Dear Parents:

RE: Annual Notification of Parental Consent Rights under 34 CFR §300.154

As the cost of educating children continues to increase, we look to alternative sources to help offset the cost to local taxpayers for health related services that are provided, in many cases, to children with special needs pursuant to their Individualized Education Program (IEP). One source of such funding is Medicaid, and as we seek this funding, we want to remind you of your rights under special education.

A. The School District must provide written notice to you that includes the following information, prior to seeking your consent to bill Medicaid for education services:

- We may disclose personally identifiable information about your child for the purposes of Medicaid reimbursement to the state Medicaid agency;
- The limited purpose of these disclosures will be so that the school district may receive some reimbursement of health related services provided pursuant to your child’s IEP under the Individuals with Disabilities Education Act (IDEA);
- The School District –
  - May not require you to sign up for or enroll in public benefits or insurance programs in order for your child to receive a Free Appropriate Public Education (FAPE) under Part B of the IDEA;
  - May not require you to incur an out-of-pocket expense such as the payment of a deductible or co-pay amount incurred in filing a claim for services provided under the IDEA, but the District may pay the cost that you otherwise would be required to pay;
  - May not use your child’s benefits under Medicaid if that use will:
    - Decrease available lifetime coverage or any other insured benefit;
    - Result in the family paying for services that would otherwise be covered by Medicaid and that are required for your child outside of the school day;
    - Increase premiums or lead to the discontinuation of benefits or insurance; or
    - Risk loss of eligibility for home and community-based waivers, based on all health-related expenditures.
- You have the right to withdraw consent to disclosure of your child’s personally identifiable information to Medicaid at any time; and
- Your withdrawal of consent or refusal to provide parental consent does not relieve the School District of its responsibility to ensure that all services are provided at no cost to you consistent with the principles of a Free Appropriate Public Education under the IDEA.
B. The School District must provide you with this notice annually.

- If you give your consent for the school district to access your or your child’s public benefits or insurance to pay for special education and related services under IDEA, the school district is not required to obtain a new consent from you.

If you have any questions about this information, please contact my office.

Sincerely,

Michael W. Delahanty, Ed.D.
Superintendent

MWD:lcd

REF:share/misc/parents/Medicaid letter ’17