activities from the date the contract is awarded through payment for services; and (c) will allow PRDE to strengthen internal controls and better monitor services. PRDE further reported that it began to implement a thorough process of collecting and reviewing data regarding special education transportation contracts as of March 2012, as an initial step towards converting information to the Transportation Management System, and that PRDE collected data for all regions. PRDE further reported on a pilot project it initiated in the Bayamon region. Additionally, the Commonwealth promulgated regulations governing contracting procedures and the model transportation contracts were revised to incorporate this new system as well as prospective processes that would allow PRDE to improve its controls and monitoring of services. Lastly, PRDE reported that the PRDE Subsecretary for Administration has been designated to oversee all transportation matters agency-wide, including those impacting special education transportation contracts. While the Commonwealth provided information on special education transportation contracts, it did not provide information on activities it has conducted to resolve financial management issues related to other areas of special education and related services.