

Annual Parental/Guardian Notification Regarding Medicaid Benefits

Dear Parent/Guardian:

This written notification provides you with information about your rights and protections under Federal Law Part B of the *Individuals with Disabilities Education Act* (IDEA), effective March 18, 2013. It assists you in making an informed decision about whether or not to give your consent to allow your school district to use your/your child's public benefits or insurance to pay for special education and related services. If your child has been evaluated and found eligible for services under IDEA, your school district must develop an individualized education program (IEP) for him/her. Part B of IDEA provides assistance to states and school districts in making a free, appropriate public education available to children with disabilities in the least restrictive environment by paying for a portion of your child's special education and related services. Funds from a public benefits or insurance program (for example, Medicaid funds) may also be used by your school district to help pay for special education and related services.

The new regulation is summarized as follows:

- Your school district must provide you with this *notification* before asking you to give consent to access your/your child's public benefits or insurance for the first time and each year thereafter.
- A one-time, prior, written parental consent is required to release personal information from a child's education records or information about the services that may be provided to that child. This consent allows the child's school district to use the parent's and/or child's public benefits to pay for special education and related services and to bill Medicaid for IEP-related services. Once this consent has been given, the school district will not be required to obtain parental consent again in order to access the child's public benefits, even if the child's services change in the future. Parents also have the right to withdraw consent to disclose their child's personal information for billing purposes at any time (34 CFR§99 and 34 CFR§300).
- Medicaid requires documentation of the services provided, prior to making payment to a district. The Medicaid School-Based Services (MSBS) agency for the state of New Mexico is under the direction of the New Mexico Human Services Department (HSD). MSBS assists school districts by providing partial reimbursement for medically-related services listed on a student's IEP or Individualized Family Service Plan (IFSP).
- Parents are not required to sign up for or enroll in public benefits or insurance programs for their child to receive free appropriate public education, including IEP services. The school district has a continuing responsibility to provide children with all required special education and related services under IDEA at no cost to the family and no decrease in benefits or increase in premiums, including when the parent withholds consent. Although this partial reimbursement is available only for students who are Medicaid eligible, services are provided to all students with disabilities, regardless of their Medicaid eligibility status.

Is there a cost to you?

No. IEP/IFSP services are provided to students while they are at school at NO cost to the parent/guardian.

Will filing School-Based Medicaid claims impact your family's Medicaid benefits?

The Medicaid School-Based Services program does NOT impact a family's Medicaid services, funds, or limits.

What type of services does the School-Based Services program cover?

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| * Evaluations | * Case Management | * Physical Therapy |
| * Nursing | * Speech & Language Therapy | * Audiology |
| * Occupational Therapy | * Psychological/Social Work | * Transportation |

What type of information about your child will be shared?

In order to submit claims for School-Based Services reimbursement, the following types of records may be required: first name, last name, middle name, address, date of birth, student ID, Medicaid ID, disability, service dates and the type of services delivered.

Who will see this information?

Information about your child's School-Based Services may be shared with the NM HSD and its affiliates for the purpose of verifying Medicaid eligibility and submitting claims.

What if you have questions?

Please call your school district's Special Education department with questions or concerns, or to obtain a copy of the parental consent form.