

## **WRITTEN NOTIFICATION TO PARENTS/GUARDIANS/CUSTODIANS REGARDING USE OF PUBLIC BENEFITS OR INSURANCE**

You are receiving this written notification in order to provide you with information about your and your child's rights and protections under Part B of the Individuals with Disabilities Education Act ("IDEA"). This information is to assist you in making an informed decision about whether you should give your written consent to allow your school district or charter school to use your or your child's public benefits or insurance to pay for special education and related services that your school district or charter school is required to provide at no cost to you under IDEA. This written notification must be provided to you before the school district obtains your consent for the first time and annually thereafter. Your rights include the following:

- 1) Before your school district or charter school can use your or your child's public benefits or insurance for the first time to pay for special education and related services under IDEA, the school district or charter school must obtain your signed and dated written consent.**

Under Federal law—the Family Education Rights and Privacy Act ("FERPA") and the confidentiality of information provisions in IDEA—your school district or charter school is required to obtain your written consent before disclosing personally identifiable information (such as your child's name, address, social security number, student number, student number, IEP, or evaluation results) from your child's education records to a party other than your school district or charter school, with some exceptions. In this situation, your school district or charter school is required to obtain your consent before disclosing personally identifiable information for billing purposes to the agency in your State that administers the public benefits or insurance program. Your consent must include a statement specifying that you understand and agree that your school district or charter school may use your or your child's public benefits or insurance to pay for services under 34 CFR part 300, which are special education and related services under IDEA.

- 2) Your school district or charter school if the school district or charter school seeks to use your or your child's public benefits or insurance**

Your school district or charter school may not require you to sign up for, or enroll in, a public benefits or insurance program in order for your child to receive a free, appropriate public education ("FAPE") under IDEA. Additionally, your school district or charter school may not require you to pay an out-of-pocket expense, such as the payment of a deductible or a co-pay amount for filing a claim for services that your school district or charter school is otherwise required to provide to your child free of charge. Finally, your school district or charter school may not use your or your child's public benefits or insurance if using those benefits or insurance would: (a) decrease your available lifetime coverage or any other insured benefit, (b) cause you to pay for services that would otherwise be covered by your public benefits or insurance program because your child also requires those services outside of the time that your child is in school; (c) increase your premium or lead to the cancellation of your public benefits or insurance; or (d) cause you to risk the loss of your or your child's eligibility for home and community-based waivers that are based on your total health-related expenditures.

**3) You may withdraw your consent to the disclosure of your child’s personally identifiable information to your State’s public benefits or insurance program agency at any time.**

If you provided your consent for your school district or charter school to disclose your child’s personally identifiable information to the State agency that is responsible for administering your public benefits or insurance program, you have the right under 34 CFR part 99 (FERPA regulations) and 34 CFR part 300 (IDEA regulations) to withdraw that consent **at any time**. If you wish to withdraw your consent, you should ask your school district or charter school what procedures you would need to follow.

**4) If you refuse to provide your consent, or subsequently withdraw your consent, your school district or charter school must ensure that your child is provided all required special education and related services at no charge to you or your child.**

If you withdraw your consent or refuse to provide consent under the FERPA and IDEA regulations, your school district or charter school may not use your withdrawal of consent or refusal to provide consent to disclose personally identifiable information to a public benefits or insurance program to deny your child the special education and related services he or she is otherwise entitled to receive under IDEA. Therefore, if you refuse to provide consent or withdraw consent, your school district or charter school has a continuing responsibility to ensure that your child is provided all required services necessary to receive an appropriate education at no charge to you or your child.

We hope that this information is helpful to you in making an informed decision regarding whether to allow your school district or charter school to use your or your child’s public benefits or insurance to pay for special education and related services under IDEA.

For additional information and guidance on the requirements governing the use of public benefits or insurance to pay for special education and related services, see: <http://www2.ed.gov/policy/speced/reg/idea/part-b/part-b-parental-consent.html>.

For further information on your special education rights, contact:

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