

Puerto Rico Part B FFY 2008 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 State revised the indicator and measurement language (consistent with the revisions in the Indicator Measurement Table) and improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2008 reported data for this indicator are 59.4%. These data represent progress from the FFY 2007 data of 52%. The State did not meet its FFY 2008 target of 65.5%.</p> <p>Rather than reporting the required graduation rate calculation and timeline established by the Department under the Elementary and Secondary Education Act (ESEA), the State reported data from its Section 618 Data Report, Table 4 <i>Report of Children with Disabilities Exiting Special Education</i>, as the data source for this indicator.</p>	<p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2009 APR, due February 1, 2011.</p>
<p>2. Percent of youth with IEPs dropping out of high school. [Results Indicator]</p>	<p>The State revised the indicator and measurement language (consistent with the revisions in the Indicator Measurement Table) and improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2008 reported data for this indicator are 32.95%. These data represent progress from the FFY 2007 data of 38.6%. The State did not meet its FFY 2008 target of 23%.</p> <p>Rather than reporting the required dropout rate calculation and timeline established by the Department under the ESEA, the State reported data from its Section 618 Data Report, Table 4 <i>Report of Children with Disabilities Exiting Special Education</i>, as the data source for this indicator.</p>	<p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2009 APR.</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>

Puerto Rico Part B FFY 2008 SPP/APR Response Table

<p>3. Participation and performance of children with IEPs on statewide assessments:</p> <p>B. Participation rate for children with IEPs.</p> <p>[Results Indicator]</p>	<p>The State revised the indicator and measurement language (consistent with the revisions in the Indicator Measurement Table) and improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2008 reported data for this indicator are 98.30% for Spanish and 98.01% for math. The data source for this indicator has changed. Therefore, OSEP cannot determine progress or slippage from the State's reported FFY 2007 data. The State did not meet its FFY 2008 targets of 98.73% for Spanish and 98.44% for math.</p> <p>The State provided a web link to 2008 publicly-reported assessment results.</p> <p>http://de.gobierno.pr/que-se-mide-en-las-pruebas-anales</p>	<p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2009 APR.</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 State revised the indicator and measurement language (consistent with the revisions in the Indicator Measurement Table) and improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2008 reported data for this indicator are 24.28% for Spanish and 19.30% for math. The data source for this indicator has changed. Therefore, OSEP cannot determine progress or slippage from the State's reported FFY 2007 data. The State did not meet its FFY 2008 targets of 35% for Spanish and 40% for math.</p> <p>The State provided a web link to 2008 publicly-reported assessment results.</p> <p>http://de.gobierno.pr/que-se-mide-en-las-pruebas-anales</p>	<p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2009 APR.</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 State's FFY 2007 reported data for this indicator are 0.0011%. Because the State's actual target data for this indicator are from the same year as the data reported for this indicator in the State's FFY 2007 APR, OSEP cannot comment on whether there is progress or slippage. The State met its FFY 2007 target of 0.03%.</p> <p>The State reported its definition of "significant discrepancy."</p>	<p>OSEP appreciates the State's efforts to improve performance.</p>
<p>4. Rates of suspension and expulsion:</p>	<p>Not applicable</p>	<p>Not applicable</p>

Puerto Rico Part B FFY 2008 SPP/APR Response Table

<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 requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.</p> <p>[Compliance Indicator; New for FFY 2009]</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; B. Inside the regular class less than 40% of the day; or C. In separate schools, residential facilities, or homebound/hospital placements.</p> <p>[Results Indicator]</p>	<p>The State revised the indicator and measurement language (consistent with the revisions in the Indicator Measurement Table) and OSEP accepts those revisions.</p> <p>The State's reported data for this indicator are:</p> <table border="1" data-bbox="548 919 1467 1386"> <thead> <tr> <th></th> <th>FFY 2007 Data</th> <th>FFY 2008 Data</th> <th>FFY 2008 Target</th> <th>Progress</th> </tr> </thead> <tbody> <tr> <td>A. % Inside the regular class 80% or more of the day</td> <td>81.17</td> <td>87.4</td> <td>74</td> <td>6.23%</td> </tr> <tr> <td>B. % Inside the regular class less than 40% of the day</td> <td>11.46</td> <td>3.3</td> <td>14.4</td> <td>8.16%</td> </tr> <tr> <td>C. % In separate schools, residential facilities, or homebound/hospital placements</td> <td>1.08</td> <td>1.8</td> <td>1.31</td> <td>-0.72%</td> </tr> </tbody> </table> <p>These data represent progress for 5A and 5B and slippage for 5C from the</p>		FFY 2007 Data	FFY 2008 Data	FFY 2008 Target	Progress	A. % Inside the regular class 80% or more of the day	81.17	87.4	74	6.23%	B. % Inside the regular class less than 40% of the day	11.46	3.3	14.4	8.16%	C. % In separate schools, residential facilities, or homebound/hospital placements	1.08	1.8	1.31	-0.72%	<p>OSEP appreciates the State's efforts to improve performance and looks forward to the State's data demonstrating improvement in performance in the FFY 2009 APR.</p>
	FFY 2007 Data	FFY 2008 Data	FFY 2008 Target	Progress																		
A. % Inside the regular class 80% or more of the day	81.17	87.4	74	6.23%																		
B. % Inside the regular class less than 40% of the day	11.46	3.3	14.4	8.16%																		
C. % In separate schools, residential facilities, or homebound/hospital placements	1.08	1.8	1.31	-0.72%																		

Puerto Rico Part B FFY 2008 SPP/APR Response Table

	FFY 2007 data. The State met its FFY 2008 targets for 5A and 5B, but did not meet its FFY 2008 target for 5C.							
<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; and</p> <p>B. Separate special education class, separate school or residential facility.</p> <p>[Results Indicator; New]</p>	The State is not required to report on this indicator in the FFY 2008 APR.	The instruction package for the FFY 2009 APR/SPP will provide guidance regarding the information States must report for this indicator in their FFY 2009 APRs.						
<p>7. Percent of preschool children aged 3 through 5 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]</p>	<p>The State revised the measurement language (consistent with the revisions in the Indicator Measurement Table) for this indicator and OSEP accepts those revisions.</p> <p>The State provided FFY 2008 baseline data, targets, and improvement activities for this indicator and OSEP accepts the State’s submission for this indicator.</p> <p>The State’s reported FFY 2008 baseline data for this indicator are:</p> <table border="1" data-bbox="548 984 1444 1230"> <thead> <tr> <th data-bbox="548 984 919 1101">08-09 Preschool Outcome Baseline Data</th> <th data-bbox="919 984 1192 1101"><u>Summary Statement 1</u>¹</th> <th data-bbox="1192 984 1444 1101"><u>Summary Statement 2</u>²</th> </tr> </thead> <tbody> <tr> <td data-bbox="548 1101 919 1230">Outcome A: Positive social-emotional skills (including social relationships) (%)</td> <td data-bbox="919 1101 1192 1230">94.1</td> <td data-bbox="1192 1101 1444 1230">56</td> </tr> </tbody> </table>	08-09 Preschool Outcome Baseline Data	<u>Summary Statement 1</u> ¹	<u>Summary Statement 2</u> ²	Outcome A: Positive social-emotional skills (including social relationships) (%)	94.1	56	The State must report progress data and actual target data for FFY 2009 with the FFY 2009 APR.
08-09 Preschool Outcome Baseline Data	<u>Summary Statement 1</u> ¹	<u>Summary Statement 2</u> ²						
Outcome A: Positive social-emotional skills (including social relationships) (%)	94.1	56						

¹ Summary Statement 1: Of those preschool children who entered the preschool program below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they turned six years of age or exited the program.

² Summary Statement 2: The percentage of preschool children who were functioning within age expectations in each Outcome by the time they turned six years of age or exited the program.

Puerto Rico Part B FFY 2008 SPP/APR Response Table

	<p>Outcome B: Acquisition and use of knowledge and skills (including early language/communication) (%)</p>	89.7	48.8	
	<p>Outcome C: Use of appropriate behaviors to meet their needs (%)</p>	95.5	72.2	
<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. [Results Indicator]</p>	<p>The State's FFY 2008 reported data for this indicator are 82%. These data represent slippage from the FFY 2007 data of 83%. The State did not meet its FFY 2008 target of 89.8%. In its description of its FFY 2008 data, the State did not address whether the response group was representative of the population.</p>			<p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2009 APR. In its description of its FFY 2008 data, the State did not address whether the response group was representative of the population. In the FFY 2009 APR, the State must report whether its FFY 2008 and FFY 2009 data are from a group representative of the population, and if not, the actions the State is taking to address this issue.</p>
<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. [Compliance Indicator]</p>	Not applicable			Not applicable
<p>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]</p>	Not applicable			Not applicable

Puerto Rico Part B FFY 2008 SPP/APR Response Table

<p>11. Percent of children who were 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>The State revised the measurement language (consistent with the revisions in the Indicator Measurement Table) for this indicator and OSEP accepts those revisions.</p> <p>The State’s FFY 2008 reported data for this indicator are 82.6%. These data represent slippage from the FFY 2007 data of 83.01%. The State did not meet its FFY 2008 target of 100%.</p> <p>The State reported that none of the 3,066 findings of noncompliance identified in FFY 2007 were corrected in a timely manner and that 2,838 findings were subsequently corrected by April 12, 2010. PRDE reported for the remaining 228 evaluations that, “the only remaining initial evaluations from FFY 2007 are for children that either repeatedly missed evaluation appointments or moved and cannot be located” (page 58).</p> <p>OSEP’s June 1, 2009 FFY 2007 SPP/APR response table under Indicators 11 and 15, required the State to include in the FFY 2008 APR, due February 1, 2010, for noncompliance reported under this indicator in the FFY 2007 APR, verification that the responsible entity: (1) is correctly implementing the specific regulatory requirements in 34 CFR §300.301(c)(1); and (2) has completed the initial evaluation although late, unless the child is no longer within the jurisdiction of the State, consistent with OSEP Memorandum, dated October 17, 2008 (OSEP Memo 09-02). The State did not report that it verified that each responsible entity is correctly implementing the specific regulatory requirements in 34 CFR §300.301(c)(1). Therefore, the State has not demonstrated that it corrected the noncompliance for FFY 2007.</p>	<p>The State must demonstrate, in the FFY 2009 APR that the State is in compliance with the timely initial evaluation requirement in 34 CFR §300.301(c)(1). Because the State reported less than 100% compliance for FFY 2008, the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator. The State must also demonstrate that the remaining 3,066 uncorrected noncompliance findings identified in FFY 2007 were corrected.</p> <p>When reporting on the correction of noncompliance, the State must report, in its FFY 2009 APR, that it has verified that each responsible entity with remaining noncompliance identified in FFY 2007 and each responsible entity with noncompliance reflected in the FFY 2008 data the State reported for this indicator: (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 State 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 State, consistent with OSEP Memo 09-02. When reporting on the correction of noncompliance, the State must report, in its FFY 2009 APR, that it has verified that each responsible entity with remaining noncompliance identified in FFY 2007 is correctly implementing 34 CFR §300.301(c)(1) (i.e., achieved 100%</p>
--	---	---

Puerto Rico Part B FFY 2008 SPP/APR Response Table

		<p>compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system, consistent with OSEP Memo 09-02. In the FFY 2009 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>If the State does not report 100% compliance in the FFY 2009 APR, the State must review its improvement activities and revise them, if necessary.</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 State revised the measurement language (consistent with the revisions in the Indicator Measurement Table) for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2008 reported data for this indicator are 38.7%. These data represent progress from the FFY 2007 data of 31.1%. The State did not meet its FFY 2008 target of 100%.</p> <p>The State reported that all 218 of its findings of noncompliance identified in FFY 2007 for this indicator were corrected in a timely manner.</p> <p>OSEP's June 1, 2009 FFY 2007 SPP/APR response table under Indicators 12 and 15 required the State to include in the FFY 2008 APR, due February 1, 2010, for noncompliance reported under this indicator in the FFY 2007 APR, verification that the responsible entity is correctly implementing the specific regulatory requirements in 34 CFR §300.124(b) consistent with OSEP Memo 09-02. The State did not include this information under this indicator. Therefore, the State has not demonstrated that it corrected the noncompliance for FFY 2007.</p> <p>The State reported that 104 findings of noncompliance identified in FFY 2006 and 69 findings of noncompliance identified in 2005 for this indicator were corrected.</p>	<p>The State must demonstrate, in the FFY 2009 APR that the State is in compliance with the early childhood transition requirements in 34 CFR §300.124(b). Because the State reported less than 100% compliance for FFY 2008, the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator. The State must also demonstrate that the remaining 218 uncorrected noncompliance findings identified in FFY 2007 were corrected.</p> <p>When reporting on the correction of noncompliance, the State must report, in its FFY 2009 APR, that it has verified that each responsible entity with noncompliance reflected in the data the State reported for this indicator: (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 State data system; and (2) has developed and implemented the IEP, although late, for any</p>

Puerto Rico Part B FFY 2008 SPP/APR Response Table

		<p>child for whom implementation of the IEP was not timely, unless the child is no longer within the jurisdiction of the State, consistent with OSEP Memo 09-02. When reporting on the correction of noncompliance, the State must report, in its FFY 2009 APR, that it has verified that each responsible entity with remaining noncompliance identified in FFY 2007 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 State data system, consistent with OSEP Memo 09-02. In the FFY 2009 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>If the State does not report 100% compliance in the FFY 2009 APR, the State must review its improvement activities and revise them, if necessary.</p>
<p>13. Percent of youth with IEPs aged 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</p>	<p>The State is not required to provide actual target data for FFY 2008 for this indicator.</p> <p>The State reported that all 954 of its findings of noncompliance identified in FFY 2007 for this indicator were corrected in a timely manner. The State reported that findings of noncompliance identified in FFY 2006 and 2005 for this indicator were corrected.</p>	<p>In the FFY 2009 APR the State must provide a revised baseline using data from 2009-2010. Targets must remain 100%.</p>

Puerto Rico Part B FFY 2008 SPP/APR Response Table

<p>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>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 State is not required to provide actual target data, targets, or improvement activities for FFY 2008 for this indicator.</p>	<p>In the FFY 2009 APR, the State must report a new baseline, targets, and, as needed, improvement activities.</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 State's FFY 2008 reported data for this indicator are 100%. These data represent progress from the FFY 2007 data of 50.7%. The State met its FFY 2008 target of 100%.</p> <p>OSEP's June 1, 2009 FFY 2007 SPP/APR response table required the State to include in the FFY 2008 APR, due February 1, 2010 that it has corrected longstanding noncompliance with the following requirements:</p> <ol style="list-style-type: none"> 1. assistive technology equipment and services; 	<p>Although OSEP appreciates that the State has made significant progress in several areas, PRDE has not yet demonstrated that it is in substantial compliance with the requirements related to: (1) assistive technology; (2) timely initial evaluations; (3) timely reevaluations; and (4) early childhood transition.</p>

Puerto Rico Part B FFY 2008 SPP/APR Response Table

	<p>2. timely initial evaluations;</p> <p>3. timely reevaluations;</p> <p>4. early childhood transition;</p> <p>5. secondary transition; and</p> <p>6. equitable participation.</p> <p>The State provided the following information in the indicator narrative and under the APR Supplemental Report:</p> <ol style="list-style-type: none"> 1. PRDE eliminated the entire backlog of evaluations for assistive technology from FFY 2007. For FFY 2008, PRDE reported that there were 157 pending evaluations remaining of 1,257 requests. PRDE did not report updated information on the distribution of assistive technology equipment upon completion of the evaluations from FFY 2007 or FFY 2008. 2. For the first semester of FFY 2009 (7/1/09 – 12/31/09) as of 1/31/10, PRDE reported that of the 7,773 children with parental consent for initial evaluations, 5,970 students were evaluated within the State-established timelines and that 1,167 evaluations in the “not yet to able to determine” category. 3. For reevaluations, PRDE reported that it completed 90.54% of the 15,383 requests, and that 1,455 remained pending from FFY 2008. 4. For the first semester of FFY 2009 (7/1/09 – 12/31/09) as of 1/31/10, PRDE reported that 142 of 662 children referred were served by their third birthday, with 69 additional children being served after their third birthday. There are still 390 children in the “not yet to able to determine” category. 5. PRDE reported that it eliminated all the noncompliance identified from FFY 2005, 2006, and 2007 regarding secondary transition. 6. PRDE reported the required information in its January 31, 2010 Compliance Agreement Quarterly Progress Report. <p>In addition, PRDE was required to submit a Compliance Agreement Quarterly Report on April 30, 2010 which included the following updated information</p>	<p>PRDE must take the steps necessary to ensure that it can report that it has corrected this noncompliance before the Compliance Agreement expires on December 17, 2010. PRDE must report updated information on compliance for these action items in the upcoming Compliance Agreement Quarterly Reports due on July 31, 2010; October 31, 2010; and January 31, 2010.</p> <p>With regard to the IDEA-Specific Special Conditions and Modifications to the Department-wide Special Conditions for the FFY 2009 Part B grant, OSEP is satisfied with PRDE’s performance related to the requirements for equitable participation of parentally-placed private school students. However, PRDE has not demonstrated that it is ensuring the timely correction of noncompliance. PRDE will be required to continue to report on this noncompliance as part of the FFY 2010 Department-wide Special Conditions.</p> <p>The State must review its improvement activities and revise them, if appropriate, to ensure they will enable the State to provide data in the FFY 2009 APR, demonstrating that the State timely corrected noncompliance identified by the State in FFY 2008 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>Although the State did not report for this indicator that it verified correction of noncompliance identified in FFY 2007 consistent with the OSEP Memo 09-02, OSEP accepted the data for this indicator this year because this indicator measures</p>
--	--	--

Puerto Rico Part B FFY 2008 SPP/APR Response Table

	<p>on the above noted reporting requirements:</p> <ol style="list-style-type: none"> 1. “PRDE SAEE is working to develop a corrective action plan to improve collection and management of assistive technology data island-wide. This plan will include ensuring that a uniform data collection and maintenance process is adhered to through all the regions. PRDE SAEE aims to have an interim data collection and maintenance policy finalized, staff trained on the interim policy, and operational before the start of the new school year” (page 3). 2. Updated preliminary data for FFY 2009 (7/1/09 – 12/31/09) as of 4/26/10 were that 7,769 children had parental consent for initial evaluations, for which 6,431 were completed within 30 days, a total of 7,343 completed (including timely and subsequently completed beyond the State-established timeline) and that there are 426 remaining in the “not yet able to determine” category. 3. For reevaluations, the preliminary data for completed reevaluations for FFY 2008 are 95.55%. 4. For the first semester of FFY 2009 (7/1/09 – 12/31/09) as of 4/26/2010, PRDE reported that 262 of 638 children referred were served by their third birthday, with 125 additional children being served after their third birthday. There are still 225 children in the “not yet able to determine” category of which 161 have not yet turned three. <p>Lastly, PRDE submitted additional reports required from the July 1, 2009 IDEA-Specific Special Conditions and Modifications to the Department-wide Special Conditions on: (1) Timely correction of noncompliance; and (2) equitable participation which were remaining actions items from the December 17, 2007 Memorandum of Agreement that expired on April 30, 2009. PRDE submitted a special conditions report on timely correction of noncompliance on May 14, 2010.</p> <ol style="list-style-type: none"> 1. PRDE reported updated information of findings of noncompliance identified from the period January 1, 2009 – April 30, 2009 which were corrected within one year of identification. PRDE reported that 82.76% (24 out of 29) findings were timely corrected and included findings identified from their dispute resolution mechanisms, which were not reported in previous APR submissions. Additionally, PRDE 	<p>timely correction of noncompliance and OSEP Memo 09-02 was issued after the beginning of the FFY 2008 correction period.</p> <p>In reporting on correction of noncompliance in the FFY 2009 APR the State must report that it verified that each responsible entity with noncompliance identified in FFY 2008: (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 State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the State, consistent with OSEP Memo 09-02. In the FFY 2009 APR, the State must describe the specific actions that were taken to verify the correction. In addition, in reporting on Indicator 15 in the FFY 2009 APR, the State must use the Indicator 15 Worksheet.</p> <p>In responding to Indicator 11 and 12 in the FFY 2009 APR the State must report on correction of the noncompliance described in this table under those indicators.</p>
--	---	---

Puerto Rico Part B FFY 2008 SPP/APR Response Table

	<p>reported that sanctions were issued “due to the failure of two of the monitored entities, school districts, to correct findings of noncompliance within one year of identification, and in accordance with the implemented sanctions policy” (page 5). “The incentive and sanctions policy was approved on March 5, 2009” (page 2).</p> <p>2. PRDE submitted the equitable services manual (dated December 1, 2009) and provided documentation during on-site interviews (January 26-28, 2010) evidence of the activities conducted to meet the equitable participation requirements detailed in 34 CFR §300.130-300.144.</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 State revised the indicator language (consistent with the revisions in the Indicator Measurement Table) for this indicator and OSEP accepts those revisions.</p> <p>The State’s FFY 2008 reported data for this indicator are 100%. These data represent progress from the FFY 2007 data of 92.65%. The State met its FFY 2008 target of 100%.</p>	<p>OSEP appreciates the State’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 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>The State revised the indicator language (consistent with the revisions in the Indicator Measurement Table) for this indicator, but did not submit a revised SPP or direct OSEP to a revised SPP that reflected those revisions.</p> <p>The State’s FFY 2008 reported data for this indicator are 52.8%. These data represent progress from the FFY 2007 data of 50.06%. The State did not meet its FFY 2008 target of 100%.</p>	<p>The State must provide a revised SPP that reflects the revisions to the indicator language with its FFY 2009 APR.</p> <p>The State must review its improvement activities and revise them, if necessary, to ensure they will enable the State to provide data in the FFY 2009 APR demonstrating that the State is in compliance with the due process hearing timeline requirements in 34 CFR §300.515.</p>

Puerto Rico Part B FFY 2008 SPP/APR Response Table

<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 State's FFY 2008 reported data for this indicator are 52.7%. These data represent slippage from the FFY 2007 data of 60.13%. The State met its FFY 2008 target of 50.7%.</p>	<p>OSEP looks forward to reviewing the State's data in the FFY 2009 APR.</p>
<p>19. Percent of mediations held that resulted in mediation agreements.</p> <p>[Results Indicator]</p>	<p>The State's FFY 2008 reported data for this indicator are 75.1%. These data represent progress from the FFY 2007 data of 69.97%. The State met its FFY 2008 target of 63.5%.</p>	<p>OSEP looks forward to reviewing the State's data in the FFY 2009 APR.</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 State's FFY 2008 reported data for this indicator are 94.72%. However, OSEP's calculation of the data for this indicator is 92.3%. These data represent progress from the FFY 2007 data of 88%. The State did not meet its FFY 2008 target of 100%.</p>	<p>The State must review its improvement activities and revise them, if necessary, to ensure they will enable the State to provide data in the FFY 2009 APR demonstrating that it is in compliance with the timely and accurate data reporting requirements in IDEA sections 616 and 618 and 34 CFR §§76.720 and 300.601(b).</p> <p>In reporting on Indicator 20 in the FFY 2009 APR, the State must use the Indicator 20 Data Rubric.</p>