



General Assembly

February Session, 2004

Amendment

LCO No. 4404

SB0035704404SD0

Offered by:

SEN. SULLIVAN, 5th Dist.
SEN. MCDONALD, 27th Dist.
SEN. GAFFEY, 13th Dist.
SEN. HANDLEY, 4th Dist.

To: Subst. Senate Bill No. 357

File No. 520

Cal. No. 130

"AN ACT CONCERNING CHILDHOOD OBESITY."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Subsection (a) of section 10-76d of the general statutes, as
4 amended by sections 3, 4 and 54 of public act 03-6 of the June 30
5 special session, is repealed and the following is substituted in lieu
6 thereof (*Effective July 1, 2004*):

7 (a) (1) In accordance with the regulations and procedures
8 established by the Commissioner of Education and approved by the
9 State Board of Education, each local or regional board of education
10 shall provide the professional services requisite to identification of
11 children requiring special education, identify each such child within its
12 jurisdiction, determine the eligibility of such children for special
13 education pursuant to sections 10-76a to 10-76h, inclusive, as amended,

14 prescribe suitable educational programs for eligible children, maintain
15 a record thereof and make such reports as the commissioner may
16 require.

17 (2) Any local or regional board of education, through the planning
18 and placement team established in accordance with regulations
19 adopted by the State Board of Education under this section, may
20 determine a child's Medicaid enrollment status. In determining
21 Medicaid enrollment status, the planning and placement team shall:
22 (A) Inquire of the parents or guardians of each such child whether the
23 child is enrolled in or may be eligible for Medicaid; and (B) if the child
24 may be eligible for Medicaid, request that the parent or guardian of the
25 child apply for Medicaid. For the purpose of determining Medicaid
26 rates for Medicaid eligible special education and related services based
27 on a representative cost sampling method, the board of education shall
28 make available documentation of the provision and costs of Medicaid
29 eligible special education and related services for any students
30 receiving such services, regardless of an individual student's Medicaid
31 enrollment status, to the Commissioner of Social Services or to the
32 commissioner's authorized agent at such time and in such manner as
33 prescribed. For the purpose of determining Medicaid rates for
34 Medicaid eligible special education and related services based on an
35 actual cost method, the local or regional board of education shall
36 submit documentation of the costs and utilization of Medicaid eligible
37 special education and related services for all students receiving such
38 services to the Commissioner of Social Services or to the
39 commissioner's authorized agent at such time and in such manner as
40 prescribed. The commissioner or such agent may use information
41 received from local or regional boards of education for the purposes of
42 (i) ascertaining students' Medicaid eligibility status, (ii) submitting
43 Medicaid claims, (iii) complying with state and federal audit
44 requirements, and (iv) determining Medicaid rates for Medicaid
45 eligible special education and related services. Notwithstanding any
46 provision of this subdivision, a local or regional board of education
47 may submit Medicaid claims for eligible special education and related

48 services to the claims processing agent under contract with the
49 Department of Social Services. Such claims may be submitted
50 electronically and the related service documentation may be signed
51 and maintained electronically by the provider of service, in accordance
52 with the provisions of sections 1-266 to 1-286, inclusive. No child shall
53 be denied special education and related services in the event the parent
54 or guardian refuses to apply for Medicaid.

55 (3) Beginning with the fiscal year ending June 30, 2004, the
56 Commissioner of Social Services shall make grant payments to local or
57 regional boards of education in amounts representing fifty per cent of
58 the federal portion of Medicaid claims processed for Medicaid eligible
59 special education and related services provided to Medicaid eligible
60 students in the school district. Such grant payments shall be made on
61 at least a [quarterly] monthly basis and may represent estimates of
62 amounts due to local or regional boards of education. Any grant
63 payments made on an estimated basis [, including payments made by
64 the Department of Education for the fiscal years prior to the fiscal year
65 ending June 30, 2000,] shall be subsequently reconciled to grant
66 amounts due based upon filed and accepted Medicaid claims and
67 Medicaid rates. If, upon review, it is determined that a grant payment
68 or portion of a grant payment was made for ineligible or disallowed
69 Medicaid claims, the local or regional board of education shall
70 reimburse the Department of Social Services for any grant payment
71 amount received based upon ineligible or disallowed Medicaid claims.

72 (4) (A) Pursuant to federal law, the Commissioner of Social Services,
73 as the state's Medicaid agent, shall determine rates for Medicaid
74 eligible special education and related services pursuant to subdivision
75 (2) of this subsection. The Commissioner of Social Services may request
76 and the Commissioner of Education and towns and regional school
77 districts shall provide information as may be necessary to set such
78 rates.

79 (B) The Commissioner of Social Services shall allow claims pursuant
80 to this subsection to be submitted electronically and for related service

81 documentation to be signed and maintained electronically in
82 accordance with the provisions of sections 1-266 to 1-286, inclusive.

83 (5) Based on school district special education and related services
84 expenditures, the state's Medicaid agent shall report and certify to the
85 federal Medicaid authority the state match required by federal law to
86 obtain Medicaid reimbursement of eligible special education and
87 related services costs.

88 (6) Payments received pursuant to this section shall be paid to the
89 local or regional board of education which has incurred such costs in
90 addition to the funds appropriated by the town to such board for the
91 current fiscal year.

92 (7) The planning and placement team shall, in accordance with the
93 provisions of the Individuals With Disabilities Education Act, 20 USC
94 1400, et seq., as amended from time to time, develop and update
95 annually a statement of transition service needs for each child
96 requiring special education.

97 (8) Each local and regional board of education shall notify the
98 parent or guardian of a child who requires or who may require special
99 education, a pupil if such pupil is an emancipated minor or eighteen
100 years of age or older who requires or who may require special
101 education or a surrogate parent appointed pursuant to section 10-94g,
102 in writing, at least five school days before such board proposes to, or
103 refuses to, initiate or change the child's or pupil's identification,
104 evaluation or educational placement or the provision of a free
105 appropriate public education to the child or pupil. Such parent,
106 guardian, pupil or surrogate parent shall be given at least five school
107 days' prior notice of any planning and placement team meeting
108 conducted for such child or pupil and shall have the right to be present
109 at and participate in and to have advisors of such person's own
110 choosing and at such person's own expense to be present at and to
111 participate in all portions of such meeting at which an educational
112 program for such child or pupil is developed, reviewed or revised.

113 Immediately upon the formal identification of any child as a child
114 requiring special education and at each planning and placement team
115 meeting for such child, the responsible local or regional board of
116 education shall inform the parent or guardian of such child or
117 surrogate parent or, in the case of a pupil who is an emancipated
118 minor or eighteen years of age or older, the pupil of the laws relating
119 to special education and the rights of such parent, guardian, surrogate
120 parent or pupil under such laws and the regulations adopted by the
121 State Board of Education relating to special education. If such parent,
122 guardian, surrogate parent or pupil does not attend a planning and
123 placement team meeting, the responsible local or regional board of
124 education shall mail such information to such person. Each board shall
125 have in effect at the beginning of each school year an educational
126 program for each child who has been identified as eligible for special
127 education.

128 (9) The Commissioner of Social Services shall implement the policies
129 and procedures necessary for the purposes of this subsection while in
130 the process of adopting such policies and procedures, including, but
131 not limited to, policies and procedures concerning electronic
132 submission of Medicaid claims and the maintenance of electronic
133 signatures and records documenting services, in regulation form,
134 provided notice of intent to adopt the regulations is published in the
135 Connecticut Law Journal within twenty days of implementing the
136 policies and procedures. Such policies and procedures shall be valid
137 until the time final regulations are effective.

138 Sec. 2. (*Effective from passage*) The Department of Social Services or
139 the claims processing agent under contract with the department to
140 process Medicaid claims for eligible special education and related
141 services in accordance with subsection (a) of section 10-76d of the
142 general statutes, as amended, shall not reject a claim for Medicaid
143 payment for medical services provided to children under the
144 Individuals With Disabilities Education Act, 20 USC 1400 et seq., as
145 amended from time to time, through a child's individualized education
146 plan or program solely because a state agency form lacks a physician's

147 signature."

This act shall take effect as follows:	
Section 1	<i>July 1, 2004</i>
Sec. 2	<i>from passage</i>