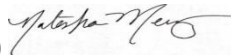


## Memo

**Date:** April. 11, 2022

**To:** School staff, EIDBI providers and families of school age children who receive EIDBI services

**From:** Natasha Merz, Director of Disability Services (DHS)



Robyn Widley, Director of Special Education (MDE)



### **RE: Collaboration between EIDBI providers and MN school districts**

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Services and supports for children, youth and young adults with autism spectrum disorder (ASD) and related conditions span across multiple state agencies, which can be complicated for all involved. This memo was written in an effort to help coordinate supports across service systems.

The Individuals with Disabilities Education Act (IDEA) and Early Intensive Developmental and Behavioral Intervention (EIDBI) benefit are designed to work together to provide services and supports for school-age youth with autism spectrum disorder (ASD) and related conditions. MDE and DHS share responsibilities for these services and have policies in place to ensure positive outcomes for students with behavioral support needs.

**Under state and federal law, special education supports and Medicaid-covered EIDBI services may be provided at the same time, depending on the needs of the student and local school district policy. The school district has no financial responsibility for EIDBI services.**

Under federal IDEA law, public schools are responsible for providing a free and appropriate education (FAPE) to students with disabilities in the least restrictive environment that meets the student's needs. IDEA governs how states provide early intervention special education and related services to children and youth with disabilities.

Under state and federal law, EIDBI is a Minnesota Medicaid program that provides reimbursement for medically necessary intervention for enrolled children, youth and young adults based on their individual needs and circumstances. EIDBI covers the cost for medically necessary services beyond the services and supports available from the school district.

- The person's individual needs determine the intensity, duration and scope of the medically necessary services outlined in the child's individualized treatment plan (ITP). These services are to be evaluated and change over time as each person develops and acquires skills.
- A student's individualized education program (IEP) and local school district policies might also affect the timing, location and manner in which EIDBI treatment may be provided to students.

The student, family, school staff and EIDBI providers should work together to develop both the student's IEP and ITP. Both plans should coordinate services and reflect collaborative goals. The highly individualized nature of these services means that no two students are likely to have identical plans to address their needs.

The following section clarifies the factors school districts and EIDBI providers should consider when developing plans that meet the needs of students that are both educationally and medically appropriate and compliant with federal, state and local laws, as well as local school district policies:

**Funding and authorization:**

- EIDBI will reimburse for medically necessary services delivered in a school setting.
- EIDBI requires prior authorization to reimburse for medically necessary interventions and to determine the appropriate environment.
- Minnesota Medicaid will not authorize requests for EIDBI treatment to provide academic instruction to students.

**Policy and privacy guidelines:**

- DHS and MDE policies permit collaboration between EIDBI providers and school personnel.
- Information must be kept and shared under the guidelines of the Health Insurance Portability and Accountability Act (HIPAA) and the Family Educational Rights and Privacy Act. Providers must obtain consent to disclose records when necessary.
- Minnesota school districts have the authority to create local policies governing school access for EIDBI providers. The provision of services in schools by EIDBI providers is neither required nor prohibited by Minnesota Medicaid or state and federal special education laws.
- The district must ensure that providers do not interfere with the student's right to FAPE.

**Individualized treatment planning:**

- A student's disability-related educational needs must be addressed through an IEP. Services indicated on the IEP address the individual needs of the student and represent a commitment of school district resources.
- A student's medical needs to address core symptoms of ASD or a related condition should be addressed through their EIDBI ITP. These may include, but are not limited to deficits or a high level of support related to:
  - Behavioral challenges
  - Self-regulation
  - Cognition
  - Learning and play
  - Self-care
  - Safety.

Increased collaboration should lead to more streamlined data collection, treatment planning and referrals. Collaborative services mean the child is more likely to use their learned skills with different people and in new or different settings. These services will help students achieve greater independence and participation in family, school and community life.

To learn more about collaboration efforts in Minnesota, visit the [MN Autism Resource Portal](#) website.