



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

JUN 15 2007

Honorable Rosa Perez  
Secretary of Public Health  
Puerto Rico Department of Public Health  
P. O. Box 70184  
San Juan, Puerto Rico 00936

Dear Secretary Perez:

Thank you for the timely submission of Puerto Rico's Annual Performance Report (APR) and revised State Performance Plan (SPP) under Part C of the Individuals with Disabilities Education Act (IDEA), as amended in 2004.

As you know, under IDEA sections 616 and 642, each State has an SPP that evaluates the State's efforts to implement the requirements and purposes of Part C of the IDEA and describes how the State will improve its implementation of Part C. In the revised SPP due by February 1, 2007, States were required to provide information on: (1) specific new indicators; and (2) correction of any deficiencies identified in the Office of Special Education Programs' (OSEP's) SPP response letter sent to the Puerto Rico Department of Health (PRDH) last year. States were also required to submit by February 1, 2007, an APR for Federal fiscal year (FFY) 2005 that describes the State's: (1) progress or slippage in meeting the measurable and rigorous targets established in the SPP; and (2) any revisions to the State's targets, improvement activities, timelines or resources in the SPP and justifications for the revisions. We appreciate PRDH's efforts in preparing the FFY 2005 APR and revised SPP.

The Department has reviewed the information provided in the Puerto Rico's FFY 2005 APR and revised SPP, other State-reported data, information obtained through monitoring visits, and other public information and has determined that, under IDEA sections 616(d) and 642, Puerto Rico needs assistance in meeting the requirements of Part C of the IDEA. PRDH should review IDEA section 616(e) regarding the potential future impact of the Department's determination.

The Department's determination is based on the totality of PRDH's data in its SPP/APR and other publicly available information, including any compliance issues. The factors in States' FFY 2005 APR and February 1, 2007 SPP submissions that affected the Department's determinations were whether the State: (1) provided valid and reliable FFY 2005 data that reflect the measurement for each indicator, and if not, whether the State provided a plan to collect the missing or deficient data; and (2) for each compliance indicator that was not new (a) demonstrated compliance or timely corrected noncompliance, and (b) in instances where it did not demonstrate compliance, had nonetheless made progress in ensuring compliance over prior performance in that area. We also considered whether the State had other IDEA compliance issues that were identified previously through the Department's monitoring, audit or other activities, and

the State's progress in resolving those problems. See the enclosure entitled "How the Department Made Determinations under Section 616(d) of the IDEA in 2007" for further details.

Specific factors affecting OSEP's determination for Puerto Rico include that its FFY 2005 data did not demonstrate correction under the following indicators and reflect the following levels of performance for: (1) Indicator 8C, 64.2% compliance with the timely transition conference requirements; (2) for Indicator 7, 86.6% compliance with the 45-day timeline requirements; and (3) Indicator 9, 29.2% compliance with the timely correction requirements with subsequent data indicating improvement to 44% correction (26 of 59 findings). For these reasons, we were unable to determine that Puerto Rico met requirements under IDEA sections 616(d) and 642. Balancing these factors were that Puerto Rico: (1) provided FFY 2005 data; (2) reported a high level of performance and substantial improvement in its FFY 2005 APR for Indicator 8A (96.1%) and Indicator 8B (91.4%); and (3) reported 100% compliance for Indicator 10. We hope that Puerto Rico will be able to demonstrate that it meets requirements of Part C in its FFY 2006 APR.

In addition, we commend Puerto Rico on its efforts to provide early intervention services under Indicator 1. PRDH's FFY 2005 data for this indicator reflect 65% compliance and updated data from January through May 2007 reflect 95.5% compliance. PRDH's June 1, 2007 Progress Report under its FFY 2006 special conditions indicate 100% correction and updated data from January through May 2007 indicate 95.5% compliance with the requirement to timely provide Part C services to infants and toddlers with disabilities and their families, pursuant to 34 C.F.R. §§303.340(c), 303.342(e) and 303.344(f)(1). Based on the progress reports, OSEP is removing the special conditions imposed on its FFY 2006 grant award.

The table enclosed with this letter provides OSEP's analysis of Puerto Rico's FFY 2005 APR and revised SPP and identifies, by indicator, OSEP's review and acceptance of any revisions made by Puerto Rico to its targets, improvement activities (timelines and resources) and baseline data in its SPP. It also identifies, by indicator, Puerto Rico's status in meeting its targets, and whether its data reflect progress or slippage, and whether it corrected noncompliance and provided valid and reliable data. The table also lists, by indicator, any additional information PRDH must include in the FFY 2006 APR or, as needed, the SPP due February 1, 2008, to address the problems OSEP identified in the revised SPP or FFY 2005 APR. PRDH must provide this required information. We plan to factor into our determinations next year whether or not States provided the additional information requested in this table in their FFY 2006 APR, due February 1, 2008, and may take other actions as well, if States' data, or lack of data, regarding these issues indicate continuing noncompliance.

As you know, Puerto Rico must report annually to the public on the performance of each early intervention services (EIS) program on the targets in the SPP under IDEA section 616(b)(2)(C)(ii)(1) and 642. The requirement for public reporting on EIS programs' performance is a critical provision in ensuring accountability and focusing on improved results for infants and toddlers with disabilities. Please have your staff notify your OSEP State Contact when and where Puerto Rico makes available its public report on EIS program performance. In addition, States must review EIS program performance against targets in the State's SPP, especially the compliance indicators, determine if each EIS

program meets the requirements of the IDEA and inform each EIS program of its determination. For further information regarding these requirements, see the SPP/APR Guidance Materials at <http://www.rrfcnwork.org/>.

We hope that PRDH found helpful, and was able to benefit from, the monthly technical assistance conference calls conducted by this Office, ongoing consultation with OSEP State Contacts and OSEP-funded Technical Assistance Center staff, materials found on the IDEA 2004 website, and attendance at OSEP-sponsored conferences. OSEP will continue to provide technical assistance opportunities to assist PRDH as it works to improve performance under Part C of the IDEA. If you have any feedback on our past technical assistance efforts or the needs of States for guidance, we would be happy to hear from you as we work to develop further mechanisms to support State improvement activities.

OSEP is committed to supporting Puerto Rico's efforts to improve results for infants and toddlers with disabilities and their families, and looks forward to working with you over the next year. If you have any questions, would like to discuss this further, or want to request technical assistance, please do not hesitate to call Linda Whitsett, your OSEP State Contact, at 202-245-7573.

Sincerely,

A handwritten signature in cursive script that reads "Patricia J. Guard".

Patricia J. Guard  
Acting Director  
Office of Special Education Programs

Enclosures

cc: Part C Coordinator