

**GUIDELINES:**

Melba School District is responsible to ensure that students with disabilities receive a free appropriate public education from the age of three (3) through the semester in which they turn twenty-one (21). Utilization of a variety of related services through private service providers in the District is recognized as a valuable and needed resource for children with disabilities to receive full benefit of a public education. Students can qualify for special education services when, through the evaluation process, they:

1. Have been determined to have a disability, meeting the criteria set forth by the Idaho State Department of Education Special Education Manual or District Policy for Section 504, and
2. Are in need of specially designed instruction.

These services are a supplement to regular education programs and consist of specially designed instruction and/or related services provided in a variety of settings at no cost to the parents to meet the unique needs of students with disabilities. Therefore, it is critical that these services are coordinated and that all service providers have a complete understanding of the roles and responsibilities of school districts prior to, and for, the delivery of services.

**Referral:**

The District has a referral process in place for locating and identifying students suspected of needing special education. Information on how to access this process is available to all patrons of the district. When a private service provider contacts the school district and notifies them at any time during the process that they are beginning or have completed an evaluation on a student enrolled in the district, the district will seek written authorization from the parent to obtain such evaluations for review and consideration. If a private service provider suspects a student has a disability, the private service provider may refer the child to the building's pre-referral team and the district's referral process will be followed.

**Evaluation/Eligibility:**

The school district is responsible for the evaluation of all students who are suspected of having a disability and who are in need of specially designed instruction. The District will not pay for any assessment conducted by private services providers when the school has not had the opportunity to perform such assessment(s) first. The District shall ensure that:

1. All completed assessments that are considered in determining eligibility meet state and federal requirements described by the Idaho Special Education Manual or District Policy for Section 504;
2. The evaluation team recommends eligibility for a student suspected of having a disability and reserves the right for determination of eligibility for the IEP/504 team;

3. All assessments, public or private, are considered in evaluation recommendations from the IEP/504 team;
4. Parents and private service providers have been given the opportunity to be informed of the evaluation and eligibility requirements for special education in Idaho as described in the Idaho Special Education Manual through the IEP team process or District Policy for Section 504 through the 504 team process.
5. The District will follow the regulations related to the provisions of Independent Education Evaluations as described in the Idaho Special Education Manual.

Private Service Providers who are under contract or a Memorandum of Understanding will:

1. Provide school districts with documentation of all licensure/certification information for individuals involved in the educational assessment process;
2. Comply with all criteria outlined in the Idaho Special Education Manual or District Policy for Section 504 for the evaluation of students with disabilities;
3. Participate as a member of the school district evaluation team when requested by the District;
4. Participate as a member of the school district IEP/504 team when requested by the District or parent; and
5. Present assessment data and make recommendations to the IEP/504 team regarding the potential eligibility of a student for special education, understanding it is the responsibility of the IEP/504 team to determine eligibility.

It should be noted that the District is not obligated to participate in a private evaluation of a student unless the District has been contacted by the parent or private provider prior to the evaluation and a release of information signed by the parent authorizes the District to release information to professionals not employed by the District.

### **Delivery of Services:**

The District is responsible for the delivery of special education services to all eligible students. The IEP/504 team makes recommendations for type, length, and duration of services that are then developed into an appropriate IEP/504 Plan. No one individual can make those decisions. All educational decisions regarding educational methodology, materials, and personnel are the responsibility of the District. The District cannot consider recommendations for treatment, therapy, or counseling unless the recommendations are made by persons certified to make such recommendations (e.g., recommendations for counseling must be made by state certified school psychologists or a state certified school counselor).

### **PRIVATE SERVICE PROVIDERS WORKING WITH STUDENTS**

1. Private Service Provider means a person, group, agency, or organization that meets the

following two conditions:

- a. Is not an employee of the Melba School District or a public agency with legal jurisdiction over the circumstances related to their involvement with the student, and
- b. Is paid/reimbursed for services provided to the student.

Examples of Private Service Providers are Nurses, Assistive Technology Consultants, Orientation and Mobility Specialists, Physicians, Optometrists, Psychologists, Counselors, Targeted Service Coordinators, Behavioral Therapists, Developmental Disabilities Specialists, Speech Therapists, Occupational Therapists, Physical Therapists, Social Workers, Psycho-Social Rehabilitation Specialists, Educational Consultants, etc.

2. Private Service Providers may do the following in the Melba School District when the student has or is suspected of having a disability:
  - a. Refer a student to a school's pre-referral team for consideration for evaluation to determine eligibility for special education.
  - b. Submit evaluation reports to a school IEP/504 team for consideration related to the referral or an evaluation being conducted by the evaluation team.
  - c. Be invited to an IEP/504 team meeting by either the school or parent.
    - i. The determination of eligibility for special education and the provision of a Free Appropriate Public Education (FAPE) are the responsibility of the IEP/504 team and cannot be prescribed by any other entity.
    - ii. All educational decisions regarding educational methodology, materials, and personnel are the responsibility of the school district.
  - d. Provide services in the schools to students under the terms of a contract with the school district.
    - i. Contracts are established when the school district is paying for the services and should describe the services, the role and responsibilities of the Private Service Provider with the IEP/504 team or school administration, and the frequency and duration of the service; include documentation of licensure/certification to perform the prescribed services; address issues related to liability and terms for payment; and state the provisions for changes or termination of the contract.
    - ii. Contracted services to a student with a disability shall be included in the student's IEP/504 Plan.

- e. Provide services to students on school grounds under the terms of a Memorandum of Understanding with the school district.
  - i. Memorandums of Understanding are established when the school district is not paying for the services but agrees that the services are needed in the school for the benefit of the student's progress in the general curriculum. The Memorandum of Understanding shall describe the specific services provided; the responsibilities of the school and the private provider; the provisions for space, time, equipment, and materials provided by the school district; and that the school district may terminate the Memorandum of Understanding at any time.
  - ii. Services provided under a Memorandum of Understanding to the student with a disability shall not be included on the student's IEP.
  - iii. The district has no obligation to enter into a contract or Memorandum of Understanding with a private service provider or to allow a private service provider access to school district property, space, materials, or equipment.
- 3. School district records are only accessible to Private Service Provider under contract with the school district or with written consent of the student's parent or guardian, or the student, if 18 years old or older. Requests for records may be subject to a fee to cover costs of copying and mailing.
- 4. Nothing in this policy shall be construed to limit or impinge in any way on services parents may acquire for their child that are not provided at the school. Issues related to the amount of time students are removed from school for any purpose fall under the terms of other school district policies.



**LEGAL REFERENCE:**

**ADOPTED:** January 12, 2004

**REVISED:**