



OFFICE OF P-12 EDUCATION: Office of Special Education
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SPECIAL EDUCATION FIELD ADVISORY

FROM: James P. DeLorenzo

SUBJECT: Parental Consent for the Use of Public Benefits or Insurance Pursuant to the Individuals with Disabilities Education Act

The purpose of this memorandum is to provide information on a recent amendment to federal regulations relating to a district's responsibility to obtain parental consent prior to billing Medicaid or other public insurance benefits for special education services. 34 Code of Federal Regulations (CFR) section 300.154(d), implementing the Individuals with Disabilities Education Act (IDEA), was amended effective March 18, 2013 to simplify procedures for district access to public benefits while at the same time continue to protect family rights. A summary of the amendments and question and answer document, provided by the United States Department of Education: Office of Special Education Programs are available at: <https://www2.ed.gov/policy/speced/reg/idea/part-b/part-b-parental-consent.html>.

The New York State Education Department (NYSED) will propose changes to its State regulations to conform to the federal regulations. However, districts are advised that they must continue to comply with current State Regulations of the Commissioner of Education relating to access to public benefits or insurance until such time as the State amends its regulations. I anticipate that State regulations will be amended consistent with the new federal requirements by July 2013. Districts may continue to bill Medicaid, as appropriate, under the current State requirements. See: <http://www.p12.nysed.gov/specialed/publications/policy/medicaidconsent.htm> and <http://www.p12.nysed.gov/specialed/publications/medicaidparentalconsent.htm>.

Please direct questions regarding Medicaid reimbursement to NYSED's Medicaid Unit at 518-474-7116 or MedinEd@mail.nysed.gov. Questions relating to the IDEA requirement for parental consent may be directed to the Special Education Policy Unit at 518-473-2878 or speced@mail.nysed.gov or the Special Education Quality Assurance Office in your region:

Central Regional Office	(315) 428-4556
Eastern Regional Office	(518) 486-6366
Hudson Valley Regional Office	(518) 473-1185
Long Island Regional Office	(631) 952-3352
New York City Regional Office	(718) 722-4544
Western Regional Office	(585) 344-2002
Nondistrict Unit	(518) 473-1185

To ensure dissemination to appropriate individuals within a school district, I ask Superintendents to please share this memorandum with individuals such as Directors of Special Education, School Psychologists, Committee on Special Education and Committee on Preschool Special Education Chairpersons, Guidance Counselors and Directors of Pupil Personnel and Parent Teacher Associations.