09-1123-PR19 November 23, 2009

APPROVE ENTERING INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE ILLINOIS DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES AND THE BOARD OF EDUCATION OF THE CITY OF CHICAGO RELATING TO THE REIMBURSEMENT OF EXPENDITURES FOR SCHOOL BASED HEALTH SERVICES PROGRAM

THE CHIEF EXECUTIVE OFFICER REPORTS THE FOLLOWING DECISION:

Authorize the President and Secretary of the Board to execute an Agreement between the Illinois Department of Healthcare and Family Services (HFS) and the Board of Education of the City of Chicago (the "Board") regarding reimbursement of expenditures for the school based health services program ("SBHS"). A written agreement is currently being negotiated. The authority granted herein shall automatically rescind in the event a written agreement is not executed within 120 days of the date of this Board Report. Information pertinent to this agreement is stated below.

AGENCY: Illinois Department of Healthcare and Family Services
Bureau of Policy and Reimbursement Analysis
201 South Grand Avenue East, 2nd Floor
Springfield, IL 62763-0001
Phone: 217- 782-3953
Fax: 217-524-2530

USER: School Financial Services
125 South Clark Street, 14th Floor
Daryl Okrzesik, Controller
773-553-2727

DESCRIPTION:

The HFS has required all participating local education agencies to enter into a new intergovernmental agreement. Failure to do so will preclude the district from claiming Medicaid reimbursement starting with the expenditure quarter ending December 31, 2009. This new agreement will replace the previous agreements entered into pursuant to Board Report 01-0627-EX3. The agreement delineates the respective roles, responsibilities, resources and financial obligations associated with the administration of the Medical Assistance Program authorized under Title XIX of the Social Security Act as administered by HFS and maintains clear communications between both parties in the interest of our mutual clients. The agreement relates specifically to expenditures of the HFS' SBHS program.

Execution of this agreement is required to continue the Board's percentage of the federal financial participation reimbursement received through the Special Education Medicaid Matching Fund in the State Illinois Treasury and to enable the Board to receive reimbursement for the related administrative services. HFS has negotiated the provisions of this interagency agreement with the federal Centers for Medicare and Medicaid Services.

TERM: The term of this agreement shall be effective for the quarter ending December 31, 2009, and shall end when terminated by either party. This agreement shall have no options to renew.

RESPONSIBILITIES OF PARTIES:
HFS and CPS agree to facilitate the necessary implementation of this agreement. Each party has additional responsibilities pending negotiations.

CONTRIBUTION: Federal reimbursement to CPS under this program has ranged from $25 million to $50 million annually.

AUTHORIZATION: Authorization is hereby granted to the General Counsel to include other relevant terms and conditions in the written agreements and the President and Secretary are hereby authorized to execute the written Agreements. The Chief Fiscal Officer is hereby granted the authority to execute any ancillary documents that may be required to effectuate or administer this Agreement or any successive agreements of the same scope.

AFFIRMATIVE ACTION: Exempt

LSC REVIEW: Not Applicable

FINANCIAL: Not Applicable

GENERAL CONDITIONS:
Inspector General – Each party to the agreement shall acknowledge that, in accordance with 105 ILCS 5/34-13.1, the Inspector General of the Chicago Board of Education has the authority to conduct certain investigations and that the Inspector General shall have access to all information and personnel necessary to conduct those investigations.

Conflicts – The agreement shall not be legally binding on the Board if entered into in violation of the provisions of 105 ILCS 5/34-21.3 which restricts the employment of, or the letting of contracts to, former Board members during the one year period following expiration or other termination of their terms of office.

Indebtedness – The Board's Indebtedness Policy adopted June 26, 1996 (96-0626-PO3), as amended from time to time, shall be incorporated into and made a part of the agreement.

Ethics – The Board's Ethics Code adopted June 23, 2004 (04-0623-PO4), as amended from time to time, shall be incorporated into and made a part of the agreement.

Contingent Liability – The agreement shall contain the clause that any expenditure beyond the current fiscal year is deemed a contingent liability, subject to appropriation in the subsequent fiscal year budget(s).

Approved for Consideration:

Opal L. Walls

Opal L. Walls
Chief Purchasing Officer

Approved:

Ron Huberman
Chief Executive Officer

Within Appropriation:

Christina Herzog

Christina Herzog
Acting Chief Financial Officer

Approved as to legal form:

Patrick J. Rocks mk

Patrick J. Rocks
General Counsel