

Project Sponsored by the Puerto Rico Civil Rights Commission (2008)

Access to Education of Minors with Special Learning Conditions: Currentness of Findings from a Study Conducted by the Puerto Rico Civil Rights Commission (PRCRC)



Educational Research Program
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University of Puerto Rico

OUR GRATITUDE

We want to express our deep gratitude to those individuals and organizations that provided information, knowledge, and opinions for the success of this project. This includes the executive personnel from the Puerto Rico Civil Rights Commission (PRCRC) who sponsored and supported our work; the personnel from the Puerto Rico Department of Education, who shared official information in an open and timely manner; the Court appointed monitor in the Rosa Lydia Vélez class action lawsuit, who contributed valuable information relevant to the purpose of this study; the representatives from agencies and organizations who actively participated in the round table discussion; and, very specially, the parents who shared their experiences and opinions regarding the currentness of the PRCRC study findings. We hope that this work will lead to new opportunities for interdisciplinary dialogue geared to explore options to improve the educational services received by minors with special learning conditions in Puerto Rico.

THANKS!

Executive Summary

In October of 2006, the Puerto Rico Civil Rights Commission (PRCRC) presented the results of an investigation they had performed concerning discrimination in the access to education of minors with special learning conditions in Puerto Rico. The investigation was originated by a formal complaint that was received from a group of parents of these students. In their study, PRCRC identifies 13 relevant findings areas that point out deficiencies in the access and attention to the educational needs of minors with disabilities in Puerto Rico.

PRCRC recognizes that there are still questions and concerns about the proper identification of students with special needs, including the access to and quality of the services they receive. Considering this, the Educational Research Program of the FILIUS Institute of the University of Puerto Rico developed this Project, sponsored by PRCRC. The Project aimed to document the current status of the results and recommendations of the PRCRC study, based on the analysis of the most recent information about special education services in Puerto Rico. The activities developed included the study of official documents from multiple sources, a round table discussion, which included an opinion survey that could be answered by participants, and an integrated analysis of the information compiled throughout the project.

When considering the information gathered, regarding education and related services currently offered to minors with special learning conditions in Puerto Rico, it is possible to identify several areas of growth or improvement as well as areas in which the findings of the PRCRC study seem unchanged. The statistical information reviewed identifies a significant increase in the number of students served (28% more than in 2003) and in the

resources assigned to the Special Education Program (61% increase). In addition, federal reports, the evaluation of reports prepared for the San Juan Court in the Rosa Lydia Vélez class action lawsuit, and the round table discussion comments coincide in identifying dissemination, access to registration, and initial evaluation as progress areas in which the Department of Education has accomplished a performance that is superior to that of 2003, reaching a satisfactory or high level of compliance. Furthermore, the periodic revision of the IEP and the offering of evaluation, therapy, and transportation services are areas of improvement identified in reports from the Court. Another aspect that can be considered a strength in the development of services is the increase in the placement of students with disabilities with typical peers.

On the other hand, the conducted analysis reveals areas that do not show improvement. Among these, we find the lack of knowledge of regular classroom teachers concerning laws related to the education of students with disabilities and of the implications of special learning conditions; placements and reevaluations; the content of evaluation reports; quality in the implementation of services; transition from preschool to school level services; transition of youth to the post-secondary adult life; interagency coordination; study, work, and independent living options for students with significant disabilities; assistive technology services; personnel preparation; and the provision of services by other agencies. On these and other areas, PRCRC study findings and recommendations are considered to be up to date.

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Introduction

In October of 2006, the Puerto Rico Civil Rights Commission (PRCRC) presented the results of an investigation they had performed concerning discrimination in the access to education of minors with special learning conditions in Puerto Rico. This investigation was based on the multiple issues and disputes that the Puerto Rican government faces regarding the educational services that it provides to students with disabilities, as well as a formal complaint that was received from a group of parents of these students. This culminated with the PRCRC's resolution of November 20, 2002, to investigate the status of these services at that time.

As part of their investigation, PRCRC held public and executive hearings during 2003. These hearings were attended by 48 fathers and mothers of minors with special learning conditions, 12 experts in the area, 6 public agencies (including the Department of Education), 3 teachers, and 14 associations or private organizations. The results of these hearings are gathered in 13 relevant findings areas that point out deficiencies in the access and attention to the educational needs of minors with disabilities in Puerto Rico.

PRCRC's findings are not only significant at the local level, but also add to the knowledge base of educational services offered to one of the minorities protected under the federal law *Individuals with Disabilities Education Improvement Act* (IDEA, 2004) and Section 504 of the *Vocational Rehabilitation Act* (1973) in the United States. For many years, these services have been the core of important controversies, as well as an area of interest and study for those who strive to guarantee equal educational opportunities for all the population, and to protect from discrimination minors with disabilities from minority groups. Since PRCRC recognizes that questions and concerns

about the proper identification of students with special needs still exist in Puerto Rico, including the access to and quality of the services they receive, PRCRC considers it important to determine:

- If statistical data related to services offered to minors with disabilities has noticeably varied in recent years.
- If during this period, subsequent to the PRCRC public meetings, events or actions taken by the government or other entities have occurred resulting in progress or setbacks in the services.
- If the comments made by participants in 2003 are still current, in light of the official information provided by the Puerto Rico Department of Education to the Federal Department of Education and to the Court of San Juan, as part of the Rosa Lydia Vélez class action lawsuit.

With these objectives in mind, the Educational Research Program of the FILIUS Institute of Disability and Rehabilitation Research of the University of Puerto Rico proposed a project that would focus on the analysis of the most recent information about special education services in Puerto Rico. This Project aims to document the current status of the results and recommendations of the PRCRC study, as well as to identify possible areas for future research that may contribute to the effort of the Commission to guarantee access, equity, and the quality of services received by minors with disabilities in Puerto Rico.

Methodology

This project, intended to update the PRCRC report, was carried out through the following activities:

- I. **DOCUMENT STUDY:** Various official documents and reports of the Puerto Rico Department of Education, submitted to the Federal Department of Education in recent years, were studied. Among these, the reports known as Child Count, State Performance Plan, and the Annual Performance Report were considered. In addition, other documents and reports developed to fulfill information requirements arising from the Rosa Lydia Vélez class action lawsuit were also examined.
- II. **ROUND TABLE DISCUSSION:** A round table discussion was organized for a group of leading parents, professionals, administrative judges, and mediators, who deal with the controversies of services, and who could be interested in reacting to or providing updated information regarding the results of the PRCRC's study. In this round table discussion, the results of the PRCRC study were examined, as well as data, events, circumstances, and experiences that should be considered when determining if the expressions gathered during the 2003 hearings reflect the current condition of services.
- III. **SURVEY:** An opinion survey concerning the currentness of the PRCRC study findings was administered to the participants of the round table discussion.
- IV. **ANALYSIS AND SUMMARY:** The information gathered was analyzed and summarized for this report. The results of this project are presented in the following pages.

Summary of Official Information Provided by the Associate Secretariat of Special Education of the Puerto Rico Department of Education

Special education enrollment

The Associate Secretariat of Special Education (SAEE, for its Spanish acronym) collects and disseminates official information about educational and related services that are offered to students with special learning conditions in Puerto Rico. The information about these services is summarized in different federal and state reports, as well as in reports that are prepared for the San Juan Court of First Instance, in accordance with the requests that originate from the Rosa Lydia Vélez class action lawsuit.

Information concerning the population served, taken from the most recent federal report, shows that by **December 1, 2007**, SAEE was offering educational and related services to a total of **99,731** children and youth with disabilities.¹ This includes 9,644 children between the ages of 3 and 5 and 90,036 children and youth between the ages of 6 and 21. Moreover, SAEE continued offering services to 51 students over the age of 21, up to the date indicated. This total represents 21,736 more students than those served by December 1, 2003.² This data shows an approximate increase of 28% in the population served between 2003 and 2007 (Table 1).

When analyzing the population served by disability categories, it is noted that some of the categories have experienced a substantial increase in the percent of population served, in comparison with the registration data from 2003. Within these categories, the one designated as *Other Health Impairments* shows an 82.8% increase. This category

¹ Fact obtained from the federal *Report of Children with Disabilities Receiving Special Education Part B, Individuals with Disabilities Education Act. (Child Count December 1st, 2007)*.

² The enrollment in year 2003 was 77,995 students, according to that year's report.

includes children and youth with attention deficit disorder and other health conditions that interfere with learning. The next categories include *Autism*, with an increase of 72.7%; *Speech or Language Impairments*, with 41.2%; and *Emotional Disturbances*, with a 41.1% increase. Moreover, *Specific Learning Disabilities* continue to increase. These show a + 29.9% difference in the population served with this condition, when compared to 2003 data.

Table 1: Comparison of the enrollment of students with disabilities from 3 to 22+ years old served by the SAEE-DE from 2003 to 2007.

Disability	December 1, 2003	December 1, 2007	Difference (Quantity)	Difference (Percent)
Mental Retardation	11,213	10,048	-1,165	-10.4%
Hearing Impairments	848	790	-58	-6.8%
Speech or Language Impairments	17,048	24,085	+ 7,037	+ 41.2%
Visual Impairments	587	585	-2	-0.3%
Emotional Disturbance	853	1,204	+ 351	+ 41.1%
Orthopedic Impairments	561	518	-43	-7.6%
Other Health Impairments	3,302	6,037	+ 2,735	+ 82.8%
Specific Learning Disabilities	41,190	53,537	+ 12,347	+ 29.9%
Deaf-Blindness	69	65	-4	-5.8%
Multiple Disabilities	1,268	1,242	-26	-2.1%
Autism	897	1,549	+652	+ 72.7%
Traumatic Brain Injury	52	51	-1	-1.9%
Developmental Delay	107	20	-87	-81.3%
TOTAL	77,995	99,731	+ 21,736	+ 27.8%

On the other hand, it is noted that, based on percentages, some disability categories decrease in enrollment or do not show any change by the end of these four years. This is the case of the categories *Mental Retardation*, *Hearing Impairments*, and *Orthopedic Impairments*, among others. The category of *Developmental Delay* reflects the greatest decrease in the information considered. However, this could be because the use of the category of developmental delay for school age students is optional and depends on whether the educational agency adopts a definition for this disability, which, up to this point, has not occurred.

On the other hand, if we analyze the composition of the 2007 enrollment from another perspective, we find that the disabilities with the largest number of children and youth served continue to be the *Specific Learning Disabilities*, which comprises 54% of the enrollment; *Speech and Language Impairments*, representing 24%; and *Mental Retardation*, which makes up 10% of the population served.

When evaluating the information compiled about students served on December 1, 2007, the substantial increase in the registration of children and youth with other health impairments (including attention deficit disorder) and with autism captures our attention. If we consider that it is estimated that 1 in every 150 children born each year will have autism (Center for Disease Control and Prevention, 2007) and that the incidence of attention deficit disorder in the Puerto Rico population between 4 to 17 years old is estimated to be 8% (Canino, Shrout, Rubio-Stipec, Bird, Bravo, Ramírez, Chávez, Alegría, Bauermeister, Hohmann, Ribera, García, Martínez-Taboas, 2004), then it is possible to anticipate that the population served within these two disability categories will continue to increase in upcoming years.

Finally, the analysis of the population served by SAEE cannot conclude without emphasizing that, according to data provided by the Department of Education, the total enrollment in public schools is dropping, while the enrollment of students with disabilities continues to increase. According to these data, at the beginning of the 2006-07 academic year, the Department of Education was serving 544,138 students. This number represents approximately 36,000 students less than in 2003. This year (2007-08), the Department of Education estimates the enrollment to be around 517,000 students, although this information is subject to verification.³ Should it be correct, this means that the population served by the Special Education Program already represents 19% of the total population served by the Department of Education from kindergarten to 12th grade.

Resources

The special education and related services that are offered to students with disabilities under IDEA (2004) and Law 51 are placed under the responsibility of SAEE of the Department of Education.⁴ In order to fulfill its mission, SAEE administers state and federal funds that have been set aside in order to provide the specialized services that are required by students with disabilities. Information provided by SAEE shows that, as the enrollment of special education has increased in recent years, the funds and resources of the Special Education Program have also increased.

Concerning the budget, SAEE reports that the consolidated budget (state and federal) of the Secretariat for the 2007-08 fiscal year is up to \$348,932,183.00. This amount represents a 61% increase over the 2003-04 budget (\$216,792,473.00). Table 2 details some of the principal items of these budgets, allowing us to analyze the areas to which a

³ Information obtained through an official e-mail from the SAEE Planning Unit.

⁴ Law 51 is the current Puerto Rico Special Education Law, enacted in 1996.

great portion of the increase of recent years has been destined. An increase in the areas of payroll (teachers, assistants, other Program personnel), transportation, and professional services (contracted specialists that provide evaluations and therapies, others) is evident. However, at the end of these four years, the area of equipment does not reflect a significant increase.

Table 2: Comparison of various SAEE budget items for the 2003-04 and 2007-08 school years.

Item	2003-04	2007-08	Difference (Percent)
Payroll	\$134,332,623.00	\$218,970,075.00	+ 63%
Transportation	\$18,154,000.00	\$45,096,000.00	+ 148%
Equipment	\$1,618,000.00	\$1,681,000.00	+ 3.8%
Professional Services	\$55,747,279.00	\$72,596,236.00	+ 30%

When comparing the human resources data provided by SAEE for the 2007-08 year to those presented by the previous Secretary of Education (Dr. César Rey) to the Civil Rights Commission in 2003, it may be noticed that there were 4,230 special education teachers in 2003, while the current number of teachers has reached 4,872. This means that there are 642 more teachers to attend to the increase in enrollment. In terms of assistants for services to students, in 2003 there were 2,845 reported (student assistants, worker I). Currently, this number has reached 4,327, including personnel with irregular appointments.

Official Compliance Information

SAEE periodically produces written reports related to different compliance goals and objectives established under the federal requirements of the law *Individuals with Disabilities Education Improvement Act* (IDEA, 2004) and under the San Juan Court of First Instance, in the Rosa Lydia Vélez class action lawsuit (1980). The data presented in these reports shed light on some of the findings from the original PRCRC study (2006). The following section examines the most significant facts from these reports.

Part B-State Performance Plan (SPP 2005-2010) and Part B-State Annual Performance Report (APR 2006)

The **State Performance Plan (SPP 2005-2010)** is a five year plan submitted by the Department of Education in Puerto Rico to the Federal Department of Education. The SPP establishes 20 indicators to measure the progress in service provision of the Special Education Program. Table 3 presents these indicators and summarizes the information presented by SAEE concerning the progress on them, according to the latest *Annual Performance Report, APR 2006*, which includes the period until December of 2007.⁵ In the table, the data used as the baseline (percents) for the comparison of the progress of the indicators are presented. These data correspond to the 2004-05 year, unless another year is indicated as the starting point for compiling the information. In addition, the table indicates the rigorous targets that the Department of Education has committed to fulfill and the achievement information (percent), according to the most recent APR report.

⁵ The **IEP** acronym introduced in Table 3 means the *Individualized Education Program* required to serve students under IDEA.

Table 3: Performance Indicators of the Special Education Program (APR 2006).

Indicator	Baseline (2004-05)	Rigorous Target 2006-07	APR 2006 (2006-2007)
1. Percent of youth with IEPs graduating from high school with a regular diploma.	36.81%	82.26%	82.26% (subject to validation)
2. Percent of youth with IEPs dropping out of high school	47.05%	3.11%	3.11% (subject to validation)
3. Participation and performance of children with disabilities on statewide assessments.	Participation: 98.73% Spanish 98.44% Math (2005)	Increase the participation and proficiency rates by 2%	Participation: 95.52% Spanish 96.99% Math
	Proficiency Rate: 26.80% Spanish 35.05% Math		Proficiency Rate: 29.86% Spanish 37.82% Math
4. Rates of suspension and expulsion (more than 10 days).	.003%	Maintain the baseline percentage .003%	.0002%
5. Percent of children with IEPs that were:			
a. Removed from regular class less than 21% of the day.	72.9%	73.5%	81%
b. Removed from regular class for more than 60% of the day.	14.8%	14.8%	10%
c. Served in public or private separate schools, residential placements, or homebound or hospital placements.	1.32%	1.32%	0.36%
6. Percent of preschool children with IEPs who received special education and related services in settings with typically developing peers.	72.4%	74%	84%

Indicator	Baseline (2004-05)	Rigorous Target 2006-07	APR 2006 (2006-2007)
7. Percent of preschool children with IEPs who demonstrate improved: <ul style="list-style-type: none"> a. Positive social-emotional skills. b. Acquisition and use of language and early literacy knowledge and skills. c. Use of appropriate behaviors to meet their needs. 	Baseline and Rigorous Targets not required until the 2008-2009 federal fiscal year.	Not available	Not available
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.	89.6% (Parent Inventory)	89.6% Maintain the baseline percentage	76%
9. Percent of districts with disproportionate representation of racial and ethnic groups.	Not applicable		
10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories.	Not applicable		
11. Percent of children: <ul style="list-style-type: none"> a. Who were evaluated within 30 days with parental consent. b. Who were evaluated and found eligible within 60 days. 	70.2% (2005-06)	100%	82.9%
	21.7% (2005-06)	100%	37.9%
12. Percent of children referred by Part C, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthday.	13% (2005-06)	100%	30.27%

Indicator	Baseline (2004-05)	Rigorous Target 2006-07	APR 2006 (2006-2007)
13. Percent of youth aged 16 and above with an IEP that includes coordinated and measurable transition goals and services.	52.7% (2005-06)	100%	58.33%
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.	91.33% Baseline established in 2006-07	91.33% (2007-08)	To be evaluated in the 2007-08 report
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.	32 findings	100% completed within or before 1 year	71.88%
16. Percent of signed written complaints with reports issued within the 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.	0 %	100%	56.04%
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.	63.14% within timeline 31.7% within extended timeline	100%	51.46% within timeline 0% within extended timeline
18. Percent of hearing requests that went to resolution meetings and were resolved through resolution meeting settlement agreements.	0% (2005-06)	50.3%	50%
19. Percent of mediations held that resulted in mediation agreements.	60.7%	61%	57.9%
20. State data (SPP and APP) are reported timely and accurately.	80% 4 of 5	100%	83.3%

The analysis of the Special Education Program performance, based on the indicators presented above, is important. It is noted that some of the indicators do not apply to Puerto Rico (9 and 10) and others will begin to be measured in upcoming years (7 and 14), which is why they do not show progress information that can be evaluated at present. Nevertheless, the data presented show that SAEE has met the rigorous targets established in five of the indicators. These include maintaining the low rates of suspension of more than 10 days imposed on minors with disabilities (indicator 4) and the placement of students in settings with typically developing peers, as reflected in indicators 5 and 6. The table also suggests that SAEE has reached the rigorous targets regarding the percent of youth with disabilities that graduate from high school and those that drop out of school (indicators 1 and 2). However, in their report, SAEE indicates that the data gathered in 2006-07 concerning indicators 1 and 2 may not be reliable; thus the achievements in these areas are subject to future validation.

When considering the indicators in which progress is observed, even though the rigorous targets have not been reached, we find that the percent of children and youth evaluated within the 30 day timeline, the percent of complaints settled within the 60 day timeline, and the percent of resolution meetings that resulted in resolution agreements are areas that show positive changes (indicators 11, 16, and 18).

On the other hand, there are indicators that show no progress or that reveal a setback in relation to the established baseline. These include the opinion of parents concerning whether or not the school facilitated their involvement as a means of improving services, the percent of hearing requests that were fully adjudicated within the 45 day timeline, and

the percent of mediations held that resulted in mediation agreements (indicators 8, 17, and 19).

Finally, some critical areas that show some progress but reflect a performance that is very distant from the rigorous targets and the requirements of law are the percent of children and youth who are evaluated and found eligible within 60 days, the compliance with the timelines of administrative hearings, and the compliance with the timelines for resolving complaints (indicators 11, 16, and 17). Moreover, the provision of services to children referred by the Early Intervention Program by their third birthdays and the percent of youth with disabilities whose IEP includes measurable goals and coordinated transition activities also reflect a performance that is far below the rigorous targets established in the SPP (indicators 12 and 13).

Reports of Compliance with the Stipulations of the Rosa Lydia Vélez Class Action

Lawsuit

The San Juan Court of First Instance, which attends to the Rosa Lydia Vélez class action lawsuit, has appointed a monitor to assist in the evaluation of the Department of Education's progress regarding the compliance of the stipulations of this case, signed on February 14, 2002. To this end, the monitor, Dr. Priscilla Negrón, presented a Monitoring Plan to the Court, from which, subsequently, 87 tasks were extracted to make up the areas that are being evaluated by the Court in order to determine the compliance of the Department of Education. These compliance tasks are assembled in a document known as the Hoja de Control Global. The evaluation of the progress in these areas is conducted based on the evidence requested by the monitor and provided by the

Department of Education, through SAEE. Progress is reported by using the following legend:

- (4) High level of compliance (90% to 100%)
- (3) Satisfactory level of compliance (70% to 89%)
- (2) Minimum acceptable level of compliance (50% to 69%)
- (1) Less than the minimum acceptable level of compliance (less than 50%)
- (0) No data or information is presented

SAEE periodically provides reports and evidence to be evaluated by the monitor who then prepares a summary document known as the Tabla Resumen de la Hoja de Control Global in which she assigns scores to the different tasks, in accordance with the previously mentioned legend. The evaluation report considered for this project was done in November of 2007. The progress results presented in that report are summarized in the following section.

High Level of Compliance

In accordance with the evidence presented to the monitor and in keeping with the Resumen Hoja de Control Global that she prepares, SAEE is achieving a high level of compliance (90% to 100%) concerning the dissemination activities they committed to in the stipulations of the Rosa Lydia Vélez case. Their achievement is also considered high in the preparation and revision of the student's Individualized Education Plan (IEP) and with the requirement to have different placement alternatives available to attend to the specific needs of the students they serve. Likewise, achievement in offering related evaluation and therapy services, as well as the transportation necessary to attend these services, is high. In accordance with this evaluation, SAEE is also considering the

mobility needs of the students as they prepare the IEP and they have a description of the due process complaints. Finally, their achievement in presenting reports concerning the administrative process of complaints is an area of strength of SAEE.

Satisfactory Level of Compliance

The Resumen Hoja Control Global indicates that, in November of 2007, SAEE had reached a satisfactory level of compliance (70% to 89%) in areas such as providing services to students placed in private schools; in maintaining a continuous and accessible registration procedure; and in the identification, localization, and evaluation of children who have possible need of special education. Moreover, SAEE reached a satisfactory level of compliance in offering re-evaluation services to determine continued eligibility every three years; in providing transportation services using private carriers; and in offering, as a placement alternative, schools without architectural barriers that have educational programs that meet the needs of the students. Compliance in these areas is considered to be lower than expected, but the appropriate level could be reached relatively soon.

Minimum Acceptable Level of Compliance

Other areas evaluated in the Resumen Hoja de Control Global and in which SAEE demonstrates the minimum acceptable level of compliance (50% to 69%) are those of completing the initial evaluation of the children and youth in 30 days, revision of the IEP five days before the end of the school year, the evaluation of transportation services, and the payment of the transportation vouchers to travel companions. It is worth mentioning that, according to the monitor's report, the minimum acceptable level of compliance is

given in areas that are below the stipulated level of compliance when these areas require notable or significant intervention.

Less than the Minimum Acceptable Level of Compliance

When the scores given in the monitor's report are examined, one notices some areas in which the level of compliance is less than the minimum acceptable level (less than 50%), thus causing these to be considered as areas in which the compliance level is critical. Among these can be found carrying out the IEP meeting and preparing the IEP within the 60 day timeline after registration, having agreed on the dissemination content with class representatives, referrals to evaluations to determine eligibility, making eligibility decisions within the required timeline, number of provisional remedy requests that are processed and approved, payment of transportation vouchers within 60 days after the close of a school month, resolving due process complaints within the timeline (45 days), and the timely purchase of assistive technology equipment and services.

Areas Pending Evaluation

The November of 2007 Resumen Hoja de Control Global shows a considerable number of areas that, until this date, had not been evaluated to determine the level of compliance.⁶ These areas include aspects such as the reach of the services, development of a practical manual for the parents, maintaining the level of effort and resources, evaluation of the impact of changing the registration activity to the regional centers, having a centralized system that identifies students who are waiting for an initial evaluation, that eligibility decisions be made by a group of qualified professionals and parents, participation of other agencies in students' placements, time that goes by for

⁶ Evaluation in these areas is pending the delivery of information by SAEE; the establishment of criteria to evaluate the tasks, or the evaluation of information was in progress at the time of this report.

coordination of services after the IEP, continuation of related services in spite of the disapproval of the IEP (interruptions), and providing compensatory related services. Besides, there are no data, or it has not been determined that SAEE has a centralized system for monitoring and following up on related services or that it has evaluated the pool of resource available for offering these services.

Finally, other areas that are pending for evaluation of compliance include coordination with universities so that schools can be used as practice centers for professionals; number of re-evaluations provided using Provisional Remedy; transportation to extracurricular activities; and accessibility in schools with architectural barriers, considering the number of modifications in school organization in order to meet mobility needs. Likewise, pending evaluation of performance are the areas of compiling, reproducing, and distributing the decisions of administrative judges, compliance of the orders of these judges, the number of students that receive assistive technology (services and equipment), transition services, and the coordination and follow up of other agencies for providing these services.

Most Recent Changes Regarding Compliance with RLV Stipulations

Very recently, the monitor appointed in the RLV class action submitted a new compliance report regarding the stipulations in this case, in which some changes that are worth mentioning are identified. The new report is dated May 2008, and in it, the area known as *reach of services* is evaluated with a high level of compliance, assigning a score of 4. Likewise, the task of having a description of the system for developing the IEP gets the highest score. Compliance with the timelines for initial evaluation also shows improvement, going from the minimum acceptable compliance to satisfactory

compliance. On the other hand, compliance with the timely submission of due process complaint reports is no longer high, but is now satisfactory, and compliance with due process complaint timelines remains with a score of 1, representing a less than the minimum acceptable level of compliance.

Other Information Under Consideration by the Court in the Rosa Lydia Vélez Class Action Lawsuit

Two additional reports that were examined in this project, due to their relevance in the analysis of the current status of the PRCRC study findings, are the Encuesta sobre la percepción de los maestros de educación especial sobre los servicios que reciben sus estudiantes (Negrón, 2007) and the Informe de querellas a enero de 2008 (Negrón, 2008).

The first of these reports shows that, without counting the due process complaints initiated in December, SAEI received 1,610 requests for administrative hearings in the first eleven months of 2007.⁷ Five point five percent (5.5%) of these complaints (hearing requests) were processed with delay. The monthly average of these requests in 2007 reached 146. This report indicates that the percentage of complaints solved within the 45 day required timeline has decreased considerably, from 63.7% in 2004 to 39% in 2007. It also establishes that therapies, evaluations, assistant services, and student placement, are, among other causes, the main reasons for complaints.

When we consider the results of the survey conducted with a representative sample of 361 especial education teachers, it stands out that, with the exception of transition processes, 8 out of every 10 teachers think they master the Special Education Program processes and procedures. However, less than half of the teachers consider the processes

⁷ The total number of complaints in 2007 can be found in the federal *Report of Dispute resolution Under Part B of IDEA*. This report shows that 1,698 administrative hearing requests were made during 2007.

to be adequate or very adequate. When expressing their opinion concerning services for students with disabilities, 63.5% of the teachers said they are fairly or very accessible, 23% consider them to be somewhat accessible, and 12.5% think they are little or not accessible. Finally, teachers still identify delays and interruptions in services (68.1%) received by their students (Negrón, 2007).

Round Table Discussion

A round table discussion was organized with the purpose of examining whether or not the findings established in the PRCRC report (2006) are still current. A group of leading parents, professionals from various agencies, administrative judges and mediators that deal with special education service controversies were invited to participate and share their most recent experiences and knowledge regarding the services offered to minors with special learning conditions in Puerto Rico. In this round table discussion, the PRCRC report results were examined, as well as data, events, circumstances, and experiences that, according to the participants opinions, should be considered when evaluating whether the expressions gathered in the 2003 hearings represent the current situation of services. A total of **33 individuals** representing parents, professionals, civil servants, and other citizens interested in the areas of discussion attended the meeting.

A written opinion survey was also included in the round table discussion activity so that participants could privately evaluate the PRCRC findings and their currentness. The expressions gathered in the 2003 PRCRC public hearings, that provide the basis for the findings, were organized as statements to which the participants in the discussion could respond (**Appendix A**). In this way, the participants were able to express their opinions

orally or in writing, according to their preferences. The most important oral responses of the participants are briefly summarized in the following pages.

(1) PRCRC Finding: Lack of knowledge of Department of Education personnel concerning relevant laws and, in some cases, of services offered and the implications of special learning conditions.

When considering the statements related to this finding, the reactions point to an acknowledgement of various important initiatives geared to increase the knowledge level of Department of Education personnel in recent years. Nevertheless, according to the round table discussion participants, these initiatives are not yet enough to state that a significant change has taken place in regards to this finding. Activities such as teacher and director academies, the use of orientation videos, and the distribution of a manual about reasonable accommodations are viewed as important initiatives and are considered beneficial. On the other hand, several participants felt that universities are not providing professionals with the necessary knowledge and that the efforts of the Department of Education to develop its personnel through in-service training are not articulated enough nor based on scientifically proven models. A lack of knowledge concerning disabilities and intervention methods still prevails. Participants felt that trainings offered by the Department of Education should be continuous and systematic and should include evaluation processes to measure their impact. Finally, during the discussion of this finding, several participants maintained that school personnel may have much or little knowledge, but that problems with attitudes, including lack of interest or indifference, are still causing many of the current difficulties.

(2) PRCRC Finding: Non-compliance in the responsibility to adequately inform citizens and to disseminate information concerning the rights of individuals with special learning conditions, in accordance with applicable laws.

Reactions to this second finding suggest that this could be an area of improvement. Evidence submitted by the Department of Education to the Court in the Rosa Lydia Vélez case has made the dissemination of information to be considered an area of high compliance, in regards to the case stipulations. In addition, SAEE has established a dissemination and assistance office for parents, located in its main office and in the Special Education Service Centers (SESC) of the educational regions. Some participants mentioned that, in some instances, parents seem to be better informed than agency personnel, which can cause problems when these parents need to interact with agency officials. Participants see the role of the school principal as critical for all processes, including orientation and dissemination. However, many principals are not familiar with strategies to provide assistance, or they choose not to get involved. In addition, it was emphasized that parent organizations are assuming a more active role in dissemination activities, and that this causes positive attitude changes in professionals. Finally, participants brought up the concern that disseminated information does not necessarily translate into services.

(3) PRCRC Finding: Teachers and Department of Education personnel show disregard and a lack of sensitivity toward the problems of minors with special learning conditions and in their dealing with citizens.

When this finding was introduced, round table discussion participants showed mixed reactions, which can be based on their different experiences. The majority seemed to agree that there has been some improvement in the sensitivity of personnel, particularly the teachers, which is reflected by a decrease in complaints concerning this issue received in the legal divisions of agencies and other organizations outside the Department of Education, as well as in the interest of personnel and teachers in participating in training activities. On the other hand, some participants talked about the prevalence, in some schools, of retaliation practices against parents who defend their children's rights (i.e. postponing revision of the IEP, refusing to use the communication notebook, etc.). They believe that the Special Education Service Centers represent a step forward in this area due to the assistance they provide to parents; however, they feel that these centers should integrate other personnel from the regions and districts in their efforts. The participants pointed out that the System still shows an attitude of reacting to situations instead of preventing them; that it is important not to confuse sensitivity with paternalism, which does not help students to develop as best they can; and that one of the main challenges that prevails, which needs to be addressed urgently, is the absence of a consequence system that forces personnel to take responsibility for their actions. Finally, one participant emphasized that while sensitivity is important, the most important thing is to assure that services are being provided to the children.

(4) PRCRC Finding: Difficulties and inefficiencies in the program and services registration process.

Round table discussion participants seemed to agree that the creation of the Special Education Service Centers (SESC) has improved access and the registration process in the places where these centers operate normally. Four of these SESC were created recently and are still dealing with administrative difficulties (physical facilities, telephones, among others) that need to be resolved in order to offer quality services. However, in general, the registration process has improved, as can be noted in the increase of students registered and evaluated within the established timeline. The participants attribute this improvement to the creation of the SESC. Some of the discussion participants brought up concerns regarding the dramatic increase in enrollment in special education during recent years, a time during which the general Department of Education enrollment has decreased. Although they see dissemination as an element that has contributed to this increase, they are concerned that this could also be a sign of a lack of other options and programs designed to meet the needs of all students within the Department of Education.

(5) PRCRC Finding: Non-compliance with requirements of law in the initial evaluation conducted to determine eligibility and to make future decisions.

Round table discussion participants feel that the initial evaluation of registered students has benefited from the creation of SESC. The improvement is particularly noted in the increase in compliance with the 30 day timeline for the initial evaluation. The fact that parents, in most cases, can receive the appointments for evaluation on the day of the registry has greatly helped bring about this improvement. In addition, corporations that

provide evaluation services to children are being fined for failing to submit reports on time. Although the magnitude of the problem is unknown, participants pointed out the importance of assuring that the evaluation reports are legible and that there are appropriate mechanisms for evaluating the quality of these reports. The Department of Education should have standards for these services. One participant mentioned that, in some cases, when the Department of Education decides to impose or enforce a standard, the corporation manipulates the parents to express themselves in their favor. The imposition of more rigorous standards would require orientation and obtaining parent support. Finally, the majority of the participants agreed that the improvement seen in the initial evaluation process is not seen in the reevaluation process. The opinion of participants is that the PRCRC finding about reevaluations remains current.

(6) PRCRC Finding: Inefficiencies in the placement of minors with special learning conditions in services.

When discussing the finding related to the placement of students in services, discussion participants seemed to agree that, according to their experiences, this area reflects no change. It was stated that placement is the second cause of complaints filed under the Office of the Ombudsman for People with Disabilities (OPPI, for its Spanish acronym). Participants said that many placements are done automatically, or according to availability, rather than considering the students needs. They think that there are few placement opportunities and that many school principals are not willing to establish new groups and special education services in the schools they administer, thus obstructing the creation of new placement options. In the participants' opinion, students with severe disabilities seem to be the most affected by this attitude. Discussion participants

criticized the control that principals have over the use of classrooms because they feel that this is a violation of the rights of minors with disabilities. They think that parents do not stand for their rights in these situations, due to a lack of knowledge. Finally, one participant indicated that the 60 day timeline for the placements is not met in the majority of cases. Concerning this matter, the Department of Education reports that it expects to gradually reduce the waiting period for placement by making the initial evaluation and IEP preparation processes more agile.

(7) PRCRC Finding: Non-Compliance with Individualized Education Program (IEP) requirements.

When considering whether or not there have been any changes of compliance with the requirements of law regarding the IEP, participants stated that they did not observe favorable changes in this area and that their concerns prevail. One of these concerns is the tendency to neglect the IEP educational approach in favor of a clinical approach that projects the student with disabilities as a “sick child,” thus emphasizing the provision of related services that, in many instances, are not articulated with the educational services. In many IEPs, there is missing information, the principal does not participate, there is no prior notification of who will attend the meeting and, in addition, the designated time for discussion of the IEP is too limited to allow professionals and parents to truly participate. Another aspect presented by the participants is the absence of youth (in the transition process) in the meetings in which their IEP is developed. A positive aspect that was brought out was that there is a new IEP format, considered to be adequate, as well as a written guide to follow when drafting the IEP. In addition, they also mentioned that, in general, the yearly revisions of the IEP are taking place. However, it was stated that

compliance with all aspects in this area (IEP) is complex, and that additional efforts are required in order to achieve improvement.

(8) PRCRC Finding / Non-compliance in providing special education and related services.

In the discussion of this finding, participants' comments were mainly focused on their concerns about the quality of the services offered in schools to students with disabilities. Although the provision of therapy services in schools is seen as positive and has increased, it has been noted that there is little integration and supervision of these services. Participants indicated that cases are still seen in which services are not offered with the frequency and modality recommended in the IEP. They feel that some specialists are more concerned with the number of children they see than with the quality of the services they provide, resulting in non-compliance and improper practices. Also, there are other factors that affect school time, such as transportation providers who unilaterally determine the time in which the students that they serve leave school. In relation to student assistants and workers I, they note that there has been an increase in number of these personnel but their capabilities are unknown.⁸ They indicate that there is a need to evaluate and train them so they can have the skills needed to perform their job. When considering the timely offering of assistive technology services, the Department of Education reports that efforts are being made to prepare and assign more resources in this area. The round table discussion participants state that these services still represent a challenge or an area of concern.

⁸ Workers I provide support services to students while in school; many of them have an irregular appointment.

In summary, most of the discussion participants acknowledge the increase in the educational and related services that students receive. However, they voice their concerns in regards to the best use of the contracted resources and the quality of the services. Finally, one area that is considered to have experienced a setback is payment of contracted services. This constitutes a serious area of concern for both parents and consulted professionals, since it puts the continuation of services at risk.

(9) PRCRC Finding / Deficiencies in the transition process of students who are ready to exit the Special Education Program.

According to round table discussion participants, transition services offered to students with disabilities have not shown notable changes in the last few years. Even though transition plans are written, most of them are stereotyped. Study options for students with disabilities in Department of Education vocational schools are very limited. The Vocational Rehabilitation Administration (VRA) states that they disseminate and participate more in planning services, but no data is presented to show evidence of improvement as a result of their intervention. One of the participants mentions that the study options available for blind students who receive services from VRA are limited and that this agency refuses to offer services to this population in the United States. Individuals that work in universities state that, with the exception of some efforts made by parents, there is no evidence of school efforts to facilitate transition from secondary education to the university. Participants agree that the area of transition represents a challenge that requires more effort and interagency work in order to achieve the improvement that has not yet been reached.

(10) PRCRC Finding: Complaints and lawsuits as indispensable resources in getting action from the Department of Education: Deficiencies in the processing of complaints and administrative hearings requests.

Concerning the due process complaint procedures, round table discussion participants agree that parents are still using them to solve service controversies. The group considers that the majority of the administrative hearings continue to be ruled in favor of the parents. One aspect that is pointed out as positive and that contributes to improvement in this area is the availability of mediation and resolution meeting processes. It is noted that these meetings allow many situations to be solved without having to hold administrative hearings. Participants express that concerns regarding the compliance of mediation agreements, resolution agreements, and administrative judge's rulings still prevail. Some participants indicate that non-compliance with these agreements and rulings still exists. One important area that, according to the participants, has improved is the respect towards the independence of administrative judges. Contrary to what happened in 2003, the group considers that judges and mediators are not receiving inappropriate influences from the Department of Education legal division⁹.

(11) PRCRC Finding: The Department of Education's performance has a negative effect on minors with special conditions and their families.

When discussing this finding, round table discussion participants focused on establishing an example of the negative effects that students with disabilities and their families still face due to the lack of adequate attention. The example brought to the

⁹ Although there was apparent consensus in the oral expressions regarding this improvement, the written expressions in the survey still show lack of trust.

discussion was that of the difficulties seen in schools when dealing with students with attention deficit hyperactivity disorder. The opinion of the participants is that the lack of knowledge and intervention strategies that are appropriate for these students causes many of them to drop out of school and end up in juvenile institutions. The situation is worsened by the lack of rehabilitation services in those institutions. Participants state that they do not see any real rehabilitation possibilities in these institutions¹⁰. They emphasize the importance of training school personnel and adopting a preventive approach in order to deal with these problems.

(12) PRCRC Finding: Private School as an option for the Special Education problem.

The consensus among the round table discussion participants is that while private schools are seen by parents as an education option for their children, they are not considered as a real option. In general, private schools have no interest in serving students with disabilities and sometimes discriminate against them.

(13) PRCRC Finding: Non-compliance of other government agencies regarding individuals with special learning conditions.

There was consensus among the participants in this finding area when indicating that, outside the Department of Education, other agencies do not practice effective and comprehensive efforts to disseminate and to train their personal on their responsibilities in offering services to minors with special learning conditions. Participants feel that this finding has remained basically the same since 2003. This is significant if one considers that this finding includes the services that are offered to infants with disabilities in the

¹⁰ Enrollment data, by placement, reflects an extremely reduced number of students in juvenile institutions. *Part B Individuals with Disabilities Education Act Implementation of FAPE Requirements 2007.*

Department of Health and the preparation of professionals at the University of Puerto Rico. The fact that some private universities are developing programs designed to prepare specialists in some areas of need is mentioned as a positive aspect. The consensus among participants is that, in most government agencies, there is still a lack of knowledge and action to fully comply with their responsibilities. Participants state the importance of integrating an enforcement mechanism into Law 51 to assure its compliance.¹¹

Areas of greatest and least progress

After completing the discussion concerning the current status of the thirteen PRCRC study findings, round table discussion participants were asked to identify the finding areas that, in the opinion of the group, had shown the greatest improvement in the past years and other finding areas that could have deteriorated. The participants indicated that the areas with the greatest progress were registration, initial evaluation, dissemination, and due process complaints. On the other hand, they indicated that areas such as placement in services, transition services, compliance with the IEP, and the offering of services by other agencies are still considered critical areas that could have experienced setbacks.

Survey

As previously mentioned, the round table discussion participants were also able to react to the findings of the PRCRC study through a written survey that was specially designed for this activity. In this survey, they were asked to react to a set of statements, based on the findings, providing their opinions on the possible progress or setbacks in the

¹¹ Puerto Rico's Law 51 establishes the government agencies responsibilities regarding minors with disabilities.

areas indicated. A total of 25 participants turned in the survey. If participants did not want to answer the survey or turn it in, their rights were respected. The written survey requested no personal information and its main purpose was to examine if the written responses agreed with the oral expressions, as well as providing those individuals who did not feel comfortable expressing themselves orally, another option to express their views. The gathered data was entered in an SPSS data base and was descriptively analyzed using percentages. The answers to the individual items of the survey are presented in **Appendix B** of this report. We acknowledge that the opinions of the participants of this survey are not representative of all the parents, professionals, and personnel that are related, in some way, with the special education services that are offered in Puerto Rico. Nevertheless, the opinions expressed are of great value since they come from participants who are leaders in their organizations, communities, or agencies and have access to information about the services that are currently received by minors with special learning conditions.

In general terms, the survey results confirm the oral expressions of the round table discussion participants. They acknowledge improvements in some essential areas of special education services including dissemination, registration, compliance with the initial evaluation, and due process complaints. Some of the main items related to these areas were identified by more than 50% of the survey's participants as areas of improvement. However, in the remaining finding areas presented in the survey, the predominant opinion is that no significant changes have occurred since 2003.

Summary

When considering all the information compiled in this project's activities, concerning education and related services currently offered to minors with special learning conditions in Puerto Rico, it is possible to identify several areas of growth or improvement as well as areas in which the findings of the PRCRC study seem unchanged. Federal reports, the evaluation of reports prepared for the Court in the Rosa Lydia Vélez class action lawsuit, and the round table discussion comments coincide in identifying the dissemination, access to registration, initial evaluation, and due process hearing resolution¹² as progress areas in which SAEE has accomplished a performance that is superior to that of 2003, reaching a satisfactory or high level of compliance. Other aspects that can be considered as strengths in the development of services are the increase in the placement of students with disabilities with typical peers and the low level of suspensions greater than 10 school days, shown in the information submitted for two of the performance indicators under IDEA 2004 (APR, 2006).

Furthermore, the periodic revision of the IEP and the offering of evaluation, therapy, and transportation services are areas of improvement identified in reports from the Court¹³. Access to special education and related services was also evaluated favorably by 63.5% of special education teachers, who consider that these services are very or quite accessible to their students (Negrón, 2007). However, seen from another perspective these same results show that at least a third of the teachers still identify limitations in access to services. Likewise, 68.1% of the teachers observe delays and interruptions in

¹² The fulfillment of the 45 day timeline for resolving complaints seems to have deteriorated, but other aspects of the process were favorably evaluated.

¹³ *Tabla Resumen de la Hoja de Control Global* from November of 2007.

these services. Taken as a whole, these results suggest that these are progress areas in which there is still much room for improvement.

The examined information, particularly the opinions of the round table discussion and survey participants, brings to light some critical areas in which 70% or more of the participants identify no improvement. These include the lack of knowledge of regular classroom teachers of laws related to the education of students with disabilities and of the implications of special learning conditions. In addition, they also point out the waiting period for placement and reevaluation, as well as the need to improve the evaluation report content, because it is considered insufficient or stereotyped. The transition from preschool to school and the transition of youth to the post-school adult life are seen as two areas of great difficulty and challenge in which the PRCRC findings still prevail.¹⁴ Other areas that do not show the expected improvement include the content of transition plans; interagency coordination; study, work, and independent living options for students with significant disabilities, as well as services offered by other agencies.

According to the analysis of the opinions compiled from the round table discussion participants, some of the challenges that minors with special learning conditions and their families still face are due to complex situations outside the Department of Education. Among these is the perception that the Department of Health, which is the leading agency for early intervention services, shows the same non-compliance areas and deficiencies that are identified in the Department of Education (83%). Also, 100% of those surveyed believe that there are still limited admission opportunities in study programs at the University of Puerto Rico aimed at the preparation of high demand professionals to

¹⁴ Indicators 12 and 13 of the federal report *Part B State Annual Performance Report (APR) for FFY 2006* agree with the Court reports and with the round table discussion comments.

attend to the population with disabilities, which affects the availability of service providers. Finally, 90.9% think that government agencies with responsibilities under Law 51 only comply with them partially.

Conclusion

As indicated in the introduction of this report, the purpose of this project was to determine:

- If statistical data related to services offered to minors with disabilities had noticeably varied in recent years.
- If during this period, subsequent to the PRCRC public meetings, events or actions by the government or other entities have occurred that demonstrate progress or setbacks in the services.
- If the comments made by participants in 2003 are still current, in light of the official information provided by the Puerto Rico Department of Education to the Federal Department of Education and to the Court of San Juan, as part of the Rosa Lydia Vélez class action lawsuit.

In light of the statistical information reviewed, it could be concluded that, in fact, there have been changes, made evident by the number of students served (28% more than in 2003) and by the resources assigned to the Special Education Program (61% increase). Substantial increases in transportation, evaluation, and therapy expenses are also evident, suggesting an increase in related services provided to minors with special learning conditions.

In terms of governmental actions that could have had an impact on services, the creation of the Special Education Service Centers is identified as a measure that has had a

favorable impact in the parents' attention process, registration, and the initial evaluation. The implementation of mediation and resolution meetings as part of the resolution of due process complaints is another measure that is favorably perceived¹⁵. One unfavorable aspect of the governmental action, which could have worsened in recent years, is the delay in payments for contracted services¹⁶.

Regarding the currentness of the PRCRC findings (2006), there are favorable changes in some important previously mentioned areas, including dissemination, registration, initial evaluation, periodic revision of the IEP, and the resolution of complaints.¹⁷ The access to therapy and transportation services is also identified as an area of favorable change, although the situation in these areas is not completely resolved. However, for the remaining areas of the PRCRC study, there was no evidence or information available that would allow us to conclude that these situations have experienced significant changes in recent years, which suggests that the findings and recommendations in these areas could be considered to be current.

As a final comment, it is important to highlight that statements and conclusions in this report need to be analyzed in the following context. First of all, the information obtained for the analysis of progress comes from already existing official public sources and documents, mainly presented to the Federal Department of Education or to the San Juan Court of First Instance, which creates an expectation of trustworthiness since they are documents that have been examined and evaluated by qualified personnel from outside the Department of Education. Secondly, the round table discussion exercise and the

¹⁵ Although these processes were identified as steps for improvement, progress in these areas is subject to the compliance of mediation and conciliation agreements.

¹⁶ 52.4% of the survey participants indicated that this area had worsened. 85.7% think that there are delays in the payment of contracted services.

¹⁷ Progress in this area does not include compliance with the terms of resolution for the complaints.

survey administered to its participants gathered information from a distinguished group of leaders, who are knowledgeable about special education services in Puerto Rico, but who do not constitute a representative sample of the groups they belong to. This is why these activities, notwithstanding their value, should be seen only as a starting point for identifying areas in which there is consensus regarding the access and quality of services provided to minors with special learning conditions in Puerto Rico, as well as other areas in which more representative information is needed in order to show progress or confirm non-compliance; also attempting to explore those factors that could be obstructing progress. The development of new activities aimed at obtaining representative data that include the opinions of parents and personnel from the appropriate agencies is essential in order to continue evaluating and supporting the progress of the services that are offered to minors with special learning conditions in Puerto Rico.

Recommendations for Future Research

This report may suggest endless areas for future research. Without pretending to cover all possible concerns and areas of interests for parents, professionals, and citizens, we would like to mention some of the aspects that could be subjects for future investigations. These areas include the development of opinion surveys for representative samples of parents and service providers that could deepen our understanding regarding the access and quality of services provided to minors with special learning conditions. Furthermore, it would be interesting to conduct research, with representative samples, to obtain information about the knowledge regular classroom teachers have concerning laws and regulations pertaining to the education of students with disabilities, as well as concerning special learning conditions and their

implications on education. Another interesting aspect would be to investigate possible discrimination practices in the use of physical facilities and schoolrooms by some school principals who reject special education groups. The increase in the number of students served should also be considered and compared with other jurisdictions, in order to prevent the over-representation of Puerto Rican students in special education services as a result of the lack or inefficiencies of other programs. The impact of providing school-based related services and the difficulties that exist for preparing the appropriate number of specialists that minors need are also important concerns. Finally, the reduced number of students with disabilities served in juvenile institutions should also be explored. The general perception that juvenile institutions serve large numbers of minors with special learning conditions is not consistent with the placement data of minors served provided to the Federal Department of Education¹⁸.

¹⁸ According to data in the *Part B Individuals with Disabilities Education Act Implementation of FAPE Requirements 2007* report. OMB NO: 1820-0517.

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¹⁹ Most of the references consulted for this Project are official documents obtained from SAEE (DE) and from the San Juan Court of First Instance in the Rosa Lydia Vélez class action lawsuit. These documents were requested by the Education Research Program of the FILIUS Institute, UPR. A copy of these documents will be handed to the Puerto Rico Civil Rights Commission for future reference.

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APPENDIX A

Survey instrument



Access to Education of Minors with Special Learning Conditions: Currentness of Findings from a Study Conducted by the Puerto Rico Civil Rights Commission (PRCRC)

SURVEY

Please evaluate the following statements which represent the findings of a study conducted by the Civil Rights Commission in 2003. Based on your most recent experiences and the information that you receive, write (in the provided space) the number that better describes your opinion regarding the currentness of these findings. The legend allows you to express whether you believe that the situation in each identified area remains the same, or if there is progress or setbacks that should be considered.

- (5) Much improvement
- (4) Some improvement
- (3) Undecided, do not know
- (2) Remains the same
- (1) Is worse

	(1) CRC Finding / Lack of knowledge and information
	The Department of Education personnel, specifically the Regular Academic Program teachers, lack knowledge on the laws pertaining to students with disabilities education.
	The Department of Education personnel has no knowledge of the services provided by the Department and on who is responsible for providing such services.
	Most of the Department of Education personnel lack knowledge on the implications of special learning conditions, causing the improper treatment and rejection of students in schools.
	Parents receive wrong or inappropriate answers due to the lack of information and knowledge of the Department of Education personnel. Employees do not adequately assist and guide the parents.
	(2) CRC Finding / Non compliance with dissemination and orientation
	There is a lack of orientation and dissemination activities related to the rights of children with disabilities and their parents at the DE, which causes parents not to have knowledge on their rights and to be unable to stand up for them.
	Parents are provided with incomplete or wrong orientation.
	Dissemination activities are limited in number, extent and intensity
	(3) CRC Finding / Lack of sensibility and inattention
	Teachers and other employees show lack of sensibility towards problems and needs of minors with special needs.
	The Department of Education employees show that they are unable or lack the disposition to communicate with the parents.
	Teachers and other employees make hurtful comments and expressions to minors with special conditions and their parents.
	The Department of Education employees retaliate against parents of minors with special needs that complain and stand up for their rights.

	(4) CRC Finding / Difficulties and inefficiencies in the Registry process
	The Registry process, needed to initiate the evaluation and eligibility determination for special education services, is denied or delayed for months.
	The information gathered as part of this process is not handled with privacy and confidentiality at the Department of Education offices.
	Employees limit the registration and parents visiting days.
	Controversies arise, before or during the process, regarding the documents required to the school or the parents.
	(5) CRC Finding / Non compliance with Initial Evaluation requirements
	Delays in conducting the initial evaluation are observed; sometimes extending for months.
	Evaluation reports with incomplete or, in some instances, stereotyped information.
	Specialized evaluations are limited in number and content; thus the minor is not evaluated in all areas in which the impairment is suspected to have effects.
	Evaluations are administered in inadequate and/or distant areas of the minor's residence.
	There is no adequate compliance with the requirement of discussing the evaluation results with the parents, hindering their right to accept or reject the results.
	The evaluation reports reach the schools and the parents with delays or get lost.
	The waiting period for a reevaluation service may last for months.
	(6) CRC Finding / Inefficiencies in the placement in services process
	Parents are left with few options because school offerings and placement alternatives are very limited.
	Placements in services are delayed far beyond the regulation limits.
	Regular classrooms lack support services.
	Inclusion is viewed as a burden to regular classroom teachers.
	There are contained special education classrooms that group students with very different conditions and needs.

	(7) CRC Finding / Non Compliance with Individualized Education Program (IEP)
	Significant delays in the development and implementation of the IEP.
	The meeting in which the IEP is prepared and discussed lacks the required participants.
	Problems with the IEP content; lack information, is insufficient and not specific enough.
	The IEP does not consider the minors behavior needs and/or transition services needs.
	Non compliance with the required periodic/ annual revision of the IEP.
	The IEP is viewed as a mere requirement and not as a working document
	(8) CRC Finding / Non compliance with the provision of special education and related services
	Unreasonable delays in providing services stipulated in the IEP.
	Insufficient services, not provided in the recommended frequency.
	Services provided according to availability (i.e. Group therapy when individual therapy is not available)
	Minors are removed from their schools for 30- 45 minutes therapies and miss morning or afternoon classes.
	Lack or delays in the provision of support services provided by student services assistants.
	Assistive Technology services or equipment are not provided or arrive late.
	The employees' coordination and supervision is poor and insufficient.
	The budget and the designated resources for services are limited.
	Non competitive salaries for qualified personnel
	Delays in payment for contracted services

	(9) CRC Finding / Deficiencies in the transition process of students who will exit the Special Education Program.
	Delay in the development of an individualized transition plan for the student.
	Stereotyped goals and objectives, that do not reflect the real needs of the minor.
	Little or no interagency coordination for planning or providing transition services
	Few vocational and independent living options for exiting students with moderate and severe disabilities.
	Limited human resources in the Vocational Rehabilitation Administration, affecting its participation in the transition planning.
	Controversies between the agencies related to which agency will pay for specific services.
	(10) CRC Finding / Deficiencies in the processing of Complaints and administrative hearings requests
	Complaints and lawsuits are viewed as indispensable resources to trigger the action of the Department of Education and obtain results.
	The great majority of Complaints (98%) are ruled in favor of the parents.
	The established timeline for complaint resolution (hearing requests) is not complied with in 20% of the cases.
	Delays in the compliance with judges' orders and resolutions are observed.
	Complaints are not resolved because no follow up is given to the situations they present.
	Administrative judges are wrongfully influenced by the Department of Education's Legal Division personnel.
	A number of complaints are lost or are not processed by the districts.
	The complaint process turns hostile and thus the parents are fearful to file complaints or hearing requests.

	(11) CRC Finding / The Department of Education's performance has a negative effect on minors with special conditions and their families
	The Department of Education's performance limits the possibilities that minors with special conditions have to overcome the challenges they face because of their impairments.
	The families of the minors with special conditions experiment tension, impotence and frustration when procuring services for their children.
	There are minors with special conditions that fail in school because of the Department of Education's performance
	There is a high number of minors with special learning conditions in juvenile and correctional institutions.
	(12) CRC Finding / Private School as an option to the Special Education problem
	A considerable number of parents opt to enroll their children in private schools, even though these schools do not guarantee their rights nor offer special education.
	In general terms, private schools discriminate against minors with disabilities.
	(13) CRC Finding / Noncompliance of other government agencies
	There is little dissemination on the responsibilities and services that other agencies are required to provide to minors with special conditions.
	Other government agencies employees have no knowledge of their obligations as well as of the laws, regulations, and agreements established for the protection of minors with special conditions.
	There are few professional development activities geared to enable employees to comply with their obligations towards these minors.
	The same deficiencies and non compliances identified in the Department of Education are observed in the Department of Health.
	There are limited admission opportunities in University of Puerto Rico study programs geared to the preparation of high demand professionals; and a curriculum review is needed.
	The agencies with responsibilities under Law 51 comply with them partially.

OTHER COMMENTS

APPENDIX B

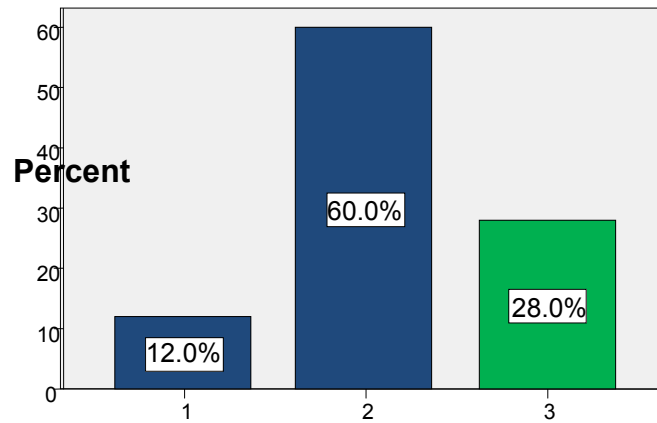
Graphs showing responses to survey items

SURVEY RESPONSES

- 25 participants
- The analysis of individual responses was conducted excluding the cases in which the participant responded “undecided, do not know”.
- The responses were recoded according to this legend:
 - (4) Much improvement
 - (3) Some improvement
 - (2) Remains the same
 - (1) Is worse

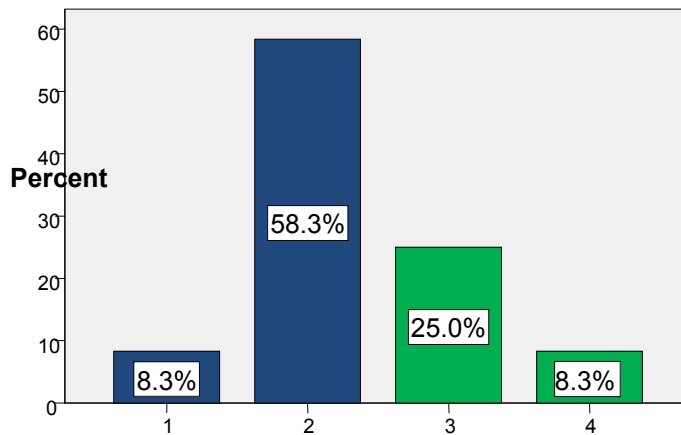
(1)CRC Finding / Lack of
knowledge and information

28% consider that there has been improvement



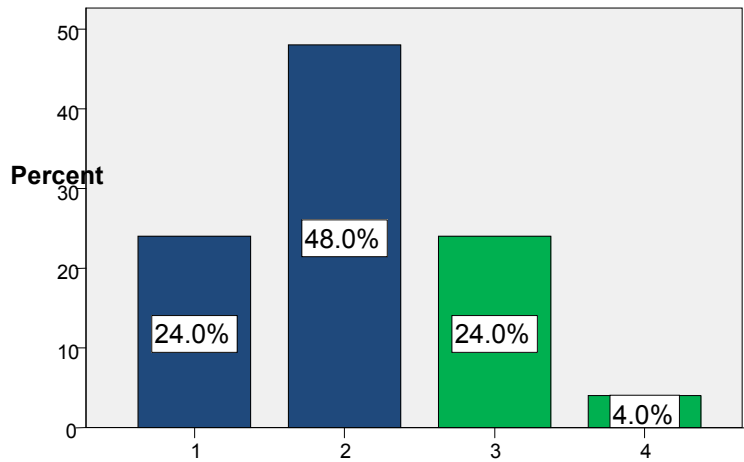
(1A) The Department of Education personnel, specifically the Regular Academic Program teachers, lack knowledge on the laws pertaining to students with disabilities education.

33.3% consider that there has been improvement



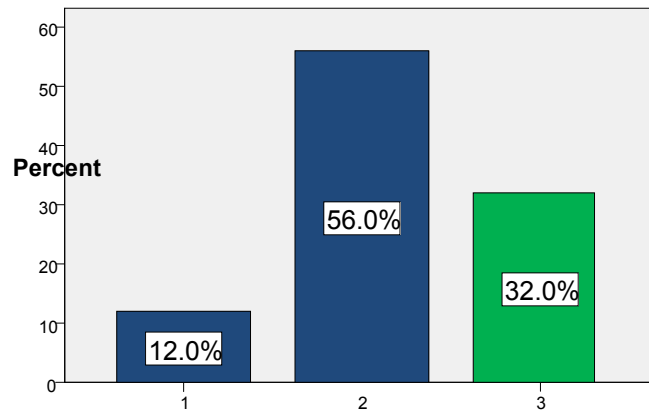
(1B) The Department of Education personnel has no knowledge of the services provided by the Department and on who is responsible for providing such services.

28% consider that there has been improvement



(1C) Most of the Department of Education personnel lack knowledge on the implications of special learning conditions, causing the improper treatment and rejection of students in schools.

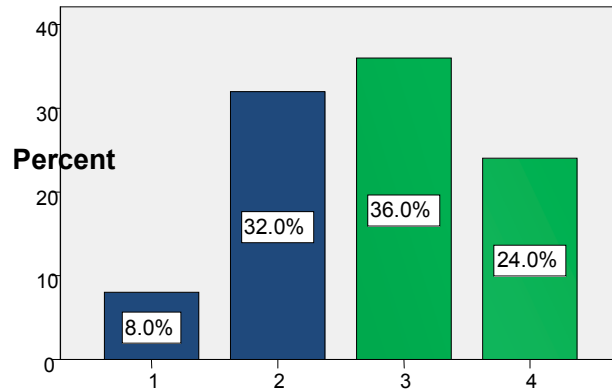
32% consider that there has been improvement



(1D) Parents receive wrong or inappropriate answers due to the lack of information and knowledge of the Department of Education personnel. Employees do not adequately assist and guide the parents.

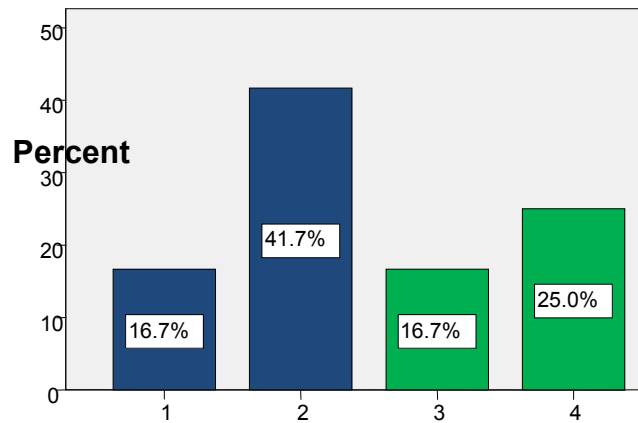
(2) CRC Finding / Non compliance
with dissemination and orientation

60% consider that there has been improvement



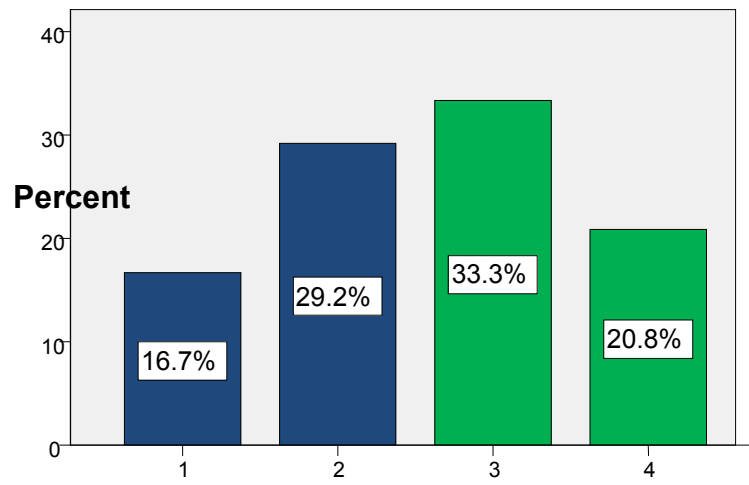
(2A) There is a lack of orientation and dissemination activities related to the rights of children with disabilities and their parents at the DE, which causes parents not to have knowledge on their rights and to be unable to stand up for them.

41.7% consider that there has been improvement



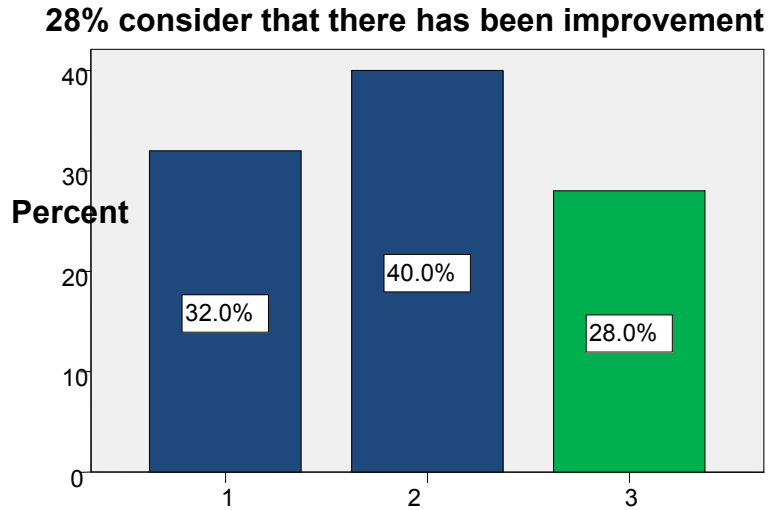
(2B) Parents are provided with incomplete or wrong orientation.

54.1% consider that there has been improvement

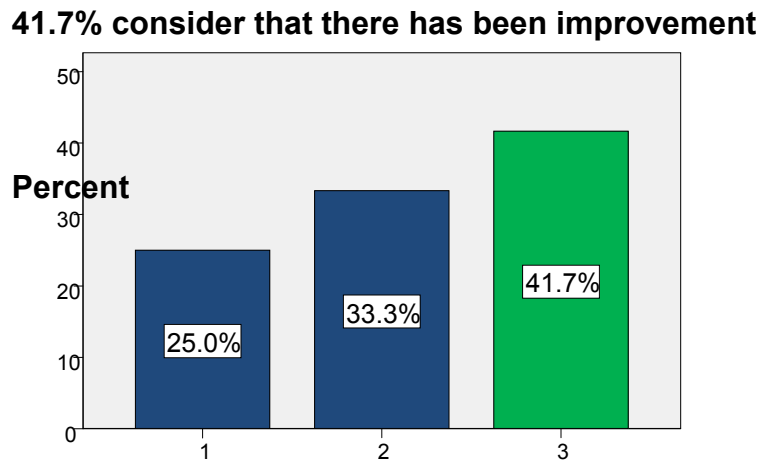


(2C) Dissemination activities are limited in number, extent and intensity.

(3) CRC Finding / Lack of sensibility
and inattention

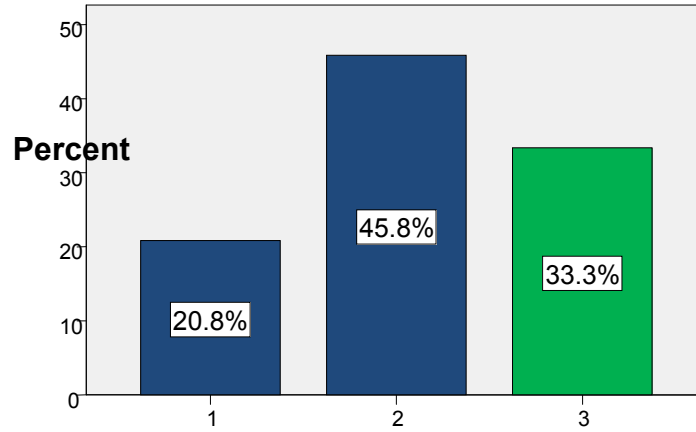


(3A) Teachers and other employees show lack of sensibility towards problems and needs of minors with special needs.



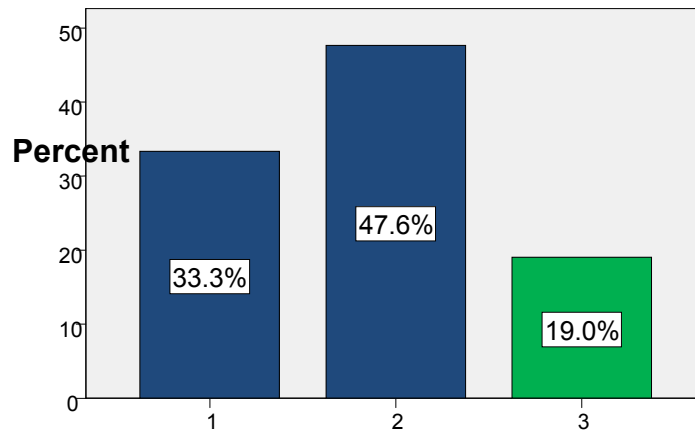
(3B) The Department of Education employees show that they are unable or lack the disposition to communicate with the parents.

33.3% consider that there has been improvement



(3C) Teachers and other employees make hurtful comments and expressions to minors with special conditions and their parents.

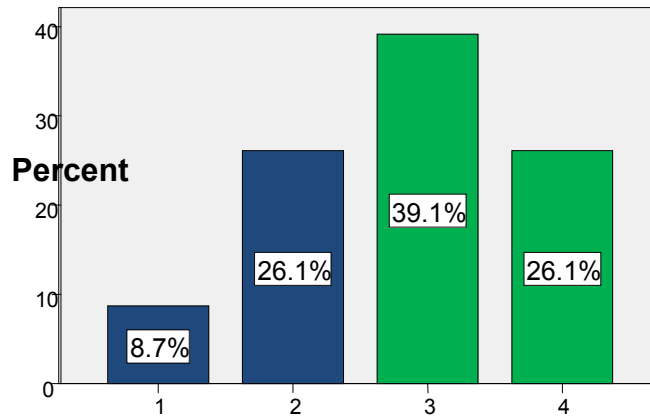
19% consider that there has been improvement



(3D) The Department of Education employees retaliate against parents of minors with special needs that complain and stand up for their rights.

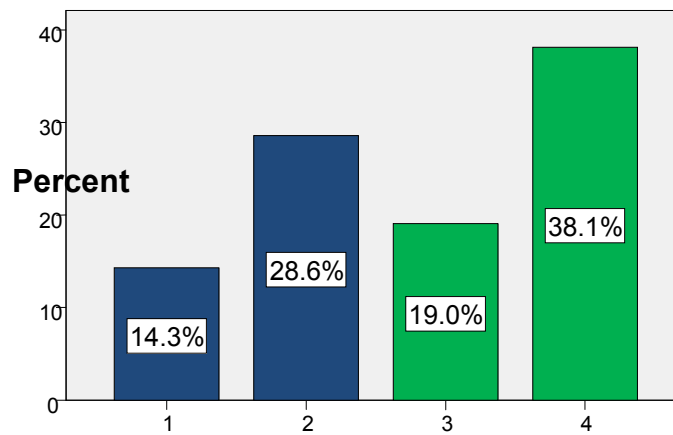
(4) CRC Finding / Difficulties and
inefficiencies in the Registry
process

65.2% consider that there has been improvement



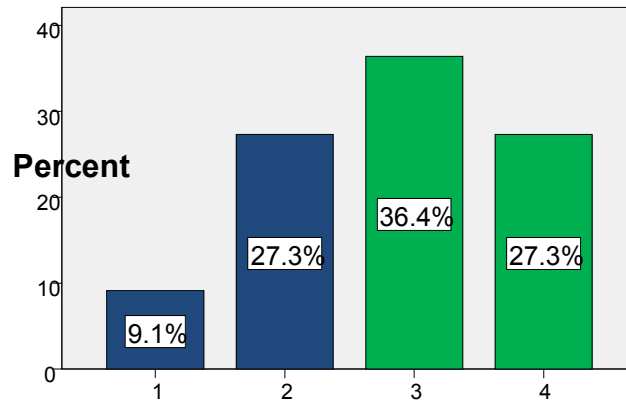
(4A) The Registry process, needed to initiate the evaluation and eligibility determination for special education services, is denied or delayed for months.

57.1% consider that there has been improvement



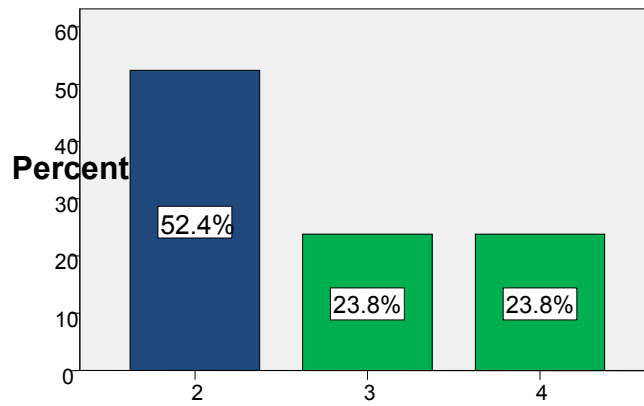
(4B) The information gathered as part of this process is not handled with privacy and confidentiality at the Department of Education offices.

63.7% consider that there has been improvement



(4C) Employees limit the registration and parents visiting days.

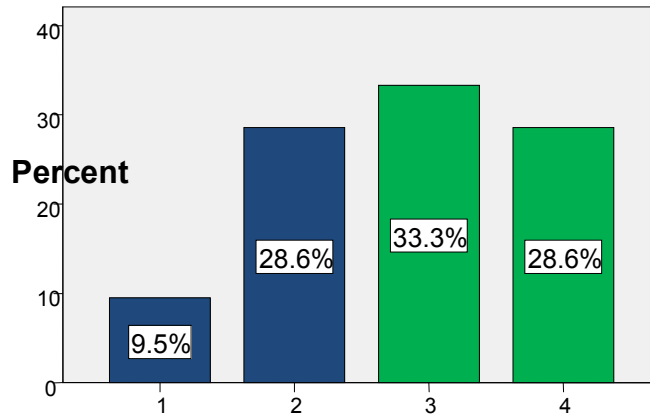
47.6% consider that there has been improvement



(4D) Controversies arise, before or during the process, regarding the documents required to the school or the parents.

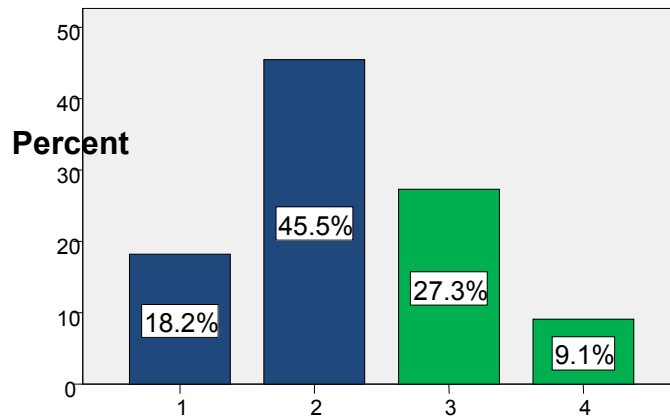
(5) CRC Finding / Non
compliance with Initial Evaluation
requirements

61.9% consider that there has been improvement



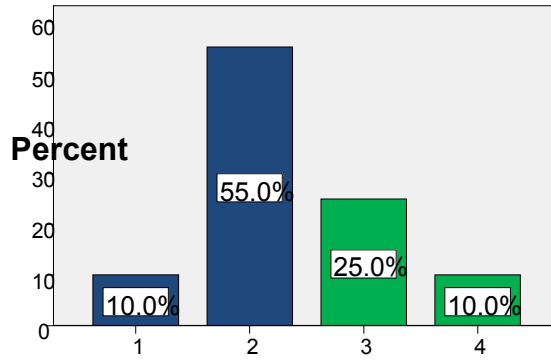
(5A) Delays in conducting the initial evaluation are observed; sometimes extending for months.

36.4% consider that there has been improvement



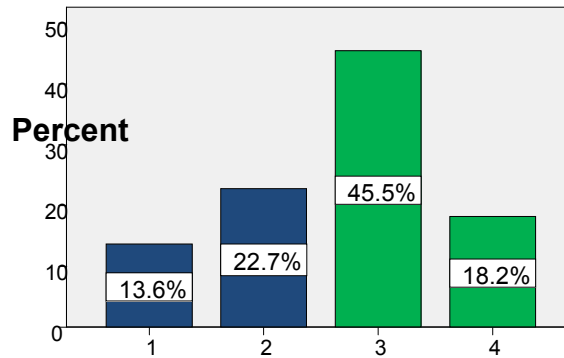
(5B) Evaluation reports with incomplete or, in some instances, stereotyped information.

35% consider that there has been improvement



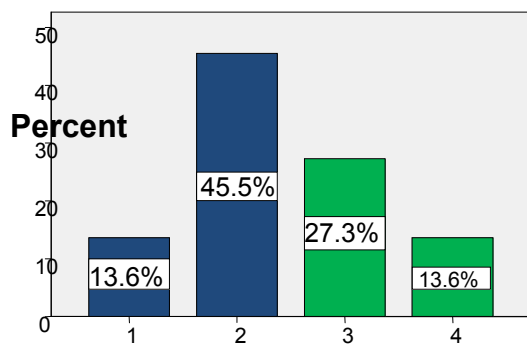
(5C) Specialized evaluations are limited in number and content; thus the minor is not evaluated in all areas in which the impairment is suspected to have effects.

63.7% consider that there has been improvement



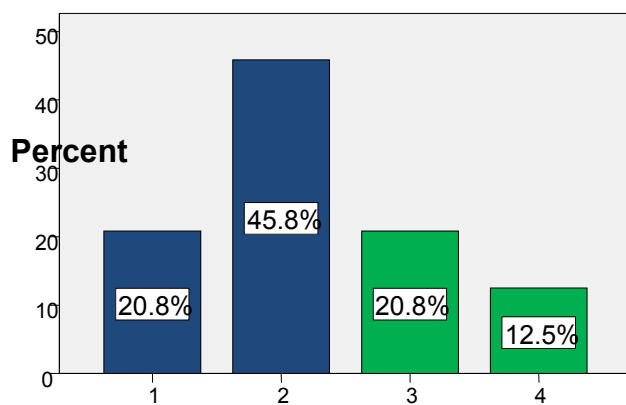
(5D) Evaluations are administered in inadequate and/or distant areas of the minor's residence.

40.9% consider that there has been improvement



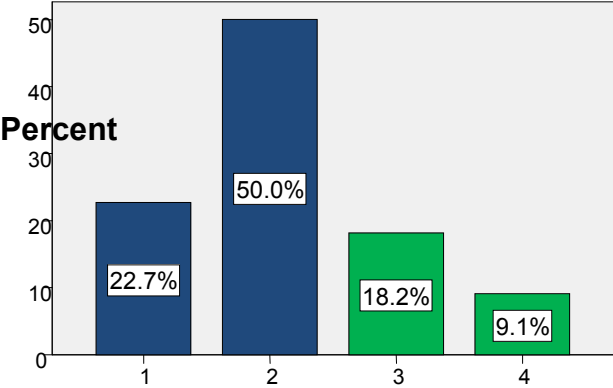
(5E) There is no adequate compliance with the requirement of discussing the evaluation results with the parents, hindering their right to accept or reject the results.

33.3% consider that there has been improvement



(5F) The evaluation reports reach the schools and the parents with delays or get lost.

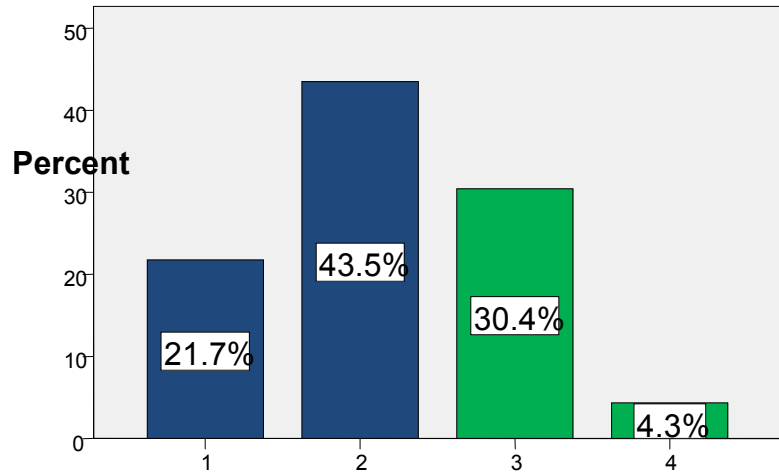
27.3% consider that there has been improvement



(5G) The waiting period for a reevaluation service may last for months.

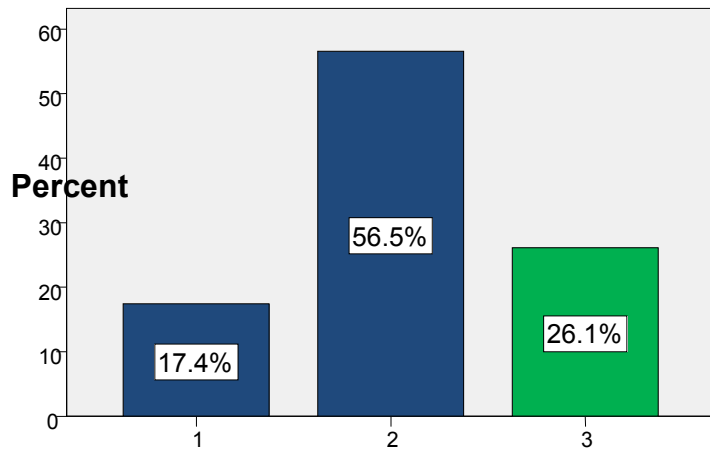
(6) CRC Finding / Inefficiencies in
the placement in services process

34.7% consider that there has been improvement



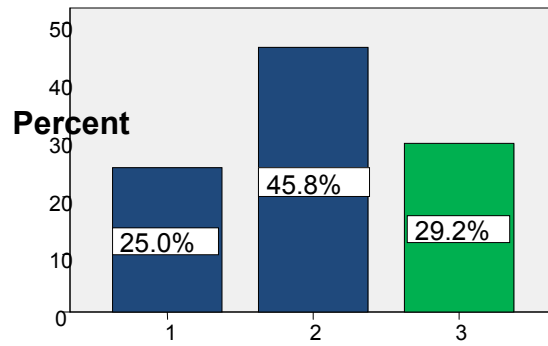
(6A) Parents are left with few options because school offerings and placement alternatives are very limited.

26.1% consider that there has been improvement



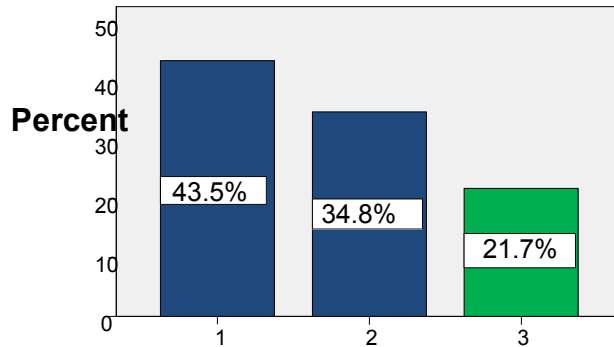
(6B) Placements in services are delayed far beyond the regulation limits.

29.2% consider that there has been improvement



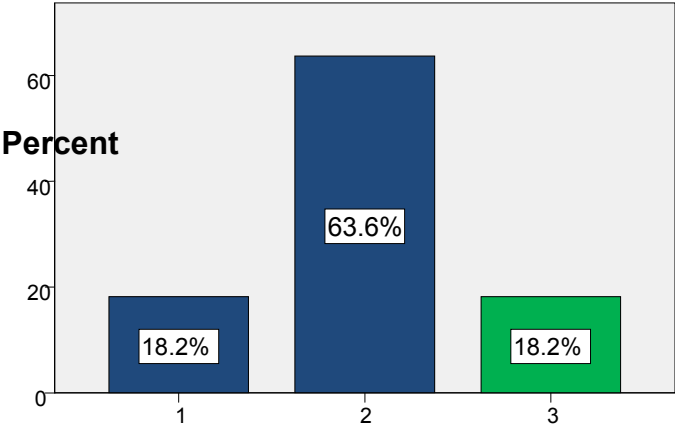
(6C) Regular classrooms lack support services.

21.7% consider that there has been improvement



(6D) Inclusion is viewed as a burden to regular classroom teachers.

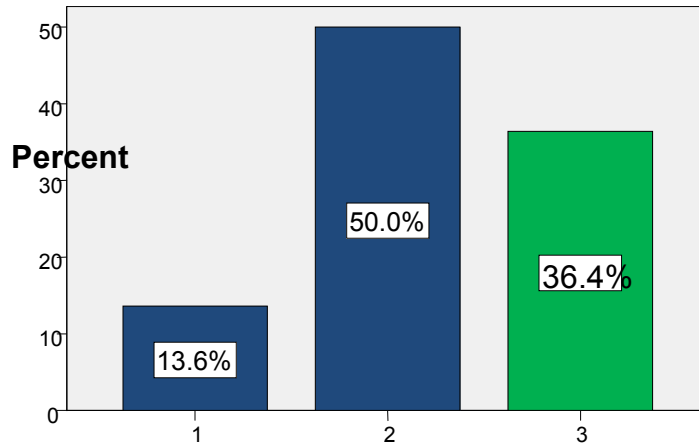
18.2% consider that there has been improvement



(6E) There are contained special education classrooms that group students with very different conditions and needs.

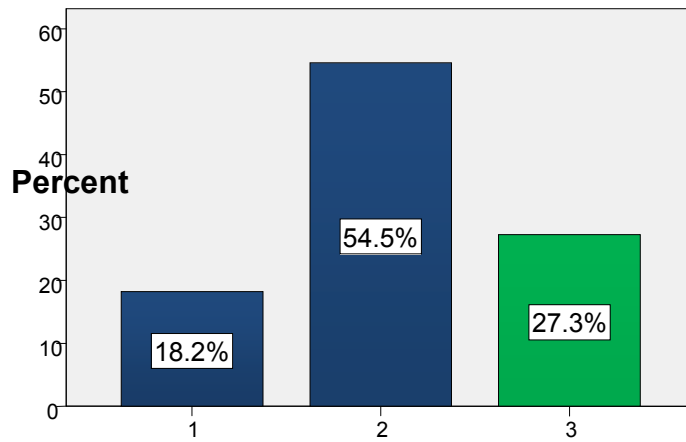
(7) CRC Finding / Non Compliance
with Individualized Education
Program (IEP)

36.4% consider that there has been improvement



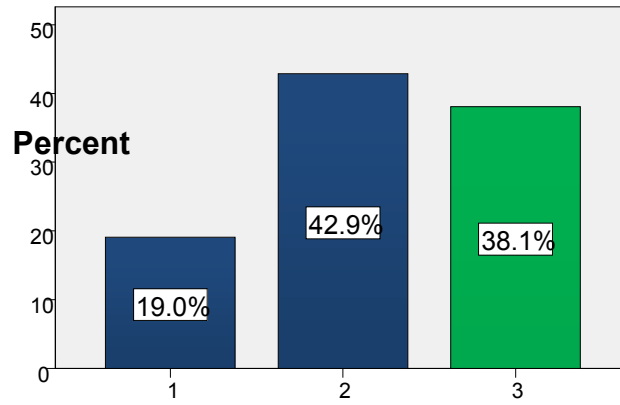
(7A) Significant delays in the development and implementation of the IEP.

27.3% consider that there has been improvement



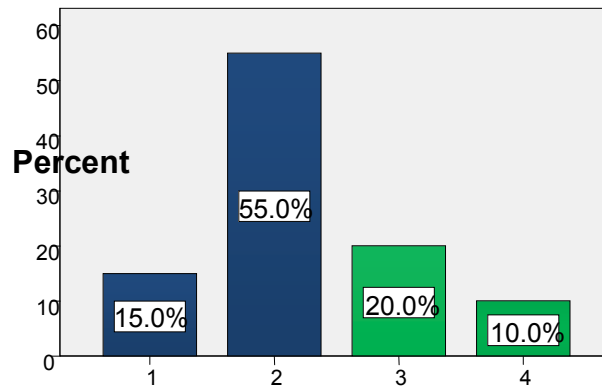
(7B) The meeting in which the IEP is prepared and discussed lacks the required participants.

38.1% consider that there has been improvement



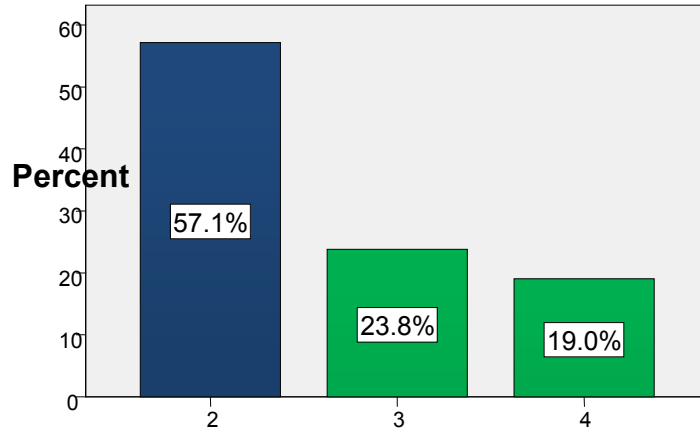
(7C) Problems with the IEP content; lack information, is insufficient and not specific enough.

30% consider that there has been improvement



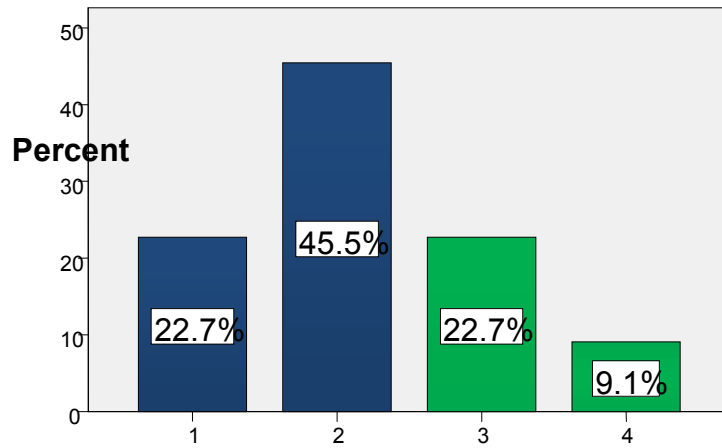
(7D) The IEP does not consider the minors behavior needs and/or transition services needs.

42.8% consider that there has been improvement



(7E) Non compliance with the required periodic/ annual revision of the IEP.

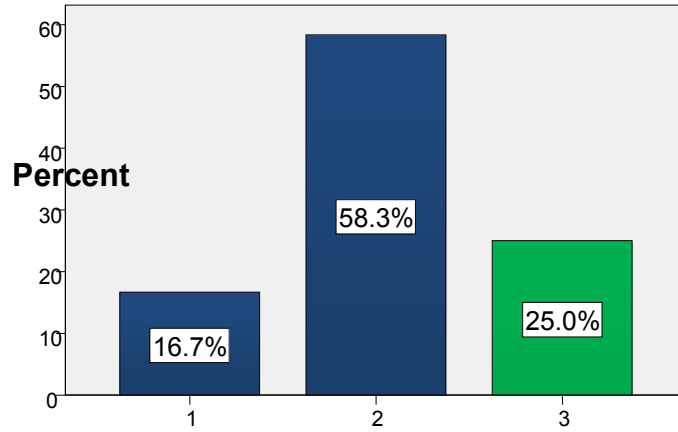
31.8% consider that there has been improvement



(7F) The IEP is viewed as a mere requirement and not as a working document.

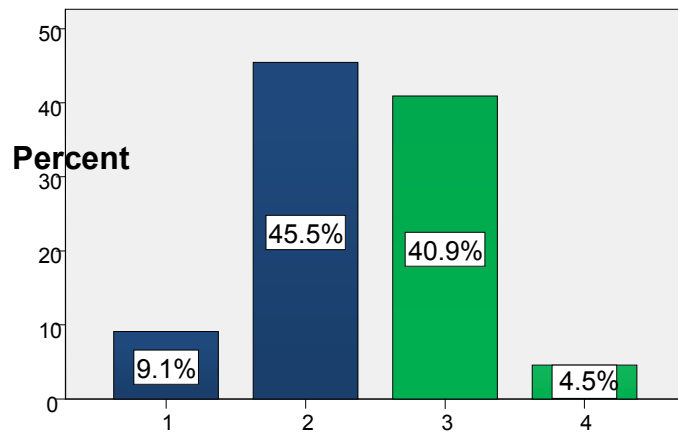
(8) CRC Finding / Non compliance
with the provision of special
education and related services.

25% consider that there has been improvement



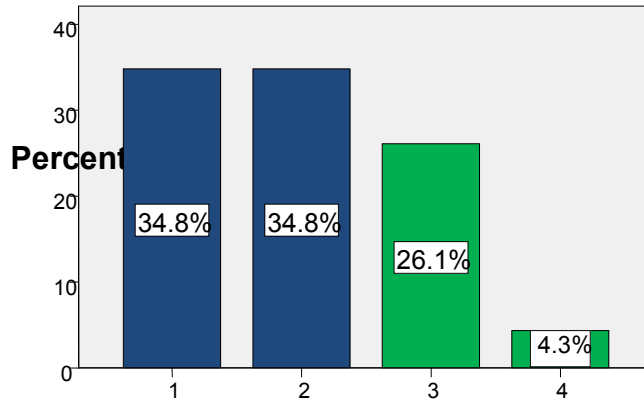
(8A) Unreasonable delays in providing services stipulated in the IEP.

45.4% consider that there has been improvement



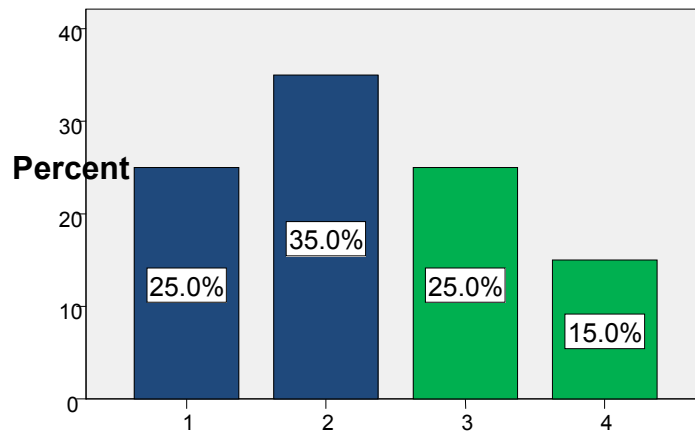
(8B) Insufficient services, not provided in the recommended frequency.

30.4% consider that there has been improvement



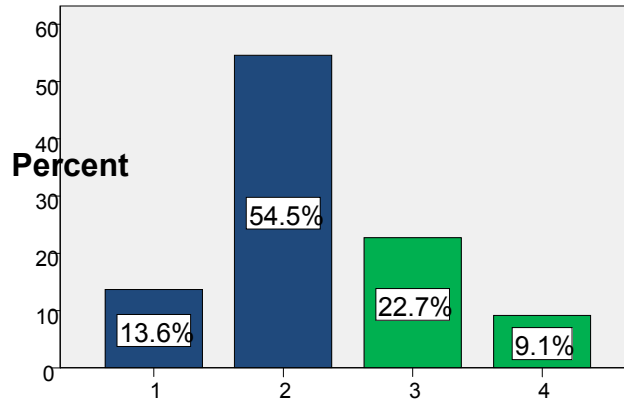
(8C) Services provided according to availability (i.e. Group therapy when individual therapy is not available).

40% consider that there has been improvement



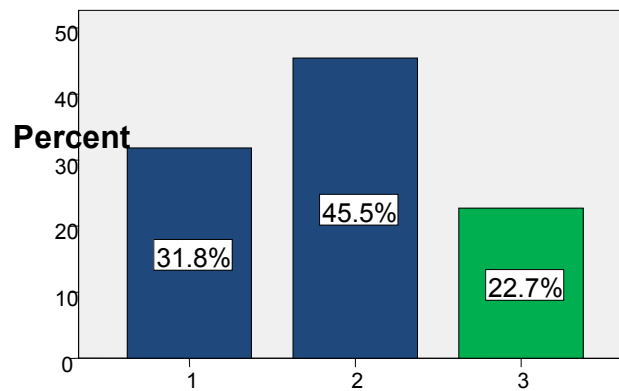
(8D) Minors are removed from their schools for 30- 45 minutes therapies and miss morning or afternoon classes.

31.8% consider that there has been improvement



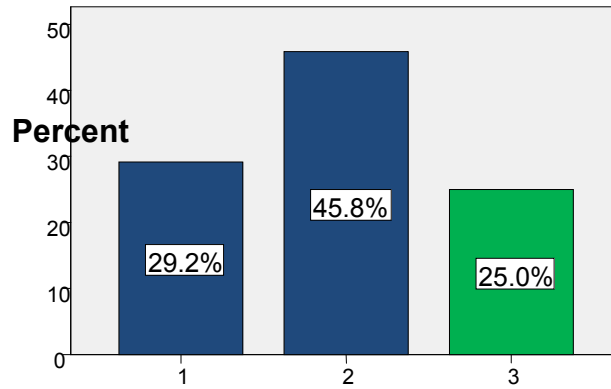
(8E) Lack or delays in the provision of support services provided by student services assistants.

22.7% consider that there has been improvement



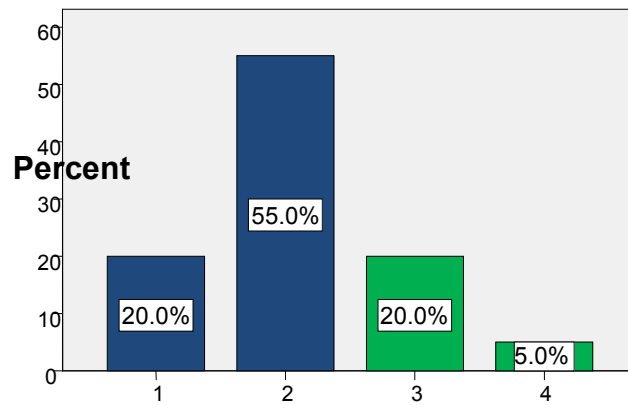
(8F) Assistive Technology services or equipment are not provided or arrive late.

25% consider that there has been improvement



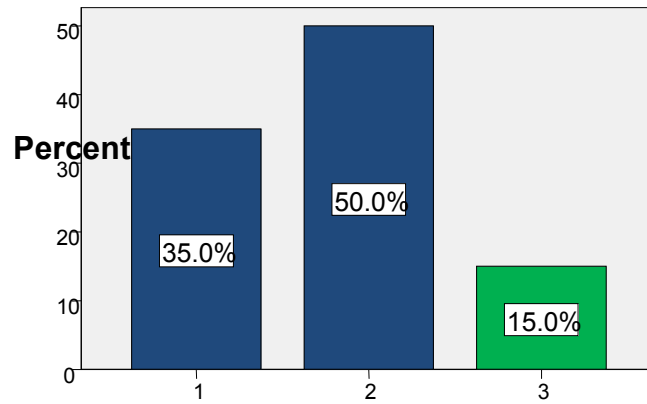
(8G) The employees' coordination and supervision is poor and insufficient.

25% consider that there has been improvement



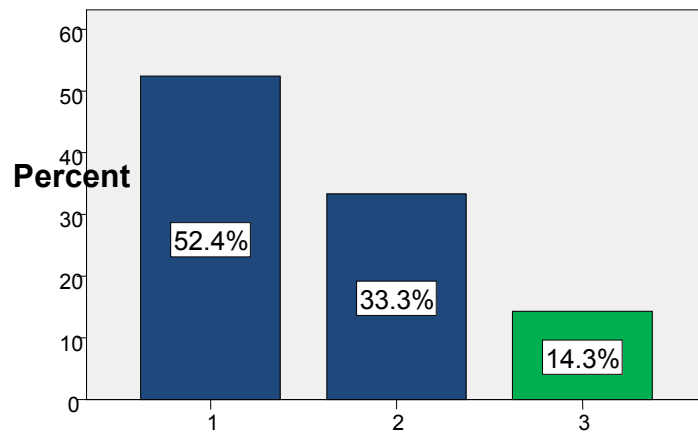
(8H) The budget and the designated resources for services are limited.

15% consider that there has been improvement



(8I) Non competitive salaries for qualified personnel.

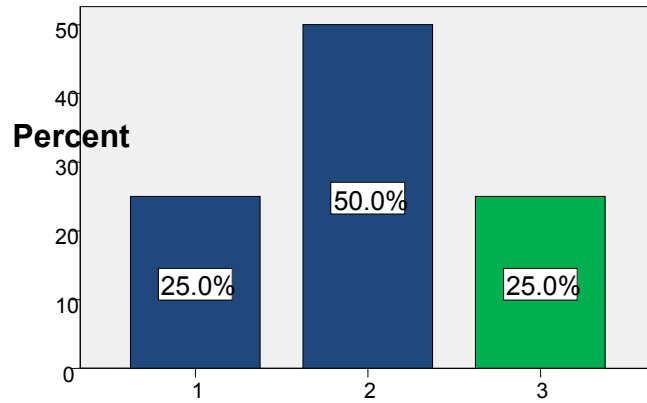
14.3% consider that there has been improvement



(8J) Delays in payment for contracted services.

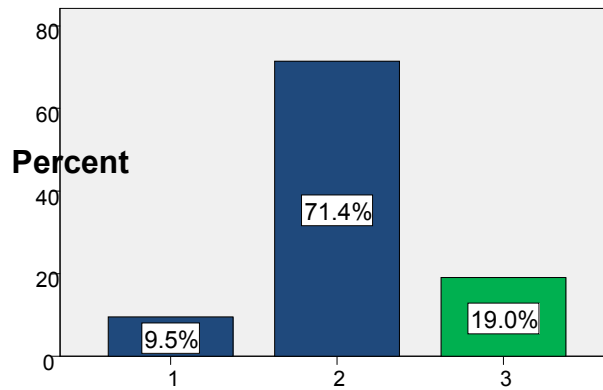
(9) CRC Finding / Deficiencies in
the transition process of students
who will exit the Special Education
Program.

25% consider that there has been improvement



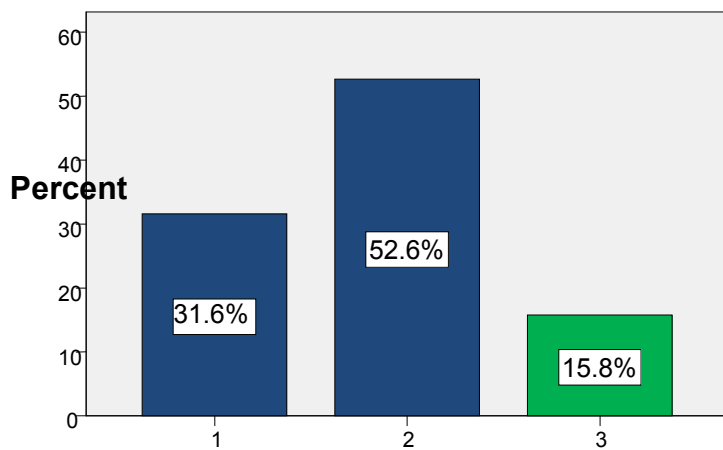
(9A) Delay in the development of an individualized transition plan for the student.

19% consider that there has been improvement



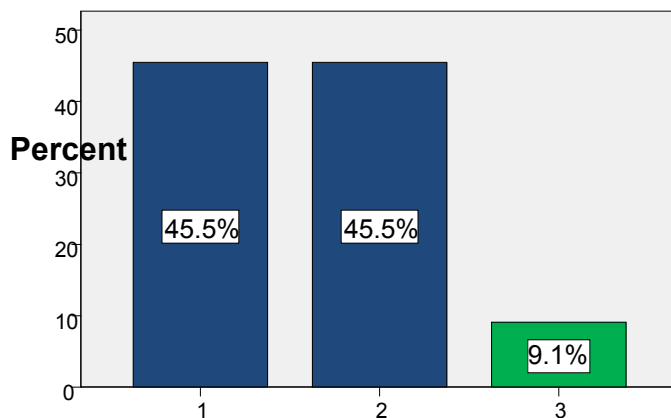
(9B) Stereotyped goals and objectives, that do not reflect the real needs of the minor.

15.8% consider that there has been improvement



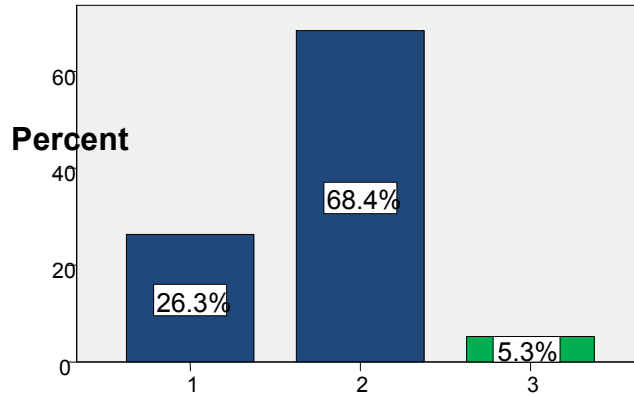
(9C) Little or no interagency coordination for planning or providing transition services.

9.1% consider that there has been improvement



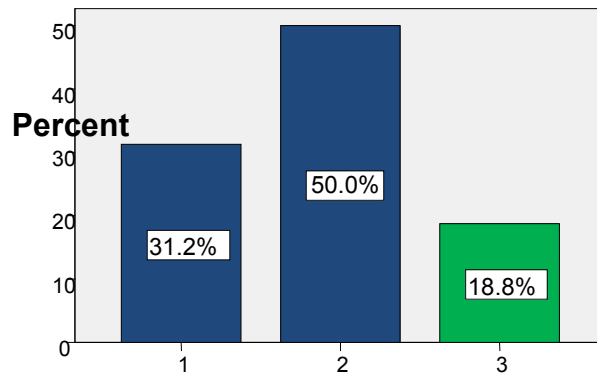
(9D) Few vocational and independent living options for exiting students with moderate and severe disabilities.

5.3% consider that there has been improvement



(9E) Limited human resources in the Vocational Rehabilitation Administration, affecting its participation in the transition planning.

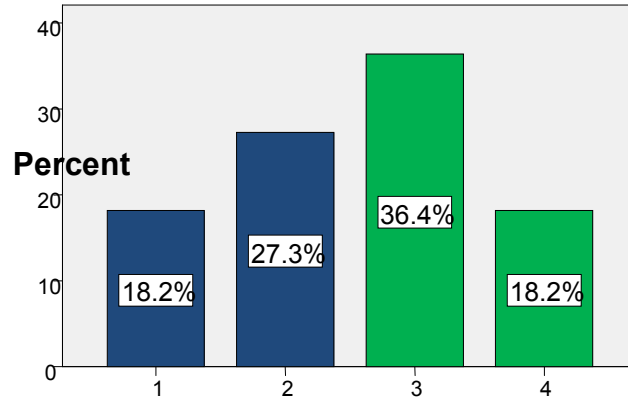
18.8% consider that there has been improvement



(9F) Controversies between the agencies related to which agency will pay for specific services.

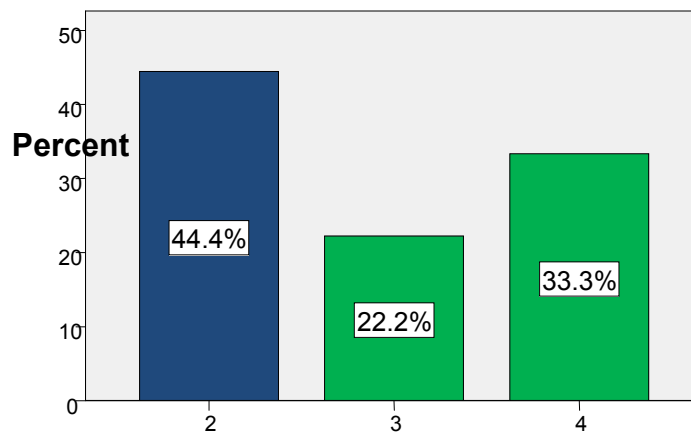
(10) CRC Finding / Deficiencies in
the processing of Complaints and
administrative hearings requests

54.6% consider that there has been improvement



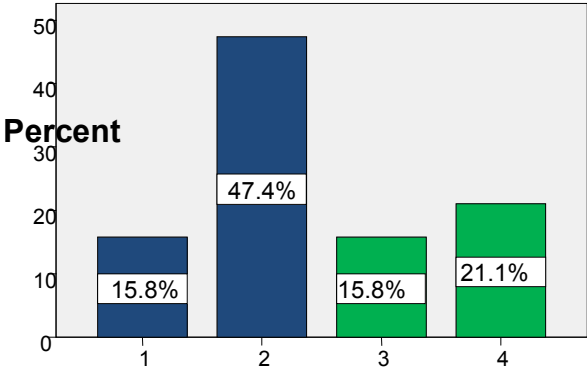
(10A) Complaints and lawsuits are viewed as indispensable resources to trigger the action of the Department of Education and obtain results.

55.5% consider that there has been improvement



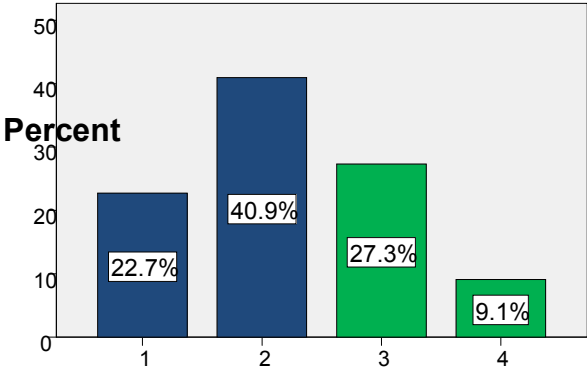
(10B) The great majority of Complaints (98%) are ruled in favor of the parents.

36.9% consider that there has been improvement



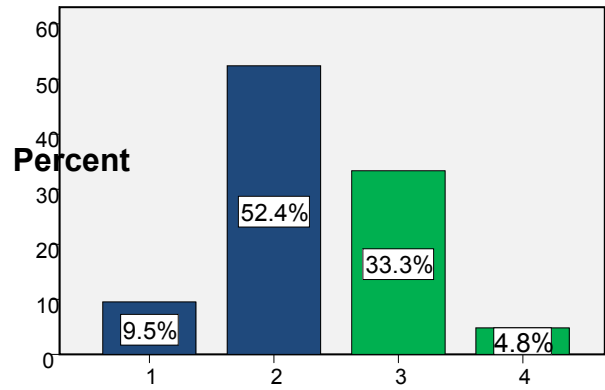
(10C) The established timeline for complaint resolution (hearing requests) is not complied with in 20% of the cases.

36.4% consider that there has been improvement



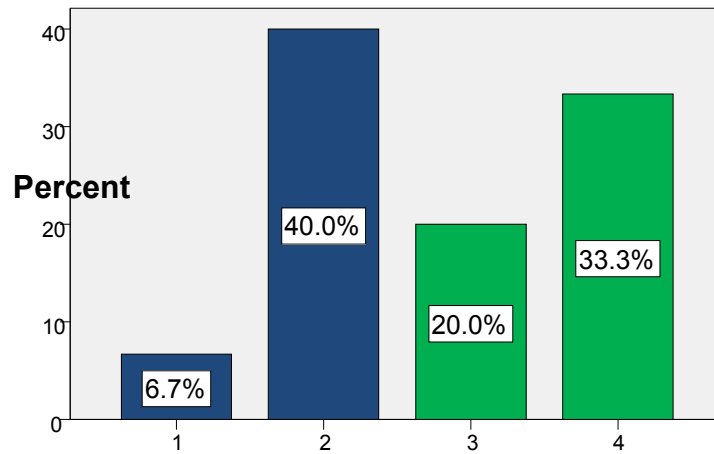
(10D) Delays in the compliance with judges' orders and resolutions are observed.

38.1% consider that there has been improvement



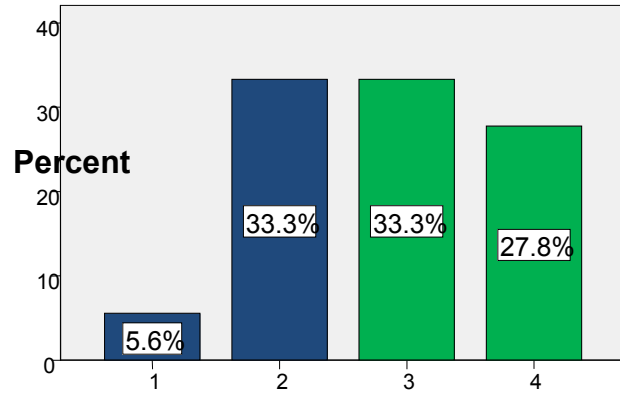
(10E) Complaints are not resolved because no follow up is given to the situations they present.

53.3% consider that there has been improvement



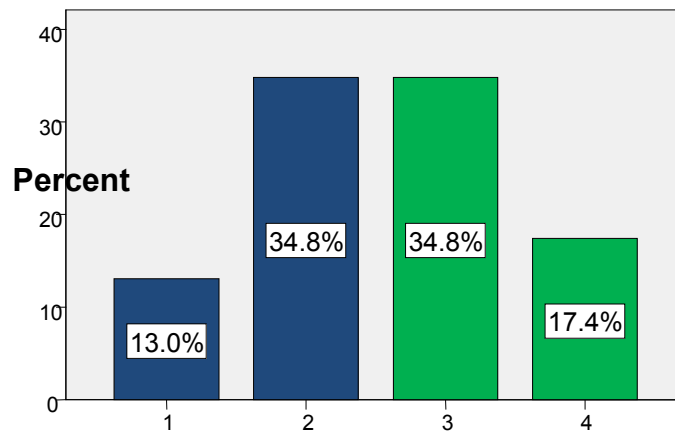
(10F) Administrative judges are wrongfully influenced by the Department of Education's Legal Division personnel.

61.1% consider that there has been improvement



(10G) A number of complaints are lost or are not processed by the districts.

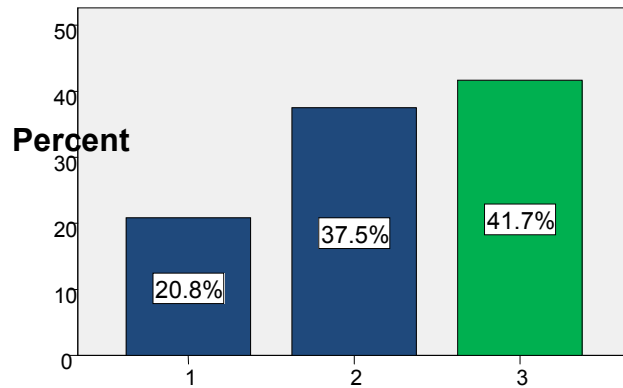
52.2% consider that there has been improvement



(10H) The complaint process turns hostile and thus the parents are fearful to file complaints or hearing requests.

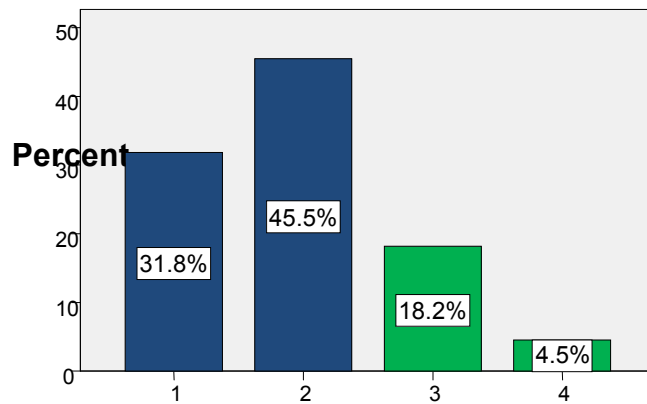
(11) CRC Finding / The Department of Education's performance has a negative effect on minors with special conditions and their families

41.7% consider that there has been improvement



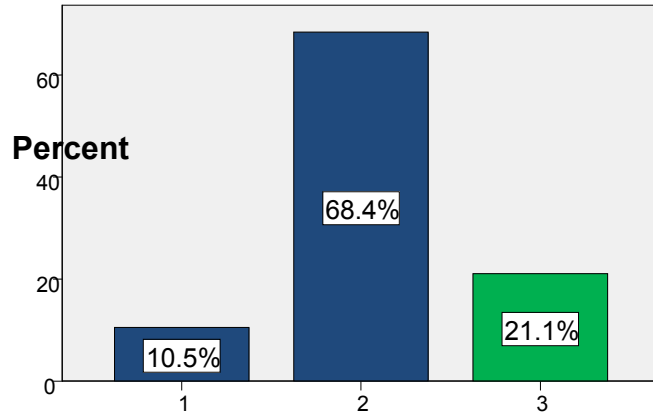
(11A) The Department of Education’s performance limits the possibilities that minors with special conditions have to overcome the challenges they face because of their impairments.

22.7% consider that there has been improvement



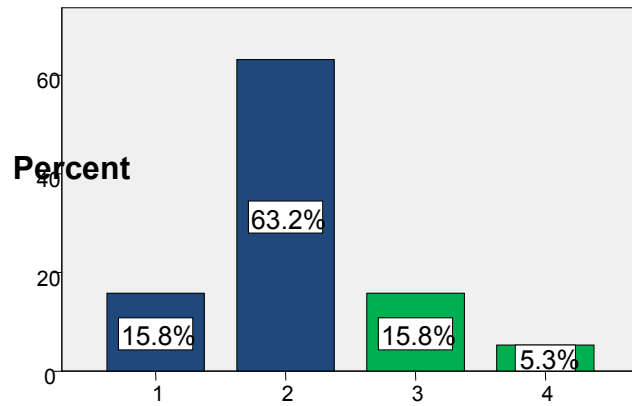
(11B) The families of the minors with special conditions experiment tension, impotence and frustration when procuring services for their children.

21.1% consider that there has been improvement



(11C) There are minors with special conditions that fail in school because of the Department of Education's performance.

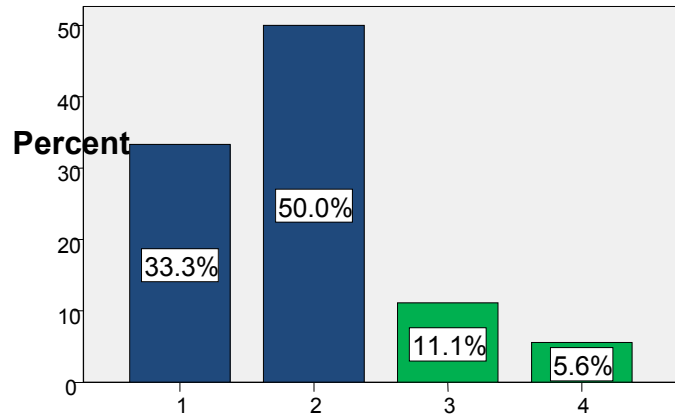
21.1% consider that there has been improvement



(11D) There is a high number of minors with special learning conditions in juvenile and correctional institutions.

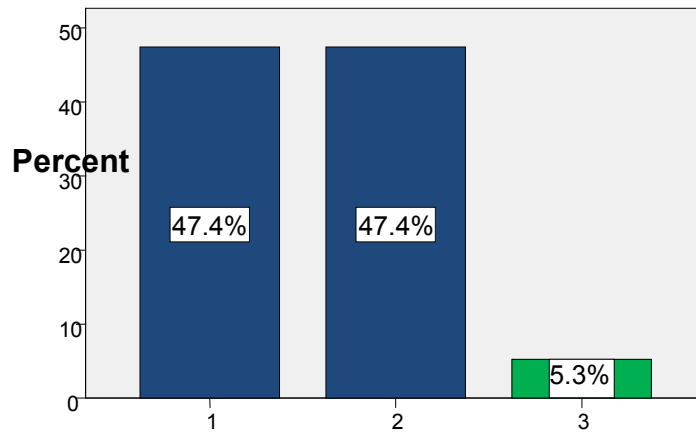
(12) CRC Finding / Private School as
an option to the Special Education
problem

16.7% consider that there has been improvement



(12A) A considerable number of parents opt to enroll their children in private schools, even though these schools do not guarantee their rights nor offer special education.

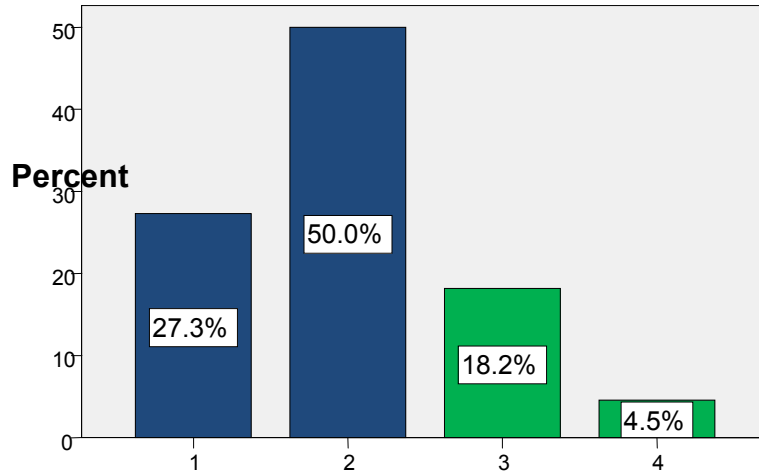
5.3% consider that there has been improvement



(12B) In general terms, private schools discriminate against minors with disabilities.

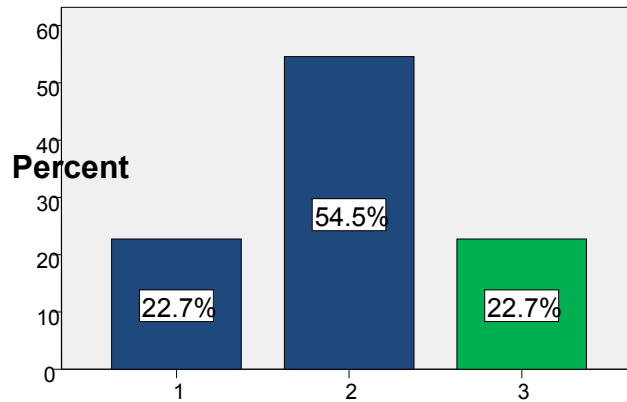
(13) CRC Finding / Noncompliance
of other government agencies

22.7% consider that there has been improvement



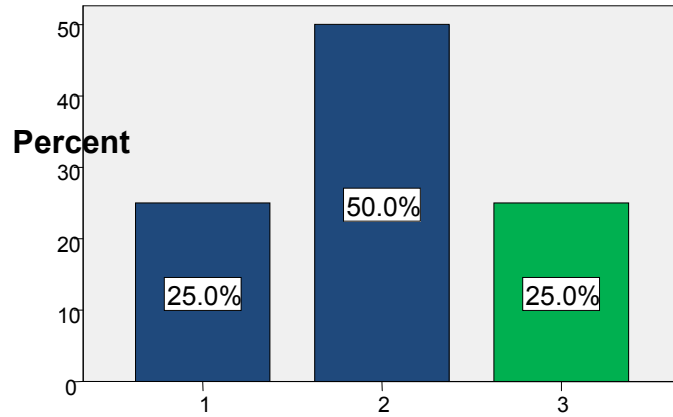
(13A) There is little dissemination on the responsibilities and services that other agencies are required to provide to minors with special conditions.

22.7% consider that there has been improvement



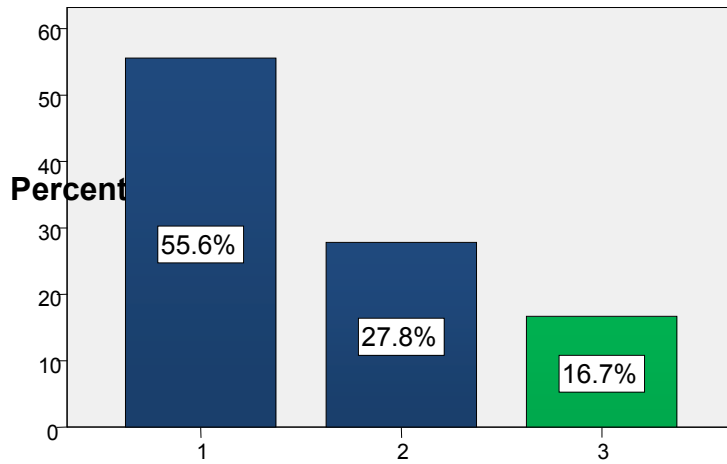
(13B) Other government agencies employees have no knowledge of their obligations as well as of the laws, regulations, and agreements established for the protection of minors with special conditions.

25% consider that there has been improvement



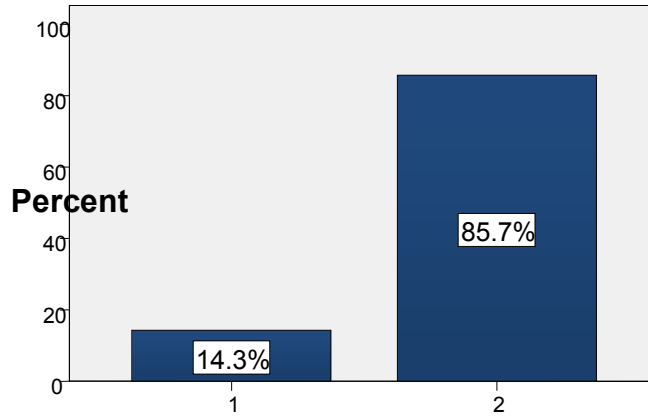
(13C) There are few professional development activities geared to enable employees to comply with their obligations towards these minors.

16.7% consider that there has been improvement



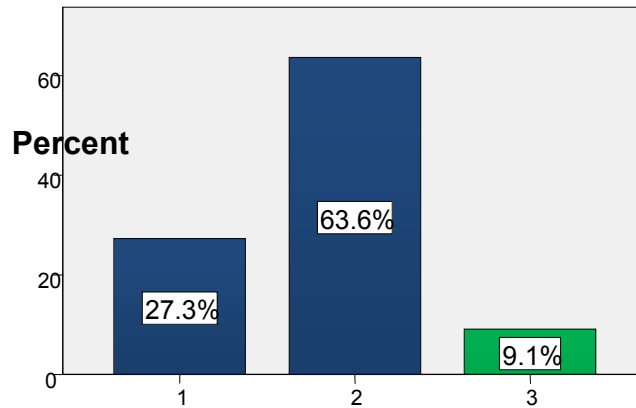
(13D) The same deficiencies and non compliances identified in the Department of Education are observed in the Department of Health.

0% consider that there has been improvement



(13E) There are limited admission opportunities in University of Puerto Rico study programs geared to the preparation of high demand professionals; and a curriculum review is needed.

9.1% consider that there has been improvement



(13F) The agencies with responsibilities under Law 51 comply with them partially.