



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

FEB -8 2012

Honorable Lorenzo Gonzalez Feliciano
Secretary
Puerto Rico Department of Health
P.O. Box 70184
San Juan, Puerto Rico 00936-8184

Dear Dr. Feliciano:

This letter is to inform you of the results of the Office of Special Education Programs' (OSEP's) Continuous Improvement Visit (CIV) to the Puerto Rico Department of Health (PRDH) during the week of October 2, 2011. As indicated in our letter to you dated March 29, 2011, the visit consisted of two components: (1) the verification of Commonwealth systems for implementing key requirements of Part C of the Individuals with Disabilities Education Act (IDEA); and (2) a collaborative focus on improving results.¹ The CIV is designed to ensure compliance and improve performance with Part C of the IDEA, consistent with Sections 616 and 642 of the IDEA.

The purpose of the verification component of the visit is to review the Commonwealth's systems for general supervision and fiscal management. OSEP developed critical elements that were used to guide its evaluation of Puerto Rico's general supervision (including data) and fiscal systems. The Enclosure to this letter describes the scope of OSEP's review of the Commonwealth's systems and briefly outlines relevant statutory and regulatory requirements for each critical element.

OSEP is currently in the process of conducting a comprehensive review of States' and entities' systems for implementing the fiscal requirements of the IDEA and related statutes and regulations, through the CIVs and other mechanisms, including the desk audits that OSEP's Recovery Act Facilitators are conducting with all States and entities. In order to provide each State and entity with an integrated response based on its review of States' or entities' fiscal systems, OSEP will be sending the Commonwealth a separate letter addressing any fiscal issues, and has not included a fiscal section in the Enclosure.

During the verification component of the visit, OSEP found noncompliance, and has required corrective action, in the following areas: (1) The Commonwealth's oversight over dispute resolution procedures; (2) The reporting of valid and reliable data under SPP/APR Indicator 3 (Child Outcomes); and (3) Procedures for, and the imposition of, enforcement actions required by IDEA sections 616(a) and (e)(1) and 642 as a result of the Commonwealth's local program determinations.

As stated in the Enclosure to this letter, the Commonwealth must also review and revise its interagency agreement, or other written method, to ensure financial responsibility for IDEA Part

¹ During the week of October 2, 2011, OSEP also conducted its IDEA Part B CIV to the Puerto Rico Department of Education, which is the subject of a separate letter.

C services provided, or paid for, by other Commonwealth-level agencies. That method must be consistent with the requirements under subpart F of the new IDEA Part C regulations and must be current as of the time the Commonwealth submits its fiscal certification with its FFY 2012 IDEA Part C grant application.

Generally, the Enclosure to this letter does not include descriptions of the Commonwealth's systems because this information is available on the Commonwealth's Web site in Puerto Rico's State Performance Plan. OSEP's analysis of each critical element and any required actions, if noncompliance was identified during the visit, are provided in the Enclosure to this letter.

During the CIV, Puerto Rico also focused on improving early intervention results and functional outcomes for infants and toddlers with disabilities. Prior to the visit, Puerto Rico participated in a process with OSEP to focus its efforts on Indicator 3, Early Childhood Outcomes. With OSEP's participation, PRDH and stakeholders, which included participants from the Pediatric Centers, APNI (Puerto Rico's Parent Training and Information Center), a Mental Health Coordinator, the Puerto Rico Department of Education (PRDE), and the University Center of Excellence in Puerto Rico, engaged in a facilitated process to examine the data, as well as current and past efforts to improve results in the Child Outcomes area, and formulated strategies that Puerto Rico will employ to improve results for children with disabilities in its selected area. Puerto Rico is developing a plan that includes specific benchmarks for improvement, as well as timelines, resources, and measurements for PRDH to improve results. PRDH will publish this plan with updates on the Commonwealth lead agency's Web site at <http://www.salud.gov.pr/Pages/PartCState.aspx>.

OSEP appreciates the cooperation and assistance provided by your Commonwealth's staff and others, including staff from APNI, the State Interagency Advisory Council (SICC), and parents of infants and toddlers with disabilities in providing feedback and input on the Commonwealth's systems for providing early intervention services to infants and toddlers with disabilities.

We look forward to collaborating with all stakeholders and actively working with the Commonwealth to improve results for infants and toddlers with disabilities and their families. If you have any questions or wish to request technical assistance, please do not hesitate to call your OSEP State Contact, Diana Chang, at 202-245-6061.

Sincerely,



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

Enclosure

cc: Dr. Naydamar Perez de Otero
Part C Coordinator