INTERAGENCY AGREEMENT CONCERNING MEDICAID-REIMBURSABLE SERVICES FOR SPECIAL EDUCATION STUDENTS

KANSAS STATE DEPARTMENT OF EDUCATION AND KANSAS DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

Federal regulations for the Individuals with Disabilities Education Act (34 CFR 300.142(b)) describe the obligation of noneducational public agencies as follows: "If any public agency other than an educational agency is otherwise obligated under Federal or State law, or assigned responsibility under State policy … to provide or pay for any services that are also considered special education or related services … that are necessary for ensuring FAPE to children with disabilities within the State, the public agency shall fulfill that obligation or responsibility, either directly or through contract or other arrangement. A noneducational public agency … may not disqualify an eligible service for Medicaid reimbursement because that service is provided in a school context."

The purpose of this agreement is to establish the conditions under which student information is shared between the Kansas State Department of Education (KSDE) and the Kansas Department of Social and Rehabilitation Services (SRS). In addition, this agreement establishes a dispute resolution process for funding.

The departments are working cooperatively to create a special education funding system which will allow schools to secure Medicaid funding for Medicaid-reimbursable services provided to special education students by the schools.

The local education agency (LEA) or cooperative is responsible for obtaining parental consent before releasing personally identifiable information to the Medicaid billing agent. The information to be released includes: Last Name, First Name, Middle Initial; Social Security Number; Date of Birth; Sex; Medical Diagnosis; Primary Exceptionality; Secondary Exceptionality; Enrollment LEA; and Special Education Interlocal or Cooperative, if applicable.

If funding from Medicaid reimbursement is disputed, then the LEA or cooperative and Medicaid must follow these procedures:

1. They may select a mutually agreed-upon mediator, or they make a joint request to the Commissioner of Education to appoint a person to serve as mediator. The parties to any interagency agreement dispute must divide equally the costs of the mediation process.

2. If the parties do not use mediation, either party may initiate an administrative hearing by filing a request for the hearing with the Commissioner of Education. The Commissioner of Education will appoint an attorney in private practice to conduct the hearing. The hearing officer must be on the list of KSDE special education due process hearing officers. The hearing officer

will conduct the hearing according to the Kansas Administrative Procedure Act and will issue a final order regarding the dispute. The hearing officer, as part of the order, must assess the costs of the hearing as determined appropriate based upon the outcome of the hearing.

This agreement shall apply only to Federal Medicaid payments for the period beginning July 1, 2000. If either KSDE or SRS wishes to terminate or alter this agreement, at least 30 days notice will be provided.

Dated: December ____, 2000.

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Janet Schalansky, Secretary Kansas Dept. of Social and Rehabilitation Services	Dale M. Dennis Deputy Commissioner Kansas State Department of Education