



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

JUN 6 2008

Honorable Rafael Aragunde Torres  
Secretary of Education  
Puerto Rico Department of Education  
PO Box 190759  
San Juan, PR 00919-0759

Dear Secretary Aragunde:

Thank you for the timely submission of Puerto Rico's FFY 2006 Annual Performance Report (APR) and revised State Performance Plan (SPP) under Part B of the Individuals with Disabilities Education Act (IDEA), as amended in 2004. We also acknowledge the revisions to Puerto Rico's SPP and APR received on April 14, 2008. We appreciate the State's efforts in preparing these documents.

The Department has determined that, under IDEA section 616(d), Puerto Rico needs intervention in meeting the requirements of Part B of the IDEA. The Department's determination is based on the totality of the State's data and information including the State's FFY 2006 APR and revised SPP, Special Conditions and Compliance Agreement reports, other State-reported data, and other publicly available information. See the enclosure entitled "How the Department Made Determinations under Section 616(d) of the IDEA in 2008" for further details.

The State's determination for the FFY 2005 APR was also needs intervention. The State should review IDEA section 616(e) regarding the potential impact of the Department's determination if the State is determined to need intervention for three consecutive years.

Specific factors affecting OSEP's determination of needs intervention for Puerto Rico were that PRDE did not report valid or reliable data for Indicators 13 and 15. Therefore, Puerto Rico has failed to demonstrate compliance with the requirements of 20 USC 1232d(b)(3)(E), and 34 CFR §§300.149; 300.320(b); and 300.600.

For Indicator 13, the State reported that its data collection instrument, or certification form, was not as specific as the required measurement for this indicator. Therefore, the data were not valid and reliable. OSEP concludes that PRDE did not properly report on the percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals. This indicator measures a core component of a free appropriate public education, crucial to students with disabilities who are transitioning from secondary school.

For Indicator 15, the reported data do not reflect the required measurement for this compliance indicator. Specifically, the State reported correction of 2006-2007 findings of noncompliance, rather than the correction of 2005-2006 findings of noncompliance as required by the indicator. This is a crucial method for ensuring that any identified

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noncompliance is corrected in a timely manner so that students with disabilities have available a free appropriate public education.

OSEP also notes that Puerto Rico has failed to fully correct longstanding noncompliance with Part B requirements. PRDE was required to submit a February 1, 2008 report on longstanding noncompliance along with its FFY 2006 APR. PRDE reported that eight of 11 entities with findings of noncompliance identified between 2002 and 2004 had not corrected all previously identified noncompliance. PRDE also reported that as of April 30, 2007, 220 students were awaiting assistive technology evaluations and 143 students were awaiting assistive technology equipment and services. Finally, as of November 1, 2007, 1,030 students had not received an initial evaluation and, as of June 30, 2007, 4588 students had not received a timely reevaluation. Puerto Rico has made progress in resolving State complaints and providing timely initial evaluations. Puerto Rico is subject to a memorandum of agreement and a compliance agreement that address, among other things, programmatic noncompliance with Part B requirements, including areas of longstanding noncompliance.

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

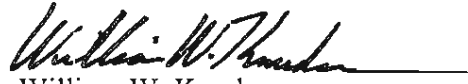
Your State may want to consider taking advantage of available sources of technical assistance. A list of sources of technical assistance related to the SPP/APR indicators is available by clicking on the "Technical Assistance Related to Determinations" box on the opening page of the SPP/APR Planning Calendar 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.

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.

Pursuant to section 616(d)(2)(B) of the IDEA and 34 CFR §300.603(b)(2), a State that is determined to need intervention or need substantial intervention, and does not agree with this determination, may request an opportunity to meet with the Assistant Secretary for Special Education and Rehabilitative Services to demonstrate why the Department should change its determination. To request a hearing, submit a letter to Tracy R. Justesen, Assistant Secretary, Office of Special Education and Rehabilitative Services, 400 Maryland Avenue SW, Room 5107, Potomac Center Plaza, Washington, DC 20202-2600 within 30 days of the date of this letter and provide in the letter the basis for your request.

OSEP is committed to supporting Puerto Rico's efforts to improve results for children with disabilities and looks forward to working with your State 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 Diana Chang, your OSEP State Contact, at 202-245-6061.

Sincerely,

A handwritten signature in black ink, appearing to read "William W. Knudsen", followed by a horizontal line.

William W. Knudsen

Acting Director

Office of Special Education Programs

Enclosures

cc: State Director of Special Education