

Disability Rights Nebraska

Protection and Advocacy for People with Disabilities

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 parents¹.

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 consent². Further, you can withdraw this consent later should you decide to do so³.

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 school⁴.

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 education⁵.
- 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 child⁶.
- 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 lifetime⁷;

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

² Rule 51 sec. 009.09A1 (2017)

³ Rule 51 sec. 009.09A2c (2017)

⁴ Rule 51 sec. 012.09A (2017)

⁵ Rule 51 sec. 012.09B1 (2017)

⁶ Rule 51 sec. 012.09B2 (2017)

⁷ Rule 51 sec. 012.09B3a (2017)

- 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 benefits⁸;
- cause an increase in your insurance premiums or the loss of your benefits or coverage⁹; or
- risk the loss of your child's eligibility for home and community-based waivers due to overall health-related expenditures¹⁰.

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 you¹¹. Your child's school must provide you with a written statement explaining this before they ask for your initial consent¹².

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

How do I request special education services for my child if he or she doesn't receive Medicaid benefits?

Your child isn't 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 services¹⁴.

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.

⁸ Rule 51 sec. 012.09B3b (2017)

⁹ Rule 51 sec. 012.09B3c (2017)

¹⁰ Rule 51 sec. 012.09B3d (2017)

¹¹ Rule 51 sec. 009.09A2d (2017)

¹² Rule 51 sec. 009.09A2 (2017)

¹³ Rule 51 sec. 012.09A (2017); Nebraska Education-Based Medicaid Administrative Claiming (NEBMAC) Guide (2017)

¹⁴ Rule 51 sec. 006.02B (2017)

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).