Washington County School District
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Administrative Letter A130

Special Education Guidance Regarding Private Therapists and Observers in Schools

Administrative Letter #130 Special Education Guidance Regarding Private Therapists and Observers in Schools

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DATE: August 15, 2017

REGARDING: Special Education Guidance Regarding Private Therapists and Observers in Schools

Washington County School District Special Education Guidance for Administration Regarding

Private Therapists and Observers in Schools

Administrative Limitations for Private Non-Employee Therapists and Observers

1. Request for outside observer access:

As the presence of outside observers or non-employee specialists, not directly contracted by the District, has the potential to create a disruptive learning environment and the potential to violate the confidentiality rights of other students, with the following limited exception the District will not allow access for outside observers. Limited access may be granted (i.e., 1 to 2 times per school year) on a case-by-case basis if approved in advance by the Director of Special Education. Precautions must be clearly established to protect the privacy of other students. When access is granted the observer must follow all provisions outlined in the attached confidentiality agreement.

2. Limitation for outside therapy/service providers to access students at school:

a. IDEA requires that an IEP Team, which includes the parent, provide for the provision of a Free and Appropriate Public Education (FAPE) for students with disabilities, under public supervision and direction. This would include specially designed instruction to 1) allow the student access to the general curriculum, and as needed 2) related services to allow the student to benefit from special education. The presence of private therapists or outside service providers is not a provision of FAPE and should not be allowed in the school setting. Therefore:

i. Private therapists and outside service providers should not be allowed to provide direct services to students while at school.
ii. Personnel working with students, to provide FAPE, while they are under our supervision at school, should be employees of the school district that have been appropriately assigned by the school administration.
iii. It is best practice to have volunteers associated with a student (parents, relative, etc.) providing support in general ways to the school and/or classroom rather than directly to a specific student. The volunteer and school administration must adhere to the District Volunteer Policy.

3. Parents may 1) request that the IEP team reconvene to determine the appropriateness of the student's IEP goals, services, and program modifications, and 2) request the presence of an outside provider at an IEP meeting for the purpose of participating as a member of the IEP team in development of an appropriate IEP for the student.

Washington County School District

Classroom Observation and Confidentiality Agreement

Name of Observer:_____

Name of Agency:_____

Name of Student:_____

Name of Classroom Teacher:_____

Name of School:_____

Purpose of Observation:_____

Date of Requested Observation:_____

The presence of outside observers is disruptive to the learning atmosphere and violates the confidentiality rights of other students in the classroom. It is clear that nothing in the Individuals with Disabilities Education Act (IDEA) imposes any obligation on the district to allow parents or their designated experts to observe in classrooms for evaluative purposes. The District would prefer to help parents obtain the information needed through other means.

To facilitate occasional requests for outside observation, the undersigned parties agree to the following:

1. The observation must be scheduled in advance with the school administration and held on a date and time convenient for the classroom teacher. Observer must follow school check-in procedures. Administrators should be present or directly assign an appropriate staff member to be present during the pre-approved observation period.

2. The observer must have the permission of the above named student's parent/guardian before being permitted to observe.

3. As a guest in the classroom, instruction is not to be interrupted by the observer in any way.

4. Any observations regarding the above named student will be shared only with the parent/guardian, or with other appropriate education or agency representatives with the express written consent of the parent/guardian and will be used for educational purposes only.

5. Observer agrees to maintain confidentiality regarding the identity and other private information of other students in the class. Where relevant, any observations made by the observer regarding the student's interactions with other students in the class will not disclose the identity of those other students.

6. Parent/guardian and observer agree that the observation is not being requested or conducted as part of an independent educational evaluation (IEE) under the Individuals with Disabilities Education Act by the Special Education Department pursuant to IDEA's procedural safeguards and special education policies and procedures.

Observer Signature:_____Date:_____

Parent/Guardian Signature:_____Date:_____

Administrator Signature:_____Date:_____

School: *Retain original signed copy in records*

Observer: *Retain signed copy during observation*