

Medicaid in Special Education

What is Medicaid?

The Nebraska Medicaid Program is jointly funded by the federal and state government and provides payment for certain necessary medical services for individuals who cannot afford to pay for them and who meet certain requirements for eligibility. Among the groups eligible for Medicaid are the elderly, blind, individuals with disabilities, pregnant women with low income, children, and parents.¹

If my child receives Medicaid, will his or her Medicaid benefits pay for his or her special education services at school?

Maybe. However, before your child's school can use your or your child's insurance or public benefits for the first time, the school must get your written consent.² Further, you can withdraw this consent later should you decide to do so.³

If you grant written consent, your child's school district can use your child's public benefits or insurance programs, including Medicaid, in order to pay for special education and related services that are provided to your child at school.⁴

However, there are certain things that your child's school cannot require you to do in order for your child to receive the special education services he or she needs to receive a free and appropriate public education. Your child's school **cannot** do the following:

- Require you to sign up for any insurance program or public benefit in order for your child to receive the special education services he or she needs to receive a free and appropriate public education.⁵
- Require you to pay out-of-pocket for any deductibles or co-pays that result from any Medicaid or other insurance claims for special education or related services that the school provides to your child.⁶

¹ Nebraska Department of Health and Human Services, Nebraska Medicaid Program (Updated January 2019).

² 92 Neb. Admin. Code, Ch.51, §009.09A1 (2017).

³ 92 Neb. Admin. Code, Ch.51, §009.09A2c (2017).

⁴ 92 Neb. Admin. Code, Ch.51, §012.09A (2017).

⁵ 92 Neb. Admin. Code, Ch.51, §012.09B1 (2017).

⁶ 92 Neb. Admin. Code, Ch.51, §012.09B2 (2017).

- Use your child's insurance or public benefits if using those benefits would:
 - decrease the coverage that is available to your child over his or her lifetime;⁷
 - require you to pay out-of-pocket for services that your child needs outside of school and that would otherwise be paid for by your child's insurance or public benefits;⁸
 - cause an increase in your insurance premiums or the loss of your benefits or coverage;⁹ or
 - risk the loss of your child's eligibility for home and community-based waivers due to overall health-related expenditures.¹⁰

What happens if I refuse to consent to the school's use of my or my child's Medicaid benefits to pay for his or her special education?

If you refuse to consent to the use of your or your child's insurance or public benefits to pay for your child's special education or related services at school—or if you withdraw consent after initially granting it—the school district must still provide all required services to your child, at no cost to you.¹¹ Your child's school must provide you with a written statement explaining this before they ask for your initial consent.¹²

What kinds of services may my child's Medicaid benefits be used for?

Public schools in Nebraska may seek reimbursement from the Medicaid in Public Schools Program (MIPS) for the following in-school services:

- occupational therapy
- physical therapy
- speech/language pathology/therapy
- nursing services
- vision services
- mental and substance abuse services
- personal assistance services
- transportation services¹³

⁷ 92 Neb. Admin. Code, Ch.51, §012.09B3a (2017).

⁸ 92 Neb. Admin. Code, Ch.51, §012.09B3b (2017).

⁹ 92 Neb. Admin. Code, Ch.51, §012.09B3c (2017).

¹⁰ 92 Neb. Admin. Code, Ch.51, §012.09B3d (2017).

¹¹ 92 Neb. Admin. Code, Ch.51, §009.09A2d (2017).

¹² 92 Neb. Admin. Code, Ch.51, §009.09A2 (2017).

¹³ 92 Neb. Admin. Code, Ch.51, §012.09A (2017); Nebraska Education-Based Medicaid Administrative Claiming (NEBMAC) Guide (2017).

How do I request special education services for my child if he or she does not receive Medicaid benefits?

Your child is not required to be a Medicaid recipient—or a recipient of any other insurance or public benefits—to receive special education and related services. If you suspect that your child has a disability and that he or she requires special education, you can send a letter to your child's school principal requesting that your child be evaluated for special education and related services.¹⁴

It is a good idea to put all communications between you and school administrators and staff regarding your child's special education services in writing. Make sure to write down conversations and events that affect your child's schooling. Note the date, who was involved, what was said, and the resolution. You may want to create and maintain a file with all of your child's school information such as report cards, evaluation reports, and Individualized Education Programs (IEPs).

All requests for evaluations or meetings should be made in writing to your child's school principal. You should keep a copy for your own records. Send your written request to the school via certified, return receipt requested mail. Attach the return receipt to your copy of the request and keep this in your file.

Additional resources:

- Individualized Education Program - Disability Rights Nebraska
- Center for Parent Information & Resources. This is a resource providing information created by Parent Centers that serve families of children with disabilities.
- IDEA Part B Parents' Rights in Special Education (Age 3-21) - Nebraska Department of Education, Office of Special Education (August 2018).

¹⁴ 92 Neb. Admin. Code, Ch.51, §006.02B (2017).