

Contracting for School Psychology & Related Services

Charter School Leadership Institute
Holly Springs, NC
18 October 2018

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Thanks to Lauren Holahan & Lynn Makor

When contracting for services, both parties must participate in:

- consistent, proactive communication
 - inclusive work culture
 - shared understanding of roles and responsibilities
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Suggested Practice:

- Precise explanations and definitions
- Mutual understanding: consensus
- Terms that are legally enforceable
- School Board attorney review

Do Not:

- Accept an offered contract without thorough review
- Use a template without modification

Getting Started

- Review contract performance at least annually
- Ensure documentation/work product (e.g. daily treatment notes) completed by contracted personnel are school property
- Establish a system/time-line for collecting and archiving documentation/work product completed by all personnel
- Ensure appropriate supervision of contracted assistants
- Contract therapy assistants and supervising therapists from the same agency whenever possible

Recommended Practices

- Caseload/workload standards apply to contracted therapists
- Documentation of current licensure for contracted personnel must be maintained
- Defined duties of contracted personnel (attending IEP meetings, staff training, duties outside of school hours/work sites)
- Defined invoice specifications
- Continuing education hours focused on school-based practice

Recommended Practices

- Mutual assent
- Offer with all details specified
- Acceptance of offer
- Consideration and capacity of both parties to understand terms, consequences, and legal purpose of the agreement
- Details regarding limiting liability
- Severance provisions to protect charter school from liability for wrongful termination, unpaid wages, unpaid commissions, unlawful harassment, and other legal claims

Contract Components

- Parties' legal names, profession, and credentials
- Compliance with billing procedures and policies and regular review of records
- Inform charter school/LEA about disciplinary actions related to licensure, felony convictions, charges of moral turpitude, and material changes in professional credentials
- Complete compensation package, including the amount and payment frequency of a fixed salary and benefits

Contract Components

- Exclusive agreement
- Indemnification (aka hold-harmless)
- Liquidated damages
- Restrictive covenants (aka non-compete clauses).
- Term, renewal and termination

Other Elements to Consider

Either party may escape obligations set forth in contract when:

- Mistake (by one or both parties)
- Misrepresentation of facts
- Party entered into the contract under duress
- Terms and conditions of contract are unfair, unreasonable, or unjust
- Contract violates public policy
- Fulfillment of terms is rendered extremely difficult or impossible by events occurring after entering contract
- Contract's purpose is rendered moot or irrelevant by virtue of events occurring after entering contract

Can I/we get out of it?

Private therapy services should not be provided at school due to issues with:

- Liability
- Free and appropriate public education (FAPE)
- Least Restrictive Environment (LRE)

Private Therapy at School

- Therapists blinded to a student's Medicaid enrollment
- Workload based on logistics, provider strengths
- Charter school submits claims to Medicaid for services rendered by contracted personnel
- If contracting agency is submitting claims to Medicaid for school services (not encourages), there should be little, if any, additional rate paid by charter school
- Resources available: <https://ec.ncpublicschools.gov/finance-grants/medicaid-in-education/resources>

Medicaid Cost Recovery Considerations

Contact Information

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<http://www.med.unc.edu/ahs/physical/schoolbasedpt>

(look for EC Director Resource tab)
