

<u>Section J:</u> Students	Knox County Board of Education		
	Private Practitioners	Descriptor Term:	Descriptor Code: Issued:
			J-359 6/23
		Reviewed:	Revised:
		7/26	8/26

Knox County Schools recognizes that parents/legal guardians may choose to independently contract with private practitioners to access additional services which are outside of the student's educational program. The provision of services through outside providers during the school day may only be allowed with approval from the Student Support Services Department.

The additional services provided are not part of the student's educational program, are paid for by the parent/legal guardian, are not a requirement of FAPE (free and appropriate public education) and are the choice of the parent/legal guardian. Services provided by private practitioners under this policy are unrelated to, and not required to meet, the IEP, 504 or any other learning plan. Services provided under this policy do not apply to or supersede determinations made by IEP/504 teams. Specifically, the cost of all additional services provided to a student shall be the sole responsibility of the parent or legal guardian, individually by direct payment or through an applicable health insurance policy, Medicaid, or other third-party payor, that has made funds available for the payment for the services provided. The Board of Education and Knox County Schools will not be responsible for payment for the services.¹

Parents/legal guardians of students with autism spectrum disorder or developmental delay may request access for a privately paid provider of applied behavior analysis (ABA) services regardless of whether such services are medically required for the student.² Otherwise, this option of the parent/legal guardian can be extended when documentation is provided to establish the service as a medical requirement and does not disrupt the education of the student or his/her peers. A service will be deemed a "medical requirement" if adequate documentation from a licensed professional in the field of the service to be provided deems the service necessary for the student, and such documentation is provided to the Student Support Services Department. Private practitioner services must not conflict with the student's educational placement, disrupt the overall classroom environment or the delivery of instruction, or reduce the student's access to the general education program or core curriculum.

Private practitioner services must not supplant any requirements in a student's IEP or 504 plan, must not be used to meet the requirements of a student's IEP or 504 plan, and do not reduce Knox County Schools' responsibility to provide each student with a free and appropriate public education.

Services obtained through private practitioners or non-employees being in contact with children in school buildings who have obtained appropriate clearance include, but are not limited to, the following:

- Psychologist
- Speech Language Pathologist
- Music Therapist
- Physical Therapist
- Mental Health Therapist
- Board Certified Behavior Analyst/Registered Behavior Technician/Behavior Technician
- Social Worker

- Occupational Therapist

Private practitioners may only provide services during the school day consistent with their profession and pursuant to this policy.

Appropriate paperwork should be completed and on file, and the principal or designee should be aware of all practitioners/providers in the building or on the grounds. Private practitioners provide services under the supervision of the principal or his/her designee and are expected to follow all school-based procedures while on campus. Families, private practitioners, and agencies must adhere to all Board of Education policies and procedures, as well as handbook rules and regulations unique to each school, when accessing students on school campuses. Private practitioners shall adhere to the expectation outlined in Administrative Procedure J-359 when providing private pay services in a school setting.

Private practitioners are welcome to attend any IEP or Section 504 meeting upon invitation by the parent or legal guardian. Parents/legal guardians are required to notify their student's case manager in advance if they will be bringing guests to an upcoming meeting, including a private practitioner. Private practitioners are welcome and encouraged to interact with teachers and staff as they provide services for their student. Private practitioners may direct any questions or requests for information about school rules, procedures, or scheduling concerns to either the executive principal of the building they are accessing, or the Department of Student Health, Access, and Supports.

Private practitioners and organizations must provide a current, satisfactory certificate of insurance indicating coverage for commercial general liability, including sexual abuse/molestation, and automobile liability with limits not less than one million dollars (\$1,000,000.00) for each occurrence. The Knox County Board of Education shall be included as an additional insured.

Organizations shall maintain worker's compensation insurance of at least the statutory limits as required by the State of Tennessee or other applicable laws and employer's liability insurance with limits of not less than one hundred thousand dollars (\$100,000.00). Private practitioners shall not be employees of Knox County Schools. Instead, they are independent contractors and will not be covered under any worker's compensation policies for Knox County Schools employees.

All private practitioners must submit to a fingerprint TBI Criminal Background Check with results released directly to Knox County Schools. The private practitioner will bear all costs of such background check and other preemployment screens. Prior to being allowed entry pursuant to this policy, Knox County Schools must approve the results of the background check consistent with approval of employees of Knox County Schools.

Private practitioners and organizations, on behalf of employees, must provide a current, appropriate licensure identification number issued by the State of Tennessee, if applicable.

Parental Consent must be granted by the parent/legal guardian to allow access to each student for each private practitioner or agency, unless the student is an adult or otherwise authorized by Tennessee law to consent to their own medical treatment. Such documentation shall include, but not be limited to, a parental/legal guardian approved consent to release information form between the provider and the Board of Education.

To the extent that a private practitioner has access to confidential student and teacher data, including personally identifiable information (PII), Knox County Schools and the private practitioner recognize that the unauthorized disclosure of PII is prohibited by federal and state law, including, but not limited to, the

Federal Educational Rights and Privacy Act of 1974 (“FERPA”), the Tennessee Data Accessibility, Transparency and Accountability Act (“DATAA”), Individuals with Disabilities Education Act (“IDEA”), and the National School Lunch Act.^{3,4,5,6}

The Board designates the Director of Schools to establish and enforce sanctions, including but not limited to termination of a provider’s authorization to provide services on any school campus, against private practitioners for failure to comply with the provisions of this policy, and/or any other Knox County Board of Education Policy, Procedure, and/or any other applicable legal or procedural requirements.

Approvals for private practitioner services last from the date approval is granted until the final day of the school academic calendar (or, the final day of Extended School Year services, as applicable). The process for requesting approval of private practitioner services is outlined in Administrative Procedure J-359.

Legal References:

1. Public Law 101-336 (Americans with Disabilities Act); 42 U.S.C. § 12101.
2. Public Chapter 1112.
3. 20 U.S.C. § 1232g; 34 CFR Part 99.
4. T.C.A. § 49-1-701.
5. 20 U.S.C. § 1400.
6. National School Lunch and Child Nutrition Act Amendments of 1974.

Cross Reference:

- Knox County Schools Administrative Procedure AP-J-359.