

HEALTH

PUBLIC HEALTH SERVICES BRANCH

DIVISION OF FAMILY HEALTH SERVICES

New Jersey Early Intervention System

Procedures for Public Notice, Public Hearing, and Public Comment

Adopted New Rules: N.J.A.C. 8:17-19

Proposed: August 4, 2025, at 57 N.J.R. 1643(a).

Adopted: July 6, 2026, by Dr. Raynard E. Washington, Acting Commissioner,
Department of Health.

Filed: July 6, 2026, as R.2026 d.083, **without change**.

Authority: N.J.S.A. 26:1A-36.6 et seq., specifically 26:1A-36.8; 20 U.S.C. § 1435; and
34 CFR Part 303.

Effective Date: August 3, 2026.

Expiration Date: August 5, 2029.

Summary of Hearing Officer's Recommendation and Agency's Response:

The Department of Health (Department) convened a public hearing on the notice of proposal on September 9, 2025, at 3:00 P.M., at the Judith M. Persichilli Building of the New Jersey Department of Health, in Trenton, New Jersey. Alvina Seto, J.D., Regulatory Officer, New Jersey Department of Health, served as hearing officer. Four persons, who are listed below, provided testimony. The Summary of Public Comments and Agency Responses below addresses the comments of both the persons who testified at the public hearing, and the persons who submitted written comments. The hearing officer recommended that the Department proceed to adoption of the proposed new rules

without change from the notice of proposal. The Department accepts the recommendation.

Pursuant to N.J.S.A. 52:14B-4(g) and N.J.A.C. 1:30-5.5(g), the public hearing record is available for inspection at <https://www.nj.gov/health/fhs/eis/documents/Hearing-Transcripts-2-2-2026.pdf>.

Summary of Public Comments and Agency Responses:

The Department received comments from the persons listed below. Each person whose name is marked with an asterisk (*) testified at the public hearing. Each person whose name is marked with a pound sign (#) both testified and submitted a written comment. Each person with no marking only submitted a written comment.

1. Juana Camacho*;

2. Adara Heilmann, Director, Children's Advocacy, The Arc of New Jersey, North Brunswick, NJ*;

3. Kenneth David Holmes, Management Consultant, the Early Intervention Association of the Alliance for the Betterment of Citizens with Disabilities, Hightstown, NJ#;

4. Michael Prendergast, Interim Executive Director, and Lauren Zalepka, President, The Arc of New Jersey, North Brunswick, NJ; and

5. Jena Richards*.

Quoted, summarized, and/or paraphrased below are the comments and the Department's responses. The numbers in parentheses following each comment below correspond to the numbers representing each commenter above.

GENERAL SUPPORT

1. COMMENT: A commenter commends “the Department for formalizing this process in the public arena. Clear standards for notification and participation will strengthen transparency and ensure the families, clinicians, teachers, [early Intervention (EI)] employees and providing agencies have an active voice in shaping the future of early intervention in New Jersey.” The commenter states that the “proposed [new] rules are an important step forward by ensuring that the voices of both families and professionals are consistently heard.” The commenter “appreciate[s the Department’s] commitment to transparency and to the children and families [the EI system (EIS)] serve[s].” (1)

2. COMMENT: A commenter states that “everybody is positive.” The commenter “agree[s] with everything that the Department ... has done to continue the efforts to enhance the lives of New Jersey residents, particularly those with [intellectual and developmental disabilities (IDDs)] in their families. Among the many important programs overseen by the Department, the New Jersey [EIS] is indispensable to this population. This service assists children with IDD[s] to meet their essential milestones in language growth and fine motor skills, cognition, behavior and social emotional developments, and additionally it provides invaluable support for families through social work services and parent coaching, ensuring the benefits of these services that will extend far beyond the age of three ... Everything was positive. Thank you very much.” (2)

3. COMMENT: A commenter states that “[e]verything is positive, [the commenter is] very happy to say,” and “fully supports in total the adoption of the [proposed new rules].” The commenter “reviewed the required impact statements ... and ... find[s] those all acceptable in terms of the interpretation that was described by the Department” and “withholds any contrary comments or suggestions to the Impact Statements.” (3)

4. COMMENT: A commenter “appreciate[es] and support[s] the proposed [new] rules [at] N.J.A.C. 8:17-19, which enhance transparency, accessibility, and public engagement in the development and implementation of ... EIS ... policies. [EI] is a critical service for children exhibiting developmental delays. Timely EI services can have positive lifelong outcomes and change a child’s trajectory for the future. With this in mind, [the commenter] commend[s] the Department ... for publishing this rule proposal and for taking meaningful steps to ensure there is ample public review and comments on the policies that will impact infants and toddlers, families, and EI service providers. The proposed procedures for public notice, comment, and hearing not only promote accountability but also empower families, caregivers, and stakeholders to have a voice in decisions that directly affect their lives and communities. [The commenter is] particularly encouraged by the Department’s commitment to: [p]roviding multiple accessible formats for public participation, including web-based hearing options; [o]ffering accommodations and prioritizing inclusive practices; [a]llowing for anonymous feedback to protect family privacy; [and e]nsuring that notices and application materials are circulated widely and effectively. These thoughtful measures demonstrate a genuine investment in building an equitable and responsive [EIS] in New Jersey. [The commenter] look[s] forward to continuing to work ... to ensure transparency, maintain robust opportunities for public comment, and strengthen policies that benefit children and families. Thank you for your leadership and commitment to families and children with disabilities across the [S]tate.” (4)

RESPONSE TO COMMENTS 1, 2, 3, AND 4: The Department acknowledges the commenters’ support of the proposed new rules.

5. COMMENT: A commenter states that the commenter “was not made aware of this until today, including multiple agencies that [the commenter] work[s] with.” The commenter, who is “a New Jersey State licensed medical professional who works directly with infants, toddlers and their families in homes and daycares ... offer[s] the following points for consideration. [S]uccessful communication and transparency for clinicians for personal professional health and safety [and] notices of any health and safety risk to clinician[s], including domestic violence households and supports for domestic violence homes, children with life-threatening serious self-injurious behavior such as head-banging. [Sic.] Notices and applications should always be available in plain language and translate[d] into New Jersey’s most common languages. [The commenter] work[s] with many families that are Spanish-speaking, Portuguese-speaking, who do not have the information in their languages, and that goes for also all the languages and different languages people speak. Families often struggle with technical and legal language.” The commenter advocates for “full transparency and inclusion of providers’ perspectives Clinicians in EI have medical and educational expertise in this setting, so [want their] voice[s] to be heard for that transparency in these procedures to even be notified of these procedures, because [the commenter is] the only early interventionist [the commenter] know[s] that even was aware of this, so ... would have liked to also have an email. Families would have liked to have emails, as the only way [the commenter] knew about this was going to the [Department] website. [A]s far as focus on service, quality, and equity, ... regarding funding applications or policy changes ... it’s important to consider how they will impact access for underserved communities, so that’s something also families have informed [the commenter] that they would like to be notified of any changes regarding billing,

funding, access, and that should also be made transparent through emails instead of having to go to the [Department] website.” (1)

6. COMMENT: A commenter “found it very strange and frustrating that this hearing was not reaching more people. [O]ne therapist who was made aware of it [made the commenter] aware of it. [The commenter is] actually surprised at the low number of attendees even [at the public hearing], being that this is about public notice and transparency. [N]obody knows what’s going on, and ... that is a huge issue. [E]ven an opt-in text service would be great, because hearings like this are very important. If they are not being put out to everybody, [no one has] a check mark on [one’s] to-do list to check the [Department] website. [T]hat really needs to be changed.” (5)

RESPONSE TO COMMENTS 5 AND 6: The Department adhered to the requirements for dissemination of notice and opportunity to be heard on the proposed new rules in accordance with the Individuals with Disabilities Education Act (IDEA), the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the Rules for Agency Rulemaking, N.J.A.C. 1:30. Proposed new N.J.A.C. 8:17-19 would address the commenters’ concerns by establishing procedures by which interested persons might subscribe to Department announcements affecting the New Jersey Early Intervention System (EIS). N.J.A.C. 8:17-19 would establish the standards and procedures by which the Department is to issue public notice, accept public comment, and convene public hearings with respect to proposed new or revised policies, procedures, or rules for the administration of the NJEIS (Part C) framework, and the Department’s application for Part C funding. As the proposed new rules would address the commenters’ concerns and the commenters

suggest no changes to the proposed new rules, the Department will make no change upon adoption in response to the comments.

Federal Standards Statement

The Department is adopting the new rules at N.J.A.C. 8:17-19 pursuant to the authority at N.J.S.A. 26:1A-36.3 through 36.8, particularly 26:1A:36.8; and 20 U.S.C. § 1435. The adopted new rules would ensure that the procedures by which New Jersey provides early intervention services are consistent with the IDEA, Part C of 34 CFR Part 303, and the terms and conditions applicable to its receipt of Federal Part C funds. The adopted new rules would meet, but not exceed, these requirements. Therefore, a Federal standards analysis is not required.

Full text of the adopted new rules follows:

TEXT