

Ensuring Services to Eligible Individuals

Central Rivers AEA will ensure that inter-agency agreements include:

1. An identification of, or a method of defining, the financial responsibility of each agency for providing services and to ensure FAPE to individuals with disabilities. The financial responsibility of each noneducational public agency including the state Medicaid agency and other public insurers of individuals with disabilities must precede the financial responsibility of the Agency or a local education agency (LEA).
2. The conditions, terms, and procedures under which the Agency or a LEA shall be reimbursed by other agencies.
3. Procedures for solving inter-agency disputes (including procedures under which the Agency or LEAs may initiate proceedings) under agreement or other mechanism to secure reimbursement from other agencies or otherwise implement the provisions of the agreement or mechanism.
4. Policies and procedures to determine and identify each agency's responsibilities for the coordination and timely delivery of services.

The Iowa Department of Education and the Iowa Department of Human Services annually enter into an inter-agency agreement that delineates responsibilities for the administration of the Iowa Medical Assistance Program (IAMAP), a program for Medicaid reimbursement. The AEA and the Department of Human Services also sign an agreement to implement IAMAP.

The Department of Corrections and the Department of Education sign an inter-agency agreement to provide special education services to individual inmates requiring special education services incarcerated in Iowa's adult correction facilities.

The Department of Education assists in the coordination of the educational activities and services provided to individuals requiring special education with agencies such as the Department of Human Services and the Board of Regents.

Where disputes arise between two agencies regarding the financial or programmatic responsibility for special education, the final determination will be made by the State Board of Education. An AEA or local education agency may appeal a decision to the State Board of Education. The decision of the State Board is final. The state also has provision for an ombudsman to settle disputes between state agencies. The directors of the agencies in dispute initiate a referral to this office.

The Individuals with Disabilities Education Act, Part B and state laws and rules for the implementation of this Act shall not be construed to limit the responsibility of agencies other than educational agencies in a state from providing or paying for some or all of the cost of a free appropriate public education to be

If an individual with disabilities is covered by public insurance, a public agency may use the Medicaid or other public insurance benefits programs in which an individual participates to provide or pay for services required and as permitted under the public insurance program. The public agency may not require parents to sign up for or enroll in public insurance programs in order for eligible individuals to receive FAPE. The public agency may not require parents to incur an out-of-pocket expense such as the payment of a deductible or co-pay amount incurred in filing a claim for services provided under these rules; but may pay the cost that the parent otherwise would be required to pay; and may not use an individual's benefits under a public insurance program if that use would:

1. Decrease available lifetime coverage or any other insured benefit;
2. Result in the family paying for services that would otherwise be covered by the public insurance program and that are required for the individual outside of the time the individual is in school;
3. Increase premiums or lead to the discontinuation of insurance; or
4. Risk loss of eligibility for home and community-based waivers, based on aggregate health-related expenditures.

A public agency may access a parent's private insurance proceeds only if the parent provides informed consent as defined by rule to provide services required for FAPE. Each time the public agency proposes to access the parent's private insurance proceeds it must:

1. Obtain parent consent in accordance with rule.
2. Inform the parents that their refusal to permit the public agency to access their private insurance does not relieve the public agency of its responsibility to ensure that all required services are provided at no cost to the parents.