



**PINELLAS COUNTY SCHOOLS
PROCESS FOR COLLABORATION BETWEEN
PUBLIC AND PRIVATE INSTRUCTIONAL PERSONNEL FOR
EXCEPTIONAL EDUCATION STUDENTS**

Florida Statute 1003.572 pertains to the collaboration of public instructional service providers and Private Instructional Personnel. When applicable, public and Private Instructional Personnel shall undertake collaborative programming. Coordination of services and plans between public school and private instructional personnel is encouraged to avoid duplication of conflicting services and plans.

The school shall provide therapy services to meet expectations provided per the IEP. The collaboration of public and Private Instructional Personnel shall be designed to enhance and not supplant the school district's responsibilities under the Individuals with Disabilities Education Act (IDEA). This statute pertains to **ESE STUDENTS ONLY**.

The term "Private Instructional Personnel" is defined as individuals licensed or certified **ONLY** as:

1. Behavior Analysts
2. Registered Behavior Technician
3. Speech/Language Pathologists
4. Occupational Therapists
5. Physical Therapists
6. Psychologists
7. Licensed Clinical Social Workers

REQUIREMENTS OF SERVICE:

Private Instructional Personnel who are hired or contracted by parents to collaborate with public instructional personnel must be permitted to:

1. Observe the student in the educational setting, or collaborate with public instructional personnel in the educational setting
2. Provide services in the educational setting according to the following requirements:
 - a. The student's public instructional personnel and principal consent to the time and place
 - b. The private instructional personnel satisfy the requirements delineated in the Florida Statutes

The provision of services by a Private Instructional Personnel contracted with by a parent does not constitute a waiver of the student's or parent's rights to a free and appropriate public education (FAPE) under the IDEA.

PROCEDURES:

The following are procedures that must be followed in order to comply with Florida Statute 1003.572 and allow Private Instructional Personnel to observe and/or collaborate with public instructional personnel, and/or provide services at school sites. Please note there are different requirements for the two types of collaboration.

- I. **OBSERVATION AND/OR COLLABORATION** - The intent of the statute is to allow schools to consider, upon parent's request, Private Instructional Personnel hired or contracted by the parent be permitted to collaborate with public school personnel. This collaboration may include observations and is intended to promote educational progress.

A. The process is as follows:

1. Request is made to the school-based administrator (principal)
2. Principal verifies that private instructional personnel meet one of the seven identified certification criteria as defined in the statute
3. The parent/guardian and the Private Instructional Personnel complete the *Pinellas County Private Instructional Personnel Observation and/or Collaboration Agreement for ESE Students* (located in the Compliance Corner SharePoint)
4. Must include the following:
 - a. *PCSB Private Instructional Personnel Access Agreement for Service for an ESE Student*
 - b. *Parental Consent* form (included within agreement)
 - c. *Consent & Hold Harmless* form (included within agreement)
5. After verifying that the agreement application is complete, and the principal agrees to an observation and/or collaboration meeting with the Private Instructional Personnel, the principal schedules the observation or meeting with advanced reasonable notice to all parties
6. The date, time and location of the observation and/or collaboration are documented on the agreement form along with the principal's signature
7. Principal will notify the teacher of the observation with the Private Instructional Personnel with at least 48 hours' notice (in accordance with the provisions in the Collective Bargaining Agreement between the Pinellas County School Board and the Pinellas Classroom Teachers Association)
8. An escort plan is established. It is **highly recommended** that a designated member of the school staff (matching the Private Instructional Personnel qualifications) accompany the Private Instructional Personnel to ensure that the person is not left alone with the teacher or student(s), or while in attendance in the collaboration meeting. If a school staff member of matching qualifications is not available, an administrator will accompany the Private Instructional Personnel
9. If the principal does not agree to the observation and/or collaboration, a letter of denial will be provided to the parent and the Private Instructional Personnel (located in the Compliance Corner SharePoint)
 - a. Reasons the request might be denied include, but are not limited to:
 - i. Private Instructional Personnel did not meet proper qualifications
 - ii. Failure of Private Instructional Personnel to provide the required documentation in accordance with District procedures
 - iii. Parties (Principal and Private Instructional Personnel) could not mutually agree on a date, time and location for observation and/or collaboration
 - iv. Violation of signed agreement

B. Forms Required:

1. *Pinellas County Private Instructional Personnel Observation and/or Collaboration Agreement for ESE Students* (located in the Compliance Corner SharePoint)
2. Denial sample letter (if applicable)

II **DIRECT SERVICES** - The law is intended for the collaboration of public and Private Instructional Personnel and shall be designed to enhance, NOT supplant, the school district's responsibilities to provide FAPE under the IDEA to the student by providing supports and services identified on the IEP.

A. The Process is as follows:

1. Upon a parent/guardian's request for private instructional personnel to provide services to an ESE student:
 - a. A meeting of the IEP team should be scheduled to review the child's current IEP and any available data to determine if the current IEP services are sufficient to provide a FAPE.
 - b. If the current IEP services are **not** sufficient, the IEP should be amended to include increased/additional services.
 - c. If the current IEP **is** sufficient, no changes to the IEP need to be made, and continue to the next step.
2. Request is made to the school-based administrator (principal)
3. Principal verifies that Private Instructional Personnel meet one of the seven identified certification criteria (as defined in the statute)
4. Level 2 screening is obtained by the Private Instructional Personnel (at the Private Instructional Personnel's expense)
5. Private Instructional Personnel must obtain commercial general liability insurance on an occurrence basis with minimum limits of \$1,000,000 per occurrence, and \$2,000,000 aggregate, combined single limit covering bodily injury, property damage, personal injury, premises, operations, products, completed operations, independent contractors, and contractual liability.
6. The parent/guardian and the Private Instructional Personnel complete the *PCSB Private Instructional Personnel Access Agreement for Service* packet (located in the Compliance Corner SharePoint)
7. The completed packet must contain:
 - a. *PCSB Private Instructional Personnel Access Agreement for Service for an ESE Student*
 - b. *Parent Consent Form* (included within agreement)
 - c. *Consent & Hold Harmless* form (included within agreement)
 - d. Certificate of Insurance (copy of)
 - e. PCSB Level 2 badge (copy of)
 - f. Certification or Licensure (copy of)
8. If the principal, upon reviewing the completed packet, agrees that the direct services can be provided on campus during the school day by the Private Instructional Personnel, the following conditions must apply:
 - a. Services will not be delivered in a student's classroom, unless the school's principal and classroom teacher determine that such services may be delivered in the classroom without disruption to the educational process and without disrupting other students in the classroom
 - b. The availability of a non-classroom area shall be the decision of the school principal after reviewing the capacity of the facility and utilization of existing space. If space is available, the principal assigns an appropriate room for service to be provided
 - c. The Private Instructional Personnel agrees to bring and use only the materials or equipment owned by the Private Instructional Personnel for instructional purposes and not seek to use materials or equipment owned by the School Board
 - d. Services will need to be provided during school hours
9. Administrators are cautioned to make certain that all services deemed educationally relevant are being provided by Pinellas County Schools. The decision of allowable times for services to be of the classroom is a school site administrative decision.
10. The date(s), time(s) and location(s) are documented on the agreement with the principal's signature. Relevant information communicated to all involved parties

11. If the principal does not agree to services being provided by the Private Instructional Personnel, principal will provide a denial letter to the parent and the Private Instructional Personnel (located in the Compliance Corner SharePoint). Reasons the request might be denied include, but are not limited to:
 - a. Private Instructional Personnel did not meet proper qualifications
 - b. Private Instructional Personnel failed to provide the required documentation in accordance with District procedures
 - c. Parties (Principal and Private Instructional Personnel) could not mutually agree on a date time and location
 - d. Violation of signed agreement
12. A copy of the completed *Private Instructional Personnel Direct Service* packet is submitted to the ESE Department, Administration Bldg. ATTN: ESE Specialist/Compliance. Please make sure all contents listed in step 7 are enclosed, as well as the denial letter, if applicable. One copy of the packet must be retained in the student's red staffing folder.

B. Forms Required for Direct Services:

- a. *PCSB Private Instructional Personnel Access Agreement for Service for an ESE Student*
 - i. *Parental Consent* form
 - ii. *Consent & Hold Harmless* form
- b. Certificate of Insurance (copy)
- c. PCSB Level 2 badge (copy)
- d. Denial letter (if applicable)

If you have any questions, please contact your schools' Compliance Instructional Staff Developer (ISD), or the ESE Department at 588-6032