

Murfreesboro City School Board

Monitoring:

Review: Annually, in
April

Descriptor Term:

Outside Applied Behavior Analysis Therapy

Descriptor Code:

6.4053

Issued Date:

Rescinds:

Issued:

General

This policy governs access to students during the school day by private pay providers who deliver applied behavior analysis on District property.¹ A “private pay provider” is defined as a licensed behavior analyst, licensed assistant behavior analyst, or registered behavior technician who is not employed or contracted directly by the District and who is compensated by the student's family or an external entity.

The District shall allow a private pay provider who is under contract with the parent/legal guardian of a student with autism spectrum disorder or developmental delays to access the student during the school day and provide applied behavior analysis in educational settings, including classroom settings, provided that the setting does not conflict with the student's educational placement. The District is not responsible for the cost of private pay services and is not required to construct special facilities or purchase special equipment beyond what is customarily available at the school.

REQUEST AND REVIEW PROCESS

A parent/legal guardian seeking access for a private pay provider shall submit a written request to the Special Education Director identifying the student and the proposed private pay provider. Before services begin, the parent/legal guardian and private pay provider must satisfy all applicable legal requirements and applicable District administrative procedures.

The private pay provider shall execute the District's memorandum of understanding (MOU) and provide documentation demonstrating compliance with the background investigation requirements of Tennessee law. The provider shall also submit proof of all required licensure or certification and professional insurance that covers the school as an additional insured party, pursuant to the requirements of the MOU.

The private pay provider shall identify the licensed behavior analyst responsible for supervising all private pay services delivered during the school day. Supervision shall comply with national certification standards, and the supervising licensed behavior analyst shall remain responsible for the quality and fidelity of the services. Services may begin after the District has received the required documentation and the parties have coordinated the schedule and location in accordance with this policy.

COORDINATION AND SCHEDULING

Private pay services shall supplement, but shall not supplant or be used to meet, any requirement in the student's Individualized Education Program (IEP). The provision of private pay services does not impact or reduce the District's responsibility to provide the student with a free appropriate public education.

Before services begin, and thereafter as appropriate, the private pay provider shall coordinate with the student's IEP team, when applicable, and with designated school staff. Coordination shall address the provider's role, communication channels, service schedule and location, access to relevant student information when authorized, and the exchange of documentation reasonably necessary to coordinate services.

The District and private pay provider shall coordinate an individualized schedule for each student served that reasonably accommodates the delivery of services without disrupting the classroom environment, instruction, or the student's access to the general curriculum. Services shall not consistently interrupt the student's schedule in a manner that reduces access to the general education program. If a requested schedule or location cannot reasonably be accommodated, the District shall work with the provider and parent/legal guardian to identify a reasonable alternative.

The District shall provide reasonable accommodations necessary for the delivery of private pay services, including classroom access and facilitation of coordination between the private pay provider and school personnel.

PROFESSIONAL EXPECTATIONS AND INTERACTION WITH OTHERS

Private pay providers shall comply with the MOU, applicable law, Board policies, school safety and visitor procedures, and student confidentiality requirements. A provider shall maintain professional conduct and shall not interfere with instruction, school operations, or the District's implementation of a student's educational program.

A private pay provider may interact with the student for whom the provider has been authorized to provide services. The provider shall not provide services to, evaluate, record, or collect data regarding another student. Incidental interaction with others is permitted only as reasonably necessary to deliver the authorized services, follow staff directions, or participate in ordinary school routines. The District shall not direct the provider to perform services or duties for another student, employee, or visitor.

TERMINATION OF SERVICES

The District may discontinue or terminate a private pay provider's access for cause. Cause may include, but is not limited to:

1. A material or repeated violation of the MOU or this policy;
2. A material or repeated disruption of instruction or school operations;
3. A conflict with the student's educational placement;
4. Failure to maintain required credentials, supervision, background check verification, or insurance;
5. Breach of confidentiality; or
6. Conduct that presents a safety or security concern.

When appropriate, the District shall provide written notice of the concern and a reasonable opportunity to correct it before terminating access. The District may immediately suspend access when reasonably necessary to protect student safety, confidentiality, or school security, or to prevent a material disruption. The Director of Schools or designee shall provide the parent/legal guardian and provider written notice stating the basis and scope of a suspension or termination. When the concern involves an individual provider, the District shall limit the action to that individual unless the circumstances support broader action against the provider organization.

APPEALS PROCESS

A parent/legal guardian who disagrees with a District decision concerning a private pay provider or the provision of private pay services may submit a written appeal to the Director of Schools within ten (10) business days after receiving notice of the decision. The appeal should identify the decision at issue, the requested resolution, and any supporting information.

The Director of Schools shall appoint a three-member review panel composed of a building-level administrator not associated with the school at issue, a Student Services or Special Education Department staff member, and another District employee. To the extent practicable, panel members shall not have participated directly in the decision under review. The panel shall consider information submitted by the parent/legal guardian and relevant District information and shall issue a written determination within ten (10) business days after receipt of the appeal. The decision of the panel is final and binding regarding the provider's physical access to District property. A temporary suspension based on safety, confidentiality, security, or material disruption may remain in effect during the appeal.

This appeal process does not limit any procedural safeguard or remedy otherwise available under state or federal law.

ADMINISTRATIVE PROCEDURES

The Director of Schools shall develop administrative procedures and forms to implement this policy, including procedures for applications, scheduling, documentation, communication, emergency response, and notice of suspension or termination.

Legal References

1. [Public Acts of 2026, Chapter No. 1112](#); [20 U.S.C. § 1401](#)