

Puerto Rico Part B SPP/APR Response Table

Monitoring Priorities and Indicators	Status	OSEP Analysis/Next Steps
Monitoring Priority: FAPE in the LRE		
<p>1. Percent of youth with IEPs graduating from high school with a regular diploma compared to percent of all youth in the State graduating with a regular diploma.</p> <p>[Results Indicator]</p>	<p>No data provided.</p>	<p>OSEP’s April 4, 2006 SPP response letter required Puerto Rico to include in the February 1, 2007 APR the FFY 2004 data and FFY 2005 data. Puerto Rico did not submit the required data. Puerto Rico did provide, on pages 3 and 4 of the APR, a plan to collect and report the data. Puerto Rico must provide the required data in the FFY 2006 APR, due February 1, 2008.</p>
<p>2. Percent of youth with IEPs dropping out of high school compared to the percent of all youth in the State dropping out of high school.</p> <p>[Results Indicator]</p>	<p>Puerto Rico’s reported FFY 2005 data for this indicator are 2.4%. Puerto Rico met its FFY 2005 target of 5.8%.</p>	<p>Puerto Rico met its target and OSEP appreciates Puerto Rico’s efforts to improve performance.</p>
<p>3. Participation and performance of children with disabilities on statewide assessments:</p> <p>A. Percent of districts that have a disability subgroup that meets the State’s minimum “n” size meeting the State’s AYP objectives for progress for disability subgroup.</p> <p>B. Participation rate for children with IEPs in a regular assessment with no accommodations; regular assessment with accommodations; alternate assessment against grade level standards; alternate assessment against alternate achievement standards.</p> <p>C. Proficiency rate for children with IEPs against grade level standards and alternate achievement standards.</p> <p>[Results Indicator]]</p>	<p>A. Unitary system – not applicable.</p> <p>B. Puerto Rico’s reported FFY 2005 data for this indicator are 96.95%. This represents slippage from its FFY 2004 reported data of 100%. Puerto Rico did not meet its target for FFY 2005.</p> <p>C. Puerto Rico did not provide FFY 2004 or FFY 2005 data consistent with the measurement for this indicator. OSEP could not determine whether Puerto Rico met its FFY 2005 targets.</p>	<p>A. Unitary system – not applicable.</p> <p>B. OSEP’s April 4, 2006 SPP response letter required Puerto Rico to include in the February 1, 2007 APR a recalculation of the baseline data. The baseline data provided on pages 9 and 10 of the SPP for this indicator uses as the denominator the number of students with IEPs who were assessed to determine participation rates instead of using the total number of children with IEPs eligible to take the assessment in the grades assessed. Puerto Rico must recalculate the baseline data for this indicator and provide the recalculated baseline data in the FFY 2006 APR due February 1, 2008. OSEP looks forward to Puerto Rico’s data, consistent with the measurement for this indicator, demonstrating improvement in performance in the FFY 2006 APR, due February 1, 2008.</p> <p>C. Puerto Rico revised the improvement activities for this indicator in its SPP and OSEP accepts those revisions.</p> <p>OSEP’s April 4, 2006 SPP response letter required Puerto Rico to include in the February 1, 2007 APR recalculated baseline data and FFY 2005 data using the required measurement. Puerto Rico did not revise baseline data in its SPP, but provided partial raw data in the APR (Spanish and math</p>

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		<p>proficiency rates) and provided an assessment report card that includes proficiency rates for students with disabilities on the regular and alternate assessment for 2005-2006, disaggregated by grade and area assessed. Therefore, OSEP cannot determine Puerto Rico's baseline for FFY 2004 or actual data for FFY 2005. However, the assessment report card indicates that Puerto Rico has the raw data needed to make the calculations for this indicator. Puerto Rico must provide the proficiency rates for FFY 2004, FFY 2005 and FFY 2006, for each area assessed, in the FFY 2006 APR, due February 1, 2008.</p> <p>OSEP's April 4, 2006 SPP response letter and the July 3, 2006 IDEA Part B grant award letter required Puerto Rico to include in the February 1, 2007 APR documentation of its reports on the participation and performance of children with IEPs on an Alternate Assessment. Puerto Rico has developed an alternate assessment, has administered an alternate assessment, and has reported the alternate assessment results to the public. OSEP reviewed Puerto Rico's education website on June 12, 2007 and noted that for 2006-2007, the assessment report card included all the required information. Therefore, Puerto Rico has met the Special Conditions related to the alternate assessment.</p>
<p>4. Rates of suspension and expulsion: A. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year; and [Results Indicator]</p>	<p>Puerto Rico's FFY 2005 reported data for this indicator are 0%. Puerto Rico met its FFY 2005 target of .003%.</p>	<p>Puerto Rico revised the improvement activities for this indicator in its SPP and OSEP accepts those revisions.</p> <p>Puerto Rico met its target and OSEP appreciates Puerto Rico's efforts to improve performance.</p>
<p>4. Rates of suspension and expulsion: B. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of greater than 10 days in a school year of children with disabilities by race and ethnicity. [Results Indicator; 4.B. New]</p>	<p>Not applicable.</p>	<p>Not applicable.</p>

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<p>5. Percent of children with IEPs aged 6 through 21:</p> <p>A. Removed from regular class less than 21% of the day;</p> <p>B. Removed from regular class greater than 60% of the day; or</p> <p>C. Served in public or private separate schools, residential placements, or homebound or hospital placements.</p> <p>[Results Indicator]</p>	<p>A. No data provided</p> <p>B. No data provided.</p> <p>C. No data provided</p>	<p>Puerto Rico revised the improvement activities for this indicator in its SPP and OSEP accepts those revisions.</p> <p>OSEP could not determine whether Puerto Rico made progress on 5A, 5B or 5C because Puerto Rico did not provide FFY 2005 data for this indicator. On page 16 of the APR, Puerto Rico reported that the data collected did not appear to be valid, that it is unable to submit valid and reliable data for this indicator in the APR, and that it expects to be able to submit the required measurements by June 2007.</p> <p>OSEP looks forward to Puerto Rico's submission of the required data and data demonstrating improvement in performance in the FFY 2006 APR, due February 1, 2008.</p>
<p>6. Percent of preschool children with IEPs who received special education and related services in settings with typically developing peers (i.e., early childhood settings, home, and part-time early childhood/part-time early childhood special education settings).</p> <p>[Results Indicator]</p>	<p>Puerto Rico's FFY 2005 reported data for this indicator are 73%. Puerto Rico met its FFY 2005 target of 73%.</p>	<p>Puerto Rico revised the improvement activities for this indicator in its SPP and OSEP accepts those revisions.</p> <p>Puerto Rico met its target and OSEP appreciates Puerto Rico's efforts to improve performance.</p> <p>Please note that, due to changes in the 618 State-reported data collection, the measurement for this indicator will change for the FFY 2006 APR due February 1, 2008.</p>
<p>7. Percent of preschool children 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; New]</p>	<p>Entry data not provided.</p>	<p>Puerto Rico did not report the required entry data and activities.</p> <p>OSEP's April 4, 2006 SPP response letter required Puerto Rico to include in the February 1, 2007 APR information regarding sampling methodology for this indicator. Puerto Rico reported that it is transitioning to census data for this indicator. Puerto Rico has been working with the ECO Center on the implementation of this indicator. In August, Puerto Rico elected to utilize the ECO Child Outcomes Summary Form for purposes of data collection. Puerto Rico indicates, on page 23 of the APR, that they will have the required baseline data collected for submission in the FFY 2006 APR.</p> <p>Puerto Rico must provide entry data, progress data, and improvement activities with the FFY 2006 APR, due February 1, 2008.</p>

¹ At the time of the release of this package, revised forms for collection of 618 State reported data had not yet been approved. Indicators will be revised as needed to align with language in the 2005-2006 State reported data collections.

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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; New]</p>	<p>Baseline, targets, and improvement activities provided.</p>	<p>Puerto Rico provided baseline data, targets and improvement activities and OSEP accepts the SPP for this indicator.</p> <p>OSEP's April 4, 2006 SPP response letter required Puerto Rico to include in the February 1, 2007 APR information regarding the sampling methodology for this indicator. Puerto Rico has submitted a sampling plan that has been approved.</p>
Monitoring Priority: Disproportionality		
<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; New]</p>	<p>Unitary system - not applicable.</p>	<p>Unitary system - 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; New]</p>	<p>Unitary system - not applicable.</p>	<p>Unitary system- not applicable.</p>
Monitoring Priority: Effective General Supervision		
<p>11. Percent of children with parental consent to evaluate, who were evaluated within 60 days (or State-established timeline).</p> <p>[Compliance Indicator; New]</p>	<p>Puerto Rico's FFY 2005 reported baseline data for this indicator are 70.2%.</p>	<p>Puerto Rico provided baseline data, targets and improvement activities and OSEP accepts the SPP for this indicator. Puerto Rico reported data based on the Commonwealth-established timeline within which the evaluation must be completed.</p> <p>Puerto Rico must review its improvement activities and revise them, if appropriate, to ensure they will enable Puerto Rico to include data in the FFY 2006 APR, due February 1, 2008, that demonstrate compliance with the requirements of 34 CFR §300.301(c)(1), including correction of the noncompliance identified in FFY 2005.</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</p>	<p>Puerto Rico's FFY 2005 reported data for this indicator are 13.17%. Puerto Rico did</p>	<p>Puerto Rico revised the improvement activities for this indicator in its SPP and OSEP accepts those revisions.</p>

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<p>implemented by their third birthdays. [Compliance Indicator]</p>	<p>not report FFY 2004 data. Puerto Rico did not meet its FFY 2005 target of 100%.</p>	<p>OSEP's April 4, 2006 SPP response letter required Puerto Rico to include in the February 1, 2007 APR data for FFY 2004 and FFY 2005, demonstrating compliance on this indicator. Puerto Rico collected and reported FFY 2005 data, but did not report FFY 2004 data. The reported data do not demonstrate compliance. Puerto Rico submitted more recent data indicating only 1.7% compliance for the period from July 1, 2006 to November 1, 2006.</p> <p>Puerto Rico must review its improvement activities and revise them, if appropriate, to ensure they will enable Puerto Rico to include data in the FFY 2006 APR, due February 1, 2008, that demonstrate compliance with the requirements of 34 CFR §300.124, including correction of noncompliance identified in FFY 2005 and FFY 2004.</p>
<p>13. Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals. [Compliance Indicator; New]</p>	<p>Puerto Rico's FFY 2005 reported baseline data for this indicator are 52.7%.</p> <p>Puerto Rico reported that noncompliance identified prior to February 2004, was corrected or enforcement action taken.</p>	<p>Puerto Rico provided baseline data, targets and improvement activities and OSEP accepts the SPP for this indicator.</p> <p>OSEP's April 4, 2006 SPP response letter required Puerto Rico to provide data demonstrating full compliance with the requirements of 20 U.S.C. 1414(d)(1)(A)(i)(VIII).</p> <p>Puerto Rico indicated, on page 3 of the Long-Term Noncompliance Progress Report, that noncompliance identified prior to February 2004, has been corrected or that enforcement action has been taken.</p> <p>OSEP could not determine whether the reported data are aligned with the measurement for this indicator. On pages 38 and 39 of the APR, Puerto Rico refers to the tabulation form used to collect the data for this indicator. Puerto Rico must submit a copy of the tabulation form that it will use in its collection of data for this indicator with the FFY 2006 APR, due February 1, 2008.</p> <p>Puerto Rico must review its improvement activities and revise them, if appropriate, to ensure they will enable Puerto Rico to include data in the FFY 2006 APR, due February 1, 2008, that demonstrate compliance with the requirements of 34 CFR §300.320(b), including data demonstrating correction of noncompliance identified in FFY 2005.</p>
<p>14. Percent of youth who had IEPs, are no longer in secondary school and who have been</p>	<p>Puerto Rico provided a plan that describes how data will</p>	<p>Puerto Rico reported the required entry data and activities. Puerto Rico must provide baseline data, targets and improvement activities with the FFY 2006</p>

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<p>competitively employed, enrolled in some type of post-secondary school, or both, within one year of leaving high school.</p> <p>[Results Indicator; New]</p>	<p>be collected for submission with the APR due February 1, 2008.</p>	<p>APR, due February 1, 2008.</p> <p>OSEP's April 4, 2006 SPP response letter required Puerto Rico to include in the February 1, 2007 APR a revised sampling plan. OSEP could not determine whether Puerto Rico is proposing to continue to use sampling, or whether it is proposing to use census data for this indicator. Call your State Contact as soon as possible.</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.</p> <p>[Compliance Indicator]</p>	<p>Puerto Rico's FFY 2005 reported data for this indicator are 14.2%. This represents slippage from the FFY 2004 data of 56.7%. Puerto Rico did not meet its FFY 2005 target of 100%.</p>	<p>Puerto Rico revised the improvement activities for this indicator in its SPP and OSEP accepts those revisions.</p> <p>Puerto Rico must review its improvement activities and revise them, if appropriate, to ensure they will enable Puerto Rico to include data in the FFY 2006 APR, due February 1, 2008, that demonstrate compliance with the requirements of 20 U.S.C. 1232d(b)(3)(E), and 34 CFR §§300.149 and 300.600. In its response to Indicator 15 in the FFY 2006 APR, due February 1, 2008, the State must disaggregate by APR indicator the status of timely correction of the noncompliance findings identified by Puerto Rico during FFY 2005. In addition, the State must, in responding to Indicators 11, 12, 13 and 18, specifically identify and fully address the noncompliance identified in this table under those indicators.</p> <p>OSEP's April 4, 2006 SPP response letter required Puerto Rico to include in the February 1, 2007 APR data on the status of agencies that failed to correct noncompliance within one year of the identification of the noncompliance. In addition, Puerto Rico was required to report quarterly on designated entities providing documentation of the on-going monitoring activities. Puerto Rico has submitted the required monitoring reports documenting the on-going monitoring activities. In the most recent report submitted February 1, 2007 with the FFY 2005 APR, Puerto Rico reported that it has closed 83.5% (56 of 67) of findings for agencies with longstanding noncompliance identified between 2002 and 2005, with 100% of the findings made in 2004-2005 being closed out. Puerto Rico must report in its FFY 2006 APR, due February 1, 2008, on the status of the remaining 11 agencies with longstanding noncompliance issues.</p> <p>OSEP's April 4, 2006 SPP response letter required Puerto Rico to report on assistive technology evaluations and the provision of assistive technology equipment and services. With the FFY 2005 APR submitted February 1, 2007, Puerto Rico reported that for the period covering July 1, 2006 to</p>

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		<p>November 1, 2006, 145 students were awaiting assistive technology evaluations--with 42 students waiting 120 days or more; and 164 students awaiting assistive technology equipment and services--with 53 students waiting 120 days or more. Puerto Rico has not ensured correction of this noncompliance and must report on the status of correction with the FFY 2006 APR, due February 1, 2008.</p> <p>Puerto Rico also was required to report on the status of both initial evaluations and reevaluations that are timely and that are overdue. Puerto Rico reported that as of November 1, 2006, 1507 students were not provided a timely initial evaluation and 2032 students did not receive a timely reevaluation. Puerto Rico must continue to report disaggregated data for initial evaluations and reevaluations with the FFY 2006 APR, due February 1, 2008.</p> <p>OSEP's October 12, 2006 letter required that Puerto Rico implement four specific steps regarding financial controls and the Bayamon Transportation Contracts and to report in the FFY 2005 APR the steps taken to implement the corrective action directed in the correspondence. Puerto Rico reported that it has completed two of the three required activities. Puerto Rico has not submitted its final report demonstrating correction and has sought an extension of time. This issue will be addressed under separate cover once the final report is received.</p> <p>Puerto Rico reported on the status of prior noncompliance regarding the participation in statewide assessments of students with disabilities in correctional facilities, as deemed appropriate by their IEP teams. Puerto Rico reported, on page 6 of their Long-term Noncompliance Report, that a total of 20% of incarcerated students with IEPs participated in the statewide assessment with ranges from 0% -100% participation rates for specific facilities. Puerto Rico reported it has a system for ensuring the participation in statewide assessments of students with disabilities in correctional facilities, as deemed appropriate by their IEP teams. No further reporting is required at this time, but OSEP may request additional information on this issue in the future.</p>
16. Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional	Puerto Rico's FFY 2005 reported data for this indicator are 2.78%. This represents	<p>Puerto Rico revised the improvement activities for this indicator in its SPP and OSEP accepts those revisions.</p> <p>The July 3, 2006 IDEA Part B grant award letter with Special Conditions</p>

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<p>circumstances with respect to a particular complaint.</p> <p>[Compliance Indicator]</p>	<p>progress from the FFY 2004 data of 0%. Puerto Rico did not meet its FFY 2005 target of 100%.</p>	<p>required Puerto Rico to: reduce by 60%, the backlog of all unresolved complaints by November 30, 2006; demonstrate that 50% or more of new complaints are issued a decision within the required 60-day timeline; and to report on the status of this correction with the FFY 2005 APR due February 1, 2007. The Special Conditions also required Puerto Rico to provide a final report, by May 30, 2007, that demonstrates that it eliminated the backlog of unresolved complaints and that all new complaints that were filed between December 1, 2006 and April 30, 2007 and where the 60-day timeline had expired, were issued a timely decision.</p> <p>With the FFY 2005 APR, Puerto Rico reported that it had exceeded its November 2006 benchmarks -- that it reduced the backlog by 72.48% and that for the period between February 28, 2006 and November 30, 2006, 58.9% of complaints had a timely decision. In the May 30, 2007 report, Puerto Rico reported the complete elimination of the backlog of complaints and that of those complaints filed between December 1, 2006 and April 30, 2007 where a decision was due, 45% had timely decisions. Puerto Rico reported that in focusing on eliminating the backlog, it was not able to ensure sufficient resources for timely resolution of new complaints. It also reported that the complaint investigation staff had been reduced from two to one person. OSEP appreciates Puerto Rico's efforts in eliminating the backlog of complaints. However, Puerto Rico has not demonstrated compliance with the requirements at 34 CFR §300.152 (previously 34 CFR §300.661) for new complaints. OSEP is especially concerned that in reducing staffing levels, Puerto Rico may be unable to demonstrate compliance.</p> <p>Puerto Rico must review its improvement activities and revise them, if appropriate, to ensure they will enable Puerto Rico to include data in the FFY 2006 APR, due February 1, 2008, that demonstrate compliance with the requirements at 34 CFR §300.152 (previously 34 CFR §300.661) to resolve formal, written complaints within Federal timelines.</p>
<p>17. Percent of fully adjudicated due process hearing requests that were fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party.</p>	<p>Puerto Rico's FFY 2005 reported data for this indicator are 66.61%. However, it appears that Puerto Rico made a calculation error. Based upon the reported data,</p>	<p>Puerto Rico revised the improvement activities for this indicator in its SPP and OSEP accepts those revisions.</p> <p>OSEP's April 4, 2006 SPP response letter required Puerto Rico to include in the February 1, 2007 APR documentation that extensions were made consistent with 34 CFR §300.515(c) (previously at 34 CFR §300.511(c)) and</p>

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[Compliance Indicator]	<p>OSEP recalculated the data to be 66.94%.</p> <p>Puerto Rico identified the percentage of extensions made at the request of a party for FFY 2004. Based upon this, OSEP recalculated the FFY 2004 data to be 87.62%. Puerto Rico reported slippage between the FFY 2004 data and FFY 2005 data. Puerto Rico did not meet its FFY 2005 target of 100%.</p>	<p>to report as timely only those hearing decisions that are issued within extensions that are made at the request of a party to the hearing. For FFY 2004, Puerto Rico reported that of the 433 hearings held within extended timelines, 77% were at the request of a party and 23% were for administrative reasons. Therefore, only 333 hearings were properly held within extended timelines. Based upon this, OSEP recalculated the FFY 2004 data to be 87.62%. For FFY 2005, Puerto Rico reported that it held 1219 hearings of which 608 hearings were within timelines and 208 were within an extended timeline. This totals 816 and not 812 as submitted in the APR. Therefore, OSEP recalculated the FFY 2005 data for this indicator to be 66.94%, not 66.61%. Puerto Rico did not disaggregate the reasons for extensions in reporting FFY 2005 data.</p> <p>In reporting on this indicator, Puerto Rico must ensure that only decisions issued within a properly granted extension (i.e., at the request of a party) are considered timely. Puerto Rico must review its improvement strategies and revise them, if appropriate, to ensure that they will enable Puerto Rico to include data in the FFY 2006 APR, due February 1, 2008, that demonstrate compliance with the requirements in 34 CFR §300.515(a).</p>
<p>18. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.</p> <p>[Results Indicator; New]</p>	<p>Puerto Rico reported that it has not been complying with 34 CFR §300.510.</p>	<p>Puerto Rico did not offer or hold resolution sessions during the 2004-2005 and 2005-2006 school years, but submitted a plan to begin offering them by April 2, 2007. This constitutes noncompliance with the requirement at 34 CFR §300.510. Puerto Rico is required to provide baseline, targets and improvement activities in any FFY in which 10 or more resolution meetings are held. However, because it is out of compliance with this requirement, no such sessions have been offered or held and no data can be collected. With the FFY 2006 APR, due February 1, 2008, Puerto Rico must submit documentation that it is offering and holding resolution sessions as appropriate, consistent with 34 CFR §300.510, and that it has a system to collect data for this indicator. If 10 or more resolution sessions are held during FFY 2006, Puerto Rico must provide baseline, targets and improvement activities in the FFY 2006 APR, due February 1, 2008.</p>
<p>19. Percent of mediations held that resulted in mediation agreements.</p> <p>[Results Indicator]</p>	<p>Puerto Rico's FFY 2005 reported data for this indicator are 43.3%. This represents slippage from FFY 2004 data</p>	<p>Puerto Rico revised the improvement activities for this indicator in its SPP and OSEP accepts those revisions.</p> <p>OSEP looks forward to Puerto Rico's data demonstrating improvement in</p>

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	of 60.7%. Puerto Rico did not meet its FFY 2005 target of 60.7%.	performance in the FFY 2006 APR, due February 1, 2008
<p>20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.</p> <p>[Compliance Indicator]</p>	<p>Puerto Rico's FFY 2005 reported data for this indicator are 83.3% for collection and timely submission of section 618 data. This represents no change from the FFY 2004 data of 83.3%. Puerto Rico did not meet its FFY 2005 target of 100%.</p>	<p>Puerto Rico revised the improvement activities for this indicator in its SPP and OSEP accepts those revisions.</p> <p>Puerto Rico reported on the timeliness of Section 618 data, but not on its accuracy and did not address the timeliness and accuracy of data submitted in the APR. As noted above, Puerto Rico did not provide data for Indicators 1, 5 and 7. OSEP also was unable to determine how data for Indicator 14 will be collected. Puerto Rico did not provide data for Indicator 18 because of its noncompliance with 34 CFR §300.510, and therefore has not demonstrated that it can collect these data.</p> <p>Puerto Rico must review its improvement strategies and revise them, if appropriate, to ensure that they will enable Puerto Rico to include data in the FFY 2006 APR, due February 1, 2008, that demonstrate compliance with the requirements in IDEA section 618 and 34 CFR §§76.720 and 300.601(b).</p>