



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

JUN 6 2008

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 FFY 2006 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. We also acknowledge the revisions to Puerto Rico's APR received on April 14, 2008. We appreciate the Commonwealth's efforts in preparing these documents.

The Department has determined that, under IDEA sections 616(d) and 642, Puerto Rico needs assistance in meeting the requirements of Part C of the IDEA. The Department's determination is based on the totality of the Commonwealth's data and information including the Commonwealth's FFY 2006 APR and revised SPP, other State-reported data, and information obtained through on-site verification and focused monitoring visits, audits and related activities, and other publicly available information. See the enclosure entitled "How the Department Made Determinations under Sections 616(d) and 642 of the IDEA in 2008" for further details.

Specific factors affecting OSEP's determination of needs assistance for Puerto Rico include the following: (1) for Indicator 1, the Commonwealth reported 93% compliance with the timely service provision requirements with progress from 80.5%; (2) for Indicator 8C, the Commonwealth reported 88% compliance with the timely transition conference requirements with progress from 64.2%; and (3) for Indicator 8A, the Commonwealth reported 91.6% compliance with the IFSP transition content requirements; and (4) for those indicators, the Commonwealth did not report correction of prior findings of noncompliance. In addition, for Indicator 9, the Commonwealth reported 59.6% compliance with the requirements for correcting noncompliance with progress from 29.2%. For these reasons, we were unable to determine that Puerto Rico met requirements under IDEA sections 616(d) and 642. OSEP notes that the Commonwealth reported high levels of compliance for the 45-day timeline and LEA notification requirements in Indicators 7 and 8B and correction for Indicator 8B. We hope that the Commonwealth will demonstrate in next year's APR that it meets requirements.

The enclosed table provides OSEP's analysis of the Commonwealth's FFY 2006 APR and revised SPP and identifies, by indicator, OSEP's review of any revisions made by the Commonwealth to its targets, improvement activities (timelines and resources) and baseline data in the Commonwealth's SPP. It also identifies, by indicator, the Commonwealth's status in meeting its targets, whether the Commonwealth's data reflect

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progress or slippage, and whether the Commonwealth corrected noncompliance and provided valid and reliable data.

The Commonwealth's determination for the FFY 2005 APR also was needs assistance. In accordance with sections 616(e) and 642 of the IDEA, if a State is determined to need assistance for two consecutive years, the Secretary must take one or more of the following actions: 1) Advise the State of available sources of technical assistance that may help the State address the areas in which the State needs assistance; 2) Direct the use of State-level funds on the area or areas in which the State needs assistance; or 3) Identify the State as a high-risk grantee and impose special conditions on the State's Part B grant award. Pursuant to these requirements, the Secretary is advising the Commonwealth of available sources of technical assistance related to Indicator 1 services in a timely manner, Indicators 8A and C early childhood transition and Indicator 9 timely correction of noncompliance. A list of sources of technical assistance related to the SPP/APR indicators is available by clicking on the "Technical Assistance Related to Determinations" box on the opening page of the SPP/APR Planning Calendar website at <http://spp-apr-calendar.rfcnetwork.org/>. You will be directed to a list of indicators. Click on specific indicators for a list of centers, documents, web seminars and other sources of relevant technical assistance for that indicator.


For the indicators listed above, the Commonwealth must report with its FFY 2007 APR submission (due February 1, 2009) on: 1) the technical assistance sources from which the Commonwealth received assistance and 2) what actions the Commonwealth took as a result of that technical assistance. The extent to which the Commonwealth takes advantage of available technical assistance for these indicators may affect the actions we take under sections 616 and 642 should the Commonwealth not be identified as meets requirements next year. We encourage States to take advantage of available sources of technical assistance in other areas as well, particularly if the State is reporting low compliance data for an indicator.

As required by sections 616(e)(7) and 642, the Commonwealth must notify the public that the Secretary of Education has taken the above enforcement action. This notification must be sufficient to notify the public within the Commonwealth and may include such mechanisms as posting on the agency's website, distribution through the media and distribution through public agencies.

As you know, the Commonwealth must report annually to the public on the performance of each early intervention service (EIS) program located in the Commonwealth on the targets in the SPP under IDEA sections 616(b)(2)(C)(ii)(1) and 642. In addition, the Commonwealth must review EIS program performance against targets in the Commonwealth's SPP, 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 Calendar at <http://spp-apr-calendar.rfcnetwork.org/>. Finally, if you included revisions to baseline, targets or improvement activities in your APR submission, and OSEP accepted those revisions, please ensure that you update your SPP accordingly and that the updated SPP is made available to the public.

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 the Commonwealth 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 Ginger Sheppard, your OSEP State Contact, at 202-245-7353.

Sincerely,



William W. Knudsen  
Acting Director  
Office of Special Education Programs

Enclosures

cc: Part C Coordinator