

Part B State Annual Performance Report (APR) for FFY 2009**Overview of the Annual Performance Report Development:**

For the Puerto Rico Department of Education (PRDE) Office of Special Education (SAEE), FFY 2009 has been one of team work and cohesion among SAEE Units and across PRDE Regions. Activities reported show SAEE's commitment to ensure compliance and progress with the State Performance Plan (SPP)/Annual Performance Report (APR) indicators.

For this year PRDE maintained its 100% compliance with the management of State complaints (Indicator 16) and for the first time is implementing its sanction policy procedures. PRDE SAEE understands that a strong sanction system is needed to ensure correction of noncompliance within one year of identification and this step will support even more PRDE's general supervisory activities at the district level. In addition, all FY 2008 outstanding backlogs were closed for indicators 11 and 12. Overall, PRDE increased the performance with several other indicators, such as progress shown for timely initial evaluations.

During this year the PRDE SAEE received direct technical assistance from OSEP staff as well from SERRC and DAC. These efforts contributed to keep the personnel focused on the compliance with the IDEA requirements. In December of 2009, a new interagency leadership team was assigned to PRDE to support compliance activities and performance. These resources contributed to the improved conceptualization and understanding of the indicators, how to collect and analyze data regarding the measurements, appropriate reporting of activities and how to effectively lead efforts for improved compliance.

SAEE's close collaboration with OSEP through bi-weekly calls with PRDE's State Contact, as well as PRDE's work with SERRC and DAC for continued technical assistance have kept PRDE focused on following through with activities required to demonstrate progress with the indicators and procedures. SAEE continued improving its general supervision and data collection system.

Within the dispute resolution realm, PRDE's continued progress with the implementation of the resolution meetings during FFY 2009 has been tremendously successful (see discussion under Indicator 18). This has improved its performance not only with Indicator 18, but when looking at the dispute resolution system as a whole, has had a significant impact on the overall resolution of due process complaints—leading to quicker and less adversarial resolutions of due process complaints filed overall (see discussion under Indicator 17).

In FFY 2009, PRDE SAEE continued to increase progress in its overall performance. We acknowledge that even with all of the accomplishments, significant work remains for some indicators. PRDE SAEE looks forward to continuing to work collaboratively with OSEP in order to move toward compliance for the benefit of our special education children. This report demonstrates PRDE's commitment to provide quality educational and related services to our children with special needs.

Along with this APR, PRDE submits its APR Supplemental Report, which addresses items related to the 2007 Compliance Agreement. Also, as directed by OSEP, PRDE has revised its annual targets and improvement activities for each year through FFY 2012. These revised targets and activities are listed in the SPP submission.

Part B State Annual Performance Report (APR) for FFY 2009
 Overview of the Annual Performance Report Development:

Monitoring Priority: FAPE in the LRE

Indicator 1: Percent of youth with IEPs graduating from high school with a regular diploma.

(20 U.S.C. 1416 (a)(3)(A))

Measurement: States must report using the graduation rate calculation and timeline established by the Department under the ESEA.

FFY	Measurable and Rigorous Target
FFY 2009 2009-2010	66%

Actual Target Data for FFY 2009: 59.4%

In accordance with the Part B Indicator Measurement Table, data for the year prior to the reporting year is to be examined for Indicator 1. Accordingly, the data used to calculate the actual measurement for the FFY 2009 APR is based on graduation rate data from the 2008-2009 school year.

As reported in its FFY 008 APR, PRDE requested an extension to the deadline for reporting the four-year graduation rate data required under 34 C.F.R. § 200.19(b)(4)(ii)(a). In response to PRDE’s request, a letter was received by July 21, 2009, approving the following: use of a three-year adjusted cohort graduation rate, a one-year extension to report its three-year adjusted cohort graduation rate and to continue using the graduation rate in its current Accountability Workbook as its transitional rate until it can report its three-year adjusted graduation rate in 2011-12. Until 2011-12, PRDE will continue to use the transitional graduation rate as described in the approved PRDE Consolidated State Application Accountability Workbook. This rate is an adaptation of the method recommended by the National Center for Education Statistics. Data were collected from schools in the aggregate, not by individual student, and aggregated up to the state level. An additional aggregation at the school level was the collection for all students, without any subgroup designations. Therefore, the data PRDE reported in the CSPR was an aggregated graduation rate; no disaggregation by subgroup was reported.

Because the CSPR data are not collected by subgroup designations, PRDE again used the 618 Exiting data for reporting on this indicator. PRDE used its Section 618 Data Report, Table 4 *Report of Children with Disabilities Exiting Special Education* as the data source for this indicator. Specifically, PRDE used data from the “All Disabilities” page (Tab 13 of Table 4). Data from Row B (graduated with regular high school diploma) is divided by all exits from school represented in the sum of Tab 13 Rows B, C (“received a certificate”), D (“reached a maximum age”), E (“died”), and G (“dropped out”). PRDE used this data to establish the baseline and targets. The 2008-2009 data is reported below, along with the actual measurement calculation.

Data for 2008-2009:

B. Graduated with regular high school diploma	C. Received a certificate	D. Reached Maximum Age	E. Died	G. Dropped out	(B + C + D + E + G)
1712	202	0	19	950	2,883

Actual Measurement for FFY 2009 Reporting:

B. Graduated with regular high school diploma	Divided by (B + C + D + E + G)	FFY 2008 Actual Target Data
1712	.593825	59.4%

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2009:

Data reviews demonstrate that a total of 1712 students graduated from high school with a regular diploma out of the 2,883 students who exited the 2008-2009 school year, resulting in 59.4% as the actual measurement for Indicator 1. PRDE made progress from 2007-2008 graduation rate data, increasing from 52% to 59%. However, PRDE did not meet its target for FFY 2009, which was set at 66%. In addition to the seven percentage point increase, the number of students who graduated with a high school diploma increased from 897 students to 1712. The number of students who exited with a certificate also increased from 119 to 202 students.

It is important to note that PRDE is aware that the number of exited students has also increased as has the number of dropped out students, which is a matter of concern. PRDE analyzed the data to determine the percentage change for students who graduated with a regular diploma compared to the percentage change for students who dropped out. There was almost a 200% increase in the students graduating, while about 150% increase in the students dropping out. PRDE believes that after this second year of using the SEASWEB database, teachers/schools are becoming more diligent in entering data into the database and the current data reflect a more accurate count of students exiting special education. PRDE developed additional verification procedures for the SEASWEB database. These will be reported in the FFY 2010 APR.

PRDE requires 19 credits to graduate with a regular high school diploma. This requirement is the same for students with disabilities.

Activities	Discussion on improvement activities completed
1. Maintaining special education support, placement options, streamlined procedures, transition planning available to IEP students in high school as a means of working to maintain a high graduation rate.	PRDE is continuing these efforts. More emphasis has been placed in the identification of appropriate placement where the students benefit from peer interaction, courses of study and other areas regarding their preferences and interest after students' transition assessment. PRDESAAEE participated in a committee of the Governor focused on strengthening interagency coordination to promote services for the special education community including children with disabilities.
2. Maintaining special education support, professional development, technical assistance available to high school teachers and other personnel.	PRDE is continuing these efforts. During FFY 2009, the Technical Assistance (TA) Unit held a series of trainings and technical assistance visits for special education zone supervisors regarding the cluster of Indicators 1, 2, 13 and 4. The TA Unit developed these training and technical assistance sessions to address areas of concern identified by the Monitoring and compliance Unit as a result of their review of the district self-assessment and on-site monitoring visits.

	<p>Also, in March 2010, the Filius Institute offered training to SAAE personnel regarding IEPs, Standards, Expectations, Annual Goals and Objectives in IEPs. In May 2010, a training for personnel in Juvenile Institutions regarding measurable objectives in transition and supporting students to succeed in school.</p>
<p>3. Continue to monitor graduation rates and foster retention in schools.</p>	<p>PRDE has continued tracking its graduation rates and fostering retention in schools. The placement of Transition coordinators at the region level has led to a more effective collaboration between Professional School Counselors and School Directors regarding the inclusion and participation of special education students in school activities. Also, the provision of alternatives such as: team teaching in regular classroom, giving credits for resource room attendance, assuring accommodation provisions and regular teachers and counselor interviews with the students that will help students' retention to obtain a high school diploma as a goal.</p> <p>PRDE is working on the graduation rate and has set a first cohort of students for 2009-2010 who will graduate in 2012. Special education students have been also included in this list as part of the process and having identification of these students in advance will help teachers and coordinators to keep tracking and monitor their status year by year leading to the opportunity to provide additional activities and necessary support to reach the final goal.</p>
<p>4. Evaluate Table 4 data collection methods and participate in activities to help ensure reliable data collection; continue data validation activities.</p>	<p>Technical Assistance received by DAC remains ongoing to assure successful completion of this task. Trials of reporting for secondary transition and exiting have been done with satisfactory results in obtaining direct data from the system.</p> <p>PRDE also still works with SIS matching with SEASWeb system. Our major target is to complete this matching and provide a unique identification number for each special education student that will be used for future references in both systems. PRDE SAAE preferred SIS number to emphasize the student belonging to that particular school community. That is why in SEASWeb, PRDE created a field where special education teachers included each student's SIS student identification number in their reports. Special Education Teachers are required to use both numbers in students' paper and electronic documentation.</p>
<p>5. Explore and develop activities regarding alternatives for students' school retention and to promote improved graduation rates.</p>	<p>Monthly meetings with Transition coordinators generate common activities to share with the teachers providing ideas to school communities for students' retention and improve graduation rates. The inclusion of students in career fairs, on site visits, students' participation in school programs like Juvenile Organizations, School Clubs, where they join their peers getting academic credit for special education resource room attendance and promoting students' direct participation in their IEP's revisions, among other items has contributed to better outcomes for school retention. This activity is complete but monthly Transition meetings will continue in order to further discuss these areas.</p>
<p>6. Training in graduation rate PRDE new policy.</p>	<p>PRDE held a training regarding the revised graduation policy on November 10, 2009.</p>

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2010

PRDE is not proposing any revisions to its proposed targets, improvement activities, timelines, or resources at this time. However, PRDE reserves the right to adjust its baseline and targets in the future as necessary to ensure meaningful performance reports.

Part B State Annual Performance Report (APR) for FFY 2009

Overview of the Annual Performance Report Development:

Monitoring Priority: FAPE in the LRE

Indicator 2: Percent of youth with IEPs dropping out of high school.

(20 U.S.C. 1416 (a)(3)(A))

Measurement: States must report using the dropout data used in the ESEA graduation rate calculation and follow the timeline established by the Department under the ESEA.

FFY	Measurable and Rigorous Target
FFY 2009 2009-2010	22.5%

Actual Target Data for FFY 2008: 32.95%

In accordance with the Part B Indicator Measurement Table, data for the year prior to the reporting year is to be examined for Indicator 2. Accordingly, the data used to calculate the actual measurement for the FFY 2009 APR is based on graduation rate data from the 2008-2009 school year.

This indicator requires the SEA to report the percent of youth with IEPs reported as exiting from special education because of dropping out of high school. In the FFY 2006 APR, Puerto Rico established its baseline and its annual measurable and rigorous targets based on this approach to Indicator 2. PRDE defines “dropping out” for students with IEPs as students who leave school prior to completing the academic program, which is consistent with the definition used in the Section 618 data report. Specifically, “dropped out” means a student or school-age youth leaves school without achieving an orderly administrative procedure to disengage from the education system. This definition is the same for students with disabilities.

As noted in Indicator 1, PRDE is collecting aggregated data using the graduation rate established in the Puerto Rico’s Accountability Workbook. PRDE uses its Section 618 Data Report, Table 4 Report of Children with Disabilities Exiting Special Education as the data source for this indicator. Specifically, PRDE uses data from the “All Disabilities” page (Tab 13 of Table 4). Data from Row G (“dropped out”) is divided by the total sum of the data from Rows B (“graduated with regular high school diploma”), C (“received a certificate”), D (“reached a maximum age”), E (“died”), and G (“dropped out”). PRDE used this data to establish the baseline and set the actual target data for the 2007-2008 school year in its FY 2006 APR.

The 2008-2009 data is reported below, along with the actual measurement calculation.

Data for 2008-2009:

B. Graduated with regular high school diploma	C. Received a certificate	D. Reached Maximum Age	E. Died	G. Dropped out	(B + C + D + E + G)
1712	202	0	19	950	2,883

Actual Measurement for FFY 2009 Reporting:

G. Dropped Out	Divided by (B + C + D + E + G)	FFY 2005 Actual Target Data
950	0.32951	<u>32.95%</u>

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2009:

Data reviews demonstrate that a total of 950 students dropped out from high school out of the 2,883 students who exited the 2008-2009 school year. Applying the calculation, PRDE's drop-out rate for 2008-2009 is 32.9%, which represents progress from the 2007-2008 actual data, which reflected a drop-out rate of 38.6%. Unfortunately, PRDE was not able to meet its target for FFY 2009.

Reasons for students making the decision to exit the regular diploma program vary from the need to work for independence or economic situation, school apathy, or a desire for less rigorous academic challenges. Students who qualified as "dropping out" under this definition include students who are leaving the system or their placements in order to engage in other academic alternatives to complete high school graduation requirements—just not with a regular diploma or certificate.

Many PRDE special education students included as having "dropped out" actually enrolled in the adult education program and CASA program which are alternatives provided by PRDE that allow students to obtain a diploma that is sufficient to allow them to enroll in universities and/or find jobs. For 2008-2009, the adult education program enrolled approximately 300 students with IEPs who dropped out of school. Also, 232 students were referred to AAFET, a private vocational program sponsored by SAEE, for those special education students between 16 to 21 years old as an alternative for those who were already dropped out or in severe risk. If this category of students did not count as drop outs, this might significantly improve PRDE's Actual Measurement for this Indicator.

Other students are opting to leave special education, looking for fast track programs that help the students to obtain, in one or two years, a high school diploma with the same PRDE regulations but curricular modifications emphasizing their needs and targeting the development of necessary skills approved by the College Board for University or College admission.

PRDE has continued with the development of several alternatives to work as prevention measures. These include:

- *Referrals to private sector organizations* when a student is identified as at risk to drop out of school to assist with preventing the student from dropping out by providing counseling services and other positive intervention initiatives that help with retention. Many of these private sector organizations also have programs to work with students in the event they do drop out to ensure students continue their education through another avenue or find work, etc. (e.g., Sor Isolina Centers, Aspira).
- *Proyecto Casa (ASPIRA)* provides an educational center for students to complete their academic and vocational studies in a minimum amount of time with the purpose that these students can be incorporated into the community and integrate themselves serving in the working world, continuing post-secondary studies. This project exists in all seven of the PRDE regions.

- *Learn and Serve of America* is an alternative to provide students at risk an opportunity to help others such as children in hospitals, homeless individuals, and the elderly during their free time after school hours and/or over the weekend.
- *Grade placement tests* are given to students that have been failing for three years in the same grade and students whose ages do not correspond to the appropriate age for their grade. If a student passes this test, the student will be placed in the appropriate grade—which can help with esteem and motivation

Activities	Discussion of improvement activities completed
1. Increase special education support available for high school students.	PRDE is continuing these efforts. See activities discussed under Indicators 1, 13, and 14.
2. Increase special education support for teachers and other high school personnel.	<p>PRDE is continuing these efforts. During FFY 2009, the Technical Assistance (TA) Unit held a series of trainings and technical assistance visits for special education zone supervisors and school directors regarding the cluster of Indicators 1, 2, 13 and 4. The TA Unit developed these training and technical assistance sessions to address areas of concern identified by the Monitoring and compliance Unit as a result of their review of the district self-assessment and on-site monitoring visits.</p> <p>Also, in March 2010, the Filius Institute offered training to SAEE personnel regarding IEPs, Standards, Expectations, Annual Goals and Objectives in IEPs. In May 2010, a training for personnel in Juvenile Institutions regarding measurable objectives in transition and supporting students to succeed in school. Also in May 2010, training was provided to social workers related to supporting student to avoid dropping-out.</p>
3. Target in and provide support to districts that are reporting higher numbers of students dropping out of high school.	PRDE SAEE is continuing these efforts. PRDE has undertaken efforts regarding preventative activities, as discussed above.
4. Continue to collect and validate drop out data for IEP students.	<p>PRDE collects this data based on child count for exiting table. This table includes all the possible reasons for exiting. The SIS collects information regarding the student status at the end of the year. After the conclusion of matching the SEASWeb and SIS data, PRDE will validate and share dropout data using the dropout data used in the ESEA graduation rate calculation and follow the timeline by the Department under ESEA agreements and approvals for PRDE.</p> <p>DAC will continue assisting the SEASWeb data manager in order to make sure it is well suited to assist with the forms and tables required by OSEP for reporting. Trials of reporting for exiting have been done with satisfaction that resulted in obtaining direct data from the system.</p>

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2010:

PRDE is not proposing any revisions to its proposed targets, improvement activities, timelines, or resources at this time. However, PRDE reserves the right to adjust its baseline and targets in the future as necessary to ensure meaningful performance reports.

Part B State Annual Performance Report (APR) for FFY 2009

Overview of the Annual Performance Report Development:

Monitoring Priority: FAPE in the LRE

Indicator 3: Participation and performance of children with IEPs on statewide assessments:

- A. Percent of the districts with a disability subgroup that meets the State’s minimum “n” size that meet the State’s AYP targets for the disability subgroup.
- B. Participation rate for children with IEPs.
- C. Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards.

(20 U.S.C. 1416 (a)(3)(A))

Measurement:

A. AYP percent = [(# of districts with a disability subgroup that meets the State’s minimum “n” size that meet the State’s AYP targets for the disability subgroup) divided by the (total # of districts that have a disability subgroup that meets the State’s minimum “n” size)] times 100.

B. Participation rate percent = [(# of children with IEPs participating in the assessment) divided by the (total # of children with IEPs enrolled during the testing window, calculated separately for reading and math)]. The participation rate is based on all children with IEPs, including both children with IEPs enrolled for a full academic year and those not enrolled for a full academic year.

C. Proficiency rate percent = [(# of children with IEPs enrolled for a full academic year scoring at or above proficient) divided by the (total # of children with IEPs enrolled for a full academic year, calculated separately for reading and math)].

FFY	Measurable and Rigorous Target
<p>FFY 2009 (2009-2010)</p>	<p><u>INDICATOR 3B:</u> Maintain Baseline (98.73% for Spanish, 98.44% for Math)</p> <p><u>INDICATOR 3C*:</u> Increase to 38.5% for Spanish and 43% for Math</p> <p><i>*PRDE is including revised targets for Indicator 3C in its SPP Revision submitted simultaneously with the FFY 2009 APR. The proposed revised targets are to increase to 24.75% for Spanish and 20% for Math.</i></p>

Actual Target Data for FFY 2009:

	Spanish	Math
3B, Participation	<u>98.20%</u>	<u>98.31%</u>
3C, Proficiency	<u>26.81%</u>	<u>22.20%</u>

The publicly reported assessment results for 3b and 3c can be viewed on-line at:
<http://www.de.gobierno.pr/escuelas>.

Actual Target Data and Measurement for Part B, Participation, for FFY 2009:

Data Year and Examination	a. # of children with IEPs in grades assessed	b. # of children with IEPs in RA with no accomm.	c. # of children with IEPs in RA with accomm.	d. # of children with IEPs in AA against GLS	e. # of children with IEPs in AA against AAS	Measurement [[(b + c + d + e) / a] x 100]
2009-2010, Spanish Participation	59,776	10,879	45,629	0	2,192	<u>98.20%</u>
2009-2010, Math Participation	59,776	10,888	45,685	0	2,191	<u>98.31%</u>

Actual Target Data and Measurement for Part C, Proficiency, for FFY 2009:

Data Year and Examination	a. # of children with IEPs in grades assessed	b. # of children with IEPs in grades assessed who are proficient or above as measured by the RA with no accomm.	c. # of children with IEPs in grades assessed who are proficient or above as measured by the RA with accomm.	d. # of children with IEPs in grades assessed who are proficient or above as measured by the AA against GLS	e. # of children with IEPs in grades assessed who are proficient or above as measured by the AA against AAS	Measurement [[(b + c + d + e) / a] x 100]
2009-2010, Spanish Proficiency	59,776	2,730	12,739	0	556	<u>26.81%</u>
2009-2010, Math Proficiency	59,776	2,217	10,501	0	554	<u>22.20%</u>

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2009:

PRDE administered its regular and alternate assessment (AA-AAS) island wide for the 2009-2010 school year. The tests are known as the Prueba Puertorriqueña de Aprovechamiento Académico (PPAA) and the Prueba Puertorriqueña de Evaluación Alternativa (PPEA). The PPEA is the AA-AAS administered to students with significant cognitive disabilities.

The state assessment system ensures the participation of students in grades 3-8 and 11 in Spanish, Math, and English as a Second Language as well as in Science for students in grades 4, 8 and 11. Students with IEPs may participate in the PPAA with or without accommodations or in the PPEA based on what is appropriate pursuant to the child's IEP.

PRDE revised its content standards and grade level expectations during the 2007-2008 school year. The learning expectations were clearly defined for each grade and with rigor. The PPAA and

PPEA were revised for the 2008-2009 assessment administration and were aligned to the 2007-2008 content standards and grade level expectations.

The PPAA is composed of multiple choice and constructed response items. The mathematics tests contain grid-in items. Prior to the 2008-2009 administration, the PPAA test was composed exclusively of multiple choice items.

The PPEA represents a multi-disciplinary approach to assessing student learning and providing access to grade-level learning standards and varied opportunities to learn. A strength of the PPEA is its flexibility in teacher-designed assessment tasks to meet the individual needs of students with significant cognitive disabilities. The following statements clarify the PPEA’s design method:

- PRDE has employed a development process to create strongly linked standards/PPEA entry targets that are academic and grade referenced. This has resulted in the overall system being organized by grade level and content strands that are consistent with general education PPAA content and content strands.
- The approach of organizing the targeted content of PPEA entry targets with multiple subparts for data collection allows for breaking down larger grade-level expectations into smaller, measurable objectives, even though teachers are guided to “bundle” the subparts for meaningful instruction. The strategy of bundling entry targets for instruction attempts to avoid instruction that is disjointed or does not measure progress in small enough increments to be meaningful for students. Intentional bundling encourages teachers and students to make connections between and among the content of entry targets.

As reflected in the following tables, the data for 2009-2010 assessments demonstrate a very slight decrease in participation for Spanish and a slight increase in participation in Math as compared to the FFY 2008 assessment. Percentages are shown in the following table. Island wide, a total of 58,700 students with IEPs in the grades assessed (3-8 and 11) participated in the Spanish and 58,764 in the Math PPAA and PPEA 2009-2010 assessments. PRDE’s FFY 2009 Actual Data for assessment participation for Spanish and Math were shy of their targets by just 0.53% and 0.13%, respectively. As such, PRDE substantially met its target, and PRDE is satisfied with its participation rates for 2009-2010.

COMPARISON OF FFY 2009 PARTICIPATION ACTUAL DATA TO PRIOR YEARS							
Subject	FFY 2004	FFY 2005	FFY 2006	FFY 2007	FFY 2008	FFY 2009	FFY 2009 Commentary
PARTICIPATION: Spanish	97.76%	98.73%	95.52%	98.59%	98.30%	98.20%	Although PRDE’s FFY 2009 Actual Data for assessment Participation in Spanish was shy of its target by 0.53%, PRDE has substantially met its target for assessment Participation in Spanish.
PARTICIPATION: Math	97.69%	98.44%	96.99%	98.43%	98.01%	98.31%	Although PRDE’s FFY 2009 Actual Data for assessment Participation in Math was shy of its target by 0.13%, PRDE has substantially met its target for assessment Participation in Math.

Due to the fact that a newly and significantly revised test was given during the 2008-2009 test administration, PRDE’s performance under Indicator 3C for both Spanish and Math cannot properly be compared to the proficiency rates demonstrated in years prior to FFY 2008. During the 2007-2008 school year, PRDE revised its content standards and grade level expectations. Since the 2008-2009 administration, the assessments were designed to clearly define learning expectations with much more rigor. PRDE is proposing revisions in its SPP to its targets for Indicator 3C, using the 2008-2009

assessment as baseline data. PRDE received input from stakeholders in proposing these revised targets.

COMPARISON OF FFY 2009 PERFORMANCE TO PRIOR TARGET AND NEW BASELINE				
Subject	FFY 2009 Target (Old Baseline)	FFY 2008 (New Baseline)	FFY 2009	FFY 2009 Commentary
PERFORMANCE: Spanish	38.5%	24.27%	26.81%	Although PRDE's FFY 2009 Actual Data for assessment Performance in Spanish was shy of its previously established target by approximately 10%, PRDE improved from its FFY 2008 new baseline data by 2.54%. This meets PRDE's revised FFY 2009 target proposed in the SPP revision.
PERFORMANCE: Math	43%	19.30%	22.20%	Although PRDE's FFY 2009 Actual Data for assessment Performance in Math was shy of its previously established target by approximately 20%, PRDE improved from its FFY 2008 new baseline data by 2.90%. This meets PRDE's revised FFY 2009 target proposed in the SPP revision.

PRDE prepared informational booklets to familiarize educators, parents and students in Puerto Rico with the new PPAA tests that were administered during the 2009-2010 testing period. The booklets provided helpful explanations that enabled the students to get a comprehensive grasp of the tests. The PPEA teachers guide was also revised to provide teachers with a clearer understanding of standards based instruction for the alternate assessment for children with significant cognitive disabilities. Training and dissemination activities were provided in school communities to foster greater awareness of the changes in the island wide assessments. This is incorporated as policy. Additionally, as part of its contract with PRDE, Pearson provided technical assistance to special education teachers regarding the development and maintenance of the portfolios. During these trainings, Pearson provided teachers with two instruments: (1) the Resources Guide, which contains activities and standards by grades, and (2) the Teachers Guide, which contains specific forms that teachers will use for administering the exams.

PRDE scheduled and conducted onsite monitoring visits throughout the schools island wide before, during, and after the test administration period. The process of monitoring for PPEA included supervision of the process, monitoring of security regulations and the use and availability of resources like the teachers' guide, resource guide and portfolio distribution, among others. PRDE notes that the in regards to students who did not participate in the exams, this was not due to the opportunity not being made or lack of efforts made by PRDE to have all students participate. Also, PRDE reviewed a sample of the files of students who participated in the process of the PPEA to determine if the procedural safeguards were complied with and if during the IEP review process, parents were educated about their students participation in the PPAA/PPEA.

PRDE continues to develop its Student Information System (SIS) and data validation process for tracking student participation. Data entry and data review processes take place continually. Schools have successfully enrolled their students in the SIS and continue to update changes in their enrollments. PRDE progressed towards the reporting of participation rates for the 2009-2010 administration based on the SIS enrollment counts. PRDE is in the process of upgrading the SIS system to include the assessment options available for students with IEPs. We anticipate having the system in place and operational for the 2009-2010 administration.

PRDE continued providing personnel development for teaching to the grade level standards and best practices island wide. Trainings were held at the regional/district levels with teachers and Spanish,

Math, ESL and Science content area experts. Professional development and technical assistance opportunities were provided to support general and special education teachers. A resource guide for teaching to grade level expectations for special education teachers was developed has been posted on the department’s web site. Follow up training on the use of accommodations for students with disabilities were also provided at the regional and district level.

The data source used for this indicator is the data used for accountability reporting under Title I of the ESEA. Table 6 for the 618 data collection for the participation and performance of students with disabilities on State Assessments will be submitted as EDEN-only.

Activities	Discussion
1. Support personnel development for the teaching methodologies, teaching to grade level standards, and teaching best practices	See discussion above. PRDE will continue with this effort.
2. Increase technical assistance and support to regular and special education teachers and service providers on teaching strategies and methodologies	See discussion above. PRDE will continue to provide technical assistance and support to general and special education teachers and service providers on teaching strategies and methodologies.
3. Continue TA for regular and special education teachers on the use of accommodations for students with disabilities	The technical assistance and professional development for teachers included the use of accommodations for students with disabilities. PRDE will continue with this effort.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2010:

PRDE is proposing revisions to its targets for Indicator 3C as discussed above. Specifically, PRDE proposes the following revised targets, based on its revised FFY 2008 baseline:

FFY	Measurable and Rigorous Target
2008 (2008-2009)	<p style="text-align: center;"><i>A new baseline for Indicator 3C was established:</i></p> <p style="text-align: center;"><u>Indicator 3C</u>: Proficiency rate for children with IEPs against grade level standards and alternate achievement standards:</p> <p style="text-align: center;"><u>Spanish</u>: 24.28%</p> <p style="text-align: center;"><u>Math</u>: 19.30%</p>
2009 (2009-2010)	<p style="text-align: center;"><u>INDICATOR 3C</u>: Increase to 24.75% for Spanish and 20% for Math</p>

<i>2010</i> <i>(2010-2011)</i>	<u>INDICATOR 3C</u> : Increase to 25.0% for Spanish and 20.75% for Math
<i>2011</i> <i>(2011-2012)</i>	<u>INDICATOR 3C</u> : Increase to 25.5% for Spanish and 21.5% for Math
<i>2012</i> <i>(2012-2013)</i>	<u>INDICATOR 3C</u> : Increase to 25.75% for Spanish and 22.25% for Math

Part B State Annual Performance Report (APR) for FFY 2009

Overview of the Annual Performance Report Development:

Monitoring Priority: FAPE in the LRE

Indicator 4: Rates of suspension and expulsion:

- A. Percent of districts that have a significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and
- B. Percent of districts that have: (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.

(20 U.S.C. 1416(a)(3)(A); 1412(a)(22))

Measurement:

- A. Percent = [(# of districts that have a significant discrepancy in the rates of suspensions and expulsions for greater than 10 days in a school year of children with IEPs) divided by the (# of districts in the State)] times 100.
- B. Percent = [(# of districts that have: (a) a significant discrepancy, by race or ethnicity, in the rates of suspensions and expulsions of greater than 10 days in a school year of children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards) divided by the (# of districts in the State)] times 100.

Include State’s definition of “significant discrepancy.”

FFY	Measurable and Rigorous Target
FFY 2009 (2009-2010)	Decrease to .002% the actual percentage of IEP students suspended/expelled for more than 10 days

Indicator 4 (a)

Actual Target Data for FFY 2009 APR: 0.0021%

In accordance with the Part B Indicator Measurement Table, data for the year prior to the reporting year is to be examined for Indicator 4. Accordingly, the data used to calculate the actual measurement for the FFY 2009 APR is based on graduation rate data from the 2008-2009 school year.

For 2008-2009, the Report of Children with Disabilities Subject to Disciplinary Removal (618 data, Table 5) shows that 2 students were removed or suspended/expelled for more than 10 days (Section A, Column 3B). This represents .0021% (2/94,933) of the total student based on the 2008-2009 child count report. PRDE met its target of .002% for this indicator.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2009:

PRDE provides on-going training to their personnel on disciplinary requirements, including how and when to apply the discipline procedures observing the IDEA requirements. Trainings are provided to general and special education teachers, school directors, and special education supervisors. Additionally, the Technical Assistance Unit provides individualized trainings to districts, facilitators, and teachers based on their unique needs.

In an effort to ensure discipline data collected for Table 5 is valid and reliable, PRDE SAE issued a communication to personnel defining disciplinary measures, behavior and behavioral actions in accordance with IDEA. The letter reviewed the instructions for collecting suspension data and included a glossary with definitions for key terms such as suspension and disciplinary measures.

Activity	Discussion
1. Personnel training for the use of the manual for positive behavior supports and functional behavior analysis	These trainings helped personnel to understand how to develop a functional behavior assessment. PRDE provided training through a contract with the University of Puerto Rico Central Administration on a variety of topics, including disciplinary procedures for special education students, functional behavior analysis, and behavioral intervention plans. These activities will continue in an ongoing basis.
2. Continue to support regular and special education teachers in the use of best practices for discipline procedures.	The Technical Assistance Unit provides trainings for general and special education teachers, school directors, and facilitators. District facilitators for special education provide follow-up regarding discipline procedures, including the review of IEPs and the use of procedural safeguards regarding behavioral interventions. These activities will continue in an on-going basis.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2010:

PRDE is not proposing any revisions to its proposed targets, improvement activities, timelines, or resources at this time. However, PRDE reserves the right to adjust its baseline and targets in the future as necessary to ensure meaningful performance reports.

Part B State Annual Performance Report (APR) for FFY 2009

Overview of the Annual Performance Report Development:

Monitoring Priority: FAPE in the LRE

Indicator 5: Percent of children with IEPs aged 6 through 21 served:

- A. Inside the regular class 80% or more of the day;
- B. Inside the regular class less than 40% of the day; and
- C. In separate schools, residential facilities, or homebound/hospital placements.

(20 U.S.C. 1416(a)(3)(A))

Measurement:

- A. Percent = [(# of children with IEPs served inside the regular class 80% or more of the day) divided by the (total # of students aged 6 through 21 with IEPs)] times 100.
- B. Percent = [(# of children with IEPs served inside the regular class less than 40% of the day) divided by the (total # of students aged 6 through 21 with IEPs)] times 100.
- C. Percent = [(# of children with IEPs served in separate schools, residential facilities, or homebound/hospital placements) divided by the (total # of students aged 6 through 21 with IEPs)] times 100.

FFY	Measurable and Rigorous Target
<p>FFY 2009 2009-2010</p>	<p>Special education students who spent less than 21% of the day outside regular class = 74.5%</p> <p>Special education students who spent greater than 60% of the day outside regular class= 14.2%</p> <p>Special education students placed in private/public separate schools; residential institutions; placed in hospitals and homebound = 1.3%</p>

Actual Target Data for FY 2009: A) 79.3%; B) 9.3%; C) 2.8%

PRDE collects data on students' placements for 618 data submission from the SEASWEB database. The data reported for this indicator were collected directly from Table 3, IDEA Implementation of FAPE requirements. The following table reflects the raw data and measurement calculations leading to the actual target data reflected above.

a. Total Child Count	b. IEP students removed from regular class less than 21% of day		c. IEP students removed from regular class greater than 60% of the day		d. IEP students served separate schools, residential facilities, or homebound/hospital placements	
	#	% (b/a)	#	% (c/a)	#	% (d/a)
106,478	84,455	79.3%	9,925	9.3%	3,010	2.8%

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2009:

PRDE met its FFY 2009 targets for 5A and 5B of this indicator. PRDE did not meet the 1.3% target for 5C of this indicator. PRDE saw slippage in its actual data for 5A, 5B, and 5C when compared to FFY 2008 data. PRDE attributes this slippage in part to the increased emphasis on data verification during on-site monitoring visits during 2009-2010.

PRDE has had SEASWEB in operation for three years now. During 2010-2011, PRDE plans to provide districts with data for 2010. PRDE plans to then hold data analysis workshops in the late spring to emphasize decision making based on data and individual student needs.

The following chart provides a summary discussion of the improvement activities undertaken during 2009-2010. PRDE will continue with these activities in 2010-2011.

Activity	Discussion
1. Include training to regular teachers and personnel as part of the Statewide Personnel Development System.	PRDE submitted proposed training activities for regular teachers and personnel so they can choose those topics on which they need information or technical assistance. This training covered areas for both teachers and supervisors regarding accommodations, IEP development, postsecondary transition, and equitable services as main topics. A training plan was designed during 2008-2009 and held in August 2009. PRDE will continue this effort.
2. Include training for special education teachers and staff as part of the Statewide Personnel Development System.	See discussion above.
3. Continue to monitor provision of appropriate special education services in schools.	The Technical Assistance Unit provides the necessary support to teachers and school personnel after the Monitoring Unit identifies concerns in the provision of FAPE. This effort is improving the understanding of the special education personnel on the provision of appropriate services. Please see Indicator 15 for a discussion of PRDE SAEE's general supervision system, including coordination between its Monitoring and Technical Assistance units. PRDE will continue this activity.

<p>4. Increase special education support to students; accommodations, modifications, materials and equipment, assistive technology, related services.</p>	<p>Special attention was provided for technical assistance regarding accommodations provision. District facilitators made on-site visits to schools for technical assistance as requested. SAEЕ made efforts in the distributing special materials to schools including special education contained classrooms and other educational materials like Math operational guides.</p> <p>PRDE will continue this effort.</p>
<p>5. Increase special education support to personnel; technical assistance, consultations, best practices information dissemination.</p>	<p>This is a continuous and on-going activity.</p>

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2010

PRDE is not proposing any revisions to its proposed targets, improvement activities, timelines, or resources at this time. However, PRDE reserves the right to adjust its baseline and targets in the future as necessary to ensure meaningful performance reports.

NO REPORTING REQUIRED FOR FFY 2009

Part B State Annual Performance Report (APR) for FFY 2009

Overview of the Annual Performance Report Development:

Monitoring Priority: FAPE in the LRE

Indicator 6: Percent of children aged 3 through 5 with IEPs attending a:

- A. Regular early childhood program and receiving the majority of special education and related services in the regular early childhood program; and
- B. Separate special education class, separate school or residential facility.

(20 U.S.C. 1416(a)(3)(A))

Measurement:

- A. Percent = [(# of children aged 3 through 5 with IEPs attending a regular early childhood program and receiving the majority of special education and related services in the regular early childhood program) divided by the (total # of children aged 3 through 5 with IEPs)] times 100.
- B. Percent = [(# of children aged 3 through 5 with IEPs attending a separate special education class, separate school or residential facility) divided by the (total # of children aged 3 through 5 with IEPs)] times 100.

FFY	Measurable and Rigorous Target
FFY 2009 2009-2010	N/A

Actual Target Data for FFY 2009:

As directed by OSEP, the States, including Puerto Rico, are not to report on Indicator 6 in the FFY 2009 APR. See, e.g., *Part B State Performance Plan (SPP) and Annual Performance Report (APR) Instruction Sheet* which does not include required data for Indicator 6 (“The State’s FFY 2009 Part B APR, which must contain actual target data from FFY 2009 and other responsive APR information for Indicators 1, 2, 3, 4A, 5, 7, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, and 20.” P.1) and the *OSEP Memo 10-03 to State Education Agency Directors of Special Education and State Data Managers* dated December 3, 2009 (“Indicator 6: The indicator has been revised to align with the proposed section 618 State-reported data collection. Reporting will begin with the FFY 2010 SPP/APR due February 1, 2012.” P.2).

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2009:

N/A (see above).

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2010

N/A (see above).

Part B State Annual Performance Report (APR) for FFY 2009

Overview of the Annual Performance Report Development:

Monitoring Priority: FAPE in the LRE

Indicator 7: Percent of preschool children aged 3 through 5 with IEPs who demonstrate improved:

- A. Positive social-emotional skills (including social relationships);
- B. Acquisition and use of knowledge and skills (including early language/ communication and early literacy); and
- C. Use of appropriate behaviors to meet their needs.

(20 U.S.C. 1416 (a)(3)(A))

Measurement:

Outcomes:

- A. Positive social-emotional skills (including social relationships);
- B. Acquisition and use of knowledge and skills (including early language/communication and early literacy); and
- C. Use of appropriate behaviors to meet their needs.

Progress categories for A, B and C:

- a. Percent of preschool children who did not improve functioning = $[(\# \text{ of preschool children who did not improve functioning}) \div (\# \text{ of preschool children with IEPs assessed})] \times 100$.
- b. Percent of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers = $[(\# \text{ of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers}) \div (\# \text{ of preschool children with IEPs assessed})] \times 100$.
- c. Percent of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it = $[(\# \text{ of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it}) \div (\# \text{ of preschool children with IEPs assessed})] \times 100$.
- d. Percent of preschool children who improved functioning to reach a level comparable to same-aged peers = $[(\# \text{ of preschool children who improved functioning to reach a level comparable to same-aged peers}) \div (\# \text{ of preschool children with IEPs assessed})] \times 100$.
- e. Percent of preschool children who maintained functioning at a level comparable to same-aged peers = $[(\# \text{ of preschool children who maintained functioning at a level comparable to same-aged peers}) \div (\# \text{ of preschool children with IEPs assessed})] \times 100$.

Summary Statements for Each of the Three Outcomes (use for FFY 2008-2009 reporting):

Summary Statement 1: Of those preschool children who entered the preschool program below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program.

Measurement for Summary Statement 1:
 Percent = # of preschool children reported in progress category (c) plus # of preschool children reported in category (d) divided by [# of preschool children reported in progress category (a) plus # of preschool children reported in progress category (b) plus # of preschool children reported in progress category (c) plus # of preschool children reported in progress category (d)] times 100.

Summary Statement 2: The percent of preschool children who were functioning within age expectations in each Outcome by the time they turned 6 years of age or exited the program.

Measurement for Summary Statement 2: Percent = # of preschool children reported in progress category (d) plus [# of preschool children reported in progress category (e) divided by the total # of preschool children reported in progress categories (a) + (b) + (c) + (d) + (e)] times 100.

Measurable and Rigorous Target and Actual Target Data for FFY 2009:

Targets and Actual Data for Preschool Children Exiting in FFY 2009 (2009-10)

Summary Statements	Targets FFY 2009 (% of children)	Actual FFY 2009 (% of children)
Outcome A: Positive social-emotional skills (including social relationships)		
1. Of those children who entered the program below age expectations in Outcome A, the percent who substantially increased their rate of growth by the time they exited the program	94.5	86.1
2. The percent of children who were functioning within age expectations in Outcome A by the time they exited the program	56.2	69.4
Outcome B: Acquisition and use of knowledge and skills (including early language/communication and early literacy)		
1. Of those children who entered the program below age expectations in Outcome B, the percent who substantially increased their rate of growth by the time they exited the program	89.9	82.2
2. The percent of children who were functioning within age expectations in Outcome B by the time they exited the program	49	55
Outcome C: Use of appropriate behaviors to meet their needs		
1. Of those children who entered the program below age expectations in Outcome C, the percent who substantially increased their rate of growth by the time they exited the program	95.7	85.6
2. The percent of children who were functioning within age expectations in Outcome C by the time they exited the program	76.4	69.4

Progress Data for Preschool Children FFY 2009

A. Positive social-emotional skills (including social relationships):	Number of children	% of children

a. Percent of children who did not improve functioning	2	1.1
b. Percent of children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	23	12.8
c. Percent of children who improved functioning to a level nearer to same-aged peers but did not reach	30	16.7
d. Percent of children who improved functioning to reach a level comparable to same-aged peers	114	63.3
e. Percent of children who maintained functioning at a level comparable to same-aged peers	11	6.1
Total	N= 180	100%
B. Acquisition and use of knowledge and skills (including early language/communication and early literacy):	Number of children	% of children
a. Percent of children who did not improve functioning	3	1.7
b. Percent of children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	29	16.1
c. Percent of children who improved functioning to a level nearer to same-aged peers but did not reach	49	27.2
d. Percent of children who improved functioning to reach a level comparable to same-aged peers	96	53.3
e. Percent of children who maintained functioning at a level comparable to same-aged peers	3	1.7
Total	N= 180	100%
C. Use of appropriate behaviors to meet their needs:	Number of children	% of children
a. Percent of children who did not improve functioning	1	0.56
b. Percent of children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	25	13.9
c. Percent of children who improved functioning to a level nearer to same-aged peers but did not reach	29	16.1

d. Percent of children who improved functioning to reach a level comparable to same-aged peers	113	62.8
e. Percent of children who maintained functioning at a level comparable to same-aged peers	12	6.7
Total	N= 180	100%

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2009:

The following chart provides information on the accomplishments, progress, and slippages of the activities proposed in the SPP for the implementation of this indicator.

Activities	Discussion
1- Develop and implement a process to identify through the Special Education Information System(SEASWEB) all preschool children entering preschool services in a continuous basis	SEASWEB was expanded to include preschool children. PRDE identifies all preschool children from the ages of 3 to 5 through the use of SEASWEB. PRDE will continue training and monitoring on the use of SEASWEB with regard to the inclusion of preschool children entering preschool services.
2-Develop and implement guidelines to verify data collection and data entry.	During FFY 2009, PRDE developed written instructions for the collection and submission of data related to Indicator 7. These instructions are a part of PRDE’s guidelines to verify data collection and data entry.
3-Develop and implement a Manual of procedures to implement the preschool outcomes assessment	PRDE has revised a manual of procedures, the “Resumen de los Resultados de la Intervencion con el Nino(a) Preescolar,” to implement the preschool outcomes assessment. The newest revisions are being reviewed and are awaiting final approval.
4-Revise and disseminate the Outcomes Summary Format in order to incorporate recommendations and redesign its content to make it more user friendly	In June 2010, PRDE revised and updated the Outcome Summary Form to incorporate recommendations and improve content. The revisions were aimed at making the document more ‘user-friendly’. Trainings on the form to administrators, pre-school coordinators, and teachers began in December 2010.
5- Develop routine and annual training and technical assistance regarding data collection for this indicator to preschool teachers and other relevant personnel	PRDE offered technical assistance via phone conferences, visits to the CSEEs, and orientations regarding preschool data collection. Training participants included CSEE administrators and personnel involved the preschool services such as zone supervisors. PRDE is preparing to send a needs assessment survey to identify training and TA needs.
6-Provide training, materials, and technical assistance to preschool teachers and other relevant personnel regarding intervention, strategies and models to provide quality preschool services	PRDE revised its Collaborative Agreement with Head Start/Early Head Start in April 2010, and this Agreement was signed in September 2010. Pursuant to the Collaborative Agreement, technical assistance was offered in the form of orientations and dissemination of information to improve preschool services and interventions. Starting

	in December 2010, trainings were held on the guidelines regarding the Part C to Part B transition process to improve the results of the preschool interventions, and revisions were made to the documents discussed above under activity #3 to analyze the process for obtaining results.
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Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2010

PRDE is not proposing any revisions to its proposed targets, improvement activities, timelines, or resources at this time. However, PRDE reserves the right to adjust its baseline and targets in the future as necessary to ensure meaningful performance reports.

Part B State Annual Performance Report (APR) for FFY 2009

Overview of the Annual Performance Report Development:

Monitoring Priority: FAPE in the LRE

Indicator 8: Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.

(20 U.S.C. 1416(a)(3)(A))

Measurement: Percent = [(# of respondent parents who report schools facilitated parent involvement as a means of improving services and results for children with disabilities) divided by the (total # of respondent parents of children with disabilities)] times 100.

FFY	Measurable and Rigorous Target
2009 (2009-2010)	89.9%

Actual Target Data for FFY 2009: 85%

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2009:

Review of Process

For FFY 2009, PRDE continued with the same process for collection of data for Indicator 8 as described in its SPP submitted February 1, 2008. Therein, PRDE explained that it was using the *Inventario para Padres de Estudiantes que Reciben Servicios de Educación Especial*, a Spanish translation based on the National Center for Special Education Accountability and Monitoring’s Parent Survey—Special Education (version 2). This survey was translated, adapted and used to measure parent involvement in their children’s special education services for use in 2005-2006. For 2006-2007, some grammatical changes were made to the version used in 2005-2006 but no substantive changes were made. Since that time, no changes have been made to the survey. All questions, substantive areas, and information requested remain the same as approved by OSEP.

The parent inventory addresses three means for facilitating parental involvement: (i) schools as facilitator of the process, (ii) the teachers as facilitators, and (iii) a third scale related to the general view of the special education program. Parents who answered “bastante” or “mucho” (numbers 4 and number 5 on a 1 to 5 scale) on questions regarding parental involvement were counted as reporting that schools facilitated parent involvement as a means of improving services and results of children with disabilities.

FFY 2009 Sample

A random selection of parents was used for survey administration. As PRDE’s special education population for FFY 2009 was 121,159 the sample size would need to be at least 383 parents of students receiving special education services for 2009-2010.

Determination of the required sample was defined by the following formula:

$$s = \frac{X^2NP(1-P)}{d^2(N-1) + X^2P(1-P)}$$

Where:

- s = required sample size
- X² = the table value of chi-square for 1 degree of freedom at the desired confidence level (3.841)
- N = population size
- P = the population proportion (assumed to be .50 since this would provide the maximum sample size)
- d = the degree of accuracy expressed as a proportion (.05)

Accordingly, with a universe/population size (N) of 121,159:

$$\begin{aligned}
 s &= \frac{(3.841)(121,159)(.50)(1-.50)}{(.05)^2(121,159-1) + (3.841)(.50)(1-.50)} \\
 &= \frac{(232,685.86)(.50)}{(.0025)(121,158) + .96025} \\
 &= \frac{116,342.93}{302.895 + .96025} \\
 &= \frac{116,342.93}{303.85525} \\
 s &= 382.88932 \\
 &= \underline{\underline{383 \text{ parents}}}
 \end{aligned}$$

As such, in order to have sufficient sample size, PRDE was required to issue surveys to at least 383 parents.

The parents of a total of 383 students with disabilities were selected by the sampling method to receive the inventory. A total of 220 of the 383 parents selected for the sample completed and returned inventories. This constitutes a 57% participation rate of the sample group. This survey depends absolutely on parent responses.

PRDE’s sampling method allows for the collection of feedback from a wide variety of parents including variation and representation by school level, student placement and almost all types of disabilities. The response group was representative of the population.

Survey Results for FFY 2009

A total of 187 of the 220 completed surveys reported that schools facilitated parental involvement as a means to improving services and outcomes for their children with disabilities. This represents 85% of the respondent parents (187/220 x 100).

Data Year	(1) # respondent parents who report schools facilitated parent involvement as a means of improving services and results for children with disabilities	(2) # of respondent parents of children with disabilities	[(1)/(2)] X 100 = Percent
2009-2010	187	220	85%

PRDE did not meet the target of 89.9% that was set for FFY 2009. PRDE did, however, see a 3% improvement in this Indicator for FFY 2009, up from 82% in FFY 2008 to 85% in FFY 2009.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2009:

Activities proposed for this year were held as established for Indicator 8. The table below summarizes improvement activities carried out during FFY 2009..

Activity	Discussion of Improvement Activities Completed
1. Revise and modify the survey	As discussed above, PRDE employed the same survey document previously approved by OSEP last year. The survey document was reviewed, and it was determined that no changes were required this year.
2. Increase parental responses to the survey	PRDE implemented many activities and efforts in attempt to increase the parental responses to participation in the survey. PRDE central level staff worked directly with general supervisors who share the responsibility of informing selected parents of the survey and following up to ensure the surveys were received and returned. Parents have the option to return the completed surveys by mail or through the schools. For the FFY 2009 survey, PRDE extended the due date for the survey twice in an attempt to receive more surveys. The percentage of parents who responded to the survey did not increase this year, as compared to FFY 2008. However, participation for FFY 2009 was higher in FFY 2009 as compared to years prior to FFY 2008. As discussed in the FFY 2008 APR, PRDE saw a significant increase in participation with the FFY 2008 survey.

<p>3. Disseminate the results of the parent survey to regions and central level and other interested parties.</p>	<p>The results of the survey were disseminated through the general education supervisors who have the responsibility to keep the district supervisors, the school directors, and teachers informed. Several meetings addressing the parent survey were conducted through the regions. Agendas for these meetings included time for discussion of survey results, recommendations for improvement with this indicator, and some recommended activities to foster parent involvement.</p>
<p>4. Training and technical assistance to school and district personnel on facilitating parental involvement</p>	<p>As discussed above, PRDE included training and technical assistance along with its dissemination of the survey results to school and district personnel.</p>
<p>5. Foster joint parent/teacher trainings</p>	<p>PRDE has worked to ensure there are plenty of opportunities for parents to be involved not only in mandatory activities such as IEP revisions and other procedures but also to learn more from SAEE, learn new information, and collaborate and truly feel as fully participating and collaborating partners. In addition to OSEP requirements for parental participation, the State Legal Case of Rosa Lydia Vélez requests evidence of these efforts as well. Parents are invited to participate and to collaborate. Their perspectives are very much appreciated from PRDE as PRDE recognizes the value of parents' perspectives and the importance of their participation. The following are examples of joint parent/teacher trainings during FFY 2009.</p> <ul style="list-style-type: none"> • The Special Education Activity in <i>Coliseo Pedrín Zorrilla</i>, held in San Juan during November is a wonderful example of joint parent/teacher trainings and activities island wide. The Congress is held and sponsored by the Municipio of San Juan and the SAEE. • The SAEE and the Secretary of Education worked in various activities in coordination with the Parents of the Comité Timón, the Comité Consultivo de Educación Especial, and the National Association of Deaf-Blind Families. • In collaboration with APNI (Asociación de Padres con Niños con Impedimentos), PRDE sponsored two annual island wide activities that are joint parent/teacher trainings. Each year a different topic is covered in those meetings and a large amount of parents and teachers participate in and benefit from this activity. In FFY 2009, the meetings were held at the Embassy Suites in Dorado, the Sheraton Convention Center Hotel in San Juan, and the Centro de Recepciones in Vega Alta. <p>Evaluations conducted and commentaries from the parents reflected parent's satisfaction and willingness to support these kinds of efforts. As such, PRDE plans to continue with such activities and joint trainings.</p>
<p>6. Monitor the implementation of the established procedures for fostering parent involvement.</p>	<p>During FFY 2009, PRDE continued the use of a district self-assessment instrument as a means of PRDE's monitoring the implementation of the established PRDE procedures and policies. The theme of parent involvement is included in the monitoring.</p>

<p>7. Administer the survey, collect data and measure progress on parent involvement</p>	<p>Completed for FFY 2009.</p> <p>As referenced above, for the FFY 2009 survey, PRDE decided, on two occasions, to extend the deadline for submission of the parent surveys as an effort to increase participation. In an effort to obtain the most benefit from the surveys, PRDE plans to adjust the timing of survey administration for futures years.</p> <p>For FFY 2010, PRDE has decided to adjust the timing of the survey administration, collection, analysis, etc. As soon as the official child count data is submitted, the process of defining and selecting the sample will begin (February 2011). PRDE will distribute the survey in March 2011 and aim to complete administration of the survey by April 2011.</p> <p>PRDE aims to have the parent surveys complete and be ready to share results by the month of August. August is PRDE’s back-to-school month, and many meetings and trainings take place during the first days of school. This is a good opportunity for disseminating the information to schools and to reinforce through recommended activities the importance of parent and teacher collaboration.</p>
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Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2010

PRDE plans to continue with its currently state Improvement Activities. No revisions are being sought at this time for proposed targets either.

Part B State Annual Performance Report (APR) for FFY 2009

Overview of the Annual Performance Report Development:

Monitoring Priority: Disproportionality

Indicator 9: Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.

(20 U.S.C. 1416(a)(3)(C))

Measurement:

Percent = [(# of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification) divided by the (# of districts in the State)] times 100.

Include State’s definition of “disproportionate representation.”

Based on its review of the 618 data for FFY 2009, describe how the State made its annual determination that the disproportionate representation it identified (consider both over and underrepresentation) of racial and ethnic groups in special education and related services was the result of inappropriate identification as required by §§300.600(d)(3) and 300.602(a), e.g., using monitoring data; reviewing policies, practices and procedures, etc. In determining disproportionate representation, analyze data, for each district, for all racial and ethnic groups in the district, or all racial and ethnic groups in the district that meet a minimum 'n' size set by the State. Report on the percent of districts in which disproportionate representation of racial and ethnic groups in special education and related services is the result of inappropriate identification, even if the determination of inappropriate identification was made after the end of the FFY 2009 reporting period, i.e., after June 30, 2010. If inappropriate identification is identified, report on corrective actions taken.

FFY	Measurable and Rigorous Target
FFY 2009 (2009-2010)	N/A

Actual Target Data for FFY 2009:

As discussed in the SPP and reinforced by OSEP’s *Puerto Rico Part B SPP/APR Response Table* sent to PRDE on June 3, 2010 along with its APR Determination Letter, this indicator does not apply to Puerto Rico.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2009:

N/A (see above).

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2010:

N/A (see above).

Part B State Annual Performance Report (APR) for FFY 2009

Overview of the Annual Performance Report Development:

Monitoring Priority: Disproportionality

Indicator 10: Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.

(20 U.S.C. 1416(a)(3)(C))

Measurement:

Percent = [(# of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification) divided by the (# of districts in the State)] times 100.

Include State’s definition of “disproportionate representation.”

Based on its review of the 618 data for FFY 2009, describe how the State made its annual determination that the disproportionate representation it identified (consider both over and under representation) of racial and ethnic groups in specific disability categories was the result of inappropriate identification as required by §§300.600(d)(3) and 300.602(a), e.g., using monitoring data; reviewing policies, practices and procedures, etc. In determining disproportionate representation, analyze data, for each district, for all racial and ethnic groups in the district, or all racial and ethnic groups in the district that meet a minimum 'n' size set by the State. Report on the percent of districts in which disproportionate representation of racial and ethnic groups in specific disability categories is the result of inappropriate identification, even if the determination of inappropriate identification was made after the end of the FFY 2009, i.e., after June 30, 2010. If inappropriate identification is identified, report on corrective actions taken.

FFY	Measurable and Rigorous Target
FFY 2009 (2009-2010)	N/A

Actual Target Data for FFY 2009:

As discussed in the SPP and reinforced by OSEP’s *Puerto Rico Part B SPP/APR Response Table* sent to PRDE on June 3, 2010 along with its APR Determination Letter, this indicator does not apply to Puerto Rico.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2009:

N/A (see above).

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2010:

N/A (see above).

Part B State Annual Performance Report (APR) for FFY 2009

Overview of the Annual Performance Report Development:

Monitoring Priority: Effective General Supervision Part B / Child Find

Indicator 11: Percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.

(20 U.S.C. 1416(a)(3)(B))

Measurement:
 a. # of children for whom parental consent to evaluate was received.
 b. # of children whose evaluations were completed within 60 days (or State-established timeline).
 Account for children included in a but not included in b. Indicate the range of days beyond the timeline when the evaluation was completed and any reasons for the delays.
 Percent = [(b) divided by (a)] times 100.

FFY	Measurable and Rigorous Target
<i>FFY 2009 (2009-2010)</i>	100%

Actual Target Data for FFY 2009: 89.7% for timely evaluation (30 days).

Evaluations conducted within 30 days

Date Year	a. # of children with parental consent to evaluate	b. # of evaluations held within 30 days	% evaluations held within PR timeline (a/d)
2009-2010	17,072	15,311	<u>89.7%</u>

*A total of 17,218 children with parental consent to evaluate were initially received, however 146 students exited the registration process prior to receiving their initial evaluations.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2009:

As noted in Puerto Rico’s SPP, PRDE faces state timelines shorter than the federal requirements due to the RLV court case sentence which mandates compliance of 30 days for initial evaluations. Consequently, Puerto Rico faces shorter timelines than the federal requirements. Because of these state established timelines, Puerto Rico reports its actual target data for this indicator in regards to its required timeline of 30 days.

PRDE was not able to meet the 100% mandatory target for this compliance indicator. During FFY 2009, a total of 17,072 students were referred for and had parental consent to evaluate. Of that number, 15,311, which represents 89.7% of all students referred for initial evaluation with parental consent, received a timely initial evaluation (i.e., within 30 days). Further below, in the subsection titled “FFY 2009 Data Re: Those Children Referred but Not Evaluated within Timeline”, PRDE includes a table that accounts for children included in ‘a’ (number of children with parental consent to evaluate) but not included in ‘b’ (number of evaluations held within 30 days). While Puerto Rico recognizes there is still work to do to reach its 100% target with this timeline, Puerto Rico looks forward to continuing the efforts it has initiated in improving performance with this indicator.

The following table compares Puerto Rico’s improvement in complying with this timeline over the five most recent APR submissions:

Data Year	Compliance with 30 Day Evaluation Timeline
FFY 2005 (2005-2006)	70.2%
FFY 2006 (2006-2007)	82.9%
FFY 2007 (2007-2008)	83.0%
FFY 2008 (2008-2009)	82.6%
FFY 2009 (2009-2010)	89.7%

PRDE saw significant improvement in compliance with the 30 day initial evaluation timeline, seeing an increase in actual measurement data from FFY 2008 to FFY 2009 by 7.1%. PRDE first showed significant improvement under this indicator between FFY 2005 to 2006, and then PRDE went through a three year period of not evidencing significant change. Throughout that period, PRDE was extremely focused on institutional improved processes and eliminating significant evaluation backlogs while continuing to work towards full compliance in completing initial evaluations for new registrants on a timely basis. The improved processes and eliminated backlogs had allowed PRDE to once again show significant progress from the prior year in working towards the 100% mandatory compliance target.

The following chart reports the performance with this indicator for FFY 2009 by educational region, including a comparison to each region’s performance from FFY 2008.

<u>Evaluation within 30 days: Data by Region</u>		
Region	FFY 2008	FFY 2009
Arecibo	73%	81.1%
Bayamón	80%	87.9%

Caguas	95%	97.7%
Humacao	92%	92.7%
Mayagüez	91%	93.7%
Ponce	83%	87.2%
San Juan	69%	83.4%

As reflected above, all seven regions improved their performance with complying with the 30 day initial evaluation in FFY 2009 as compared to FFY 2008. Furthermore, all regions were at above 80% compliance with this requirement. Largest gains were made in the regions that had the lowest performance in FFY 2008. This significant improvement can be attributed at least in part to PRDE’s focused efforts in improving performance at the CSEEs from these regions.

FFY 2009 Data Re: Those Children Referred but Not Evaluated within Timeline

The following charts report the range of days beyond the timeline when eligibility was determined as requested by OSEP.

Evaluated Students for FFY 2009 (2009-2010)						
Total # of children with parental consent to evaluate	Eval. within 30 days or less	Eval. within 60 days	Eval. within 90 days	Eval. within 120 days	Eval., possibly in more than 120 days	Not Yet Able to Determine
17,072	15,304	1,056	257	140	279	29
	89.7%	6.2%	1.5%	0.8%	1.6%	0.2%

As reflected above, PRDE completed 89.7% of FFY 2009 initial evaluations within its State imposed deadline of 30 days; 95.9%, within 60 days. PRDE is continuing efforts to work with the remaining 29 cases for FFY 2009 for which it has not yet been able to validate as completed.

A total of 9 Service Centers are currently operating for the seven educational regions. The initial evaluations and eligibility determinations are coordinated through the Service Centers. Trainings were held for special education general and district supervisors that include the importance and impact of ensuring timely managing of the evaluation and determination process.

Since 2007-2008, new corporations and individual proposals for initial results delivery were requested to present a report which included: referrals attended, student dismissals, parental requests to transfer their services from one corporation to another, referrals not attended and returned to the Service Centers. Also, sanctions had to be paid by corporations if there was a delay of more than 10 days between the evaluation and sending the report of the evaluation to the Service Center. Additionally, the

SAEE Monitoring and Compliance unit monitors for compliance with these items. These two requirements were included in the contracts and contributed to timely service provision for PRDE.

PRDE continues to use an alert system in SEASWEB that notifies the respective districts and service centers about the children approaching their due date for initial evaluation and other related timelines.

In March 2010, PRDE established a taskforce to assist with data validation and overall support at CSEEs facing the significant challenges with compliance indicators, including Indicator 11. PRDE identified the CSEEs in need of support as a result of its practice of generating and analyzing monthly data reports for performance at each of the CSEEs (see discussion of Improvement Activity #4 in the activities chart for more information regarding the monthly report efforts). Members of the taskforce have provided on-site support at those CSEEs to assist with the review of files for the backlog of students who had not yet been reported in SEASWEB as having received an initial evaluation. Taskforce has included both technical assistance and training to SEASWEB staff to improve their performance with data review, validation, and entry into the system as well as hands-on assistance reviewing the files and ensuring that students received initial evaluations and that data was updated accordingly in SEASWEB. The hands-on assistance included thorough review of all backlog files—including visits to district offices and schools to locate the impacted students and ensure students had received their initial evaluations. For students who had received their initial evaluations, the supporting documentation was added to the CSEE file and updated accordingly in SEASWEB. For students who had not yet received an initial evaluation, evaluation appointments were made immediately upon locating the students.

Correction of Noncompliance and Implementation of Requirements

PRDE has ensured that 100% of students with parental consent to receive initial evaluations during FFY 2008 were evaluated. Under Indicator 11 of the FFY 2008 APR clarification submission, PRDE reported a total of 816 initial evaluations for which it was not yet able to verify as completed at that time. Below, PRDE provides a table of APR data for Indicator 11 from the FFY 2008 APR clarification submission as a point of reference. The data from this submission were examined, and as charted below, reflect that there were a total of 816 students who were not evaluated within 30 days and for whom PRDE needed to verify their initial evaluations had been completed.

<u>APR Indicator 11 Data</u>	a. Total # of children with parental consent to evaluate	b. Timely evaluated (within 30 days)	Percent of timely (within 30 days) evaluation (b/a)
FFY 2008 (2008-2009)	20,737	17,131	82.6%

PRDE has assured the correction of non-compliance, i.e., has assured the outstanding evaluations have been completed, as reflected by the below table.

<u>Correction of Non-compliance Data</u>	c. Total # of children with parental consent to evaluate who did not receive timely (within 30 days) evaluations (a-b)	d. Total # of children with parental consent to evaluate who received evaluations after 30 days (as reported in the FFY 2008 APR)	e. Total # of children with parental consent to evaluate who were remaining to be verified as evaluated at the time of the FFY 2008 APR clarification submission (c-d)	f. Total # of children in 'e' who PRDE has verified have received their initial evaluation or otherwise exited the system	Percent of children with parental consent to evaluate who did not receive timely (within 30 days) evaluations that have since received initial evaluations ((d+f)/c)

FFY 2008 (2008-2009)	3,606	2,790	816	816	100%
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With regard to the findings identified in Worksheet B-15 that were related to Indicator 11, there were a total of nine findings, all identified through the dispute resolution process. These nine findings were identified through the investigation of State complaints and resulting written reports. The nine State complaints regarded issues related to the initial evaluation process. None of the findings reflected on Worksheet B-15 regarding initial evaluations for this APR are the result of on-site district monitoring nor the APR data specifically reported under Indicator 11. Within Indicator 15, however, as well as immediately above here within Indicator 11, PRDE provides a thorough update regarding the correction of non-compliance identified under Indicator 11 in the most recently submitted APR (FFY 2008). PRDE implemented formal on-site monitoring activities for CSEE's in FFY 2009 that include examination of procedures for conducting initial evaluations.

PRDE has ensured the correction of noncompliance under Indicator 11 from FFY 2007 and FFY 2008 in accordance with Memo 09-02. For the correction of both FFY 2007 and FFY 2008, PRDE verified that each responsible entity with remaining noncompliance (1) is correctly implementing 34 CFR §300.301(c)(1) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system and (2) has completed the evaluation, although late, for any child whose initial evaluation was not timely, consistent with OSEP Memo 09-02. PRDE reviewed the individual case to ensure actions were taken to correct the noncompliance. PRDE also reviewed additional updated data, subsequent to the data from the initial findings, in the area of previously identified noncompliance in order to assure correction of any underlying issues leading to noncompliance and ensure subsequent compliant practice

According to OSEP Memo 09-02, PRDE describes how verification of correction of noncompliance was conducted and how PRDE is ensuring correct implementation of CFR §300.301(c)(1). Specifically, PRDE verified that students' initial evaluations not completed within the 30 day timeline were completed, even though late. PRDE also reviewed additional updated data in the area of previously identified noncompliance in order to assure correction of any underlying issues leading to noncompliance and subsequent compliant practice. Additionally, PRDE SAEE worked with one of its contractors, ProInfo, at the CSEEs with the greatest apparent compliance issues and backlogs. ProInfo provided support and assisted in trading down student information at regions, district, and school levels as necessary. Regular meetings were held with the CSEE directors to address such issues. The Directors of the Service Centers were provided with a list of students for whom PRDE had not seen documentation evidencing the student received an initial evaluation. The CSEEs were charged with following up on these cases and ensuring updated information was entered into SEASWEB and that all students with parental consent to receive an initial evaluation were evaluated, even if late. Additionally, PRDE reviewed more recent data regarding initial evaluations through both on-site monitoring visits and through SEASWEB, the PRDE special education data system, to verify compliance with the initial evaluation timeline in subsequent cases. During FFY 2009, the Monitoring Unit carried out on-site monitoring visits to the CSEEs, and included these activities in those visits.

Additional Discussion of Improvement Activities

During the month of August 2009, instructions were given to the Service Center Directors, general and district supervisors, to update the information system based in five priority areas: children registration, initial evaluations, eligibility determination, IEP meetings and Placement for the 2008-2009 school year. This effort is a continuous activity to concentrate personnel efforts in loading incomplete or missing children's information in the system, giving personnel the opportunity to not only update but also look over those timelines as well. Monthly meetings with Service Center Directors were held throughout FFY 2009 for follow up on data loading and for sharing strategies and ideas to keep us moving and showing progress. Personnel devoted only to data entry follow up with the Services Centers were placed at the CSEEs. A person from each region was responsible for monitoring data loading, data validity checks and providing direct support to the user at the service Centers. This was part of the efforts to guarantee data quality, maintenance and continuous data entry. Monthly communications and reports

are sent to personnel to ensure data validation. Also, technical assistance is provided to this personnel regarding new updates to the system or when specific data collection is needed.

Additionally, PRDE has received assistance from outside technical assistance sources and taken actions as a result of that technical assistance. In the fall of 2007, PRDE contacted SERRC and DAC for technical assistance. During the past several years, SERRC and DAC have worked with PRDE to enhance and broaden the scope of the system of general supervision. Activities related to Indicator 11 have included developing monitoring protocols for the CSEEs, which have the responsibility for initial evaluations. PRDE conducted the first formal monitoring activities with the CSEEs in summer 2009; formal CSEE monitoring has continued as an annual activity. Additionally, DAC worked with PRDE to look into the data to identify reasons for initial evaluations not being timely. From this examination, PRDE conducted data verification activities including a student by student comparison of the SEASWEB data and the SIE data, contacting the CSEEs to review records, and sending reminders to CSEEs. Most recently, PRDE began a data routine to notify CSEEs monthly to review their data report and correct omissions or errors for verification purposes. Data from these monthly examinations is being used to target technical assistance.

ACTIVITY	Discussion of Progress of activities completed...
<p>1. Implement the eligibility determination pilot in the remaining Service Centers.</p>	<p>The eligibility determination pilot program, conceived in 2006-2007, has been implemented in all CSEEs islandwide. The Determination of Eligibility Unit is in place at all Service Center. The teams are responsible for initial evaluation coordination and analysis, including the eligibility determination and through to the final IEP meeting coordination with school as needed by the children. This includes providing orientation to parents who come to the CSEEs to register their student for special education. For more information, see discussions under Indicator 11 in prior APR submissions.</p>
<p>2. Evaluated options and develop guidelines for dealing with parents who miss their appointments</p>	<p>As discussed in the FYF 2008 APR, one of PRDE's major concerns for this indicator was reporting on those children that continuously miss their appointments for initial evaluation. Once the parent consents, PRDE has a 30 day timeline to complete the initial evaluation. In most cases, the parents get their appointment at the Service Centers the same day they register their student to be evaluated for special education services. The Centers maintain an appointment log from the Corporations and can book appointments for parents right away. Parents often miss the appointments made, which negatively impacts the timelines required by PR state law and OSEP. Some parents may notify of any inconvenience for not attending their appointments and personnel from the service centers at the call center address a new date for the evaluation but timelines continue running. It has been PRDE's experience that most of the parents who miss appointments simply do not notify PRDE. Instead, PRDE has to wait for the Corporations to notify PRDE of the parent's absence in order to proceed with reaching out to the parent to attempt to schedule a second appointment.</p> <p>On May 21, 2010, PRDE announced the adoption of a procedure related to repeated failure to attend scheduled appointments for evaluations. PRDE's procedure eliminates students from registration list, i.e., the list of students awaiting initial evaluation, when parents have failed to bring their student to a scheduled evaluation appointment three consecutive times. This procedure was adopted in accordance with 34 CFR 300.301(d). Parents are informed of this procedure, and specifically that repeated failure to attend can result in exiting student from registration process, during the orientation they receive upon registering their student to receive special education services.</p>

<p>3. Keep up working to implement the alert system in SEASWEB</p>	<p>PRDE is continuing with this effort. The trial runs of the alert system have been working properly, and PRDE expects the final alert system to be fully implemented during the 2010-2011 school year.</p>
<p>4. Use the information system to generate monthly report or the cases registered for better monitoring compliance</p>	<p>PRDE will continue with this activity. The central level generates monthly data reports for each Service Center during the first week of each month. These monthly data reports include information on performance under Indicator 11. These reports are retrieved from the system in order to monitor and provide technical assistance and support as needed. As a result of analyzing these monthly reports, PRDE established a task force to provide additional support to CSEEs for which the monthly reports reflected greater compliance challenges. More information regarding this task force is discussed above.</p>
<p>5. Implement a new protocol for Eligibility Determination as proposed.</p>	<p>The Eligibility protocol is in place and used by all Services Centers in 100% of the cases to determine the eligibility for Special Education Services.</p>
<p>6. CCoordinate with P.R. P.T.A. (APNI) for parents orientation on procedures and timelines for services provision (B11,B12)</p>	<p>A meeting was held with APNI to discuss this concern. The new appointed Director agreed on collaborating with this effort and training APNI parent leaders island wide in order to inform the parents and disseminate the information regarding parent’s responsibility. In spring 2010, various meetings were held with APNI, with APNI personnel at the CSEEs assisting with locating information necessary to close out backlogs.</p>

Revisions with Justification to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2010:

PRDE is not proposing any revisions to its proposed targets, improvement activities timelines, or resources for this indicator at this time.

Part B State Annual Performance Report (APR) for FFY 2009

Overview of the Annual Performance Report Development:

Monitoring Priority: Effective General Supervision Part B / Effective Transition

Indicator 12: Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.

(20 U.S.C. 1416(a)(3)(B))

Measurement:

- a. # of children who have been served in Part C and referred to Part B for Part B eligibility determination.
- b. # of those referred determined to be NOT eligible and whose eligibility was determined prior to their third birthdays.
- c. # of those found eligible who have an IEP developed and implemented by their third birthdays.
- d. # of children for whom parent refusal to provide consent caused delays in evaluation or initial services or whom exceptions under 34 CFR §300.301(d) applied.
- e. # of children who were referred to Part C less than 90 days before their third birthdays.

Account for children included in a but not included in b, c, d or e. Indicate the range of days beyond the third birthday when eligibility was determined and the IEP developed and the reasons for the delays.

Percent = [(c) divided by (a - b - d - e)] times 100.

FFY	Measurable and Rigorous Target
<i>FFY 2009 (2009-2010)</i>	<i>100%</i>

Actual Target Data for FFY 2009: 53.9%

PRDE conducted an island-wide data collection and several validation activities in order to obtain the number of children who exited Part C services whose eligibility was determined prior to their third birthday, the number of children who were found eligible and were provided special education services by their third birthday, and the number of eligible children who, at the end of the period, had not been provided with special education services. The data collected shows the following:

Table A - Data

a- # of children served in Part C referred to Part B for eligibility determination	b. # of children determined not eligible whose evaluations were conducted prior to their third birthday	c. # of children found eligible with IEP's developed and implemented by their third birthday	d. # of children for whom parental refusal to consent to evaluation caused delay in evaluation or initial services	e.# of children who were referred to Part B less than 90 days before their third birthdays.
1,386	30	685	0	0

As directed by the measurement instructions for this indicator, children included in 'a' (from Table A above) but not included in 'b', 'c', 'd', or 'e' must be accounted for. In applying the measurement formula to the data for FFY 2009, there is a subgroup of children included in 'a' (children served in Part C referred to Part B for eligibility determination) that are not included in 'b', 'c', 'd', or 'e'.

Table B – Additional Data: Accounting for children included in (a) from Table A but not included in b, c, d, or e.

f. # of children who had been referred to Part B and that at the end of the 2008-2009 reporting period had not yet reached age three and were still receiving services by Part C	g. # of children who had been referred to Part B from Part C but subsequently exited PRDE	h. # of children who had been referred to Part B from Part C that did not receive their eligibility determination by the date they turned aged three.
35	49	587

Category 'f' from Table B represents the subgroup of children within 'a' that have been referred to Part B, but that by the end of FFY 2009 had not yet reached the age of three in order to be eligible to begin receiving Part B services. There also is a small subgroup of students referred from Part C to Part B who exited PRDE and thus are not included in 'a' ('g'). This category includes students who exited the PRDE system for a variety of reasons after referral, including moving off of the island of Puerto Rico or passing away. The remaining children are children who were referred to Part B but had not received their eligibility determination by age three ('h').

PRDE presents the measurements in two manners, first by a strict interpretation of the formula disregarding the comments following the algebraic formula, and second in order to reflect the impact of this subgroup on the indicator as indicated by the comments within the measurement definition directing states to account for all students included in 'a' but not included in 'b', 'c', 'd', or 'e'.

Without considering the students accounted for in Table B:

Data Year	(a – b – d)	C Divided by (a-b-d)	Times 100	= Percent
2009-2010	(1386 - 30 - 0) = <u>1356</u>	685 / 1356 = <u>0.5052</u>	0.5052 X 100 = <u>50.52</u>	<u>50.5%</u>

Accounting for the students in subgroups ‘f’ and ‘g’ of Table B, as directed by the measurement formula definitions:

Data Year	(a – minus students accounted for in Table B, columns f and g)	Minus (b + d)	C divided into prior column	Times 100	= Percent
2009-2010	$(1386 - 35 - 49) = 1302$	$1302 - (30 + 0) = 1272$	$685 / 1272 = 0.5385$	$0.5385 \times 100 = 53.85$	<u>53.9%</u>

The second measurement more accurately reports Puerto Rico’s performance with the indicator, more accurately reflects compliance with the legal requirement, and complies with the Secretary’s directions to account for the subgroup of students included in ‘a’ but not included in ‘b’, ‘c’, ‘d’, or ‘e’, making Puerto Rico’s actual Indicator 12 target data for FFY 2009 53.9%. Both measurements are included nonetheless.

The Secretary’s measurement instructions further direct the states to indicate the range of days beyond the third birthday when eligibility was determined and the IEP developed. The following table (Table C) provides the range of days elapsed beyond the third birthday of children whose eligibility and services were not in place by the third birthday. Reasons for the delays are discussed thereafter.

Table C. Range of days elapsed beyond the third birthday of children whose eligibility and services were not in place by the third birthday.

# of children receiving services from Part C and referred for eligibility determination during FFY 2009 and were not determined eligible or provided with services on their third birthday (Table B, column h)	In place within 60 days of third birthday	In place within between 61 and 90 days or third birthday	In place within 91 and 120 days of third birthday	In place within more than 120 days of third birthday	Unable to determine with data provided
587	303	69	36	167	12

The majority of the children were receiving services within 60 days. The range of days elapsed beyond the third birthday of children whose eligibility and services were not in place by the third birthday is 1-404 days. When a child’s IEP was completed prior to the child third’s birthday, services were provided. Reasons for the delays include the following: data entry errors, new staff, parents failed to keep scheduled appointments, Part C failed to send transition meeting notices in a timely manner and supervisors failed to attend transition meetings.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2009:

The table below compares Puerto Rico’s performance over the past several years based on the two calculations.

Demonstrated Progress with Indicator 12 Over Time					
	<i>FFY 2005</i>	<i>FFY 2006</i>	<i>FFY 2007</i>	<i>FFY 2008</i>	<i>FFY 2009</i>
Measurement without accounting for Table 2, columns f and g	9.7%	21.9%	31.1%	38.7%	50.5%
Measurement that accounts for Table 2, columns f and g	13.2%	30.3%	42.4%	69.0%	53.9%

The steps that PRDE is taking for the improvement of the services through the Special Education Service Centers, as well as the intensive training, guidance, and follow up provided to personnel in charge of the transition process is resulting in increasing the compliance with this requirement. Although the percentage fell below PRDE’s goals and OSEP’s target, PRDE has learned much about the transition process and has begun steps that will lead to improved compliance.

Additionally, PRDE has received assistance from outside technical assistance sources and taken actions as a result of that technical assistance. In the fall of 2007, PRDE contacted SERRC and DAC for technical assistance. During the past several years, SERRC and DAC have worked with PRDE to enhance and broaden the scope of the system of general supervision. Activities related to Indicator 12 included facilitating communications both face-to-face and electronically between the Puerto Rico Department of Health-Part C Lead Agency (PRDH) staff and PRDE Compliance, Data, Technical Assistance and preschool staff. Coordination meetings between PRDH and PRDE began in January 2009 including and regarding the review of the Interagency Agreement between agencies. A revised working draft, which PRDE and PRDH are continuing to review, has been completed. Monitoring protocols for Service Centers, which have the responsibility for initial evaluations and IEP meetings, were developed. PRDE conducted the first formal monitoring activities with the CSEEs in summer 2009; CSEE formal monitoring has continued as an annual activity. DAC also worked with PRDE to look into the data and other data procedures. From this examination, PRDE conducted data accuracy and verification activities to identify the age of the students, status of the students in SEASWEB, and request the CSEEs to review records. Most recently, PRDE began a data routine to notify CSEEs monthly to review their data report and correct omissions or errors for verification purposes. Data from these monthly examinations are being used to target technical assistance. During 2009-2010, PRDE focused on improving routine communications between the Puerto Rico Part B and Part C teams to help ensure smooth Part C to Part B transitions. Routine communications included face to face meetings between Part C and Part B. These communications have identified challenges that both agencies can begin to address. Continued meeting and revision to the Memorandum of Agreement have continued thus far through 2010-2011.

A special education supervisor at each one of the island’s Special Education Service Centers is assigned the responsibility of ensuring an agile process for transitioning children. These supervisors, along with the preschool coordinators, are in charge of the follow up and coordination needed to evaluate, determine eligibility, develop the IEPs, and the coordinate services. This initiative was implemented in February 2007, and has aided in the increased performance under this indicator. PRDE also expects the full implementation of the special education information system (SEASWEB) to better manage data. Additionally, the Monitoring and Compliance Unit continues to monitor the Special Education Service Centers compliance with IDEA requirements related to this indicator.

In March 2010, PRDE established a taskforce to assist with data validation and overall support at CSEEs facing the significant challenges with compliance indicators, including Indicator 12. PRDE identified the CSEEs in need of support as a result of its practice of generating and analyzing monthly data reports for performance at each of the CSEEs (see discussion of Improvement Activity #4 in the

activities chart for more information regarding the monthly report efforts). Members of the taskforce have provided on-site support at those CSEEs to assist with the review of files for the backlog of students referred from Part C who had not yet been reported in SEASWEB as having received an initial evaluation. Taskforce has included both technical assistance and training to SEASWEB staff to improve their performance with data review, validation, and entry into the system as well as hands-on assistance reviewing the files and ensuring that students received initial evaluations and that data was updated accordingly in SEASWEB. The hands-on assistance included thorough review of all backlog files—including visits to district offices and schools to locate the impacted students and ensure students had received their initial evaluations. For students who had received their initial evaluations, the supporting documentation was added to the CSEE file and updated accordingly in SEASWEB. For students who had not yet received an initial evaluation, evaluation appointments were made immediately upon locating the students.

OSEP’s Response Table B to PRDE’s FFY 2008 APR asks PRDE to address the previously identified noncompliance under this indicator, in accordance with OSEP Memo 09-02. In the FFY 2008 APR, PRDE reported that it had ensured the correction of all outstanding individual student cases from FFY 2007. Additionally, as reported here in Puerto Rico’s FFY 2009 APR under Indicator 15, PRDE has ensured the correction of all outstanding findings of noncompliance from FFY 2008. In assuring verification of correction, PRDE’s work has been consistent with the OSEP 09-02 Memorandum. For the correction of both FFY 2007 and FFY 2008, PRDE verified that each responsible entity with remaining noncompliance was correctly implementing 34 CFR §300.124(b) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system, consistent with OSEP Memo 09-02. Specifically, PRDE verified that students’ evaluations and transitions were completed, even if late. PRDE reviewed the individual case to ensure actions were taken to correct the noncompliance. PRDE also reviewed additional updated data, subsequent to the data from the initial findings, in the area of previously identified noncompliance in order to assure correction of any underlying issues leading to noncompliance and ensure subsequent compliant practice.

Below, PRDE provides its update on the correction of outstanding individual student cases from FFY 2008 in which it had to assure children referred from Part C to Part B had been evaluated, received eligibility determinations and—where determined eligible—had an IEP developed and implemented.

	Students referred from Part C to Part B for whom PRDE had not been able to confirm eligibility determinations and provision of services, where appropriate, as of FFY 2008 APR Clarification	Outstanding cases PRDE has confirmed completion of eligibility determinations and provision of services where appropriate	Percent of overdue re-evaluations that have been verified as complete
FFY 2008 (2008-2009)	276*	276	100%

*This data reflects the number of children who had been referred to Part B from Part C that did not receive their eligibility determination by the date they turned aged three, as reported in Puerto Rico’s FFY 2008 APR.

The following chart provides information on the accomplishments, progress, and slippages of the activities proposed in the SPP for the implementation of this indicator.

Activity	Discussion
1. Create an alert in the information system (SEASWEB) for when child is about to turn 3 years old. Work to ensure such an alert functions in an efficient and effective manner.	PRDE has been working with the SEASWEB contractors to have an improved alert indicating that a child is about to turn 3 built into the system. As the child approaches age 3, email notification alerts are sent to CSEE two weeks before the 3 rd birthday, on the birthday, and the day after the birthday. The alert has been functioning in trial runs, and will be fully implemented during the 2010-2011 school year.

<p>2. Use the information system to generate a monthly report of the cases registered in order to better monitor compliance.</p>	<p>PRDE has revised and improved its referral process for children referred from Part C to Part B. PRDE memorialized these revisions in a document entitled, “Procedimiento para la Notificacion de Referidos en la Coordinacion de la Transcion de Parte C a Parte B” (“Procedure for the Notification of Referrals in Coordination of Part C to Part B Transition”). PRDE received technical assistance from DAC and SERRC in creating this process and the changes established therein. These changes were first implemented in the Ponce, Caguas and Bayamon Regions. In September 2010, the revisions to the referral process were expanded to all regions. The Puerto Rico Department of Health, which oversees IDEA Part C on the island, sends a monthly report on all children referred from Part C to Part B to PRDE SAEE (central level). PRDE SAEE then distributes these monthly reports to the CSEEs. The coordinators of preschool services review the monthly reports, in collaboration with the directors of CSEE, and provide the necessary follow-up activities. Additionally, PRDE employed one of its contractors, ProInfo, to provide additional technical assistance at the CSEEs facing the greatest challenges in ensuring timely Part C to Part B transition.</p>
<p>3. Provide additional continuous training and technical assistance to personnel at locations with greater challenges in compliance with this indicator in order to address issues specific to such locations.</p>	<p>Additional training and technical assistance to personnel at locations with greater challenges in compliance with this indicator will be continued and strengthened in 2010-2011 Throughout FFY 2009, PRDE held several training sessions and provided technical assistance to personnel at the central level, the CSEEs, and the districts to ensure compliance with this indicator. Many of these technical assistance activities were provided with assistance from DAC and SERRC. Additionally, as part of the trainings and technical assistance provided, FELIUS held trainings with CSEE directors and supervisors in all regions regarding Part C to Part B transition.</p> <p>During the spring of 2010, meetings were held with the APNI project coordinator, and APNI agreed to assist with addressing any backlogs, i.e., students referred from Part C that were listed as pending initial evaluation after their third birthday. Through this collaborative effort, the APNI coordinators at each center assist with locating the impacted students and ensuring initial evaluations are scheduled, take place, and that SEASWEB is updated accordingly.</p>
<p>4. Evaluate and identify best practices for monitoring transition in coordination with both the monitoring and technical assistance units.</p>	<p>The monitoring unit has included Part C to Part B transition as an area that is evaluated during monitoring visits. PRDE monitored entities regarding this indicator and provided onsite technical assistance and follow-up visits to ensure correction of identified noncompliance. The SAEE Monitoring Unit shares its monitoring reports with the SAEE Technical Assistance Unit, which in turn is able to use the monitoring information to improve its technical assistance services and ensure it is addressing the issues identified through the monitoring process.</p>

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2010

PRDE is not proposing any revisions to its proposed targets, improvement activities, timelines, or resources at this time. However, PRDE reserves the right to adjust its baseline and targets in the future as necessary to ensure meaningful performance reports.

FOR FFY 2009, STATES MUST ESTABLISH NEW BASELINE DATA FOR THIS INDICATOR USING 2009-2010 DATA AND REPORT THE DATA USING THE SPP TEMPLATE

Part B State Annual Performance Report (APR) for FFY 2009

Overview of the Annual Performance Report Development:

Monitoring Priority: Effective General Supervision Part B / Effective Transition

Indicator 13: Percent of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student’s transition services needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.

(20 U.S.C. 1416(a)(3)(B))

Measurement: Percent = [(# of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student’s transition services needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority) divided by the (# of youth with an IEP age 16 and above)] times 100.

FFY	Measurable and Rigorous Target
<i>FFY 2009 (2009-2010)</i>	N/A

Actual Target Data for FFY 2009:

As directed by OSEP, the States, including Puerto Rico, must submit revised baseline data, targets and, as needed, improvement activities for Indicators 13 and 14. See, e.g., *Part B State Performance Plan (SPP) and Annual Performance Report (APR) Instruction Sheet* P.1. Accordingly, please see Puerto Rico’s FFY 2009 SPP submission for the revised baseline data, targets and improvement activities for this Indicator. Progress on this Indicator will be reported in the FFY 2010 APR, to be submitted February 1, 2012.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2009:

N/A (see above).

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2010

N/A (see above).

FOR FFY 2009, STATES MUST ESTABLISH NEW BASELINE DATA, TARGETS AND, AS NEEDED IMPROVEMENT ACTIVITIES FOR THIS INDICATOR AND REPORT THE DATA USING THE SPP TEMPLATE

Part B State Annual Performance Report (APR) for FFY 2009

Overview of the Annual Performance Report Development:

Monitoring Priority: Effective General Supervision Part B / Effective Transition

Indicator 14: Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were:

- A. Enrolled in higher education within one year of leaving high school.
- B. Enrolled in higher education or competitively employed within one year of leaving high school.
- C. Enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.

(20 U.S.C. 1416(a)(3)(B))

Measurement:

A. Percent enrolled in higher education = [(# of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were enrolled in higher education within one year of leaving high school) divided by the (# of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school)] times 100.

B. Percent enrolled in higher education or competitively employed within one year of leaving high school = [(# of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were enrolled in higher education or competitively employed within one year of leaving high school) divided by the (# of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school)] times 100.

C. Percent enrolled in higher education, or in some other postsecondary education or training program; or competitively employed or in some other employment = [(# of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were enrolled in higher education, or in some other postsecondary education or training program; or competitively employed or in some other employment) divided by the (# of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school)] times 100.

FFY	Measurable and Rigorous Target
FFY 2009 (2009-2010)	N/A

Actual Target Data for FFY 2009:

As directed by OSEP, the States, including Puerto Rico, must submit revised baseline data, targets and, as needed, improvement activities for Indicators 13 and 14. See, e.g., *Part B State Performance Plan (SPP) and Annual Performance Report (APR) Instruction Sheet P.1*. Accordingly, please see Puerto Rico's FFY 2009 SPP submission for the revised baseline data, targets and improvement activities for this Indicator. Progress on this Indicator will be reported in the FFY 2010 APR, to be submitted February 1, 2012.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2009:

N/A (see above).

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2010

N/A (see above).

Part B State Annual Performance Report (APR) for FFY 2009

Overview of the Annual Performance Report Development:

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 15: 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.

(20 U.S.C. 1416 (a)(3)(B))

Measurement:

Percent of noncompliance corrected within one year of identification:

- a. # of findings of noncompliance.
- b. # of corrections completed as soon as possible but in no case later than one year from identification.

Percent = [(b) divided by (a)] times 100.

States are required to use the “Indicator 15 Worksheet” to report data for this indicator (see Attachment A).

FFY	Measurable and Rigorous Target
<i>FFY 2009 (2009-2010)</i>	100%

Actual Target Data for FFY 2009: 85.6%

The data for this measurement appear in Puerto Rico’s completed Worksheet B-15, which is included below.

Actual Measurement:

A. # of finding of non compliance (priority areas)	B. # of corrections within one year	%
90	77	85.6%

For purposes of Puerto Rico’s Worksheet B-15, the number of ‘LEAs’ reflects the number of PRDE districts that were issued findings. For clarification, PRDE remains a unitary system and as such consists of only one LEA. The treatment of districts as ‘LEAs’ is done here solely in an effort to organize PRDE’s monitoring and general supervision activities into meaningful units that can then meet the APR reporting requirements; it does not affect PRDE’s status as a unitary system.

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2008 (7/1/08 to 6/30/09)	(a) # of Findings of noncompliance identified in FFY 2008 (7/1/08 to 6/30/09)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
1. Percent of youth with IEPs graduating from high school with a regular diploma. 2. Percent of youth with IEPs dropping out of high school.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	9	9	4
14. Percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school.	Dispute Resolution: Complaints, Hearings	0	0	0
3. Participation and performance of children with disabilities on statewide assessments. 7. Percent of preschool children with IEPs who demonstrated improved outcomes.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	2	2	2
	Dispute Resolution: Complaints, Hearings	0	0	0
4A. Percent of districts identified as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	2	2	2
	Dispute Resolution: Complaints, Hearings	1	2	2

<p>5. Percent of children with IEPs aged 6 through 21 - educational placements.</p> <p>6. Percent of preschool children aged 3 through 5 – early childhood placement.</p>	<p>Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other</p>	8	8	8
	<p>Dispute Resolution: Complaints, Hearings</p>	1	41	41
<p>8. Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.</p>	<p>Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other</p>	1	1	1
	<p>Dispute Resolution: Complaints, Hearings</p>	0	0	0
<p>9. Percent of districts with disproportionate representation of racial and ethnic groups in special education that is the result of inappropriate identification.</p> <p>10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.</p>	<p>Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other</p>	0	0	0
	<p>Dispute Resolution: Complaints, Hearings</p>	0	0	0
<p>11. Percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be</p>	<p>Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other</p>	0	0	0

conducted, within that timeframe.	Dispute Resolution: Complaints, Hearings	1	9	9
12. Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	7	7	4
	Dispute Resolution: Complaints, Hearings	0	0	0
13. Percent of youth aged 16 and above with IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable student to meet the post-secondary goals.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	9	9	4
	Dispute Resolution: Complaints, Hearings	0	0	0
Sum the numbers down Column a and Column b			90	77
Percent of noncompliance corrected within one year of identification = (column (b) sum divided by column (a) sum) times 100.			(b) / (a) X 100 =	85.6%

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2009:

In FFY 2008, PRDE met the 100% target for this indicator. For FFY 2009, PRDE did not meet the mandatory 100% target, with an actual measurement of 85.6% for Indicator 15; PRDE believes it is nonetheless continuing to strengthen and improve its general supervision system.

This was the first year in which PRDE SAEЕ has been able to include findings of noncompliance identified through the State complaint dispute resolution process in Worksheet B-15. This accomplishment was a result of PRDE SAEЕ's work with the PRDE Special Education Legal Division (SELD), the office that manages the State Complaint process, to begin incorporating individual findings of noncompliance identified through the State Complaint process into PRDE's analysis of its correction of noncompliance under APR Indicator 15. During 2008-2009, the SELD developed and implemented a process to categorize all 2008-2009 findings of non-compliance identified through the State Complaint process and to monitor and ensure correction occurs within one year of identification.

The ninety findings were identified as the result of on-site visits made by the PRDE SAEЕ Monitoring and Compliance Unit as well as State Complaint investigations. PRDE ensured that individual child findings of noncompliance were corrected by reviewing the student records from which the noncompliance originated to verify these were corrected, even if past the one year timeline. Also, PRDE reviewed updated data to ensure that subsequent practices are compliant.

The thirteen FFY 2008 findings of non-compliance that PRDE was not able to confirm correction within one year of identification were the result of on-site visits by PRDE SAEЕ Monitoring and Compliance Unit. These thirteen findings were tied to five districts. In accordance with PRDE's sanctions policy, each of these districts received initial sanctions letters as a result of their failure to correct noncompliance in a timely manner. The Monitoring and Compliance Unit provided technical assistance and conducted visits to all five districts to follow-up on the initial sanction letter. One of the five districts exited the sanctions system as a result of these visits because a review of subsequent updated data indicated compliance. The remaining four districts entered the next stage of the sanctions policy. As of February 1, 2011, 11 findings remained open, and these four findings were distributed amongst the four remaining districts. PRDE SAEЕ will continue to review the outstanding noncompliance at these districts and their failure to timely correct the noncompliance in accordance with the established sanctions system.

Throughout 2009-2010, PRDE has continued to work closely with the Southeast Regional Resource Center (SERRC) and the Data Accountability Center (DAC), two USDE-funded technical assistance Centers, for technical assistance related to improving systems for data collection and reporting and general supervision to ensure the correction of noncompliance no later than one year of its identification. PRDE formally entered into a technical assistance relationship with SERRC and DAC in March 2008. More information regarding PRDE's work with SERRC and DAC is discussed below under the subheading Discussion of 2009-2010 Improvement Activities.

Update on the Correction of Non-Compliance Identified in Prior Years

PRDE is pleased to provide its updates on previously identified non-compliance from prior years. The updates on the previously identified non-compliance are arranged below as follows:

- Assistive Technology Evaluation,
- Initial Evaluation,
- Re-evaluations; and,
- Early Childhood Transition.

In assuring verification of correction, PRDE's work has been consistent with the OSEP 09-02 Memorandum. PRDE verified both the correction of individual cases of previously identified noncompliance. For timeline noncompliance, PRDE verified that students' evaluations, re-evaluations, and transitions were completed, even though late. For other categories of noncompliance, such as the finding for Indicator 8, PRDE reviewed the individual case to ensure actions were taken to correct the noncompliance. PRDE also reviewed additional updated data, subsequent to the data from the initial findings, in the area of previously identified noncompliance in order to assure correction of any underlying issues leading to noncompliance and ensure subsequent compliant practice.

Assistive Technology

PRDE herein submits an update on outstanding non-compliance related to students awaiting assistive technology evaluations and related delivery of equipment/services.

Students Referred for Assistive Technology Evaluation and Evaluated, FFY 2008			
Total Referred	Evaluations Verified as Completed	Percentage Completed	Evaluations Pending Verification
1197	1196	99.9%	1

Delivery of Assistive Technology Services and/or Equipment, FFY 2008 Eval. Referral Date			
Total Requiring Services and/or Equipment	Delivery Verified as Completed	Percentage Verified as Completed	Delivery Pending Verification
990	698	70.5%	302

*The total requiring services and/or equipment was updated to properly reflect cases wherein students exited the system or were determined to otherwise not require the services and/or equipment.

For more information regarding PRDE’s efforts in addressing noncompliance related to assistive technology evaluations and services, please see PRDE’s Supplemental Report submitted simultaneously with this FFY 2009 APR.

Timeliness of Initial Evaluations

PRDE has ensured that 100% of students with parental consent to receive initial evaluations during FFY 2008 were evaluated. Under Indicator 11 of the FFY 2008 APR clarification submission, PRDE reported a total of 816 initial evaluations for which it was not yet able to verify had been completed. Below, PRDE provides a table of APR data for Indicator 11 from the FFY 2008 APR clarification submission as a point of reference. The data from this submission were examined, and as charted below, reflect that there were a total of 816 students who were not evaluated within 30 days and for whom PRDE needed to verify their initial evaluations had been completed.

<u>APR Indicator 11 Data</u>	a. Total # of children with parental consent to evaluate	b. Timely evaluated (within 30 days)	Percent of timely (within 30 days) evaluation (b/a)
FFY 2008 (2008-2009)	20,737	17,131	82.6%

PRDE has assured the correction of non-compliance, i.e., has assured the outstanding evaluations have been completed, as reflected by the below table.

<u>Correction of Non-compliance Data</u>	c. Total # of children with parental consent to evaluate who did not receive timely (within 30 days) evaluations (a-b)	d. Total # of children with parental consent to evaluate who received evaluations after 30 days (as reported in the FFY 2008 APR)	e. Total # of children with parental consent to evaluate who were remaining to be verified as evaluated at the time of the FFY 2008 APR clarification submission (c-	f. Total # of children in ‘e’ who PRDE has verified have received their initial evaluation or otherwise exited the system	Percent of children with parental consent to evaluate who did not receive timely (within 30 days) evaluations that have since received initial

			d)		evaluations ((d+f)/c)
FFY 2008 (2008-2009)	3,606	2,790	816	816	100%

Timeliness of Re-evaluations

PRDE has assured that 100% of re-evaluations due during FFY 2008 have been held. In PRDE’s Supplemental Report submitted with its FFY 2008 APR, PRDE reported that 1,455 FFY 2008 re-evaluations were pending as of 1/29/10. As reflected below, PRDE has completed 100% of those re-evaluations.

	Re-evaluations due for the given year that were not timely held	Over-due re-evaluations completed	Percent of overdue re-evaluations that have been completed
FFY 2008 (2008-2009)	1,455	1,455	100%

Early Childhood Transition

Puerto Rico has assured the correction of previously identified noncompliance under Indicator 12, early childhood transition. As of the FFY 2008 APR, PRDE reported 276 outstanding individual student cases from FFY 2008. PRDE has verified that all of those children referred from Part C to Part B have been evaluated, received eligibility determinations and—where determined eligible—had an IEP developed and implemented.

	Students referred from Part C to Part B for whom PRDE had not been able to confirm eligibility determinations and provision of services, where appropriate, as of FFY 2008 APR Clarification	Outstanding cases PRDE has confirmed completion of eligibility determinations and provision of services where appropriate	Percent of overdue re-evaluations that have been verified as complete
FFY 2008 (2008-2009)	276	276	100%

Discussion of 2009-2010 Improvement Activities

PRDE’s collaboration with SERRC and DAC has continued throughout 2009-2010. A series of meetings were held between PRDE, SERRC, and DAC on a variety of topics relating to PRDE SAAE’s general supervision system, including the correction of noncompliance within one year of identification. These meetings are generally held in-person, at PRDE, and each meeting typically lasts two full days. The main participants from PRDE are PRDE SAAE’s Monitoring Unit staff and Special Assistants to the PRDE Sub-Secretary for Special Education. SERRC and DAC have also facilitated the coordinated communications between the PRDE and the Puerto Rico Department of Health, the Lead Agency for Part C, to improve the smooth and timely transition of children from Part C to Part B. The following chart summarizes the key topics addressed during each of the PRDE/SERRC/DAC meetings.

Meeting Dates	Key Topics
September 8-10, 2009	<ul style="list-style-type: none"> ➤ PRDE SAAE TAU staff participated in these meetings along with MCU staff, with a focus on building stronger connections between findings of noncompliance identified through the MCU and technical assistance provided by the TAU. ➤ Reviewed the collection of data and required practices of drafting and issuance of monitoring reports.

Meeting Dates	Key Topics
	<ul style="list-style-type: none"> ➤ Discussed the process of updating the SPP and the APR. ➤ Discussed implications of Supplemental Regulations. ➤ Reviewed data collection forms for monitoring Service Centers (CSEE), especially on indicators 11 and 12. ➤ Revised the CSEE monitoring guide/data collection form and develop interview questions to support the collection and triangulation of data. ➤ Reviewed SERRC/DAC Work Plan for 2009-10 and developed initial list of next expected outcomes. ➤ Held coordination meeting between PRDE and Puerto Rico Department of Health, lead agency for Part C.
December 3-4, 2009	<ul style="list-style-type: none"> ➤ Once again, TAU staff participated in these meetings along with MCU staff enhancing collaboration and connections between the important work of these two units. ➤ PRDE discussed with DAC and SERRC goals to finalize the coming year’s work plan with the technical assistance providers. ➤ Discussed the CSEE site visit report process. ➤ Identified changes needed to the monitoring manual and service center monitoring reports. ➤ Reviewed and updated monitoring calendar. ➤ Met with Part B Data coordinator and reviewed data collection and reporting requirements and data capabilities. Began to develop data management routine document. ➤ Continued coordination between PRDE and PRDH, Part C lead agency personnel to ensure smooth transition.
September 13-14, 2010	<ul style="list-style-type: none"> ➤ Teleconference with DAC regarding validation of data and correction of non-compliance.
October 13, 2010	<ul style="list-style-type: none"> ➤ Teleconference with SERRC to coordinate technical assistance regarding Assistive Technology.
October 22, 2010	<ul style="list-style-type: none"> ➤ Conference with Betty & Kimberly to coordinate technical assistance regarding Assistive Technology.
October 29, 2010	<ul style="list-style-type: none"> ➤ Teleconference with DAC regarding Table 7, Part C to Part B transition, and correction of noncompliance.
December 1-3, 2010	<ul style="list-style-type: none"> ➤ Meeting with DAC regarding assistive technology, Part C to Part B transition, and general supervision system. Training provided by SERRC to CAAT (Assistive Technology Committee) Directors on “Assistive Technology Considerations and Documentation”.

Implementation of Incentives and Sanctions Policy

During FFY 2009, PRDE SAEF exercised the sanctions established in its incentives and sanctions policy for the first time. Although the policy has been in effect since March 5, 2009, PRDE had not yet had occasion to exercise any sanctions as no findings during relevant prior periods had gone uncorrected for more than one year following identification.

Five districts failed to correct findings of noncompliance within one year of identification and received initial sanctions letters in FFY 2009. The PRDE SAEF Monitoring and Compliance Unit conducted visits to all five districts to follow-up on the initial sanction letter and determine if the findings of

noncompliance subsequently had been corrected. One of the five districts exited the sanctions system as a result of these visits. A letter closing out the findings in that district was issued on August 23, 2010.

The remaining four districts entered the next stage of the sanctions policy, and as a result, each district had a face-to-face meeting with Johan Serrano, Associate Secretary of Special Education, to review the continuing compliance issues and emphasize what must be done to correct the noncompliance. Following those meetings, the PRDE SAAE Monitoring and Compliance Unit conducted one final follow-up visit. Unfortunately, none of the remaining four districts was able to demonstrate correction of the identified noncompliance. As a result, these four districts were referred to the PRDE Legal Division for further action, in accordance with the incentive and sanctions policy. As per PRDE SAAE’s policy, the Legal Division has a period of 60 days from receipt of referral to submit recommendations on action to the PRDE Secretary of Education. The Legal Division is still within this 60 day analysis period, as the referral letters were issued on December 13, 2010.

CSEE Monitoring

PRDE SAAE created interim monitoring activities for the Service Centers and began initial site visits to the CSEEs with the greatest compliance concerns during the summer of 2009. While these visits and the follow-up reports issued after these visits did not constitute formal monitoring visits, they allowed the MCU the opportunity to gain a better understanding of the operations and challenges of CSEEs. The interim monitoring activities for the Service Centers addresses several compliance criteria related to initial evaluations including timeliness of initial evaluations, parental consent, use of a variety of assessment tools and strategies for evaluations, administration in the child’s language, and evaluation criteria for the specific learning disability (SLD).

During FFY 2009, PRDE implemented a CSEE monitoring schedule that included formal monitoring visits to all CSEEs. All nine CSEEs received formal monitoring visits during 2009-2010. All nine of the CSEEs received official letters from the Monitoring Unit identifying findings of noncompliance as a result of those visits. As of the time of this report, PRDE SAAE has determined that at least five of those nine CSEEs have corrected the findings of noncompliance. PRDE SAAE looks forward to including correction of finding of noncompliance identified as a result of monitoring visits to the CSEEs in its FFY 2010 APR.

Looking Forward to 2010-2011

During 2010-2011, PRDE SAAE’s work with SERRC and DAC will focus in large part on

- Review assistive technology practices related to evaluations, categorization of equipment, and the implementation of the Assistive Technology procedures manual.
- Facilitate the provision of professional learning and development for transition planning and implementation.
- Continue facilitation of communications and coordination between PRDE and PRDH.
- Assist in the development of routine communication procedures between legal and special education divisions.
- Assist PRDE to produce a data progress report for the state on select 618 data and APR data over a three or four year period.
- Continue to review the monitoring manual and activities to assist PRDE in evaluating the effectiveness of the procedures.
- Support the development of a data management manual that addresses the collection, validation and verification, submission, data analysis, use and reporting of data.
- Assist the PRDE to produce a district special education performance report.

Activity	DISCUSSION
1. Review and revise the monitoring system to include aspects identified as per	PRDE conducted this activity during FFY 2008. Please see the discussion in the FFY 2008 APR. Because of the proximity of the

the SPP	timing of the completion of this activity, it was not repeated in FFY 2009.
2. Send close out letters to entities which evidenced correction of 100% of noncompliance findings	MCU has sent out close out letters to all entities which evidenced correction of 100% of noncompliance findings. As described above, findings of noncompliance identified during FFY 2008 (2008-2009) remain open at four districts. The MCU has sent out close out letters to all districts for which all findings were closed.
3. Send notification letters to entities with repeated non-compliance findings with one year of identification. These letters will identify the level of sanctions and the enforcement activities that will be carried out.	See discussion above. During FFY 2009, five districts entered the sanctions system as a result of failing to correct noncompliance within one year of identification. Each of these districts received the notification letter. As discussed above, one of the districts has since corrected the identified noncompliance.
4. Continue to implement the monitoring cycles to entities providing special education services.	PRDE has continued to hold annual monitoring cycles. As discussed in prior APRs, PRDE's monitoring cycles are based in part on the results of the self-assessment. During FFY 2009, the on-site monitoring calendar was expanded to include visits to the CSEEs in addition to selected districts.
5. Incorporate compliance component as part of the Statewide Personnel Development System.	Training has been given on the indicators as well as strong advice on the requirements. Work has been done to strengthen the connection between the Monitoring Unit and the Technical Assistance unit to make clear understanding of roles and responsibilities and interconnectedness between the monitoring unit's identified findings and technical assistance.
6. Incorporate the use of the data from the special education information system, as part of the monitoring efforts.	See discussion above.
7. Train and provide technical assistance regarding compliance to the educational system.	See discussion above.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2010:

PRDE is not proposing any revisions to its proposed targets, improvement activities, timelines, or resources at this time. However, PRDE reserves the right to adjust its baseline and targets in the future as necessary to ensure meaningful performance reports.

Part B State Annual Performance Report (APR) for FFY 2009

Overview of the Annual Performance Report Development:

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 16: 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, or because the parent (or individual or organization) and the public agency agree to extend the time to engage in mediation or other alternative means of dispute resolution, if available in the State.

(20 U.S.C. 1416(a)(3)(B))

Measurement: Percent = [(1.1(b) + 1.1(c)) divided by 1.1] times 100.

FFY	Measurable and Rigorous Target
<i>FFY 2009 (2009-2010)</i>	100%

Actual Target Data for FFY 2009: 100%

Data from Table 7 (FFY 2009):

- (1) # of written, signed complaints received (total): 77
 - (1.1) # of complaints with reports issued: 64
 - (a) # of reports with findings of noncompliance: 40
 - (b) # of reports within timeline: 62
 - (c) # of reports within extended timelines: 2
 - (1.2) Complaints pending: 0
 - a) # of complaints pending a due process hearing: 0
 - (1.3) Complaints withdrawn or dismissed: 13

FFY 2009 Measurement:

Data Year	1.1(b)	1.1(c)	1.1
2009-2010	62	2	64

Data Year	1.1(b) + 1.1(c)	Divided by 1.1	Times 100	= Percent
2009-2010	64	64	100.00	100%

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2009:

PRDE met the mandatory 100% target for Indicator 16 for FFY 2009. This is the second consecutive year in which PRDE has met the 100% target for this indicator, which is a significant accomplishment and the result of consistent dedication to this compliance indicator over the past several years. This steady and impressive trend of progress to reaching and maintaining 100% compliance with

the timely resolution of State complaints for the second year in a row is evident through a review of PRDE’s APR submissions and its special condition reports relating to State complaints over prior years.

From FFY 2004 to FFY 2009, PRDE’s compliance under Indicator 16 has increased steadily and quite rapidly considering the full circumstances, in an impressive fashion. For each of those years, PRDE reported the following levels of compliance with Indicator 16:

FFY 2004 (Baseline/SPP)	FFY 2005 APR	FFY 2006 APR	FFY 2007 APR	FFY 2008 APR	FFY 2009 APR
0%	2.78%	56.04%	92.65%	100%	100%

At the time of the SPP submission, based on FFY 2004 data, PRDE had a virtually non-functional State complaint process. PRDE struggled with not only the timeliness requirements but also with responding to State complaints whatsoever. A substantial backlog of State complaints accumulated while new complaints continued to be filed into a troubled system.

Due to this situation, a Special Condition was attached to Puerto Rico’s FFY 2006 IDEA grant award relating to its State complaint process. The FFY 2006 Special Condition regarding the State complaint process established a series of timelines by which the PRDE Office of Special Education was required to reduce the then existing backlog of complaints and efficiently manage new complaints. In establishing timelines, the Special Condition classified all complaints into three categories: (i) backlogged unresolved complaints filed prior to 2/28/06 (Backlogged Complaints), (ii) complaints filed between 2/28/06 and 11/30/06 (“New 2006 Complaints”), and (iii) complaints filed between 12/1/06 and 4/30/07 (“Newest Complaints”). The number of Backlogged Complaints that PRDE was facing at the time was 117.

By the close of FFY 2006, PRDE successfully reported upon and thus eliminated the entire category of Backlogged Complaints, closed all of the New 2006 Complaints and met the timeliness requirements for that category as established in the Special Conditions, and successfully closed 66.7% of the Newest Complaints category. Although PRDE was not able to come into full compliance with State complaint procedure timelines for the Newest Complaints category, the progress from the prior year was unquestionable. The main obstacle to PRDE meeting full compliance with the timeliness requirements was that its resources were still consumed in large part in eliminating the Backlogged Complaints and the Newest 2006 Complaints. PRDE reported on its efforts in meeting the FFY 2006 Special Conditions in its Special Conditions Report dated February 1, 2007 and its Final Special Conditions Report dated May 30, 2007.

Despite all of the hard work and solidly demonstrated progress, a Special Condition related to the state complaint process was attached to Puerto Rico’s FFY 2007 IDEA grant award as well. Similar to the FFY 2006 Special Condition, the FFY 2007 Special Condition established a series of timelines by which PRDE was required to reduce the existing backlog of complaints and come into full compliance with the timeliness requirements. The FFY 2007 Special Condition classified complaints into the following three categories: (i) complaints filed before May 1, 2007, (ii) complaints filed between May 1, 2007 and November 30, 2007, and (iii) complaints filed between December 1, 2007 and April 30, 2008. PRDE successfully complied with its Special Conditions eliminating all backlogged complaints, demonstrating increased compliance with the timeliness requirements over the progression of complaint groupings, and reported that 96.3% of complaints in the final category had timely decisions issued. PRDE reported on its efforts in meeting the FFY 2007 Special Conditions in its Special Conditions Report dated February 1, 2008, its Final Special Conditions Report dated May 30, 2008, and its Final Special Conditions Report Update filed June 30, 2008. PRDE’s substantial compliance with the timeliness requirements were sufficient to have the special conditions lifted. As a result of PRDE’s hard work and demonstrated improvement, there is no Special Condition related to State complaints attached to Puerto Rico’s FFY 2008 IDEA grant.

In Puerto Rico’s FFY 2008 IDEA Part B grant award, OSEP notified PRDE that Puerto Rico’s FFY 2008 IDEA Part B grant award would not include any special conditions regarding State complaints due to

Puerto Rico's demonstrated progress and substantial compliance with the timeliness requirements for State complaint resolution. Specifically, OSEP noted:

...on the issue of State complaints, Puerto Rico submitted a revised progress report on June 30, 2008, indicating that there is no longer a backlog of overdue State complaints and that for the 20 State complaints filed between December 1, 2007 and April 30, 2008 and for which a written decision was due, 95% of the decisions were timely. OSEP looks forward to Puerto Rico's demonstration of continued substantial compliance related to State complaints.

OSEP FFY 2008 IDEA Part B Grant Award Letter to PRDE dated July 3, 2008, p. 2. Recognizing PRDE's sustained compliance, USDE did not issue any special conditions related to this indicator for FFY 2009 either. Although the special conditions have been removed, PRDE has continued to report its compliance with issuing timely reports resolving state complaints on a quarterly basis under Puerto Rico's 2007 Compliance Agreement with the United States Department of Education.

PRDE's 100% compliance with issuing timely reports resolving State complaints throughout FFY 2009 has continued into FFY 2010. In fact, PRDE is proud to report that it is in 100% compliance under this indicator for FFY 2010 to date. A log of State complaints filed July 1, 2010 through December 31, 2010 is included in Attachment 1 and the aggregate data is included in PRDE's APR Supplemental Report.

In addition to its compliance with timeliness requirements of 34 CFR § 300.152, PRDE has continued to make significant administrative efforts to improve its overall work with State complaints and to ensure the sustainability of its compliance with the timeliness requirements. First, PRDE added a staff member dedicated to State complaint resolution over the past year. In July 2009, a new Administrative Complaint Investigator (Lead Administrative Complaint Investigator) was assigned to oversee and manage the tracking of the state complaints and to help collect the data for federal reporting. PRDE provided training and technical assistance to the new Administrative Complaint Investigator to help with the transition.

Staffing for the overall handling of the State Complaint process (including intake, investigation, analysis and report issuance) consists of two investigators, an administrative assistant, and an attorney. The two investigators divide the complaints equally and meet on a nearly daily basis to discuss effective strategies and approaches. These regular discussions have been extremely helpful to the resolution process. Each investigator is responsible to investigate, follow-up, draft and file his or her report. The Director of the SELD is the attorney responsible for drafting the final reports, and the secretary assists with the overall management of the complaint process.

Over the past year, the SELD has closely monitored the State Complaint workload and workflow to determine if additional resources were required. SELD has determined that the current staffing level is sufficient. Nonetheless, as a protective measure and in the abundance of caution, SELD has trained two additional attorneys on the State Complaint process and tasked them with the responsibility of assisting in the State Complaint process if and when periods of time arise in which additional resources are needed.

Pending complaints are monitored regularly through the status logs maintained by the complaint investigators. Each Administrative Complaint Investigator manages his or her own complaints in a single log with a system of alerts to indicate the time left to resolve each complaint within the 60-day timeline. The Administrative Complaint Investigators regularly update the log and provide the status information to the relevant parties to ensure complaints are handled in a timely manner. An analysis of the State Complaints' files is made monthly to ensure all complaints are registered.

PRDE has amended its State complaint filing process in order to make it easier to file a complaint island wide. In addition to being filed at the central level, a State complaint can now be filed in every Educational Region or even submitted by mail. During a quarterly visit related to the 2007 Compliance Agreement, PRDE shared evidence with OSEP of State Complaints received by mail. The Administrative Complaint Investigators receive help from all the other Investigators assigned to the Regions. These investigators are duly trained in the process of State Complaint Management. Through these efforts, PRDE is working to ensure that the State complaint process is accessible to everyone in Puerto Rico.

The PRDE SELD uses the Legal Register Information System to enter and keep track of all the State complaints. Moreover, this system will be part of a proposed integrated system in which due process complaints, lawsuits and other legal matters will be recorded with the purpose of having a global overview of the cases dealt with in the Legal Division regarding special education services. This proposed integrated system will make it easier to identify and investigate the background of each case. Specific to State complaints, the Investigators and the Lawyers will have access to the system and will register all the process done with the complaint. This System will allow all the personnel involved in the State complaint process to know the exact status of each complaint and will help PRDE to maintain the compliance with the timelines. Currently, complaint data is entered and accessible in the Legal Register Information System. Although the integrated system is not yet in operation, meetings are scheduled in the coming month regarding the implementation of the integrated system.

PRDE has achieved these accomplishments through much hard work and dedication from its team of people in the SELD. PRDE appreciates the support and assistance it has continually received from OSEP as it has worked to achieve this goal.

Activity	Discussion
1. Validation checks of information system to ensure all complaints are being recorded.	Analysis of the state complaint files and the information system is made to ensure all complaints are registered. That State Complaints data system is operating efficiently. There have not been any problems with efficient and regular data input.
2. Monitor timeline of all pending complaints and determine if further action need be taken (i.e., communication with investigator or assigned lawyer to determine why any delay in progress, etc.).	PRDE complied with this activity throughout FFY 2009. Each Administrative Complaint Investigator manages his or her own complaints in a single status log with a system of alerts to indicate the time left to resolve each complaint within the 60-day timeline. The Administrative Complaint Investigators regularly update the log and provide the status information to the relevant parties to ensure complaints are handled in a timely manner.
3. Hold trainings for investigators, lawyers, and other personnel related to the state complaint process.	Appropriate personnel have received training related to the State Complaint process.
4. Review and improve as appropriate the state complaint filing process, to include designing and incorporating a new model complaint form and expanding the sites wherein a state complaint can be filed.	PRDE has made significant strides with this activity, particularly since FFY 2007, continuing through FFY 2009. During FFY 2007, PRDE reviewed and improved its State complaint filing process, including two key accomplishments: (i) designing and incorporating a new model complaint form and (ii) expanding the sites where a State complaint can be filed. During FFY 2008, PRDE continued with the use of the new model complaint form and the expansion of ways in which a State complaint can be filed, including filing by mail. During FFY 2009, PRDE ensured the complaint form was available on the PRDE website, along with the postal address for submission of state complaints by mail.
5. Evaluate resources and	As discussed above, PRDE has monitored the State Complaint

seek to hire new personnel to work with the state complaint process as determined appropriate (likely an additional investigator and an additional lawyer).	workload and has determined that current staffing levels are sufficient. The current staffing arrangement consists of four staff members dedicated to the State Complaint process (two Investigators, a Secretary, and the Director of SELD). An additional two attorneys have been trained and designated to assist this core staff of four in the event additional resources are needed.
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Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2010:

PRDE is not proposing any revisions to its proposed targets, improvement activities, timelines, or resources at this time. However, PRDE reserves the right to adjust its baseline and targets in the future as necessary to ensure meaningful performance reports.

Part B State Annual Performance Report (APR) for FFY 2009

Overview of the Annual Performance Report Development:

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 17: Percent of adjudicated due process hearing requests that were adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party or in the case of an expedited hearing, within the required timelines.

(20 U.S.C. 1416(a)(3)(B))

Measurement: Percent = [(3.2(a) + 3.2(b)) divided by 3.2] times 100.

FFY	Measurable and Rigorous Target
FFY 2009 (2009-2010)	100%

Actual Target Data for FFY 2009: 69.2%

Data from Table 7 (FFY 2009):

Data Year	3.2—Hearings (fully adjudicated)	3.2(a)—Decisions within timeline	3.2(b)—Decisions within appropriately extended timeline
2009-2010	1,152	707	90

FFY 2009 Measurement:

Data Year	3.2(a) + 3.2(b)	3.2	$\frac{[3.2(a) + 3.2(b)]}{3.2}$	Times 100	= Percent
2009-2010	797	1,152	$\frac{797}{1152} = 0.692$	$0.692 \times 100 = 69.2$	69.2%

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2009:

PRDE continues focused on improving the management of and compliance with the due-process hearing timelines. Although PRDE did not meet the mandatory 100% target for this indicator, PRDE significantly improved performance with this indicator for FFY 2009. The percent of due-process hearing requests that were fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party for FFY 2009 was 69.2%, which reflects a 16.4% increase

from FFY 2008. The following chart demonstrates PRDE's marked improvement with this indicator as compared with the past three years.

PRDE Performance on Ind. 17, FFY 2006-FFY 2009			
FFY 2006 APR	FFY 2007 APR	FFY 2008 APR	FFY 2009 APR
51.5%	50.1%	52.8%	69.2%

As of January 13, 2011, PRDE has been able to verify that 98.5% of all due process complaints filed during FFY 2009 have been closed, even if beyond the required timeline. Of the 2,068 due process complaints filed during FFY 2009, only 31 cases remain open as of January 13, 2011.

Appropriate Extension of Timelines

Leading up to FFY 2009, PRDE concerted efforts to ensure its administrative law judges (hearing officers) understood how to and were properly extending hearing timelines. Due to prior concerns regarding the proper extension of timelines, PRDE took a very strict stance on counting hearing officers' reported extensions of time as being 'appropriately extended', and as a result, reported no due process hearings as having been appropriately extended for two years. In the FFY 2008 APR, PRDE was able to once again begin reporting cases that had timelines that were appropriately extended. This was a result of PRDE's concerted efforts in this area, including trainings focused on this topic held in February and May 2009. The improvement activities from late FFY 2008 had a positive impact on the FFY 2009 data. During FFY 2009, a total of ninety-six due process complaints were resolved beyond 45 days but with an appropriately extended timeline.

PRDE continues to see an increase in the number of 'properly extended' timelines, which is reflective of PRDE's efforts in training its hearing officers and revising its procedures in this area.

Overall Timely Resolution of Due-Process Complaints

In considering the entire universe of due-process complaints filed, PRDE resolved 79% of those complaints in a timely manner. Indicator 17 focuses on the timeliness of due-process complaints that move forward to a hearing; however, efforts at resolving due-process complaints in a non-adversarial manner, including the resolution and mediation process, contribute to the overall timely resolution of due-process complaints filed. Considering the overall resolution of all due process complaints, PRDE resolved 79% of all due process complaints filed during FFY 2009 in a timely manner. As demonstrated in the table below, this reflects steady progress in the overall timely resolution of due-process complaints as compared to prior years.

Due-Process Complaints Resolved Timely Overall (including without a Hearing)			
FFY 2006 APR	FFY 2007 APR	FFY 2008 APR	FFY 2009 APR
53%	70%	73%	79%

Analysis by Month: Overcoming Previously Identified Challenges

In the FFY 2008 APR, PRDE noted that there were two periods during the year in which PRDE tended to face special challenges in complying with the 45-day timeline: winter holiday season and

summertime. During those periods, it can be difficult to convene parents and the necessary PRDE personnel because so many are on vacation, sometimes for extended amounts of time.

PRDE actively worked to combat these challenges during FFY 2009, and such focused efforts produced results. The following chart compares PRDE's FFY 2008 and FFY 2009 performance, by month, with Indicator 17.

Month	FFY 2008	FFY 2009	Change
July	34.4%	61.9%	+27.5%
August	60.9%	71.4%	+10.5%
September	55.8%	57.1%	+1.3%
October	48.0%	67.6%	+19.6%
November	36.2%	45.2%	+9.0%
December	63.5%	43.1%	-20.4%
January	60.7%	80.2%	+19.5%
February	69.0%	88.3%	+19.3%
March	81.4%	88.2%	+6.8%
April	62.4%	76.7%	+14.3%
May	23.7%	68.7%	+45.0%
June	22.9%	62.0%	+39.1%

Comparing FFY 2008 to FFY 2009, PRDE saw particularly significant increases for the summer months—one of the periods in which PRDE had faced significant challenges. During May, June, July, and August, PRDE increased performance under Indicator 17 by 45.0%, 39.1%, 27.5%, and 10.5%, respectively. The average for these summer months increased from 35.5% to 66.0%. PRDE increased monitoring and vigilant focus on ensuring compliance during these months definitely contributed to significant improvement in performance. In FFY 2009, December was the only month during which PRDE saw a decrease in performance as compared to FFY 2008. PRDE plans to take a closer look at issues that may have contributed to this slippage and focus resources on ensuring improved performance during this December in coming years.

Additional Discussion of Improvement Activities

PRDE hired several new hearing officers, and all hearing officers contracts were in place and began working under their 2010-2011 contracts on July 1, 2010. That all contracts were in place in time for new judges to begin working immediately on July 1, 2010 reflects PRDE's planning and focus on ensuring compliance with due process hearing timelines during FFY 2009. Hearing officers were trained on IDEA and special education requirements generally. Most of the newly selected judges came to PRDE with extensive experience as hearing officers with other agencies.

Additionally, PRDE has received assistance from outside technical assistance sources and taken actions as a result of that technical assistance. In the fall of 2007, PRDE contacted SERRC and DAC for technical assistance. During the past several years, SERRC and DAC have worked with PRDE to enhance and broaden the scope of the system of general supervision. Specific to Indicator 17, SERRC sponsored a series of three webinars on legal training with the administrative law judges. The purpose of the webinars was to train them in procedural safeguards. These webinars occurred over several months beginning in the fall of 2009. One of the 2009 SERRC trainings for the administrative law judges on Indicator 17 utilized iLinc video/audio technology. That training focused on: timelines and extensions for due process complaints; hearings and judicial authority to award attorneys fees under IDEA; review PRDE then-draft policy on due process timelines extensions, and implication of compliance with due process timelines on APR determinations.

More recently, an all day workshop was conducted in March 2011 for the administrative law judges including new in PRDE. This workshop was led by Art Cernosia. The workshop summarized the current statutory and regulatory requirements. Reference was made to a series of Questions and Answers documents prepared by OSERS. PRDE will continue to look to outside technical assistance sources in evaluating options for additional training as necessary in FFY 2011.

During FFY 2010, to ensure sustained involvement towards compliance, PRDE continued with the improvement activities outlined in the SPP as reflected in the table below.

Activity	Discussion
<p>1. Include due process procedures as part of the Statewide Personnel Development System to ensure personnel's understanding and implementation of adequate processes.</p>	<p>Trainings are continuously held as a part of the statewide personnel development system for teachers, general supervisors, and district supervisors. Mediation and resolution meetings are included as topics.</p> <p>Specifically, during August through November, PRDE/SAEE continued to disseminate information and services to districts, as require by the RLV plaintiff case. SAEE and districts met with parents, teachers and other special education personnel to train provide training on different topics, including due process. PRDE contracted with FILUS, who also provided training to all special education facilitators and supervisors on issues related to due process complaints in June 2010.</p> <p>Additionally, during the month of October, the legal division offered training in this area to representatives of APNI.</p>
<p>2. Request administrative judges to make an explanation of the reasons for resolutions being issued after 45 days timeline.</p>	<p>There is continuous communication with the judges to request written explanations for every resolution issued after the 45-day timeline. The requirement to provide these explanations is part of the yearly contract agreements.</p>
<p>3. Continue to inform administrative judges on due process requests that are near the 45 days timeline expiration.</p>	<p>The information system that supports the due-process procedures was modified to create reports indicating timeline compliance status. Reports are sent to judges every month alerting them of upcoming timeline expirations and asking for explanations for those cases beyond the timeline.</p> <p>Additionally, PRDE stresses the importance of compliance with the timelines during group and individual meetings with the judges. PRDE also follows-up with judges regarding cases quickly approaching and/or past the 45 day timeline during these meetings.</p>
<p>4. Continue periodic training, continuing education, for administrative law judges.</p>	<p>Several training sessions (July 10 and August 13, 2009; March 23, 2010) were held with the judges in FFY 2009 to address several of their previously expressed needs,</p>

	<p>especially the discussion of the proper extension of timelines for the due process complaints according to OSEP best practices. In FFY 2009, PRDE continued to meet regularly with the judges and review template forms as necessary.</p>
<p>5. Encourage and publicize resolution session option to complainants.</p>	<p>There is an information sheet on the availability of resolution meetings at the service centers; it is also provided when parents are filing a due process complaint. PRDE personnel encourage the use of the resolution meeting as an alternative for solving any dispute. Resolution meeting facilitators (staff responsible for holding the resolution sessions) are located at the service centers for parents' easy access and closeness to the schools and school districts.</p> <p>PRDE provides an informational brochure on options to complainants, such as resolution meetings, mediation and due process hearings.</p>
<p>6. Re-train personnel on the due process procedures including the newly incorporated Resolution Meeting processes.</p>	<p>Re-trainings continue island-wide. Resolutions meetings are an alternative already integrated into the service structure of PRDE.</p>
<p>7. Review and amend contracts to be used with the administrative judges to specifically include compliance with timeline requirements.</p>	<p>The contracts were revised to include a clause requiring full compliance with IDEA requirements, including the appropriate timelines extension. The contracts are renewed every year and include the clause.</p>
<p>8. Include in the information system a system for issuing alerts identifying due process cases that are approaching the end of their timelines.</p>	<p>The information system that supports the due-process procedures was modified in FFY 2008 to create reports indicating timeline compliance status. PRDE SAAE developed a manual for proper operation of the information system, a manual with both technical and procedural aspects of data entry and validation. Improvements are being reviewed and considered.</p>
<p>9. Conduct a needs study to determine training area needs for administrative judges.</p>	<p>A needs study was performed during FY2008 that updates a previous needs study. Ongoing input from judges regarding training area needs is sought continuously. One area the judges requested assistance with was ensuring uniform preparation of orders and filings. As a result, several template documents were reviewed and issued, including partial resolution and full resolution orders, administrative hearing orders and notifications. Judges were trained on the proper and consistent use of these forms. Criteria for documenting appropriate extension of time were a key training issue as well.</p>

<p>10. Train administrative judges on the requirements for proper time extensions for the 45-day timeline, along with other topics, in accordance with the needs study discussed above.</p>	<p>As discussed above, the judges have been trained, as they requested through a previous needs study, in regards to the proper extension of the 45-day timeline and other matters. This continues to be an on-going theme discussed in meetings and trainings.</p>
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Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2010

PRDE is not proposing any revisions to its proposed targets, improvement activities, timelines, or resources at this time. However, PRDE reserves the right to adjust its baseline and targets in the future as necessary to ensure meaningful performance reports.

Part B State Annual Performance Report (APR) for FFY 2009

Overview of the Annual Performance Report Development:

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 18: Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.

(20 U.S.C. 1416(a)(3)(B))

Measurement: Percent = (3.1(a) divided by 3.1) times 100.

FFY	Measurable and Rigorous Target
<i>FFY 2009 2009-2010</i>	51%

Actual Target Data for FFY 2009: 61.97%

Data from Table 7 FFY 2009

- (3.1) Resolution sessions 831
- (a)Settlement agreements 515

FFY 2009 Measurement:

Data year	3.1(a) Settlement Agreements	3.1 Resolutions Sessions Held	3.1(a) Divided by 3.1	= Percent
2009-2010	515	831	515/831 = 0.6197	61.97 %

During this reporting period, PRDE participated in 831 resolution sessions. Of those, 515 (61.97%) resulted in agreements that resolved the underlying due process complaint in full.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2009:

During 2009-2010, 831 resolution sessions were held, of which 515 resulted in settlement agreements that resolved the due process complaint in full. This represents a 61.97% success rate of resolution sessions. As such, PRDE met its FFY 2009 measurable and rigorous target of 51%. This is an increase of nearly 10% from PRDE’s FFY 2008 actual measurement of 52.7%. Attachment 2 of the present APR includes Table 7.

In FFY 2008, PRDE implemented for the first time an informal parental satisfaction survey conducted. For FFY 2009, PRDE continued having mediation participants complete satisfaction surveys

regarding their experience. The resolution meeting facilitator at each CSEE was responsible for providing the survey to parents at the conclusion of the resolution session. Of the surveyed parents, 57% felt listened to, 50% felt respected, and 56% felt engaged in the discussion and decision making process. Regarding special education staff involved in the resolution process, 61% of those surveyed indicated the staff involved demonstrated the necessary knowledge and management of the subject matter—both generally and case specific. Only 7% of those surveyed reported that they were not satisfied with the resolution meeting process. PRDE plans to revise the satisfaction survey for FFY 2010 to improve the usefulness of the information gathered.

Activities	Discussion
<p>1. Visits to the CSEE to monitor the implementation of the meetings and supervise the investigators' work.</p>	<p>Visits to the CSEEs continued in FFY 2009. Central level staff, specifically the SAEE central level investigator in charge of overseeing the resolution process, was in constant communication with the Resolution Meeting Investigators located at the CSEE—including emails, weekly phone calls, and on-site visits.</p> <p>Additionally, the SAEE Monitoring Unit made on-site monitoring visits during FFY 2009 to all CSEEs, including each CSEEs Resolution Meeting Division. No findings of noncompliance were identified connected to the resolution process.</p>
<p>2. Meetings with the resolution meetings investigators/facilitators to review any challenges they are facing and clarify doubts about the process and their responsibility.</p>	<p>Individual teleconferences and technical assistance activities were carried out throughout the reporting period. All regional personnel received assistance. During the teleconference, PRDE gives follow-up regarding compliance with timelines, status of cases, and provides consultation regarding the resolution of issues pending in cases in the resolution process.</p>
<p>3. Monitor and ensure timeliness of resolution sessions to include tracking timelines through the designed computer system.</p>	<p>A tracking system was established with the Secretarial Unit computerized system. The Secretarial Unit is charged with overseeing the management of due process complaints, and as such, their data management system was the logical location to maintain resolution session data as well.</p> <p>As mentioned in the discussion of Activity #1 above, the SAEE Monitoring Unit monitored the Resolution Meeting Divisions at each of the CSEEs during FFY 2009. No findings of noncompliance related to the resolution process, including timeliness, were identified as a result of the monitoring visits.</p>
<p>4. Continue to design and provide trainings to the investigators/facilitators to further train them in dispute resolution and conflict management.</p>	<p>Group training in dispute resolution and conflict management was provided to the investigators and resolution meeting facilitators in the spring 2010.</p>

	<p>SELD provided one-on-one trainings and technical assistance with representatives from each center individually.</p> <p>Specific trainings for the Resolution Meeting Investigators were provided April 14 & 26, 2010, May 24, 2010, and June 3 & 17, 2010.</p>
5. Continue to design and provide training to all other relevant personnel (including process, forms, best practices, etc.).	See progress reported for activity # 4 above.
6. Recruit and hire new investigators as the positions open.	PRDE is able to manage the resolution process with the existing personnel and staffing levels.
7. Offer training to all special education teachers around the Island.	Such training is on-going.
8. Implement parental evaluation regarding the resolution session experience.	See discussion above. As mentioned above, PRDE plans to revise the satisfaction survey for FFY 2010 to make it a more user-friendly format and to improve its overall usefulness.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2010

PRDE is not proposing any revisions to its proposed targets, improvement activities, timelines, or resources at this time. However, PRDE reserves the right to adjust its baseline and targets in the future as necessary to ensure meaningful performance reports.

Part B State Annual Performance Report (APR) for FFY 2009

Overview of the Annual Performance Report Development:

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 19: Percent of mediations held that resulted in mediation agreements.

(20 U.S.C. 1416(a)(3)(B))

Measurement:

Percent = [(2.1(a)(i) + 2.1(b)(i)) divided by 2.1] times 100.

FFY	Measurable and Rigorous Target
FFY 2009 2009-2010	64.5%

Actual Target Data for FFY 2009: 73.97%

Data from Table 7 (FFY 2009) Used for Measurement

Data Year	2.1(a)(i) – Agreements Reached in Mediations Related to Due Process	2.1(b)(i) – Agreements Reached in Other Mediations (not Related to Due Process)	2.1 – Total Number of Mediations
2009-2010	258	46	411

Measurement

Data Year	2.1(a)(i) + 2.1(b)(i)	Divided by 2.1	Multiplied by 100	Percentage/Measurement
2009-2010	304	304/411 = 0.7397	0.7397 x 100 = 73.97	<u>73.97%</u>

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2009:

PRDE has in place procedures to resolve special education services controversies through mediation. PRDE’s mediation procedures allow parents and the agency to resolve a controversy with the intervention of an impartial mediator, on a voluntarily basis. In Puerto Rico, mediation can be requested as part of a due process request or by itself, outside of the filing of a due process complaint. Both alternatives require the identification of a mediator and scheduling mediation meetings in a timely manner.

When mediation is requested as part of a due process request, the process is overseen by the Secretarial Unit. The mediation option is included on the model due process complaint form. When a

party enters the mediation process in this manner, the Secretarial Unit receives the mediation request and enters the data into a database to keep track of the process. Once the mediation meetings have occurred, the mediator informs the Secretarial Unit of the results of the meetings, and the Administrative Law Judge (Hearing Officer) is informed in order to continue with the due process procedures accordingly. Mediation procedures under this alternative must take place within the due process timelines. If an agreement is not reached during the mediation, the hearing shall proceed, and a decision reached within the 45-day term.

When mediation is requested outside of a due process complaint, the Secretarial Unit is also in charge of the process of receiving, entering the data, and tracking the progress of the mediation. These mediations do not face the time constraints of those entered within the realm of a due process complaint.

Information regarding the mediation option is also available on the PRDE website as well as in the PRDE SAEE Procedures Manual.

PRDE met its FFY 2009 target of 64.5%, exceeding that target by nearly 10%. The following table highlights PRDE’s continual increase in performance under Indicator 19 over past years. Although there was an approximate decrease of 1% from FFY 2008 to FFY 2009 regarding the percent of mediations that resulted in mediation agreements, PRDE does not see this as problematic. In FFY 2009, PRDE sustained a very high level of performance in holding successful mediations.

Demonstrated Progress with Indicator 19 Over Time				
FFY 2005	FFY 2006	FFY 2007	FFY 2008	FFY 2009
43.3%	57.9%	69.97%	75.1%	73.97%

The following chart provides information on the accomplishments, progress, and slippages of the activities proposed in the SPP for the implementation of this indicator.

Activity	Discussion
1. Include mediation as part of the statewide Personnel Development System to ensure adequate comprehension and implementation of mediation process.	PRDE, in a continuous and on-going process, has arranged formal and informal orientations and trainings to its teachers and school personnel through its general supervisors and district supervisors. Mediation is included in the trainings.
2. Disseminate mediation process to schools and public.	During FFY 2009, PRDE approved a new <u>Procedure Manual for the Secretarial Unit</u> , a new application for <u>Due Process Complaint</u> and another for <u>Mediation not related to due process</u> . As reported in the FFY 2008 APR, final approval of these documents required review by and discussion with the Rosa Lydia Velez plaintiffs’ class. Many meetings and administrative hearings were held to reach an agreement, and in December 2009, the class and PRDE finally approved the new manual and applications. Additionally, PRDE distributes a brochure regarding the mediation process across the schools, centers, and districts; and, the parent

	<p>assistance unit conducts activities promoting the mediation option.</p> <p>PRDE has continued dissemination efforts through informational meetings at the CSEEs in collaboration with the CSEE and District social workers, and APNI (PR DTA).</p>
3. Include mediation as part of the focused monitoring system.	The PRDE Secretarial Unit for Provisional Remedy handles monitoring/oversight of the mediation program.
4. Encourage and publicize mediation options.	See progress reported for activity # 2 above.
5. Provide on-going training to mediators.	PRDE continues to provide on-going training for mediators.
6. Collect evaluation feedback from mediators and mediation participants.	During FFY 2009, PRDE decided that collection of evaluation feedback was not necessary at that time. PRDE is considering the usefulness and approach to collecting evaluation feedback for FFY 2010.
7. Analyze evaluation feedback materials to help identify mediation skills that enhance likelihood of mediation resulting in agreement.	See progress reported for activity # 6 above.
8. Schedule Mediations in a timely manner.	<p>In the past, scheduling mediations in a timely manner was sometimes problematic due to the lack of staff in the office managing mediations and because of the high volume of due process complaints filed. Nonetheless, since the implementation of the Resolution Meetings, the volume of mediations has decreased because parents now have another process to sort out disputes regarding Special Education services.</p> <p>For FFY 2009, PRDE did not experience any difficulties regarding the timely coordination of mediations.</p>

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2010:

PRDE is not proposing any revisions to its proposed targets, improvement activities, timelines, or resources at this time. However, PRDE reserves the right to adjust its baseline and targets in the future as necessary to ensure meaningful performance reports.

Part B State Annual Performance Report (APR) for FFY 2009

Overview of the Annual Performance Report Development:

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 20: State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.

(20 U.S.C. 1416(a)(3)(B))

Measurement:

State reported data, including 618 data, State Performance Plan, and Annual Performance Reports, are:

- a. Submitted on or before due dates (February 1 for child count, including race and ethnicity; placement; November 1 for exiting, discipline, personnel and dispute resolution; and February 1 for Annual Performance Reports and assessment); and
- b. Accurate, including covering the correct year and following the correct measurement.

States are required to use the “Indicator 20 Scoring Rubric” for reporting data for this indicator (see Attachment B).

FFY	Measurable and Rigorous Target
<i>FFY 2009 (2009-2010)</i>	100%

Actual Target Data for FFY 2009: 97.78%

PRDE has computed its actual target data for the FFY 2009 APR in accordance with the OSEP tables for Indicator 20 Data Rubric. The completed tables appear below.

APR Indicator	Valid and Reliable	Correct Calculation	Total
1	1	-	1
2	1	-	1
3A	1	1	2
3B	1	1	2
3C	1	1	2
4A	1	1	2
4B	1	1	2
5	1	1	2
7	1	1	2
8	1	1	2

APR Indicator	Valid and Reliable	Correct Calculation	Total
9	1	1	2
10	1	1	2
11	1	1	2
12	1	1	2
13	1	1	2
14	1	1	2
15	1	1	2
16	1	1	2
17	1	1	2
18	1	1	2
19	1	1	2
		Subtotal	40
APR Score Calculation	Timely Submission Points - If the FFY 2009 APR was submitted on-time, place the number 5 in the cell on the right.		5
	Grand Total - (Sum of subtotal and Timely Submission Points) =		45.00

618 Data - Indicator 20					
Table	Timely	Complete Data	Passed Edit Check	Responded to Data Note Requests	Total
Table 1 - Child Count Due Date: 2/1/09	1	1	1	1	4
Table 2 - Personnel Due Date: 11/1/09	1	1	1	N/A	3
Table 3 - Ed. Environments Due Date: 2/1/09	1	1	1	1	4
Table 4 - Exiting Due Date: 11/1/09	1	1	1	N/A	3
Table 5 - Discipline Due Date: 11/1/09	1	1	1	N/A	3
Table 6 - State Assessment Due Date: 2/1/10	1	N/A	N/A	N/A	1

Table 7 - Dispute Resolution Due Date: 11/1/09	1	1	1	N/A	3
				Subtotal	21
618 Score Calculation			Grand Total (Subtotal X 2.143) =		45.00
Indicator #20 Calculation					
A. APR Grand Total				43.00	
B. 618 Grand Total				45.00	
C. APR Grand Total (A) + 618 Grand Total (B) =				88.00	
Total N/A in APR				0	
Total N/A in 618				0	
Base				90.00	
D. Subtotal (C divided by Base*) =				0.978	
E. Indicator Score (Subtotal D x 100) =				97.78	
*Note any cell marked as N/A will decrease the denominator by 1 for APR and 2.143 for 618					

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2009:

PRDE achieved 97.78% or rounded – 98% on Indicator 20, only missing the 100% target by approximately two percentage points. This is an increase from FFY 2008 actual measurement of 94.72%. PRDE is pleased to have demonstrated improvement and expects to continue to use the activities noted in the discussion and improvement activities to continue to improve.

PRDE is a 'six-for-six state' for EDEN-only reporting, meaning the State has passed the congruency analysis between the EDEN submitted data and the corresponding OSEP data Tables 1 through 6. The six data tables are Table 1 (Child Count), Table 2 (Personnel), Table 3 (FAPE), Table 4 (Exiting Special Education), Table 5 (Discipline), and Table 6 (Assessment).

618 Data Collection and Validation Activities

This is the third year that the SEASWEB system has been used for collection and reporting of 618 data. PRDE trained and retrained teachers, principals, zone supervisors and other personnel from Districts and Service Centers on the use and management of the SEASWEB program. PRDE provides support and clarifications for school principals, teachers and staff from the Service Centers and School Districts in the fields or data elements required in the application for the collection and updating of the 618 data. PRDE also prepared a quick and easy guide in the use of SEASWEB for users, as well as, having disseminated and discussed the progress of data entry and their importance for data collection. Activities to verify and validate the appropriate entry of data by different users and levels were conducted throughout the year to identify obstacles in data entry and provide alternatives and / or solutions to them.

APR Data Collection and Verification Activities

Mechanisms PRDE used during the 2009-2010 school year to ensure error free, consistent, and valid and reliable data include:

- Cross-team data workgroup
- Defined values for data elements

- Validations/edit checks to prevent data mismatches to be submitted
- Edit checks to prevent null and invalid values to be submitted
- Written technical instructions outlining application use
- Collected and calculated data in a consistent manner for all LEAs
- Contract was used to the validation and verification process to assist on data quality and accuracy
- Statewide technical training in the use of the specific data applications provided to LEAs
- Data dictionary with common definitions across data collections (being developed)
- Statewide training on specific data elements (for example, initial evaluation, Part C to Part B transition)
- Web posting of statewide training for ongoing user access (for example, educational environment)
- Review of submitted data by PRDE staff for anomalies and contacts to Special Education Services Centers and districts when anomalies were identified
- Summary reports generated after data had been submitted and LEAs provided a window of time for data corrections

PRDE has received extensive technical assistance from the Data Accountability Center (DAC). Validation efforts included comparing data from the system to data recorded manually from all of the service centers and school districts. Since it is a new system this validation process was necessary to provide the system capacities for managing data, and also to monitor the data entry which was crucial for the system availability for accurate reporting.

Local school district personnel are trained in each LEA to enter data for the web based data system. In addition, call-in assistance is available to staff responsible for data entry to assist with accurate and timely collections and reporting. Assistance is also available from the Special Education Services Centers who have been trained on the State data systems. The Services Centers Information System Technicians meet monthly via teleconference with the Part B Data Manager to discuss issues including data issues and provide PRDE with suggestions for revisions to data collection instructions and procedures and training/technical assistance.

Activities	Discussion
1. Continue to train special education personnel and other related staff in the new data based information system.	See discussion above. This is a continuous activity. These trainings are attended by new teachers, directors and other new personnel.
2. Continue with implementation of our data base information system island wide.	Throughout 2009-2010, PRDE continued implementation of the database information system island wide. PRDE is continuing its efforts to build the technological culture, including comfort level with SEASWeb, throughout PRDE. PRDE's Special Education Data Unit has made collaboration with other units of the Special Education Office a priority in order to ensure the ongoing work with the data based information system. PRDE will continue to ensure integrated monitoring activities.
3. Incorporate new elements to the data system to improve in our data collection and reporting (Transportation, Assistive	The system is one dynamic which allows integrating new data elements as needed or requested to maintain an appropriate, reliable and valid data. As such, efforts are

technology, Appointments coordination) Complaints / Due Process Hearings	continually made to move in that direction and to improve in quality data end reporting.
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Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2010:

PRDE is not proposing any revisions to its proposed targets, improvement activities, timelines, or resources at this time.