



PUBLIC SCHOOLS OF NORTH CAROLINA

DEPARTMENT OF PUBLIC INSTRUCTION | June St. Clair Atkinson, Ed.D., *State Superintendent*

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Local Educational Agencies (LEAs) should consider the issues below when approached by a private, for-profit therapy provider or upon discovering student time is occupied during the school day by therapy not implemented as part of an Individualized Education Program (IEP).

1. Liability issues to consider:

- What liability does the LEA have when private therapy is provided in LEA facilities? Who is responsible if the student or provider is hurt or accidentally injured?
- Does the LEA allow other types of for-profit providers (e.g., private music teachers, private for-profit teaching center staff, private dance teachers) to see students during the school day in school facilities?
- Does this practice violate any of the LEA's facility-use policies? Does the LEA charge other outside groups when they use their facilities? Do these groups remove students from school to use the facilities during the school day?
- Is it LEA 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. Does permitting private therapy services on school facilities imply that the service fulfills an educational need? Is the LEA then obligated to offer it as a condition of a free, appropriate public education if insurance or the family will no longer cover the cost?

- Does permitting a private provider to serve student on school grounds imply an approval of the service?
- What happens when private therapy goals may be in conflict with the IEP?
- Should LEA staff follow instructions or recommendations of private therapists?

3. Outside, private services provided during the school day remove the student from his/her educational program, violating the principle of a free, appropriate public education in the least restrictive environment. Time spent in private therapy may result in missed instruction or social experience. Remember that:

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

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

- Student absences
- Attendance
- Use of school facilities
- Liability issues
- Potential conflict of interest when school-based IEP providers are also private and/or community providers

Example of a Board Policy:

The use of a student's time at school by non-school affiliated organizations to promote, implement or execute projects with no relationship to instruction is prohibited. Diverting student time from instruction and other educational activities can be construed as violating his/her right to a free, appropriate public education in the least restrictive environment. The purpose of the school day is for instruction and other activities related to the education program.

Adapted from Private Therapy Services in School Settings: Issues to Consider—Iowa Department of Education