

**NOTIFICATION TO ACCESS PUBLIC BENEFITS OR INSURANCE
(MEDICAID)**

ARSD 24:05:14:01.02, 24:05:14:01.03 & 24:05:14:01.04

STUDENT NAME:		SIMS:
PARENT/GUARDIAN NAME:		PHONE:
ADDRESS:		WK PHONE:
SCHOOL DISTRICT:	SCHOOL:	
DOB:	AGE:	GRADE:

ARSD 24:05:14:01.03. Children with disabilities covered by public benefits or insurance. A public agency may use the Medicaid or other public benefits or insurance programs in which a student participates to provide or pay for services required under this article as permitted under the public benefits or insurance program, except as provided in this section. With regard to services required to provide FAPE to an eligible student under this article the public agency:

I understand that:

- (1) The district may not require parents to sign up for or enroll in public benefits or insurance programs in order for their student to receive FAPE under Part B of the IDEA;
- (2) The district 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 article, but pursuant to § 24:05:14:01.06, may pay the cost that the parent otherwise would be required to pay;
- (3) The district may not use a student's benefits under a public benefits or insurance program if that use would:
 - (a) Decrease available lifetime coverage or any other insured benefit;
 - (b) 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 student outside of the time the student is in school;
 - (c) Increase premiums or lead to the discontinuation of benefits or insurance; or
 - (d) Risk loss of eligibility for home and community-based waivers, based on aggregate health-related expenditures;
- (4) The district must provide written notification to the student's parents pursuant to § 24:05:14:01.04 annually; and
- (5) Must obtain written parental consent consistent with § 24:05:29:13 and 24:05:13:01(8) prior to accessing a student's or parent's public benefits or insurance for the first time specifying the:
 - (a) Personally identifiable information that may be disclosed (e.g., records or information about the services that may be provided to a particular student);
 - (b) Purpose of the disclosure (e.g., billing for services under this article);
 - (c) Disclosure will be made to the state Medicaid agency; and
 - (d) Parent understands and agrees that the public agency may access the parent's or student's public benefits or insurance to pay for services under this article.

ARSD 24:05:14:01.04. Use of public benefits or insurance--Annual notification. A public agency, prior to accessing a student's or parent's public benefits or insurance for the first time, and annually thereafter, must provide written notification consistent with § 24:05:30:06, to the student's parents that includes a statement:

- (1) Of the parental consent and no cost requirements in § 24:05:14:01.03;
- (2) That parents have the right under FERPA and Part B of the IDEA to withdraw their consent to disclosure of their student's personally identifiable information to the state Medicaid agency at any time; and
- (3) That the withdrawal of consent or refusal to provide consent under FERPA and Part B of the IDEA to disclose personally identifiable information to the state Medicaid agency does not relieve the school district of its responsibility to ensure that all required services are provided at no cost to the parents.

For District Use:

Initial notification was provided to the parent before obtaining parental consent. Date of notice: _____
Date annual notification was provided to the parent: _____