

## **Parental Notice to Access Public Insurance**

This notice is to inform you of your rights and protections under Part B of the Individuals with Disabilities Education Act (IDEA), as a parent of a child with a disability, so that you can make an informed decision about whether you should give consent to allow the school district to access your or your child's public benefits or insurance, such as Medicaid, to help pay for health services provided by the school district. This notice must be provided before the school district obtains your consent for the first time and annually thereafter. These rights include:

1. **Your Child's Confidential Information Cannot be Disclosed Without Your Consent** – under the Family Educational Rights and Privacy Act (FERPA) and the IDEA, parental consent must be obtained before the school district discloses your child's personally identifiable information to the Department of Human Services, Division of Medical Services, Arkansas Medicaid, or Medicaid billing agencies, for the purpose of billing for Medicaid reimbursement. The personally identifiable information that may be disclosed could include: student's name, date of birth, social security number, Medicaid ID, disability, IEP and evaluations, type of service(s), times and dates services were delivered, and progress notes.
2. **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, 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 discontinuance of benefits or insurance; or
    - Risk loss of eligibility for home and community-based waivers, based on total health-related expenditures.
3. **You May Withdraw Consent at Any Time** – once you have given consent for disclosure of confidential information about your child to the Department of Human Services, Division of Medical Services, Arkansas Medicaid, or Medicaid billing agencies, you have a legal right under the FERPA and IDEA regulations to withdraw that consent at any time.
4. **If You Refuse Consent, or Withdraw Consent, the School District Must Still Provide Required Services at No Cost to You** – if you refuse to provide consent for the disclosure of personally identifiable information for the purpose of billing 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 under IDEA are provided at no cost to the parents.