

PRIVATE SERVICE PROVIDERS AND CONSULTANTS

The Bonneville Joint School District No. 93 Board of Trustees encourages the use of private service providers (PSP) and/or professional consultants as resources when their services are deemed helpful in the improvement of the educational program. The Board delegates authority to the Superintendent/designee to enter into contracts with PSP and/or professional consultants for necessary services. Service providers or consultants shall not exercise any authority over the work of District employees, but shall act only as advisors in those fields for which they are qualified to offer assistance and for which they are employed.

Guidelines

Background Check

Prior to beginning service, the PSP or consultant shall undergo a background check pursuant to District Policy #5020 *Criminal History Background Checks*.

Contracts

1. All PSPs and consultants shall be hired based on a written contract that shall not exceed twelve (12) months.
2. Any PSP or consultant s who have access to or use the District's network or computers shall sign a Computer/Network Use Agreement PSP or Consultant Signature Page before a user account will be created.
3. Any contract entered into shall provide that the District shall at all times retain:
 - a. responsibility for eligibility determination,
 - b. choice of educational methodology, and
 - c. responsibility for other determinations of educational services and programs.
4. Agreements entered into shall describe the following:
 - a. roles and responsibilities,
 - b. service to be provided,
 - c. frequency and duration of service,
 - d. documentation of licensure or certification to perform the prescribed services,

- e. issues of liability,
- f. terms of payment, and
- g. provisions for changes in or termination of the agreement.

Compensation

1. The PSP or consultant shall be paid according to the terms of the written contract.
2. If compensation is not within the amount specifically budgeted, such compensation shall be approved by the Board prior to the PSP or consultant providing services for the District.
3. If reimbursement is to be obtained through Medicaid, the PSP or consultant shall agree via the contract that those services will not exceed the approved Medicaid rate.

Confidentiality

The PSP or consultant shall at all times maintain confidentiality of all records of services pursuant to the Family Educational Records and Privacy Act (FERPA) including but not limited to:

1. identifying information regarding student and services,
2. observations, and
3. evaluations and/or assessments.

DEFINITIONS

Other Purchased Services: Amounts paid for services rendered by organizations or personnel not on the payroll of the school district (separate from Professional and Technical Services or Property Services). While a product may or may not result from the transaction, the primary reason for the purchase is the service provided.

Private Service Provider (PSP) or Consultant: means a person, group, agency, or organization that meets the following conditions:

1. Is not an employee of the Bonneville Joint School District No. 93 or a public agency with legal jurisdiction over the circumstances related to the provider's or consultant's involvement with the student;
2. Operates as an independent contractor and no employment relationship existing, or implied;

3. Is solely responsible for wage withholding, workers compensation coverage, or any other required coverage. The District shall have no obligation for such actions or benefits; and
4. Is paid solely for the services specified in the contract.

Examples of Private Service Providers include but are not limited to: psychologist, counselor, targeted service provider, behavioral therapist, speech therapist, occupational therapist, physical therapist, social worker, psychosocial rehabilitation specialist, etc.

Examples of Professional Consultants include but are not limited to attorney, auditor, architect, agents of record, and others with technical skills or professional training.

Professional and Technical Services: Services rendered by individuals or organizations with specialized skills and knowledge. Examples include services of architects, auditors, consultants, lawyers, speakers, etc.

Purchased Services: Services that can only be performed by persons or firms with specialized skills and knowledge. Although a product may or may not result from the transaction, the primary reason for the purchase is the service provided. Included are the services of architects, engineers, auditors, dentists, medical doctors, lawyers, consultants, teachers, and accountants. It is recommended that a separate account be established for each type of service provided to the school district. (Property services are purchased to operate, repair, maintain, and rent facilities owned or used by the school district.)

Adopted 03-09-2011 Reviewed 03-11-2020 Revised

Cross Reference: Sex Offenders #4420
Criminal History Background Checks #5020
Volunteers Assistants #5720

Legal Reference: 20 U.S.C. § 1232g, *et seq.* Family Education Right to Privacy Act (FERPA)
34 C.F.R. Part 99 Implementing FERPA
Idaho Code § 33-512 Governance of schools