

Adopted: July 25, 2017

Revised:

ATHLOS LEADERSHIP ACADEMY POLICY 5.6.4 OUTSIDE/PRIVATE PROVIDERS FOR STUDENTS

I. Purpose

It is the duty of Athlos Leadership Academy (“Athlos”) to ensure an appropriate learning environment for all students and to comply with Athlos’s obligations to students with disabilities.

II. General Statement of Policy

It is the policy of Athlos to provide all services necessary to meet the educational needs of students with disabilities. It is Athlos general policy that we do not allow outside/private contracted service providers to deliver services on school grounds or to accompany an individual student throughout the school day.

III. Exceptions

When a parent of a student with a disability makes a request to allow an outside/private provider to deliver services on school grounds or to designate that individual to accompany the child throughout the school day, the Dean of Special Education or Athlos’s Superintendent must be informed. Such requests must be addressed by the student’s individualized education program (“IEP”) team.

- A. The IEP team will generally consider factors such as the parental concern and the student’s needs as applied to the specific instance in determining whether the student requires additional support or services.
- B. The Dean of Special Education or the Superintendent will be informed of the IEP team decision.
- C. If the IEP team determines a need for paraprofessional or other related services, Athlos will provide the appropriate support.
 1. In accordance with Minn. R. §3525.0800, subp. 2, Athlos shall not purchase special educational services for a student from a public or private agency when the service is available or can be made available and can be more appropriately provided as the least restrictive alternative within the school.
 2. In the event that Athlos is unable to locate and hire appropriate support for the student, Athlos may:
 - a. Contract with an agency that provides the needed support. In accordance with Minn. R. §3525.1550, subp. 1, Athlos will contract with personnel who hold appropriate licenses issued by the Board of Teaching or commissioner of education;

- i. If either the board or commissioner does not issue a license for a necessary service, Athlos shall contract with personnel who are members in good standing of professional organizations that regulate the conduct of its members and set standards for that profession.
 - b. Contract for special education services with a community-based program if the program meets the Minnesota Department of Education rules pursuant to Minn. R. §3525,1550, subp. 2;
 - c. Contract with the outside/private provider utilized by the parent, in rare situations. Reasons for this may include frequent absences of the student, which would result in unnecessary and costly services, and/or the student's condition is extremely precarious and continuity of outside/private service providers is needed. In this case, the parent must:
 - i. Identify the vendor who employs the individual accompanying the child; and
 - ii. Ensure the individual has liability and work comp insurance from the vendor.
- D. Regardless of the method in obtaining the service provider, Athlos remains to be responsible for the student to receive the education and related services and rights to which they are entitled pursuant to Minn. R. §3525.0800.
 - 1. Athlos will require every service provider to complete a criminal history background check and any other employment process as required under Athlos's policies and procedures.
 - 2. Every service provider is required to comply with all of Athlos's policies and procedures. Any violation of the policies and procedures may result in revocation of the service provider's contract to deliver service on the school grounds or to accompany the student throughout the school day.
 - 3. The Superintendent or designee should advise the parent in writing the outside/private provider's purpose, proposed length of service, and that any violation of the Athlos's policies may result in revocation of permission to deliver service on school grounds or to accompany the student throughout the school day.
- E. Any contract created under this policy will be valid no longer than the remainder of the school year unless expressly provided for in the specific contract with Athlos.

Note: The applicability and enforceability of this policy 109 is limited to, and qualified by, Minnesota or Federal law that, at the time any such circumstance within the scope of the policy arise, may be contrary to some aspect or all of the policy.

Legal References:

Minn. Stat. §124E.03 (Charter School Applicable Law)
Minn. Stat. §124E.07, subd. 6 (Board of Directors)
Minn. Stat. §123B.03 (Background Checks)
Minn. R. §3525.1550 (Contracted Services)
Minn. R. §3525.0800, subp. 2 (Responsibility for Ensuring
Provision of Instruction and Services)

Cross Reference:

Athlos Policy 4.1.3 (Criminal Background Checks)