



# **SPECIAL SERVICES**

## **Ontario PPM 149 and TCDSB Third-Party Protocol**

**Date of Issue:** September 25, 2009**Effective:** Until revoked or  
modified**Subject:** PROTOCOL FOR PARTNERSHIPS WITH EXTERNAL AGENCIES  
FOR PROVISION OF SERVICES BY REGULATED HEALTH  
PROFESSIONALS, REGULATED SOCIAL SERVICE PROFESSIONALS,  
AND PARAPROFESSIONALS**Application:** Directors of Education  
Secretary-Treasurers and Supervisory Officers of School Authorities  
Superintendents of Schools  
Principals of Elementary Schools  
Principals of Secondary Schools

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## Introduction

The ministry is committed to promoting effective community-based partnerships with external agencies that foster continuous improvement in the delivery of programs and services for all students, including students with special needs. Closing achievement gaps for all students continues to be a major priority.

The purpose of this memorandum is to provide direction to school boards<sup>1</sup> concerning the review and/or development of a local protocol for partnerships with external agencies for the provision of services in Ontario schools by regulated health professionals, regulated social service professionals, and paraprofessionals. It outlines the requirements for reviewing and/or developing a local protocol, and specifies the requirements for implementing the protocol and for reporting on the protocol to stakeholders.

## Requirements for Review and/or Development of a Board Protocol

School boards with an existing protocol will review their protocol to ensure that it is aligned with the requirements outlined in this memorandum. School boards without an existing protocol will develop a protocol that is aligned with those requirements. The protocol will be designed to support the school board's capacity to provide programs and services to all students, including students with special needs. The protocol will reflect local circumstances, including the language of the board.

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1. In this memorandum, *school board(s)* and *board(s)* refer to district school boards and school authorities, with the exception of section 68 school authorities.

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The protocol will outline the following:

- programs and services that are currently delivered by external agencies
- programs and services that are currently delivered by school board professional student services personnel (PSSP) and paraprofessionals
- programs and services that could be delivered by school board PSSP and paraprofessionals, but are not being delivered by them for financial reasons or because requirements do not match the job descriptions or qualifications of board PSSP and/or paraprofessionals

A distinction must be made in the protocol between long-term and short-term (time-limited) partnerships to ensure that long-term duplication of services already provided by school board PSSP and paraprofessionals does not occur.

The protocol must be aligned with the collective agreements of unionized school board staff and enhance the delivery of services. The protocol must provide for supplementing, but not duplicating, the services of school board PSSP and paraprofessionals. A protocol will be developed by each school board even if there are currently no unionized regulated health professionals, regulated social service professionals, and paraprofessionals on staff.

Where applicable, co-terminus and contiguous school boards must, at a minimum, explore the development of partnerships and protocols to facilitate the delivery of programs and services.

Boards must seek the advice of PSSP and paraprofessionals when reviewing and/or developing their protocol. Boards will also design a procedure for reviewing their protocol and projected services in consultation with external agencies and unionized school board staff at least once a year.

Boards will also ensure that their protocol is consistent with standard school board provisions related to:

- informed consent;
- criminal reference checks;
- appropriate insurance coverage;
- compliance with the Safe Schools Act;
- conflict of interest, confidentiality, equity, human rights, and other relevant policies.

### **Eligible Categories of Professionals and Paraprofessionals**

A board's protocol will cover the following categories of PSSP and paraprofessionals:

- audiologists, as defined by the Audiology and Speech-Language Pathology Act, 1991
- speech-language pathologists, as defined by the Audiology and Speech-Language Pathology Act, 1991
- occupational therapists, as defined by the Occupational Therapy Act, 1991
- physiotherapists, as defined by the Physiotherapy Act, 1991
- psychologists, as defined by the Psychology Act, 1991

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- psychological associates, as defined by the Psychology Act, 1991
  - social workers, as defined by the Social Work and Social Service Work Act, 1998
  - other regulated professionals and/or paraprofessionals who are deemed by the school board to be essential for the delivery of programs and services for students with special needs

Any future regulated categories will also be covered by the protocol.

### **Additional Requirements for the Board Protocol**

In order to assist school boards and external agencies in the development, review, and maintenance of local protocols, a memorandum from the Deputy Minister of Education accompanies this policy/program memorandum and outlines the elements that each protocol must contain. Any changes to the elements required in the local protocols will be communicated in the future to boards through a similar memorandum.

### **Implementation and Reporting**

School boards will implement their newly developed or reviewed protocol and post it on their website by January 1, 2010. Reviews of and revisions to established protocols will be completed and posted on school board websites by January 1 of each subsequent year.

## PURPOSE

This protocol outlines the background, and the principles and administrative procedures that the Board will follow, with respect to community professionals' and private therapists' involvement in school programs where such professionals are retained and/or compensated by parents/guardians.

The purpose of the protocol is to clarify the relationship between the school and the community health professional/private therapist where:

- Parents/guardians have retained such community professionals to support their child ("privately retained community health professionals"), and/or
- Staff from another agency and/or ministry request to observe and/or work with a student at school.

This protocol recognizes that parents/guardians, community health professionals and the school share a common goal to pursue, within defined roles, the best interest of the child.

## PRINCIPLES

The *Education Act* requires the Ministry of Education and Training (the "Ministry") to ensure that all exceptional children in Ontario have available to them appropriate special education programs and special education services without the payment of fees by parents or guardian's resident in Ontario. Subsection 8(3), in part, provides:

*"The Minister shall ensure that all exceptional children in Ontario have available to them, in accordance with this Act and the regulations, appropriate special education programs and special education services without payment of fees by parents or guardian's resident in Ontario..."*

It is recognized that it is the exclusive role of the school in partnership with parents/guardians, to be the primary providers of school-based programs and services.

Schools have the rights and obligation to provide education programs and services in schools as prescribed by the *Education Act*.

The Toronto Catholic District School Board (the "Board") provides a range of special education programs and services. A description of special education programs and services is outlined in the Special Education Plan which is posted on the school board website.

School board staff work in partnership with parents to ensure that the needs of their child are identified, considered and met. To that end, collaboration with community agencies and private therapists is considered.

## BACKGROUND

Some students receive additional support through community agency staff or by private therapists/consultants hired by parents.

These services may be beneficial to students, and can be offered to students in the home, community, or practitioner office setting.

Occasionally, schools receive requests to have third-party services delivered in the school. Some examples of services that have been requested are:

- tutoring
- childcare services
- speech pathology services
- music lessons
- private assessments
- intensive behaviour intervention

There are a number of concerns related to having third-party services take place in the school:

- liability to the Board
- privacy and confidentiality issues
- conflicts with collective agreements
- qualifications and professional standards of third-party staff
- informed consent issues
- supervision
- use of teacher and educational assistant time
- availability of school space
- payment of services
- equity issues
- duplication of service

## THE NATURE OF THIRD-PARTY SERVICES

Direct services to students are delivered by school board staff such as teachers, educational assistants, and special services staff. In some situations, other services for students are needed, and are delivered by individuals who are paid by someone other than the board of education/Ministry of Education. These services are called third-party services.

There are two types of third-party services – public and private.

### *a. Public third-party services*

Public third-party services are those delivered by staff from an agency or other public organization. This could also include not-for-profit charitable organizations that are considered to serve public interests. Public third-party services may be mandated by the government, be the result of interministerial agreement, or be funded by a government agency or donations. Services from these organizations are generally available to students in the system who qualify under the mandate or operation of the public third-party. Public third-party services, where needed, are requested by the Board. The following public third-party services are permitted in TCDSB schools (with parent permission):

- School health support services through community care access centres (CCACs). This includes:
  - speech pathology
  - occupational therapy
  - physiotherapy
  - nursing
  - nutrition

### *b. Private third-party services*

Private third-party services are those retained and/or paid for by parents/guardians. The request for services has come from parents/guardians. They have not been requested by the Board.

## DIRECTION

Because of the difficulties listed in the Background section, private third-party services delivered directly to students during the school day are not allowed in the school setting.

The Board does not allow individual parents to provide in-school or in-classroom student direct therapy/assistance.

Privately retained and community health professionals may visit a classroom only to observe a student and **not** for the purpose of providing instruction or therapy.

Privately retained and/or community health professionals are permitted in schools for the following purposes:

1. For observation, where this assists the privately retained or community health professionals to set appropriate goals for the child in non-school environments and to ensure consistency of programming outside the school environment.
2. To attend school meetings in order to share information regarding the child's participation in an outside program or to report results of outside evaluations or testing which may have taken place.
3. A private therapist or community health professional may act as an advocate for a child in the Special Education Identification and Placement Review Committee (IPRC) or Individual Education Plan (IEP) process, upon the written authorization of the parents or guardians of the child.

## PROCEDURES RE: REQUESTS FOR INVOLVEMENT OF COMMUNITY AGENCY STAFF OR PRIVATELY RETAINED STAFF

The following are administrative procedures for schools when parents request involvement of community agency staff or privately retained staff:

1. As noted above, requests for involvement in a classroom or school by a privately retained or community health professional must be for observation, exchange of information or IPRC/IEP advocacy purposes only, and not for the delivery of direct services to students.
2. A request by a privately retained therapist or community health professional to observe a student in a classroom must be made by the parent/guardian to the school principal.
3. Privately retained or community health professionals must be accompanied by a member of the school administration or designate, or by a Board special services staff person during the observation period.
4. In your sensitivity in working with parents, you as the principal of the school can determine and schedule the number and duration of parental requests in an effort to minimize the disruption to the delivery of the instructional program.
5. A community health professional/private therapist must keep confidential any personal information obtained about other students, teachers or staff while observing a particular student in a classroom, in accordance with relevant legislation including the *Education Act* and the *Municipal Freedom of Information and Protection and Privacy Act*.
6. A privately retained or community health professional who makes a classroom visit for the purpose of observation must provide a copy of the written report of the observation to the Board.
7. Police Record Check is required of all private therapists or community health professionals prior to any direct contact with pupils. Ontario Regulation 521/01, "Collection of Personal Information," requires a police record check for every individual who is an employee or a service provider who comes into direct contact with pupils on a regular basis (period of time to be established by the TCDSB). In this case, a clear Criminal Record and Judicial Matters Check (CRJMC) is required before entering our schools. For more information on the process and how to submit your CRJMC, please visit: <https://www.tcdsb.org/page/volunteering-with-us>.

Outside service providers must provide a satisfactory Police Record Check as required under the Education Act and applicable regulations. The Board will collect and verify this information through its established screening process. Documentation must be submitted and approved prior to access being granted to schools or classrooms. <https://www.tcdsb.org/page/volunteering-with-us>.

8. A sample letter is included in Appendix I. This can be adapted for use when community agency staff and private professionals request access to schools.

### **QUESTIONS REGARDING REQUESTS FOR INVOLVEMENT OF COMMUNITY AGENCY STAFF OR PRIVATELY RETAINED STAFF**

Questions or concerns regarding requests for involvement of community agency staff or privately retained staff should be directed to the Superintendent of Special Services.



Month, 1, 202X

Dear:

This letter is in follow-up to the meeting/request for a classroom observation by \_\_\_\_\_.

TCDSB would like to continue to work in partnership with you and we would like to accommodate your request in a mutually agreeable fashion.

The following are the steps that would need to take place to set up this observation:

1. An appointment for observation would be set up through the Principal.
2. The purpose of the visit is for classroom observation only, with the classroom teacher retaining responsibility for the educational program.
3. The observers should not review or comment on the performance of the teacher, or other school staff and should not interrupt the flow of instruction.
4. Confidentiality of staff and of other students in the class must be maintained. The observers must not make any specific comments about students or staff in oral or written reports.
5. A copy of the written report about the observation would be provided to the school board, to my attention.
6. Police Record Check is required of all private therapists or community health professionals prior to any direct contact with pupils. Ontario Regulation 521/01, "Collection of Personal Information," requires a police record check for every individual who is an employee or a service provider who comes into direct contact with pupils on a regular basis (period of time to be established by the TCDSB). In this case, a clear Criminal Record and Judicial Matters Check (CRJMC) is required before entering our schools. For more information on the process and how to submit your CRJMC, please visit: <https://www.tcdsb.org/page/volunteering-with-us>.

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Please contact me if you would like to discuss this further.

Sincerely,

(Principal)