



Frank Edelblut
Commissioner

Christine M. Brennan
Deputy Commissioner

STATE OF NEW HAMPSHIRE
DEPARTMENT OF EDUCATION
101 Pleasant Street
Concord, NH 03301
TEL. (603) 271-3495
FAX (603) 271-1953

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Re: Educational Surrogates and Medicaid Reimbursement

Educational surrogate parents act as the child's educational decision-maker in the special education process. The authority of the surrogate is statutorily limited to "the educational decision-making process"—the Medicaid reimbursement form, by its own plain terms, is a financial form rather than an educational form. By its plain terms, the form "will only affect the district's ability to receive reimbursement" and does not impact that school's obligation to provide any specific educational service.

Authorizing disclosure of information to a medical insurer is not within the narrow scope of a surrogate's authority. That would possibly be the case even where the disclosure of information was necessary to secure educational services. Here, however, this form has no bearing on the educational services offered to the student, and thus seems clearly outside the scope of a surrogate's representation of the child.

Educational surrogates have the authority to sign the IEP which includes all the services on the IEP; however, they do not have permission to sign any other document that would agree to services being billed for Medicaid.

If you have further questions, please reach out to Danielle Pelletier at 603-271-3737 or by email at Danielle.pelletier@doe.nh.gov.

Sincerely,

A handwritten signature in cursive script that reads "Danielle Pelletier".

Danielle Pelletier, M.Ed.
Education Consultant
Bureau of Student Support
NH Department of Education