

Issues to Consider

Proposed by AEA Supervisors of PT & OT Services

This paper addresses the issues that LEAs should consider when approached by a private, for profit, therapy provider.

1. Liability issues to consider:

- a. Private therapy provided in LEA facilities opens the school to multiple liability issues. The child could be hurt or the provider could be accidentally injured.
- b. AEA Therapists have obtained a Statement of Professional Recognition from State Board of Educational Examiners (BOEE).
- c. Does the district allow other types of for-profit providers (e.g., private music teachers, private for-profit teaching center staff, private dance teachers) to see children during the school day in school facilities?
- d. Does this practice violate any of the LEA's facility-use policies? Does the district charge other outside groups when they use their facilities and do these groups remove students from school to use the facilities during the school day?
- e. Is it district policy to have contracts with outside agencies sending individuals e.g., student teachers, practicum students, researchers) into the school to work with students? Is there a formal request-approval procedure?

2. Permitting the service on school facilities may imply that the service fulfills an educational need, are you then obligated to offer it free, as a condition of FAPE, after insurance or the family will not longer cover the cost?

- a. Does permitting a private provider to serve children on school grounds imply an approval of the service?
- b. All related services are driven by the IEP. The private therapy goals may be in conflict with the IEP. No instructions are to be given to LEA staff.

3. Outside, private, services provided during the school day remove the student for his/her educational program, violating the principle of least restrictive environment. Something is not being taught or some social experience is being missed during the time spent in private therapy. Remember that:

- a. Private providers are receiving money from parents and/or third party payers for their services.
- b. No LEA or AEA personnel are supervising and evaluating the private provider.

4. Current LEA policies and procedures should be reviewed in consideration of:

- a. Student absences
- b. Attendance
- c. Use of school facilities
- d. Liability issues

Example of a Board Policy

The use of school time by non-school affiliated organizations to promote, implement or execute projects with no relationship to instruction is prohibited. The primary purpose of the school day is for instruction and other activities related to the education program.