

Puerto Rico
Table B Chart – Part C
Previously-Identified Issues

Issue	State Submission	OSEP Analysis	Required Action
<p>Indicator 1</p> <p>OSEP’s February 8, 2005 FFY 2002 APR response letter accepted PRDH’s plan to ensure compliance with the requirements of 34 CFR §§303.340(c), 303.342(e) and 303.344(f)(1), the timely provision of Part C services, an outstanding finding from OSEP’s 2002 monitoring report. OSEP’s February 2005 letter required PRDH to submit a progress report and a final progress report by March 10, 2006.</p> <p>OSEP’s October 2005 letter reminded PRDH to submit by March 10, 2006 a final progress report with data demonstrating compliance with this area.</p>	<p>In the SPP, pp. 2-8, PRDH reported a 65.1% level of compliance for Indicator 1, specifically the requirement at 34 CFR §§303.340(c), 303.342(e) and 303.344(f)(1). Because the record reviews were conducted prior to establishing Puerto Rico’s definition of “timely,” collection of reasons when services were untimely were not included.</p> <p>PRDH reported on page 47 of the SPP that it made findings of noncompliance regarding Indicator 1 for all seven of its regions.</p> <p>PRDH requested an extension of its March 10, 2006 final progress report until June 1, 2006.</p>	<p>PRDH reported a 65.1% level of compliance for Indicator 1 in the SPP, specifically the requirement at 34 CFR §§303.340(c), 303.342(e) and 303.344(f)(1). The FFY 2004 SPP data indicates continued noncompliance.</p> <p>In the FFY 2003 APR, PRDH reported its level of compliance for timely service provision in FFY 2003 as 59.8% and for the first half of FFY 2004 as 70.6%.</p> <p>As noted in Table A, PRDH indicated it did not collect, in its record review data, the reasons for delay and, thus, children for whom delays were attributable to documented child or family exceptional circumstances.</p>	<p>OSEP accepts PRDH’s request for an extension. PRDH must submit data that demonstrate compliance with this longstanding area of noncompliance by June 1, 2006. Failure to demonstrate compliance at that time may result in PRDH being identified as a “high risk” grantee or otherwise affect PRDH’s FFY 2006 grant award.</p>
<p>Indicator 7</p> <p>OSEP’s October 14, 2005 FFY 2003 APR response letter required PRDH to submit in the SPP a plan to ensure compliance with the 45-daytime timeline requirements of 34 CFR §§303.321(e)(2), 303.322(e)(1) and 303.342(a). OSEP identified this as an area of noncompliance based on the data the State reported in its FFY 2003 APR.</p>	<p>In the SPP, pp. 29-35, PRDH reported a 52% level of compliance for Indicator 7 in the SPP, specifically the requirement at 34 CFR §§303.321(e)(2), 303.322(e)(1) and 303.342(a). It cited the following 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 in</p>	<p>Although the data provided by PRDH still indicate significant noncompliance, OSEP acknowledges that the PRDH has shown some improvement with this requirement.</p> <p>Prior to July 2003 the percent of compliance was 35.2%.</p> <p>For July 2003 through June 2004 the percent of compliance was 32%.</p> <p>For July 2004 through December 2004 the percent of compliance was 47.4%.</p> <p>For 2004-2005 the percent of</p>	<p>PRDH must ensure that this noncompliance is corrected within one year of its identification and include data in the APR, due February 1, 2007, that demonstrate compliance with this requirement. PRDH should review and, if necessary revise, its improvement strategies included in the SPP to ensure they will enable PRDH to include data in the APR, that demonstrate full compliance with this requirement. Failure to demonstrate compliance at that time</p>

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	contacting the families due to schedule appointments; and (3) Limited number and/or availability of early intervention service providers in some regions.	compliance was 52%.	may affect OSEP's determination of PRDH's status under section 616(d) of the IDEA.
<p>Indicator 8A</p> <p>OSEP's October 14, 2005 APR response letter accepted the PRDH's plan and required PRDH to submit in the SPP, due December 2, 2005, data regarding progress in ensuring compliance with the requirements of 34 CFR §§303.148(b)(4) and 303.344(h)(1) transition planning on IFSPs and a final progress report with data demonstrating compliance with this area by November 2006.</p>	<p>In the SPP, pp. 36-42, PRDH reported a 50.8% level of compliance for Indicator 8 in the SPP, specifically the requirement at 34 CFR §§303.148(b)(4) and 303.344(h)(1).</p>	<p>PRDH provided data that demonstrate continuing noncompliance with the requirement at 34 CFR §§303.148(b)(4) and 303.344(h)(1), transition planning on IFSPs. The level of compliance reported was 50.8%.</p>	<p>PRDH may submit its final progress report on this issue, due by November 2006, with its FFY 2005 APR due February 1, 2007. PRDH must review and, if necessary revise, its improvement strategies to ensure they will enable PRDH to include data in the FFY 2005 APR, due February 1, 2007, that demonstrate full compliance with this requirement. Failure to demonstrate compliance at that time may affect OSEP's determination of PRDH's status under section 616(d) of the IDEA.</p>
<p>Indicator 8C</p> <p>OSEP's October 14, 2005 APR response letter accepted PRDH's plan to ensure compliance with the requirements of 34 CFR §303.148(b)(2)(i), timely transition conferences and required a progress report in the SPP and a final progress report with data demonstrating compliance with this area by November 2006.</p>	<p>In the SPP, pp. 36-42, PRDH reported a 38.7% level of compliance for Indicator 8 in the SPP, specifically the requirement at 34 CFR §303.148(b)(2)(i).</p>	<p>PRDH provided data that demonstrate continuing noncompliance with the requirement regarding 34 CFR §303.148(b)(2)(i), timely transition conferences. The level of compliance reported was 38.7%.</p>	<p>PRDH may submit its final progress report on this issue, due by November 2006, with its FFY 2005 APR due February 1, 2007. PRDH must review and, if necessary revise, its improvement strategies to ensure they will enable PRDH to include data in the APR, due February 1, 2007, that demonstrate full compliance with this requirement. Failure to demonstrate 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>Indicator 9</p> <p>OSEP's February 8, 2005 FFY 2002 APR response letter accepted PRDH's plan to ensure compliance with the requirements of 34 CFR §303.501(b)(1)-(4), monitoring and the timely correction of noncompliance (PRDH-identified noncompliance as well as OSEP-identified noncompliance), a finding outstanding from OSEP's 2002 monitoring report.</p> <p>OSEP's October 2005 letter reminded PRDH to submit by March 10, 2006 a final progress report with data demonstrating compliance with this area.</p>	<p>In the SPP, pp. 43-56, PRDH was required to submit data on programs monitored during 2003-2004 and the percent of noncompliance corrected in 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 lapsed.</p>	<p>PRDH provided data that demonstrate continuing noncompliance with the requirement regarding 34 CFR §303.501(b)(1)-(4). The level of compliance reported was 65.1%.</p> <p>PRDH did not submit the requested data and analysis for the 2003-2004 monitoring year (showing identified noncompliance) and the correction data and analysis from 2004-2005.</p>	<p>Because PRDH's one year timeline for corrective actions has not yet passed, OSEP is requiring that PRDH must include this information in the APR, due February 1, 2007. PRDH must submit the monitoring data and analysis from 2003-2004 and evidence of the correction of the identified noncompliance in 2004-2005 to demonstrate full compliance by June 1, 2006. Failure to include this information may affect OSEP's determination of the State's status under section 616(d) of the IDEA</p>
<p>Indicator 9B:</p> <p>OSEP's February 8, 2005 FFY 2002 APR response letter accepted PRDH's plan to ensure compliance with the requirements of 34 CFR §303.344(d)(1), the provision of Part C services in the natural environment or child-outcome based justification on the IFSP, a finding outstanding from OSEP's 2002 monitoring report.</p>	<p>In the SPP on pages 50 and 51, PRDH's review of 222 IFSPs in FFY 2003 and 412 IFSPs in FFY 2004 identified at most 11% of IFSPs in FFY 2003 and 5.8% of IFSPs in FFY 2004 for which a justification was not included when an early intervention service was not provided in the natural environment.</p>	<p>PRDH's record review data indicates significant improvement and OSEP's review of the specific early intervention services for which a justification may not need to have been included were: audiology, nutrition and psychology. Given that only 2 (or .004%) of the 412 records reviewed in FFY 2004 did not contain justifications, and PRDH reported its natural environment performance data at 99%, PRDH has provided data demonstrating compliance. OSEP appreciates the efforts made by PRDH to ensure the provision of early intervention services in the natural environment.</p>	<p>No further action required.</p>

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<p>Indicator 10</p> <p>OSEP's February 8, 2005 FFY 2002 APR response letter accepted PRDH's plan to ensure compliance with the requirements of 34 CFR §303.512, the timely resolution of complaints and to submit by March 10, 2006 a final progress report with data demonstrating compliance with this area.</p>	<p>In the SPP, pp. 57-59, PRDH reported a 50% level of compliance for Indicator 10 in the SPP, specifically the requirement at 34 CFR §303.512. PRDH reported that in 2004 (October 2003-September 2004), seven formal complaints were received but one was withdrawn. For the remaining six complaints, two were resolved and had letters issued within the required 60-day timeline; one was resolved and the letter was issued between 61-90 days; and two were resolved and the letters issued more than 90 days after receipt of the complaint. None of the three complaints exceeding 60 days indicated that an appropriate extension had been granted. PRDH reported that the Office of the Ombudsman for Persons with Disabilities (OOPD) did not issue decision/closure letters until the decisions were implemented and the families were satisfied with the results. This is the reason why, even if complaint decisions were rendered within the 60-day timeline, the letters were not issued within the required 60-day timeline.</p> <p>For the period July 2004-June 2005, the OOPD received two written formal complaints. One was a complaint with findings that was resolved and had a letter issued within the required 60-day timeline. The other was a complaint with no findings that was resolved and the letter issued 133 days after receipt of the complaint. There was no documentation that an appropriate extension was granted.</p>	<p>PRDH provided data that demonstrate continuing noncompliance with the requirement of 34 CFR §303.512, the timely resolution of complaints. The level of compliance reported was 50%. OSEP initially identified this noncompliance in its Verification Visit letter dated February 27, 2004 and required correction.</p>	<p>PRDH must submit data that demonstrate compliance with this requirement by June 1, 2006. Failure to demonstrate compliance at that time may result in PRDH being identified as a "high risk" grantee or otherwise affect PRDH's FFY 2006 grant award.</p>