



# Huron-Superior Catholic

## DISTRICT SCHOOL BOARD

### PROCEDURAL GUIDELINES THIRD PARTY PROVIDERS IN SCHOOLS

#### 1. Purpose

This procedural guideline provides information and procedures to board staff regarding agreements with external agencies/providers that support the provision of special education or mental health and well-being services to students in Huron-Superior Catholic District School Board schools. Some of these services include assessment, treatment, counselling, therapy, orientation and mobility, and transitional support services.

#### 2. Definitions

**Admin Council:** Admin Council is an established committee of senior administrators who meet regularly to discuss pertinent issues related to the operation of the board. Any concerns related to the interpretation of the procedural guideline pertaining to third party providers, agreements, or providing access to our schools shall be included on the agenda by the Superintendent of Special Education.

**Demonstration:** The demonstration of a suggested strategy or technique by an external agency/provider that may be adaptable for use in a school setting, as determined by the school principal.

**Direct Service:** The provision of service to a student on school property, during school hours, and/or during a school-sanctioned event without the presence and/or supervision of a Huron-Superior Catholic District School Board staff member. Direct service may be in the form of therapy, counselling, orientation and mobility, as well as support services to students transitioning to or from school. Other types of direct service will be reviewed on a case-by-case basis.

**External Agency:** An agency (or individual), who is/are not board employee(s), that provide professional or paraprofessional services for the provision of special education or mental health and well-being. External agencies may be public or private.

**Paraprofessional Staff:** Individuals with relevant post-secondary or on the job training and who are not members of a regulated professional College in Ontario (e.g., behavior therapists, occupational therapy or physiotherapy assistants, speech and language assistants, orientation and mobility specialists).

**Professional Staff:** Individuals who are members of a regulated professional College in Ontario (e.g., audiologists, speech-language pathologists, occupational therapists, physiotherapists, psychologists, psychological associates, social workers) who are deemed by the Huron-Superior Catholic District School Board to be essential for the delivery of programs and services for students.

**Observation:** An observation of a student in a limited range of school settings by an external agency/provider for the purpose of assisting board staff to improve student achievement or well-being, as determined by the school principal.

**Third Party Agreement:** An agreement made with an external agency (or individual) who provides service(s) to the board and/or students for the provision of special education or mental health and well-being.

### 3. Types of Third-Party Agreements

The Huron-Superior Catholic District School Board has a variety of agreements with external agencies that work with schools and/or students. These include:

- a) **Collaborative Agreements** may be government mandated and regulated (e.g., Care and Treatment agreements, Local Health Integration Network), or with public external agencies (e.g., Algoma Family Services, Algoma Public Health). Collaborative Agreements are detailed in the form of a Memorandum of Understanding (MOU). Collaborative Agreements may be renewed annually or on a multi-year basis and some cover many schools across the board's jurisdiction, while some are limited in duration and scope and may only apply to a small localized number of schools.
- b) **Board Requested Contractual Agreements** are initiated by the board with the private or public external agencies who provide defined services (e.g., psycho-educational assessments, speech and language services). Such agreements are subject to the provincial procurement directive and are developed and managed centrally and may involve the payment for services by the board. Board requested Contractual Agreements are detailed in the form of a MOU.
- c) **Parent/Guardian Requested Condition of Access Agreements** are parent/guardian financed, short-term agreements whereby private external agencies or individuals operating a business work with an individual student at one school. Requests for these agreements are initiated by parent(s)/guardian(s) and are assessed by the Superintendent of Special Education (or designate) in consultation with the school principal and any other board staff, as necessary, with reference to the student's individual, demonstrated disability-related learning needs. The decision to permit the agreement will be made by the Superintendent of Special Education (or designate) on an individual basis giving consideration to the student's dignity, inclusion, independence and availability of space. Parent/Guardian Requested Condition of Access Agreements are detailed in the form of a signed agreement between the board and the third party provider.

### 4. Criteria for Third-Party Agreements

- a) Third-Party Agreements must be aligned with the board's Catholic values, strategic priorities, mission and vision. They must respect the board's collective agreements with unionized staff, as well as the needs of the system. Services provided by an external agency are intended to complement, not duplicate work done by Huron-Superior Catholic District School Board staff and should not lead to any reduction and/or replacement of services provided by Huron-Superior Catholic District School Board personnel.

- b) Third-Party Agreements must respect the board's commitments and constraints regarding the following:
- Code of conduct.
  - Privacy and confidentiality.
  - Criminal background check with the vulnerable sector screening (CBC-VSS).
  - Equity among students.
  - Availability of space.
  - Liability and insurance.
  - Qualifications and supervision of agency staff.
  - Conflicts of interest.
  - Time commitment required of board personnel.

## 5. Responsibilities

### **Superintendent of Special Education (or designate) in consultation with Admin Council, is responsible for:**

- Coordinating third-party requests related to mental health and well-being services.
- Approving or denying requests for new Third-Party Agreements.
- Ensuring that all documentation related to the Third-Party Agreement are in place (e.g., insurance certificates, vulnerable sector checks, declaration(s)).
- Developing the agreements (MOUs), in consultation with the Director of Education (or designate), if approved.
- Making decisions regarding developing new agreements, renewing agreements and/or terminating agreements.
- Ensuring the agreements are updated and necessary.

### **School principal is responsible for:**

- The organization and management of the school, as per the *Education Act*.
- Ensuring that all external agencies (public or private) working in their school have a valid Third-Party Agreement with the board and it is followed by both parties.

### **External Agency is responsible for:**

- Providing clinical supervision to the professional or paraprofessional staff providing special education or mental health and well-being services to the board and/or student.
- Complying with the Huron-Superior Catholic District School Board's Code of Conduct.
- Providing the Superintendent of Special Education (or designate) with:
  - A written declaration that they have policies and procedures to guide the service provided, including, but not limited to, obtaining informed consent from parent(s)/guardian(s) and/or student based on age of consent/competency, as per agency policy, mandate and relevant legislation and statues.
  - Copies of the form(s) used to obtain consent from parent(s)/guardian(s) and/or student.
  - A written declaration that all service providers who have direct

contact with students, have a clear and current vulnerable sector check.

- A certificate of insurance (annually) which demonstrates that they have commercial general liability (CGL) insurance in an amount not less than \$5,000,000 per occurrence including professional and/or malpractice coverage. The Huron-Superior Catholic District School Board must be listed as an additional insured party on the CGL certificate.
- Proof of insurance through Workplace Safety Insurance Board (WSIB) while working on board property, or exemption.
- Participating in any assessment and evaluation of the service(s) engaged by the Huron Superior Catholic District School Board.
- Providing a brief summary of service to the school principal at the conclusion of the service.

## 6. Procedures

### a) Protocol for Collaborative Agreements (Appendix A)

- A public external agency that wishes to engage with the Huron-Superior Catholic District School Board to deliver special education or mental health and well-being services to students in our schools, completes the Application for Consideration of a Collaborative Agreement (**Form 1**).
- The application form and relevant documentation is submitted to and reviewed by the Superintendent of Special Education with consideration given to its alignment with the Huron-Superior Catholic District School Board's Strategic Priorities, mission and vision and compliance with the criteria for Third-Party Agreements, as set out in this procedure.
- If the application is denied:
  - The Superintendent of Special Education will contact the external agency to request further information, or to advise their application has been denied.
- If the application is approved:
  - The Superintendent of Special Education and Business will formalize the agreement in a MOU with a term of one year in the initial year of implementation and send to the external agency for signature.
- When the signed MOU is received, the Superintendent of Special Education (or designate) will:
  - Ensure the MOU is shared with appropriate Huron Superior Catholic District School Board staff;
  - Will advise the external agency that service can begin.

### b) Protocol for Board Requested Contractual Agreement (Appendix B)

- The Superintendent of Special Education (or designate) identifies a need for a service that is not provided by Huron-Superior Catholic District School Board staff (e.g., transitional support, orientation and mobility, specialized behaviour consultation).
- In consultation with the Business Department, the Superintendent of Special Education will determine the appropriate procedures for identifying specific external agencies/providers with the required skill and staff as outlined in our procurement policy.
- Once approved, the Superintendent of Special Education and Business will:
  - Formalize the agreement in a MOU with the term of one year and send to the external agency for signature.
  - Request relevant documentation as required.
- When the signed agreement and all relevant documentation is received, the

Superintendent of Special Education (or designate) will:

- Ensure the external agency information is shared with appropriate Huron-Superior Catholic District School Board staff.
- Advise the external agency that service can begin.

**c) Protocol for Parent/Guardian Requested Condition of Access Agreement (Appendix C and Form 2)**

- Parent/guardian makes a written request (including Form 2) for provisions of special education or mental health and well-being services by a private external agency/provider for their child within the school.
- The school principal will contact the Superintendent of Special Education (or designate).
- The Superintendent of Special Education (or designate), in consultation with the school principal, will consider board responsibilities and commitments, student's individual, demonstrated disability-related learning needs, the student's dignity, inclusion, independence and availability of space when making a decision regarding the request.
- Superintendent of Special Education (or designate) either approves or denies this request.
- If request is denied:
  - School principal advises parent(s)/guardian(s).
- If request is approved:
  - School principal ensures all relevant documentation is collected and send the parent(s)/guardian(s) the following:
    - Private External Agency Retainer Declaration (**Form 4**).
    - Summary of Service for School Administration (**Form 5**).
    - After required forms and relevant documentation are collected by the school principal, they will forward to the Superintendent of Special Education (or designate) for review.
  - Once reviewed, the Superintendent of Special Education (or designate) will:
    - Formalize the Agreement and send to the parent and external agency/provider for signature.
  - When the signed Agreement is received, the Superintendent of Special Education (or designate) will:
    - Forward a copy of the agreement to the school principal and appropriate Huron Superior Catholic District School Board staff.
    - Advise the school principal, parent and external agency/provider that service can begin.
  - Upon completion of service, the external agency/provider will provide a summary of service to the school principal (**Form 5**). This information will not be placed in the student's Ontario School Record (OSR); however, it will remain stored in a confidential and secure location for the remainder of that school year and one additional year (school principal will determine the appropriate location).
    - The school principal will review the Protocol for Parent/Guardian Requested Condition of Access Agreement (**Appendix C**) for next steps.

**d) Protocol for review of new/existing Third Party Agreements (Appendix D)**

- The Superintendent of Special Education (or designate) will solicit input annually on the effectiveness of third party agreements.
- The Superintendent of Special Education (or designate) will consider all views and opinions when making decisions to extend/renew agreements.
- If extending the agreement is denied:
  - The Superintendent of Special Education (or designate) will contact the external agency/provider and parent (if applicable) to either request additional information or to advise that the extension of agreement has been denied.
  - The Superintendent of Special Education (or designate) will advise all involved as to this change.
- If extending the agreement is approved:
  - The Superintendent of Special Education (or designate) will:
    - Update the agreement and send to the external agency/provider and parent (if applicable) for signature.
    - Request updated copies of all relevant documentation.
    - When the signed agreement and all relevant documentation is received, the Superintendent of Special Education (or designate) will:
      - Advise the external agency/provider and school that service can continue.

We wish to recognize the work of the Toronto Catholic District School Board and the Simcoe County District School Board in the creation of this procedural guideline.