

**THE PROTESTANT SEPARATE SCHOOL BOARD
OF THE TOWN OF PENETANGUISHENE**

POLICY MANUAL

POLICY TITLE:

SECTION/CODE:

**Protocol for Partnerships with
External Agencies**

School Operations D-36

APPROVAL DATE:

SUPERSEDES:

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POLICY STATEMENT

The Protestant Separate School Board of the Town of Penetanguishene is committed to supporting, facilitating, and encouraging the development of mutually beneficial relationships between the Board and School and the larger community, including business and non-business sectors that support the Board's mission, vision, values and strategic plan priorities, and also provide opportunities to enhance student achievement and well-being.

PURPOSE

This policy has been developed to support the commitment of the Protestant Separate School Board of the Town of Penetanguishene to promoting effective community-based collaborative partnerships with external agencies. The goal is to foster continuous improvement in the delivery of programs and services for all students, including students with special needs in order to close achievement gaps for all students and promote student well-being .

This policy provides direction for creating, implementing, and evaluating collaborative agreements between the Protestant Separate School Board of the Town of Penetanguishene external agencies and individual practitioners who supply regulated health professional and social service professional and paraprofessional services to the Board.

DEFINITIONS

Collaborative Agreement: The collaborative agreement is the formal, written document which outlines the terms and conditions of a mutual accord that is signed prior to the implementation of the collaborative activities.

Description of Program or Service: This is a written record of the objectives, roles, responsibilities, and activities of the external provider that are delineated in the collaborative agreement.

External Provider: The external provider is an agency not internal to a School Board that employs regulated health professionals, regulated social services professionals, and paraprofessionals. These professional services are provided within a collaborative agreement. External agencies are considered Public Third Party services.

Private Third Party Services: Private Third Party services are those delivered to a student or students by individuals or agencies who are not Board employees and whose services are paid for by a

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parent/guardian, insurance company, or other private party and may be offered in the home, community, practitioner office setting or, under specific circumstances, schools.

Public Third Party Services: These services are delivered by staff from a publicly funded, Not-for-profit, or charitable entity. Public Third Party services may be mandated by the government, or funded by a government agency. They could also include not-for-profit or charitable organizations that are considered to serve public interests.

Professionals: Professionals are individuals who are members of a regulated professional College in Ontario i.e. audiologists, nurses, occupational therapists, physiotherapists, psychologists, psychiatrists, social workers, and speech-language pathologists.

Paraprofessionals: Paraprofessionals are individuals with relevant post-secondary or on-the-job training who may or may not work under the supervision of a member of a relevant regulated health professional College in Ontario, i.e. behavior therapists, child therapists, youth counselors, child and youth workers, occupational therapy or physiotherapy assistants, and communication disorder assistants.

Board Professional and Paraprofessional Staff: References to professional Board staff include social work, speech-language pathology, psychological, registered practical nursing, and paraprofessional Board staff. These professionals include child and youth workers, speech and language assistants, behavioural therapists, and Applied Behaviour Analysis (ABA) Coordinators who assist students with autism spectrum disorder.

Board Service Collaboration Committee: This is a committee that is responsible for the identification of potential collaborations with external providers. This committee will be chaired by the Supervisory Officer or designate and consist of the Mental Health Lead and the school Principal or Vice Principal.

Ad Hoc Joint Advisory Committee: An Ad Hoc Joint Advisory committee will be convened in the event of a disagreement or dispute between the Board and an external agency.

Direct Contact: Direct contact is defined as having contact or interaction with a student on school property, during school hours, and/or during a school-sanctioned event without the presence and/or supervision of a Board staff member.

PROCEDURES

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1. Guiding Principles

- 1.1. External community health and social service professionals and paraprofessionals are required to abide by all Code of Conduct and Conflict of Interest policies as set out in current Board Policy. They are also required to comply with the school code of conduct and all other Board policies and procedures related to safe schools and the well-being of students.
- 1.2. External community health and social service professionals and paraprofessionals are also required to maintain the confidentiality of student information. All persons involved in the process will respect an individual's right to privacy and ensure that the confidentiality of information is safeguarded. If a community professional or paraprofessional is given access to the school or classroom setting, he/she will be observing children from many different families. Any observations or reports made as a result of the visit must be held in strictest confidence and focus on the identified student. It is inappropriate to make comments about other students or Board personnel by name or by any other means that could serve to identify the individuals.
- 1.3. The Board will engage in mutually beneficial collaborations with those who share a perspective that is consistent with the Board's Mission, Vision and Values and as expressed in the current Board Strategic Plan. External health and social service professionals and paraprofessionals are required to comply with Board policies and procedures related to human rights and equity.
- 1.4. The work of external professionals and paraprofessionals must enhance and supplement, but not duplicate, the delivery of services by The Protestant Separate School Board of the Town of Penetanguishene professional student services staff and/or paraprofessional staff and must not violate collective agreements with Board staff.

2. Collaborative Relationships

- 2.1. The Protestant Separate School Board of the Town of Penetanguishene special education staff provides a range of services to students of the Board, and this is supplemented by external providers. Collaborative relationships between the Board and external providers may provide the Board's students with access to services not provided by Board personnel, which may include and not limited to:
 - a) audiological and educational audiological assessments;
 - b) speech-language assessment and intervention;
 - c) occupational therapy assessments and therapeutic intervention;
 - d) physical therapy assessments and therapeutic intervention;

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- e) psychiatric assessments and consultative services;
- f) social work intervention and consultative services;
- g) orientation and mobility training;
- h) psychological therapy; and
- i) group and individual counseling.

- 2.2. A listing of current external providers who have entered an agreement through a Memorandum of Agreement with the Board may be found on the Board website. Collaborative relationships between the Board and an external provider may supplement the assessment and consultative work of the Board's special education staff on an intermittent basis and/or for short-term periods.
- 2.3. External providers shall not provide services performed by special education services staff on a long-term basis.
- 2.4. External providers shall be provided with an opportunity to use existing school spaces and materials, provided that use by the external provider does not compromise the ability of Board staff to perform their duties. The determination of the availability of school space and materials will be made by the school Principal.
- 2.5. Principals are empowered under the *Education Act* and Ontario Regulation 298 to supervise and manage any person entering their schools in regard to professional conduct and interaction with students, teachers, parents, and other education staff. Ultimately, the Principal will be responsible for the activities of third party professionals and paraprofessionals.
- 2.6. The Principal of the school makes the final determination concerning the use of the recommendations/strategies/techniques to be used in the school setting and the inclusion of the strategy or technique in the student's Individual Educational Plan (IEP), according to the description of the Principal's role in the *Education Act* and Ontario Regulation 298.
- 2.7. The Principal of the school is responsible for ensuring the development, implementation, and monitoring of the Individual Educational Plan (IEP) and must sign the Plan to indicate that he or she is in agreement with its contents. Parents/guardians, special education support staff, and community professionals may collaborate with the school personnel in the development of the IEP, but the final determination of the contents of the IEP is made by the Principal of the school. [Ministry of Education. The Individual Education Plan (IEP): A Resource Guide. 2004. Role of the Principal, p. 17]

3. Process Components

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- 3.1. The Supervisory Officer or designate will manage the protocol and review process, with advice and support from Board consultants, school administration, special education staff, individuals responsible for records and information management, business services, and unionized Board staff as appropriate.
- 3.2. The Service Collaboration Committee is to review external provider applications and provide the Board information with respect to external agency providers.
- 3.3. The Board will convene an Ad Hoc Joint Advisory Committee as appropriate to settle any disputes or conflicts which may arise between the Board and an external provider. This committee will consist of no less than three representatives from the Board. The external provider should provide no less than three representatives as well. However, in the case of smaller agencies or individual providers, such providers may have fewer than three participate in the conflict resolution process.
- 3.4. The Board keeps up-to-date records of programs and services currently delivered by external agency staff and programs and services that are currently delivered by Board staff.
- 3.5. Collaborative agreements will indicate the time limitations on the program or service provision by an external agency to ensure that duplication of services already provided by Board staff does not occur.

4. The Proposal / Application Process

- 4.1. External providers that have been identified as potential partners are required to supply the following information and attest to the included provisions when making a proposal / application.
 - a) a description of the nature of the program or service that will be provided;
 - b) names of the representatives of the external provider;
 - c) a description of the target group of students, including the age of participants;
 - d) process to be used to obtain parental consent, with a copy of the consent form;
 - e) anticipated outcomes of the involvement;
 - f) evidence of congruence with the Board's vision, mission, and values;
 - g) the qualifications and supervisory relationships of the external staff providing service;
 - h) confirmation of membership in a professional College, if appropriate, and assurance that the service will be delivered in accordance with professional standards of practice;
 - i) a declaration from any external staff who are unregulated (paraprofessionals) that they are working under the supervision of a staff member from the external provider who is a regulated member of the relevant College in Ontario; and
 - j) a description of the evaluation/follow-up procedure to be used.

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[Note: A sample application is included in Appendix A .]

5. Memorandum of Agreement

5.1. Each approved collaborative partnership shall be documented with a Memorandum of Agreement agreed to by the parties. [See a sample agreement in Appendix .]

5.2. The Memorandum of Agreement shall include a copy of or incorporate the information contained in the proposal/application, identifying any amendments to the proposal, as agreed to by the parties.

5.3. The Memorandum of Agreement shall include the following provisions:

- a) Assurances that the Board's expectations for informed consent will be followed and examples of the documentation to be used to obtain consent to the services to be provided from the parent or legal guardian(s).
- b) Documentation to be used for consent for the disclosure of personal information, including personal health information (as appropriate), of students from the Board to the external provider and from the external provider to the Board, as required.
- c) Arrangements between the external provider and the Board regarding the care and control of the personal information and the personal health information of students, including a process for notification of breach of personal information.
- d) The Board has the responsibility under law to provide a safe and secure learning environment. Ontario Regulation 521/01 requires the Board to collect police records from all employees and from service providers who have direct and regular contact with students. External providers must declare that all service providers who have direct contact with students have a valid Criminal Record Check and Vulnerable Sector Screening in compliance with the standard check used by the Board prior to commencing service. Approved external providers will provide an annual declaration, confirming that all service providers have a current Criminal Record Check with Vulnerable Sector Screening.
- e) The service provider must provide evidence of sufficient liability insurance, which includes Professional Malpractice coverage (minimum \$5,000,000) to insure against civil litigation alleging incompetence, professional errors, omissions or charges laid by professional colleagues or

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parents/guardians. Assurances would also be needed that the privately-funded professional/paraprofessional is insured while working on Board property.

- f) The external agency must confirm that in accordance with the *Education Act* and regulations, the Principal shall be responsible for the operational activities of the school.
- g) The external agency must provide a declaration executed by each professional providing services or supervising the provision of services by paraprofessionals confirming that the delivery of services will be in accordance with professional standards of practice.
- h) Expectations for space and material resources shall be specifically identified.
- i) The external provider must agree to comply with Board policies and procedures, including any code of conduct, safe schools, conflict of interest, confidentiality, equity and human rights policies and procedures.
- j) The agreement will provide details regarding the fees and payment schedule, if any.
- k) The agreement will describe the proposed method of evaluation, including details of the proposed evaluation tools and/or norms.
- l) The agreement will confirm that the external provider and its staff members are not in a conflict of interest providing programs and/or services for the Board.
- m) A resolution process for any conflicts that may arise will be described in the agreement.
- n) The agreement will state the term and time of termination of the agreement. The term shall not be greater than 12 months.
- o) During the month of May and/or June a committee will review any new and current request to renew the partnership to determine approval.

6. Responsibilities

- 6.1. The Principal is responsible for the organization and management of the school, as set out in the *Education Act*. The Principal is therefore responsible for all the operational activities of the external provider within the school.
- 6.2. Supervision of paraprofessionals from external agencies is to be provided by staff from external agencies who are members of a relevant regulated College.

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- 6.3. Collaborative agreements will be reviewed annually by the Committee and the Manager of Finance and Treasurer to ensure they are consistent with the needs of the system, continue to reflect the goals of the Board, and are in compliance with the requirements of the Board [for example: criminal record checks, offense declarations, insurance etc.]
- 6.4. It is the responsibility of the external provider to supervise their staff, including providing clinical supervision if necessary, as well as ensuring the staff has current and valid criminal record checks, and to inform the Principal of any changes that relate to the provision of service(s) and/or the safety of students.
- 6.5. Clinical supervision of external agency staff who are not registered with a College will be provided by the external agency's College registered supervisor under whom the external staff member works.

7. Termination Procedure

- 7.1. Collaborative agreements will end on the date specified in the memorandum of agreement, or if the end date is indeterminate, a possible end date can be incorporated in the yearly review.
- 7.2. Extensions to complete the delivery of services may be negotiated on an ad hoc basis with the provision that either party may choose to respect the termination date of the agreement.
- 7.3. Either the Board or the external provider has the right to terminate a collaborative agreement after appropriate notice, according to the terms stated in the collaborative agreement.

REFERENCE DOCUMENTS

Legal References:

Education Act, section 169.1 (1) Duties and Powers of Board: Promote student achievement and well-being

Education Act, paragraph 170 (1) 7: Duties of Boards: Provide special education

Education Act, section 265 Duties of Principal: Care of pupils and property

Education Act, section 266 Pupil Records

Ontario Regulation 298 – Operation of schools, section 11 Duties of Principals: In charge of the organization and management of the school

Ontario Regulation 298- Operation of schools, section 30-31 Special Education Programs and Services

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*Ontario Regulation 306 Special Education Programs and Services
Ontario Regulation 464/97 Special Education Advisory Committees
Ontario Regulation 521/01 Collection of Personal Information: Criminal Background Checks
Ontario Student Record (OSR) Guideline
Ontario Ministry of Education: The Individual Education Plan (IEP) 2004
Ontario Ministry of Education: The Individual Education Plan (IEP): A Resource Guide 2004
Ontario Ministry of Education PPM 149 Protocol for Partnerships with External Agencies for Provision of
Services by Regulated Health Professionals, Regulated Social Service Professionals and
Paraprofessionals
Ontario Ministry of Education PPM No. 128 The provincial Code of Conduct and School Board Codes of
Conduct
Board Codes of Conduct
Canadian Charter of Rights and Freedoms
Ontario Human Rights Code
Municipal Freedom of Information and Protection of Privacy Act
Personal Health Information Protection Act*

Board References

*Board Policy: Equity and Inclusion Education A3b
Board Policy Learning and Working Environment: Safe School D51
Board Policy: Access to School Premises/ Road Premises D40
Administrative Procedure 310 Personal Information of Students, Including O.S.R Board Policy B9
Requirements
Board Policy A4 Vulnerable Sector Criminal Reference Check*

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**PROGRAMS AND SERVICES
PROVIDED BY EXTERNAL PROVIDERS**

APPENDIX -A

**PARTNERSHIP APPLICATION
Consideration of an Educational Collaboration with an External Provider**

Applicant: _____
(External Agency or Regulated Health or Regulated Social Service Provider)

- Description of the history and ownership/funding base of the external provider:
 - Address
 - History and funding base of external agency

- Description of the nature of the program or service that will be provided:
 - Format of intervention (i.e. group, classroom or school wide)
 - Specific grades
 - Resources required (space, materials, etc.)
 - Program timelines
 - Contact person

- Anticipated outcomes of the involvement:

- Assurance of congruence with the Board's vision, mission, and values, and compliance with the Board's standards of confidentiality, equity, and safe schools.

➤ Professional Certification of External Provider (Regulated Health or Social Service Provider):

Name

Profession

Certificate or Registration #

➤ Qualifications of the paraprofessional provider:

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Supervisor:

Professional Status:

Certification or Registration #:

Informed Consent Procedures:

Agreements and documents required from the external provider:

- ☐ Documentation of the informed consent process for the parent/legal guardian(s) or student who is of age, for the services to be provided is required and will be submitted by the external provider.
- ☐ The external provider agrees to complete the Informed Consent for the Protestant Separate School Board of the Town of Penetanguishene External Third Party Services, which will be submitted prior to any involvement with a student.
- ☐ Consistent with the legislative requirements of the *Education Act*, *Personal Health and Privacy Protection Act*, and the *Child and Family Services Act*, capable students 12 years of age and over may consent on their own behalf to the health services of an external provider. That said, informing and/or involving the parent/guardian in the process of consent should always be the starting point of a service, although the student's wishes will prevail. As well, as per privacy legislation, a capable student 12 years of age and older may decide to not consent to share information with school staff and/or their parent/guardian.
- ☐ Unless specifically directed not to, a brief summary of service will be completed by the external provider and shared with the school's administration at the conclusion of the service. That information will not be placed in the student's OSR and will remain stored in a confidential and secure location for the remainder of that school year and one additional year.

Criminal Record and Vulnerable Sector Screening Check:

- ☐ The Board has responsibility under the law to provide a safe and secure learning environment. External providers must declare that all their service providers who have direct contact with students have a valid Criminal Record Check and Vulnerable Sector Screening that is in compliance with the standard check used by the Board prior to commencing service. Approved external providers are also expected to provide an annual declaration, confirming that all service providers have a current Criminal Record Check with Vulnerable Sector Screening.

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Liability/Insurance:

☐ External providers must affirm that they do, or will carry their own commercial general liability (CGL) insurance in an amount not less than \$5 million per occurrence including professional and/or malpractice coverage. External providers will list the Board as an additional insured party on their CGL and submit a certificate of insurance prior to the commencement of services and upon renewal.

☐ External providers are required to provide proof of insurance through the Workplace Safety Insurance Board (WSIB) while working on Board property, or declare their exemption from the Board's WSIB coverage.

Supervision in the School:

The external provider understands and agrees that:

☐ The Principal will be responsible for the operational activities of the external provider within the school (as per the *Education Act*).

☐ Clinical supervision of the external provider's staff that are not registered with a College will be provided by the external provider's College registered supervisor under whom the external staff member works.

☐ The Supervisory Officer and Board special education support staff members are available to consult with the Principal regarding issues of professional conduct, service delivery, and quality assurance.

☐ The provider respects the Board's collective agreements with unionized staff.

☐ The provider agrees to adhere to the Board's standards of confidentiality, equity, human rights, and safe schools.

Expectations for space and material resources:

In the provision of services, the service provider is requesting the following provision of space to provide service:

In the provision of services, the service provider is requesting the provision of the following materials and or electronic supports in the school to provide service:

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Confidentiality:

Confidentiality will be maintained in accordance with the requirements of the Municipal Freedom of Information and Protection of Privacy Act, the Personal Health Information Protection Act, the Education Act and the Child and Family Services Act.

Conflict Resolution:

A joint advisory committee will be convened in the event that a disagreement or dispute between parties must be resolved. This committee will consist of no less than three representatives from the Board. The external provider should provide no less than three representatives as well. However, in the case of smaller agencies or individual providers, such providers may have fewer than three participate in the conflict resolution process.

Notwithstanding the outcome of a conflict resolution process, the School, Board or external provider has the right to terminate an existing collaborative agreement after appropriate notice and according to the terms in the collaborative agreement.

Fees:

The following fees are proposed for the following services:

Evaluation of Programs/Services:

The external agency proposes the following method of evaluation of services provided, including the following proposed tools (attach):

The applicant agrees that all services provided will abide by the professional standards of its regulatory college.

Proposed start date: _____ (short term)

Proposed end date: _____
(Indicate date or indeterminate time, or long-term partnership)

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This applicant is proposing the above terms and conditions for a collaborative agreement and is attesting to the capacity to provide for the above provisions. The applicant is submitting this application for consideration by the Protestant Separate School Board of the Town of Penetanguishene Service Collaboration Committee.

Should the application be considered for collaborative agreement development and implementation, the applicant agrees to co-develop a formal collaboration.

TERMINATION/RENEWAL:

Each year prior to the end of the school year (May/June) the agency must indicate their request to renew the agreement.

External Agency Lead

Date _____

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APPENDIX B

**MEMORANDUM OF AGREEMENT
WORKING PLAN DOCUMENT**

Third Party Protocol Working Plan With:

_____ (Name of Third Party Responsible)

_____ (Third Party Plan Delivered by)

Name(s) of Student or Students Involved:

Purpose of Involvement:

Required Components:

The external provider must provide evidence of the following required components of the collaborative agreement:

Qualifications checked _____

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Criminal Record Check
with Vulnerable Sector Screening

Assurances Regarding Confidentiality

Agreement to comply with Board values
and policies

Board Staff Signature

Date: _____

Parental Permission received in writing

Summary of Plan: (or attached)

Projected timeline of involvement: _____

Details regarding the fees and payment schedule, if any:

Proposed method of evaluation of the program/service:

Dates for School Visits:

Location or Space to be used: [The external agency acknowledges that the Principal shall be responsible for the operational activities of the school.]

Principal's Signature

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_____ Date _____

Copies to:
Parent
Third Party
OSR