



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

Dr. Rafael Aragunde Torres  
Secretary of Education  
Puerto Rico Department of Education  
P.O. Box 190759  
San Juan, Puerto Rico 00919-0759

APR -4 2006

Dear Secretary Aragunde:

Thank you for your timely submission of the Puerto Rico Department of Education's (PRDE) State Performance Plan (SPP) for review under Part B of the Individuals with Disabilities Education Act (IDEA). Section 616(b) requires States to submit, within one year after the date of enactment of the reauthorized IDEA, an SPP that evaluates the State's efforts to implement the requirements and purposes of IDEA and describes how the State will improve implementation. We appreciate PRDE's efforts in preparing the SPP under a short timeline and in the face of many other competing priorities. In the SPPs, due by December 2, 2005, States were to include: (1) baseline data that reflect PRDE's efforts to implement Part B of the IDEA; (2) measurable and rigorous targets for the next six years for each of the indicators established by the Secretary in the priority areas under section 616(a) of the IDEA; and (3) activities the State will undertake to improve implementation of Part B.

OSEP is pleased to inform you that PRDE's SPP under Part B meets the requirements of section 616(b) to include measurable and rigorous targets and improvement activities. PRDE must make its SPP available through public means, including posting on its educational agency's website, distribution to the media, and distribution through public agencies. (Section 616(b)(2)(C)(ii)(I)).

On October 25, 2004, the U.S. Department of Education (Department) and PRDE entered into a three-year Compliance Agreement. Both PRDE and the Department are working cooperatively towards addressing many systemic and long-standing grant management and accountability issues that PRDE has been facing with regard to the administration of Federal education grants. Many of these efforts have occurred under the Department's Cooperative Audit Resolution and Oversight Initiative (CAROI). The IDEA issues incorporated into the Compliance Agreement and the related Grant Management Work Plan addressed PRDE's failure to ensure the identification and timely correction of noncompliance through its monitoring system (Indicator 15 in the SPP) and the failure to provide accurate child count data for children with disabilities (Indicator 20 in the SPP). PRDE must continue to provide data demonstrating compliance with these requirements under Indicators 15 and 20 in the SPP and must also address additional information requested in both Tables A and B. Under the Department-wide Compliance Agreement, PRDE is required to report quarterly on its progress.

Under section 616(b)(2)(C)(ii)(II), PRDE must annually report to the Office of Special Education Programs (OSEP) on its performance under the SPP. PRDE's first Annual

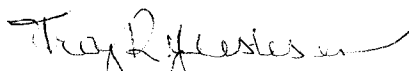
Performance Report (APR) on its progress in meeting its targets is due to OSEP by February 1, 2007. Attached to this letter you will find Table A addressing issues identified during our review of the SPP that – while not requiring disapproval of your plan – will affect our annual determination of State performance and compliance based on data presented in PRDE's APR. As a result, PRDE needs to provide additional information as part of its February 2007 APR submission and/or the progress reports. Table B includes OSEP's analysis of your submission related to previously-identified noncompliance or other issues included in our October 7, 2005 letter that responded to PRDE's FFY 2002 APR and the Special Conditions on PRDE's FFY 2005 Grant Award related to the requirements at 20 U.S.C. 1412(a)(16), and the 2004 Compliance Agreement, that also require additional reporting.

PRDE's longstanding noncompliance, reported under Indicator 3 in Table B and related to the requirements at 20 U.S.C. 1412(a)(16) is the subject of Special Conditions on PRDE's FFY 2005 grant award. The State must provide data demonstrating compliance with this requirement by the date of its final report under the Special Conditions, due May 30, 2006. Failure to provide data demonstrating compliance at that time may result in PRDE's continuing designation as a "high risk" grantee or otherwise affect its FFY 2006 grant award.

We hope that your State found helpful the August 5, 2005 guidance on submission of the SPPs, the technical assistance provided through the August 11-12, 2005 Summer Institute, periodic conference calls, and the SPP Resources website. If you have any feedback on our past technical assistance efforts or the needs of States for guidance, we would be happy to hear from you as we work to develop further mechanisms to support State improvement activities.

Thank you for your continued work to improve results for children and youth with disabilities and their families. We encourage you to work closely with your State Contact as you proceed in implementing improvement activities and developing your APR. If you have any questions regarding the SPP or the APR, please contact Paul Steenen at 202-245-7397.

Sincerely,



Troy R. Justesen  
Acting Director  
Office of Special Education  
Programs

Enclosures

Table A  
Table B

cc: Dr. Ernesto Perez,  
Associate Secretary for Special Education

Myrta Reyes,  
Special Assistant