




# STATE OF CONNECTICUT

DEPARTMENT OF EDUCATION



**TO:** Superintendents of Schools  
Directors of Special Education and Pupil Personnel Services  
School Nurse Supervisors

**FROM:** Charlene Russell-Tucker, Chief Operating Officer 

**DATE:** March 18, 2013 (*Revised*)

**SUBJECT:** New Parental Notification and Consent Requirements for School Health Services

Effective March 18, 2013, the United States Department of Education promulgated the Individuals with Disabilities Education Act (IDEA) Part B final regulations that change the requirements in 34 C.F.R. § 300.154(d) related to parental consent to access public benefits or insurance (such as Medicaid). Previously, public agencies were required to obtain parental consent each time access to public benefits or insurance was sought. These final regulations will make it easier for school districts to access public benefits while still protecting family rights.

The new rules ensure that parents of children with disabilities are informed of all of their legal protections when public agencies seek to access public benefits or insurance to pay for services. In addition, the new rules address the concerns expressed by State and local educational agencies that requiring parental consent each time access to public benefits or insurance is sought, in addition to the parental consent required by other federal statutes, imposes unnecessary costs and administrative burdens.

Specifically, these final regulations require that public agencies:

1. Obtain a one-time written consent from the parent, after providing the written notification described below, before accessing the child's or the parent's public benefits or insurance for the first time. This consent must specify the following:
  - the personally identifiable information that may be disclosed (such as records or information about the services that may be provided to a particular child);
  - the purpose of the disclosure (such as billing for services);
  - the agency to which the disclosure may be made (such as Medicaid); and
  - that the parent understands and agrees that the public agency may access the child's or parent's public benefits or insurance to pay for services.
2. Provide written notification to the child's parents before accessing the child's or the parent's public benefits or insurance for the first time and prior to obtaining the one-time parental consent and annually thereafter. The written notification must explain all of the protections available to parents under Part B, as described in 34 C.F.R. §300.154(d)(2) (v) to ensure that parents are fully informed of their rights before a public agency can access their or their child's public benefits or insurance to pay for services under the IDEA. The notice must be written in language understandable to the general public and 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.

Effective **March 18, 2013**, school districts must provide written notification to all parents of children who are Medicaid eligible and currently receiving School Based Child Health (SBCH) services under an individualized education program (IEP) prior to obtaining parental consent and prior to the continuation of billing Medicaid for the services. After written notification has been provided and **not later than July 1, 2013**, school districts must also obtain parental consent consistent with 34 C.F.R. 300.154(d)(2)(iv) (A) from all parents with children who are Medicaid eligible and receiving SBCH services under an IEP, in order to access their public benefits or insurance to pay for services under the IDEA. We recommend that school districts provide the written notification prior to the student's planning and placement team (PPT) meeting and have the parents complete and sign the consent form at the PPT meeting. Once the school district obtains this one-time consent consistent with 34 C.F.R. §300.154(d)(2)(iv)(A), the school district will not be required to obtain any further parental consent in the future. Written notification must however be provided annually, consistent with 34 C.F.R. §300.154(d)(2)(v). Sample notification and consent forms are attached for your convenience and are also available on the Connecticut State Department of Education's Special Education Web site at <http://www.sde.ct.gov/sde/cwp/view.asp?a=2678&Q=320730#Legal>.

If you have questions regarding the new regulatory requirements for parental notification and consent please contact Stephanie Knutson, CSDE's School Health Consultant at 860-807-2108 or [stephanie.knutson@ct.gov](mailto:stephanie.knutson@ct.gov). For questions regarding SBCH billing, please contact the Department of Social Services (DSS) School Based Child Health Program at [DSS-SBCH@ct.gov](mailto:DSS-SBCH@ct.gov), or Jennifer Pardus, Associate Accountant at 860-424-4997 or [jennifer.pardus@ct.gov](mailto:jennifer.pardus@ct.gov).

CRT:sgk

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Attachments: (2)