DRAFT
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POLICY ON FERPA AND MEDICAID REIMBURSEMENT IN EDUCATION

The Family Educational Rights and Privacy Act (FERPA) is the federal law that protects the privacy of student education records and applies to all schools that receive funding from the U.S. Department of Education. It provides rights to parents of minors in protecting the privacy of student records, including medical records held by the school.

LEAs must notify parents annually of their rights under FERPA and have a signed consent form on file in the school records before disclosing confidential student information to the North Carolina Medicaid agency for Medicaid billing. Even though the North Carolina Medicaid application, which must be signed by the parent and dated, contains a statement giving permission for the provider or their agent to release needed information for payment or audit purposes, an informed consent document must be signed and on file with the LEA. This provides documentation that FERPA requirements have been met. FERPA is an education law not a Medicaid law.

This policy does not apply to billing the family's private insurance. Private insurance is not billed by LEAs for school based services. Appropriate school based services must be provided to the student at no cost to them or their family.