

APPENDIX II-C

RULEMAKING NOTICE FORM

Notice Number _____

Rule Number _____

**He-M 203.02,
He-M 203.05, and He-M 203.12**

<p>1. Agency Name & Address:</p> <p>Dept. of Health & Human Services Bureau for Family Centered Services 105 Pleasant Street, Main Building Concord, NH 03301</p>	<p>2. RSA Authority: RSA 171-A:14, V; RSA 171-A:18, IV</p> <p>3. Federal Authority: Part C of Public Law 108-446, Individuals with Disabilities Education Improvement Act (IDIEA) of 2004 (20 U.S.C. 1400 et seq.)</p> <p>4. Type of Action:</p> <p>Adoption _____</p> <p>Repeal _____</p> <p>Readoption _____</p> <p>Readoption w/amendment <u> X </u></p>
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5. Short Title: **Complaint Resolution Procedures for Family-Centered Early Supports and Services**

6. (a) Summary of what the rule says and of any proposed amendments:

He-M 203 defines the procedures for the lead agency for Part C of the Individuals with Disabilities Education Improvement Act (IDEIA) for the resolution of complaints asserting a violation of the rights of families, including infants and toddlers with disabilities, applying for or receiving family centered early supports and services pursuant to He-M 510.

The Department of Health and Human Services (Department) is proposing to readopt with amendment various sections of He-M 203, specifically He-M 203.02, He-M 203.05, and He-M 203.12. The proposed amendments include:

- **Updating He-M 203.02 on definitions by amending the definitions of “bureau”, “commissioner”, “established condition”, and “family centered early supports and services”;**
- **Updating He-M 203.05 on resolution of individual child complaints-requesting an impartial due process hearing by adding that the parent submitting a request for an impartial due process hearing shall provide their contact information; and**
- **Updating He-M 203.12 on notice of procedural safeguards by changing the minimum method of informing the public of these procedural safeguards by making it available on the Department’s website with hard copies made available upon request.**

6. (b) Brief description of the groups affected:

Persons and entities affected by these rules include families residing in New Hampshire with children (birth through age 2) who have developmental delays, exhibit atypical behavior, are at risk for substantial developmental delays, or have established conditions. Professionals and paraprofessionals providing services to such children are also affected by these rules.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Rule	Specific State or Federal Statutes or Regulations which the Rule Implements
He-M 203 - All sections	RSA 171-A:14, V (Specific provisions implementing specific federal regulations are listed below)
He-M 203.02	RSA 171-A:2, I-b; RSA 171-A:14, V, 34 CFR Part 303.27, 303.431, 303.435; and IDEIA Part C
He-M 203.05	34 CFR Part 303.443, 303.403, IDEIA Part C
He-M 203.12	34 CFR Part 303.404 and 303.421, IDEIA Part C

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **Allyson Raadmae** Title: **Administrator- Administrative Rules Unit**
Address: **Dept. of Health and Human Services** Phone #: **(603) 271-9604**
Administrative Rules Unit Fax#: **(603) 271-5590**
129 Pleasant Street, 2nd Floor E-mail: Allyson.E.Raadmae@dhhs.nh.gov
Concord, NH 03301

TTY/TDD Access: Relay NH 1-800-735-2964
or dial 711 (in NH)

The proposed rules may be viewed and downloaded at:

<https://www.dhhs.nh.gov/doing-business-dhhs/legal-services/administrative-rules/nh-administrative-rules-public-comment>

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Wednesday, July 19, 2023**

Fax E-mail Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Monday, June 5, 2023 at 1:00 pm**

Place: [**DHHS Brown Bldg., Auditorium, 129 Pleasant St., Concord, NH**](#)

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 23:094, dated April 24, 2023

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

When compared to the existing rules, the proposed rules may lower costs to independently-owned businesses by an indeterminable amount.

2. Cite the Federal mandate. Identify the impact on state funds:

34 CFR 303.421 (b)(3) requires that notices must be sufficient in detail to inform parents about all procedural safeguards that are available under that subpart, including a description of mediation in CFR 34 303.431, how to file a state complaint in 34 CFR 303.432 through 34 CFR 303.434, and a due process complaint in the provisions adopted under 34 CFR 303.430(d), as well as any timelines under those procedures.

3. Cost and benefits of the proposed rule(s):

A. To State general or State special funds:

None.

B. To State citizens and political subdivisions:

None.

C. To independently owned businesses:

The Department of Health and Human Services states that family-centered early supports and services (FCESS) programs may experience an indeterminable cost savings as a result of not having to print or mail hard copies of the procedural safeguards.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

The proposed rule modifies an existing program or responsibility, but does not mandate any fees, duties or expenditures on the political subdivisions of the state, and therefore does not violate Part I, Article 28-a of the N.H. Constitution.