

**Submitter :** Mr. Malcolm Reid  
**Organization :** Shirley School District  
**Category :** Academic

**Date:** 10/15/2007

**Issue Areas/Comments**

**GENERAL**

GENERAL

As Superintendent of Schools, I am very concerned that CMS-2287-P will eliminate payments to schools and school districts for performing Medicaid administrative functions. As a public school district, we provide the very necessary direct services to children whose families receive Medicaid funding. In a small school district like ours, the loss of this funding would be devastating. Each agency participating in the support of these children has an important role to play. Please do not allow one important link in these services to be cut out.

Thank you for your consideration.

Malcolm P. Reid, Interim Superintendent, Shirley School District

**Submitter :** Ms. Evelyn Erquhart

**Date:** 10/15/2007

**Organization :** Strathmore Union Elementary School District

**Category :** Academic

**Issue Areas/Comments**

**GENERAL**

**GENERAL**

I am against CMS-2287-P. The medicaid reimbursements we receive helps us provide a 70% school nurse for our school district, as well as a full time health aide. In addition we are able to utilize some of these funds to fund the district psychologist/counselor position. These are greatly needed resources available to our small town. We have a high socioeconomic disadvantaged population, high drug use/incarceration rate and a very low educational level in our small community. Please do not take away these much needed resources.

Thank you for your time and consideration.

Evelyn Erquhart  
Principal, Strathmore Middle School

**Submitter :** Mrs. Linda VanDeMaele  
**Organization :** River Delta Unified School District  
**Category :** Nurse

**Date:** 10/15/2007

**Issue Areas/Comments**

**GENERAL**

**GENERAL**

School is the obvious institution that provides access to parents and students in order to refer a student to medical care, translate information regarding health need to parents, identify need and inform families about Medi-Cal Insurance and Healthy families, and refer to resource center in order to facilitate application to Medi-Cal. As a school nurse I spend a large portion of my day doing Medi-Cal administrative activities. Schools greatly participate in these activities and reimbursement for their services will help school continue in their efforts to meet the medical need of Medi-cal eligible students. I have been funded an extra day a week from the MAA moneys in order to meet these needs. Discontinuing funding will greatly affect the work that I am able to do in my school district. Please reconsider the decision.

Thank you,

Linda VanDeMaele RN, MSN

School Nurse- River Delta Unified School District

**Submitter :** Ms.  
**Organization :** Ms.  
**Category :** Individual

**Date:** 10/15/2007

**Issue Areas/Comments**

**GENERAL**

**GENERAL**

If you do not reconsider passing this bill. I am a single mother and I would have to quit my full time job and work part time, go on welfare, food stamps and housing. My son attends the Benton County Sunshine School in Bentonville, AR to get the speech and occupational therapy that he needs so he will be ready to attend public school in the future. He rides the bus to and from school 5 days a week. This allows me to work my full time job and provide for my son. So if you do not fund the transportation service, you will be paying me through government funds to provide for my son.

**Submitter :** Heather Schleigh  
**Organization :** Family Access Network  
**Category :** Individual

**Date:** 10/15/2007

**Issue Areas/Comments**

**GENERAL**

**GENERAL**

As a family advocate for the Family Access Network through the Bend-La Pine Schools in Bend, Oregon I feel very strongly that eliminating reimbursement of Medicaid Services across the board will have a very negative impact in our schools. I can understand that if there are suspicions of mis-use of these monies that action should be taken, but I know that our school district applies all of these funds to F.A.N.. Our place in the school is specifically to make sure that all children in our school have access to basic needs services, i.e. food, shelter, medical and mental health services and health insurance. We are a direct link to other social services such as Oregon Health Plan and Department of Human Services. Removing this availability for our families would be devastating. I work and live in La Pine, OR, which is an economically depressed area. I am certain that without these funds, our most needy families will suffer greatly. We take great steps to ensure that we are following all of the guidelines correctly in obtaining this money. Perhaps if it is not possible to completely remove CMS-2287-P from the register, it would be possible to re-vamp the system to only include programs, such as F.A.N., that provide direct medicaid outreach and eligibility services. The Family Access Network could be an excellent example to other communities about how to make real life differences for children & families in poverty.

Thank-you,

Heather Schleigh  
F.A.N. Advocate  
La Pine Middle School  
(541)771-2958

**Submitter :** Ms. Janet Chang  
**Organization :** Health Services, SAN JOSE CITY COLLEGE  
**Category :** Nurse

**Date:** 10/15/2007

**Issue Areas/Comments**

**GENERAL**

**GENERAL**

Please accept my support for the Medicaid for School Administration Expenditures Program.

Our Health Services and Student Services Program provide outreach, information and enrollment information linking students and their families to Medi-Cal Health Programs. The linkages assist students and their families to attend and succeed in school.

The reimbursements have allowed us to provide services on our campus that we could not have afforded. The health services have included medical, nursing and personal counseling. Our majority of our students who seek our services do not have medical insurance. Our services are critical to their attending and succeeding in college.

In addition, we have developed health programs specific to our populations.

The programs are designed for the long-range health needs and include, an exercise and nutrition program combating obesity, a workshop focusing on self-reliance, parenting and support for women returning to school, and an awareness workshop focusing on dating violence.

Please do not accept Proposed Rule 2287.

Please continue the MAA Program.

Students and their families are benefiting from these programs.

Thank you for the opportunity to voice my opinion.

Janet Chang, R.N./Director of Health Services/San Jose City College

408-288-3724

**Submitter :** Ms. Dawn Hewitt

**Date:** 10/16/2007

**Organization :** Ms. Dawn Hewitt

**Category :** Nurse

**Issue Areas/Comments**

**GENERAL**

GENERAL

As the demand increases for higher test scores and more services, the cost increases. Medicaid is funded by the tax payer. The tax payers of Wood County have approved levies and bonds for our schools repeatedly; an obvious sign of faith in our school system and our students. The elimination of medicaid reimbursement would force the elimination of many worthwhile programs and services. I vote to dissolve Docket:CMS-2287-P. Dawn Hewitt

**Submitter :** Mrs. Catherine Tash  
**Organization :** High Desert Middle School  
**Category :** Academic

**Date:** 10/16/2007

**Issue Areas/Comments**

**GENERAL**

**GENERAL**

It is vital for Medicaid Reimbursement to continue in our School District in order to provide services for our poorest and under-served children. Our Family Advocates (FAN) are funded by Medicaid. I work in the Bend LaPine District in Central Oregon and thousands of students have been helped through this program. Students who have accessed medical and dental care, psychological services and food and clothing through FAN. FAN Advocates help students and families access existing services by connecting them with resources. There are many programs in our communities to help families but many families do not know about them or how to access these services. Please do not eliminate these vital resources for our poor families!! Thank you very much, Catherine Tash, Bend, Oregon



**Submitter :** Dr. Ed Dunlap  
**Organization :** North Carolina School Boards Association  
**Category :** Other Association

**Date:** 10/16/2007

**Issue Areas/Comments**

**GENERAL**

GENERAL

See Attachment

CMS-2287-P-349-Attach-1.PDF



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*Executive Director*

October 15, 2007

Secretary Michael O. Leavitt  
Department of Health and Human Services

Administrator Leslie V. Norwalk  
Centers for Medicare and Medicaid Services

Centers for Medicare & Medicaid  
Services, Department of Health and Human Services,  
Attention: CMS-2287-P,  
Mail Stop S3-14-22, 7500 Security Boulevard,  
Baltimore, MD 21244

Re: CMS 2287-P

Dear Secretary Leavitt and Administrator Norwalk:

On behalf of the North Carolina School Boards Association, North Carolina School Districts, the children served, their parents, teachers and staff and the clinicians who perform mandated Medicaid activities and provide mandated Medicaid services to eligible children, we are submitting these comments to proposed CMS rule 2287-P. We appreciate the opportunity to provide comments on this proposed rule and are hopeful that CMS will consider these concerns as well as those of countless other stakeholders who are unified in objecting to the proposed rule.

Simply stated, the purpose of the proposed rule is to eliminate funding for activities that are performed by school districts in furtherance of both their state Medicaid plans and the federal statutory requirements of EPSDT and IDEA. As will be more fully expressed below, we are strongly opposed to this rule and submit these comments in support of CMS withdrawing the proposed rule in favor of current statute and CMS's own promulgated regulations with respect to Medicaid Administrative Claiming. In particular, we believe that CMS 2287-P represents bad public policy and is based on a faulty understanding of the current state of claiming by school districts for administrative costs under their state Medicaid plans.

**ISSUE 1: Basis for the Secretary's Finding**

The sole criterion that CMS states in support of the proposed rule is the Secretary's finding that:

*"The proposed rule would eliminate reimbursement under the Medicaid program for the costs of certain activities based on a Secretarial finding that these activities are not necessary for the proper and efficient administration of the State plan, nor do they meet the definition of an optional transportation benefit."*

In support of the Secretary's purported finding, CMS relies on its authority under §1903(a)(7) of the Social Security Act which limits reimbursement to costs "found necessary by the Secretary for the proper and efficient administration of the state plan."<sup>1</sup> However, CMS does not provide a basis for a "finding" and provides nothing to even substantiate a finding apart from references to dated and arguably irrelevant reviews and audits performed prior to any consistent and formalized claiming guidance by CMS. Even if the audits cited by CMS were arguably relevant and appropriate to the current conditions under which states are claiming, they still would not support the finding that the *activities* performed in the schools are not necessary for the state plan. In CMS's own words they have recognized and substantiated the role of schools in regards to the state Medicaid plans and the legal basis for reimbursing their administrative costs.

The CMS MAC Claiming Guide issued in 2003 states:

*The school setting provides a unique opportunity to enroll eligible children in the Medicaid program, and to assist children who are already enrolled in Medicaid to access the benefits available to them. Medicaid, a joint state-federal program, offers reimbursement for both the provision of covered medical services and for the costs of administrative activities, such as outreach, which support the Medicaid program.*

In order for the Secretary to determine that the costs of administrative activities are not necessary to the state plan, the Secretary must determine that the *activities themselves* are not necessary for the state plan. Not only does CMS fail to establish that the activities are not necessary for the state plan, but in their own memorandum in support of the proposed rule CMS states:

*...the proposed rule does not bring into question the legitimacy of the types of Medicaid administrative activities provided in schools.*

Since CMS does not question that the activities performed in the schools are legitimate and therefore consistent with the administration of the state Medicaid plan, then it begs the question of how the Secretary can reach a finding that the "*these activities are not necessary for the proper and efficient administration of the State plan.*" We believe that the Secretary's finding is without basis and therefore the rule cannot be implemented and should be withdrawn.

## **ISSUE 2: Only State Medicaid Agency Costs Are Reimbursable**

Since CMS cannot base its finding on the argument that activities performed in schools are not reimbursable, an additional qualifier is presented which we believe also reflects faulty logic and is not reflective of the current state of Medicaid claiming in the states. CMS explains that rather than questioning the legitimacy of the types of Medicaid administrative activities provided in schools they introduce a new policy that restricts Medicaid reimbursement based on who pays for the employees who provide these activities.

CMS explains that:

*Rather, it reflects the Secretary's determination that such activities are only necessary for the proper and efficient administration of the State plan when conducted by employees of the State Medicaid agency.*

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<sup>1</sup> 72 Fed. Reg. 51397.

The CMS rule does not entirely eliminate federal matching funds for administrative activities performed and claimed by states under their state Medicaid plan. To do so would be unquestionably in conflict with statute and CMS regulations. Rather the proposed rule would expressly eliminate federal matching funds solely for activities “...conducted by school employees or contractors, or anyone under the control of a public or private educational agency...” In other words, in its proposed rule, CMS is proposing that administrative activities that are in support of the state Medicaid plan are allowable as long as they are performed by anyone *other than* employees of schools or contractors under control of educational agencies.

This position is both wrong-headed and unsupported by current law. Apart from the obvious benefits that schools bring to administering the state Medicaid plan, the argument that administrative activities are reimbursable so long as they are not performed by a school is not supported by statute and is in direct conflict with decades of practice by states in which a variety of governmental entities in addition to the Medicaid agency are involved in administrative activities for which reimbursement is allowable. The flexibility afforded states under the federal-state partnership in administering the Medicaid program is demonstrated in the various systems that each state has established for determining eligibility, case management, and payment to providers for services and to other agencies for administration.

To suggest that any arrangement put in place by a state to support their Medicaid plan is allowable except if they include schools makes no sense and runs counter to both sound practice and the Medicaid statutes that grant states administrative flexibility. Finally, it can hardly be justified to deny reimbursement to schools that represent an integral part of administering the state Medicaid plan. Again, in CMS’s own words in their 2003 Claiming Guide:

*The school setting provides a unique opportunity to enroll eligible children in the Medicaid program, and to assist children who are already enrolled in Medicaid to access the benefits available to them. Medicaid, a joint state-federal program, offers reimbursement for both the provision of covered medical services and for the costs of administrative activities, such as outreach, which support the Medicaid program.*

We believe that discriminating against schools by denying reimbursement to them for the same activities in support of the state Medicaid plan as performed by other agencies is not only bad policy but is contrary to current law. As long as the federal-state partnership for the financing of Medicaid exists, states have the right to determine the most appropriate means for administering their state plans and which agencies can most effectively and efficiently support the program. It is widely acknowledged, including by CMS, that schools provide a vital and extremely effective means of identifying and referring eligible children to Medicaid services. Schools provide the most consistent and comprehensive access to children who need Medicaid services of any organization and are in an excellent position to support the administration of the state Medicaid plan.

To deny reimbursement for allowable activities simply because those activities are taking place in schools does not make sense and is not consistent with current statutes. Accordingly we believe that this proposed rule is contrary to law and cannot be implemented and should be withdrawn by CMS.

### **ISSUE 3: CMS is Exceeding its Authority by Superseding Current Policy**

While changing one’s mind is a natural and common occurrence that can at times be arbitrary and capricious, when it comes to public policy that affects the lives of millions of children across the country, it is reasonable to expect a thoughtful and substantive basis for changes in policy. We do

not believe that CMS has provided sufficient and compelling justification for the proposed rule as stated previously. Additionally, we believe that CMS is also exceeding its authority under section 1903(a)(7) of the Social Security Act and the related regulations. CMS states:

*. . . this proposed rule would supersede the prior guidance and would represent the Secretary's determination that Medicaid expenditures for such school-based administrative activities do not meet the statutory test under section 1903(a)(7) of being "necessary \* \* \* for the proper and efficient administration of the State plan.*

We believe that in attempting to supersede current policy CMS may not only be exceeding its own authority under current law but is attempting to effectuate policy changes administratively that previously were rejected legislatively by the Congress.

We believe that the proposed rule's reliance on the Secretary's finding with respect to the proper and efficient administration of the state Medicaid plan is unsubstantiated and therefore the basis for the proposed rule is invalid. Additionally, we believe that it is not within CMS's authority under the statute to deny reimbursement to a state that is relying on schools to perform allowable administrative activities in support of the state's Medicaid plan. Therefore, the legal basis underpinning the proposed rule is faulty and in proposing to single out schools to eliminate federal matching funds exceeds CMS's authority

#### **ISSUE 4: CITED PROGRAM REVIEWS NOT RELEVANT**

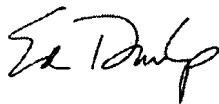
In its August 31, 2007 press release regarding the proposed rule entitled "CMS PROPOSES IMPROVEMENTS TO MEDICAID PAYMENTS FOR SCHOOL-BASED ADMINISTRATION AND TRANSPORTATION," CMS cites as justification for the rule that improper billing by school districts for administrative costs and transportation services is a long standing concern of the Department. The stated concern was that these programs are susceptible to waste and abuse. The press release goes on to cite several examples of reports issued that raised these concerns. We take exception with both the use of these reports as justifying the proposed rule and the sweeping generalizations that are implied by them. What is not presented by CMS is the fact that many of the reviews that were conducted were in direct response to the concerns expressed by the Congress that CMS was not providing adequate guidance to states with respect to administrative claiming and was providing insufficient and inconsistent oversight. Also, the reviews that were cited were all reviews that were conducted for time periods preceding the 2003 MAC Claiming Guide and in many instances auditors applied draft and proposed guidelines in the conduct of their audits.

CMS presents the problems as if both current and rampant. Neither is the case. Since CMS issued its MAC claiming guide in May 2003, all states have followed the nationally set standards and methods spelled out in the guidelines. Nothing CMS presents in their fact sheet is relevant to the current state of the program and most audits and reviews of the program that are referenced were conducted for claiming periods prior to the issuance of the guidelines. Accordingly, it is unfair and unjustified to base a finding and proposed rule on audits that have little or no relevance to the current situation. It is the current situation that the proposed rule is meant to address, not the past.

CMS should be commended for making significant progress in assuring program integrity in the Medicaid Administrative Claiming program. Since 2000, CMS has implemented its MAC Claiming Guide which standardized allowable costs, acceptable methodologies and institutionalized a process for CMS to review state implementation plans. Significant resources have been added to the audit

staffs of both CMS and the OIG and state audits and reviews have occurred with greater frequency. Additionally, coordination between the national and regional offices has improved and the guidance that is now being given to states is more consistent than ever. The program staff at CMS has been heavily involved in reviewing state plans and serve as helpful technical resources to the states. We therefore find it hard to explain why after successfully addressing all the concerns raised by the Congress and successfully bringing a level of program integrity and accountability to a program that represents less than one percent (1%) of national Medicaid expenditures that CMS would propose a rule that would eliminate reimbursement to schools. Claiming in schools should be held out as a best practice by CMS and the improvements that have already been successfully implemented in the states should be a model for other programs reimbursed by Medicaid. To eliminate funding for mandated administrative activities that take place in schools at this time would be a mistake. We respectfully submit these comments in the spirit of openness and transparency and believe that CMS has made so many forward steps in improving the program that it seems counter to that progress to issue the proposed rule. When it comes to identifying, referring and linking Medicaid eligible children to needed services, it goes without question that schools provide a vital and effective link to Medicaid and are an essential part of the administration of the state Medicaid plan. Accordingly we request that proposed CMS 2287-P be withdrawn.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ed Dunlap", written in a cursive style.

Ed Dunlap

**Submitter :** Isis Brenner-Ward

**Date:** 10/16/2007

**Organization :** Isis Brenner-Ward

**Category :** Individual

**Issue Areas/Comments**

**GENERAL**

**GENERAL**

This cut **MUST NOT HAPPEN** it is an offense to all persons with special needs and a direct slap in the face to persons with disabilities and the educational system. Should this go through, no person currently in office will receive my vote ever again.

**Submitter :** Ms. LaurA Martelle  
**Organization :** North Berkshire School Union  
**Category :** Nurse

**Date:** 10/16/2007

**Issue Areas/Comments**

**GENERAL**

**GENERAL**

I feel schools need and deserve this type of reimbursement. The schools provide many needed services for the health, safety and education of the students. Without this money many services will suffer as well as the students. Ours schools need all the financial support possible for the students and who are our future.



**Submitter :** Mr. Jordan King  
**Organization :** Mr. Jordan King  
**Category :** Individual

**Date:** 10/16/2007

**Issue Areas/Comments**

**GENERAL**

GENERAL

This program should continue to be funded.

**Submitter :** Mr. Gregory Betti  
**Organization :** Gabriel Abbott Memorial School  
**Category :** Academic

**Date:** 10/16/2007

**Issue Areas/Comments**

**GENERAL**

**GENERAL**

To Whom It May Concern:

I find it very interesting that you want to take away school reimbursements while at the same time schools are forced to comply with increased nursing fees to the State, increased inspection fees to the State, and decreased funding of grants to the schools. This is just another instance where schools are nicked and dimed out of funding that other organizations get to take for granted.

**Submitter :** Mr. Storm Florez

**Date:** 10/16/2007

**Organization :** Mr. Storm Florez

**Category :** Individual

**Issue Areas/Comments**

**GENERAL**

**GENERAL**

I am speaking out against this Docket. Costs should not be cut from programs benefitting persons with special needs. Especially Children! Our Government should be doing everything in it's power to support and provide for all children especially those with special needs. Most parents of special needs children are struggling to keep their jobs and pay medical bills, and for day care and transporation. Please do not move forward with this cut!

Submitter :

Date: 10/16/2007

Organization :

Category : Other Association

Issue Areas/Comments

**GENERAL**

**GENERAL**

On behalf of the Missouri Council of Administrators of Special Education, we express our strong opposition to the proposed rule CMS-2287-P. This rule would eliminate federal reimbursement under the Medicaid program for the costs of certain administrative activities (such as Medicaid outreach, program planning, referral and monitoring, and certain types of transportation). As a result, schools would no longer be eligible to receive federal Medicaid payments for the administrative activities performed by school employees or contractors as well as for transporting disabled students from home to school and back. The rule will deny federal payment for services such as outfitting buses with specialized equipment, transporting children to school for their medical appointments, identifying students who need screenings and evaluations, and connecting children and their families with other needed services in their community.

This rule will impose a significant financial burden on local school districts. In Missouri, approximately \$5 million in Medicaid funds were used last year to support these critical special education services for students with disabilities. Eliminating this Medicaid funding will force school districts to cut regular education services or utilize some other cost shifting mechanism to replace lost Medicaid dollars with state and local taxpayer dollars.

The rule will make it more difficult for schools to provide needed services to students with disabilities at a time when the federal government is already woefully behind in their commitment to fund special education through the Individuals with Disabilities Education Act (IDEA). There is no corresponding increase in IDEA funding proposed to absorb this reduction.

We respectfully request this proposed rule be rescinded and not adopted.

**Submitter :** Mr. Don McNelis  
**Organization :** Butte County Board of Education  
**Category :** Other Health Care Provider

**Date:** 10/16/2007

**Issue Areas/Comments**

**GENERAL**

GENERAL

Please see attached.

CMS-2287-P-356-Attach-1.PDF

**BUTTE  
COUNTY**  
OFFICE OF  
EDUCATION

**DON McNELIS**  
SUPERINTENDENT

October 2, 2007

RECEIVED

OCT 03 2007

Region IX

U.S. Department of Health and Human Services  
Tom Lorentzen, Regional Director  
Federal Office Building  
50 United Nations Plaza  
San Francisco, CA 94102

RE: Resolution #08-08  
Butte County Board of Education  
Opposition to U.S. Department of Health and Human Services  
Rule CMS 2287

Mia Osborne-Ng  
Sr. Executive Assistant  
mng@bcoe.org

Dear Director Lorentzen:

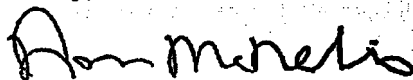
On behalf of the Butte County Board of Education, I am forwarding their Resolution #08-08 in Opposition to the U.S. Department of Health and Human Services Rule CMS 2287.

Board of Education

- Bessie R. Hironimus
- Dr. Ladd Johnson
- Jeannine MacKay
- Brenda J. McLaughlin
- Dr. Robert W. Purvis
- Pat Matthews Spear
- Betty Vassar

After a significant time of discussion, the board voted to adopt the resolution by a vote of five (5) ayes, zero (0) noes, one (1) absentee and one (1) abstention. Please take the contents of this resolution into consideration when representing the school districts in Butte County.

Sincerely,



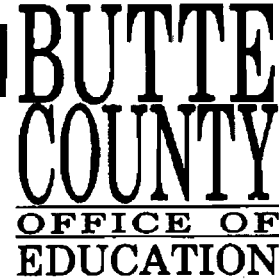
Don McNelis, Superintendent  
Butte County Office of Education

1859 Bird Street  
Oroville, CA 95965  
(530) 532-5761  
Fax (530) 532-5762  
<http://www.bcoe.org>

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**Butte County Board of Education**



**RESOLUTION #08-08**

**BUTTE COUNTY BOARD OF EDUCATION  
OPPOSITION TO U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES RULE CMS 2287**

**WHEREAS**, U.S. Department of Health and Human Services plans on publishing a rule (CMS 2287) which would stop school districts from receiving federal reimbursement for an estimated \$3.6 billion over five years in Medicaid services provided to children with disabilities, and

**WHEREAS**, this action would reduce the availability of and access to needed health and developmental services for students with Individual Education Plans (IEPs) and other low-income children with special needs, for whom school is their primary site for healthcare delivery, and

**WHEREAS**, schools rely on these reimbursements for a variety of purposes such as outfitting buses with specialized equipment, transporting children to school for their medical appointments, identifying students who need screenings and evaluations, and connecting children and their families with other needed services in their community, and

**WHEREAS**, the loss of these resources could mean that schools have to lay off nurses and social workers, curtail their referral services, and/or scale back enhancements for school buses, and

**WHEREAS**, may of these services are mandated under the Individuals with Disabilities Education Act (IDEA) law, therefore this action would substantially increase the burden on already financially-strapped local school districts and, as a result, could impact students in regular education programs as well through cuts to electives, after school activities, arts and music programs, and/or reductions in teachers and support positions.

**NOW, THEREFORE, BE IT RESOLVED**, that the Butte County Board of Education hereby proclaims its opposition to the publication of this rule as such action is necessary in order to protect schools' ability to provide children with the health services that they deserve.

**AYES:** 5  
**NOES:** 0  
**ABSENT:** 1  
**ABSTAIN:** 1  
STATE of CALIFORNIA     )  
                                          ) ss  
**COUNTY OF BUTTE**

I, Jeannine MacKay, President to the Butte County Board of Education, Oroville, California, hereby certify that the foregoing Resolution was duly and regularly adopted by the Butte County Board of Education at a regular meeting thereof held on the 10th day of September, 2007.

**PASSED AND ADOPTED**

Signed: Jeannine MacKay  
Jeannine MacKay, President  
Butte County Board of Education

**Submitter :** Ms. Kathryn Davy

**Date:** 10/16/2007

**Organization :** West Sonoma County Special Education Consortium

**Category :** Local Government

**Issue Areas/Comments**

**GENERAL**

**GENERAL**

Why oh WHY would anyone want to take away federal dollars from an already strapped special education program?? We provide much needed services to Medi-Cal eligible students! We buy speech materials and audiometers and specialized equipment for kids in wheelchairs.

DONT STOP THE MEDI-CAL MONEY!!!!!!!!!!!!



**Submitter :** Mr. James Becker

**Date:** 10/16/2007

**Organization :** Richmond Children's Foundation

**Category :** Academic

**Issue Areas/Comments**

**GENERAL**

**GENERAL**

The elimination of CMS-2287-P Medicaid Program; Elimination of REimbursement under Medicaid for School Administration Expenditures and Costs Related to Transportation of School-Age Children between Home and School is bad policy. Our foundation operates and financially supports a public charter elementary school in one of the most challenged urban environments of California. Prior to funding from this program, we had high numbers of sick days and an average daily attendance of 82%. With funding from this program, we are able to assist with the tracking and monitoring of health services for our most at risk students. This has allowed us to increase our daily attendance to 98%. Greater attendance has meant stronger student performance on standardized tests. In the past, only 10% of students from our catchement area were performing at grade level; now, 77% are a grade level and 22% are in the top 90th percentile on the Woodcock-Johnson National Assessment. Continued funding for this reimbursement is critical to the ongoing success of our students.

**Submitter :** Ms. Joanne Fields

**Date:** 10/16/2007

**Organization :** Ms. Joanne Fields

**Category :** Individual

**Issue Areas/Comments**

**GENERAL**

**GENERAL**

I understand the need for financial cuts of program funds, unfortunately that is not the end of responsibility by government officials on programs. If funds are cut for any program, then THE LAW MUST BE CHANGED TO NO LONGER MAKE IT MANDATORY for the program to continue. IT IS THE RESPONSIBILITY OF OUR FEDERAL GOVERNMENT TO NOT LEAVE STATES WITHOUT THE FINANCIAL & LEGAL MEANS FOR SUPPORT/OR THE WITHRAWAL FROM FEDERAL PROGRAMS.

**Submitter :** Mrs. m. Carter  
**Organization :** Bend-LaPind School District  
**Category :** Individual

**Date:** 10/16/2007

**Issue Areas/Comments**

**GENERAL**

**GENERAL**

PLEASE do not cut the funding for our precious program called FAN (Family Access Network)! Our children and their families are in dire need of assistance and provisions our FAN advocate is able to provide them. I have been teaching in the Bend-LaPine School District for approximately 17 years and we have been blessed on a constant basis by having an organization we can turn to on behalf of our children. MANY parents/grandparents are not able to provide completely and wholly for their children/grandchildren, and we MUST maintain a way to assist these families. They do not always fit into a government category and qualify for help, this is where our FAN program comes into play. I have seen countless items donated for needy students and have witnessed the relief of parents when their children are taken care of. From shoes to coats, everyday clothing to medical/dental care, school supplies to specialty items, I have seen it all. I shudder to think what our schools would be like if our FAN program were to be eliminated or non-funded. THIS IS A PROGRAM WE CANNOT FUNCTION WITHOUT!!! So many of our children and families have been enriched through referrals to our FAN advocate, please do not cut any amount of funding available for this crucial program!

Respectfully submitted,  
Martha Carter,  
Sky View Middle School,  
Bend, Oregon

**Submitter :** Mrs. Anne Ward

**Date:** 10/16/2007

**Organization :** CAPVI

**Category :** Individual

**Issue Areas/Comments**

**GENERAL**

**GENERAL**

Please do not eliminate this reimbursement. If you do, schools will be forced to charge parents for transportation. Parents of children with special needs have extremely limited budgets. This will cause a great deal of hardship to people who are already suffering in merely dealing with their situation. It is a huge stress to be the parent of a special needs kid, and to try to deal adequately with such a challenge. Please continue this funding.

**Submitter :** Mr. Arun Prem  
**Organization :** Access Services Inc.  
**Category :** Other

**Date:** 10/17/2007

**Issue Areas/Comments**

**GENERAL**

GENERAL

See Attachment

CMS-2287-P-362-Attach-1.DOC

CMS-

Because the referenced comment number does not pertain to the subject matter for CMS- , it is not included in the electronic public comments for this regulatory document.

**Submitter :** Mrs. Shantel Farnan  
**Organization :** Maryville R-II School District  
**Category :** Academic

**Date:** 10/17/2007

**Issue Areas/Comments**

**GENERAL**

**GENERAL**

I am deeply concerned about the devastating impact the proposed CMS regulations will have on the welfare of children with disabilities. An IEP is developed for eligible individuals with disabilities and describes the range of services and supports needed to assist individuals in benefiting from and maximizing their educational/developmental opportunities. The types of services provided under an IEP include services such as speech pathology and audiology services, and physical, psychological and occupational therapies. While IDEA confers rights to individuals and obligations on the part of school systems/early intervention providers, it is not directly tied to a specific program or an automatic funding source. For years, the Federal government has failed to provide anywhere near the level of funding promised in the IDEA statute. States ability to appropriately rely on Medicaid funds for Medicaid services provided to Medicaid-eligible children pursuant to an IEP helps defray some of the state and local costs of implementing IDEA. This, in turn, helps assure that children receive all of the services they have been found to need in order to meet their full potential. As student needs continue to increase these funding cuts hit at the local level, therefore school districts continue to have fewer resources available to meet the increasing mandates and student needs. For these and other reasons, we urge the Secretary to withdraw the proposed rule.

**Submitter :** Mr. Dean Christensen

**Date:** 10/17/2007

**Organization :** Deuel School Dist.

**Category :** Academic

**Issue Areas/Comments**

**GENERAL**

**GENERAL**

I am asking that you please resist any effort to stop medicaid funding for administrative and transportation service purposes from coming to local school districts. The Deuel School District receives between \$20,000 and \$25,000 for such services and would not be able to continue to provide them without such financial help. This money is well spent in helping to provide a service that is dearly needed by students who qualify.

The federal Govt. continues to mandate to local school districts services, which are often good and needed services, but these services cost money to provide. We do not have the ability at the local level to pay for the costs which are associated with this. Please treat education with as the priority which it should be and please continue to help us at the local level cover some of the cost.