

February 12, 2024

Dear Special Education Director and Lead District Nurse,

Thank you for your noble and meaningful contributions to Colorado's educational system and for your service working to keep students in school while meeting their educational needs in a healthy environment. We know education has always been a challenging endeavor, and now, post-pandemic, it is even more so.

We wanted to make you aware of a situation that has come to our attention regarding outside providers in schools. Recently, the Department of Health Care Policy and Financing (HCPF) has received a number of communications from parents, home health services, and advocate groups about providers not employed or contracted by the school system being denied Medicaid fee-for-service reimbursements for services provided to children while at school. These inquiries have also asked about a school's responsibility to provide nursing services in their child's Individualized Education Program (IEP). While we recognize that these situations are unique and nuanced, it is important to create a broader clarification of the related requirements as well as the resources available to fund them. This communication is intended to achieve those goals.

Accordingly, the Colorado Department of Education (CDE) and HCPF are writing to remind school districts that school districts are obligated to provide these services if they are required in order to allow the student to benefit from special education services called for in the student's IEP. If the IEP team determines these related services are needed to provide a Free Appropriate Public Education (FAPE), they must be documented in the child's IEP, provided at no cost to the parent, and delivered under the supervision and direction of the district.

Information from medical providers must be considered by the child's IEP team, but school districts are not obligated to implement doctor's orders. The rationale for the school district's decision regarding related services should be a part of the IEP team's record or included in a prior written notice. School districts may select their own providers to implement the required nursing or health services.

To support this requirement, the School Health Services (SHS) Program, administered jointly by CDE and HCPF, covers individuals under the age of 21. The SHS Program reimburses public school districts or Boards of Cooperative Educational Services (BOCES) that participate in the SHS Program. Services must be listed on a plan of care where medical necessity has been established along with scope, duration, and frequency and where care is delivered by a Medicaid qualified provider who is either employed or contracted by the school district or BOCES. Reimbursement is paid to the participating school district or BOCES, not to individual providers. The SHS Program should be utilized to bill Medicaid for services provided at schools. If your district or BOCES does not participate in the School Health Services Program

contact Olga Gintchin at olga.gintchin@state.co.us for more information about the SHS Program.

In terms of follow-up with the families and advocates who have been submitting letters to HCPF, HCPF will be responding to them with a letter, which will include a recommendation to raise any concerns about services contained in a student's IEP with the school district; if they are unresolved after contacting the school, families and advocates are encouraged to follow IDEA's dispute resolution process found here: cde.state.co.us/spedlaw. School districts may also request facilitated IEP meetings and mediation at any time in an effort to resolve disagreements between parents and school staff regarding IEP services.

For any questions regarding outside providers in the school setting please contact Sarah Blumenthal (CDE) at blumenthal_s@cde.state.co.us and Shannon Huska (HCPF) at shannon.huska@state.co.us.

Sincerely,



Sarah Blumenthal, MSN RN NCSN
Director of School Health Services Office
Colorado Department of Education



Shannon Huska
Special Financing Deputy Division Director
Colorado Department of Health Care Policy and Financing

