ANNUAL NOTIFICATION UNDER 34 CFR § 300.154(d)(2)(v)

The regulations implementing the Individuals With Disabilities Education Act (IDEA), afford parents of eligible students certain rights with respect to a school district's ability to access private insurance or public benefits, such as Medicaid, to help pay for certain services that are provided at school. These rights are as follows:

1. ***YOU HAVE THE RIGHT TO RECEIVE NOTICE IN AN UNDERSTANDABLE LANGUAGE.*** The school district must give you an annual written notice of your rights, which must be written in language understandable to the general public; and also provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.

2. ***YOUR CHILD'S CONFIDENTIAL INFORMATION CANNOT BE DISCLOSED WITHOUT YOUR CONSENT.*** Parental consent must be obtained under the Family Educational Rights and Privacy Act (FERPA) regulations at 34 CFR part 99 and the IDEA regulations at §300.622 before the school district discloses, for claiming purposes, your child's personally identifiable information to the agency responsible for the administration of the State's public benefits or insurance program (e.g., Medicaid);

3. ***YOUR CHILD HAS A RIGHT TO SPECIAL EDUCATION AND RELATED SERVICES AT NO COST TO YOU.*** This means that, with regard to services required to provide a Free Appropriate Public Education ("FAPE") to an eligible child under IDEA, the school district

- May not require parents to sign up for or enroll in public benefits or insurance programs in order for their child to receive FAPE;
- May not 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 services provided pursuant to this part, but may pay the cost that the parents otherwise would be required to pay;
- May not use a child's benefits under a public benefits or insurance program if that use would:
    - Decrease available lifetime coverage or any other insured benefit;
    - 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;
    - Increase premiums or lead to the discontinuation of benefits or insurance; or
    - Risk loss of eligibility for home and community-based waivers, based on aggregate health-related expenditures.

4. ***YOU MAY WITHDRAW CONSENT AT ANY TIME.*** Once you've given consent for disclosure of confidential information about your child to the agency responsible for the administration of the State's public benefits or insurance program (e.g., Medicaid), you have a legal right under the FERPA regulations to withdraw that consent whenever you wish.

5. ***IF YOU REFUSE CONSENT, OR WITHDRAW CONSENT, THE SCHOOL DISTRICT STILL HAS TO PROVIDE REQUIRED SERVICES AT NO COST TO YOU.*** If you refuse to provide consent for the disclosure of personally identifiable information to the agency responsible for the administration of the State's public benefits or insurance program (e.g., Medicaid), or, if you give consent but then later withdraw consent, that does not relieve the school district of its responsibility to ensure that all required services are provided at no cost to the parents.