



### **POLICY 3.78**

**5-B** I recommend that the Board approve development of the proposed **revised** Policy 3.78, entitled “Eligibility for the Purposes of Health Insurance Coverage.”

[Contact: Dianne Howard, PX 48414.]

#### **Development**

#### **CONSENT ITEM**

- The proposed revised policy incorporates applicable changes due to the congressional enactment of the 2010 Patient Protection and Affordable Care Act (PPACA) and its companion bill, the Health Care and Education Reconciliation Act of 2010 (HCERA) ( the “Act”).
  - For the purposes of this policy, the most significant changes of the Act relates to requirement that dependent children must be covered until they are 26 years of age.
  - In addition, federal income tax rules have been revised to clarify employer-provided health coverage for dependent children.
- The revised document provides for default enrollment of an employee who does not enroll at the end of an election period.
- The time period for coverage to begin, i.e., the first (1<sup>st</sup>) day of the month following the initial thirty (30) days of employment, unless the employee’s collective bargaining agreement provides otherwise.

POLICY 3.78

1 ELIGIBILITY FOR DEPENDENTS FOR THE PURPOSES OF HEALTH INSURANCE  
2 COVERAGE  
3

- 4 1. **Purpose.** This policy is to grant District employees an option to cover themselves  
5 and their legal dependents and registered domestic partners in medical, dental and  
6 vision plans offered to eligible employees of the District. The purpose of this policy  
7 is to define and clarify eligibility and the term "dependents" as well as specify the  
8 documents required to support such dependent relationship to the District.
- 9 2. **Definitions.** The following terms are defined as follows:
- 10 a. *Eligible Employee* means a regular employee who is employed in a paid status  
11 of six (6) ~~four~~ or more hours per day, unless otherwise provided for in a  
12 collective bargaining agreement.
- 13 b. Default Enrollment – Eligible Employees are provided a specified enrollment  
14 period to actively make enrollment choices. At the end of the election period,  
15 if the employee has not made a choice, by default, the employee will be  
16 enrolled in the medical plan with the lowest employee premium contribution  
17 amount and basic life insurance at the employee only level.
- 18 c. ~~is~~ *Covered Employee* means an eligible employee enrolled in a District health  
19 plan.
- 20 d. ~~is~~ *Eligible Dependent* includes the following individuals, subject to relevant and  
21 appropriate dependent verification as required in this policy.
- 22 i. *Spouse* is a person to whom the covered employee is married, and that  
23 marriage is recognized by the laws of the State of Florida.
- 24 ii. *Qualifying Child* is a ~~an unmarried dependent~~ child of the covered  
25 employee or employee's spouse who is under the age of 26 years old, ~~for~~  
26 ~~whom the covered employee or employee spouse provides primary~~  
27 ~~support and maintenance and claims as a dependent for tax purposes,~~  
28 and is:
- 29 A. A child by birth or adoption;
- 30 B. A stepchild or registered domestic partner's child, ~~residing full-time in~~  
31 ~~the same household of the employee;~~
- 32 C. A child placed in the employee's home pending adoption by the  
33 covered employee or employee's spouse; or

34 ~~D.~~ A child for whom the employee, or the employee's spouse, has been  
35 awarded legal guardianship or custody. ~~The child must reside in the~~  
36 ~~employee's home if the child is the legal guardian or in legal custody~~  
37 ~~of the employee's spouse.~~

38 iii. *Qualifying child* is further defined to include:

39 A. *Grandchild*. A grandchild of the employee who is added as a  
40 newborn, up to the maximum time period of 18 months of age, due to  
41 the ~~unmarried~~ parent of the grandchild being covered as an eligible  
42 dependent of the employee.

43 B. *Disabled Adult Child (Over the Age of 25)*. A dependent child of the  
44 employee who is incapable of self-sustaining employment by reason  
45 of developmental disability or physical handicap, is dependent upon  
46 the covered employee for support and maintenance, and is claimed  
47 as a dependent for IRS purposes by the covered employee or  
48 spouse whom the covered employee or spouse claims as a  
49 ~~dependent for IRS purposes~~. However, the child must have become  
50 incapacitated prior to attaining 26 ~~49~~ years of age and while covered  
51 as a dependent under the District's health plan.

52 C. *Over Aged Adult Child*. An over aged adult child of a covered  
53 employee that otherwise may not be eligible for coverage may be  
54 covered in a medical plan only, until the end of the calendar year in  
55 which the over aged adult child turns 30 years of age, provided:

56 I. The child ~~Child~~ is unmarried and does not have a domestic  
57 partner or any dependents of his or her own;

58 II. The child is a resident of the State of Florida or a full-time or  
59 part-time student of a postsecondary education institution or  
60 vocational school;

61 ~~III.~~ The child is not provided coverage, nor is coverage available, as  
62 a named subscriber, insured, enrollee or covered person under  
63 any other group, blanket, or franchise health insurance policy or  
64 individual health benefits plan, or is not entitled to benefits under  
65 Title XVIII of the Social Security Act, ~~and~~;

66 IV. The covered employee covers the costs associated with an  
67 additional and separate premium than required for other eligible  
68 dependents as provided for under the District's medical plan;  
69 and.

70 V. The child has been continuously covered by other creditable

71 coverage as defined under Fla. Stat. §627.6562, without a gap  
72 of more than 63 days and provides documentation of such  
73 coverage.

74 ~~D. *Postsecondary Education Student.* An unmarried dependent child of~~  
75 ~~the covered employee who is registered as a full-time or part-time~~  
76 ~~student at a postsecondary educational institution or vocational~~  
77 ~~school may be covered through the end of the calendar year in which~~  
78 ~~the child attains the age of 25 years, provided that the child is~~  
79 ~~dependent upon the employee for at least 50 percent of their support~~  
80 ~~and maintenance.~~

81 ~~E. *Non-Student Overage Dependent.* An unmarried, 19 to 25-year-old~~  
82 ~~child dependent on the covered employee for more than 50% of his~~  
83 ~~or her financial support and maintenance and residing full-time in the~~  
84 ~~employee's home may be covered through the end of the month in~~  
85 ~~which the child turns 25.~~

86 ~~F. *Dependent of Both Parents.* An unmarried child of a divorced or~~  
87 ~~legally separated covered employee may be considered the~~  
88 ~~dependent of both parents for certain purposes under the Internal~~  
89 ~~Revenue Code.~~

90 For eligibility requirements and to obtain coverage, an eligible or qualifying  
91 child must have the characteristics as provided in the definitions herein and  
92 meet the requirements as provided by Section 4 below of this policy.

- 93 e. ~~¶~~ *Domestic Partner*, for benefit purposes, is a same-sex or opposite-sex  
94 domestic partner of a covered employee, both of whom are sharing a long-  
95 term committed relationship of indefinite duration which meets the following  
96 criteria.
- 97 i. Are at least 18 years of age or older.
  - 98 ii. Are competent to enter into a contract.
  - 99 iii. Have no blood relationship that would preclude marriage under laws of  
100 the State of Florida.
  - 101 iv. Are not married to or partnered with any other spouse, spouse equivalent  
102 or domestic partner.
  - 103 v. Have not had another domestic partner at anytime during the 12 months  
104 preceding this enrollment.
  - 105 vi. Have entered into a domestic partner relationship voluntarily, willingly,

- 106                   and without reservations.
- 107                   vii. Have shared the same regular and permanent residence in a committed  
108                   relationship for at least one year and intend to do so indefinitely.
- 109                   viii. Are jointly responsible for each other's common welfare, and share  
110                   financial interdependence and mutual obligations akin to those of  
111                   marriage.
- 112                   ix. Have provided to the Department of Risk and Benefits Management, an  
113                   affidavit of domestic partnership ~~or~~ a proof of registration and recording  
114                   as a domestic partner in the county in which they reside, as provided in  
115                   Section 5 of this policy.
- 116    3.   **Policy.** The School Board recognizes the diversity of District employees, and  
117    understands that family circumstances may vary among individual employees.  
118    Subject to agreement with the School District's insurance carrier, it is the policy of  
119    the School Board to allow eligible employees to enroll their eligible dependents,  
120    qualifying domestic partners, and the qualifying dependent children of domestic  
121    partners on their medical, dental and vision plans.
- 122                   a.   If an employee has waived his or her medical, dental, or vision coverage, the  
123                   employee cannot enroll a dependent for such coverage.
- 124                   b.   If an employee waives medical coverage, that same employee may not be  
125                   enrolled in a District medical plan as a dependent of a family member who is  
126                   also a District employee.
- 127                   c.   Verification documents required for dependents and domestic partners must  
128                   be provided to the Office of Risk and Benefits Management Department within  
129                   thirty (30) days of an employee becoming eligible for benefits, at the time of  
130                   initial employment or the period of annual/open enrollment.
- 131                   d.   The value of such benefits may be considered taxable income to the  
132                   employee, and the benefits may be available only on an after tax basis or with  
133                   certain other restrictions due to State and/or Federal regulations.
- 134                   e.   Coverage for an employee and dependents will begin the first (1<sup>st</sup>) day of the  
135                   month following the initial thirty (30) days of employment, unless the  
136                   employee's collective bargaining agreement provides otherwise.
- 137    4.   **Dependent Verification Documentation Requirements.** Documentation will be  
138    required upon enrollment for coverage, or for continued coverage, to substantiate  
139    that an individual meets the definitions of eligible dependents as defined in Section  
140    2 (c) above.

- 141 a. *Spouse*: A certified copy of a government-issued marriage certificate.
- 142 b. *Domestic Partner*: An affidavit of domestic partnership with supporting  
143 documentation, or proof of registration of the domestic partnership, as required  
144 by Section 5 of this policy.
- 145 c. *Dependent Child*:
- 146 i. ~~If younger than age 19~~ Birth through 25 years of age: ~~a~~ An original or  
147 certified copy of a government-issued birth certificate listing the names of  
148 parents; legal adoption papers as the final adoption papers or  
149 confirmation of placement for adoption purposes; or a copy of the  
150 guardianship, custody or foster care papers issued by a court.
- 151 ~~ii. If ages 19-25: An original or certified copy of a government issued birth~~  
152 ~~certificate, legal guardianship or legal custody court documents listing the~~  
153 ~~covered employee as legal guardian or granting the covered employee~~  
154 ~~legal custody; a copy of the child's driver's license or state issued~~  
155 ~~identification card; financial and residency affidavit; copy of the child's or~~  
156 ~~parent's current IRS Tax Return; and a copy of the child's current school~~  
157 ~~schedule. Additionally, if the child is not enrolled in school as a student,~~  
158 ~~the following is required: a copy of the child's driver's license or state~~  
159 ~~issued identification card; financial and residency affidavit; and a copy of~~  
160 ~~the child's or covered employee's current IRS Tax Return. In the event~~  
161 ~~the child is enrolled in school as a student the following is required: a~~  
162 ~~government issued original or certified copy of the child's birth certificate~~  
163 ~~or legal guardian court documents listing covered employee or~~  
164 ~~employee's spouse as legal guardian; a copy of the child's current school~~  
165 ~~schedule; a financial affidavit; and a copy of the covered employee's or~~  
166 ~~divorced spouse's current IRS Tax Return.~~
- 167 ~~iii.~~ iii. ~~If ages 25-30~~: An original or certified copy of a government-issued  
168 birth certificate or guardianship court documents listing the covered  
169 employee or employee's spouse as the parent or guardian; a copy of the  
170 child's driver's license or state issued identification; a certificate of  
171 creditable coverage; an over aged dependent affidavit; and student  
172 certification indicating the full-time or part-time status as a student of a  
173 postsecondary or vocational institution or a copy of the child's current  
174 school schedule. If other coverage is terminated after the child reaches  
175 age 26 ~~25~~, the child is not eligible to be covered under the parent's policy  
176 unless the child was continuously covered by other creditable coverage  
177 without a gap in coverage of more than 63 days, as provided by Florida  
178 law. A copy of the Certificate of Creditable Coverage must be provided in  
179 this situation.

- 180 iii. ~~iv.~~ *Disabled Adult Child (Over the Age of 25)*: A copy of documentation  
181 from the Social Security Administration which indicates the child has been  
182 deemed disabled. Proof must be provided 30 days prior to the child's 26<sup>th</sup>  
183 birthday ~~when the child would no longer meet the eligibility age definition.~~
- 184 iv. ~~v.~~ *Grandchildren*: Within 30 days of the child's birth, ~~if age birth to 18~~  
185 ~~months~~, a copy of a government-issued birth certificate must be  
186 presented. A grandchild beyond 18 months requires qualification under  
187 another covered eligible dependent category as provided in Section 2 of  
188 this policy.
- 189 v. ~~vi.~~ *Stepchildren*: An original or certified copy of a government-issued  
190 birth certificate listing the covered employee's spouse as a parent of the  
191 stepchild and an original or certified copy of a government issued  
192 marriage certificate of the covered employee and spouse.
- 193 b. *Loss of Eligibility for an active employee*. An active employee will lose  
194 eligibility for benefits at the end of any month in which the employee is not on  
195 an approved leave of absence and does not work the majority of the duty days  
196 in that month. Such an employee would be offered COBRA as a means to  
197 continue coverage. The employee would be subject to the normal waiting  
198 period upon returning to working their normal duty days and thereby meeting  
199 the eligibility criteria.
- 200 c. *Termination of Dependent Coverage*. Dependent coverage will be rescinded ~~is~~  
201 ~~subject to termination~~ due to the failure of the covered employee to provide the  
202 required information and/or documentation within thirty (30) days of the initial  
203 eligibility or enrollment or within 60 days of a qualifying event. A qualifying  
204 event is an event such as marriage, divorce, dissolution of a registered  
205 domestic partnership, birth or adoption of a child, and death of covered  
206 dependant ~~a spouse, child or partner.~~

## 207 5. Domestic Partnership Verification Documentation Requirements.

- 208 a. *Registration of the Domestic Partnership*. To establish a qualifying domestic  
209 partnership, an employee and his/her domestic partner must submit proof of  
210 registration and recording as a domestic partner in the county in which the  
211 employee and domestic partner reside as well as a completed Affidavit of  
212 Domestic Partnership, ~~incorporated hereto, and may be found on the~~ Risk and  
213 Benefits Management website. If the employee does not reside in a county  
214 providing for the registration and recording of a domestic partnership, the  
215 employee shall submit to the School District's Office of Risk and Benefit  
216 Management a completed Affidavit of Domestic Partnership, as provided  
217 herein and such other evidentiary documentation as required in the affidavit.
- 218 b. *Termination or Dissolution of Domestic Partnership*. If there is a change in the

219 status of a qualifying domestic partnership resulting in a dissolution of the  
220 domestic partnership, a Notice of Termination of Domestic Partnership,  
221 attached and incorporated hereto, must be completed and provided to the  
222 School District's Office of Risk and Benefit Management, within 30 days of the  
223 dissolution. A copy of the Notice of Termination of Domestic  
224 Partnership, which is incorporated herein by reference, may be found on  
225 the [Risk and Benefits Management website](#). A twelve-month waiting period  
226 from the date the Termination Statement of Domestic Partnership is signed  
227 and returned to the Office of Risk and Benefits Management must elapse  
228 before an employee can enroll a new domestic partner. The termination shall  
229 become effective on the date of filing of the termination statement.

230 c. *Automatic Termination/Dissolution of Domestic Partnership.* A registered  
231 domestic partnership shall automatically terminate upon the marriage of one of  
232 the registered domestic partners, the death of one of the registered domestic  
233 partners, or upon one of the registered domestic partners entering into a civil  
234 union with someone other than his or her registered domestic partner.

235 d. *Termination of Domestic Partnership Coverage.* Domestic partnership  
236 coverage is subject to termination due to the failure of the covered employee  
237 to provide the required information and/or documentation within thirty (30)  
238 days of the initial eligibility ~~or enrollment or within 60 days of a qualifying~~  
239 ~~event.~~ The supporting documentation shall be presented to the Risk and  
240 Benefits Management Department.

241 e. *Coverage for Domestic Partnerships Children.* Coverage for children of a  
242 domestic partnership is subject to the same enrollment and eligibility  
243 considerations as other dependent children ~~with the added requirement that~~  
244 ~~the dependent children reside in the home of the employee on a full time~~  
245 ~~basis.~~

246 6. **Additional Information Required.** An employee will be required to provide social  
247 security numbers for each enrolled dependent. Additional paper work may be  
248 required by the provider for an applicant to obtain coverage under the District's  
249 medical, dental [vision, and life insurance](#) ~~or vision~~ plans.

250 7. **Posting of Website.** [Detailed enrollment rules, plan eligibility, plan overviews and](#)  
251 [plan contact information as well as plans are available for existing, newly hired or](#)  
252 [rehired employees, is available in the Flexible Benefits Plan reference Guide which](#)  
253 [is located on the Risk and Benefits Management department's website.](#)

254 STATUTORY AUTHORITY: Fla. Stat. §§ [1001.41](#), [1001.42](#)  
255 LAWS IMPLEMENTED: Fla. Stat. §§ Fla. Stat. VI and VII, Chapter 627; [Sec. 111 of](#)  
256 [the Medicare, Medicaid and SCHIP Extension Act of 2007, Public Law 110-173](#); [Internal](#)  
257 [Revenue Code, Section 152](#)



258 HISTORY: 9/30/2009; \_\_\_/\_\_\_2011

Legal Signoff:

The Legal Department has reviewed proposed Policy 3.78 and finds it legally sufficient for development by the Board.

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Attorney

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Date