MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 854

H.P. 622

House of Representatives, March 8, 2021

An Act To Ensure Continued School-based Services for Children with Disabilities

(EMERGENCY)

Reference to the Committee on Health and Human Services suggested and ordered printed.

ROBERT B. HUNT Clerk

R(+ B. Hunt

Presented by Representative MEYER of Eliot.
Cosponsored by Senator BALDACCI of Penobscot and
Representatives: BRENNAN of Portland, CRAVEN of Lewiston, Speaker FECTEAU of
Biddeford, MILLETT of Cape Elizabeth, STOVER of Boothbay, Senators: DAUGHTRY of
Cumberland, President JACKSON of Aroostook, STEWART of Aroostook.

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, school-based services provided to children are critical to child development and must be available to the maximum extent possible under federal law; and

Whereas, the Legislature has an important role in ensuring that rules adopted by the Department of Health and Human Services result in school-based services being provided to children by providing additional review, and the review must be in place as soon as possible; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 34-B MRSA §1227 is enacted to read:

§1227. School-based services in developmental preschools for children from birth to 5 years of age

The department shall provide school-based services in developmental preschools to children from birth to 5 years of age, including rehabilitative and community support services for children with cognitive impairments and functional limitations and behavioral health services. The department may adopt rules to implement this section. Rules adopted pursuant to this section are major substantive rules pursuant to Title 5, chapter 375, subchapter 2-A.

As used in this section, "developmental preschool" means a program that has been approved by the Department of Education as either a special purpose private school or a regular education public school program or a program operated or funded by the Child Development Services System in Title 20-A, section 7209.

Sec. 2. Stakeholder group; review of early childhood special education services. The Department of Health and Human Services shall convene a stakeholder group to participate in any rulemaking pursuant to the Maine Revised Statutes, Title 34-B, section 1227, including the drafting of rules and any proposed changes to those rules after the public hearing process to the extent permitted by Title 5, chapter 375. Stakeholders include representatives of providers, advocates, parents of children receiving services, the Child Development Services System, school administrative units and the Department of Education. The Department of Health and Human Services also shall take into account the findings from the independent review of the State's early childhood special education services being carried out pursuant to Public Law 2019, chapter 343, Part VVVV.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

39 SUMMARY

This bill directs the Department of Health and Human Services to provide school-based services in developmental preschools for children from birth to 5 years of age. It designates

- any rules adopted as major substantive rules under the Maine Revised Statutes, Title 5,
- 2 chapter 375, subchapter 2-A. It requires the department to convene a stakeholder group
- when drafting those rules and take into account the findings from the independent review
- of the State's early childhood special education services being carried out pursuant to Public
- 5 Law 2019, chapter 343, Part VVVV.