



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

JUL - 1 2011

Honorable Lorenzo Gonzalez Feliciano
Secretary
Puerto Rico Department of Health
P.O. Box 70184
San Juan, Puerto Rico 009368184

Dear Dr. Gonzalez Feliciano:

Thank you for the timely submission of Puerto Rico's Federal fiscal year (FFY) 2009 Annual Performance Report (APR) and revised State Performance Plan (SPP) under Part C of the Individuals with Disabilities Education Act (IDEA).

The Department has determined that, under IDEA sections 616(d)(2)(A)(ii) and 642, Puerto Rico needs assistance in implementing the requirements of Part C of IDEA. The Department's determination is based on the totality of the Commonwealth's data and information including the Commonwealth's FFY 2009 APR and revised SPP (including targets and improvement activities for each year through FFY 2012), other State-reported data, and other publicly available information. See the enclosure entitled "How the Department Made Determinations under Sections 616(d) and 642 of the IDEA in 2011: Part C" for further details.

The specific factor affecting the Office of Special Education Programs' (OSEP's) determination of needs assistance for Puerto Rico was that Puerto Rico's FFY 2009 data for Indicator 9, which measures the timely correction of findings of noncompliance, reflect 75% compliance. For this reason, we were unable to determine that Puerto Rico met requirements for FFY 2009 under IDEA sections 616(d) and 642.

OSEP notes other areas that reflect a high level of performance, including that Puerto Rico reported valid and reliable data for all indicators and a high level of compliance for Indicators 1 (98.2%), 7 (100%), 8A (98.6%), 8B (100%), 8C (100%), 10 (100%), and 14 (100%). We hope that Puerto Rico will be able to demonstrate that it meets requirements with its FFY 2010 APR.

The enclosed table provides OSEP's analysis of the Commonwealth's FFY 2009 APR and revised SPP and identifies, by indicator, OSEP's review of any revisions made by the State to its targets, improvement activities (timelines and resources) and baseline data in the Commonwealth's SPP. The table also identifies, by indicator: (1) the Commonwealth's reported FFY 2009 data; (2) whether such data met the Commonwealth's FFY 2009 targets and reflect progress or slippage from the prior year's data; (3) if applicable, that the Commonwealth's data are not valid and reliable; and (4) whether the Commonwealth corrected findings of noncompliance.

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The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

The Commonwealth's determinations for FFYs 2005, 2006, 2007 and 2008 were also needs assistance. In accordance with sections 616(e)(1) and 642 of the IDEA, if a Commonwealth is determined to need assistance for two consecutive years, the Secretary must take one or more of the following actions: (1) advise the Commonwealth of available sources of technical assistance that may help the Commonwealth address the areas in which the Commonwealth needs assistance; (2) direct the use of Commonwealth-level funds on the area or areas in which the Commonwealth needs assistance; or (3) identify the Commonwealth as a high-risk grantee and impose Special Conditions on the Commonwealth's Part C grant award.

Pursuant to these requirements, the Secretary is advising the Commonwealth of available sources of technical assistance related to Indicator 9 (timely correction). A list of sources of technical assistance related to the SPP/APR indicators is available by clicking on the "Technical Assistance Related to Determinations" box on the opening page of "The Right IDEA" Web site at: <http://therightidea.tadnet.org/technicalassistance>. You will be directed to a list of indicators. Click on specific indicators for a list of centers, documents, Web seminars and other sources of relevant technical assistance for that indicator. For the indicator(s) listed above, your Commonwealth must report with its FFY 2010 APR submission, due February 1, 2012, on: (1) the technical assistance sources from which the State received assistance; and (2) the actions the Commonwealth took as a result of that technical assistance. The extent to which your Commonwealth takes advantage of available technical assistance for these indicators may affect the actions OSEP takes under sections 616 and 642 should your Commonwealth not be determined to meet requirements next year. We encourage Puerto Rico to take advantage of available sources of technical assistance in other areas as well, particularly if the Commonwealth is reporting low compliance data for an indicator.

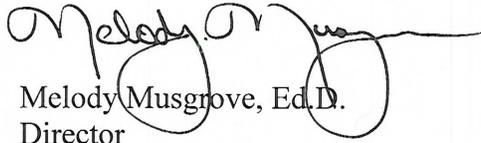
As required by IDEA sections 616(e)(7) and 642, the Commonwealth must notify the public that the Secretary of Education has taken the above enforcement action. This notification must be sufficient to notify the public within the Commonwealth and may include such mechanisms as posting on the agency's Web site, distribution through the media and distribution through public agencies.

As you know, pursuant to IDEA sections 616(b)(2)(C)(ii)(1) and 642, your Commonwealth must report annually to the public on the performance of each early intervention services program (EIS program) located in the Commonwealth on the targets in the SPP. In addition, your State must: (1) review EIS program performance against targets in the Commonwealth's SPP; (2) determine if each EIS program 'meets requirements' of IDEA Part C, or 'needs assistance,' 'needs intervention,' or 'needs substantial intervention' in implementing Part C of the IDEA; (3) take appropriate enforcement actions; and (4) inform each EIS program of its determination. For further information regarding these requirements, see "The Right IDEA" Web site at: <http://therightidea.tadnet.org/determinations>. Finally, please ensure that your updated SPP is posted on the Commonwealth's Web site and made available to the public, consistent with IDEA sections 616(b)(2)(C)(ii)(1) and 642.

OSEP is committed to supporting Puerto Rico's efforts to improve results for infants and toddlers with disabilities and their families and looks forward to working with your Commonwealth over the next year. If you have any questions, would like to discuss this

further, or want to request technical assistance, please contact Diana Chang, your OSEP State Contact, at 202-245-245-6061.

Sincerely,

A handwritten signature in black ink, appearing to read "Melody Musgrove". The signature is fluid and cursive, with the first name "Melody" being more prominent and the last name "Musgrove" written in a smaller, more connected script. There is a long horizontal flourish extending to the right from the end of the signature.

Melody Musgrove, Ed.D.
Director
Office of Special Education Programs

Enclosures

cc: Part C Coordinator