

Written Notification to Access a Child's or Parent's Public Benefits or Insurance

Date: _____

Student:

Parent/Guardian:

As a parent of a child with a disability, you have a right to be notified the first time and annually thereafter if the school district seeks to access your or your child's public benefits or insurance (i.e. Medicaid) to pay for required special education and related services which are included on your child's IEP and are necessary to ensure a Free Appropriate Public Education (FAPE).

Prior to utilizing your or your child's public benefits or insurance for the first time, you will be asked for your consent. The prior written consent which you provide must:

1. specify the personally identifiable information that may be disclosed (e.g., records or information about the services that may be provided to a particular child),
2. specify the purpose of the disclosure (e.g., billing for services under Part B), and
3. specify the agency to which the disclosure may be made (e.g., the State's public benefits or insurance program (e.g., Medicaid)); and
4. specify that you, the parent, understands and agrees that the school district may access your or your child's public benefits or insurance to pay for special education and related services.

If you consent, the school district will annually provide you with written notification of your rights regarding the use of your public benefits or insurance.

Parents have the right to withdraw their consent to disclosure of their child's personally identifiable information to the agency responsible for the administration of the State's public benefits or insurance program (e.g., Medicaid) at any time. The withdrawal of consent or refusal to provide consent to disclose personally identifiable information to the agency responsible for the administration of the State's public benefits or insurance program (e.g., Medicaid)

does not relieve the school district of its responsibility to ensure that all required special education and related services as specified on the child's IEP are provided at no cost to the parents.

A school district may **NOT**:

1. Require parents to sign up for or enroll in public benefits or insurance programs (e.g., Medicaid) in order for their child to receive a Free Appropriate Public Education (FAPE);
2. Require parents to incur an out-of-pocket expense such as the payment of a deductible or co-pay amount incurred in filing a claim for special education services; (However, the district may pay the cost that the parents otherwise would be required to pay.)
3. May not use a child's benefits under a public benefits or insurance program if that use would:
 - a. Decrease available lifetime coverage or any other insured benefit;
 - b. Result in the family paying for services that would otherwise be covered by the public benefits or insurance program and that are required for the child outside of the time the child is in school;
 - c. Increase premiums or lead to the discontinuation of benefits or insurance; or
 - d. Risk loss of eligibility for home and community-based waivers, based on aggregate health-related expenditures.

NOTE:

This notice must be written and provided in language understandable to the general public, and provided in the native language of the parents or other mode of communication used by the parents unless it is clearly not feasible to do so.

If the parent's native language is other than English, the notice was provided in the following language:

☐ Spanish ☐ Other (specify):

If the native language or other mode of communication of the parents is not a written language, the school district or approved cooperative shall take steps to ensure: (1) that the notice is translated orally or by other means to the parents in his or her native language or other mode of communication; and (2) that the parent understands the content of the notice.