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PUERTO RICO
DEPARTAMENTO DE EDUCACIÓN



**Submission to the U.S. Department of Education
Office of Special Education Program
FFY 2012 APR Supplemental Report**

**Puerto Rico
February 3, 2014**

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I. Background

On June 24, 2013, the United States Department of Education (ED) issued certain special conditions to the Puerto Rico Department of Education (PRDE) for FFY 2013. A subgroup of those conditions require continued reporting on implementation of activities by the PRDE Office of Special Education (SAEE by its Spanish acronym) under PRDE's Memorandum of Agreement (MOA) and 2007 Compliance Agreement with ED.¹ This report hereby serves as the PRDE SAEE's supplemental report due on or before February 3, 2014.

Much of the information requested through the special conditions regards data that PRDE SAEE is providing to OSEP in advance of the formal submission dates (e.g., 618 data reporting or APR submission deadlines). The data being submitted is valid and reliable. Nonetheless, updates and revisions may be made to the data as a result of systemic validation efforts prior to final formal submission. As such, PRDE reserves the right to make revisions to data as a result of validation efforts that will continue through and until 618 data and APR submissions are completed.

II. Reporting Items for February 3, 2014

Specifically, this report provides updates on the following activities connected to the MOA and the 2007 Agreement:

- A. Initial Evaluations,
- B. Part C to Part B Transition,
- C. Due Process Hearings,
- D. Assistive Technology,
- E. Correction of Noncompliance; and,
- F. Financial Management Issues (including the use of funds requirements related to transportation contracting).

The required reporting items were discussed with and confirmed by OSEP, as was the period for which reporting under each item was to cover. Each required report item is discussed in turn.

¹ See pages 9-12 of the FFY 2013 Special Conditions.

A. Initial Evaluations

PRDE’s APR discussion of Indicator 11 is incorporated by reference herein. PRDE refers OSEP to its APR discussion of Indicator 11, which provides detailed information on PRDE’s handling of initial evaluations within the required timelines for FFY 2012. As discussed therein, PRDE achieved 91.7% compliance under Indicator 11 for FFY 2012 for initial evaluations provided within the 30 days State established timeline and 97.6% within 60 days.

Additionally, the FFY 2013 Special Conditions require PRDE to report on updated data for the period from July 1, 2013 through December 31, 2013.² As requested, PRDE has prepared the following chart reporting on PRDE's progress regarding students referred for initial evaluations during the first semester of FFY 2013 (July 1, 2013-December 31, 2013).

Initial Evaluations for First Semester of FFY 2013 (July 1, 2013-December 31, 2013) DATA as of January 30, 2014			
Total # of children with parental consent to evaluate *	Initial Eval. Completed	Eval. < 30 days	Pending Status Verification **
6,765	6,668 (At least 98.6 %)	6,475 (At least 95.7%)	97

* A total of 6,793 children with parental consent to evaluate were initially received, however 28 students exited the registration process prior to receiving their initial evaluations.

** The majority of the students in the column labeled 'Pending Verification of Evaluation' have already missed one or two evaluation appointments. PRDE expects that a number of these students will exit the evaluation process in accordance with PRDE's procedures for eliminating students from the registration list following a failure to attend three consecutive scheduled evaluation appointments. PRDE's procedure was established in accordance with 34 CFR 300.301(d).

B. IDEA Part C to Part B Transition IDEA

PRDE refers OSEP to its APR discussion of Indicator 12, which provides detailed information on PRDE’s 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

² The Special Conditions actually require reporting on the period of July 1, 2012 through June 30, 2013 as well. As that period of time falls reflects the FFY 2012 reporting period, that information is provided within PRDE’s FFY 2012 APR discussion of Indicator 11.

within the required timelines for FFY 2012. As discussed therein, PRDE achieved 76.9% compliance under Indicator 12 for FFY 2012. PRDE's APR discussion of Indicator 12 is incorporated by reference herein.

Additionally, the FFY 2013 Special Conditions require PRDE to report on updated data for the period from July 1, 2013 through December 31, 2013.³ As requested, PRDE has prepared the following chart reporting on PRDE's progress regarding Part C to Part B transition during first semester of FFY 2013 (July 1, 2013-December 31, 2013).

Part C to Part B Transition (Ind. 12), First Semester of FFY 2013 (July 1, 2013-Dec. 31, 2013) (as of February 3, 2013)											
Total Referred Part C to Part B	Exits	Determined Ineligible	Not Yet Turned Aged 3	Consent Not Yet Received	Served by Third Birthday	Served after third birthday					Pending Status Verif.*
						≤30 days	31-60 days	61-90 days	91-120 days	121+ days	
955	77	1	346	97	330 (76%)	38	25	5	2	0	34

* The majority of the students in the column labeled 'Pending Verification of Evaluation' have already missed one or two appointments.

Reporting data for this period of time is challenging insofar as a significant number of the students referred from Part C to Part B during this period have not yet turned three years of age and/or have not registered for a Part B evaluation (and as such, the parent/guardian has not yet given consent for an evaluation). As such, the data PRDE is able to report here for the period of July 1, 2013-December 31, 2013, while valid and reliable, will continue to evolve as a nature of the measurement factors and the closeness in time to the period of data requested.

As discussed within the APR under Indicator 12, PRDE has been working closely with the Puerto Rico Department of Health (PRDH) to attempt to improve the timeliness of referrals from Part C to Part B. New interagency efforts are being made to address this issue, including the establishment interagency guidance regarding Part C to Part B referral process. PRDE hopes that this continued collaboration will result in improved timeliness of referrals from the PRDH, which in turn will allow PRDE's hard work to ensure timely Part C to Part B transition to be better reflected in the Indicator 12 measurement. Without timely referral from Part C, 100% compliance with the current measure for Indicator 12 impracticable.

³ The Special Conditions actually require reporting on the period of July 1, 2012 through June 30, 2013 as well. As that period of time falls reflects the FFY 2012 reporting period, that information is provided within PRDE's FFY 2012 APR discussion of Indicator 12.

C. Due Process Hearings

PRDE refers OSEP to its IDEA section 618 reporting on the timeliness of decisions in impartial due process hearings for FFY 2012. Applying the data therein, PRDE achieved 82% compliance with the measurement used for former APR Indicator B-11 for FFY 2012. However, considering the entire universe of due process complaints—including those resolved prior to a hearing and those resolved after the submission of Table 7 but within an appropriately extended timeline—PRDE achieved 87.8% compliance with the 30 day due process hearing timeline for FFY 2012. PRDE believes the latter calculation is a more accurate and meaningful reflection of PRDE’s compliance with this requirement. This approach calculates the percentage of all due process complaint hearing requests filed during FFY 2012 that were resolved timely.

The following charts summarize the FFY 2012 data and these calculations.

Data from Table 7 (FFY 2012):

Data Year	3—Total number of due process complaints filed	3.4—Complaints withdrawn or dismissed (including resolved without a hearing)	3.2—Hearings (fully adjudicated)	3.2(a)—Decisions within timeline	3.2(b)—Decisions within appropriately extended timeline
2012-2013	2,225	968	1180	791	176

FFY 2012 Measurement for Former Indicator B-17:

Data Year	3.2(a) + 3.2(b)	3.2	$[3.2(a) + 3.2(b)] / 3.2$	Times 100	= Percent
2012-2013	967	1180	$967/1180=0.8195$	$0.8195 \times 100=81.95$	82%

FFY 2012 Measurement for PRDE Compliance with Timely Adjudication of Due Process Requests:

Data Year	a. Total Universe (3)	b. Complaints Resolved Without a Hearing (3.4)	c. Timely Adjudicated Cases as per Table 7 $[3.2(a)+3.2(b)]$	d. Cases Resolved Within an Appropriately Extended Timeline, Subsequent to Submission of Table 7	$[(b+c+d) / a] * 100$ = Percent of FFY 2012 Due Process Hearing Requests Resolved in a Timely Manner

2012-2013	2,225	968	967	18	$(1953/2,225)*100 =$ <u>87.8%</u>
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Further, PRDE has been able to verify that over 98.4% of all due process complaints filed during FFY 2012 have been closed. A total of 2,225 due process complaints were filed during FFY 2012, and PRDE has been able to verify that all but 35 cases have been fully adjudicated as of January 29, 2014.

Additionally, OSEP has requested through the FFY 2013 Special Conditions that PRDE report on the timeliness of due process hearings for the period of July 1, 2013-December 31, 2013. Reporting data for this period of time is challenging insofar as a significant portion of due process complaints filed during this period are not yet resolved although they are still within the timeline. This is the natural situation resulting from this request, particularly when considering the resolution period and appropriate extensions of time. As such, the data PRDE is able to report here for the period of July 1, 2013-December 31, 2013, while valid and reliable, will continue to evolve as the timeline expires on the remaining due process cases that were filed during this period.

To date, for the period of July 1, 2013-December 31, 2013, PRDE is able to report 88.2% compliance with the timeline requirements for impartial due process hearings (as calculated in accordance with former Indicator B-17). A total of 1,351 due process complaints were filed during this period. A total of 449 complaints were resolved without going to a hearing and 250 complaints remain active without total resolution. This means a total of 652 of the cases filed during the period went to a hearing and have been resolved. Of those, 487 were resolved within the 45 day timeline and 88 were resolved within an appropriately extended timeline. This means a total of 575, or 88.2%, of the 652 cases that went to hearing and were resolved, were resolved timely.⁴

Timeliness of Due Process Complaints Filed During the First Semester of FFY 2013 (July 1, 2013-December 31, 2013) as of January 30, 2014		
Hearings (fully adjudicated)	Decisions within timeline	Percent of Decisions within Timeline
652	575	<u>88.2%</u>

D. Assistive Technology

The Special Conditions Letter requires PRDE to report data on the delivery of assistive technology devices and/or services for (1) the period from July 1, 2012 through June 30, 2013;

⁴ Due to the fact that many of the hearing requests filed may still be within the 45 day, or an appropriately extended, timeline, in this instance the measurement for former Indicator B-17 provides a more meaningful calculation.

and (2) the period from July 1, 2013 through December 31, 2013. Herein, PRDE provides the required data reports on the delivery of AT Services and/or Equipment.

FFY 2012 Delivery of AT Services and/or Equipment.

For FFY 2012, it was determined that 1,204 cases required assistive technology equipment and/or services.⁵ The following table reflects the delivery status of those assistive technology services and/or equipment.

Delivery of Assistive Technology Services and/or Equipment July 1, 2012 – June 30, 2013 Evaluation Referral Date as of February 3, 2014						
Total Requiring Services and/or Equipment	Recorded in SIFDE	Pending for Purchase Request	Percentage Confirmed in SIFDE	Delivery Verified as Completed	Delivery Pending	Percentage Verified as Completed
1204	1134	70	94.1%	922	212	76.6%

FFY 2013 Delivery of AT Services and/or Equipment.

Additionally, OSEP has requested through the FFY 2013 Special Conditions that PRDE report on the delivery of AT Services and/or Equipment for the period of July 1, 2013-December 31, 2013. Reporting data for this period of time is challenging insofar as how recent many of the determinations may have been made.

For the first semester of FFY 2013 (July 1, 2013-December 31, 2013), PRDE determined that 482 cases required assistive technology equipment and/or services. The following table reflects the delivery status PRDE has been able to validate for those assistive technology services and/or equipment.

Delivery of Assistive Technology Services and/or Equipment July 1, 2013 – December 31, 2013 Evaluation Referral Date as of February 3, 2014						
Total Requiring Services and/or Equipment*	Recorded in SIFDE	Pending for Purchase Request	Percentage Confirmed in SIFDE	Delivery Verified as Completed	Delivery Pending	Percentage Verified as Completed
482	252	230	52.3%	172	80	35.7%

⁵ With PRDE's Final Clarifications Submission of its FFY 2011 APR (May 2013), PRDE reported AT data for the first semester of FFY 2012 only. Herein, PRDE reports this data for the entire FFY 2012 period.

E. Timely Correction of Noncompliance

The FFY 2013 Special Conditions require PRDE to report on (i) the timely correction of (i) findings identified in FFY 2011 (July 1, 2011-June 30, 2012) as well as (ii) the status of the outstanding finding of noncompliance identified in FFY 2009.

i. Findings of Noncompliance Identified in FFY 2011 (July 1, 2011-June 30, 2012)

Please refer to Indicator 15 of Puerto Rico's FFY 2012 APR for PRDE's report on the timely correction of findings identified in FFY 2011 (July 1, 2011-June 30, 2012).

ii. Noncompliance identified during FFY 2009 (July 1, 2009-June 30, 2010)

As of the FFY 2011 APR submission, one finding identified in FFY 2009 remained pending. PRDE has since verified the correction of that finding. The one FFY 2009 finding that remained open as of the FFY 2011 APR (and which was noted in OSEP's FFY 2011 APR response table) was issued to the San Juan CSEE and regarded Indicator 11. Please refer to Indicator 15 of Puerto Rico's FFY 2012 APR for more detailed information on PRDE's correction of noncompliance identified during FFY 2009.

iii. Correction in Accordance with OSEP 09-02 Memorandum

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

F. Financial Management Issues, including Addressing and Resolving the Use of Funds Requirements Related to Transportation Contracts

The Special Conditions Letter requires PRDE SAEE to provide updated information regarding financial management issues, particularly addressing and resolving the use of funds requirements related to transportation contracts.

PRDE continues its efforts to improve the internal controls in place for special education transportation contracts. PRDE has developed a Transportation Management System that will improve the administration of contracts between bus drivers and PRDE. This system allows for

the recording of activities from the date the contract is awarded through payment for services. This system will allow PRDE to strengthen internal controls and better monitor services.

During calendar 2012, PRDE embarked in a thorough process of collecting and reviewing data regarding special education transportation contracts as of March 2012. This data collection activity was an initial step towards converting information to the Transportation Management System. Data was collected for all regions resulting in the following:

<u>CONCEPT</u>	<u>RESULT</u>
Number of special education students receiving transportation services except for therapy	12,236
Number of transportation services contract in force	363
Number of transportation companies providing service	217

During the month of April 2012, a pilot project was initiated for all routes in the Corozal district within the Bayamón Region. This process included all aspects of the system from the recording of contract data to the “invoicing” process by the service provider. As part of this pilot project, interfaces between the Transportation Management System and SIFDE were tested and verified. This pilot project was completed in May 2012 by reviewing, in a parallel process, the invoicing activity for the month of April 2012. The effort proved to be successful in both results and overall acceptance from the service provider that participated in the pilot project.

The pilot project described, served as a test ground for all aspects of the system including technology, procedures and regulations. Minor issues were noted primarily related to the invoice approval workflow which was subsequently included in the process.

Soon thereafter, a bid process was initiated for transport services for special education students. The bid process was cancelled since service providers did not presented reasonable quotes. As a result of such event, an agreement was reached between PRDE and transportation service providers, to put on hold the implementation of the Transportation Management System.

Additionally, the regulations governing contracting procedures and the model transportation contracts were revised to incorporate this new system as well as prospective processes that would allow PRDE to improve its controls and monitoring of services. The approved guidelines, regulations, and model contracts were shared with stakeholders, including the bus drivers. Several meetings have been held with stakeholders. Because transportation services are coordinated by Transportation Units in each of PRDE’s seven Regions, remarks received from bus drivers were discussed with representatives from each Regional Unit. Written comments on the procedures were received from the bus driver organizations and other stakeholders. PRDE reviewed these comments and, agreeing with several stakeholder comments, made certain modifications to the documents. A final version was sent to the PRDE Legal Division for review and approval prior to its submission to the Puerto Rico Department of State for public comment.

Following the public comment period, the regulations were finalized and approved. These regulations govern transportation services for all school children and constitute the first significant revision to PRDE's transportation regulation since September 1995. Additionally, the model contract documents to be utilized by transportation providers and PRDE were finalized and approved.

The PRDE Secretary has designated the PRDE Subsecretary for Administration to oversee all transportation matters agency-wide, including those impacting special education transportation contracts. Various meetings have been held to address issues relating to transportation contracts with an aim to address outstanding issues and develop new strategies to make the processing of data and payments more efficient.

III. Conclusion

PRDE SAEF appreciates the continuous support OSEP provides and looks forward to continue working collaboratively with OSEP to ensure compliance with IDEA Law requirements.