

# School-Based Medicaid Billing - Annual Notice of Rights: IDEA and FERPA

This is the **annual notification** of your rights under the Individuals with Disabilities Education Act (IDEA) regarding Medicaid billing. IDEA allows certain services provided under an IEP to be covered by Medicaid. Billing for Medicaid school-based services is a way for school districts to receive additional federal revenue. These services include physical therapy, occupational therapy, speech and language services, audiology, behavioral health, mental health, skilled nursing services by registered nurse, transportation from school to IEP services and transportation back to school, applied behavioral analysis (ABA) for children with autism spectrum disorder.

In order for a school district to request these funds, you, as the parent, must be notified annually of your rights under IDEA and FERPA regarding this process.

## **The following rights are afforded to parents regarding Medicaid billing under IDEA:**

- 1) A district must obtain your written consent prior to submitting your child's IEP-health-related costs for Medicaid reimbursement. Consent only needs to be provided once, so you will not have to sign the form each year.
- 2) At any time, you decide that you do not want the school district to bill Medicaid for your child's costs, you can withdraw consent, and the school district will no longer include your bill for Medicaid.
  - a. Call 323-4013, the BPS Medicaid Office
- 3) School districts are required to provide all IEP services to students while they are at school at no cost to parents even if the district cannot bill Medicaid. As a student with a disability, your child will always receive a free appropriate public education (FAPE) while attending a public school regardless of insurance coverage. The school district will never require you to enroll in Medicaid to ensure your child receives FAPE.
  - a. There will be NO impact on your family's, parent's, or student's Medicaid benefits.
  - b. This will not decrease the availability or length of Medicaid coverage time for your child, not result in you paying for required services outside of school, not increase your insurance premiums or lead to the discontinuation of benefits or insurance, and not risk your child's eligibility for home and community-based waivers, based on the total costs of your child's health-related needs.

## **The following rights are afforded to parents regarding the use and redisclosure of personally identifiable information from education records (FERPA):**

- 1) A district must obtain your written consent prior to the school district to send your child's education information to North Dakota's Department of Health and Human Services (DHHS), the state agency that administers Medicaid. The consent form lists the education records that may be shared with ND DHHS.
- 2) By billing Medicaid, we are disclosing to the Medical Services Division, North Dakota Department of Health and Human Services (DHHS) that your child receives special education services (i.e., therapy services).
- 3) At any time, you decide that you do not want the school district to share your child's information with ND DHHS you can withdraw consent and the school district will no longer bill Medicaid for your child's IEP services.
  - a. Call 323-4013, the BPS Medicaid Office

School districts are strongly encouraged to access Medicaid for student costs as it brings more federal revenue into North Dakota. If you have signed a consent form in the past, this serves as an **annual notification** to remind you of your rights under IDEA and FERPA. Accessing Medicaid on behalf of your child does not reduce any of the benefits that you would normally receive under the Medicaid program outside of the school day.