Contracting for School Psychology & Related Services

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When contracting for services, both parties must participate in:
* consistent, proactive communication
* inclusive work culture
* shared understanding of roles and responsibilities

Getting Started

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

Recommended Practices

* 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

**Contract Components**

- 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

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**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

**Other Elements to Consider**

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

Medicaid Cost Recovery Considerations

- 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](https://ec.ncpublicschools.gov/finance-grants/medicaid-in-education/resources)

Contact Information

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