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LME-MCO Joint Communication Bulletin # J372

Date: 08/14/2020

To: Local Management Entities-Managed Care Organizations (LME-MCOs)

From: Renee Rader, Assistant Director for Policy and Programs, DMH/DD/SAS
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Subject: IDD Medicaid and State-Funded Service Delivery During School Hours

The purpose of this communication bulletin is to provide guidance to Innovations Waiver, (b)(3) services and state-funded beneficiaries regarding service delivery related to the return to school during the COVID-19 State of Emergency identified by the state of NC. This is applicable to individuals who are younger than twenty-two (22) who are enrolled in school.

NC Medicaid has received guidance from The Centers for Medicare & Medicaid Services (CMS) that both Virtual and Blended School Days equate to a traditional school day. As a result, Virtual and Blended School Days are subject to current policies for the Innovations Waiver, (b)(3) services and state-funded service definitions. This guidance will be updated based on further collaboration by NC DHHS, NC Department of Public Instruction, and CMS.

During the Spring 2020 Semester, schools were abruptly canceled due to COVID-19 and neither virtual nor blended school days were organized on a consistent basis. Non-school hours were able to be utilized as school days were no longer consistently organized.

Innovations Waiver, (b)(3) services, and state funded services may not be used during the hours a Virtual or Blended School is in session, with the exception respite as defined within the applicable service definitions. Beneficiaries who need support to participate in virtual or blended school should communicate with their school districts regarding the plans to support students during virtual or blended school.

Please note that NC Innovations Waiver, (b)(3) services, and state funded services may not be utilized to support member's transportation to and from the school setting.

Public School Guidance (Includes Charter Schools)

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Innovations Waiver, (b)(3), and state funded services may not be provided in the school or during school hours. (Refer to *Documentation of School Hours* Below.) School hours are defined as the hours of operation that the applicable school district and school has determined to be the hours of operation. The Department of Public Instruction (DPI) is responsible for all school related activities and supports needed related to the delivery of all educational services. Additional information from DPI can be found at [Lighting Our Way Forward: North Carolina's Guidebook for Reopening Public Schools](#) and [DPI COVID-19 Response & Resources](#).

In recognizing that each school system is choosing between a blended (Hybrid) model of in-person instruction and virtual learning (Plan B) or all virtual learning (Plan C), the following guidance is being issued to families of school-aged individuals/beneficiaries receiving IDD services:

- In Person Instruction
 - Innovations Waiver, (b)(3) services, or state funded services may not be provided while school is actively in session. For example, if the individual's class meets Monday through Friday from 9:00 a.m.-2:30 p.m., services may not be provided during this time.
 - Transportation to and from the school setting is not covered under Innovations Waiver, (b)(3) services, or state funded services. This includes transportation to/from the individual's home or any community location where the individual may be receiving services before or after school.
 - Respite may be utilized during school hours for sickness or injury when the beneficiary is not attending school virtually or in person.
 - Adaptations to equipment or vehicles purchased for exclusive use at school or home-school are not covered.
- Virtual Instruction
 - Innovations, (b)(3) services or state funded services may not be provided while school is actively in session. For example, if the individual's class meets Monday through Friday 10:00 a.m. -1:00 p.m. services may not be provided during this time.
 - Respite may be utilized during school hours for sickness or injury when the beneficiary is not attending school virtually or in person.
 - Adaptations to equipment or vehicles purchased for exclusive use at school are not covered.

If a blended education model is utilized, the guidance provided above would apply to the schedule the individual/beneficiary is actively participating in.

Private School & Home-School Guidance

Innovations Waiver, (b)(3), and state funded IDD services may not be provided in the school or during defined school hours. (Refer to *Documentation of School Hours* Below.) School hours are defined as the hours of operation (conducting instruction) that the applicable school has determined to be the hours of operation. The private school/home-school instructor/staff is responsible for all school related activities and supports needed related to the delivery of all educational services.

Per the [NC Department of Administration](#):

“ [North Carolina law](#) defines a home school as a non-public school consisting of the children of not more than two families or households, where the parents or legal guardians or members of either household determine the scope and sequence of the academic instruction, provide academic instruction, and determine additional sources of academic instruction.”

In recognizing that each private school or home school is choosing or has chosen various models of instruction, the following guidelines apply:

- In Person Instruction
 - Innovations Waiver, (b)(3) services, or state funded services may not be provided while school is actively in session. For example, if the individual’s class meets Monday through Friday from 9:00 a.m.-2:30 p.m., services may not be provided during this time.
 - Transportation to and from the school setting is not covered under the NC Innovations waiver, (b)(3) services or state-funded services and is the responsibility of the parent and/or private school. This includes transportation to/from the individual’s home or any community location where the individual may be receiving services before or after school.
 - Respite may be utilized during school hours for sickness or injury when the beneficiary is not attending school virtually or in person.
 - Adaptations to equipment or vehicles purchased for exclusive use at school or home-school are not covered.
- Virtual Instruction
 - Medicaid NC Innovations, (b)(3) services or state funded services may not be provided while school is actively in session. For example, if the individual’s class meets Monday through Friday 10:00 a.m. -1:00 p.m. services may not be provided during this time.
 - Respite may be utilized during school hours for sickness or injury when the beneficiary is not attending school virtually or in person.
 - Adaptations to equipment or vehicles purchased for exclusive use at school or home-school are not covered.

If a blended education model is utilized, the guidance provided above would apply to the schedule the individual/beneficiary is actively participating in.

Documentation of School Hours

Various methods of documentation may be utilized to support with ensuring that Medicaid and state funded Intellectual/Developmental Disabilities (IDD) services do not overlap with the time school system educational services are being provided. The following are examples of documentation that can be utilized to support as evidence of an updated school schedule:

- A school schedule posted to the school or school system’s website.
- Specific hours outlined in an Individualized Education Program/Plan (IEP) or a 504 Plan.
- Written documentation from a school administrator notating the operational hours of the child’s class.

- In accordance to NC Department of Administration (DOA), the home-school must “operate (conduct instruction in) the home school on a regular schedule for at least nine calendar months of the year, excluding holidays and vacations.” Documentation of the schedule from the home school instructor/administrator, the Notice of Intent or documentation from NC DOA or the Division of Non-Public Education noting the schedule shall suffice.

NC DHHS encourages individuals and families to continue to work with their respective school system and LME-MCO to determine supports to meet the needs of the individual within the applicable Medicaid or state-funded service and school system guidance. Person-centered practices should continue to be utilized to promote meeting the specific needs of the individual.

If you have any questions, please contact Mya Lewis at Mya.Lewis@dhhs.nc.gov or Kenneth Bausell at Kenneth.Bausell@dhhs.nc.gov.

Previous bulletins can be accessed at: www.ncdhhs.gov/divisions/mhddsas/joint-communication-bulletins

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