

Table A – Part B

Issues Identified in the State Performance Plan

SPP Indicator	Issue	Required Action
<p>Indicator 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. (20 U.S.C. 1416 (a)(3)(A))</p>	<p>PRDE did not provide baseline data in the SPP in response to this indicator.</p> <p>On page 2 of the SPP, PRDE provides data for total number of students graduating from 12th grade with a regular diploma over the total number of 12th graders enrolled. The percentage is 92.58. PRDE does not provide comparable data for students with disabilities. PRDE did not calculate the total number of students with disabilities graduating with IEPs with a regular diploma from the 12th grade over the total number of 12th graders enrolled with IEPs.</p>	<p>PRDE must include, in the FFY 2005 APR, due February 1, 2007, both baseline data from FFY 2004 (July 1, 2004 through June 30, 2005) and progress data from FFY 2005 (July 1, 2005 through June 30, 2006). Failure to include these data will affect OSEP’s determination of PRDE’s status under section 616(d) of the IDEA.</p>
<p>Indicator 3: Participation and performance of children with disabilities on statewide assessments:</p> <p>A. Percent of districts 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. (20 U.S.C. 1416 (a)(3)(A))</p>	<p>Under indicator 3B, on pages 9 and 10 of the SPP, PRDE used the total number of children with IEPs that were assessed as the denominator to determine participation rates instead of using the total number of children with IEPs in the grades assessed.</p> <p>Under indicator 3C, PRDE did not provide proficiency rates in all of the areas assessed. On page 10, PRDE included the proficiency rates for children with disabilities participating only in the Spanish assessment and did not report on the proficiency rates for children with disabilities participating in the reading and math assessments.</p> <p>In reporting the proficiency scores on the Spanish assessment, on page 10 of the SPP, PRDE used the total number of children with IEPs that took the assessment as the denominator to determine proficiency instead of using the total number of children with IEPs in the grades assessed.</p>	<p>Under indicator 3B and 3C, PRDE did not use the required measurement in reporting the data. Under Indicator 3B, PRDE must provide accurate baseline data by calculating the total number of children with IEPs included in assessments over the total number of children with IEPs in the grades assessed. Under Indicator 3C, PRDE must report the proficiency rates in all areas assessed. PRDE must also provide accurate baseline data by calculating the total number of children with IEPs that were proficient over the total number of children with IEPs in the grades assessed.</p> <p>PRDE must include the required data and calculations in reporting its performance on this indicator in the APR due by February 1, 2007. Failure to include this information will affect OSEP’s determination of PRDE’s status under section 616(d) of the IDEA.</p>

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<p>Indicator 7:</p> <p>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>(20 U.S.C. 1416 (a)(3)(A))</p>	<p>OSEP could not determine if PRDE plans to use sampling in collecting data for this Indicator. If so, it is important that PRDE have a technically sound sampling plan to ensure that data used for entry, baseline, or to report on progress are valid and reliable. The submission of invalid data is inconsistent with Federal statute and regulations, including section 616(b)(2)(B) of the IDEA, and will affect OSEP's determination of PRDE's status under section 616(d) of the IDEA.</p>	<p>If PRDE intends to collect information through sampling, your SPP must include sampling methodology to ensure the collection of valid and reliable data on which to base your targets and improvement activities. PRDE must submit the revised sampling methodology that describes how data were collected with the PRDE's FFY 2005 APR that is due February 1, 2007. If PRDE decides not to sample, but rather gather census data, please inform OSEP and revise your SPP accordingly.</p>
<p>Indicator 8:</p> <p>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>(20 U.S.C. 1416(a)(3)(A))</p>	<p>OSEP could not determine if PRDE plans to use sampling in collecting data for this Indicator. If so, it is important that PRDE have a technically sound sampling plan to ensure that data used for entry, baseline, or to report on progress are valid and reliable. The submission of invalid data is inconsistent with Federal statute and regulations, including section 616(b)(2)(B) of the IDEA, and will affect OSEP's determination of PRDE's status under section 616(d) of the IDEA.</p>	<p>If PRDE intends to collect information through sampling, your SPP must include sampling methodology to ensure the collection of valid and reliable data on which to base your targets and improvement activities. PRDE must submit the revised sampling methodology that describes how data were collected with the PRDE's FFY 2005 APR that is due February 1, 2007. If PRDE decides not to sample, but rather gather census data, please inform OSEP and revise your SPP accordingly.</p>
<p>Indicator 12:</p> <p>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>(20 U.S.C. 1416(a)(3)(B))</p>	<p>Noncompliance: See Table B.</p> <p>On pages 31 and 32 of the SPP, PRDE did not provide baseline data. PRDE reported that "limited data from 2003-2004 is unreliable and incomplete."</p>	<p>See Table B.</p> <p>PRDE did not provide the information required under this indicator. Specifically, PRDE did not provide baseline data. In addition to the required actions in Table B, PRDE must include, in the FFY 2005 APR, due February 1, 2007, baseline data from FFY 2004 (July 1, 2004 through June 30, 2005), progress data from FFY 2005 (July 1, 2005 through June 30, 2006) and, if appropriate, more</p>

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		recent data. Failure to include these data will affect OSEP's determination of PRDE's status under section 616(d) of the IDEA.
<p>Indicator 14:</p> <p>Percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school.</p>	<p>OSEP could not determine if PRDE plans to use sampling in collecting data for this Indicator. If so, it is important that PRDE have a technically sound sampling plan to ensure that data used for entry, baseline, or to report on progress are valid and reliable. The submission of invalid data is inconsistent with Federal statute and regulations, including section 616(b)(2)(B) of the IDEA, and will affect OSEP's determination of PRDE's status under section 616(d) of the IDEA.</p>	<p>If PRDE intends to collect information through sampling, your SPP must include sampling methodology to ensure the collection of valid and reliable data on which to base your targets and improvement activities. PRDE must submit the revised sampling methodology that describes how data were collected with the PRDE's FFY 2005 APR that is due February 1, 2007. If PRDE decides not to sample, but rather gather census data, please inform OSEP and revise your SPP accordingly.</p>
<p>Indicator 15:</p> <p>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. (20 U.S.C. 1416 (a)(3)(B))</p>	<p>Noncompliance: See Table B.</p> <p>On page 37 of the SPP, PRDE reported the 21 priority areas that it uses to monitor regions, districts and schools regarding compliance under IDEA. On page 39 of the SPP, during 2003-2004, PRDE identified 111 findings of non-compliance in the priority areas, with 63 of the findings corrected within one year from identification. PRDE reported that 22 entities from 2003-2004 remain noncompliant and that PRDE is in the process of sanctioning these districts. PRDE reported that the 22 entities will receive letters from the Secretary, training and weekly follow-up. In the monitoring charts received with the SPP as part of the Compliance Agreement, PRDE reported that 23 entities monitored during the 2003-2004 school year remain noncompliant-- one more than reported in the SPP.</p>	<p>See Table B.</p> <p>PRDE must ensure that the data reported in the SPP, APR, and the progress reports under the Compliance Agreement are consistent and accurate. To the extent that the reported data are not consistent or accurate, PRDE must note and explain any discrepancies including the reasons for any revisions to the data. Failure to include these data will affect OSEP's determination of PRDE's status under section 616(d) of the IDEA.</p>

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	<p>PRDE did not provide the information required under indicator 15C. PRDE did not provide baseline data in the SPP in response to 15C.</p>	<p>For Indicator 15C, PRDE must include, in the FFY 2005 APR, due February 1, 2007, both baseline data from FFY 2004 (July 1, 2004 through June 30, 2005) and progress data from FFY 2005 (July 1, 2005 through June 30, 2006). Failure to include both types of data for Indicator 15C, will affect OSEP's determination of PRDE's status under section 616(d) of the IDEA.</p>
<p>Indicator 16:</p> <p>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. (20 U.S.C. 1416(a)(3)(B)).</p>	<p>Noncompliance: See Table B.</p> <p>Based upon a review of the complaint log data on pages 8-17 of the January submission, OSEP found apparent errors in the tracking and reporting. OSEP noted that some complaints filed within the same month appear to have been reported for different years. For example, in the complaint log, no. 18 for 2003-2004 was dated June 23, 2004 while no. 6 for 2004-2005 was dated June 4, 2004. It is not clear why the later complaint, June 23, 2004, was reported in the 2003-2004 period, while the earlier one, June 4, 2004, was reported in the later period, 2004-2005.</p>	<p>See Table B.</p> <p>PRDE must ensure that any discrepancy in its reporting on complaints is eliminated or properly explained. Specifically, PRDE must ensure that the complaint dates properly fall into the established reporting periods. Failure to include these data will affect OSEP's determination of PRDE's status under section 616(d) of the IDEA.</p>
<p>Indicator 17:</p> <p>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. (20 U.S.C. 1416(a)(3)(B))</p>	<p>Noncompliance: See Table B.</p> <p>PRDE submitted data on page 43 of the SPP, for the 2004-2005 school year, that indicated 94.93% of hearings were completed within federal timelines. On page 44 of the SPP, PRDE reported that out of 433 due process hearings that were adjudicated within an extension beyond the 45-day timeline, approximately:</p> <ul style="list-style-type: none"> • 75 percent were extended per complainant's 	<p>See Table B.</p> <p>In its review and reporting of 2005-2006 hearing data, by no later than the next APR, due February 1, 2007, PRDE must determine whether extensions were made consistent with 34 CFR §300.511(c) and report as timely, only those hearing decisions that are issued within extensions that are made at the request of a party to the hearing.</p>

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	<p>request;</p> <ul style="list-style-type: none"> • 20 percent were extended due to the need for a continuation; • three percent were extended due to calendar [scheduling] difficulties; and • two percent were extended at the Agency's request. <p>Pursuant to 34 CFR §300.511(c), a hearing officer may grant specific extensions of time beyond the 45-day period at the request of either party to the hearing. Based on the information presented above, it appears that only 77 percent of these decisions were issued within extensions that were consistent with the federal regulations with an overall compliance rate of 87 percent.</p>	
<p>Indicator 20:</p> <p>State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate. (20 U.S.C. 1416(a)(3)(B))</p>	<p>On page 51 of the SPP, PRDE reported that four of the five data reports required under section 618 were submitted timely. PRDE's 2004 educational environments data were received approximately 5 months late. In both 2002 and 2003, PRDE did not submit educational environments data.</p> <p>While PRDE set 100 percent as its yearly targets for Indicator 20. Based upon the baseline data discussion above, it is not clear whether Puerto Rico intends the 100 percent targets to be based upon the established measurement of both timely and accurate data reports.</p>	<p>The State must revise the targets in the APR, due February 1, 2007, to clarify that it is the State's intent to reach 100% accuracy and 100% timeliness regarding data reported, whether to OSEP or to the public, under section 618 of the IDEA, in the SPP and in the APRs.</p>