

Puerto Rico Part B FFY 2009 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>1. Percent of youth with IEPs graduating from high school with a regular diploma. [Results Indicator]</p>	<p>The Commonwealth provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The Commonwealth's FFY 2009 reported data for this indicator are 59.4%. OSEP cannot determine progress or slippage because the Commonwealth reported based on the Commonwealth's FFY 2008 618 data as it did in the FFY 2008 APR. The Commonwealth did not meet its FFY 2009 target of 65.5%.</p>	<p>OSEP looks forward to the Commonwealth's data demonstrating improvement in performance in the FFY 2010 APR, due February 1, 2012.</p>
<p>2. Percent of youth with IEPs dropping out of high school. [Results Indicator]</p>	<p>The Commonwealth provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The Commonwealth indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and 2012.</p> <p>The Commonwealth's FFY 2009 reported data for this indicator are 32.95%. OSEP cannot determine progress or slippage because the Commonwealth reported based on the Commonwealth's FFY 2008 618 data as it did in the FFY 2008 APR. The Commonwealth did not meet its FFY 2009 target of 23%.</p>	<p>OSEP looks forward to the Commonwealth's data demonstrating improvement in performance in the FFY 2010 APR, due February 1, 2012.</p>
<p>3. Participation and performance of children with IEPs on 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 targets for the disability subgroup. [Results Indicator]</p>	<p>Not applicable.</p>	<p>Not applicable.</p>
<p>3. Participation and performance of children with IEPs on statewide assessments: B. Participation rate for children with IEPs. [Results Indicator]</p>	<p>The Commonwealth provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The Commonwealth indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and 2012.</p> <p>The Commonwealth's FFY 2009 reported data for this indicator are 98.20% for Spanish and 98.31% for math. The FFY 2008 data for Spanish were 98.30%. The FFY 2009 data represent progress from the FFY 2008 data of 98.01% for math. The Commonwealth did not meet its FFY 2009 targets of 98.73% for Spanish and 98.44%</p>	<p>OSEP looks forward to the Commonwealth's data demonstrating improvement in performance in the FFY 2010 APR, due February 1, 2012.</p>

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	<p>for math.</p> <p>The Commonwealth provided a Web link to 2009 publicly-reported assessment results.</p>	
<p>3. Participation and performance of children with disabilities on statewide assessments:</p> <p>C. Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards.</p> <p>[Results Indicator]</p>	<p>The Commonwealth revised the targets for FFY 2009 for this indicator and OSEP accepts those revisions. The Commonwealth provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The Commonwealth indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and 2012.</p> <p>The Commonwealth's FFY 2009 reported data for this indicator are 26.81% for Spanish and 22.20% for math. These data represent progress from the FFY 2008 data of 24.28% for Spanish and 19.30% for math. The Commonwealth met its FFY 2009 targets of 24.75% for Spanish and 20% for math.</p> <p>The Commonwealth provided a Web link to 2009 publicly-reported assessment results.</p>	<p>OSEP looks forward to the Commonwealth's data demonstrating improvement in performance in the FFY 2010 APR, due February 1, 2012.</p>
<p>4. Rates of suspension and expulsion:</p> <p>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; and</p> <p>[Results Indicator]</p>	<p>The Commonwealth provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The Commonwealth indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012.</p> <p>The Commonwealth reported its definition of "significant discrepancy."</p> <p>The Commonwealth's FFY 2009 reported data for this indicator are 0.0021% of students with IEPs suspended or expelled for more than ten days in a school year. The FFY 2008 data were 0.0011%. The Commonwealth met its FFY 2009 target of 0.002%.</p>	<p>OSEP appreciates the Commonwealth's efforts to improve performance.</p>
<p>4. Rates of suspension and expulsion:</p> <p>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</p>	<p>Not applicable.</p>	<p>Not applicable.</p>

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Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps																				
<p>requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.</p> <p>[Compliance Indicator]</p>																						
<p>5. Percent of children with IEPs aged 6 through 21 served:</p> <p>A. Inside the regular class 80% or more of the day;</p> <p>B. Inside the regular class less than 40% of the day; or</p> <p>C. In separate schools, residential facilities, or homebound/hospital placements.</p> <p>[Results Indicator]</p>	<p>The Commonwealth provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The Commonwealth indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012.</p> <p>The Commonwealth's FFY 2009 reported data for this indicator are:</p> <table border="1" data-bbox="550 716 1583 1190"> <thead> <tr> <th></th> <th><u>FFY 2008</u> <u>Data</u></th> <th><u>FFY 2009</u> <u>Data</u></th> <th><u>FFY 2009</u> <u>Target</u></th> <th><u>Progress</u></th> </tr> </thead> <tbody> <tr> <td>A. % Inside the regular class 80% or more of the day</td> <td align="center">87.4</td> <td align="center">79.3</td> <td align="center">74.5</td> <td align="center">- 8.10%</td> </tr> <tr> <td>B. % Inside the regular class less than 40% of the day</td> <td align="center">3.3</td> <td align="center">9.3</td> <td align="center">14.2</td> <td align="center">- 6.00%</td> </tr> <tr> <td>C. % In separate schools, residential facilities, or homebound/hospital placements</td> <td align="center">1.8</td> <td align="center">2.8</td> <td align="center">1.3</td> <td align="center">- 1.00%</td> </tr> </tbody> </table> <p>These data represent slippage from the FFY 2008 data. The Commonwealth met its FFY 2009 targets for 5A and 5B, but did not meet its FFY 2009 target for 5C.</p>		<u>FFY 2008</u> <u>Data</u>	<u>FFY 2009</u> <u>Data</u>	<u>FFY 2009</u> <u>Target</u>	<u>Progress</u>	A. % Inside the regular class 80% or more of the day	87.4	79.3	74.5	- 8.10%	B. % Inside the regular class less than 40% of the day	3.3	9.3	14.2	- 6.00%	C. % In separate schools, residential facilities, or homebound/hospital placements	1.8	2.8	1.3	- 1.00%	<p>OSEP appreciates the Commonwealth's efforts to improve performance and looks forward to the Commonwealth's data demonstrating improvement in performance in the FFY 2010 APR, due February 1, 2012.</p>
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C. % In separate schools, residential facilities, or homebound/hospital placements	1.8	2.8	1.3	- 1.00%																		
<p>6. Percent of children aged 3 through 5 with IEPs attending a:</p> <p>A. Regular early childhood program and receiving the majority of special education and related services in the regular early childhood program;</p>	<p>The Commonwealth is not required to report on this indicator in the FFY 2009 APR.</p>	<p>The Commonwealth is not required to report on this indicator in the FFY 2010 APR, due February 1, 2012.</p>																				

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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]	<p>The Commonwealth provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The Commonwealth indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012.</p> <p>The Commonwealth's FFY 2009 reported data for this indicator are:</p> <table border="1" data-bbox="548 678 1583 1489"> <thead> <tr> <th data-bbox="548 678 957 781"><u>Summary Statement 1</u></th> <th data-bbox="957 678 1163 781"><u>FFY 2008 Data</u></th> <th data-bbox="1163 678 1373 781"><u>FFY 2009 Data</u></th> <th data-bbox="1373 678 1583 781"><u>FFY 2009 Target</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="548 781 957 919">Outcome A: Positive social-emotional skills (including social relationships) (%)</td> <td data-bbox="957 781 1163 919">94.1</td> <td data-bbox="1163 781 1373 919">86.1</td> <td data-bbox="1373 781 1583 919">94.5</td> </tr> <tr> <td data-bbox="548 919 957 1084">Outcome B: Acquisition and use of knowledge and skills (including early language/ communication) (%)</td> <td data-bbox="957 919 1163 1084">89.7</td> <td data-bbox="1163 919 1373 1084">82.2</td> <td data-bbox="1373 919 1583 1084">89.9</td> </tr> <tr> <td data-bbox="548 1084 957 1187">Outcome C: Use of appropriate behaviors to meet their needs (%)</td> <td data-bbox="957 1084 1163 1187">95.5</td> <td data-bbox="1163 1084 1373 1187">85.6</td> <td data-bbox="1373 1084 1583 1187">95.7</td> </tr> <tr> <th data-bbox="548 1187 957 1289"><u>Summary Statement 2</u></th> <th data-bbox="957 1187 1163 1289"><u>FFY 2008 Data</u></th> <th data-bbox="1163 1187 1373 1289"><u>FFY 2009 Data</u></th> <th data-bbox="1373 1187 1583 1289"><u>FFY 2009 Target</u></th> </tr> <tr> <td data-bbox="548 1289 957 1427">Outcome A: Positive social-emotional skills (including social relationships) (%)</td> <td data-bbox="957 1289 1163 1427">56</td> <td data-bbox="1163 1289 1373 1427">69.4</td> <td data-bbox="1373 1289 1583 1427">56.2</td> </tr> <tr> <td data-bbox="548 1427 957 1489">Outcome B: Acquisition and use of</td> <td data-bbox="957 1427 1163 1489">48.8</td> <td data-bbox="1163 1427 1373 1489">55</td> <td data-bbox="1373 1427 1583 1489">49</td> </tr> </tbody> </table>	<u>Summary Statement 1</u>	<u>FFY 2008 Data</u>	<u>FFY 2009 Data</u>	<u>FFY 2009 Target</u>	Outcome A: Positive social-emotional skills (including social relationships) (%)	94.1	86.1	94.5	Outcome B: Acquisition and use of knowledge and skills (including early language/ communication) (%)	89.7	82.2	89.9	Outcome C: Use of appropriate behaviors to meet their needs (%)	95.5	85.6	95.7	<u>Summary Statement 2</u>	<u>FFY 2008 Data</u>	<u>FFY 2009 Data</u>	<u>FFY 2009 Target</u>	Outcome A: Positive social-emotional skills (including social relationships) (%)	56	69.4	56.2	Outcome B: Acquisition and use of	48.8	55	49	<p>OSEP appreciates the Commonwealth's efforts to improve performance and looks forward to the Commonwealth's data demonstrating improvement in performance in the FFY 2010 APR, due February 1, 2012.</p> <p>The Commonwealth must report progress data and actual target data for FFY 2010 with the FFY 2010 APR.</p>
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	knowledge and skills (including early language/ communication) (%)				
	Outcome C: Use of appropriate behaviors to meet their needs (%)	72.2	69.4	76.4	
	These data represent progress and slippage from the FFY 2008 data. The Commonwealth met part of its FFY 2009 targets for this 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]	<p>The Commonwealth provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The Commonwealth indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012.</p> <p>The Commonwealth's FFY 2009 reported data for this indicator are 85%. These data represent progress from the FFY 2008 data of 82%. The Commonwealth did not meet its FFY 2009 target of 89.9%.</p> <p>In its description of its FFY 2009 data, the Commonwealth addressed whether the response group was representative of the population.</p>				OSEP looks forward to the Commonwealth's data demonstrating improvement in performance in the FFY 2010 APR, due February 1, 2012.
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]	Not applicable.				Not applicable.
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]	Not applicable.				Not applicable.
11. Percent of children who were	The Commonwealth provided targets for FFY 2011 and FFY 2012, and improvement				The Commonwealth must

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<p>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.</p> <p>[Compliance Indicator]</p>	<p>activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The Commonwealth’s FFY 2009 reported data for this indicator are 89.7%. These data represent progress from the FFY 2008 data of 82.6%. The Commonwealth did not meet its FFY 2009 target of 100%.</p> <p>The Commonwealth reported less than 100% compliance for this indicator for FFY 2008, and less than 100% FFY 2008 compliance for each of the seven Regions. The Commonwealth reported that it ensured that the 816 of 3,606 children with disabilities that did not receive a timely initial evaluation in FFY 2008 and for whom the Puerto Rico Department of Education (PRDE) had not verified correction, ultimately received an initial evaluation, although late. In Indicator 15, the Commonwealth reported that all nine of its FFY 2008 <u>dispute resolution</u> findings of noncompliance (all for one Region) were corrected in a timely manner.</p> <p>The Commonwealth was identified as being in need of assistance for two consecutive years based on the Commonwealth’s FFY 2007 and FFY 2008 APRs, was advised of available technical assistance, and was required to report, with the FFY 2009 APR, on: (1) the technical assistance sources from which the Commonwealth received assistance; and (2) the actions the Commonwealth took as a result of that technical assistance. The Commonwealth reported on the technical assistance sources from which the Commonwealth received assistance for this indicator and reported on the actions the Commonwealth took as a result of that technical assistance.</p> <p><i>Special Conditions:</i></p> <p>On December 17, 2007, the U.S. Department of Education (Department) entered into a three-year Compliance Agreement (2007 Agreement) with Puerto Rico and PRDE. The requirements under 34 CFR §300.301(c)(1) were included as an action item under Task 15.0 of the 2007 Agreement. The Commonwealth provided the following updated preliminary information in the indicator narrative and under the APR Supplemental Report:</p> <p style="padding-left: 40px;">For the first semester of FFY 2010 (7/1/10-12/31/10) as of 2/1/11, PRDE reported that 6,176 of 7,160 children with parental consent for initial evaluations were evaluated within the State-established timeline and that 475 additional students (total 7,160 students) were evaluated after the State-established timeline. There are still 509 students in the “not yet able to determine” category as of December 31, 2010.</p>	<p>demonstrate, in the FFY 2010 APR, due February 1, 2012, that the Commonwealth is in compliance with the timely initial evaluation requirement in 34 CFR §300.301(c)(1). Because the Commonwealth reported less than 100% compliance for FFY 2009, the Commonwealth must report on the status of correction of noncompliance reflected in the data the Commonwealth reported for this indicator.</p> <p>When reporting on the correction of noncompliance, the Commonwealth must report, in its FFY 2010 APR, that it has verified that for each finding of noncompliance reflected in the FFY 2009 data for this indicator, the Commonwealth: (1) is correctly implementing 34 CFR §300.301(c)(1) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a Commonwealth data system; and (2) has completed the evaluation, although late, for any child whose initial evaluation was not timely, unless the child is no longer within the jurisdiction of the Commonwealth, consistent with OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02). In the FFY 2010 APR,</p>

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		<p>the Commonwealth must describe the specific actions that were taken to verify the correction.</p> <p>If the Commonwealth does not report 100% compliance in the FFY 2010 APR, the Commonwealth must review its improvement activities and revise them, if necessary.</p> <p>In addition to reporting the required FFY 2010 data, with the FFY 2010 APR, PRDE must report on updated data for the period from July 1, 2011 through December 31, 2011.</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 implemented by their third birthdays.</p> <p>[Compliance Indicator]</p>	<p>The Commonwealth provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The Commonwealth's FFY 2009 reported data for this indicator are 53.9%. These data represent progress from the FFY 2008 data of 38.7%. The Commonwealth did not meet its FFY 2009 target of 100%.</p> <p>The Commonwealth reported that all 276 of its findings of noncompliance identified in FFY 2008 for this indicator were corrected.</p> <p>The Commonwealth was identified as being in need of assistance for two consecutive years based on the Commonwealth's FFYs 2007 and 2008 APRs, was advised of available technical assistance, and was required to report, with the FFY 2009 APR, on: (1) the technical assistance sources from which the Commonwealth received assistance; and (2) the actions the Commonwealth took as a result of that technical assistance. The Commonwealth reported on the technical assistance sources from which the Commonwealth received assistance for this indicator and reported on the actions the Commonwealth took as a result of that technical assistance.</p> <p><u>Special Conditions:</u></p> <p>On December 17, 2007, the U.S. Department of Education (Department) entered into a Compliance Agreement (2007 Agreement) with Puerto Rico and PRDE. The</p>	<p>The Commonwealth must demonstrate, in the FFY 2010 APR, due February 1, 2012, that the Commonwealth is in compliance with the early childhood transition requirements in 34 CFR §300.124(b). Because the Commonwealth reported less than 100% compliance for FFY 2009, the Commonwealth must report on the status of correction of noncompliance reflected in the FFY 2009 data the Commonwealth reported for this indicator.</p> <p>When reporting on the correction of noncompliance, the Commonwealth must report, in its FFY 2010 APR, that it has verified that for each finding of</p>

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	<p>requirements under 34 CFR §300.124(b) were included as an action item under Task 15.0 of the 2007 Agreement. The Commonwealth provided the following updated preliminary information in the indicator narrative and under the APR Supplemental Report:</p> <p>For the first semester of FFY 2010 (7/1/10-12/31/10) as of 2/1/11, PRDE reported that 130 of 620 children referred were served by their third birthday, with 39 additional children (total 169 children) being served after their third birthday. There are still 123 children in the “TBD, not yet able to determine” category as of December 31, 2011.</p>	<p>noncompliance reflected in the FFY 2009 data for this indicator, the Commonwealth: (1) is correctly implementing 34 CFR §300.124(b) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a Commonwealth data system; and (2) has developed and implemented the IEP, although late, for any child for whom implementation of the IEP was not timely, unless the child is no longer within the jurisdiction of the Commonwealth, consistent with OSEP Memo 09-02. In the FFY 2010 APR, the Commonwealth must describe the specific actions that were taken to verify the correction.</p> <p>If the Commonwealth does not report 100% compliance in the FFY 2010 APR, the Commonwealth must review its improvement activities and revise them, if necessary.</p> <p>In addition to reporting the required FFY 2010 data, with the FFY 2010 APR, PRDE must report on updated data for the period from July 1, 2011 through December 31, 2011.</p>
13. Percent of youth with IEPs aged	The Commonwealth provided FFY 2009 baseline data, targets for FFY 2010, FFY	The Commonwealth must

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<p>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.</p> <p>[Compliance Indicator]</p>	<p>2011, and FFY 2012, and improvement activities through FFY 2012 for this indicator, and OSEP accepts the Commonwealth’s submission for this indicator.</p> <p>The Commonwealth’s FFY 2009 reported baseline data for this indicator are 88.9%.</p>	<p>demonstrate, in the FFY 2010 APR, due February 1, 2012, that the Commonwealth is in compliance with the secondary transition requirements in 34 CFR §§300.320(b) and 300.321(b). Because the Commonwealth reported less than 100% compliance for FFY 2009, the Commonwealth must report on the status of correction of noncompliance reflected in the data the Commonwealth reported for this indicator.</p> <p>When reporting on the correction of noncompliance, the Commonwealth must report, in its FFY 2010 APR, that it has verified that for each finding of noncompliance reflected in the FFY 2009 data for this indicator, the Commonwealth: (1) is correctly implementing 34 CFR §§300.320(b) and 300.321(b) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a Commonwealth 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 2010 APR, the Commonwealth</p>

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		<p>must describe the specific actions that were taken to verify the correction.</p> <p>If the Commonwealth does not report 100% compliance in the FFY 2010 APR, the Commonwealth must review its improvement activities and revise them, if necessary.</p>
<p>14. Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were:</p> <p>A. Enrolled in higher education within one year of leaving high school;</p> <p>B. Enrolled in higher education or competitively employed within one year of leaving high school.</p> <p>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.</p> <p>[Results Indicator]</p>	<p>The Commonwealth provided FFY 2009 baseline data, targets for FFY 2010, FFY 2011, and 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 2010, FFY 2011 and FFY 2012.</p> <p>The Commonwealth's reported FFY 2009 baseline data for this indicator are:</p> <p>A. 48% enrolled in higher education within one year of leaving high school;</p> <p>B. 55.3% enrolled in higher education or competitively employed within one year of leaving high school; and</p> <p>C. 87.1% 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.</p>	<p>The Commonwealth must report actual target data for FFY 2010 with the FFY 2010 APR, due February 1, 2012.</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>The Commonwealth provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The Commonwealth's FFY 2009 reported data for this indicator are 85.6%. These data represent slippage from the FFY 2008 data of 100%. The Commonwealth did not meet its FFY 2009 target of 100%.</p> <p>The Commonwealth reported that 77 of 90 findings of noncompliance identified in FFY 2008 were corrected in a timely manner and that two findings were subsequently</p>	<p>The Commonwealth must demonstrate, in the FFY 2010 APR, due February 1, 2012, that the remaining 11 findings of noncompliance identified in FFY 2008 that were not reported as corrected in the FFY 2009 APR</p>

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	<p>corrected by February 1, 2011. The Commonwealth reported on the actions it took to address the uncorrected noncompliance.</p> <p>The Commonwealth provided additional information in the February 1, 2011 Compliance Agreement Quarterly Progress Report. The Commonwealth also provided additional information under the July 1, 2010 Department-wide Special Conditions on: (1) procurement strategies related to special education and related purchases; and (2) the timely correction of noncompliance.</p> <p><i>Special Conditions:</i></p> <p>On October 25, 2004, U.S. Department of Education (Department) entered into a three-year Compliance Agreement (2004 Agreement) with Puerto Rico that included, as Task 5.0, provisions regarding the identification and correction of noncompliance within one year. Although the Commonwealth made significant progress, PRDE's reported data continued to demonstrate noncompliance. Therefore, on December 17, 2007, the Department entered into a Memorandum of Agreement (MOA) with Puerto Rico and PRDE to address numerous areas including timely correction of noncompliance. When the MOA expired on December 17, 2009, PRDE had yet to fully meet the requirements of the MOA. As a result, this issue was included in Department-wide Special Conditions imposed on June 3, 2010.</p> <p>On December 17, 2007, the Department entered into a separate Compliance Agreement (2007 Agreement) with Puerto Rico and PRDE. The issues listed below were included as action items under Task 15.0 of the 2007 Agreement. Because this indicator includes general supervision, these issues are addressed herein. The Commonwealth provided the following updated preliminary information in the indicator narrative and under the APR Supplemental Report:</p> <ol style="list-style-type: none"> 1. For compliance with the reevaluation requirements, see 34 CFR §§300.303-300.306, PRDE reported that 98.74% of the 13,286 requests were completed and that 167 overdue reevaluations remained pending from FFY 2009 as of December 31, 2010. 2. For compliance with the assistive technology evaluation requirements, see 34 CFR §§300.105; 300.301-300.306; and 300.324(a)(2)(v), PRDE reported that 99.9% of the 1,197 requests for evaluations were completed and that one request remained pending from FFY 2008. For FFY 2009, PRDE reported that 91.4% of the 987 requests for evaluations were completed and that 84 remained pending as of December 31, 2010. 	<p>were corrected.</p> <p>The Commonwealth must review its improvement activities and revise them, if appropriate, to ensure they will enable the Commonwealth to provide data in the FFY 2010 APR, demonstrating that the Commonwealth timely corrected noncompliance identified by the Commonwealth in FFY 2009 in accordance with 20 U.S.C. 1232d(b)(3)(E), 34 CFR §§300.149 and 300.600(e), and OSEP Memo 09-02.</p> <p>In reporting on correction of findings of noncompliance in the FFY 2010 APR, the Commonwealth must report that it verified that for each finding of noncompliance identified in FFY 2009, the Commonwealth: (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 Commonwealth 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</p>

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	<p>3. For compliance with the requirement to provide assistive technology services and/or equipment, see 34 CFR §§300.105 and 300.324(a)(2)(v), PRDE reported that 70.5% of 990 requests were completed and that 302 were pending from FFY 2008. For FFY 2009, PRDE reported that 21.3% of the 807 requests were completed and that 635 remained pending as of December 31, 2010.</p> <p>In addition, on July 12, 2007 PRDE submitted a copy of a Special Audit Report on School Transportation for students with disabilities in the Bayamón Region . The audit was conducted by PRDE’s Internal Audit Office (IAO), covered the period from August 1, 2005 to December 31, 2006 and is incorporated here by reference. Based on this audit, since 2008, OSEP has required that PRDE submit specific assurances that it will not use Part B funds for these transportation costs until it has addressed the deficiencies noted in the audit. These deficiencies have not yet been fully addressed.</p>	<p>2010 APR, the Commonwealth must describe the specific actions that were taken to verify the correction. In addition, in reporting on Indicator 15 in the FFY 2010 APR, the Commonwealth must use the Indicator 15 Worksheet.</p> <p>Further, in responding to Indicators 11, 12, and 13 in the FFY 2010 APR, the Commonwealth must report on correction of the noncompliance described in this table under those indicators.</p> <p>The data and information submitted under the Compliance Agreement Quarterly Progress Report and the Department-wide Special Conditions were addressed under separate cover.</p> <p>The Commonwealth must provide complete and accurate data on the three items previously addressed in the 2007 Agreement (reevaluations, assistive technology evaluations, assistive technology services and/or equipment, and financial management issues, including addressing and resolving the use of funds requirements related to transportation contracting) for the FFY 2009 APR reporting period by September 15, 2011. Failure to submit complete and accurate</p>

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		<p>data could affect PRDE's FFY 2011 grant award under Part B of the IDEA.</p> <p>In addition, with the FFY 2010 APR, the Commonwealth must provide updated data for the period from July 1, 2010 through June 30, 2011 for each of the three items previously addressed in the 2007 Agreement (reevaluations, assistive technology evaluations, assistive technology services and/or equipment, and financial management issues, including addressing and resolving the use of funds requirements related to transportation contract).</p>
<p>16. 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.</p> <p>[Compliance Indicator]</p>	<p>The Commonwealth provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The Commonwealth's FFY 2009 reported data for this indicator are 100%. These data remain unchanged from the FFY 2008 data of 100%. The Commonwealth met its FFY 2009 target of 100%.</p>	<p>OSEP appreciates the Commonwealth's efforts in achieving compliance with the timely complaint resolution requirements in 34 CFR §300.152.</p>
<p>17. Percent of adjudicated due process hearing requests that were adjudicated within the 45-day</p>	<p>The Commonwealth provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The Commonwealth's FFY 2009 reported data for this indicator are 69.2%. These data</p>	<p>The Commonwealth must review its improvement activities and revise them, if necessary, to</p>

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<p>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.</p> <p>[Compliance Indicator]</p>	<p>represent progress from the FFY 2008 data of 52.8%. The Commonwealth did not meet its FFY 2009 target of 100%.</p> <p>The Commonwealth was identified as being in need of assistance for two consecutive years based on the Commonwealth's FFYs 2007 and 2008 APRs, was advised of available technical assistance, and was required to report, with the FFY 2009 APR, on: (1) the technical assistance sources from which the Commonwealth received assistance; and (2) the actions the Commonwealth took as a result of that technical assistance. The Commonwealth reported on the technical assistance sources from which the Commonwealth received assistance for this indicator and reported on the actions the Commonwealth took as a result of that technical assistance.</p>	<p>ensure they will enable the Commonwealth to provide data in the FFY 2010 APR, due February 1, 2012, demonstrating that the Commonwealth is in compliance with the due process hearing timeline requirements in 34 CFR §300.515.</p>
<p>18. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.</p> <p>[Results Indicator]</p>	<p>The Commonwealth provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The Commonwealth indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012.</p> <p>The Commonwealth's FFY 2009 reported data for this indicator are 61.97%. These data represent progress from the FFY 2008 data of 52.7%. The Commonwealth met its FFY 2009 target of 51%.</p>	<p>OSEP looks forward to reviewing the Commonwealth's data in the FFY 2010 APR due February 1, 2012.</p>
<p>19. Percent of mediations held that resulted in mediation agreements.</p> <p>[Results Indicator]</p>	<p>The Commonwealth provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The Commonwealth indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012.</p> <p>The Commonwealth's FFY 2009 reported data for this indicator are 73.97%. These data represent slippage from the FFY 2008 data of 75.1%. The Commonwealth met its FFY 2009 target of 64.5%.</p>	<p>OSEP looks forward to reviewing the Commonwealth's data in the FFY 2010 APR due February 1, 2012.</p>
<p>20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.</p> <p>[Compliance Indicator]</p>	<p>The Commonwealth provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The Commonwealth's FFY 2009 reported data for this indicator are 97.78%. However, OSEP's calculation of the data for this indicator is 100%. These data represent progress from the FFY 2008 data of 92.3%. The Commonwealth met its FFY 2009 target of 100%.</p>	<p>OSEP appreciates the Commonwealth's efforts in achieving compliance with the timely and accurate data reporting requirements in IDEA sections 616 and 618 and 34 CFR §§76.720 and 300.601(b). In reporting on Indicator 20 in the FFY 2010 APR, due February 1,</p>

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		2012, the Commonwealth must use the Indicator 20 Data Rubric.