

Date of Issue	October 2019
Original Date of Issue	October 18, 2019
Subject	THIRD-PARTY AGREEMENTS FOR THE PROVISION OF SPECIAL EDUCATION AND/OR MENTAL HEALTH AND WELL-BEING RELATED SERVICES
References	Third-Party Agreements List (staff website) Policy 2345 – Community Planning and Partnerships APM A7630 – Code of Conduct A Safe and Welcoming School Environment Policy/Program Memorandum No. 81 Policy/Program Memorandum No. 149 Municipal Freedom of Information and Protection of Privacy Act
Contact	Student Services – Special Education/Mental Health and Well-being

1. Purpose

This Administrative Procedures Memorandum (APM) provides information and procedures to board staff regarding agreements with external agencies that support the provision of special education or mental health and well-being services to students in Simcoe County District School Board (SCDSB) schools. Such services include assessment, treatment, counselling, therapy, orientation and mobility, transitional support services, etc.

2. Definitions

- 2.1 **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, etc.) who are deemed by the SCDSB to be essential for the delivery of programs and services for students.
- 2.2 **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. behaviour therapists, child therapists, youth counsellors, child and youth workers, occupational therapy or physiotherapy assistants, speech and language assistants, orientation and mobility specialist, etc.).
- 2.3 **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.
- 2.4 **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.
- 2.5 **Observation:** An observation of a student in a limited range of school settings by an external agency for the purpose of assisting board staff to improve student achievement or well-being, as determined by the school principal.

- 2.6 **Demonstration:** The demonstration of a suggested strategy or technique by an external agency that may be adaptable for use in a school setting, as determined by the school principal.
- 2.7 **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 SCDSB 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, etc.
- 2.8 **Service Collaboration Committee:** A committee established by the Superintendent of Special Education (or designate) that includes representation from SCDSB's professional and paraprofessional groups (as defined in this APM), or their union representatives. The Service Collaboration Committee performs a consultative role to review new and existing agreements.

3. Types of Third-Party Agreements

The SCDSB has a variety of agreements with external agencies that work with schools and/or students. These include:

- 3.1 **Collaborative Agreements** may be government mandated and regulated (e.g. Simcoe Muskoka Family Connexions, Care and Treatment agreements, Local Health Integration Network, etc.), or with public external agencies (e.g. Children's Treatment Network, Kinark Child and Family Services, New Path Youth and Family Services, Kerry's Place, etc.). Collaborative Agreements are detailed in the form of a Memorandum of Understanding (MOU) based on information provided in the Application for Consideration of a Collaborative Agreement (FORM A8520 - 1) as applicable. Collaborative Agreements may be renewed annually or on a multi-year basis, some cover many schools across the county, while some are limited in duration and scope and may only apply to a small localized number of schools.
- 3.2 **Board Requested Contractual Agreements** are initiated by the board with private or public external agencies who provide defined services, such as psycho-educational assessments, transitional support services and orientation and mobility services, etc. 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. The process for awarding of contractual agreements varies depending on the nature of the service and the number of agencies able to provide the service. Board Requested Contractual Agreements are detailed in the form of a MOU.
- 3.3 **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 Licence Agreement.

4. Criteria for Third-Party Agreements

- 4.1 Third-Party Agreements 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 SCDSB staff and should not lead to any reduction and/or replacement of services provided by SCDSB personnel.
- 4.2 Third-Party Agreements must respect the board's commitments and constraints regarding the following:
 - 4.2.1 the SCDSB's Strategic Priorities, mission and vision;
 - 4.2.2 Code of Conduct;
 - 4.2.3 privacy and confidentiality;
 - 4.2.4 criminal background check with vulnerable sector screening (CBC-VSS);
 - 4.2.5 equity among students;
 - 4.2.6 availability of space;
 - 4.2.7 liability and insurance;
 - 4.2.8 qualifications and supervision of agency staff;
 - 4.2.9 conflicts of interest; and,
 - 4.2.10 time commitment required of board personnel.

5. Responsibilities

- 5.1 **Superintendent of Special Education (or designate) in consultation with the appropriate superintendent, is responsible for:**
 - 5.1.1 coordinating third-party requests related to mental health and well-being services;
 - 5.1.2 approving or denying requests for new Third-Party Agreements;
 - 5.1.3 ensuring that all documentation related to the Third-Party Agreements are in place (e.g. insurance certificates, CBC-VSS, declarations, etc.);
 - 5.1.4 developing the agreements (MOUs, Licence Agreement), in consultation with the Director of Education (or designate), if approved;
 - 5.1.5 ensuring the external agency information is updated on the Third-Party Agreements List on the staff website (see references link on first page);
 - 5.1.6 establishing a Service Collaboration Committee each spring;
 - 5.1.7 reviewing the outcomes from the Service Collaboration Committee consultation and making decisions regarding developing new agreements, renewing agreements and/or terminating agreements: and,
 - 5.1.8 ensuring the agreements are updated as necessary.
- 5.2 **School principal is responsible for:**
 - 5.2.1 the organization and management of the school, as per the *Education Act*, and,
 - 5.2.2 ensuring that all external agencies (public or private) working in their school have a valid Third-Party Agreement with the board by reviewing the Third-Party Agreements List on the staff website.

- 5.3 **External Agency is responsible for:**
- 5.3.1 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;
 - 5.3.2 complying with the SCDSB's Code of Conduct;
 - 5.3.3 providing the Superintendent of Special Education (or designate) with:
 - 5.3.3.1 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 statutes;
 - 5.3.3.2 copies of the form(s) used to obtain consent from parent(s)/guardian(s) and/or student;
 - 5.3.3.3 a written declaration that all service providers who have direct contact with students, have a clear and current CBC-VSS, or a completed offence declaration (if CBC-VSS was provided the previous year) in compliance with board procedures by August 31 each year;
 - 5.3.3.4 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 SCDSB must be listed as an additional insured party on the CGL certificate; and,
 - 5.3.3.5 proof of insurance through the Workplace Safety Insurance Board (WSIB) while working on board property, or exemption.
 - 5.3.4 participating in any assessment and evaluation of the service(s) engaged by the SCDSB; and,
 - 5.3.5 providing a brief summary of service to the school principal (FORM A8520 - 4) at the conclusion of the service (only required for Parent/Guardian Requested Condition of Access Agreements).

6. Procedures

- 6.1 **Protocol for Collaborative Agreements (APPENDIX A)**
- 6.1.1 A public external agency that wishes to engage with SCDSB to deliver special education or mental health and well-being services to students in SCDSB schools, completes the Application for Consideration of a Collaborative Agreement (FORM A8520 - 1).
 - 6.1.2 The application form (FORM A8520 - 1) and relevant documentation (item 5.3.3) is submitted to and reviewed by the Superintendent of Special Education (or designate) with consideration given to its alignment with the SCDSB's Strategic Priorities, mission and vision and compliance with the criteria for Third-Party Agreements, as set out in section 4.
 - 6.1.3 If the application is denied:
 - 6.1.3.1 the Superintendent of Special Education (or designate) will contact the external agency to request further information, or to advise their application has been denied.
 - 6.1.4 If the application is approved:
 - 6.1.4.1 the Superintendent of Special Education (or designate) 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; and,
- 6.1.4.2 when the signed MOU is received, the Superintendent of Special Education (or designate) will:
 - 6.1.4.2.1 ensure the external agency information is added to the Third-Party Agreements List on the staff website; and,
 - 6.1.4.2.2 will advise the external agency that service can begin.
- 6.2 **Protocol for Board Requested Contractual Agreement (APPENDIX B)**
- 6.2.1 The Superintendent of Special Education (or designate) identifies a need for a service that is not provided by SCDSB staff (e.g. transitional support, orientation and mobility, specialized behaviour consultation, etc.).
 - 6.2.2 In consultation with Business Services, the Superintendent of Special Education (or designate) will determine the appropriate procedures for identifying specific external agencies with the required skills and staff.
 - 6.2.3 Once approved, the Superintendent of Special Education (or designate) will:
 - 6.2.3.1 formalize the agreement in a MOU with the term of one year and send to the external agency for signature; and,
 - 6.2.3.2 request relevant documentation as per item 5.3.3.
 - 6.2.4 When the signed agreement and all relevant documentation is received, the Superintendent of Special Education (or designate) will:
 - 6.2.4.1 ensure the external agency information is added to the Third-Party Agreements List on the staff website; and,
 - 6.2.4.2 advise the external agency that service can begin.
- 6.3 **Protocol for Parent/Guardian Requested Condition of Access Agreement (APPENDIX C and FORM A8520 - 2)**
- 6.3.1 Parent/guardian makes a written request for provisions of special education or mental health and well-being services by a private external agency for their child within the school.
 - 6.3.2 The school principal will contact the Superintendent of Special Education (or designate).
 - 6.3.3 The Superintendent of Special Education (or designate), in consultation with the school principal, will consider board responsibilities and commitments (as outlined in section 4), 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.
 - 6.3.4 Superintendent of Special Education (or designate) either approves or denies the request.
 - 6.3.5 If request is denied:
 - 6.3.5.1 school principal advises parent(s)/guardian(s).
 - 6.3.6 If request is approved:
 - 6.3.6.1 school principal sends the parent(s)/guardian(s) the following:
 - 6.3.6.1.1 a copy of APM A8520;
 - 6.3.6.1.2 Private External Agency Retainer Declaration (FORM A8520 - 3); and,
 - 6.3.6.1.3 Summary of Service for School Administration (FORM A8520 - 4).

- 6.3.6.2 after required forms (section 6.3.6.1) and relevant documentation (item 5.3.3) are collected by the school principal, the school principal will forward to the Superintendent of Special Education (or designate) for review;
 - 6.3.6.3 once reviewed, the Superintendent of Special Education (or designate) will:
 - 6.3.6.3.1 formalize the agreement in a Licence Agreement (will include licence fees [if applicable], conditions of use, hours of operation, CBC-VSS, indemnifications and insurance, etc.) and send to the external agency for signature.
 - 6.3.6.4 when the signed Licence Agreement is received, the Superintendent of Special Education (or designate) will:
 - 6.3.6.4.1 ensure the external agency information is added to the Third-Party Agreements List on the staff website;
 - 6.3.6.4.2 forward a copy of the agreement to the school principal; and,
 - 6.3.6.4.3 advise the school principal and external agency that service can begin.
 - 6.3.6.5 upon completion of service, the external agency provider will provide a summary of service to the school principal (FORM A8520 - 4). This information will not be placed in the student's Ontario Student 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).
 - 6.3.6.5.1 The school principal will review the Protocol for Parent/Guardian Requested Condition of Access Agreement (APPENDIX C) for next steps.
- 6.4 **Protocol for review of new/existing Third-Party Agreements (APPENDIX D)**
- 6.4.1 A Service Collaboration Committee will be established each year by the Superintendent of Special Education.
 - 6.4.2 The committee will meet once per year in the spring to review new Third-Party Agreements established during the school year and/or existing that school year.
 - 6.4.3 The committee chair(s) will share a record of the meeting with the Superintendent of Special Education (or designate).
 - 6.4.4 The Superintendent of Special Education (or designate) will consider the views and opinions of the Committee when making decisions to extend/renew agreements.
 - 6.4.5 If extending the agreement is denied:
 - 6.4.5.1 the committee chair will contact the external agency to either request additional information or to advise that the extension of agreement has been denied; and,
 - 6.4.5.2 the Superintendent of Special Education (or designate) will ensure the external agency information is removed from the Third-Party Agreements List on the staff website.
 - 6.4.6 If extending the agreement is approved:
 - 6.4.6.1 the Superintendent of Special Education (or designate) will:

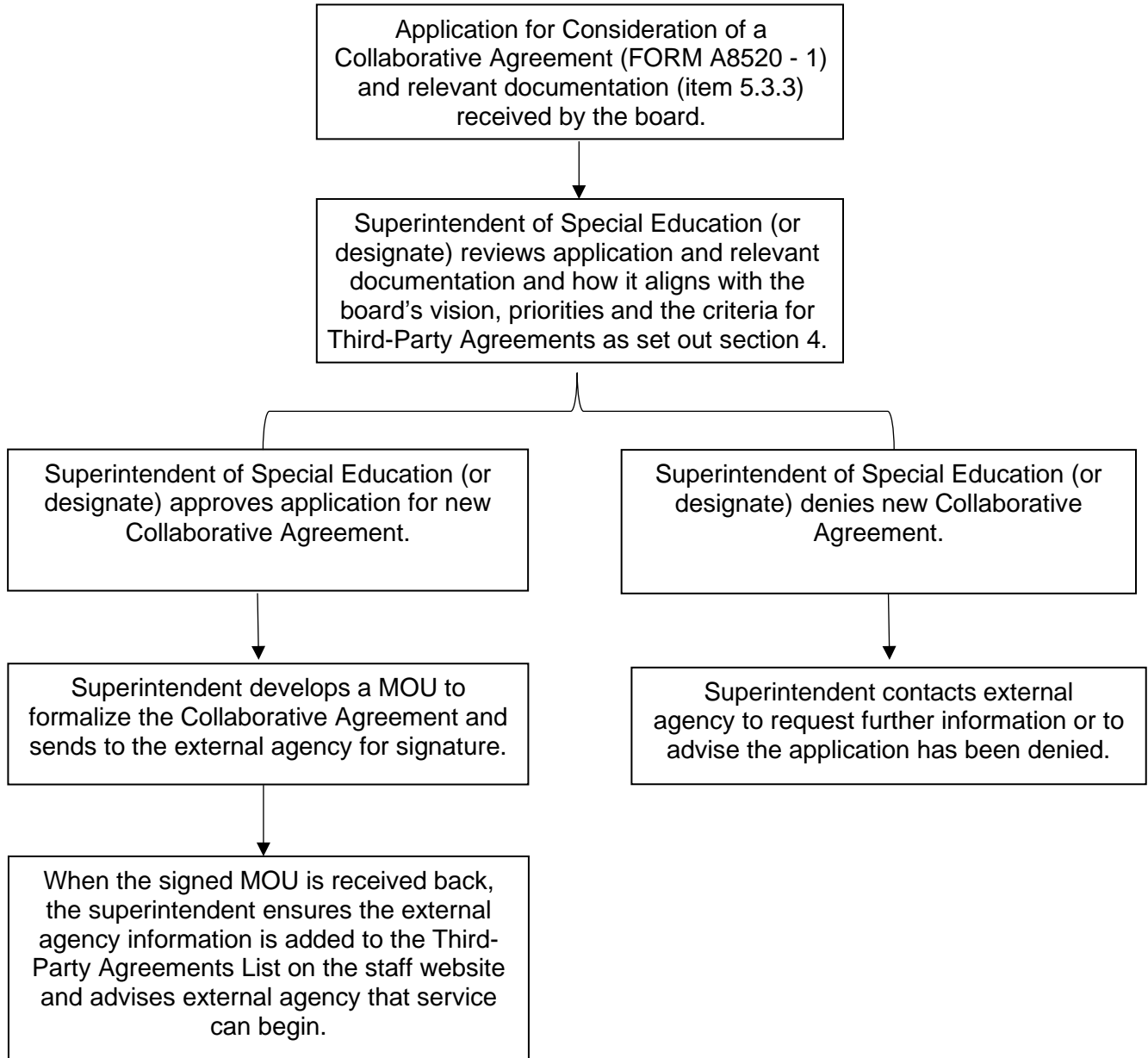
- 6.4.6.1.1 update the agreement and send to the external agency for signature; and,
- 6.4.6.1.2 request updated copies of all relevant documentation as per item 5.3.3.
- 6.4.6.2 when the signed agreement and all relevant documentation is received, the Superintendent of Special Education (or designate) will:
 - 6.4.6.2.1 ensure the external agency information is updated on the Third-Party Agreements List on the staff website; and,
 - 6.4.6.2.2 advise the external agency that service can continue.

First Issued
Revised

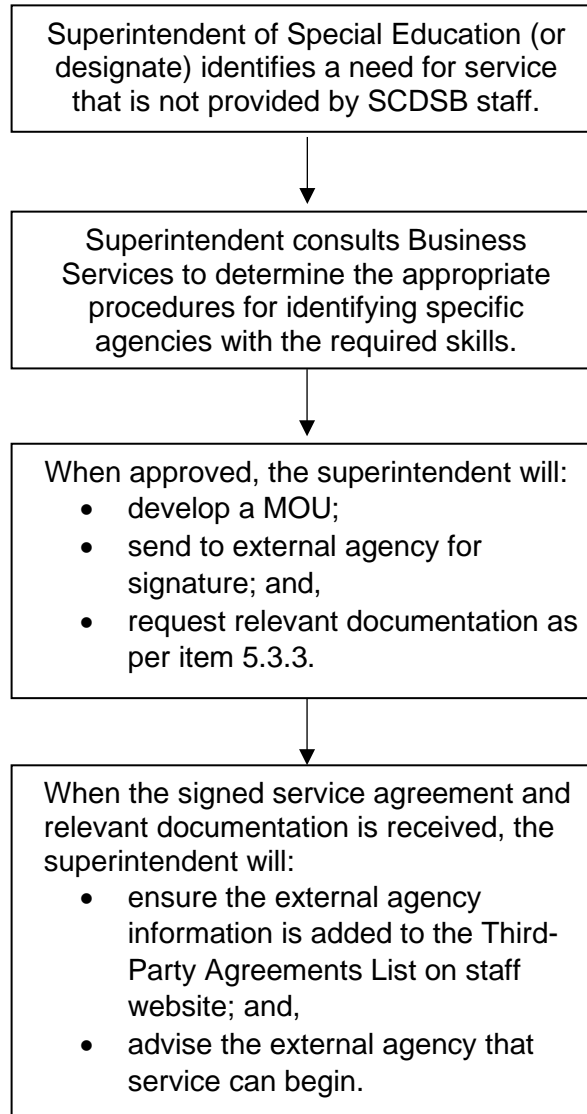
October 2019

Issued under the authority of the Director of Education

PROTOCOL FOR COLLABORATIVE AGREEMENTS



PROTOCOL FOR BOARD REQUESTED CONTRACTUAL AGREEMENTS



**PROTOCOL FOR PARENT/GUARDIAN REQUESTED CONDITION
OF ACCESS AGREEMENT**

Privately Funded External Agency Service Providers

Services obtained by the parent/guardian (e.g. Intensive Applied Behaviour Analysis [ABA] etc.)

- parent/guardian make a written request to the school for service by a private external agency;
- school principal contacts the Superintendent of Special Education (or designate) to review request;
- the Superintendent of Special Education (or designate) and school principal will consider the following when making a decision:
 - board responsibilities and commitments as outlined in section 4;
 - student's individual, demonstrated disability-related learning needs;
 - student's dignity;
 - inclusion and independence; and,
 - availability of space.

If denied - school principal will contact the parent/guardian to inform of the decision.

If approved - school principal sends the parent(s)/guardian(s) the following:

- APM 8520 – Third-Party Agreements for the Provision of Special Education or Mental Health and Well-being related services;
- FORM A8520 - 3, Private External Agency Retainer Declaration (parent(s)/guardian(s) to sign); and,
- FORM A8520 - 4, Summary of Service for School Administration (external agency completes and provides to school principal).

School principal collects all required FORMS (above) and relevant documentation (item 5.3.3) and sends to the Superintendent of Special Education (or designate) for review.

The Superintendent of Special Education (or designate) will develop a Licence Agreement and send to the external agency for signature.

When Superintendent of Special Education (or designate) receives the signed agreement, they will:

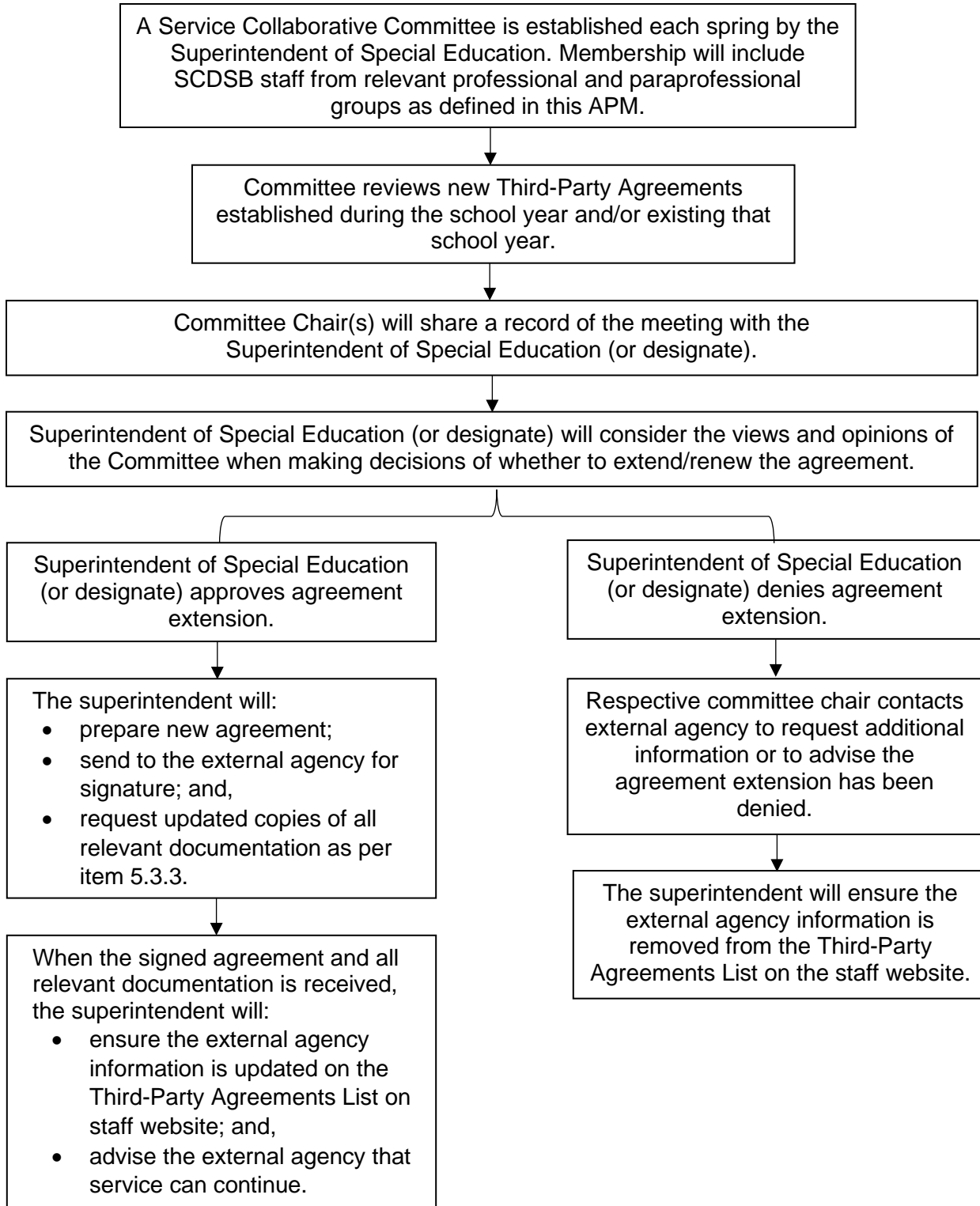
- ensure the external agency information is added to the Third-Party Agreement List on the staff website;
- forward a copy of the agreement to the school principal; and,
- advise the school principal and external agency that service can begin.

Once the service is complete, the external agency will complete and provide the school principal with a summary of service (FORM A8520 - 4).

Possible Outcomes/Next Steps

Possible Outcomes/Next Steps	
1. Consultation	<ul style="list-style-type: none"> • school principal meets with school staff, parent/guardian and external agency • review roles, involvement procedures and focus of meeting • shares information • school principal will determine next steps (development/changes to Individual Education Plan [IEP]) future meetings and frequency • Observation, Demonstration or Direct Services must be approved by the Superintendent of Special Education (or designate)
2. Observation (if agreed to)	<ul style="list-style-type: none"> • conduct observation for agreed upon time under the approved format • school staff are present to assist and/or provide feedback on appropriateness in a school setting • copies of observation notes and documentation will be provided to the school principal at the end of each observation by the external agency • written reports (outcomes and recommendations) will be reviewed with school principal and staff prior to finalization and distribution by the external agency • school principal will determine next steps (i.e. development/changes to IEP, Demonstration/Direct Service), future meetings and frequency
3. Demonstration (if agreed to)	<ul style="list-style-type: none"> • School principal reviews demonstration procedures (i.e. date, time, school/central staff involved, goals, strategies/techniques, etc.) • external agency conducts demonstration for agreed upon time under approved format • school staff are present to assist and/or provide feedback on appropriateness in a school setting • school principal determines if the strategy/technique may be used by school personnel (if so, include in student's IEP)
4. Direct Service (if agreed to)	<ul style="list-style-type: none"> • in a few cases, short term, direct service is provided outside of the classroom without the presence and/or supervision of board staff

PROTOCOL FOR REVIEW OF NEW/EXISTING THIRD-PARTY AGREEMENTS



Application for Consideration of a Collaborative Agreement

This form is to be completed by government mandated or regulated external agencies (e.g. Simcoe Muskoka Family Connexions, Care and Treatment agreements, Local Health Integration Network (LHIN), etc.), or public external agencies (e.g. Children’s Treatment Network, Kinark Child and Family Services, New Path Youth and Family Services, Kerry’s Place, etc.) applying to provide special education or mental health and well-being services, by a professional or paraprofessional, directly to students within a Simcoe County District School Board (SCDSB) school.

This application will be reviewed by the Superintendent of Special Education (or designate). If the application is approved, a Memorandum of Understanding, based upon the SCDSB’s framework will be developed.

Applicant: _____
(External Agency)

Description of the history and ownership/funding base of the external agency:

Description of the nature of the program or service that will be provided:

Area of the county to which the application applies:

Anticipated outcomes of the involvement:

Evidence of congruence with the SCDSB’s Strategic Priorities, mission and vision:

Professional External Provider (individuals who are members of a regulated professional College in Ontario).

Name	Profession	Certificate or Registration #

Paraprofessional External Provider (individuals with relevant post-secondary or on the job training who are not members of a regulated professional College in Ontario).

Name of Paraprofessional	Post-Secondary Credentials	Supervisor	Supervisors Professional Status	Supervisors Certification or Registration #

Expectations for space and material resources:

In the provision of services, the service provider is requesting the following provision of space to provide service.

In the provision of services, the service provider is requesting the following provision of materials and or electronic supports in schools to provide service.

The external agency proposes the following method of evaluation of services provider, including proposed tools (attach):

The applicant agrees that all service provided will abide by professional standards of its regulatory college (if applicable).

Proposed start date: _____ (short term)
Proposed end date: _____ (indicate date or indeterminate – long term)

This applicant is proposing the above terms and conditions for a Collaborative Agreement and is attesting to the capacity to provide for the above provisions. Should the application be considered for Collaborative Agreement development and implementation, the applicant agrees to co-develop a formal collaboration.

External Agency Lead

Date

Signature

PARENT/GUARDIAN REQUESTED CONDITION OF ACCESS AGREEMENTS
CHECKLIST FOR SCHOOL PRINCIPALS

Please use the following checklist to ensure the process is followed for all parent/guardian requested private external agency services.

- Received written request for private external agency service from parent/guardian
- Contacted the Superintendent of Special Education (or designate) to discuss nature of request

If denied:

- advised parent(s)/guardian(s) (process ends here)

If approved, provided parents/guardians with the following:

- APM 8520 – Third-Party Agreement for the Provision of Special Education and/or Mental Health and Well-being Related Services
- FORM A8520 - 3, Private External Agency Retainer Declaration
- FORM A8520 - 4, Summary of Service for School Administration

Forwarded the following to the Superintendent of Special Education (or designate):

- FORM A8520 - 3, Private External Agency Retainer Declaration
- a written declaration that the external provider has 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
- 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 criminal background check with vulnerable sector screening (CBC-VSS), or a completed offence declaration (if CBC-VSS was provided the previous year) in compliance with board procedures
- a certificate of insurance with a minimum of \$5,000,000 commercial general liability (CGL) insurance per occurrence including professional and/or malpractice coverage
- the SCDSB is listed as an additional insured party on the CGL certificate
- proof of insurance through the Workplace Safety Insurance Board (WSIB) while working on board property, or exemption

Service can begin once:

- a copy of the signed Licence Agreement is received
- Superintendent of Special Education (or designate) has advised that service can begin

Upon completion of service:

- received a copy of FORM A8520 - 4, Summary of Service for School Administration completed by external agency
- placed FORM A8520 - 4, Summary of Service for School Administration in a confidential and secure location (not in the OSR)
- reviewed the Protocol for Parent/Guardian Requested Condition of Access Agreement (APPENDIX C) for next steps

Private External Agency Retainer Declaration
(for parent/guardian requested external agency service)
(SCHOOL LETTERHEAD)

Parent/Guardian
Address

Re: Visit(s) by _____
(Name of Private External Agency)

Concerning _____
(Name of student)

I/We (parent/guardian) hereby acknowledge and agree that the above-named private external agency has been retained by the undersigned parent(s)/guardian(s). Further, I/we acknowledge and agree that I/we are fully responsible for payment of any and all accounts, including fees and disbursements, rendered by the above-named private external agency, and the Simcoe County District School Board (SCDSB) will neither pay nor contribute to the cost of these services. In consideration of the SCDSB allowing the above-named private external agency the requested access to the school, I/we hereby release and forever discharge the SCDSB (including its employees, supervisory officers, and trustees) from any and all claims, demands, liabilities, courses of action, complaints, and otherwise arising from the visit(s), including any remedies which may subsist in law, equity or under legislation.

In addition, I/we hereby acknowledge and agree that the school principal is responsible for the duration of the program of the above-named student. At any time at the sole and unfettered discretion of the school principal or the SCDSB, the above named private external agency's access to school board premises may be terminated. Further, I/we acknowledge and agree that if programming recommendations are made by the above-named private external agency, the implementation would be at the discretion of the school principal. Finally, I/we acknowledge and agree that the school principal has the authority to determine what, if any, programming changes are to be made in accordance with/and subject to the *Education Act*.

Accepted: _____
Parent/Guardian Signature

*Witness: _____

Parent/Guardian Signature

*Witness: _____

Date: _____

Date: _____

**In the absence of other convenient witnesses, the school principal (or designate) may serve as witness.*

- c: Superintendent of Special Education (or designate)
- Private External Agency
- Ontario Student Record (OSR)

Notice of Collection: Personal information contained on this form is collected pursuant to the Freedom of Information and Protection of Privacy Act/ Municipal Freedom of Information and Protection of Privacy Act and may be used as necessary for Board operations. Questions about this collection should be directed to the Superintendent Responsible for Freedom of Information for Simcoe County District School Board, 1170 Highway 26, Midhurst, ON, L9X 1N6, 705-734-6363.

Summary of Service for School Administration
(SCHOOL LETTERHEAD)

Student Name _____

School _____

Grade _____

Parent/Guardian aware of external agency involvement: YES NO

Service Start Date _____

Service End Date _____

Summary of Services:

Information to inform support to student achievement and well-being (if applicable):

**Please attach all notes and documentation resulting from service provided during school hours.*

External Agency Service Provider Name: _____

External Agency: _____

Signature _____

Date _____

Note: This information will not be placed in the student's Ontario Student 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).