

Puerto Rico Enclosure B

Special Conditions

1. Basis for Requiring Special Conditions

Pursuant to 34 CFR §80.12, the Office of Special Education Programs (OSEP) is imposing Special Conditions on Puerto Rico's Federal Fiscal Year (FFY) 2006 grant award under Part C of the Individuals with Disabilities Education Act (Part C). The Special Conditions are imposed to ensure the timely provision of early intervention services by the Puerto Rico Department of Health (PRDH) to infants and toddlers with disabilities and their families under Part C.

OSEP's February 8, 2005 letter accepted Puerto Rico's Improvement Plan to address noncompliance identified originally in OSEP's 2002 Monitoring Report regarding the failure to timely provide Part C services to eligible children and their families under 34 CFR §§303.340(c), 303.342(e) and 303.344(f)(1). The February 8, 2005 letter required PRDH to submit a final progress report by March 10, 2006, with data demonstrating compliance with the timely provision of Part C service requirements. The March 10, 2006 deadline was extended to June 1, 2006 in OSEP's March 2006 response to PRDH's State Performance Plan (SPP).

PRDH's June 1, 2006 final progress report provided data indicating continuing noncompliance with the timely provision of Part C service requirements in 34 CFR §§303.340(c), 303.342(e) and 303.344(f)(1). PRDH reported a 65.1% compliance for the period July 2004 through June 2005 based on PRDH file reviews in all seven Regional Pediatric Centers (RPC). Three RPCs were between 80% to 85% compliance while the lowest RPC was at 42.4%. While this was an improvement from the 59.8% reported for the period July 2003 through June 2004, it was a regression from the 70.6% reported for the period July 2004 through December 2004, the percent was 70.6%.

2. Nature of the Special Conditions

Pursuant to these Special Conditions, the Commonwealth must provide data demonstrating compliance by June 1, 2007. To document its progress in ensuring the correction of the noncompliance, PRDH must submit to OSEP two progress reports, the first with its FFY 2005 APR due on February 1, 2007 and a final progress report on June 1, 2007.

- A. In the first progress report, due on February 1, 2007 with its FFY 2005 APR, the Commonwealth of Puerto Rico must provide: (a) monitoring data (which may include child record review or other data) from the period July 1, 2006 through December 31, 2006, disaggregated by RPC, regarding the percentage of infants and toddlers with disabilities and their families who received the Part C services identified on their IFSP in a timely manner; (b) for those eligible infants and toddlers and their families for whom Part C services identified on the IFSP were not provided in a timely manner, explanations as to why (including explanations of any documented family circumstances outside the lead agency's control); (c) the corrective actions required of each RPC by PRDH; (d) PRDH's analysis of

factors that have contributed to the inability to timely provide Part C services; and
(e) any additional strategies PRDH has implemented to address those factors.

B. In the final progress report, due by June 1, 2007, the State must provide the same data identified in 2.A. above for the period January 1, 2007 through May 31, 2007.

3. Evidence Necessary for Conditions To Be Removed

The Department will remove the Special Conditions if, at any time prior to the expiration of the grant year, Puerto Rico provides documentation, satisfactory to the Department, that it has fully met the requirements and conditions set forth above, which require Puerto Rico to submit data demonstrating the timely provision of Part C services that are the subject of the Special Conditions under Part C.

4. Method of Requesting Reconsideration

The Commonwealth can write to the Office of Special Education Programs Director, Alexa Posny, at the address below, if it wishes the Department to reconsider any aspect of these Special Conditions. The request must describe in detail the changes to the Special Conditions sought by the Commonwealth and the reasons for those requested changes.

5. Submission of Reports

All reports that are required to be submitted by the Commonwealth of Puerto Rico to the Department under the Special Conditions should be submitted to:

U.S. Department of Education
Office of Special Education and Rehabilitative Services
Attn.: Linda Whitsett
400 Maryland Ave, SW
Washington, DC 20202-2550