

# Navigating Year-End and Future Planning for Special Populations and SHARS

With Karlyn Keller, Ed.D.

May, 2024

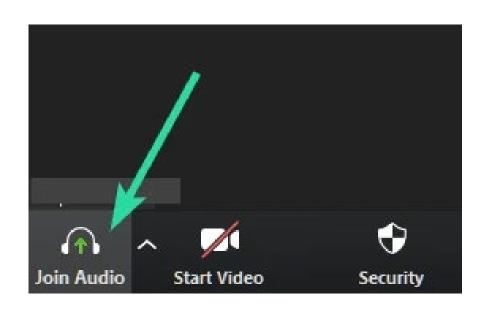
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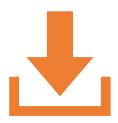
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Medicaid and School Health and Related Services (SHARS) grams are often complicated and confusing. Your team can tap expert knowledge with our monthly SHARS Matters webinar

by the experienced Special Education Solutions team, with years combined experience in SHARS and special education, se webinars are **free and open to Texas school districts.** They

#### Contact Information

Let's talk about your district's SH program.

Special Education Solutions

- Session being recorded
- Dates for 24-25 SHARS Matters webinars will be posted later this summer
- All SHARS Matters webinars are available for download from the <u>TASB School Medicaid</u> <u>Services Training page</u>.





#### TASB School Medicaid Services Team



Dario Avila



Carrie Pawloski



Dr. Karlyn Keller



Tricia Gray



Laurie Woodel



Stacie Dull



#### Session Description

A recap of the year's major changes in SHARS and their impacts on special education. Emphasizing critical year-end tasks and help prepare you for upcoming changes in special populations and SHARS.

- Changes that have shaped special population programs this year and the implications for the future.
- Potential shifts in SHARS and how you can navigate these changes.



#### Presenter

Karlyn Keller serves as division director of Student Solutions and School Medicaid Services, where she leads a team of educational professionals in serving school districts' special populations programs.

Keller has more than 30 years in education, beginning as a substitute teacher in 1992. During her time in education, she has served as elementary, secondary and 18+ teacher, school counselor, educational diagnostician, campus administrator, director of various special populations programs, and assistant superintendent. She joined TASB in 2015.

Keller is a graduate of East Texas State University, where she received a bachelor's degree in education with a concentration in special education and psychology and has a bachelor's degree in cross-cultural communication from Southwest Assemblies of God University. She earned a master's degrees in special education and in counseling from Texas A&M University – Commerce, and master's degrees in educational administration and in gifted and talented from the University of North Texas. She also earned a doctorate in education from the University of North Texas



#### Happenings in Special Populations

In 2023-24 school year



# What's been happening in Special Populations this year?????

It's been relatively quiet... well except for no money, not enough staff, that student with the vape pen that needs to go to DAEP, too many assessments, 504 regs been released any time now, a ton of speech needs, another student with a vape pen, a SHARS audit, more students identified with dyslexia, special parent requests, new steps for LPACS, another training that has been mandated, still waiting on 504 updates, another student with a vape pen but now DAEP is full, another SHARS audit, new updates to GT now, additional mental health needs of students and teachers and staff and well everybody really.

And yet it's been a relatively quiet year....



#### Once in a Lifetime by the Talking Heads

You may ask yourself...

- You may ask yourself, well, how did I get here?
- You may ask yourself, how do I work this?
- You may ask yourself, where does that highway lead to?
- ❖ You may ask yourself, am I right? Am I wrong?
- You may ask yourself, my [goodness], what have I done?

Letting the days go by, let the water hold me down
Letting the days go by, water flowing underground
Into the blue again, after the money's gone
Once in a lifetime, water flowing underground





#### Once in a Lifetime by the Talking Heads

You may ask yourself...

- ❖ You may ask yourself, well, how did we structure our special program?
- You may ask yourself, how do I implement this new policy?
- You may ask yourself, where did this adjustment lead us?
- \* You may ask yourself, is this decision beneficial for our students? Am I overlooking something?
- You may ask yourself, my goodness, what impact has my leadership had on the program's success?

Watching the semesters go by, let the memories hold me down,

Endless IEP meetings that feel longer than STAAR testing,

Back to the budget, with special ed funding always a puzzle,

Once in a lifetime, every marker in the drawer works.







## Changes in State Funding for Special Education

- Increased funding for special education
- New programs to support students with disabilities
- Expansion of resources to meet the needs of those we serve

## Changes in State Funding for Special Pation

funding for special education ms to support students with

of resource centers



### What has been happening and what should we begin to prepare for?

- Texas 88<sup>th</sup> Legislative Follow Ups
- Interim Charges for 89<sup>th</sup> Legislature Released
- New Dyslexia Manual
- New FAQ on REEDs and Reevaluations
- Mental Health
- Safety and Security

- Multihazard Emergency Operations Plan
- Texas State Plan for CTE Updates
- Transition Updates
- Behaviors,
   Discipline and You
- Twice Exceptional Students
- Emergent Bilingual Students
- SHARS Changes



#### Texas 88th Legislative Follow Ups

- Dyslexia Enhancements: Bills such as HB 3928 improve services for students with Dyslexia, updating the Dyslexia Handbook and clarifying eligibility for special education under learning disabilities.
- Safety and Security: Legislation like HB 3 boosts school safety by mandating armed security and enhancing safety protocols, while SB 133 restricts the use of force against elementary students by law enforcement and school security.
- Assessment and Accountability: HB 1416 reforms accelerated instruction for students struggling with STAAR exams, and other bills enhance parental involvement in threat assessments (HB 473).
- Post-School Transition: SB 1647 and HB 4169 focus on preparing students for the workforce with dropout recovery programs and inclusion of prevocational services under Medicaid waivers, respectively.
- Educational Funding and Policy Changes: HB 1 and SB 30 involve financial provisions for public education and special education, ensuring compliance with federal standards and supporting specific educational programs and services.



Texas Legislative Update: Special Education (disabilityrightstx.org)



### Interim Charges at the Texas House – 89<sup>th</sup> Session

#### Committee on Public Education:

- Monitor the implementation of legislation including HB 1605 (instructional materials and technology), HB 2209 (Rural Pathway Excellence Partnership), and SB 2124 (advanced mathematics program for middle school students).
- Increase educational opportunities, considering the use of education savings accounts.
- Address the increasing number of uncertified teachers and enhance opportunities for certification.
- o Improve early literacy and numeracy outcomes in Pre-Kindergarten through third grade.
- Evaluate investments to increase the number of students achieving proficiency in reading and math by the end of third grade, which implies a focus on funding effective educational interventions.

#### Committee on Youth Health and Safety:

- Ensure the implementation of HB 3 (public school safety measures) and HB 18 (protection of minors from harmful digital services).
- Evaluate behavioral health services for at-risk youth, focusing on access to community-based services and preventing the need for parents to relinquish custody for their children to receive help.

#### Committee on Appropriations:

- Examine cross-agency funding streams within the Texas Education Agency, focusing on School Health and Related Services (SHARS). The goal is to determine where overlapping programs are best fit and funded, and to make policy recommendations to improve transparency and accountability between agencies.
- Monitor the implementation and impact of appropriations under Article II, which includes various education-related funding aspects. (Although it mentions "various education-related funding aspects," this is typically in the context of health services within educational settings, such as mental health programs, health screenings, and other support services provided through schools.)





### Interim Charges at the Texas House – 89<sup>th</sup> Session

- Special Education or Children with Disabilities: There
  were no specific interim charges that directly
  addressed special education or children with
  disabilities in the information reviewed from the House.
- Section 504 or Dyslexia: There were no specific mentions of Section 504 or dyslexia in the interim charges from the House in the sections reviewed.
- Special Education or IDEA Funding: No specific mentions of IDEA or focused funding for special education were noted in the interim charges from the





### Interim Charges at the Texas Senate – 89<sup>th</sup> Session

- Education Committee:
  - Reading and Math Readiness: Focus on policies and programs that improve student achievement in reading and mathematics, especially in grades preK-5.
  - Testing Reform: Review the redesign of the STAAR test and the Texas Through-Year Assessment Pilot (TTAP), with recommendations for accelerating improvements.
  - COVID-19 Funding Oversight: Examine how public schools have utilized federal funds since the pandemic's start, focusing on improved student outcomes and efficient use of taxpayer funds.
  - General Monitoring: Oversee the implementation of various education-related legislation, including public school safety, library procurement policies, and instructional materials.





### Interim Charges at the Texas Senate – 89<sup>th</sup> Session

- Special Education or Children with Disabilities: There were no specific charges directly mentioning special education or children with disabilities.
- School Medicaid or SHARS: These topics were not specifically addressed in the interim charges related to K-12 education.
- Section 504 or Dyslexia: There were no direct references to Section 504 or dyslexia in the charges.
- School Funding: While not directly addressing funding mechanisms like enrollment versus attendance, there is an oversight charge related to the effective use of federal COVID-19 funds in schools, which relates to broader funding usage and accountability.
- Special Education or IDEA Funding: No specific mentions of IDEA or special education funding were noted in the reviewed charges.





#### Revised Dyslexia Handbook: Overview of Changes

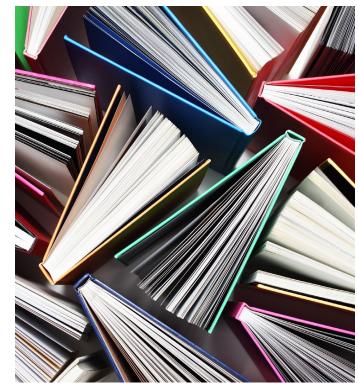
- Refinement of Screening and Evaluation Processes: The handbook updates guidelines for the screening and evaluation of students, ensuring that these processes are more aligned with the latest research and best practices in the field of dyslexia. This includes detailed guidance on the use of specific screening tools and evaluation criteria.
- Updated Definitions and Characteristics: The definitions and characteristics of dyslexia have been revised to reflect current understanding, emphasizing the neurobiological basis of dyslexia and its manifestations in reading and spelling difficulties.
- **Inclusion of Dysgraphia:** The new edition includes a separate section on dysgraphia, providing clarity on its identification and the instructional strategies that can be effective for students with this related disorder.
- Enhanced Instructional Guidelines: There are more comprehensive guidelines for the instructional approaches recommended for students with dyslexia. These are evidence-based and focus on structured literacy approaches known to be effective for students with reading difficulties.
- Expanded Parent and Educator Resources: The handbook includes expanded resources and FAQs aimed at both parents and educators, providing greater support and understanding of dyslexia and related disorders.
- Legal and Compliance Updates: It incorporates recent legal updates and compliance requirements to
  ensure that schools are fully informed of their responsibilities under state and federal laws concerning
  students with dyslexia.





#### Revised Dyslexia Handbook: Noted Issues

- Removal of Appendix: The removal of the appendix from the Handbook enables TEA to revise the FAQ section without SBOE approval, potentially impacting transparency and consistency. This allows for more adaptive updates but reduces oversight from SBOE.
- Training Requirements for PDIs: The concern arises from the removal of the word "trained" before "PDI," suggesting PDIs might not require specific training. This could affect dyslexia service quality as the handbook previously emphasized qualifications and training for personnel.
- Qualifications for MDT/ARD Members: Advocacy for individuals working towards a "most-advanced" credential to be
  exempt from TDAs resulted in recognition for those pursuing an LDT or similar credential. This aligns with ongoing
  professional development advocacy.
- Timeline for Completing TDAs: Advocacy for a more flexible TDA completion timeline for MDT/ARD members without an advanced credential led to a shift from a school-year to a one-calendar-year deadline, offering more flexibility.
- Timing of First-Grade Screening: Changes to the timing of first-grade screening impact operational execution. Shifting it to mid-school year with a hard deadline of January 31 might aid early identification and intervention.
- Availability of MDT/ARD Members: The Handbook's lack of a clear definition for "available" MDT/ARD members leaves LEAs to determine their availability, potentially resulting in inconsistencies in dyslexia interventions and assessments.







**Question and Answer Document** 

Review of Existing Evaluation Data and Reevaluation







- Definition and purpose: Review of existing data to determine if additional assessments are necessary.
- Conducted by: ARD committee and other qualified personnel.
- Meeting requirements: ARD committee meeting not always required.
- Timing: Specific timelines outlined for initial evaluations and threeyear reevaluations.
- Parental consent: Required differently for initial evaluations and subsequent reevaluations.
- Outcomes: Steps to take if additional data are needed or no new data are required.

#### Reevaluation:

- Frequency and triggers: At least every three years, unless additional evaluations are warranted sooner.
- Personnel involved: Similar to initial evaluation but tailored to the student's current needs.
- Content: Must include a summary of the student's current functioning and needs.
- Parental involvement: Consent required for additional assessments, procedures if consent is not given.

#### Special Cases:

- Handling of specific disabilities like OHI: When to gather new data from medical providers.
- Graduation: No reevaluation required if eligibility ends due to graduation.



#### Multihazard Emergency Operations



The bill requires public schools to ensure the safety of individuals with disabilities or impairments not only during mandatory school drills but also during any disaster or emergency situation that may occur while school is not in session.

Purpose of Multihazard Emergency Operations for Individuals with Disabilities
Texas Education Code, Section §37.1086
General Considerations
Preparedness
Considerations for Preparedness
Other Considerations
Buddy System
Medication Management
Access to Communication
Go Kits
Mandatory School Drills (19 TAC, 103.1209; Texas Education Code, Section 37.114)
Practices for Certain Impairments
Response
Considerations for Response
Recovery
Considerations for Recovery
Reassurance
Reassurance Considerations

### Support for Students with Disabilities in CTE Programs

- Equal Access: Ensures students with disabilities have equal access to CTE programs through specific strategies and adherence to ARD processes.
- Work-based Learning: Integrates work-based learning and pre-employment transition services to support career readiness and transition to postsecondary education.
- **Professional Development**: Provides training for educators on adapting curricula and classrooms to meet the needs of students with disabilities.
- Monitoring and Evaluation: Includes mechanisms to monitor participation and prevent discrimination against students with disabilities.
- Support Services: Enhanced advising, tutoring, and career coaching, along with necessary accommodations to promote success.
- Funding: Utilizes Perkins funds to support essential services like childcare, transportation, and textbook loans.
- Comprehensive Assessment: Requires local needs assessment to identify and address barriers faced by students with disabilities in accessing and succeeding in CTE programs.







#### Transition Updates

#### Policy Recommendations:

The Texas Governor's Committee on People with Disabilities has made policy recommendations to support the transition planning services for students with disabilities. This includes increasing literacy support for students who are blind and students with dyslexia, and ensuring every student with a disability receives proper transition planning services.

#### Transition and Employment Designee (TED) Training:

Information and resources related to Transition and Employment Designee (TED) training requirements have been updated to ensure that every student with a disability receives the necessary support for a successful transition to work and/or post-secondary education.

These updates reflect Texas's commitment to improving the transition process for students with disabilities, ensuring they receive the support and resources necessary for their post-school activities.

## Behaviors, Discipline and You



Behavior Intervention Plans (BIPs): HB 785 requires that BIPs, which are part of a student's Individualized Education Program (IEP), must be reviewed annually at a minimum, and more frequently as needed, especially if they are not found effective.



Functional Behavioral Assessments (FBAs): If an FBA has never been conducted or the most recent one is over a year old, HB 785 mandates that the local education agency (LEA) must seek consent from a student's parent/guardian to conduct an FBA when a disciplinary action results in a change of placement for a student receiving special education services.



Review and Revision of FBAs and BIPs: The ARD committee must review and, if necessary, revise a student's existing FBA or BIP when a disciplinary action constitutes a change of placement under federal law.



Restraint Documentation: HB 785 adds new requirements for what must be included in the written notice to a student's parent/guardian when a student restraint is performed. This includes whether the BIP may need to be revised given the behavior that led to the restraint.



**DAEP Assessment:** school district must administer both pre- and post-assessments to assess the student's basic skills in reading and mathematics. If it has an impact on supports or identification of students for Special Education, it is important that appropriate follow up occur.



### Twice Exceptional Students 2e Students

#### Commissioner's Advisory Council for G/T Education:

The Texas Education Agency (TEA) and the Commissioner's Advisory Council have been working on updates for G/T education. They focus on increasing awareness, promoting equitable access, and improving outcomes for all special populations, including G/T students. We expect an update to the State Plan for GT soon.

#### **Priority Areas:**

One of the key priority areas identified was Equity and Access to Gifted Education. This indicates a commitment to ensuring that G/T services are accessible to all eligible students, regardless of their background.

#### Professional Development:

The TEA provides resources for professional development to ensure that educators are equipped to meet the needs of G/T students.

The TEA has also initiated the G/T Tuesdays series, which is entering its fourth year. The series aims to provide ongoing support for the implementation of the Texas State Plan for the Education of G/T Students.



### Twice Exceptional Students 2e Students

There have been updates specific to twice-exceptional (2e) students in Texas. The Texas Education Agency (TEA) provides resources and guidance to support the unique needs of 2e students.

- Twice Exceptional Learners (2E): The TEA's GT Equity section includes information on twice-exceptional learners, highlighting
  their strengths and challenges. It emphasizes that 2e students may exhibit behaviors that can mask their needs for G/T
  services.
- Identification and Equity: The TEA has resources focused on identifying gifted students from culturally, linguistically, and
  economically diverse backgrounds. This includes 2e students, ensuring they are not overlooked due to biases or barriers in
  the identification process.
- **Professional Development:** The TEA offers professional development resources to help educators better understand and teach 2e students. This includes training on the characteristics of 2e learners and how to address their unique educational needs.
- The Twice-Exceptional Dilemma: A guidebook is available that discusses the characteristics and needs of twice-exceptional learners, providing educators with insights into the complexities of teaching and supporting 2e students.
- Creativity and Innovation: The TEA and Commissioner's Advisory Council have included twice-exceptional students in their discussions on creativity and innovation within G/T services.



# Emergent Bilingual Students (EB)

#### Strategic Plan Implementation:

 The Texas Education Agency (TEA) has been working on a strategic plan to provide a blueprint for support needed to bring intentionality and focus to the large population of emergent bilingual students in Texas schools.

#### Updated Identification and Monitoring Process:

 The TEA has updated the process for identification and monitoring of emergent bilingual students to meet recent legislative changes. This includes 10 required standardized letters for steps such as Home Language Survey, Identification and Approval of Placement, Denial Letters, and Change of Service.



#### What things should be on our horizon?

- Charges from the federal level
- Concerns from national associations
- Concerns at the state level

SHARS Changes





### Federal Focus: Be Aware of Possibilities

- Early Childhood Education
- Addressing Student Mental Health
- Full Funding of IDEA
- Access to Healthcare Services
- School Medicaid Expansion
- Inclusive Education Practices
- Transition Services
- Application of MTSS to SPED Students

#### OSEP Report to Congress on IDEA: Concerns Noted

- **Dispute Resolution**: Addressing the efficiency and effectiveness of dispute resolution processes for families.
- Early Intervention Services: Evaluating the availability and quality of early intervention services for infants and toddlers.
- Educational Environments: Assessing the inclusivity and appropriateness of educational settings for children with disabilities.
- Participation and Performance on State Assessments: Analyzing the participation rate and performance of students with disabilities on standardized assessments.
- Special Education Workforce: Concerns about the shortage and qualifications of special education teachers and paraprofessionals.
- Transition Services: Focusing on the transition planning and services for students moving from high school to postsecondary activities.
- **Disparities in Identification and Services**: Investigating disparities in the identification of disabilities among different racial and ethnic groups and the provision of services to them.



#### Navigating the Landscape: Poverty, Medicaid, and SHARS Participation



#### Child Poverty

- Children have the highest rate of poverty in the United States, compared to other age groups.
- The national poverty rate was 12.8% in 2021, while the child poverty rate (for people under age 18) was 16.9% in 2021.
- The national child poverty rate was 16.9% but there was considerable variation among states, ranging from 8.1% to 27.7%.
- In 2021, the child poverty rate in Texas improved compared to 2010, decreasing from 26% to 19%. However, it was still higher than the national poverty rate by over 2%.
- The number of children living in poverty in Texas was reported to be approximately 1.5 million.
- This is one in every five children.

U.S. Poverty Rate Is 12.8% but Varies Significantly by Age Groups (census.gov)



#### Essential Living Income

- In 2021, the average total personal consumption cost in Texas was approximately \$45,114 per year. Let's break down the costs for housing, food, and other basic expenses:
  - Housing and Utilities: Average monthly housing costs in Texas ranged from \$1,025 to \$1,867.
  - Health Care: The average annual health care cost per capita in Texas was \$6,593.
  - Food and Beverages (non-restaurant): The average annual cost for food and beverages (excluding restaurants) per capita in Texas was \$3,471.
  - Gas and Energy Goods: The average monthly utility costs in Texas were around \$402.
  - All Other Personal Expenditures: This category includes various personal expenses and had an average annual cost of \$26,312 per person.
- In summary, the average monthly cost per person in Texas was approximately \$3,7601. Keep in mind that these figures are based on averages and can vary depending on individual circumstances and location within the state.



### Childhood Medicaid

- Medicaid is now the single largest source of health coverage for children in the United States.
- Nationally, more than half of all school-aged children and youth are covered by Medicaid.
- Making health services available in schools for all Medicaid-enrolled students can significantly increase the number of students accessing them and reduce burdens for families.
- Students are six times more likely to access mental health care when these services are offered in school.



### School Medicaid Makes a Difference

#### For Children:

- <u>Access to Services</u>: SHARS ensures that children have access to medical, psychological, and other health-related services directly at school. This can include speech therapy, physical therapy, occupational therapy, psychological services, and more.
- <u>Early Intervention</u>: By providing services in the school setting, SHARS facilitates early identification and intervention for health issues, which can be crucial in a child's development.
- <u>Inclusive Education</u>: SHARS supports the needs of children with disabilities or special health care needs, helping them to participate more fully in their educational environment.



### School Medicaid Makes a Difference

#### For Schools:

- <u>Financial Support</u>: Schools can receive reimbursement for providing eligible health-related services. This financial support can help schools maintain or expand health services available to students.
- <u>Enhanced School Health Programs</u>: With SHARS funding, schools can enhance their health programs, ensuring a broader range of services and potentially better overall health outcomes for students.
- Holistic Education: Schools that integrate health services into their daily operations often see improvements in academic performance, attendance, and student well-being.



# SHARS Funding



# Participating in SHARS is Optional

Tip: Consider the implications of participation.

#### Student Impact:

How will participating in SHARS improve the health and educational outcomes for our students?

#### Resource and Compliance Feasibility:

Do we have the necessary resources and expertise to manage the administrative and compliance requirements of SHARS effectively without compromising other educational services?

#### Financial Viability:

Will the financial reimbursements from SHARS substantively offset the costs involved in implementing and maintaining the program, and how will this impact our overall budget and funding for other school programs? How will it impact if we don't participate?



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# Remember: Funds Come with Strings Regardless of the Source

Understand and Adhere to Funding Requirements:

Carefully review all funding source documentation to understand the terms, conditions, and specific requirements. This includes deadlines, reporting expectations, and how the funds must be used.

# Effective Implementation Planning:

Develop a detailed implementation plan for the program. This should outline requirements, timelines, roles, and responsibilities.

# Maintain Accurate and Detailed Records:

Keep meticulous records of all transactions and activities related to the funding source. This is crucial for audits and required reporting to the funding provider.

#### Regular Monitoring and Reporting:

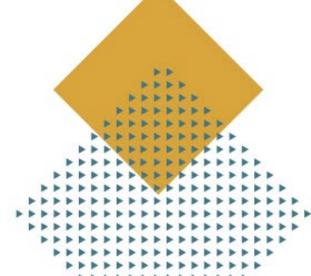
Monitor the progress of funded projects regularly to ensure they are on track to meet requirements within the stipulated timelines. Prepare and submit all required reports to as scheduled to demonstrate transparency and accountability.

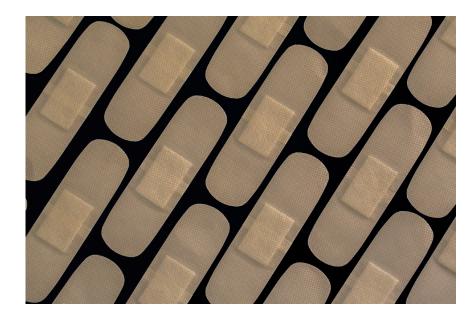
# Evaluate Outcomes and Compliance:

Consistently monitor the program's progress and performance against requirements. Regularly assess compliance with these stipulations and adapt implementation strategies as needed to ensure ongoing adherence.

Tip: SHARS funds have requirements like all funding sources.









School health services such as SHARS are important because they helps bridge the gap between education and health care, ensuring that all students have the support necessary to succeed both academically and in life.



# SHARS in the Spotlight



### SHARS in the News in 2024

#### **Funding and Operational Challenges:**

- Significant upheaval in funding, with a \$400 million reduction.
- Districts facing challenges due to changes in the Random Moment Time Study (RMTS) rates.
- Over 50% of districts have challenged their settlement offers.

#### **Impact on Funding:**

- Texas school districts lost approximately \$300 million in Medicaid reimbursements for special education students.
- The funding reduction is a result of a federal audit finding and subsequent appeal loss by HHSC.

#### **Training and Conferences:**

• New procedures established by Texas Health and Human Services Commission (HHSC) for Federal Fiscal Year 2023 Cost Report submissions.

#### **Grant Opportunities:**

- A \$50 million Center for Medicare & Medicaid Services grant available to enhance SHARS/school Medicaid program.
- Potential focus on expanding mental health support services.

#### **Advocacy and Moving Forward:**

- Importance of advocacy in dealing with program changes.
- Encouragement for school board members to meet with district SHARS staff and promote staff participation in training.



### SHARS in the News in 2024

The concerns regarding potential abuse, misuse, and fraud in the School Health and Related Services (SHARS) program in Texas in 2024 have been highlighted in several articles and official documents. Here's a summary of the information:

#### **Documentation and Legal Consequences:**

- <u>Districts are warned that any documentation found to be created beyond the allowed period may subject them to civil and criminal prosecution and referral to the Office of the Inspector General (OIG) for fraud, waste, and abuse<sup>1</sup>.</u>
- The Texas Medicaid Provider Procedure Manual (TMPPM) emphasizes that service documentation should be generated at the time of service or shortly thereafter.

#### **Self-Monitoring and Risk Assessment:**

- The Texas Education Agency (TEA) provides a SHARS Self-Monitoring Tool to help Local Education Agencies (LEAs) assess their compliance with SHARS standards<sup>2</sup>.
- This tool is designed to minimize exposure to provider waste, program abuse, and fraud<sup>2</sup>.

#### **Informal Review and Appeals Process:**

• <u>LEAs have the opportunity to submit an informal review and appeal recoded moments, but they must include comprehensive documentation, such as the full name of the person who responded to the RMTS, the full student name, a copy of the student's Individualized Education Program (IEP), and contemporaneous service or billing logs<sup>1</sup>.</u>

This summary reflects the heightened scrutiny and the measures taken to ensure the integrity of the SHARS program, as well as the challenges faced by districts in navigating the complex requirements and potential legal ramifications associated with compliance.



# Interim Charges at the Texas House – 89<sup>th</sup> Session

#### Committee on Appropriations:

OExamine cross-agency funding streams within the Texas Education Agency, focusing on School Health and Related Services (SHARS). The goal is to determine where overlapping programs are best fit and funded, and to make policy recommendations to improve transparency and accountability between agencies.

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### Committee on Youth Health and Safety:

oEvaluate behavioral health services for at-risk youth, focusing on access to community-based services and preventing the need for parents to relinquish custody for their children to receive help.

interim-charges-88thLeg.pdf (texas.gov)



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- School Medicaid or SHARS: These topics were not specifically addressed in the interim charges related to K-12 education.
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2024-Interim-Legislative-Charges.pdf (texas.gov)



### Federal Charges

- Formally declared that our country is <u>facing a child and youth mental health</u> <u>crisis</u>.
- Passage of <u>Bipartisan Safer Communities Act</u> (June 2022).
- CMS <u>Informational Bulletin on school Medicaid</u> (August 2022).
- CMS released a <u>guide on May 18, 2023, to streamline Medicaid and CHIP</u>
   <u>services in school</u>s, enhancing billing flexibility and provider qualifications
   under new federal guidelines.
- In June 2023, CMS launched <u>a technical assistance center</u> to support the implementation of these Medicaid service enhancements in schools, providing resources and guidance for compliance.



### Federal Focus

Medical necessity

Provider qualifications

Orders and referrals

Parental consent and confidentiality

Third party liability

Random moment time study

State portion funding validations

School-Based Services for Students Enrolled in Medicaid (macpac.gov)



### Key Aspects of School-Based Medicaid Services

**Importance of School Medicaid** 

Medicaid and CHIP Overview in Schools

**Scope of Services** 

**Service Delivery and Confidentiality** 

**Billing and Claiming** 

**Special Considerations** 

**Documentation and Compliance** 

Program Enhancements and Flexibilities

- Schools play a crucial role in delivering health care services, which helps improve both health and academic outcomes for children, especially those enrolled in Medicaid and CHIP.
- Close collaboration is required between state Medicaid/CHIP agencies and educational bodies to ensure Medicaid-enrolled students receive the necessary health services at school.
- Medicaid services in schools now extend beyond traditional individualized education programs (IEPs) to include preventive care and mental health services, facilitated by the "Free Care" policy allowing broader Medicaid billing.
- Services can be delivered through managed care and telehealth, with a focus on maintaining confidentiality and the necessity for parental consent.
- Schools must adhere to specific requirements for administrative claiming and maintain accurate cost reporting to ensure compliance and proper reimbursement from Medicaid.
- Guidance is provided on handling logistical aspects such as transportation, vaccines, and third-party liabilities within school-based Medicaid services.
- Detailed documentation is crucial to support Medicaid claims and to comply with federal and state standards.
- Recent changes aim to reduce administrative burdens, introducing new billing, payment, and documentation flexibilities to streamline processes and enhance service delivery in schools.



<u>Delivering Services in School-Based Settings: A Comprehensive Guide to</u>
Medicaid Services and Administrative Claiming





### Office of Inspector General Audits

#### **Audit Overview:**

Audits of school-based Medicaid programs were conducted across various states, recommending a total refund of approximately \$1.18 billion to CMS over a 21-year period.

#### **State Agency Response:**

Most state agencies disagreed with the OIG findings, but only minor revisions were made by the OIG in response to these disagreements.

#### **Audit Methodologies:**

Different methodologies were employed, focusing on Random Moments in Time Study (RMTS), Medicaid Administrative Claiming (MAC) files, service documentation, and individual claims.

#### **Major Findings:**

Insufficient documentation to support Medicaid claims.

Billing for services on days students were not present.

Overbilling services beyond what is covered in the Plan of Care.

Non-compliance with provider requirements, especially concerning federal regulations.

Inadequate state agency oversight over local education agencies (LEAs).



Office of the Inspector General School-Based Medicaid Reports: A Consolidated Review - Healthy Students, Promising Futures (healthystudentspromisingfutures.org)

# Disability Rights Involvement in SHARS

Overbilling Issues:

Highlighting recent findings that Texas school districts have overbilled Medicaid through the SHARS program, leading to a requirement for these schools to repay the excess funds and facing reduced future reimbursements.

Impact on Special Education:

Discussing the potential reduction in funds available for special education due to the overbilling, which could affect the services provided to students with disabilities.

**Parental Actions:** 

Providing guidance on what parents can do if their child's school denies necessary health-related services due to funding issues, including advocacy at ARD (Admission, Review and Dismissal) meetings.

Options for Denied Services:

Outlining steps parents can take if their student is denied necessary services.

Guidance on Reporting Districts:

Highlighting actions that can be taken to request an IEE, file a complaint with TEA, request mediation, file a due process hearing and submitting concerns of fraud, abuse and misuse of the program.

How the SHARS Issue Could Impact Special Education - Disability Rights Texas (disabilityrightstx.org)



# Things continue to change...

We need to be prepared for upcoming changes in SHARS.

Monthly updates to the TMPPM possible

Revised interpretations from HHSC and TEA

HHSC overall review of all rules and regulations

TEC and TAC clarifications, additions and changes

Legislative impacts

Federal updates, clarifications and mandates



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# Essential Points in SHARS to Consider



## Parent Consent Rule Change, Maybe

- Parent Involvement is a keystone of education. That is equally so as it relates to our SHARS program.
- January 4, 2023 the Biden Administration released the Unified Agenda for 2022 and included plans for a proposed regulation to amend the parental consent requirement in IDEA. This is a could be major step forward in removing barriers to Medicaid reimbursement for districts.
- The U.S. Department of Education proposed a rule change to IDEA. The rule has not yet finalized.
- For change to be effective, there will need to be an update to IDEA, FERPA and for Texas, to Administrative Code.



### Parent Consent Possible Rule Change

#### **Concerns:**

**Privacy**: Eliminating the requirement for parental consent could lead to concerns about the privacy of a child's medical and educational records.

Parental Rights: Reduced transparency and parental involvement in educational decisions.

Equity: Possible disparities in service provision and funding.

**Trust**: Increased distrust among parents towards educational and governmental institutions.

### **Benefits:**

Efficiency: Simplified billing process for schools and quicker Medicaid reimbursement.

**Equality**: Equal treatment of all Medicaid beneficiaries, regardless of disability status.

Reduced Administrative Work: Less paperwork for school staff.

Access to Services: Ensuring students with disabilities receive necessary services without barriers.

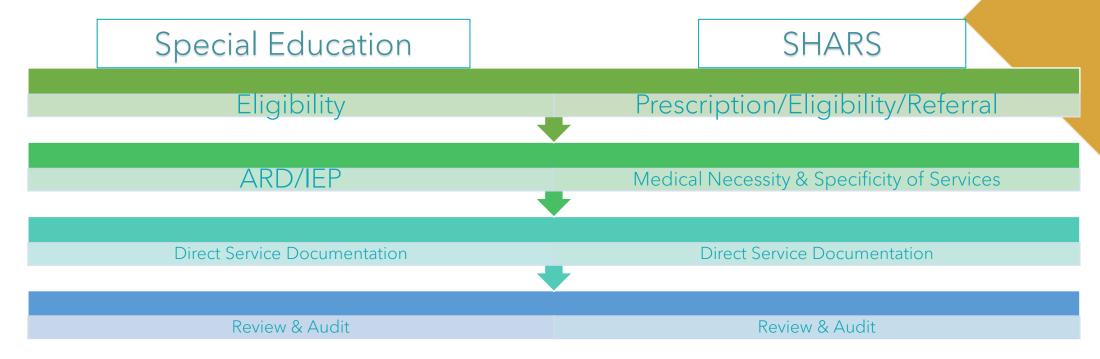


### IEP Documentation

- The purpose of the ARD Committee is to determine the services a student needs in order to receive FAPE.
- The IEP is the written document of the ARD Committee decisions.
- The IEP is not written in order to bill SHARS. SHARS can be billed because the student meets the necessary requirements, and the appropriate documentation is available.
- The IEP is used for SHARS to align the services that are determined as necessary by the ARD to services allowable in the program.



### To Bill SHARS Alignment is Essential



### Tell the same story



### Remember



Services should be based on the needs of the student. Services should be added to the IEP based on those specific needs.

SHARS should NOT drive what is in the IEP. Just because a service is not SHARS billable does NOT mean that it is not allowable. Lack of SHARS funding does not mean that a service should not be included in the IEP or delivered.

A student's NEED should drive what is in the IEP.



# Differentiating between Medical and Educational Services

Medical Services: Services that are directly related to diagnosing, treating, and managing a student's medical condition and are necessary for the functioning or improvement of that condition. These are typically services that could be provided by a healthcare professional in a medical setting; however, in a school they include a diverse set of supports.

Educational Services: Services aimed at aiding a student's learning and educational development. These do not relate to diagnosing, treating, or managing a medical condition but are aimed at academic and social learning outcomes. These are typical supports that a nondisabled student might also need.



### Personal Care Services vs Accommodations and Modifications

### A New Paradigm?

Consider services and supports in light of how they fall on the spectrum of personal care services or educational supports aligned to modifications and accommodations.



TASB SHARS 2024 Conference Materials



### Transportation

- Support Service for SHARS.
- Medical Necessity must be established.
- Specialized transportation is not the same as special transportation.
  - o Provided to/from a Medicaid service for the day the claim is made
  - Medicaid service is in IEP
  - o IEP includes the type of adaptation required and why the student needs the adaptation
  - Student requires transportation in a school bus adapted to serve the needs of a student with a disability
- A specially adapted vehicle has been physically modified
  - Wheelchair lift
  - Harnesses or protective restraint devices
  - Adaptation age appropriate or due to disability/chronic medical condition
  - Simple seat belts are not an adaptation (considering them so may be a hard sale)
  - o Bus monitor is not a special adaptation

TIP: Carefully review the transportation supplement to ensure all information is included and accurate.



# Random Moment Time Study

#### Considerations to strengthen RMTS practices.

#### Key considerations:

- What positions and people are you adding to your PL list?
- Each addition may drive the state percentage up or down.
- Each person is allowed on your cost report but ONLY if they deliver a direct medical service allowable by SHARS.
- Don't forget the role of the PL for MAC before completely removing classes of providers.
- Have you operationalized your process? Did you add it to your Operating Guidelines?
- Be prepared for audits and questions.

#### Bottom line:

If providers deliver a direct medical service or have the expectation that they may deliver service in the upcoming quarter, they should remain on your PL list. Those that do not or have no expectation of delivering services should be removed. Certain classes of staff are no longer allowed on the PL including administrators, clerical and bus monitors.



### Participant List

### Recent guidelines affect transportation staff's eligibility.

HHSC and TEA have issued new directives clarifying the roles eligible for participant inclusion of transportation aides, emphasizing the need for direct medical or personal care services.

#### Key issues:

- Transportation staff roles and SHARS eligibility
- Compliance with updated state guidelines
- Potential impact on district and state reimbursements



### Participant List

Recent guidelines affect transportation staff's eligibility.

Key considerations:

- Distinction between roles
- Eligible services and roles
- Prepare for additional questions and audits

"Please note a transportation attendant is not the same as a personal care attendant/aide. " - CMS

"The SHARS PL is intended to be a list of staff members who provide a SHARS-eligible direct medical service to a SHARS-eligible student on a regular basis. The job category is intended to describe allowable participation. Per HHSC guidance, bus drivers are not allowed to be on the list." - TEA



### Certification of Funds

- The purpose of the Certification of Funds (COF) statement is to verify that the school district incurred costs on the dates of service that were funded from state or local funds in an amount equal to, or greater than, the combined total of its interim rates times the paid units of service.
- It is more than checking that your payments were correct.
- This is more important now that ever.
- Estimate what your cost report payout may be. (TASB has an estimation tool available upon request.)



## **Cost Reporting**

 The primary purpose of the cost report is to document the provider's costs for delivering SHARS services to reconcile the provider's interim payments received for SHARS services with its actual total Medicaid allowable costs.



# **Cost Reporting**

Thinks to think about for your FFY 2023 Cost Report (and the end of the fiscal period for FFY 2024 in September.

#### Key considerations:

- RMTS moments were not recoded this time, the new methodology was applied before the percentage was determined.
- Have you requested your moments so that you can begin looking at them NOW.
- Can you begin planning now to question your moments?
- Can you provide a list of providers who documented or provided service on a day of service for a direct medical service regardless of that being the claim you sent up for payment?
- Where else are you holding documentation to support your staff included in the cost report?
- Have you taken a deep dive into your ratios?



### **Cost Reporting**

### Compliance Risk Assessment Form.

certify on behalf of that complied with all state and federal laws, regulations, rules, policies, or other guidance related to participation in the School Health and Related Services (SHARS) program, and that all costs and information reported by the LEA on the cost report comply with the aforementioned requirements and standards, including requirements that:

1) Pursuant to 1 Tex. Admin. Code (TAC) §355.8443(c) and §354.1342(5), the LEA has valid parental consent on file for all *Medicaid* students LEA Name has included in:

- 2) I certify that all supporting information to demonstrate that my LEA has complied with all state and federal laws, regulations, rules, policies, or other guidance, including detailed parental consent documents, are readily available upon request by the Health and Human Services Commission Provider Finance Department (HHSC-PFD) as outlined in 1 TAC §355.106(f).
- (3) For SHARS, failure to allow access to any and all records necessary to verify information submitted to HHSC on cost reports may result in an administrative contract violation as specified in 1 TAC §355.8443.

I understand by signing this document, I am certifying that in the cost report, the numerators of the ratios listed above only contain children with parental consent on file. Further, if at any time HHSC-PFD determines information provided is falsified or inaccurate, I understand my LEA is subject to referral to the Office of the Inspector General (OIG) for investigation for possible fraud, waste and abuse.



# Cost Reporting Ongoing Concerns

- Must be completed in accordance with the cost report instructions and reimbursement methodology rules, variation from allowable procedures depending on the reason could be constructed as purposeful.
- It is important you understand what is being done in your name, your districts name and that you are certifying.



### Ramifications of Noncompliance in SHARS

- Action Plans
- TEA Involvement
- Work with attorneys
- Provide additional documentation

Time



- Multiple staff involved
- Costly attorney fees
- Pay back money

Money



- Staff
- Parents
- Community members
- State Agency staff

Frustration



# Future Prospects and Challenges in SHARS



Parental Consent will impact your ratios. Be prepared to provide information and possibly even proof that you have it.

Reduction in Medicaid eligibility after eligibility roll back could impact your program as well as other areas in your district.

Increased scrutiny of students included in your ratios aligned to new billing requirements could be possible.

Increased scrutiny of staff included in your participant list and cost report aligned to new billing requirements could be possible.







Participant List audits questioned staff on the PL that should not be there. We might expect to be required to submit a list of paid claims with providers who are on the cost report for SHARS and more job descriptions. New definitions of who can be included.

Increased scrutiny that you have billed ALL transportation and ALL personal care services.

Increased scrutiny that you have ALL personal care service providers documenting services.



How will you prove that you have claimed all personal care service that an eligible student received within the cost report period?

How will you prove that you have claimed ALL eligible specialized transportation trips provided within the cost report period?

What impact will the seven-day documentation period have on these requirements?

What will noncompliance cost you?

How are you planning to address this potential issue?







What further changes to transportation can we anticipate?

What is an adaptation?

What is the medical necessity for the adaptation?

Is the adaptation needed because of a students age versus their disability or medical condition?

Where do simple seat belts fall as it relates to an adaptation?

Where do car seats due to the student's size fall as it relates to an adaptation?



Have you taken a good hard look at your process to ensure you are audit ready?

What have you done to ensure there is no fraudulent activities in your SHARS program?

How active are you with your billing company?

Do you know what is being done in your districts name? In your name?







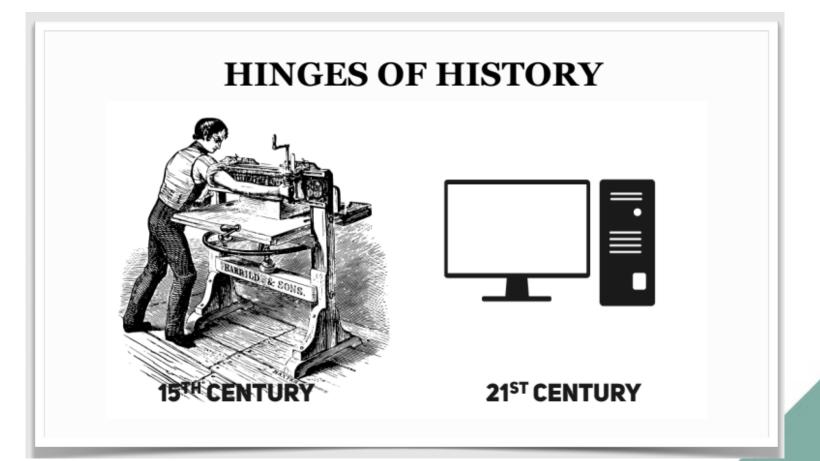
Are you on the look out...someone else is!

If any Medicaid provider or any entity contracted with that provider is offering alternative guidance that may include, but is not limited to, committing Medicaid fraud, waste, or abuse, HHSC will be required to report the entity to the Office of Inspector General (OIG) for further investigation.



### Innovative Pathways: Al in SHARS



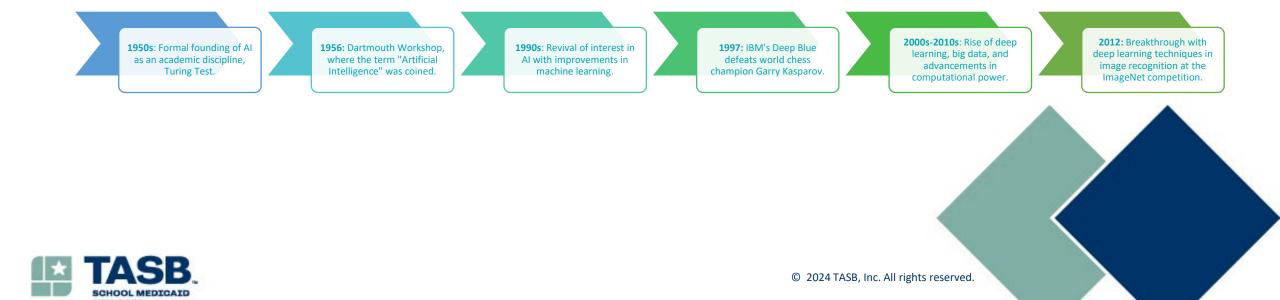


From TASA's "Leading & Learning in the World of AI" with George Couros and A.J. Juliani



### The Next Hinge of History?

AI has evolved significantly over decades, from simple machine learning models to advanced neural networks. The development of deep learning has particularly accelerated AI capabilities, leading to the creation of models that can process and understand vast amounts of data.



### 8 Everyday Examples of AI

- 1. Maps and Navigation
- 2. Facial Detection and Recognition
- 3. Text Editors and Autocorrect
- 4. Search and Recommendation Algorithms
- 5. Chatbots
- 6. Digital Assistants
- 7. Social Media
- 8. E-Payments

8 Helpful Everyday Examples of Artificial Intelligence (iotforall.com)





#### What is Artificial Intelligence (AI)?

AI is the technology that enables machines to mimic human cognitive functions such as learning and problemsolving.

### What are Large Language Models (LLMs)?

LLMs are AI models trained on vast amounts of text data.

LLMs can perform several tasks, including text generation, question answering, and analysis.



### Limitations of Large Language Models and Al

- **Bias and Fairness**: LLMs can inadvertently encode and amplify biases present in their training data, potentially leading to unfair outcomes.
- Interpretability and Transparency: Understanding how LLMs make certain decisions can be challenging, which complicates efforts to audit them or explain their behavior.
- **Dependence on Data Quality**: The accuracy and reliability of AI outputs heavily depend on the quality and diversity of the data used for training.
- **Generalization**: While LLMs are effective in handling tasks they were trained on, they may struggle with completely new types of tasks or contexts.
- Resource Intensity: Training and running LLMs require significant computational resources, which can be costly and environmentally taxing.



### Al is an enhancer, not a replacer. Enhancing our expertise, not replacing our experience.

Karlyn Keller, Ed.D.



"While the aim of AI is to make a machine act like a human, AI-augmentation isn't designed to replace humans. Instead, the goal is to take advantage of the best capabilities of humans and technology." Tina Huang ARTIFICIAL BLENDED HUMAN INTELLIGENCE VOICE JOHN SPENCER

From TASA's "Leading & Learning in the World of AI" with George Couros and A.J. Juliani



# In the Al journey, human insight remains the compass.

– Karlyn Keller, Ed.D.



## Enhancing SHARS with Artificial Intelligence

#### **Purpose of Al Use**

- Efficiency: Streamlines claims processing and service delivery.
- Accuracy: Enhances data analysis for improved decision-making.

#### **Compliance with Regulations**

- Privacy: Fully compliant with HIPAA and FERPA to ensure data security.
- Confidentiality: Strict protocols to protect sensitive student information.



### Al in SHARS - Key Considerations

#### **Data Privacy and Security**

- Ensure compliance with HIPAA and FERPA.
- Implement robust security measures to prevent data breaches.

#### **Bias and Accuracy**

- Regularly evaluate AI data inputs and algorithms for biases.
- Monitor accuracy to maintain reliable decision-making and service quality.

#### **Transparency and Explainability**

- Maintain clear, understandable explanations of AI decision processes.
- Ensure staff and stakeholders can articulate how AI impacts services.



### Managing Al Risks in SHARS

#### **Human Oversight and Skill Maintenance**

- Al supports but does not replace professional judgment.
- Communicate transparently about Al's impact on workflows.
- Participate in ongoing training to keep skills up-to-date.

#### **Regulatory Compliance Impact**

Continuously verify compliance with all relevant regulations.



### Points to Remember

#### **Data Security and Confidentiality:**

• Prioritize data security and ensure the confidentiality of sensitive information when integrating AI into your workflow.

#### **Training and Familiarity**:

• Stay well-trained and familiar with the AI tools and systems you're using to maximize their benefits.

#### **Human-Al Collaboration:**

• Understand that AI is a tool to enhance your work, not replace it. Collaborate with AI to improve efficiency and effectiveness.

#### **Adaptation and Learning:**

• Al technologies evolve, so be open to adapting to new Al solutions and continually learning to leverage their capabilities effectively.





Interactive 2024 (tcaseconvention.org)

July 14, 2024 to July 17, 2024

Join me at TCASE to learn more about AI and how it may impact the future of education.



### Developing a Strategic Action Plan



### Planning for Implementation

#### **Resource Allocation:**

• How can we most effectively allocate the funding and resources to address the specific needs of our diverse student population?

#### **Implementation Strategies:**

• What strategies can we develop to ensure the successful and timely implementation across our district?

#### **Outcome Measurement:**

• How will we measure and evaluate the impact of these changes on student outcomes to ensure they are meeting our goals?



### Successful Implementation Strategy



#### **Review Updates**

Understand changes and funding enhancements.

Consult with experts for legal and educational implications.



#### **Engage Stakeholders**

Collect feedback from teachers, parents, and experts.

Collaborate with community leaders and other districts.



#### **Assess Needs**

Identify resource gaps and current program effectiveness.

Analyze data to prioritize needs.



#### **Develop Strategies**

Set clear, measurable objectives.

Plan resource allocation for maximum impact.



#### **Implement Actions**

Assign responsibilities and deadlines.

Schedule necessary training and professional development.



#### Communicate **Progress**

Update internal and external stakeholders regularly.

Use various platforms for broad communication.



#### **Monitor and Evaluate**

**Establish metrics** for success and gather continuous feedback.

Adjust the plan based on performance and feedback.



#### **Annual Review**

Review effectiveness annually and adjust as needed.



### **Program Implementation Cycle**

#### **Organizing**

a.Commit to action

b.Identify leadership for program improvement efforts

#### **Planning**

- •Adopt clear operating procedures and program development process to be used
- Assess the current program

#### **Designing**

- •Establish the desired program design
- Publish the operating procedures
- •Plan transition to the desired program design
- Develop and implement a master plan for implementation changes

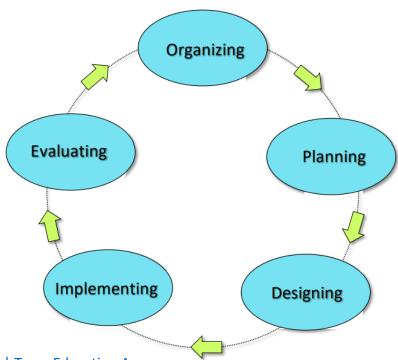
#### **Implementing**

- Make program improvements
- Make compliant decisions and procedures

#### **Evaluating**

•Evaluate your school Medicaid program

#### **Program Implementation Cycle**



School Guidance and Counseling - Guide for Program Development | Texas Education Agency



### A Strategic Implementation Roadmap

Overview of Changes:	Summarize the recent legislative updates and funding enhancements relevant to special education.
Goals and Objectives:	Define the specific goals the plan aims to achieve.
Stakeholder Engagement:	Detail the process for involving key stakeholders such as teachers, parents, and community leaders.
Needs Assessment:	Outline how to assess current resources and identify gaps.
Strategy Development:	Describe the strategies to address identified needs.
Action Items and Timelines:	List the key actions to be taken, who is responsible, and their deadlines.
Training and Development:	Include a plan for professional development necessary to implement new policies and practices.
Communication Strategy:	Explain how updates and progress will be communicated internally and externally.
Monitoring and Evaluation:	Describe the methods for measuring the effectiveness of the plan.
Review and Adjustment:	Set guidelines for the periodic review and adjustment of the plan.



### Conclusion and Next Steps



### Next Steps

- 1. Have clear Operating Procedures for your program.
- 2. Train staff on those Operating Procedures.
- 3. Participate in training opportunities as often as they are available.
- 4. Learn and grow as the technology around us grows.
- 5. Identify trusted advisors to ask questions and brainstorm best practices.
- Network with others to bounce ideas off, commiserate with and grow together.



### **Questions to Consider**

Did anything surprise you?

Do you anticipate any hurdles or barriers?

How will you create a strategic action plan?

What communication strategies will you use to get the word out?













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Join us at TCASE to learn more about planning for the future of SHARS.



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## Questions?





### **Contact Information**

Karlyn Keller, Ed.D.

**Division Director** 

TASB School Medicaid Services & Student Solutions

512-505-2896 (direct) \* 972-567-9959 (cell)

karlyn.keller@tasb.org

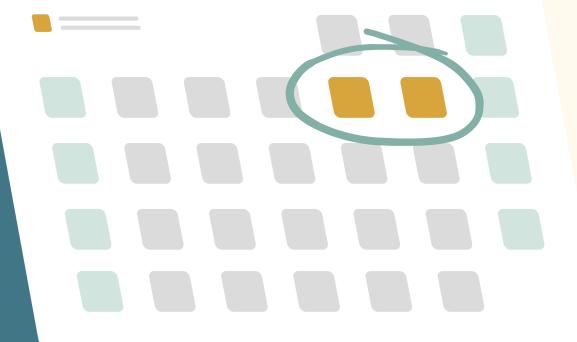


Hello my name is

## School Medicaid Services







#### **SAVE THE DATE**

SHARS Conference May 8-9, 2025

### Thank you

TASB School Medicaid Services



888-630-6606



SHARS@tasb.org



https://www.tasb.org/school-medicaid

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