



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

April 25, 2023

By Email
Honorable Judith M. Persichilli
Commissioner
New Jersey Department of Health
P.O. Box 360
Trenton, New Jersey 08625
Judith.Persichilli@doh.nj.gov

Dear Commissioner Persichilli:

The purpose of this letter is to follow up on the U.S. Department of Education (Department), Office of Special Education Programs (OSEP), Differentiated Monitoring and Support (DMS) report dated November 30, 2018, which identified findings under Part C of the Individuals with Disabilities Education Act (IDEA). This letter summarizes OSEP's review of the corrective actions taken by the State lead agency, the New Jersey Department of Health (DOH), and closes out the findings of noncompliance identified in OSEP's DMS report.

Specifically, OSEP's DMS report found that DOH did not:

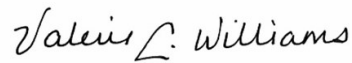
1. Demonstrate that it has a monitoring system or effective controls in place to ensure compliance with 34 C.F.R. § 303.120(a)(1), specific to:
 - 1.1 The State's process for determining ability or inability to pay as required when the State charges out of pocket costs to families such as family fees consistent with 34 C.F.R. § 303.521(a)(3).
 - 1.2 Informing parents of their procedural safeguard options with regard to payment for Part C as required by 34 C.F.R. § 303.521(e); and
 - 1.3 Provide written notification prior to using a child's or parent's public insurance to pay for early intervention services consistent with 34 C.F.R. § 303.520(a)(3) and 34 C.F.R. § 303.414.
2. Meet the Federal record retention requirements under 34 C.F.R. § 303.224(b) and 2 C.F.R. § 200.334 related to its family cost share.
3. Include all the required information consistent with 34 C.F.R. § 303.520(a)(3) and 34 C.F.R. § 303.414 in its Written Notification form, Notice of Privacy Practices; and
4. Demonstrate its practice under 34 C.F.R. § 303.520(a)(3) and 34 C.F.R. § 303.414 is consistent with its policy on file with OSEP.

In a letter dated March 22, 2019, DOH responded to the findings of noncompliance identified by OSEP, explained steps the State had already taken to address noncompliance, and identified additional corrective actions the State would take to

address the required actions identified in the monitoring report.¹ In response to OSEP inquiries regarding the March 22, 2019, submissions, DOH provided additional information via email on May 13, 2019. In a letter dated, November 27, 2019, DOH provided OSEP with evidence of the additional corrective actions that it has taken in response to the noncompliance identified in OSEP's DMS report, including documentation of its revised monitoring process. Based upon analysis of evidence submitted by DOH, OSEP has determined that the State has taken the necessary steps to address and resolve the findings of noncompliance and the required corrective actions outlined in the OSEP's 2018 monitoring report.

We appreciate your efforts to improve results for infants and toddler with disabilities and their families and your patience in awaiting this letter. If you have any questions, please contact your OSEP State Lead.

Sincerely,

A handwritten signature in cursive script that reads "Valerie C. Williams".

Valerie C. Williams
Director
Office of Special Education Programs

cc: Susan Evans, Part C Coordinator