



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

June 28, 2017

Honorable Julia Keleher
Secretary of Education
Puerto Rico Department of Education
P.O. Box 190759
San Juan, Puerto Rico 00919

Dear Secretary Keleher:

I am writing to advise you of the U. S. Department of Education's (Department) 2017 determination under section 616 of the *Individuals with Disabilities Education Act (IDEA)*. The Department has determined that Puerto Rico needs assistance in implementing the requirements of Part B of the *IDEA*. This determination is based on the totality of Puerto Rico's data and information, including the Federal fiscal year (FFY) 2015 State Performance Plan/Annual Performance Report (SPP/APR), other State-reported data, and other publicly available information.

Puerto Rico's 2017 determination is based on the data reflected in Puerto Rico's "2017 Part B Results-Driven Accountability Matrix" (RDA Matrix). The RDA Matrix is individualized for each State and consists of:

- (1) a Compliance Matrix that includes scoring on Compliance Indicators and other compliance factors;
- (2) a Results Matrix that includes scoring on Results Elements;
- (3) a Compliance Score and a Results Score;
- (4) an RDA Percentage based on both the Compliance Score and the Results Score; and
- (5) the State's Determination.

The RDA Matrix is further explained in a document, entitled "How the Department Made Determinations under Section 616(d) of the Individuals with Disabilities Education Act in 2017: Part B" (HTDMD).

OSEP is continuing to use both results data and compliance data in making determinations in 2017, as it did for Part B determinations in 2014, 2015, and 2016. (The specifics of the determination procedures and criteria are set forth in the HTDMD and reflected in the RDA Matrix for your State.) In making Part B determinations in 2017, OSEP continued to use results data related to:

- (1) the participation of children with disabilities (CWD) on regular Statewide assessments;

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- (2) the participation and performance of CWD on the most recently administered (school year 2014-2015) National Assessment of Educational Progress (NAEP);
- (3) the percentage of CWD who graduated with a regular high school diploma; and
- (4) the percentage of CWD who dropped out.

You may access the results of OSEP’s review of Puerto Rico’s SPP/APR and other relevant data by accessing the SPP/APR module using your State-specific log-on information at osep.grads360.org. When you access your Puerto Rico’s SPP/APR on the site, you will find, in Indicators 1 through 16, the OSEP Response to the indicator and any actions that Puerto Rico is required to take. The actions that Puerto Rico is required to take are in two places:

- (1) actions related to the correction of findings of noncompliance are in the “OSEP Response” section of the indicator; and
- (2) any other actions that Puerto Rico is required to take are in the “Required Actions” section of the indicator.

It is important for you to review the Introduction to the SPP/APR, which may also include language in the “OSEP Response” and/or “Required Actions” sections.

You will also find all of the following important documents saved as attachments to the Progress Page:

- (1) Puerto Rico’s RDA Matrix;
- (2) the HTDMD document;
- (3) a spreadsheet entitled “2017 Data Rubric Part B,” which shows how OSEP calculated Puerto Rico’s “Timely and Accurate State-Reported Data” score in the Compliance Matrix;
- (4) a document entitled “Dispute Resolution 2015-16,” which includes the *IDEA* section 618 data that OSEP used to calculate Puerto Rico’s “Timely State Complaint Decisions” and “Timely Due Process Hearing Decisions” scores in the Compliance Matrix; and
- (5) a Data Display, which presents certain State-reported data in a transparent, user-friendly manner and is helpful for the public in getting a broader picture of State performance in key areas.

As noted above, Puerto Rico’s 2017 determination is Needs Assistance. A State’s 2017 RDA Determination is Needs Assistance if the RDA Percentage is at least 60% but less than 80%. A State would also be Needs Assistance if its RDA Determination percentage is 80% or above but the Department has imposed Special Conditions on the State’s last three *IDEA* Part B grant awards (for FFYs 2014, 2015, and 2016), and those Special Conditions are in effect at the time of the 2017 determination.

Puerto Rico’s determination for 2016 was also Needs Assistance. In accordance with section 616(e)(1) of the *IDEA* and 34 C.F.R. §300.604(a), if a State is determined to need assistance for two consecutive years, the Secretary must take one or more of the following actions:

- (1) advise the State of available sources of technical assistance that may help the State address the areas in which the State needs assistance and require the State to work with appropriate entities;

- (2) direct the use of State-level funds on the area or areas in which the State needs assistance;
or
- (3) identify the State as a high-risk grantee and impose Special Conditions on the State's IDEA Part B grant award.

Pursuant to these requirements, the Secretary is advising Puerto Rico of available sources of technical assistance, including OSEP-funded technical assistance centers and resources at the following website: <https://osep.grads360.org/#program/highlighted-resources>, and requiring Puerto Rico to work with appropriate entities. In addition, Puerto Rico should consider accessing technical assistance from other Department-funded centers such as the Comprehensive Centers with resources at the following link: <http://www2.ed.gov/programs/newccp/index.html>. The Secretary directs Puerto Rico to determine the results elements and/or compliance indicators, and improvement strategies, on which it will focus its use of available technical assistance, in order to improve its performance. We strongly encourage Puerto Rico to access technical assistance related to those results elements and compliance indicators for which Puerto Rico received a score of zero. Puerto Rico must report with its FFY 2016 SPP/APR submission, due February 1, 2018, on:

- (1) the technical assistance sources from which Puerto Rico received assistance; and
- (2) the actions Puerto Rico took as a result of that technical assistance.

Additionally, the Secretary is continuing to require Puerto Rico to access technical assistance related to its FFY 2017 Department-wide special conditions through the Department's Risk Management Service. Puerto Rico must timely submit any reports required under these Department-wide Special Conditions.

States were required to submit Phase III of the State Systemic Improvement Plan (SSIP) by April 3, 2017. OSEP appreciates Puerto Rico's ongoing work on its SSIP and its efforts to improve results for students with disabilities. We have carefully reviewed your submission and will provide feedback in the upcoming weeks. Additionally, OSEP will continue to work with Puerto Rico as it implements the second year of Phase III of the SSIP, which is due on April 2, 2018.

As a reminder, Puerto Rico must report annually to the public, by posting on the State educational agency's (SEA's) website, the performance of each local educational agency (LEA) located in Puerto Rico on the targets in the SPP/APR as soon as practicable, but no later than 120 days after Puerto Rico's submission of its FFY 2015 SPP/APR. In addition, Puerto Rico must:

- (1) review LEA performance against targets in the State's SPP/APR;
- (2) determine if each LEA "meets the requirements" of Part B, or "needs assistance," "needs intervention," or "needs substantial intervention" in implementing Part B of the *IDEA*;
- (3) take appropriate enforcement action; and
- (4) inform each LEA of its determination.

Further, Puerto Rico must make its SPP/APR available to the public by posting it on the SEA's website. Within the next several days, OSEP will be finalizing a State Profile that:

- (1) will be accessible to the public;

- (2) includes Puerto Rico's determination letter and SPP/APR, and all related State and OSEP attachments; and
- (3) can be accessed via a URL unique to Puerto Rico, which you can use to make your SPP/APR available to the public.

We will provide you with the unique URL when it is live.

OSEP appreciates Puerto Rico's efforts to improve results for children and youth with disabilities and looks forward to working with Puerto Rico over the next year as we continue our important work of improving the lives of children with disabilities and their families. Please contact your OSEP State Lead if you have any questions, would like to discuss this further, or want to request technical assistance.

Sincerely,

/s/ Ruth E. Ryder

Ruth E. Ryder
Acting Director
Office of Special Education Programs

cc: State Director of Special Education