

# Broward County Public Schools

## Accessing Medicaid Benefits for Students with an Individual Education Plan

### Parents Rights and Protections –General Information

The secretary of Education amends regulations for Part B of the Individuals with Disabilities Education Act (IDEA or Act). The parental consent requirements which a public agency must meet before it may access for the first time a child's or parent's Medicaid benefits to pay for services required under the Act were amended. In addition, language has been added to the Act requiring the notification to all parents of children with disabilities of their legal protections when public agencies seek to access public benefits or insurance. These regulations have been finalized and became effective March 18, 2013.

### **PARENTAL CONSENT PROVISIONS**

#### **§300.154(d) (2) (iv) (A)-(B)**

Broward County Public Schools (BCPS) will obtain your written consent prior to disclosing your child's personally identifiable information without your consent.

### **NO COST PROVISIONS**

#### **§300.154(d) (2) (i)-(III)**

1. You are not required to sign up for or enroll in public benefits or insurance programs in order for your child to receive FAPE under Part B of the Act
2. You will not incur any out-of-pocket expenses for services provided to your child
3. Broward County Public Schools will not use your child's benefits:
  - a. if a decrease in lifetime coverage will occur;
  - b. if it results in you 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. if an increase in premiums or a discontinuance of benefits will occur;
  - d. if you will risk a loss of eligibility for home and community-based waivers, based on aggregate health-related expenditures.

### **WITHDRAWING CONSENT**

#### **34 CFR part 99 and part 300**

1. At any time, you have the right to withdraw your consent to send your child's name, date of birth, Student ID number, type of services received, and ICD 9 code, to the state's Medicaid fiscal agent.
2. Your withdrawal of consent or refusal to provide consent will not change or stop your child's required services which are provided at no cost to you.

### **BCPS INFORMATION**

1. Your child's school receives the money generated from this program to be used only for Student Support or Exceptional Student Education.
2. BCPS will not interfere with services your child receives from a community doctor or agency. For example, BCPS intentionally waits at least 8 weeks to submit a claim to Medicaid. If a community service was provided on the same day as an IEP service the school district will not be paid for their service since their service will be submitted after the community service is paid.