

Part B State Annual Performance Report (APR) for FFY 2008**Overview of the Annual Performance Report Development:**

For the Puerto Rico Department of Education (PRDE) Office of the Special Education (SAEE), the FFY 2008 has been one of collaborative work to ensure compliance and progress with the State Performance Plan (SPP)/Annual Performance Report (APR) indicators.

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 January of 2009 there was the transition process with a new SAEE leadership team under a new administration. This was a very smooth transition. Meetings were held to share substantial information that was crucial to maintaining the stability of the SAEE. The new leadership, including the entire core SAEE team working on the SPP/APR, has been in place during the majority of the year having a better understanding of the requirements and expectations.

During 2008-2009 PRDE SAEE continued receiving direct technical assistance from OSEP staff as well as SERRC and DAC. These efforts contributed to the improved conceptualization and understanding of the indicators, how to collect and analyze data regarding the measurements, and how to effectively lead efforts for improved compliance.

For FFY 2008 PRDE achieved 100% compliance with the management of State complaints (Indicator 16) and the correction of noncompliance within one year of identification (Indicator 15), achievements which are the result of several consecutive years of hard work related to these indicators. Also, PRDE increased the performance with several other indicators.

Within the dispute resolution realm, PRDE's continued progress with the implementation of the resolution meetings during FFY 2008 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).

Additionally, SAEE's close collaboration with OSEP, including 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 the hard work required to demonstrate progress with the indicators and procedures. A lot of attention was placed on improving the general supervision indicator and the data collection system.

SERRC and DAC also worked in close collaboration with SAEE to assist in re-envisioning and re-structure the general supervision system, and particularly the monitoring unit. A monitoring manual has been developed and a district self assessment is in place for second year. NSTACC and NPSO worked with SAEE for postsecondary transition process re-envisioning and providing technical assistance to train the personnel.

In FFY 2008, PRDE SAEE continued to increase the momentum of significant progress that began just over three years. At the same time, we realize that even with all of these accomplishments, significant work remains. PRDE SAEE is proud of the reported past year's progress, not only for the improved data reported but also the reality that the data reflects of the improved quality in services. PRDE SAEE looks forward to continue working collaboratively with OSEP in order to move toward compliance for the benefit of our special education children.

Along with this APR, PRDE submits its APR Supplemental Report, which addresses items related to the 2007 Compliance Agreement and Enclosure E of Puerto Rico's FFY 2009 IDEA Grant Award.

Part B State Annual Performance Report (APR) for FFY 2008

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 2008 2008-2009	<u>59.4%</u> <u>65.65</u>

Actual Target Data for FFY 2008: 59.4%

Data for FFY 2008:

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 2008:

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 2008:

This indicator requires the SEA to report the percent of youth with IEPs graduating from high school with a regular diploma using the same calculation and timeline as the annual graduation rate under Title 1 of the ESEA. Increasing the number of students graduating with a high school diploma has been shown to be essential for improving economic and social conditions in all countries. Puerto Rico used graduation rates to identify schools that need improvement programs as well as those that are already demonstrating adequate yearly progress.

The 2008 Title I regulations require each State to set a goal and targets for high school graduation and incorporate the goal and targets into its AYP definition, beginning in 2009-2010. If a State or its LEAs cannot calculate the four-year graduation rate in time to report it on either the State or LEA report card providing assessment results for the 2010-2011 school year, the State may request an

extension of the deadline from the Secretary (34 C.F.R. §200.19(b)(7)(i)). If a State is unsure if it can meet the reporting deadline, it must submit a request for an extension to USED. Pursuant to 34 C.F.R. § 200.19(b)(7), the Puerto Rico Department of Education (PRDE) requested an extension of the deadline to report its 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.

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

Because PRDE did not collect disaggregated data by subgroup, PRDE was unable to use the same calculation as used in the CSPR. Based on this background information, 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 set the actual target data.

For FFY 2008, data reviews demonstrate that a total of **1712** students graduated from high school with a regular diploma out of the 2,882 students who exited the 2008-2009 school year, resulting in **59%** as the actual measurement for Indicator 1. PRDE made progress from FFY 2007, increasing from 52% to 59%. However, PRDE did not meet its target for FFY 2008, which was set at 65.65%. 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 asserts 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 is developing additional verification procedures to make greater use of the data from the SEASWEB database in the 2009-2010 school year. PRDE SAEF will also continue its plans for improvement emphasizing the development of activities and additional efforts regarding students' school retention.

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.

<p>2. Maintaining special education support, professional development, technical assistance available to high school teachers and other personnel.</p>	<p>PRDE is continuing these efforts.</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 lead 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 have 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 SAE 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>

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2009:

PRDE SAEЕ plans to continue with its currently stated improvement activities. Because a new policy regarding graduation rate will be in place for the following years, SAEЕ will be engaged in one additional activity listed below.

Activity	Timeline	Resources
1. Training in graduation rate PRDE new policy.	March to June 2010	Planning Office

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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
<i>FFY 2008 2008-2009</i>	32.95%

Actual Target Data for FFY 2008: 32.95%

Data for FFY 2008:

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 2008:

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 2008:

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.

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 technical assistance and clarifications provided by OSEP, SERRC, and DAC last year allowed PRDE to have a better understanding of what is required in this indicator.

[“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.](#)

For FFY 2008, 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. After calculations, our drop-out rate for 2008-2009 is 32.9%, which represent progress from 38.6% the FFY 2007 data for this indicator. Unfortunately, PRDE was not able to meet its target for FFY 2008.

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 academic challenges. Students who qualified as “dropping out” under this definition 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 considered to have 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 sponsor 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 against PRDE 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).
- *Peaceful co-existence program* (Convivencia Pacifica). This program serves students identified as high risk because of drug abuse, guns or home violence. Workshops lead the students to confront their realities and look for new ways or alternatives of living and learning to achieve their goals in a peaceful manner.
- *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

- *Open school program* for school retention is an after school program that includes cultural, recreational and academic activities.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2009:

Activities	Discussion of improvement activities completed
1. Increase special education support available for high school students.	PRDE is continuing these efforts.
2. Increase special education support for teachers and other high school personnel.	PRDE is continuing these efforts.
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>

Part B State Annual Performance Report (APR) for FFY 2008

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. **Puerto Rico is a unitary system, thus part A is not applicable to PRDE.**
- 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
FFY 2008 (2008-2009)	<p><u>INDICATOR 3B:</u> Return to Baseline (98.73% for Spanish, 98.44% for Math)</p> <p><u>INDICATOR 3C:</u> Increase to 35% for Spanish and 40% for Math</p>

Actual Target Data for FFY 2008 (2008-2009):

	Spanish	Math
3B, Participation	98.30%	98.01%
3C, Proficiency	24.27%	19.30%

[Here is the link for the publicly reported assessment results for 3b and 3c:](#)

<http://de.gobierno.pr/que-se-mide-en-las-pruebas-anuales>

Actual Target Data and Measurement for Part B, Participation, for FFY 2008:

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]
2008-2009, Spanish Participation	58,141	12,137	42,960	0	2,057	<u>98.30%</u>
2008-2009, Math Participation	58,141	12,107	42820	0	2,057	<u>98.01%</u>

Actual Target Data and Measurement for Part C, Proficiency, for FFY 2008:

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]
2008-2009, Spanish Proficiency	58,141	3052	10717	0	346	<u>24.28%</u>
2008-2009, Math Proficiency	58,141	2376	8451	0	396	<u>19.30%</u>

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008:

PRDE administered a revised regular and alternate assessment (AA-AAS) island wide for the 2008-2009 school year. The tests are known as the Pruebas Puertorriqueñas de Aprovechamiento Académico (PPAA) and the Pruebas Puertorriqueñas 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 revised PPAA and PPEA have been aligned to the 2007-2008 content standards and grade level expectations.

The new PPAA is composed of multiple choice and constructed response items. The mathematics tests contain grid-in items. In the past, the PPAA test was composed exclusively of multiple choice items.

The revised PPEA for the 2008-2009 school year 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 too small a grain size 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 2008-2009 assessments demonstrate a slight decrease in participation for both Spanish and Math as compared to the FYY 2007 assessment results. Percentages are shown in the following table. Island wide, a total of 57,154 students with IEPs in the grades assessed (3-8 and 11) participated in the Spanish and 56,984 in the Math PPAA and PPEA 2008-2009 assessments. PRDE's FFY 2008 Actual Data for assessment participation was shy of its target by just 43 percentage points, interestingly, for both Spanish and Math. As such, PRDE substantially met its target, and PRDE is satisfied with its participation rates for 2008-2009.

	COMPARISON OF FFY 2008 PARTICIPATION ACTUAL DATA TO PRIOR YEARS					
Subject/Participation/Proficiency	FFY 2004	FFY 2005	FFY 2006	FFY 2007	FFY 2008	FFY 2008 Commentary
PARTICIPATION: Spanish	97.76%	98.73%	95.52%	98.59%	98.30%	Although PRDE's FFY 2008 Actual Data for assessment Participation in Spanish was shy of its target by 0.43%, PRDE has substantially met its target for assessment Participation in Spanish.
PARTICIPATION: Math	97.69%	98.44%	96.99%	98.43%	98.01%	Although PRDE's FFY 2008 Actual Data for assessment Participation in Spanish was shy of its target by 0.43%, PRDE has substantially met its target for assessment Participation in Spanish.

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 prior years. During the 2007-2008 school year, PRDE revised its content standards and grade level expectations. This year's assessments were designed to clearly define learning expectations with much more rigor. The proficiency rates on the new 2008-2009 assessment shall be used as baseline data to set appropriate measurable and rigorous targets for future years. [PRDE will meet with stakeholders by June 30, 2010 to revise the State Performance Plan \(SPP\) accordingly.](#)

FFY 2008 Baseline: The proficiency data for the 2008-2009 assessments demonstrate a 24.27% proficiency rate for Spanish and 19.30% proficiency rate for Math.

PRDE prepared informational booklets to familiarize educators, parents and students in Puerto Rico with the new PPAA tests that were administered during the 2008-2009 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.

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.

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 2008-2009 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	See discussion above. PRDE will continue with this effort.

standards, and teaching best practices	
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 2009:

PRDE is revising its baseline for Indicator 3C as discussed above. Due to the timing of the receipt of final assessment results, however, PRDE has not yet had the opportunity to hold a stakeholder meeting to discuss the results and the revision of the actual targets for this indicator. PRDE intends hold a meeting to discuss this matter and to propose revised targets to its SPP to account for the revised assessments following that meeting. At this time, however, PRDE does not propose any revisions to its proposed targets, improvement activities, or timelines.

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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 2008 (2008-2009)	Maintain the actual percentage of IEP students suspended/expelled for more than 10 days

Indicator 4 (a)

Actual Target Data for FFY 2008 APR (same as reported for 2007): 0.0011%

For FFY 2007, the Report of Children with Disabilities Subject to Disciplinary Removal (618 data, Table 5) shows that 1 student was removed or suspended/expelled for more than 10 days (Section A, Column 3B). This represents .0011% (1/90,036) of the total student based on child count report. As a point of clarification, the number of students with disabilities who were suspended or expelled for more than 10 days during FFY 2006 was 23 (.002% of students with disabilities). With actual data of .0011% for FFY 2007, PRDE exceeded its target of .003% for this indicator.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008:

Trainings were conducted looking toward the disciplinary requirements of IDEA. PRDE conducted a variety of trainings to regular and special education teachers, school directors and special education supervisors on what is a positive behavior support and the different disabilities that usually needs that kind of support. Then the trainings were on the development of a functional behavior assessment and on how and when to apply the discipline procedures observing the IDEA requirements.

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. Once they have been taught how to develop it, the personnel were trained on how to manage the discipline procedures. 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.	These trainings were intended for special education and regular teachers, school directors and Special Education Supervisors. Zone Supervisors of Special Education are to follow up the development and practice of the discipline procedures. These activities will continue in an ongoing basis.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2009:

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 2008

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
2008	Special education students who spent less than 21% of the day outside regular class = 74% Special education students who spent greater than 60% of the day outside regular class= 14.4% Special education students placed in private/public separate schools; residential institutions; placed in hospitals and homebound = 1.31%

Actual Target Data for 2008: A) 87.4%; B) 3.3%; C) 1.8%

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)
94,933	83,011	87.4%	3,152	3.3%	1,704	1.8%

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2008:

PRDE met its FFY 2008 targets for 5A and 5B of this indicator. PRDE did not meet the 1.31% target for 5C of this indicator. Below is a table comparing performance over time to demonstrate Puerto Rico's progress:

	IEP students removed from regular class less than 21% of day	IEP students removed from regular class greater than 60% of the day	IEP students served in separate schools, residential facilities, or homebound/hospital placements
	<i>Percent</i>	<i>Percent</i>	<i>Percent</i>
2006	81.1%	9.6%	0.4%
2007	81.7%	11.5%	1.1%
2008	87.4%	3.3%	1.8%

The following chart provides a summary discussion of the improvement activities undertaken during 2008-2009. PRDE will continue with these activities in 2009-2010. Specifically, PRDE will continue the provision of appropriated special education services, continue follow up trainings on accommodations, curriculum adaptation and modification; also, PRDE will reinforce the technical assistance and support to the regular and special education teachers.

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, post secondary 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 in #1 above.
3. Continue to monitor provision of appropriate special education services in schools.	The Technical Assistance Unit provided 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

	<p>appropriate services. Please see Indicator 15 for a discussion of PRDE SAE's general supervision system, including coordination between its Monitoring and Technical Assistance units.</p> <p>PRDE will continue this activity.</p>
<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. SAE 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 2009

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 2008

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 2008 2008-2009	N/A

Actual Target Data for FFY 2008: N/A

As directed by OSEP, the States, including Puerto Rico, are not to report on Indicator 6 in the FFY 2008 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 2008 Part B APR, which must contain actual target data from FFY 2008 and other responsive APR information for Indicators 1, 2, 3, 4A, 5, 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 2008:

N/A (see above).

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2009:

N/A (see above).

Part B State Annual Performance Report (APR) for __2008

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 = [(# of preschool children who did not improve functioning) divided by (# 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 = [(# of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers) divided by (# 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 = [(# of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it) divided by (# 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 = [(# of preschool children who improved functioning to reach a level comparable to same-aged peers) divided by (# of preschool children with IEPs assessed)] times 100.**
- e. **Percent of preschool children who maintained functioning at a level comparable to same-aged peers = [(# of preschool children who maintained functioning at a level comparable to same-aged peers) divided by (# 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.

Overview of Issue/ Description of System or Process:

Background

In order to comply with the requirements for this indicator, PRDE received intense technical assistance from the Early Childhood Outcomes Center (ECO) and the South East Regional Resource Center (SERRC) during August, September, and October 2006, and has continued a series of technical assistance activities since that time.

Policies and procedures for the outcomes assessment

As reported in previous APRs, all children 3 to 5, who receive special education services for the first time will have entry data collected, using the “Resumen de Resultados de la Intervención con el Niño(a) Preescolar”, a translation of ECO’s COSF. This form will be completed using existing information gathered from different sources, including formal and informal evaluations of the child, teachers’ and other providers’ input, and parental input. Various methods for collecting and sharing information can be used, including meetings, visits, and teleconferences.

When the child exits preschool services (reaches 6 years of age, needs no more services, or is no longer eligible), after receiving services for more than six months, exit data will be gathered, using the same procedure to gather entry data, in order to determine if the child maintained a functioning comparable to same aged children, improved functioning comparable to same aged children, improved functioning near same aged children, improved functioning, but not sufficient to be near same aged children or did not improved functioning. PRDE is using the ECO criteria for defining “comparable to same age peers” (special education students who receive a 6 or a 7 on the COSF scale).

PRDE’s Approach to Gathering and Reporting Data for Indicator 7

PRDE determined it was necessary to revise its approach for data collection under Indicator 7 and reported the revisions in the APR that was submitted in February 1, 2008. The revised approach was developed using two phases: Phase 1, as was described in the APR submitted February 2008, was a pilot with cohort 1.

Phase 2, during FFY 2007 included the second cohort. In this APR, submission February 1, 2010, the baseline and measureable targets are established. The entire island is now included in the data collection and reporting.

Measurement strategies to collect data

PRDE uses the ECO COSF, translated documents. PRDE designed the process for the data collection and provided training to school personnel and administrators. In using the COSF form, data were collected on the child’s performance level, compared with same aged children, using the 7 points score provided in the form. When the child exits from preschool services, the form is completed again, answering the question of whether there was an improvement when compared with the entry level functioning.

Baseline Data:
Progress Data for Preschool Children Exiting 2008-2009

A-Positive social-emotional skills (including social relationships):	Number of children	% of children
a. Percent of children who did not improve functioning	0	0
b. Percent of children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	4	4.8
c. Percent of children who improved functioning to a level nearer to same-aged peers but did not reach	33	39.2
d. Percent of children who improved functioning to reach a level comparable to same-aged peers	31	36.9
e. Percent of children who maintained functioning at a level comparable to same-aged peers	16	19
Total	N=84	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	0	0
b. Percent of children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	7	8.3
c. Percent of children who improved functioning to a level nearer to same-aged peers but did not reach	36	42.9
d. Percent of children who improved functioning to reach a level comparable to same-aged peers Percent of children who maintained functioning at a level comparable to same-aged peers	25	29.8
e. Percent of children who maintained functioning at a level comparable to same-aged peers	16	19
Total	N=84	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	1.2
b. Percent of children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	2	2.4
c. Percent of children who improved functioning to a level nearer to same-aged peers but did not reach	17	20.2

d. Percent of children who improved functioning to reach a level comparable to same-aged peers	46	54.8
e. Percent of children who maintained functioning at a level comparable to same-aged peers	18	21.4
Total	N=84	100%

Baseline Data for Preschool Children Exiting 2008-2009

Summary Statements	% 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 turned 6 years of age or exited the program	94.1
2. The percent of children who were functioning within age expectations in Outcome A by the time they turned 6 years of age or exited the program	56
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 turned 6 years of age or exited the program	89.7
2. The percent of children who were functioning within age expectations in Outcome B by the time they turned 6 years of age or exited the program	48.8
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 turned 6 years of age or exited the program	95.5
2. The percent of children who were functioning within age expectations in Outcome C by the time they turned 6 years of age or exited the program	72.2

Discussion of Baseline Data:

The baseline data established in the three areas (A1, B1, and C1 above) shows an average of 93.1% of the preschool children who participated in the special education preschool program demonstrated an increased rate of growth by the time they exited the preschool program. Moreover, an average of 60.3% of the children were functioning at age level expectations when they exited preschool services. These data were reported from schools, and school districts, and includes preschool children who participated in all placement environments around the island.

- Area A (Social/Emotional) and B(Acquisition and use of knowledge and skills) were the two in which functioning near age expected functioning was reported; A-39.2, B-42.9.
- Though Area C(Use of appropriate behavior to meet needs) reported lower percentage of children functioning near age level expectations (20.2)than A and B, it showed the higher percentage of children functioning at age level(76.2) when they exited the program.
- Relatively low percentages of children were reported in the did not improved; (A-0, B-0, C-1.2), and did not improved sufficiently;(A-4.8, B-8.3, C-2.4)
- An overall average of the three areas show that .39% did not improved, 5.1% did not improved sufficient, 34.1 moved near age expected functioning, 40.4 reached age expected functioning, and 19.8 maintained functioning at age expected level.

PRDE is pleased with the collected data, which show that the preschool services are positively impacting the movement of preschool children to age appropriate functioning. As noted above, the majority of children who entered the preschool program below age expectation demonstrated substantial growth in the areas of social/emotional skills, acquisition and knowledge skills, and age appropriate behaviors upon exit from the preschool program. This is an indication that efforts to improve preschool services such as

teacher and other personnel training and technical assistance, use of curricular materials are being successful.. It also recognizes the need to continue developing teaching skills and using scientific based materials and approaches to continue improving preschool services.

Measurable and Rigorous Target: [as stated in the Part B Indicator Measurement Table.]

	Measurable and Rigorous Target
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Summary Statements	Targets FFY 2009 (% of children)	Targets FFY 2010 (% 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	95
2. The percent of children who were functioning within age expectations in Outcome A by the time they exited the program	56.2	56.5
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	90.1
2. The percent of children who were functioning within age expectations in Outcome B by the time they exited the program	49	49.2
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	95.9
2. The percent of children who were functioning within age expectations in Outcome C by the time they exited the program	76.4	76.7

The measurable and rigorous targets established for the next two reporting periods were based on the analysis of progress reports for 2006 and 2007, and actual data.

Improvement Activities/Timelines/Resources:

During the past three years PRDE has developed and put in place a process to assess the impact of preschool services. It has been able to develop improvement activities including teacher and other relevant personnel training, acquisition and use of preschool curricular materials. The activities carried out through these years have allowed PRDE to establish a baseline that clearly shows that preschool services are positively impacting the movement of special education children to functioning near or at age expected skills. The following activities will be carried out during the next reporting periods.

ACTIVITIES	RESOURCES	TIMELINES
1- Develop and implement a process to identify through the Special Education Information System(SEIS) all preschool children entering preschool services in a continuous	-Preschool services supervisor -SEIS personnel	February-March 2010

basis		
2-Develop and implement guidelines to verify data collection and data entry.	-Preschool services supervisor - SEIS personnel - Special Education Monitoring Team	March 2010
3-Develop and implement a Manual of procedures to implement the preschool outcomes assessment	-Preschool services supervisor -Other personnel with knowledge and skills in the implementation of the process	-Draft February-April 2010 - Final August 2010
4-Revise and disseminate the Outcomes Summary Format in order to incorporate recommendations and redesign its content to make it more user friendly	-Preschool supervisor -Other knowledgeable personnel	February 2010
5- Develop routine and annual training and technical assistance regarding data collection for this indicator to preschool teachers and other relevant personnel	-Preschool supervisor -Other knowledgeable personnel	March 2010, and continuous
6-Provide training, materials, and technical assistance to preschool teachers and other relevant personnel regarding intervention, strategies and models to provide quality preschool services	-Preschool supervisor - Other knowledgeable personnel	March 2010, and continuous

Part B State Annual Performance Report (APR) for FFY 2008

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
2008 (2008-2009)	89.8%

Actual Target Data for FFY 2008: 82%

For FFY 2008, 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 included. For 2007-2008 and 2008-2009, no changes were made to the survey used for FFY 2006. All questions, substantive areas and information requested remain the same without changes as approved by OSEP in 2006-2007.

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 2008 Sample

A random selection of parents was used for survey administration. As PRDE’s special education population for FFY 2008 was 103,310 the sample size would need to be at least 383 parents of students receiving special education services for 2008-2009.

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 103,310:

$$\begin{aligned}
 s &= \frac{(3.841)(103,310)(.50)(1-.50)}{(.05)^2(103,310-1) + (3.841)(.50)(1-.50)} \\
 &= \frac{99,203.425}{.0025(103,309) + .96025} \\
 &= \frac{99,203.425}{259.233} \\
 &= 382.680 \\
 \underline{s} &= \underline{383 \text{ parents}}
 \end{aligned}$$

As such, in order to have sufficient sample size, PRDE must have issued 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 248 of the 383 parents selected for the sample completed and returned inventories. This constitutes a participation rate of 65% of the identified sample group. This survey depends absolutely on parent responses. Under statistical approaches, having that % of participation, it is appropriate to consider such results as a representation of the parents.

Also, it is important to note that PRDE's sampling method allows us to collect feedback from a wide variety of parents including variation and representation by school level, student placement and almost all types of disabilities.

Survey Results for FFY 2008

A total of 203 of the 248 completed surveys reported that schools facilitated parental involvement as a means to improving services and outcomes for their children with disabilities. This represents 65% of the respondent parents (203/248 x 100). The response group was representative of the population.

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
2008-2009	203	248	82%

PRDE did not meet the target of 89.8% that was set for FFY 2008. Moreover, participation in the survey from the sample selected improved from FFY 2006 and 2007 as well.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008:

Activity	Discussion of improvement activities completed
1. Revise and modify the survey	As discussed above, PRDE employed the same survey document approved by OSEP last year.
2. Increase parental responses to the survey	PRDE implemented many activities and efforts in an 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. The percentage of parents who responded to and completed the survey increased significantly this year. Participation for FFY 2006 was 49% (188/384), the participation rate for FFY 2007 was 65% for FFY 2007 (248/383) and for FFY 2008 was 203/383.
3. Disseminate the results of the parent survey to regions and central level and other interested parties.	The results of the survey are annually disseminated by the month of March through the general education supervisors who have the responsibility to keep the district supervisors, the school directors, teachers and parents informed. Several meetings are conducted through the regions with PRDE staff to inform of the overall APR

	<p>results. These meetings include time for discussion of survey results, recommendations for improvement with this indicator, and some recommended activities to foster parent involvement.</p> <p>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. A memorandum is sent every year by that time to school directors addressing the importance and need of parental involvement in the school community and with the students.</p>
<p>4. Training and technical assistance to school and district personnel on facilitating parental involvement</p>	<p>PRDE included training and technical assistance along with its report 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 and feedback are very much appreciated by 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 2008.</p> <ul style="list-style-type: none"> • The <i>Segundo Día Familiar y de Logros de Educación Especial</i> is a wonderful example of joint parent/teacher trainings and activities island wide. The Congress was held and sponsored by the PRDE SAEE, at Guillermo Ángulo Coliseum in Carolina, P.R. • In collaboration with APNI (Asociación de Padres de Niños con Impedimentos) (APNI, PR PTA) PRDE sponsored two annual island wide activities that are joint parent/teacher trainings. Each year a different topic is covered in those meetings and over 600 participants between parents and teachers participate and benefit from this activity. The meetings were held at Embassy Suites, Dorado, P.R. and Caribe Hilton Hotel, San Juan. • PRDE celebrates the <i>Autisim Family Day</i> in collaboration with Alianza de Autismo in Pabellón de la Paz, Parque Luis Muñoz Rivera, San Juan, Puerto Rico and Annual Congress of The Deaf and Blind parents lead by Deaf and Blind Parents Association in the Intercontinental Hotel, San Juan, Puerto Rico. <p>Evaluations conducted and commentaries from the parents reflected parent 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</p>	<p>PRDE developed a district self assessment instrument for monitoring the implementation of the established PRDE procedures and policies. This instrument was fully implemented in the 2007-2008 school year.</p>

involvement.	The theme of parent involvement is included in the monitoring.
7. Administer the survey, collect data and measure progress on parent involvement	<p>This year, PRDE has made the determination to adjust its child count period from December 1 to October 1. This gives PRDE a better timeline to revise and analyze data provide by the system and for validation activities.</p> <p>Indicator 8 depends on child count data to calculate the parents' representativeness, as soon as the official child count is submitted the process of defining and selecting the sample begins (February). PRDE expects to begin distribution of the next survey by April 2010.</p> <p>PRDE will analyze the results May 2010-July 2010 and disseminate the results for the prior school year in August. For FFY 2008-2009,child count will be reported in February 2010 so PRDE anticipates that by September 2010 results for parental involvement will be disseminated.</p>

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2009:

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 2008

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 2008, 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 2008 reporting period, i.e., after June 30, 2009. If inappropriate identification is identified, report on corrective actions taken.

FFY	Measurable and Rigorous Target
FFY 2008 (2008-2009)	N/A

Actual Target Data for FFY 2008:

As discussed in the SPP and reinforced by OSEP’s *Puerto Rico Part B SPP/APR Response Table* sent to PRDE on June 1, 2009 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 2008:

N/A (see above).

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2009:

N/A (see above).

Part B State Annual Performance Report (APR) for FFY 2008

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 2008, 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 2008, i.e., after June 30, 2009. If inappropriate identification is identified, report on corrective actions taken.

FFY	Measurable and Rigorous Target
FFY 2008 (2008-2009)	N/A

Actual Target Data for FFY 2008:

As discussed in the SPP and reinforced by OSEP’s *Puerto Rico Part B SPP/APR Response Table* sent to PRDE on June 1, 2009 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 2008:

N/A (see above).

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2009:

N/A (see above).

Part B State Annual Performance Report (APR) for FFY 2008

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
2008 (2008-2009)	100%

Actual Target Data for FFY 2008: *81.5% for timely evaluation (30 days).*

Evaluations conducted within 30 days

Date Year	a. # of children with parental consent to evaluate	d. # of evaluations held within 30 days	% evaluations held within PR timeline (a/d)
2008-2009	21,652*	17,642	<u>81.5%</u>

*A total of 21,816 children with parental consent to evaluate were initially received, however 164 parents missed their evaluation appointments and failed to re-schedule despite efforts from PRDE to do so, or left Puerto Rico or otherwise exited the registration process, and were adjusted during the process.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008:

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 2008, a total of 21,652 were referred for and had parental consent to evaluate. Of that number, 17,642, which represents 81.5% of all students referred for initial evaluation with parental consent, received a timely initial evaluation (i.e., within 30 days). [Please refer below to the table titled “FFY 2008 Data Re: Those Children Referred but Not Evaluated within Timeline.”](#) 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 four most recent APR submissions:

Data Year	30 Day Eligibility Determination
FFY 2005 (2005-2006)	70.2%
FFY 2006 (2006-2007)	82.9%
FFY 2007 (2007-2008)	83.0%
FFY 2008 (2008-2009)	81.5%

After showing significant progress from FFY 2005 to 2006, since FFY 2006 there has not been much change.

In school year 2006-2007 PRDE SAEЕ conceived the idea of establishing a pilot program involving a special team at the service centers devoted to work on completing student eligibility determinations following initial evaluation with parental consent. Because the pilot demonstrated progress and improved performance with meeting timelines for new students requesting special education services and lowering the then-existing backlogs, the pilot program was expanded to every service center.

Initial difficulties and delays with personnel recruitment had a negative impact in the establishment of the unit therefore the beginning of providing this service at the centers. Some of the challenges confronted included parents missing their appointments and others just not showing to complete the process. Bayamón and San Juan service centers faced severe problems that significantly impacted their general progress with this indicator regarding personnel recruitment.

PRDE SAEЕ strongly believes that finally having the eligibility determination component at all of the service centers will help ensure children will be evaluated and receive their eligibility determinations within the mandatory timelines.

The following chart reports the performance with this indicator for FFY 2008 by educational region.

FFY 2008 Data by Region	
Region	Evaluation within 30

	days
Arecibo	72%
Bayamón	77%
Caguas	95%
Humacao	92%
Mayagüez	91%
Ponce	82%
San Juan	65%

FFY 2008 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 2008 (2008-2009)						
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
21,652	17,642	1,515	365	176	882	1,072
	81.5%	7%	1.7%	0.8%	4.1%	4.9%

As reflected above, PRDE completed 88.5% of FFY 2008 initial evaluations within 60 days. PRDE is continuing efforts to work with the remaining 1,072 FFY 2008 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. These two requirements were included in the contracts and contributed to timely service provision for PRDE.

The PRDE held meetings with the Directors of the Centros de Servicios, developed new documents and the staff was trained. Also preliminary data was given for the update of Indicator 11 in the data system.

SEASWEB was fully operational in FFY 2008. The fields for creating the report for this indicator were developed in order to obtain information directly from the service centers. Once the service centers receive the parental consent, the information of the children is loaded into the system and the follow up is given electronically. PRDE SAE central level staff monitors and tracks the timelines for those specific children. PRDE still uses an alert system that notifies the respective districts and service centers about the children approaching their due date for initial evaluation and other related timelines. Under the technical assistance received from DAC this year, PRDE has continued to retrieve information and present reports from the system for validation purposes. During the DAC TA visit in December 2008, a data run was conducted to get data for B11 indicator for proper calculations. At that time SAE PRDE was getting close to being able to generate the report needed in a valid form directly from the system without extensive manual validation efforts. By the end of the period for FFY 08 APR, PRDE is reporting data for this indicator directly from the system for the first time.

Correction of Noncompliance and Implementation of Requirements

Activities held during the year for non compliance correction included extensions to the extended working hours and weekends clinics that included the specific task to cover initial evaluations results analysis and eligibility determinations. This extended hours effort continued through December 2008.

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). The Directors of the Service Centers were provided with a list of students who did not have complete information in SEASWEB by name to review whether there were difficulties with the information they submitted. Also they completed the data that was missing in the fields for initial evaluations by checking the students' files and verifying that they have an evaluation report.

The Monitoring Unit administered the monitoring guide developed for the Service Centers. In this guide they have documents that help to review compliance on Indicator 11. They use forms designed for the compilation of data such as revision of the students' files. Then they analyze the data collected and send a report to the Service Center. These monitoring visits of the Service Centers will be continued in 2009-2010.

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 during the year for follow up on data loading and for sharing strategies and ideas to keep us moving and showing progress. A unit was developed at Central level with personnel devoted only to data entry follow up with the Services Centers. 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.

ACTIVITY	Discussion of Progress of activities completed....
1. Implement the eligibility determination pilot in the remaining Service Centers.	See discussion above and in prior APR submissions. 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.
2. Evaluated options and develop guidelines for	One of PRDE major concerns for this indicator is reporting on those children that continuously miss their appointments for initial evaluation. Once the

<p>dealing with parents who miss their appointments</p>	<p>parents consent, PRDE has a 30 day timeline to conclude with the initial evaluation and 30 more days for the eligibility determination. The parents get their appointment at the Service Centers mostly the same day they request for the special education services. The Centers maintain an appointment log from the Corporations and can book appointments for parents right away. Parents miss or delay 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. Most of the parents simply do not notify, so PRDE has to wait for Corporations to notify PRDE of the parent’s absence in order to proceed for another appointment.</p> <p>Directors at the Service Centers agreed on sending letters to the parents, calls and even social worker visits to the address provided with their documentation. PRDE has determined that parents that missed their appointment for three consecutive times may be excluded in accordance with 34 CFR 300.301d. Because of RLV court case, it is very difficult to convey this procedure in a memorandum, but the concern has been shared with the plaintiff class in order to provide the service as requested and to get some responsibility from the parents to comply with the timelines.</p> <p>PRDE keeps working with PR PTA to train and inform the parents of this requirement, which would be helpful to this procedure.</p>
<p>3. Keep up working to implement the alert system in SEASWEB</p>	<p>PRDE will continue with this effort. Difficulties with the vendor contract negotiations have resulted in a delay of the implementation of the feature in the system. Monthly reports are requested from the Service Centers for monitoring.</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. Monthly reports per Service Center are retrieved from the system in order to monitor and provide technical assistance and support as needed. This increases the awareness of the importance of data entry.</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. Coordinate 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.</p>

Revisions with Justification to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2009:

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 2008

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 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.
- e.# of children who were referred to Part B less than 90 days before their third birthdays.

Account for children included in a but not included in b, c, or d. 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)] times 100.

FFY	Measurable and Rigorous Target
FFY 2008 (2008-2009)	100%

Actual Target Data for FFY 2007: 69.0%

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.

1631	44	614	0	0
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As directed by the measurement instructions for this indicator, children included in a (from Table A above) but not included in b, c or d must be accounted for. In applying the measurement formula to the data for FFY 2008, 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, or d. A significant number of those children [a-(b+c+d)] at the end of the 2008-2009 reporting period had not yet reached age three. Also, there is a very small subgroup of students referred from Part C to Part B who exited PRDE and thus are not included in a (g). ~~The remaining children are children who were referred to Part B but had not received their eligibility determination by age three (h).~~ Note: Children previously noted in “h” are included in “a” and should not have been reported in a separate category.

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

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.
663	34	-276

Based on FFY 2008 data, 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 – 468 days. The majority of the children were receiving services within 60 days. When a child’s IEP was completed prior to the child’s third 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.

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 2008 had not yet reached the age of three in order to be eligible to begin receiving Part B services.

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, or d.

Without considering the students accounted for in Table B:

Data Year	(a – b – d)	C Divided by (a-b-d)	Times 100	= Percent
2008-2009	(1631-44-0) = <u>1587</u>	614/1587 = <u>0.387</u>	0.387 X 100 = <u>38.7</u>	<u>38.7%</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
2008-2009	$(1631 - 663 - 34) = 934$	$934 - (44 + 0) = 890$	$614 / 890 = 0.6899$	$0.6899 \times 100 = 68.99$	<u>69.0%</u>

The second measurement more accurately reports Puerto Rico's performance with the indicator and complies with the Secretary's directions to account for the subgroup of students included in a but not included in b, c, or d, making Puerto Rico's actual Indicator 12 target data for FFY 2008 69.0%. Both measurements are included nonetheless.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008:

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

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

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.

One step began after the 2008-2009 year, yet is an important step in the smooth transition. This step is routine communications through 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 will continue during 2009-2010.

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 began activities to monitor the Special Education Service Centers compliance with IDEA requirements related to this indicator.

OSEP’s Response Table B to PRDE’s FFY 2007 APR asks PRDE to address the previously identified noncompliance under this indicator. PRDE monitored outstanding evaluations from past years as they were pending to ensure all children transitioning from Part C to Part B were evaluated, received eligibility determinations, and—where determined eligible—had an IEP developed and implemented. As discussed under the narrative for Indicator 15 of this APR submission, Puerto Rico has assured the correction of previously identified noncompliance under Indicator 12. As of the FFY 2007 APR, PRDE had outstanding individual student cases from FFYs 2005, 2006, and 2007 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 2007 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 2005 (2005-2006)	69*	69	100%
FFY 2006 (2006-2007)	104*	104	100%
FFY 2007 (2007-2008)	218	218	100%

*This data reflects the amount of Part C to Part B referrals for which PRDE was unable to verify whether the student had received their eligibility determination and when appropriate was receiving services as of the FFY 2005 APR submission (dated February 1, 2007). Since that time, PRDE has provided data updates to OSEP reflecting lower numbers of cases pending validation.

[FFY 2005, FFY 2006 Correction of Noncompliance and Verification](#)

The delay in Puerto Rico’s ability to confirm every single case from FFY 2005 and FFY 2006 was due to the manual nature of the files. FFY 2007 was the first year PRDE was able to use its new information system, SEASWeb, to assist with gathering and reporting of data for this indicator. The manual nature of the Part C to Part B transition files prior to FFY 2007 made it very burdensome for PRDE to address the specific information regarding the correction of all previously identified noncompliance under this indicator. Doing so required an exorbitant amount of resources, including a complete review of the files of all students transitioning from Part C to Part B during those years. Nonetheless, PRDE completed this activity and is now able to report all referred students in the system received their determinations and when determined eligible are receiving services.

PRDE’s efforts to ensure correction of the noncompliance previously identified for FFY 2005 and FFY 2006 included several steps. First, significant resources were dedicated to ensuring the CSEEs entered all data relating to the students at issue. PRDE conducted further data validation activities to ensure accurate data for all of these students. All remaining students fell into one of two categories, (i) students who were evaluated, determined eligible, have an IEP and are receiving services and (ii) students who have exited the PRDE special education system registration process. The table below reflects the breakdown into these two groups from both years at issue:

	Determined Eligible and are Receiving Services	Exited the PRDE Special Education System Registration Process
FFY 2005 <i>(Total = 69)</i>	53	16
FFY 2006 <i>(Total = 104)</i>	85	19

The second group, those students that have exited the PRDE special education system registration process, may have exited the PRDE school system entirely or may have been determined ineligible or otherwise declined to receive special education services, etc.

FFY 2007 Correction of Noncompliance and Verification

According to OSEP Memo 09-02, PRDE is describing how verification of correction of noncompliance was conducted and how PRDE is ensuring correct implementation of 34 CFR §300.124 (b). The Directors of the Service Centers were provided with a list by name to review whether there were difficulties with the information they submitted. Also they completed the data that was missing in the fields for initial evaluations by checking the students' files and verifying that they have an evaluation report.

The Monitoring Unit administered the monitoring guide developed for the Service Centers. In this guide they have documents that help to review compliance on Indicator 12. They use forms designed for the compilation of data such as revision of the students' files. Then they analyze the data collected and send a report to the Service Center. These monitoring visits to the Service Centers will be continued on 2009-2010.

PRDE is working closely with ECHO center, DAC and SERRC for technical assistance. Also PR PTA is working collaborative with SAEE in order to complete Part C to Part B transition by the time required. The preschool coordinators (an agreement between the Puerto Rico Parents Training and Information Center, APNI) were involved in the process of collecting and validating the data. They were assigned the responsibility to follow up on transitioning children's movement through their transition from the service request to the IEP development, and will continue to support PRDE's efforts in this area. Continuous monitoring by phone calls and on site visits as requested by the services centers happened during this year.

Meetings were conducted with the IS supervisor to determine timelines and process.

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 is working to have an improved alert built into the system with the SEASWEB contractors. This alert is expected to be implemented into the system by the summer of 2010. Thereafter, PRDE will train personnel on the utility of this alert.
2. Use the information system to generate a monthly report of the cases registered in order to better monitor compliance.	Part C sends monthly the list of all children referred from Part C to Part B to each CSEE and original to Central Level. The APNI coordinators have continued issuing monthly reports of the cases, but for this year, it has still been done manually. Working closely with CSEE Director.
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.	This activity will be continued and enhanced. For 2008-2009: -Continuous training and technical support were provided during the reporting period. -Over the coming year, PRDE intends to determine with the Compliance Unit, the level of compliance of each district in regards to this indicator, and provide more focused training and technical assistance to these areas and, as needed, apply determinations.

<p>4. Evaluate and identify best practices for monitoring transition in coordination with both the monitoring and technical assistance units. Continue and intensify the monitoring of transition requirements compliance</p>	<p>The monitoring unit has included Transition as part as the aspects that are evaluated during monitoring visits. Efforts to identify best practice must continue and be enhanced.</p> <p>PRDE continued to monitor entities regarding this indicator and provide on-sight technical assistance and verification visits. Compliance with the transition requirement was discussed and included as part of the revamping of the Monitoring System. PRDE will continue its efforts to incorporate best practices.</p>
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Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2009, and subsequent:

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 2008

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
FFY 2008 (2008-2009)	100%

Actual Target Data for FFY 2008: N/A

As per OSEP instructions, the states are not to provide actual target data in the FFY2008 APR. In the FFY 2009 submission, due February 1, 2011, establish a new baseline for this indicator using the 2009-2010 data.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008:

Although not required to provide actual target data, the states are required to address the timely correction of noncompliance as noted in OSEP’s response table for the previous APR. PRDE provides that information herein.

PRDE has been able to assure the correction of outstanding noncompliance regarding Indicator 13. This includes all cases from FFYs 2005, 2006, and 2007 where PRDE was not previously able to verify that all IEPs of students aged 16 and above included coordinated, measurable, annual IEP goals

and transition services that will reasonably enable the student to meet the post-secondary goals. PRDE addresses the FFY 2007 cases first, followed by the FFY 2005 and FFY 2006 cases.

Correction of Noncompliance and Implementation of Requirements

According to OSEP Memo 09-02, PRDE is describing how verification of correction of noncompliance was conducted and how PRDE is ensuring correct implementation of 34 CFR §300.320 (b). The Monitoring Unit has reviewed a sample of the IEPs to verify that they comply with secondary transition requirements.

When PRDE school districts started to submit the Self Assessment they started to learn about the compliance with the indicators. This has been a very helpful tool for the Special Education personnel. When the monitoring visits are held they review the records and can check the correction of the concerns. Also, the technical assistance brings guidance on how and why we have to comply and people learn how to meet the requirements and keep maintaining it.

Under Indicator 13 of the FFY 2007 APR clarification submission, PRDE reported actual measurement data of 92%. Below, PRDE provides a table of APR data for Indicator 13 from the FFY 2007 APR clarification submission as a point of reference.

<u>APR Indicator 13 Data</u>	a. Number of IEPs reviewed	b. Number of compliance	Percent of timely (within 30 days) evaluation (b/a)
FFY 2007 (2007-2008)	12,213	11,259	92%

As such, there were a total of 954 student cases pending for FFY 2007 where PRDE had to assure the secondary transition requirements addressed under Indicator 13 were met. The following table reflects PRDE's confirmation that 100% of the cases have been reviewed and confirmed to comply with the secondary transition requirements.

	FFY 2007 cases pending confirmation of compliance with Ind. 13 secondary transition requirements	Cases confirmed as complying with secondary transition requirements	Percent of pending Ind. 13 cases confirmed as complying with secondary transition requirements
FFY 2007 (2007-2008)	954	954	100%

PRDE's work to confirm compliance under the pending FFY 2005 and FFY 2006 cases was a more burdensome process. This was due the fact that, as OSEP has noted, the certification approach PRDE employed in FFY 2005 and FFY 2006 did not accurately measure compliance under the specific requirements of Indicator 13. OSEP therefore considered the data previously submitted under this indicator as invalid. In order, then, to report on noncompliance with this requirement in prior years, PRDE had to conduct a review of the files of students 16 or above in years past to determine where any actual noncompliance existed. This was a considerable undertaking and demanded a significant degree of resources.

In order to conduct this review and make this assurance, PRDE conducted a review of files from a geographically diverse grouping of students who were aged 16 and above during FFY 2006. Considering the passage of time, the difference in the universe of students that would have been included in FFY 2005 but not FFY 2006 for purposes of Indicator 13 are students who have already turned 21 and thus exited the system. It is important to note that the majority of students who were aged 16 and above during FFY 2006 have already exited as well. Accordingly, PRDE's focus in the review was based on students in this universe for FFY 2006 who are still students in the system. PRDE reviewed a total of 34 files, including multiple files from each educational region in Puerto Rico, measured the student IEPs against the current certification form.

The current certification form is the same form that was discussed in Puerto Rico's FFY 2007 APR. Specifically, the certification form consists of a Spanish-language checklist version that was

developed based on the B13 Checklist created by the National Secondary Transition and Technical Assistance Center (NSTTAC). The information collected in responding to the checklist included specific information to address the data needs and was required to be signed by school directors to assure the reliability of the information.

The files were selected the list of students 16 years and above in FFY 2006, who were required to have transition services in their IEP’s. The list was sent to the CSEEs for validation, data update, and to serve as a guideline to review the files. Each CSEE Director worked with their staff, including transition coordinators, to complete the checklist for each student. All staff involved in this review process had been trained in the use of this checklist in order to assure compliance in the overall process in the provision of postsecondary transition services and its proper documentation. SAE transition coordinators were in charge of the training and for the monitoring of the use of the checklist and IEP development and revisions.

As discussed in the FFY 2007 APR, for the measurement of this indicator, questions 2, 3 and 4 of the checklist are the only ones considered for data analysis. The overall data collected by the checklist application shows as follow:

Transition IEP Checklist Results For 2006-2007	Yes	No	NA
1. Is there evidence that the measurable postsecondary goals were based on age-appropriate transition assessments?	34 100%	0	N/A
2. Are there measurable postsecondary goals that address education or training, employment, and (as needed) independent living?	34 100%	0	N/A
3. Is/are there annual IEP goals that will reasonably enable the student to meet the post secondary goals?	33 97%	1 3%	N/A
4. Are there transition services in the IEP that focus on improving the academic and functional achievement of the student to facilitate movement from school to post-school?	34 100%	0	N/A
5. Do the transition services include a course of study with focus on improving the academic and functional achievement of the student to facilitate movement from school to post-school?	34 100%	0	N/A
6. For transition services that are likely to be provided or paid for by other agencies with parent or adult student consent, is there evidence that representatives of the agency(ies) were invited to the IEP meeting?	15 44%	10 29%	9 26%
7. For transition services that are likely to be provided or paid for by other agencies with parent or adult student consent, is there evidence that representatives of the agency(ies) participated in the IEP meeting?	13 38%	16 47%	11 32%

Considering the resulting data, PRDE assures that IEPs of students 16 and above during FFY 2005 and FFY 2006 included coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals. This review evidenced that measurable postsecondary goals based on transition assessments were documented, that those measurable postsecondary goals address education or training, employment, and (as needed) independent living and that IEP goals reasonably enable the student to meet their post secondary goals. In particular, this exercise reflects actual target data of 97% for FFY 2006. In the case of the one file that was determined to lack IEP goals that would reasonably enable the student to meet the post secondary goals, that IEP was revised to ensure compliance.

It is important to note that while OSEP's Part B FFY 2007 APR Response Table for Puerto Rico characterized Puerto Rico as having failed to correct longstanding noncompliance, PRDE in fact reported that generally compliance had been verified. Nonetheless, the efforts and results described above now directly and specifically address OSEP's concerns regarding compliance with Indicator 13 in FFY 2005 and FFY 2006.

Also, in addition to ensuring correction of specific cases of noncompliance identified in prior years, PRDE has continued the review of IEPs of students 16 years and above to ensure compliance with the secondary transition requirements even though reporting was not required for this indicator in this APR. This review of additional and more recent files allows PRDE to assure that it is complying with the secondary transition requirements.

Accordingly, PRDE has confirmed compliance with Ind. 13 for FFY 2005, FFY 2006, and FFY 2007 including assuring the correction of any noncompliance identified.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2009:

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

Part B State Annual Performance Report (APR) for FFY 2008

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
<i>FFY 2008 (2008-2009)</i>	N/A

Actual Target Data for FY 2008: N/A

- As directed by OSEP, the States, including Puerto Rico, are not to report on Indicator 6 in the FFY 2008 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 14 (“The State’s FFY 2008 Part B APR, which must contain actual target data from FFY 2008 and other responsive APR information for Indicators 1, 2, 3, 4A, 5, 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 14: The indicator has been revised to collect more consistent data on the percent of students with IEPs who are no longer in secondary school and are in higher education, competitively employed or in other postsecondary education or employment. Reporting will begin with the FFY 2009 SPP/APR due February 1, 2011.” P.3”).

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008:

N/A (see above).

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2009:

N/A (see above).

Part B State Annual Performance Report (APR) for FFY 2008

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 below).

FFY	Measurable and Rigorous Target
<i>FFY 2008 (2008-2009)</i>	100%

Actual Target Data for FFY 2008: 100%

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

Actual Measurement:

A. # of finding of non compliance (priority areas)	B. # of corrections within one year	%
11	11	100%

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.

<u>Indicator/Indicator Clusters</u>	<u>General Supervision System Components</u>	<u># of LEAs Issued Findings in FFY 2007 (7/1/07 to 6/30/08)</u>	<u>(a) # of Findings of noncompliance identified in FFY 2007 (7/1/07 to 6/30/08)</u>	<u>(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification</u>
<p><u>1. Percent of youth with IEPs graduating from high school with a regular diploma.</u> <u>2. Percent of youth with IEPs dropping out of high school.</u></p>	<p><u>Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other</u></p>	-	-	-
<p><u>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.</u></p>	<p><u>Dispute Resolution: Complaints, Hearings</u></p>	-	-	-
<p><u>3. Participation and performance of children with disabilities on statewide assessments.</u> <u>7. Percent of preschool children</u></p>	<p><u>Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other</u></p>	-	-	-

<p><u>with IEPs who demonstrated improved outcomes.</u></p>	<p><u>Dispute Resolution: Complaints, Hearings</u></p>	<p>-</p>	<p>-</p>	<p>-</p>
<p><u>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.</u></p>	<p><u>Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other</u></p>	<p>-</p>	<p>-</p>	<p>-</p>
	<p><u>Dispute Resolution: Complaints, Hearings</u></p>	<p>-</p>	<p>-</p>	<p>-</p>
<p><u>5. Percent of children with IEPs aged 6 through 21 -educational placements.</u> <u>6. Percent of preschool children aged 3 through 5 - early childhood placement.</u></p> <p>-</p>	<p><u>Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other</u></p>	<p>-</p>	<p>-</p>	<p>-</p>
	<p><u>Dispute Resolution: Complaints, Hearings</u></p>	<p>-</p>	<p>-</p>	<p>-</p>
<p><u>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.</u></p>	<p><u>Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other</u></p>	<p>-</p>	<p>-</p>	<p>-</p>
	<p><u>Dispute Resolution: Complaints, Hearings</u></p>	<p>-</p>	<p>-</p>	<p>-</p>

<p><u>9. Percent of districts with disproportionate representation of racial and ethnic groups in special education that is the result of inappropriate identification.</u></p>	<p><u>Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other</u></p>	<p>-</p>	<p>-</p>	<p>-</p>
<p><u>10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.</u></p>	<p><u>Dispute Resolution: Complaints, Hearings</u></p>	<p>-</p>	<p>-</p>	<p>-</p>
<p><u>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.</u></p>	<p><u>Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other</u></p>	<p><u>3</u></p>	<p><u>6</u></p>	<p><u>6</u></p>
	<p><u>Dispute Resolution: Complaints, Hearings</u></p>	<p>-</p>	<p>-</p>	<p>-</p>
<p><u>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.</u></p>	<p><u>Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other</u></p>	<p>-</p>	<p>-</p>	<p>-</p>

	<u>Dispute Resolution: Complaints, Hearings</u>	-	-	-
<u>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.</u>	<u>Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other</u>	-	-	-
	<u>Dispute Resolution: Complaints, Hearings</u>	-	-	-
<u>Other areas of noncompliance: IEP</u>	<u>Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other</u>	<u>1</u>	<u>3</u>	<u>3</u>
	<u>Dispute Resolution: Complaints, Hearings</u>	-	-	-
<u>Other areas of noncompliance: Child Find</u>	<u>Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits,</u>	<u>1</u>	<u>1</u>	<u>1</u>

	<u>or Other</u>			
	<u>Dispute Resolution: Complaints, Hearings</u>	-	-	-
<u>Other areas of noncompliance: Procedural Safeguards</u>	<u>Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other</u>	<u>1</u>	<u>1</u>	<u>1</u>
	<u>Dispute Resolution: Complaints, Hearings</u>	-	-	-
<u>Sum the numbers down Column a and Column b</u>			<u>11</u>	<u>11</u>
<u>Percent of noncompliance corrected within one year of identification = (column (b) sum divided by column (a) sum) times 100.</u>			<u>(b) / (a) X 100 =</u>	<u>100.00%</u>

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008:

For FFY 2008, PRDE met the mandatory 100% target for Indicator 15. This is the first year in which PRDE has reached the 100% target, and PRDE believes this achievement reflects the significant work and dedication PRDE has made to its general supervision system over the past several years. In prior years, PRDE faced the challenge of eliminating a substantial amount of formerly identified non-compliance while at the same time continuing its work in ensuring progress moving forward.

The eleven findings were identified as the result of on-site visits made by the PRDE SAEI Monitoring and Compliance Unit. PRDE ensured that individual child findings of noncompliance were corrected by reviewing that the specific action that caused the noncompliance was corrected. Also PRDE reviewed subsequent data to ensure that future practices are compliant.

Throughout 2008-2009, 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 2008-2009 Improvement Activities.

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

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

- Assistive Technology Evaluations,
- Initial Evaluations,
- Re-evaluations,
- Early Childhood Transition,
- Secondary Transition

In assuring verification of correction, PRDE’s work has been consistent with the OSEP 09-02 Memorandum. PRDE verified both the correction of specific cases of previously identified noncompliance as well as reviewed additional files not previously reviewed in order to assure correction of any underlying issues leading to noncompliance..

Assistive Technology

PRDE herein submits an update on the outstanding non-compliance related to students awaiting assistive technology evaluations as previously reported in Puerto Rico’s *Report on Correction of Noncompliance*, which was submitted on February 1, 2008 as a part of its FFY 2006 APR submission, and updated in subsequent APR submissions.

<i>Correction of Assistive Technology Non-Compliance</i>		Number of Students to be Evaluated	Served as of 2/1/08 (FFY 2007 Submission)	Served as of 2/1/09 (FFY 2008 Submission)	Percent of non-compliance corrected
FFY 2007	Evaluation	1,037	418	1,037	100%

As reflected above, PRDE has eliminated the entire backlog for FFY 2007 related to assistive technology evaluations. 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 2008 APR.

Timeliness of Initial Evaluations

As of last year’s APR submission (FFY 2007 APR), PRDE reported it had assured all previously reported then-pending initial evaluations from FFY 2006 and FFY 2005 had been completed. Under Indicator 11 of the FFY 2007 APR clarification submission, PRDE reported a total of 1,000 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 2007 APR clarification submission as a point of reference. The data from this submission was extrapolated to reflect how many initial evaluations were not completed within 30 days and which of PRDE needed to verify had been completed.

<i>APR Indicator 11 Data</i>	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 2007 (2007-2008)	18,049	14,983	83%

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 that did not receive timely (within 30 days) evaluations (a-b)	Total # of children with parental consent to evaluate that received evaluations after 30 days but before the submission of the respective APR submission	d. Total # of children with parental consent to evaluate that did not receive timely evaluations but have been evaluated to date	e. Total # of children with parental consent to evaluate that either repeatedly missed evaluation appointments or moved and cannot be located	Percent of children with parental consent to evaluate that did not receive timely (within 30 days) evaluations that have since received initial evaluations ((d-e)/c)
FFY 2007 (2007-2008)	3,066	2,066 (1,000 were remaining to be evaluated at time of FFY 2007 APR clarification submission)	2,838	0228	92.6%

As reflected in the table above, ~~there a total of 228 FFY 2007 the only remaining~~ initial evaluations ~~remain from FFY 2007 are~~ for ~~which PRDE has not yet been able to confirm completion.~~ ~~PRDE's work validating the status of these 228 cases is a top priority~~ children that either repeatedly missed evaluation appointments or moved and cannot be located.

Timeliness of Re-evaluations

PRDE has assured that 100% of re-evaluations due during FFY 2007 have been held:

	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 2007 (2007-2008)	1,285	1,285	100%

Early Childhood Transition

Puerto Rico has assured the correction of previously identified noncompliance under Indicator 12, early childhood transition. As of the FFY 2007 APR, PRDE had outstanding individual student cases from FFYs 2005, 2006, and 2007 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 2007 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 2005 (2005-2006)	69*	69	100%
FFY 2006 (2006-2007)	104*	104	100%
FFY 2007 (2007-2008)	218	218	100%

*This data reflects the amount of Part C to Part B referrals for which PRDE was unable to verify whether the student had received their eligibility determination and when appropriate was receiving services as of the FFY 2005 APR submission (dated

February 1, 2007). Since that time, PRDE has provided data updates to OSEP reflecting lower numbers of cases pending validation.

The delay in Puerto Rico’s ability to confirm every single case from FFY 2005 and FFY 2006 was due to the manual nature of the files. FFY 2007 was the first year PRDE was able to use its new information system, SEASWeb, to assist with gathering and reporting of data under Indicator 12. The manual nature of the Part C to Part B transition files prior to FFY 2007 made it very burdensome for PRDE to address the specific information regarding the correction of all previously identified noncompliance under this indicator. Doing so required an exorbitant amount of resources, including a complete review of the files of all students transitioning from Part C to Part B during those years. Nonetheless, PRDE completed this activity and is now able to report all referred students in the system received their determinations and when determined eligible are receiving services. For more detailed information regarding PRDE’s efforts to ensure the correction for FFY 2005 and FFY 2006, please see the discussion under the narrative for Indicator 12 of this APR submission.

Secondary Transition

PRDE has been able to assure the correction of outstanding noncompliance regarding Indicator 13. This includes all cases from FFYs 2005, 2006, and 2007 where PRDE was not previously able to verify that all IEPs of students aged 16 and above included coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals. PRDE addresses the FFY 2007 cases first, followed by the FFY 2005 and FFY 2006 cases.

Under Indicator 13 of the FFY 2007 APR clarification submission, PRDE reported actual measurement data of 92%. Below, PRDE provides a table of APR data for Indicator 13 from the FFY 2007 APR clarification submission as a point of reference.

<u>APR Indicator 13 Data</u>	a. Number of IEPs reviewed	b. Number of compliance	Percent of timely (within 30 days) evaluation (b/a)
FFY 2007 (2007-2008)	12,213	11,259	92%

As such, there were a total of 954 student cases pending for FFY 2007 where PRDE had to assure the secondary transition requirements addressed under Indicator 13 were met. The following table reflects PRDE’s confirmation that 100% of the cases have been reviewed and confirmed to comply with the secondary transition requirements.

	FFY 2007 cases pending confirmation of compliance with Ind. 13 secondary transition requirements	Cases confirmed as complying with secondary transition requirements	Percent of pending Ind. 13 cases confirmed as complying with secondary transition requirements
FFY 2005 (2005-2006)	954	954	100%

PRDE’s work to confirm compliance under the pending FFY 2005 and FFY 2006 cases was a more burdensome process. This was due the fact that, as OSEP has noted, the certification approach PRDE employed in FFY 2005 and FFY 2006 did not accurately measure compliance under the specific requirements of Indicator 13. OSEP therefore considered the data previously submitted under this indicator as invalid. In order, then, to report on noncompliance with this requirement in prior years, PRDE had to conduct a review of the files of students 16 or above in years past to determine where any actual noncompliance existed. This was a considerable undertaking and demanded a significant degree of resources.

In order to conduct this review and make this assurance, PRDE conducted a review of files from a geographically diverse grouping of students who were aged 16 and above during FFY 2006. Considering the passage of time, the difference in the universe of students that would have been included

in FFY 2005 but not FFY 2006 for purposes of Indicator 13 are students who would have already turned 21 and thus exited the system. For this reason, PRDE’s focus in the review was based on students in this universe for FFY 2006. PRDE reviewed a total of 34 files, including multiple files from each educational region in Puerto Rico, measured the student IEPs against the current certification form (See. Ind. 13 for more information). As discussed in the narrative of Ind. 13 for this APR submission, PRDE has confirmed compliance with Ind. 13 for FFY 2005 and FFY 2006, and has assured the correction of any noncompliance identified.

Discussion of 2008-2009 Improvement Activities

PRDE’s collaboration with SERRC and DAC has been extensive throughout 2008-2009. A series of meetings were held between PRDE, SERRC, and DAC on a variety of topics relating to PRDE SAEE’s general supervision system, including the correction of noncompliance within one year of identification. These meetings are held in-person, at PRDE, and each monthly meeting typically last two full days. The main participants from PRDE are PRDE SAEE’s Monitoring Unit staff and Special Assistants to the PRDE Sub-Secretary for Special Education. The following chart summarizes the key topics addressed during each of the PRDE/SERRC/DAC meetings:

Meeting Dates	Key Topics
August 21-22, 2008	<ul style="list-style-type: none"> ▪ Developing guidelines that delineate a range enforcement actions for districts who do not correct noncompliance within a year; ▪ Clearly identifying districts with outstanding noncompliance and determine methods to achieve correction and necessary evidence; ▪ Drafting a General Supervision Calendar to assist in systematizing activities; ▪ Drafting/ outlining procedures and data collection forms for use on-site with districts identified with compliance concerns based on the self-assessments that the district submitted; and ▪ Developing written instructions for the completion and scoring of the on-site data collection forms.
September 24-25, 2008	<ul style="list-style-type: none"> ▪ Reviewing documents developed and updated since the August on-site visit, including the Enforcements and Sanctions and Self-Assessment Results document; ▪ Developing an outline/draft introduction for the monitoring manual; ▪ Reviewing/Revising the comprehensive district self-assessment; and ▪ Developing written instructions for the completion and scoring of the self-assessment.
December 10-12, 2008	<ul style="list-style-type: none"> ▪ Finalization of the Self-Assessment Document ▪ Further Development and Revisions of the Manual of Monitoring ▪ Finalization of Sanctions and Incentives
January 20-22, 2009	<ul style="list-style-type: none"> ▪ Met with new SAEE leadership team to discuss the purposes of the SERRC and DAC technical assistance, activities undertaken over the past ten months, etc. ▪ Reviewed expected evidences for each item of the revised district self-assessment. ▪ Expanded the scoring table developed by PRDE for districts to record the presence of evidence for each item on the self-assessment by indicator or indicator cluster. ▪ Reviewed and made some additions to the monitoring manual,

Meeting Dates	Key Topics
	<p>particularly adding clarifications and appendices of forms and reports.</p> <ul style="list-style-type: none"> ▪ Updated calendar of monitoring activities, including conduct of verification of correction of noncompliance. ▪ Reviewed plan of work to determine next steps and set calendar dates for future on-site visits.
<p>March 19-20, 2009</p>	<ul style="list-style-type: none"> ▪ Evaluated the Self-Assessment process noting strengths and weaknesses. ▪ Reviewed and refined scoring criteria for data collected through the district Self-Assessment. ▪ Scored district Self Assessment to ensure consistency in data collection and inter-rater reliability. ▪ Analyzed the responses submitted by the districts on the Self-Assessment to ensure PRDE is reliably interpreting data submitted. ▪ Organize steps necessary to complete reports to districts based on the analysis of the submitted Self-Assessments. ▪ Reviewed format of follow up report of findings from on-site monitoring visits to districts.
<p>May 7-8, 2009</p>	<ul style="list-style-type: none"> ▪ Reviewed scores of each district on the Self-Assessment. ▪ Reviewed the on-site monitoring activities to districts identified through last year's self-assessment. ▪ Reviewed the status of correction of noncompliance (identified in 2007-08 – corrected in 2008-09; identified in 2008-09). ▪ Identified areas of concern through the district Self-Assessments and on-site monitoring activities to develop targeted technical assistance. ▪ Began the discussion on collaboration between the Monitoring and Compliance Unit (MCU) and Technical Assistance Unit (TAU). ▪ Began discussion and identification of specific TA needs for MCU and TAU staff. ▪ Outlined a method of conducting monitoring activities with regional service centers.
<p>September 8-10, 2009</p>	<ul style="list-style-type: none"> ▪ PRDE SAEE 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. ▪ 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.

Meeting Dates	Key Topics
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.

Monitoring Manual Work

As reflected in the meeting topics in the above chart, PRDE SAAE has been working very diligently with SERRC and DAC’s support on the creation and implementation of its Manual of Monitoring. One component of the PRDE’s work in drafting its Monitoring Manual has been the development and incorporation of a sanctions and incentive system. Because of the nature of the sanctions and incentive system, especially since Puerto Rico is a unitary system and as such sanctions impact on personnel matters, this policy had to be reviewed and approved by the PRDE Legal Division and Secretary of Education. The incentives and sanctions policy was approved on March 5, 2009. Although the policy has been effective for over nine months, PRDE has not yet had occasion to exercise any sanctions as all no findings have gone uncorrected for more than one year following identification.

Since the incentives and sanctions policy was approved, PRDE worked to incorporate this policy into its Monitoring Manual, along with additional revisions to its Monitoring Manual related to the expansion of PRDE’s monitoring approach for 2009-2010. One example of the additional revisions is the routine of monitoring activities which was incorporated into the monitoring manual in Appendix E. Specific to FFY 2009:

Between July and December 2009 (FFY 2009)

- Coordinate with Technical Assistance Unit to provide districts with TA on identified areas:
 - SPP indicators, specifically Indicator 5 - school age placement (ages 6-21), Indicator 12 – transition of toddlers with disabilities to preschool, and Indicator 13 – secondary transition
 - Making decisions about necessary accommodations based on the unique and individual needs of students
- Conduct on-site monitoring activities in select Service Centers
- Conduct follow up activities with districts monitored on-site in April and May 2009
- Review district self-assessment revising as necessary based on changes in SPP Indicators measures

Between January and June 2010 (FFY 2009)

- Conduct on-site monitoring activities to districts scoring 100% on the district self-assessment (2009)
- Continue coordinated efforts with Technical assistance Unit

- Conduct follow up activities in Service Centers monitored in the previous six month period

The goal for revising the monitoring process works in stages of implementation. One of the immediate goals when the PRDE/SERRC/DAC collaboration began was to implement a self-assessment for monitoring at the district level island-wide. PRDE implemented its first self-assessment during spring 2008. The focus during 2008-2009 was evaluating and improving the self-assessment and the approach to on-site monitoring at the district level. PRDE made deliberate efforts to align the district self-assessment to the SPP indicators with special emphasis on the related requirements. The focus for 2009-2010 will be to enhance monitoring of the Special Education Service Centers (CSEEs by the Spanish acronym) and continue refinement to the on-site monitoring activities. Additionally, as reflected by the topics of the later 2008-2009 meetings, emphasis is being placed on coordination with the TA Unit to provide targeted technical assistance in areas identified, systemwide.

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). PRDE established a CSEE monitoring schedule for 2008-2009 that included formal monitoring visits to all CSEEs.

Integration of Findings of Noncompliance Identified through the State Complaint Process

Additionally, PRDE SAAE has been working 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. As a result of these efforts, PRDE will be able to include findings of noncompliance identified through the State complaint dispute resolution process in Worksheet B-15 for next year’s APR.

Looking Forward to 2009-2010

During 2009-2010, PRDE SAAE’s work with SERRC and DAC will focus in large part on the further refinement of the CSEE monitoring system, including ways to use the SEASWEB database (See also the calendar of activities). An additional action item is the completion of an Interview Guide that the MCU will use as a part of its on-site monitoring visits to the CSEEs. One goal for the spring of 2010 will be to develop procedures on the selection of CSEEs for on-site monitoring in future years and refinement of written procedures for monitoring of the CSEEs. Because of the sense of urgency to closely monitor all CSEEs this year, SAAE will carry out formal monitoring visits to all CSEEs while continuing to refine the CSEE monitoring process.

Activity	DISCUSSION
1. Review and revise the monitoring system to include aspects identified as per the SPP	See discussion above.
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, PRDE has closed out all findings of noncompliance identified during

	FFY 2007 (2007-2008). The MCU has sent out close out letters for all of these closed findings.
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.	To date, no entities have had repeated non-compliance findings with one year of identification. In the event any entities have any findings of non-compliance that are not corrected within one year, PRDE's sanctions and incentives applies, which includes sending such notification letters.
4. Continue to implement the monitoring cycles to entities providing special education services.	PRDE has continued to hold annual monitoring cycles. As discussed above, PRDE's monitoring cycles are based in part on the results of the self-assessment.
5. Incorporate compliance component as part of the Statewide Personnel Development System.	See discussion above. 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 2009:

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 2008

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
FFY 2008 (2008-2009)	100%

Actual Target Data for FFY 2008: 100%

Data from Table 7 (FFY 2008):

- (1) # of written, signed complaints received (total): 78
 - (1.1) # of complaints with reports issued: 67
 - (a) # of reports with findings of noncompliance: 51
 - (b) # of reports within timeline: 65
 - (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: 11

FFY 2008 Measurement:

Data Year	1.1(b)	1.1(c)	1.1
2008-2009	65	2	67

Data Year	1.1(b) + 1.1(c)	Divided by 1.1	Times 100	= Percent
2008-2009	67	1.00	100.00	100%

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008:

PRDE met the mandatory 100% target for Indicator 16 for FFY 2008. This 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 100% compliance with the timely

resolution of State complaints is evident through a review of PRDE’s APR submissions and its special condition reports relating to State complaints over the past three years.

From FFY 2004 to FFY 2008, 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
0%	2.78%	56.04%	92.65%	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. Although the special conditions have been removed, PRDE continues to report its compliance with issuing timely reports resolving state complaints 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 2008 has continued into FFY 2009. In fact, PRDE is proud to report that it is in 100% compliance under this indicator for FFY 2009 to date. A log of State complaints filed July 1, 2009 through December 31, 2009 is included in Attachment A 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 has committed additional resources to the State complaint process over the past year. In particular:

- On 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 the Annual and Special Conditions Report. PRDE provided training and technical assistance to the new Administrative Complaint Investigator to help with the transition, including on the job training from the outgoing staff member.

As part of the management and tracking of the state complaints, a continuous exhaustive analysis of the factors that affect the compliance with the timelines requirements is made and the Administrative Complaint Investigators, one of which is also a licensed attorney, are responsible for identifying and implementing processes and activities to correct or address any factors that may affect compliance.

- Since January 2009, an attorney is in charge of the drafting of the final written reports. This attorney was appointed Director of the Special Education Legal Division (SELD) on July 2009 and the whole process is currently under his guidance and supervision.

The staffing arrangement for working on State Complaints consists of two Investigators that divide the complaints equally. The investigators 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. Previously these responsibilities were segregated: one person would conduct investigations and another would follow-up and write the reports. The Director of the SELD is the attorney responsible for drafting the final reports and there is a secretary assigned to assist in the complaint process. Even though we are currently complying with the requirements of the complaint process, the addition of more resources is being evaluated. Also, Law 7 has not affected the working staff, since both investigators and the director were excluded from the laid offs,

Several administrative activities have also been implemented throughout the past year to help improve compliance with this indicator. PRDE continues to improve on a series of administrative procedures to ensure an adequate tracking of the State complaints. PRDE has continued to train its employees to ensure that all the personnel involved in the State complaint process understand the importance of complying with IDEA's requirements, including the timelines. The SELD is in the process of training all the attorneys of the office, so they can play an integral part in the drafting of the final written

reports. In March 2009, complaint investigators at the central level as well as in the regions received training on the complaints and how to handle and refer complaints and on time lines.

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. 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. With this action PRDE is working to ensure that the State complaint process is accessible to everyone in Puerto Rico.

The new Legal Register Information System is currently in use in the SELD. This System is used 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.

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
<p>1. Validation checks of information system to ensure all complaints are being recorded.</p>	<p>Analysis of the state complaints files and the information system is made to ensure all complaints are registered.</p> <p>Additionally, on July 2009, a new Administrative Complaint Investigator (Lead Administrative Complaint Investigator) was designated to be responsible for overseeing the tracking of state complaints. This individual assists with collection of data for the APR and Special Condition Reports. This individual handles these validation checks.</p> <p>Data system is operating efficiently. There have not been any problems with efficient and regular data input. Nonetheless, PRDE intends to continue with this activity.</p>

<p>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.).</p>	<p>PRDE complied with this activity. 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.</p>
<p>3. Hold trainings for investigators, lawyers, and other personnel related to the state complaint process.</p>	<p>Such trainings were held in March 2009, as were trainings on this process for all special education teachers island wide.</p> <p>Also, our state complaints investigator attended training on investigation techniques, communication, and mediation and negotiation techniques.</p>
<p>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.</p>	<p>As discussed above, PRDE reviewed and improved its State complaint filing process, including two key accomplishments during FFY 2007: (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.</p>
<p>5. Evaluate resources and seek to hire new personnel to work with the state complaint process as determined appropriate (likely an additional investigator and an additional lawyer).</p>	<p>As discussed above, PRDE brought in new personnel to work with the State complaint process during FFY 2008. At the current moment, PRDE has four people (consisting of two Investigators, a Secretary, and the Director of SELD) that work directly with the State complaint process and are responsible for ensuring compliance.</p>

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2009:

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 2008

Overview of the Annual Performance Report Development:

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 17: Percent of fully adjudicated 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.

(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 2008 (2008-2009)	100%

Actual Target Data for FFY 2008: 52.8%

Data from Table 7 (FFY 2008):

Data Year	3.2—Hearings (fully adjudicated)	3.2(a)—Decisions within timeline	3.2(b)—Decisions within appropriately extended timeline
2008-2009	1,010	515	18

FFY 2008 Measurement:

Data Year	3.2(a) + 3.2(b)	3.2	[3.2(a) + 3.2(b)] / 3.2	Times 100	= Percent
2008-2009	533	1,010	0.528	52.8	52.8%

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008:

PRDE continues focused on improving the management of the due-process request timelines. The percent of fully adjudicated 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 (that is, Indicator 17) for FFY 2008 was 52.8%. The same indicator was 51.5% for FFY 2006 and 50.1% for FFY 2007. Despite having a similar percentage for the three fiscal years (FFY 2006, FFY 2007, and FFY 2008) for this timeline indicator, continuous significant progress can be observed in other aspects of

the administration of the due-process hearing requests. Training, technological support, and monitoring of the administrative judges and training of the PRDE personnel island-wide has been instituted as an ongoing process to ensure more reliable and accurate data and the continuation towards the goal to meet the 100% target of the timeline indicator. Here are some observations:

- *Indicator 17* was over 60% for 6 months during FFY 2008 (60.9% in August, 63.5% in December, 60.7% in January, 69.0% in February, 81.4% in March, and 62.4% in April).
 - The December 2008 – April 2009 period reflected higher percentages in the indicator that could be explained by the trainings held for the administrative judges (hearing officers) between February and May 2009. In these training sessions, the importance of addressing the controversies within the 45-day timeline was stressed, even in cases in which the parents insisted in leaving the case open until compliance was met. In these sessions, the proper procedures to extend beyond the 45-day timeline were also discussed with multiple parties, including internal and OSEP consultants.
 - For the first time, numbers are included for fully adjudicated due-process hearing requests that were fully adjudicated *within a timeline that is properly extended*.
 - The highest percentage attained in Indicator 17 during FFY 2008 was 81.4% in March 2009, which reflected a rising path in the effectiveness of timeline management efforts.
- PRDE's continued success with resolution meetings and mediation throughout FFY 2008 may have had an impact on PRDE's performance with Indicator 17 during FFY 2008. In FFY 2006, the percent of due-process complaints resolved without a hearing was 14% (of 1,698 hearing requests filed) while the same percent in FFY 2007 was 45% (of 1,700 requests filed) and in FFY 2008 was 47% (of 1,993 filed requests). This is a very significant milestone. Those requests resolved without a hearing include cases totally resolved through resolution meetings or mediation and cases in which parents withdraw prior to the due process complaint reaching the hearing stage. This significant increase points to improvements in the communication channels available previous to the rather adversarial nature of a hearing. At the same time, this may also be a sign that the average complaint reaching the hearing stage may be more complex and more difficult to resolve than the average complaint going to hearing in prior years. While this may not have helped the actual target data under Indicator 17 for FFY 2007 and FFY 2008, the success of the resolution meetings and mediations is a trend PRDE hopes to continue.
- While, for FFY 2006, 53% of the hearing requests (of 1,698 filed requests) were properly resolved either with a hearing process within the 45-day timeline or through a non-adversative process without a hearing, the same indicator in FFY 2007 reflected 70% (of 1,700) in FFY 2007 and 73% (of 1,993) in FFY 2008. This is a positive increase reflecting a more effective management process for due-process hearings.
- Several reasons stand out when explaining the due-hearing requests that go beyond the 45-day timeline during FY 2008:
 - With the newly instituted resolution meetings and the existing mediation mechanisms resolving the most straightforward cases, the hearings are left with the most complex ones requiring more time, involving legal representation, and often calling for the participation of expert witnesses.

- Two periods during the year typically make it extremely challenging to comply with the 45-day timeline: winter holiday season (a long holiday season in Puerto Rico from the December 24 through January 7) and summertime. During those periods, it is difficult to convene parents and PRDE employees since many of them are on vacation as they are entitled to be. Difficulties convening for resolution meetings and mediation produce more cases reaching the hearing stage. Difficulties convening for the hearing cause the extension beyond the 45-day timeline. This situation partly explains the relatively low percentages for Indicator 17 during the months of July, October, November, May, and June and the slower pace in April (as compared to the rising path in March). As a reference, the following are the percentages for Indicator 17 for each month in FFY 2008:

 - 34.4% for July
 - 60.9% for August
 - 55.8% for September
 - 48.0% for October
 - 36.2% for November
 - 63.5% for December
 - 60.7% for January
 - 69.0% for February
 - 81.4% for March
 - 62.4% for April
 - 23.7% for May
 - 22.9% for June

- PRDE is working to better streamline the contracting process for hearing officers to avoid any unnecessary delays.

During FFY 2008, to ensure sustained involvement towards compliance, PRDE has continued multiple activities and has designed and implemented additional measures:

Activity	Discussion
1. Include due process procedures as part of the Statewide Personnel	Trainings are continuously held as a part of the statewide personnel development system for teachers, general supervisors, and district supervisors. Mediation and resolution

<p>Development System to ensure personnel's' understanding and implementation of adequate processes.</p>	<p>meetings are included as topics.</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 explanations for every resolution issued after the 45-day timeline. The requirement to provide these explanations is now 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 two weeks alerting them of upcoming timeline expirations and asking for explanations for those cases beyond the timeline.</p>
<p>4. Continue periodic training, continuing education, for administrative law judges.</p>	<p>Several sessions (Feb. 13, Apr. 14, and May 27, 2009) were held with the judges to address several of their previously expressed needs, especially the discussion of the proper extension timelines for the due process complaints according to OSEP best practices. The May 27 session involved a video conference with an OSEP consultant addressing the judges' request to hear directly from OSEP (not PRDE) regarding the legal requirements and clarification of their responsibilities to comply.</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. Conciliators (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>A brochure has been developed to continue efforts promoting this alternative. As discussed regarding mediations (see Indicator 19), this brochure is being discussed with the RLV plaintiffs class.</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 to create reports indicating timeline compliance status. PRDE SAE developed a manual for proper operation of the information system, a manual with both technical and procedural aspects of data entry and validation.</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.</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.</p>

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2008:

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 2008

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 2008 2008-2009</i>	50.7

Actual Target Data for 2008: 52.7%

Data from Table 7 FFY2008

- (3.1) Resolution sessions 740
- (a)Settlement agreements 390

FFY 2008 Measurement:

Data year	3.1(a) Settlement Agreements	3.1 Resolutions Sessions Held	3.1(a) Divided by 3.1	= Percent
2008-2009	390	740	0.527	52.7 %

During this reporting period, PRDE participated in 740 resolution sessions. Of those, 390 (52.7%) 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 2008:

During 2008-2009, 740 resolution sessions were held, of which 390 resulted in settlement agreements that resolved the due process complaint in full. This represents a 52.7% success rate of resolution sessions. As such, PRDE met its FFY 2008 measurable and rigorous target of 50.7%. Attachment B of the present APR includes Table 7. In 2007-2008, PRDE’s resolution process success rate was 60.13%. Comparing data from both reporting years, PRDE shows a sustained effort in meeting the measurable and rigorous target set in its SPP.

The continuous efforts to disseminate the benefits of the resolution process have resulted in increased trust among parents, allowing them to resolve their complaints in full, without the need for an

administrative hearing. An informal satisfaction survey conducted during the months of May and June 2009, in Arecibo, Bayamón, Caguas, and San Juan Regions revealed that more than half of the parents that responded to the survey, expressed satisfaction with the resolution process. Of the surveyed parents, 55.2% indicated trust in the process, 65.7% felt their concerns were listened to, 52.6% felt respected, and 68.4% felt completely engaged in the discussion and decision making process.

During this reporting period, intensive individual technical assistance has been given to personnel in charge of the resolution process at the Regional Service Centers. The technical assistance addressed issues such as importance of timelines and process, follow up, one-on-one assistance, questions, etc.

In spite of the level of compliance with the measurable and rigorous target for this indicator during the previous and actual reporting period, PRDE recognizes the need for continuous and systematic dissemination and training regarding the process. Some hindrances to the full implementation of the resolution process still persist. For the next reporting period, PRDE will continue to disseminate, train and retrain personnel, and address the administrative issues regarding the implementation of the resolution sessions in order to ensure its implementation and success. These activities are further included as part of the Improvement Activities.

Improvement Activities included in FFY 2008 and discussion:

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 Centers continued and intensified during this reporting period. Special attention was given to Bayamón, Arecibo, and Caguas regions. Bayamon's ongoing problems with slow transfer of due process complaints when filed lead to loss of days. Improved, technical assistance was effective. Arecibo approved parties invited to resolution meeting—often had wrong people showing up. Tech assistance provided re: who should participate, etc. Caguas requested specific assistance re: autism because was receiving high number of due process complaints re: autism. Review files for timelines ensuring meetings scheduled early in the process, on-site monitoring and technical assistance provide from staff at central level. Monitoring unit also began monitoring resolution process at the centers this year.</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 visits and technical assistance activities were carried out throughout the reporting period. All regional personnel received assistance. See examples of technical assistance in activity # 1 above.</p>
<p>3. Monitor and ensure timeliness of resolution sessions to include tracking timelines through the designed computer system.</p>	<p>A tracking system has been 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. The system issues a report with information needed to determine status of the complaints. Complaints that are near the 15 days are identified and a warning call is made to the</p>

	specific center.
4. Continue to design and provide trainings to the investigators/facilitators to further train them in dispute resolution and conflict management.	One on one trainings with each facilitator, SELD in charge of investigators. Planning for group training in spring 2010. Due to schedule difficulties, and island wide group training regarding resolution meetings was not conducted during this reporting period. However, the training design was developed and is ready to be implemented. Furthermore, as discussed, one-on-one trainings and technical assistance were held with representatives from each center individually.
5. Continue to design and provide training to all other relevant personnel.	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. Ideally, an additional investigator in the San Juan CSEE might be helpful, but the current staffing level is sufficient for managing the workload.
7. Offer training to all special education teachers around the Island.	This training was conducted in summer 2008. Also, CSEE directors received training in January 2009.
8. Implement parental evaluation regarding the resolution session experience.	During 2008-2009, PRDE began the process of creating and implementing a parental evaluation regarding the resolution session. During the fall of 2009, PRDE began receiving responses from the survey. To date, results have been positive. Results from evaluations received during 2009-2010 will be discussed in next year's APR submission.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2009:

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 2008

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 2008 2008-2009	63.5%

Actual Target Data for FFY 2008: 75.1%

Data from Table 7 (FFY 2008) 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
2008-2009	480	105	779

Measurement

Data Year	2.1(a)(i) + 2.1(b)(i)	Divided by 2.1	Multiplied by 100	Percentage/Measurement
2008-2009	585	.7509628	75.096	75.1%

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008:

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 Judge 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.

PRDE's performance under this indicator increased significantly over the last year, up over 7.3% from 69.97% to 75.1%. PRDE has met its FFY 2008 target of 63.5%, exceeding that target by 11.6%. The following table highlights PRDE's continual increase in performance under Indicator 19 over the past three years.

Demonstrated Progress with Indicator 19 Over Time			
<i>FFY 2005</i>	<i>FFY 2006</i>	<i>FFY 2007</i>	<i>FFY 2008</i>
43.3%	57.9%	69.97%	75.1%

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 2008 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> were reviewed by 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. Also, as previously reported in FFY 2007, an updated brochure regarding mediation process was reviewed by the Rosa Lydia Velez plaintiffs' class. The approved document is currently distributed across the schools, centers, and districts. The major reason for these delays in the approval of the new applications, the new procedure manual, and the new brochure is that class representatives do not agree with the mediation process as an alternative for parents and prefer parents be directly referred to more adversarial processes to resolve controversies.

	PRDE has continued dissemination efforts through informational meetings at the CSEEs in collaboration with the CSEE and District social workers, and APNI (PR DTA).
3. Include mediation as part of the focused monitoring system.	Due to the work with PRDE's with its monitoring unit and overall general supervision system as discussed throughout the APR and particular under Indicator 15, mediation will be included under the new monitoring system.
4. Encourage and publicize mediation options.	See progress reported for activity # 2 above.
5. Provide on-going training to mediators.	A bimonthly calendar of meetings has been established for meetings between the mediators and coordinators. This allows the mediators and coordinators a scheduled time once every two months to discuss issues related to mediation and also allows for technical assistance and training on a regular basis.
6. Collect evaluation feedback from mediators and mediation participants.	As discussed in the FFY 2006 APR submission, PRDE developed and implemented an evaluation form. The evaluation questionnaire ("Satisfacción con el Proceso de Mediación") was again given during FFY 2007 and the results evidenced a significant increase in the satisfaction for the mediation process. Therefore, during FFY 2008 PRDE decided that further collection of feedback was not necessary at that time. Nonetheless, PRDE will validate the increase in the positive feedback of the mediation process by conducting another evaluation in FFY 2009.
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.	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 have decreased, since parents now have another process to sort out disputes regarding Special Education services. For 2008-2009, there were three mediators contracted by the PRDE. This total number of mediators available appears to be sufficient for this period.

<p>9. Intensify training to PRDE personnel regarding the mediation option as a means to resolve controversies as part of the statewide Personnel Development System to ensure adequate comprehension and implementation of mediation process.</p>	<p>See progress reported for activities #1 and #5 above.</p>
<p>10. Evaluate PRDE resources in order to determine if it is feasible to increase the number of mediators.</p>	<p>As discussed in #8 above, at this time the number of mediators currently under contract with PRDE is sufficient.</p>
<p>11. Continue and intensify the dissemination of information regarding mediation to the public</p>	<p>See progress reported for activities #2 and #4 above.</p>

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2009:

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 2008

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 below).

FFY	Measurable and Rigorous Target
FFY 2008 (2008-2009)	100%

Actual Target Data for FFY 2008: 94.72%

PRDE has computed its actual target data for the FFY 2008 APR in accordance with the OSEP tables for Indicator 20 Data Rubric. [We explain why the calculation for Indicator 12 is correct above. We also have given credit for the B-15 Worksheet, which is now included.](#) These 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
5	1	1	2
7	1	1	2
8	1	1	2
9	N/A	N/A	0

APR Indicator	Valid and Reliable	Correct Calculation	Total
10	N/A	N/A	0
11	1	1	2
12	1	1	2
13	N/A	N/A	0
14	N/A	N/A	0
15	1	1	2
16	1	1	2
17	1	1	2
18	1	1	2
19	1	1	2
		Subtotal	30
APR Score Calculation	Timely Submission Points - If the FFY 2008 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) =		35.00
	Grand Total - (Sum of subtotal and Timely Submission Points) =		35.00

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	N/A	3
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	N/A	3
Table 4 - Exiting Due Date: 11/1/09	0	1	1	N/A	2
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	0	1	N/A	2

			Subtotal	17
618 Score Calculation			Grand Total (Subtotal X 1.857) =	31.57
Indicator #20 Calculation				
A. APR Grand Total			35.00	
B. 618 Grand Total			31.57	
C. APR Grand Total (A) + 618 Grand Total (B) =			66.57	
Total N/A in APR			4	
Total N/A in 618			3.72	
Base			70.28	
D. Subtotal (C divided by Base*) =			0.947	
E. Indicator Score (Subtotal D x 100) =			94.72	
Note any cell marked as N/A will decrease the denominator by 1 for APR and 1.857 for 618				
* Call your State Contact if you choose to provide data for Indicators 13 or 14				

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008:

PRDE made significant progress toward meeting the 100% target during FFY2008. Although the 94.72% does not meet the mandatory 100% target, 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 has been approved as EDEN-only for reporting several of the Tables. PRDE qualified to supply the data for the following IDEA data collection tables exclusively through EDEN files:

- Table 1 /Report of Children with Disabilities Receiving Special Education Services Under Part B (July 15, 2008)
- Table 2 / Personnel Distribution (July 15, 2008)
- Table 5 / Report on Disciplinary Removals (October 20, 2008)
- Table 6 / Special Education Students in State Assessment (October 20, 2008)

Table 4 was submitted timely to EDEN. Because of a misunderstanding in the submission requirements the DANS Data Transmission Spreadsheet (DTS) was not submitted until after the deadline.

Data related to children and youth with disabilities was collected through the SEASWEB database for reporting Tables 1, 3, 4, and 5. This is the second year PRDE has used this electronic database for collection and reporting.

618 Data Collection and Validation Activities

This is the second 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 principal, 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. Reports were prepared on the security levels, user accounts and update them if any changes occur.

APR Data Collection and Verification Activities

Different people in PRDE Special Education Program had have responsibilities for collecting and reporting APR indicator data. They worked with the Data Manager and a General Supervisor of Special Education to ensure accurate calculations and interpretations. Data validation and verification activities for indicators using 618 data are described above. For indicators, such as 15, which rely on monitoring data, activities to teach monitors how to score district self-assessments were undertaken to ensure inter-rater reliability. Also interview guide data collections were standardized to ensure all monitors ask the same questions.

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.

Activities	Discussion
<p>1. Continue to train special education personnel and other related staff in the new data based information system.</p>	<p>See discussion above.</p> <p>This is a continuous activity. These trainings are attended by new teachers, directors and other new personnel. PRDE wants to build a technological culture in its personnel who are responsible for data entry.</p> <p>Also, PRDE will be retraining actual personnel who have difficulties or doubts with the use of the system.</p> <p>Looking forward, training activities will focus attention on all personnel in the Special Education Data Unit being consistent in interpretation and provision of technical assistance to districts and service centers.</p>
<p>2. Continue with implementation of our data base information system island wide.</p>	<p>Throughout 2008-2009, PRDE continued implementation of the database information system island wide. Every school and school district office should be entering the SIS number in order to make the integration between SIS and Seasweb. PRDE is continuing to monitor this process and with the trainings discussed above is continuing its efforts to build the technological culture, including comfort level with SEASWeb, throughout PRDE.</p> <p>Moving forward, PRDE will report under this activity regarding its Special Education Data Unit's efforts to collaborate with other units of the Special Education Office to ensure the ongoing work with the data based</p>

	information system. PRDE will continue to ensure integrated monitoring activities.
<p>3. Incorporate new elements to the data system to improve in our data collection and reporting (Transportation, Assistive technology, Appointments coordination</p> <p>Complaints / Due Process Hearings</p>	<p>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 continually made to move in that direction and to improve in quality data end reporting.</p>

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2009:

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