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

Honorable Mary E. O'Dowd, M.P.H.
Acting Commissioner
Department of Health and Senior Services
Family Health Services
New Jersey Early Intervention System
P.O. Box 360
Trenton, NJ 08625-0360

JUN 2 0 2011

Honorable Gloria M. Rodriguez, D.S.W
Assistant Commissioner
Department of Health and Senior Services
Family Health Services
New Jersey Early Intervention System
P.O. Box 364
Trenton, NJ 08625-0360

Dear Acting Commissioner O'Dowd and Assistant Commissioner Rodriguez:

Thank you for the timely submission of New Jersey's Federal fiscal year (FFY) 2009 Annual Performance Report (APR) and revised State Performance Plan (SPP) under Part C of the Individuals with Disabilities Education Act (IDEA).

The Department has determined that, under IDEA sections 616(d) and 642, New Jersey needs assistance in meeting the requirements of Part C of IDEA. The Department's determination is based on the totality of the State's data and information including the State's FFY 2009 APR and revised SPP (including targets and improvement activities for each year through FFY 2012), other State-reported data, and other publicly available information. See the enclosure entitled "How the Department Made Determinations under Sections 616(d) and 642 of the IDEA in 2011: Part C" for further details.

The specific factor affecting the Office of Special Education Programs' (OSEP's) determination of needs assistance for New Jersey was that New Jersey's FFY 2009 data for Indicator 9, which measures the timely correction of findings of noncompliance, reflect 88.89% compliance. For this reason, we were unable to determine that New Jersey met requirements for FFY 2009 under IDEA sections 616(d) and 642.

OSEP notes other areas that reflect a high level of performance, including that New Jersey reported valid and reliable data for all indicators and a high level of compliance for Indicators 7 (97.89%), 8A (100%), 8B (100%), 10 (100%), and 14 (100%). We hope that New Jersey will be able to demonstrate that it meets requirements with its FFY 2010 APR.

The enclosed table provides OSEP's analysis of the State's FFY 2009 APR and revised SPP and identifies, by indicator, OSEP's review of any revisions made by the State to its targets, improvement activities (timelines and resources) and baseline data in the State's SPP. The table also identifies, by indicator: (1) the State's reported FFY 2009 data; (2) whether such data met the State's FFY 2009 targets and reflect progress or slippage from the prior year's data; (3) if

applicable, that the State's data are not valid and reliable; and (4) whether the State corrected findings of noncompliance.

Your State may want to consider taking advantage of available sources of technical assistance. A list of sources of technical assistance related to the SPP/APR indicators is available by clicking on the "Technical Assistance Related to Determinations" box on the opening page of "The Right IDEA" Web site at: http://therightidea.tadnet.org/technicalassistance. You will be directed to a list of indicators. Click on specific indicators for a list of centers, documents, Web seminars and other sources of relevant technical assistance for that indicator.

As you know, pursuant to IDEA sections 616(b)(2)(C)(ii)(l) and 642, your State must report annually to the public on the performance of each early intervention services program (EIS program) located in the State on the targets in the SPP. In addition, your State must: (1) review EIS program performance against targets in the State's SPP; (2) determine if each EIS program "meets requirements" of IDEA Part C, or "needs assistance," "needs intervention," or "needs substantial intervention" in implementing Part C of the IDEA; (3) take appropriate enforcement actions; and (4) inform each EIS program of its determination. For further information regarding these requirements, see "The Right IDEA" Web site at: http://therightidea.tadnet.org/determinations. Finally, please ensure that your updated SPP is posted on the State lead agency's Web site and made available to the public, consistent with IDEA sections 616(b)(2)(C)(ii)(l) and 642.

OSEP is committed to supporting New Jersey's efforts to improve results for infants and toddlers with disabilities and their families and looks forward to working with your State over the next year. If you have any questions, would like to discuss this further, or want to request technical assistance, please contact Jennifer Miley, your OSEP State Contact, at 202-245-6049.

Sincerely,

Melody Musgrove, Ed.D.
Director
Office of Special Education Programs

Enclosures

cc: Part C Coordinator