

Written Notification

**Accessing Public Benefits or Insurance under the
Individuals with Disabilities Education Act**

The Individuals with Disabilities Education Act (“IDEA”) and its implementing regulations (34 C.F.R. 300.154 et seq) permit the Ashford Public Schools to access public benefits or insurance to provide or pay for certain special education services recommended by a child’s planning and placement team (“PPT”). This written notification is intended to provide you with a summary of the safeguards available to you so that you may understand the District’s obligations and your rights regarding the use of public benefits or insurance to pay for services on behalf of your child. Below is a summary of these obligations/rights:

1. Prior to accessing a child’s or parent’s public benefits or insurance for the first time, the District must provide written notification to the child’s parents explaining available protections regarding access to such benefits or insurance in connection with IDEA services.
2. Prior to accessing a child’s or parent’s public benefits or insurance for the first time, the District must obtain written, parental consent that:
 - a. Meets the requirements of the Family Educational Rights and Privacy Act (“FERPA”) and the IDEA. The consent must specify the personally identifiable information about the child that may be disclosed in connection with use of public benefits or insurance, the purpose of the disclosure, and the agency to which the disclosure may be made. For example, the consent form must (i) identify the records or information that may be disclosed; (ii) explain that the records are being disclosed in order to access the public services; and (iii) explain that the information is being shared with Medicaid, or Husky Healthcare; and
 - b. Specifies that the parent understands and agrees that the school district may access the parent’s or child’s public benefits or insurance to pay for services under the IDEA.
3. With regard to services required to provide a child with a free appropriate public education (“FAPE”), the Ashford Public Schools:
 - a. May not require parents to sign up for or enroll in public benefits or insurance programs in order for their child to receive FAPE under Part B of the IDEA;
 - b. 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

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services provided pursuant to Part B of the IDEA, but may pay the cost that the parents otherwise would be required to pay;

- c. May not use a child's benefits under a public benefits or insurance program if that use would --
 - i. Decrease available lifetime coverage or any other insured benefit;
 - ii. 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;
 - iii. Risk loss of eligibility for home and community-based waivers, based on aggregate health-related expenditures.
- 4. Parents have the right, under FERPA and the IDEA, to withdraw their consent to disclosure of their child's personally identifiable information to the agency responsible for the administration of the State's public benefits or insurance program (e.g., Medicaid) at any time; and
- 5. The withdrawal of consent or refusal to provide consent under FERPA and the IDEA to disclose personally identifiable information to the agency responsible for the administration of the State's public benefits or insurance program (e.g., Medicaid) does not relieve the Ashford Public Schools of its responsibility to ensure that all required services are provided at no cost to parents.

If you have any questions about the above information or related to the use of public benefits or insurance to provide or pay for IDEA services for your child, please contact Cynthia Ford, Director of Pupil Personnel Services.