

Annual Notice of Parent Consent for School District's Use of Public Benefits or Insurance (Medicaid) under 34 CFR §300.154(d)(2)(iv)

The federal special education law known as the Individuals with Disabilities Education Act (IDEA) gives parents of IDEA students certain rights related to the school district's use of public benefits or insurance, such as Medicaid.

School districts sometimes ask parents if the district may use their public benefits or insurance to help pay for certain services provided at school. IDEA provides parents with the following rights in this area:

❖ **Parents have the right to receive this notice in an understandable language.**

This means that the annual notice must be written in clear language. It also means that the notice is provided in the parents' native language or other manner of communication used by the parents, unless it is clearly not practicable to do so.

❖ **Parents must provide consent before their child's confidential information is disclosed.**

The school district must obtain parent consent under the Family Educational Rights and Privacy Act (FERPA), at 34 CFR Part 99, and IDEA, found at 34 CFR 300.622, before the school district may disclose the child's personally identifiable information to the agency in charge of the State's public benefits or insurance program (Medicaid).

❖ **A child covered by IDEA has the right to special education and related services at no cost to the parents.**

For any service required to provide a Free Appropriate Public Education (*FAPE*) to a child eligible for IDEA, the school district:

- May not require parents to sign up for public benefits or insurance programs for the child to receive FAPE.
- May not require a parent to pay an out-of-pocket expense, such as the payment of a deductible or co-payment amount, for services provided at school. However, the district may pay the cost that the parent would otherwise be required to pay for the service.
- May not use the child's public benefits or insurance if using it would:
 - ✓ Decrease available lifetime coverage or other benefits;
 - ✓ Require the family to pay for services normally paid by public benefits or insurance, that the child needs outside of school;
 - ✓ Increase premiums or lead to discontinuation of public benefits or insurance; or,
 - ✓ Risk the child's eligibility for home and community –based waivers, due to the total amount of health care expenditures.

❖ **Parents may withdraw consent for disclosure of the child's confidential information at any time.**

❖ **If parents refuse consent or withdraw consent, the school district must still provide the required services to the child at no cost to the parents.**

The school district is still responsible for providing the child with a FAPE and must provide needed services, even if the district is no longer allowed to use the parents' public benefits or insurance.