

Puerto Rico

Table A – Part C

Issues Identified in the State Performance Plan

SPP Indicator	Issue	Required Action
<p>Indicator 1:</p> <p>Percent of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner.</p> <p>(20 USC 1416(a)(3)(A) and 1442)</p>	<p>(1) Continued noncompliance: PRDH reported a 65.1% level of compliance with the requirement that infants and toddlers with IFSPs receive the early intervention services on their IFSPs in a timely manner as required by 34 CFR §§303.340(c), 303.342(e) and 303.344(f)(1)- see Table B.</p> <p>(2) New Noncompliance – On p. 2 of its SPP, PRDH reported its standard for timely as “early intervention services initiated within <u>31 calendar days</u> from parent consent.” “For infants and toddlers who have more than one early intervention service in their IFSPs, <i>timely</i> means that at least one of the early intervention services is initiated within <u>31 calendar days</u> from parent consent.” “Other early intervention services may begin more than 31 calendar days after parent consent if the IFSP team decides that a later start date is appropriate to achieve the individual child and family outcomes.”</p> <p>PRDH’s timely standard is based on the timeliness of the provision of one early intervention service, which is inconsistent with the Part C regulations at 34 CFR §§303.342(e) and 303.344(f)(1). The Part C regulations at 34 CFR §§303.342(e) and 303.344(f)(1) require that the lead agency provide the early intervention services that are consented to by the parent as soon as possible after the IFSP meeting. The lead agency must ensure the timely provision of all early intervention services on the IFSP that are consented to by the parent.</p>	<p>(1) Continued noncompliance: See Table B regarding data that must be submitted by June 1, 2006. In addition, in the FFY 2005 APR due February 1, 2007, PRDH must submit a revised definition of timely that makes clear that its timely standard applies to the provision of <i>all</i> early intervention services on the IFSP.</p> <p>(2) New Noncompliance: In the FFY 2005 APR due February 1, 2007, PRDH must submit data demonstrating compliance based on the timely provision of all early intervention services on the IFSP. Failure to submit the revised timely standards and provide data demonstrating compliance at that time may affect OSEP’s determination of PRDH’s status under section 616(d) of the IDEA.</p>

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	<p>Other: In PRDH's computation of its baseline data for this compliance indicator it appears that PRDH included children for whom reasonable delays were attributable to exceptional child or family circumstances documented in the child's record.</p>	<p>Other: In the FFY 2005 APR, due February 1, 2007, PRDH should not include in the calculation children for whom PRDH has identified the cause for the delay as exceptional child or family circumstances documented in the child's record. PRDH must include in its discussion of data, the numbers it used to determine its calculation under this indicator and report separately the number of documented delays attributable to child or family circumstances.</p>
<p>Indicator 2: Percent of infants and toddlers with IFSPs who primarily receive early intervention services in the home or programs for typically developing children.¹ (20 USC 1416(a)(3)(A) and 1442)</p>	<p>Other: Pp. 9-11, PRDH reported that 99% of infants and toddlers primarily receive early intervention services in the home or programs for typically developing children. PRDH's targets ranged from 99.1% to 99.6%.</p> <p>Because the State reported more than 95% of infants and toddlers receiving services in natural</p>	<p>OSEP noted that PRDH established targets above 99% for natural environments. Section 635(a)(16) of the IDEA requires that a State has policies and procedures to ensure that, consistent with section 636(d)(5), to the maximum extent appropriate, early intervention services are provided in natural environments. Section 636(d)(5) requires that the IFSP contain a statement of the natural environments in which early intervention services will be provided appropriately, including a justification of the extent, if any, to which services will not be provided in a natural environment. Depending on the individual needs of particular children and their families, it may not be appropriate to provide all services in natural environments; therefore, achieving a target of 100% may result in a violation of a child's individual right to services in an appropriate environment that is not the natural environment.</p> <p>PRDH may want to include in its activities procedures to ensure that all determinations made about the environment in which early intervention services are delivered are based on the individual needs of, and outcomes for, the child.</p> <p>No further action required.</p>

¹ At the time of the release of this package, revised forms for collection of 618 State reported data had not yet been approved. Indicators will be revised as needed to align with language in the 2005-2006 State reported data collections.

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	environments, there is no expectation that an increase in that percentage is necessary. OSEP appreciates the State's efforts to serve infants and toddlers with disabilities in natural environments to the maximum extent appropriate to the child's needs.	
<p>Indicator 4:</p> <p>Percent of families participating in Part C who report that early intervention services have helped the family:</p> <ul style="list-style-type: none"> (A) Know their rights; (B) Effectively communicate their children's needs; and (C) Help their children develop and learn. <p>(20 USC 1416(a)(3)(A) and 1442)</p>	<p>Noncompliance: See Table B</p> <p>Other: PRDH mentions selecting a stratified random sample, but provides no details.</p> <p>An evaluation of the sampling plan for Indicator 4 indicated that it was not technically sound (see OSEP's February 14, 2006 memorandum). Data will lack validity if based on a sampling plan that is not technically sound. OSEP is concerned because your plan is to use these invalid data to establish baseline data for this indicator. 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 PRDH's status under section 616(d) of the IDEA.</p>	<p>Noncompliance: See Table B</p> <p>As indicated in the February 14, 2006 OSEP memorandum, if a revised sampling plan has not been accepted by OSEP by the time PRDH submits its FFY 2005 APR on February 1, 2007, PRDH must submit a revised sampling methodology that describes how data were collected with PRDH's FFY 2005 APR. In the FFY 2005 APR, you also need to explain how your State addressed the deficiencies in the data collection noted in the attachment to the OSEP memorandum. If you decide not to sample, but rather gather census data, please inform OSEP and revise your SPP accordingly.</p>

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<p>Indicator 7:</p> <p>Percent of eligible infants and toddlers with IFSPs for whom an evaluation and assessment and an initial IFSP meeting were conducted within Part C's 45-day timeline.</p> <p>(20 USC 1416(a)(3)(B) and 1442)</p>	<p>Noncompliance: See Table B.</p> <p>Other: PRDH reported in the SPP that the following were identified as the most common reasons for untimely completion of evaluation and assessments and initial IFSP meetings: (1) Cancellation of scheduled evaluation and assessments and IFSP activities due to child and/or family members medical appointments and/or hospitalizations; (2) Problems with contacting the families to schedule appointments; and (3) Limited number and/or availability of early intervention service providers in some regions.</p>	<p>See Table B.</p> <p>In the FFY 2005 APR, due February 1, 2007, PRDH should not include in the calculation children for whom PRDH has identified the cause for the delay as exceptional family circumstances documented in the child's record. PRDH must include in its discussion of data, the numbers it used to determine its calculation under this indicator and report separately the number of documented delays attributable to child and/or family circumstances.</p>
<p>Indicator 8:</p> <p>Percent of all children exiting Part C who received timely transition planning to support the child's transition to preschool and other appropriate community services by their third birthday including:</p> <ul style="list-style-type: none"> (A) IFSPs with transition steps and services; (B) Notification to LEA, if child potentially eligible for Part B; and (C) Transition conference, if child potentially eligible for Part B. <p>(20 USC 1416(a)(3)(B) and 1442)</p>	<p>Noncompliance: See Table B for discussions of 8A and 8C.</p>	<p>Noncompliance: See Table B for discussions of 8A and 8C.</p>
<p>Indicator 9:</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.</p> <p>(20 U.S.C. 1416(a)(3)(B) and 1442)</p>	<p>Noncompliance: See Table B.</p> <p>Other: Pp. 43-56 of the SPP – PRDH did not provide baseline data in the SPP in response to this indicator. For A and B, PRDH was required to have submitted in the SPP, data on programs monitored during 2003-2004 and the percent of noncompliance corrected in</p>	<p>Noncompliance: See Table B.</p> <p>PRDH 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 these data will</p>

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	2004-2005. Instead, PRDH submitted data on the programs monitored in 2004-2005 and stated that the 12-month period for correcting noncompliance had not elapsed. C. 100% of noncompliance identified through complaints were corrected within one year of identification.	affect OSEP's determination in 2007 of PRDH's status under section 616(d) of the IDEA.
<p>Indicator 10:</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.</p> <p>(20 U.S.C. 1416(a)(3)(B) and 1442)</p>	Two requests for mediations were received and both resulted in agreements. PRDH did not set targets for this indicator because OSEP had recommended that targets not be established unless baseline data reflected a minimum threshold of 10 mediation requests.	In a reporting period when the number of mediations reaches ten or greater, PRDH must develop targets and improvement activities, and report them in the corresponding APR.