

<u>Section J:</u>  <b>Students</b>	<b>Knox County Board of Education</b>			
	<b>Private Practitioners</b>	Descriptor Term:	Descriptor Code:	Issued:
			<b>J-359</b>	<b>6/23</b>
	Reviewed:	Revised:		

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Knox County Schools recognizes that parents/guardians may choose to independently contract with private practitioners to access additional medical services which are outside of the student’s educational program. The provision of services through outside providers during the school day may only be allowed with approval from the KCS Supervisor of Health Services.

The additional services provided are not part of the student’s educational program, are paid for by the parent/guardian, are not a requirement of FAPE (free and appropriate public education) and are the choice of the parent/guardian. Services provided by private practitioners under this policy are unrelated to, and not required to meet, the IEP, 504 or any other learning plan. Services provided under this policy do not apply to or supersede determinations made by IEP/504 teams. Specifically, the cost of all additional services provided to a student shall be the sole responsibility of the parent or legal guardian, individually by direct payment or through an applicable health insurance policy, Medicaid, or other third-party payor, that has made funds available for the payment for the services provided. The Board of Education and Knox County Schools will not be responsible for payment for the services.<sup>1</sup>

This option of the parent/guardian can be extended when documentation is provided to establish the service as a medical requirement and does not disrupt the education of the student or his/her peers. A service will be deemed a “medical requirement” if adequate documentation from a licensed professional in the field of the service to be provided deems the service necessary for the student, and such documentation is provided to the KCS Supervisor of Health Services.

Services obtained through private practitioners or non-employees being in contact with children in school buildings who have obtained appropriate clearance include, but are not limited to, the following:

- Psychologist
- Speech Language Pathologist
- Music Therapist
- Physical Therapist
- Mental Health Therapist
- Board Certified Behavior Analyst/Registered Behavior Technician/Behavior Technician
- Social Worker
- Occupational Therapist

Private practitioners may only provide services during the school day consistent with their profession and pursuant to this policy.

Appropriate paperwork should be completed and on file, and the principal or designee should be aware of all practitioners/providers in the building or on the grounds. Private practitioners provide services under the supervision of the principal or his/her designee and are expected to follow all school-based procedures while on campus. Families, private practitioners, and agencies must adhere to all Board of Education

1 policies and procedures, as well as handbook rules and regulations unique to each school, when accessing  
2 students on school campuses.

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4 Private practitioners and organizations must provide a current, satisfactory certificate of insurance  
5 indicating coverage for commercial general liability, including sexual abuse/molestation, and automobile  
6 liability with limits not less than one million dollars (\$1,000,000.00) for each occurrence. The Knox  
7 County Board of Education shall be included as an additional insured.

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9 Organizations shall maintain worker's compensation insurance of at least the statutory limits as required  
10 by the State of Tennessee or other applicable laws and employer's liability insurance with limits of not  
11 less than one hundred thousand dollars (\$100,000.00). Private practitioners shall not be employees of  
12 Knox County Schools. Instead, they are independent contractors and will not be covered under any  
13 worker's compensation policies for Knox County Schools employees.

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15 All private practitioners must submit to a fingerprint TBI Criminal Background Check with results  
16 released directly to Knox County Schools. The private practitioner will bear all costs of such background  
17 check and other preemployment screens. Prior to being allowed entry pursuant to this policy, Knox  
18 County Schools must approve the results of the background check consistent with approval of employees  
19 of Knox County Schools.

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21 Private practitioners and organizations, on behalf of employees, must provide a current, appropriate  
22 licensure identification number issued by the State of Tennessee, if applicable.

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24 Parental Consent must be granted by the parent/legal guardian to allow access to each student for each  
25 individual practitioner unless the student is an adult or otherwise authorized by Tennessee law to consent  
26 to their own medical treatment. Such documentation shall include, but not be limited to, a  
27 parental/guardian approved consent to release information form between the provider and the Board of  
28 Education.

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30 To the extent that a private practitioner has access to confidential student and teacher data, including  
31 personally identifiable information (PII), Knox County Schools and the private practitioner recognize that  
32 the unauthorized disclosure of PII is prohibited by federal and state law, including, but not limited to, the  
33 Federal Educational Rights and Privacy Act of 1974 ("FERPA"), the Tennessee Data Accessibility,  
34 Transparency and Accountability Act ("DATAA"), Individuals with Disabilities Education Act  
35 ("IDEA"), and the National School Lunch Act.<sup>2,3,4,5</sup>

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37 The Board designates the Director of Schools to establish and enforce sanctions, including but not limited  
38 to termination of a provider's authorization to provide services on any school campus, against private  
39 practitioners for failure to comply with the provisions of this policy, and/or any other Knox County Board  
40 of Education Policy, Procedure, and/or any other applicable legal or procedural requirements.

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42 Process:

- 43 1. Parent/Guardian submits a request to the Supervisor of Health Services.
- 44 2. Parent/Guardian submits a medical release.
- 45 3. Parent/Guardian submits documentation from licensed medical provider stating necessity of  
46 services and rationale for provision of services during school hours
- 47 4. Parent/Guardian submits proof of insurance or acknowledgement of financial responsibility.
- 48 5. Parent/Guardian submits consent form.
- 49 6. Provider submits proof of insurance.
- 50 7. Provider submits background check information.

- 1 8. Provider submits proof of appropriate certification.
- 2 9. Provider submits confidentiality agreement.
- 3 10. Provider submits service agreement.
- 4 11. Parent/Guardian and provider must update the above information and receive renewed
- 5 authorization annually.

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Legal References:

- 1. Public Law 101-336 (Americans with Disabilities Act); 42 U.S.C. §12101.
- 2. 20 U.S.C. § 1232g; 34 CFR Part 99.
- 3. T.C.A. § 49-1-701.
- 4. 20 U.S.C. § 1400.
- 5. National School Lunch and Child Nutrition Act Amendments of 1974.

Approved as to Legal Form  
 By Knox County Law Director 5/31/2023  
 /Gary T. Dupler/Deputy Law Director