

Social Services at School:

Working with Outside Groups to Serve Your Students

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**“Social Services at School”
What are we talking about?**

A Social Service Provider is typically a community-based organization that operates a nonprofit corporation

Some Types of Social Services:

Behavioral Health Services

Medical & Dental Services

Food Banks

Why has Interest in Social Service Clinics at School Increased?

- In its 2019 Kids Count Profile, the A. E. Casey Foundation ranked Arizona 46th among the 50 states in the well-being of its children. More children need social services.
- The bright-spot in the statistics, however, is that percentage of Arizona children without health insurance has decreased from 13% in 2000 to 8% in 2017. More financial resources are available for child health care.
- Schools are aware of the impact of Adverse Childhood Experiences on student attendance, behavior and learning and the importance of Trauma-Informed Care for such children.
- Schools are implementing Social-Emotional Learning (SEL) models.

Advantages of School-Based Social Service Clinics

To the Social Service
Provider:

- Proximity to current and prospective clients
- Low cost clinic space
- Information sharing to better serve clients

To the School:

- Students have easier access to services
- Students will receive services needed to be successful learners.

Four Questions Before Starting the Project

- Does the School have a substantial number of students who would benefit from the social service?
- Does the School have adequate, unused space available for a social service clinic?
- Is the School principal ready and willing to have a social service provider on campus?
- Will the Governing Board approve the proposal?

Legal Authority for a School District to permit a social service clinic at a school campus

Arizona Attorney General Opinion No. 102-003 (2002)

Question: May a school district lease school facilities to a private company that provides dental services to children pursuant to A.R.S. 15-1105?

Summary Answer: Yes. A school district may lease school facilities to a private company that provides dental services to children, provided that the governing board concludes that providing access to dental services is a civic purpose in the interest of the community under A.R.S. 15-1105.

Legal Authority for a School District to permit a social service clinic at a school campus

Must the School District require the Social Service Provider to pay rent for the use of space in a school?

Answer: The School District must receive reasonable value for a private use of its property. However, reasonable compensation may be “contributed services.”

A Governing Board has discretion to decide whether a social services clinic provides sufficient value to the school to meet this standard. For example, “contributed services” could include the Provider’s commitment to provide “as needed” services in the event of an emergency at the school.

The Essential Legal Requirements for a Social Services Clinic at School

1. Governing Board approval of the agreement between the school district and social service provider for use of school property.
2. Reasonable compensation for use of the school space.
3. A valid liability insurance policy provided by the social service provider that names the school district as “additional insured.”

Other Legal Issues in an Agreement with a Social Services Provider

Purpose of the agreement

The Agreement should be clear about its essential purpose, which is to authorize Provider to use a designated space in the school to provide social services. The Agreement should be clear that the School is not acting as an agent or partner of the Provider.

Other Legal Issues in an Agreement with a Social Services Provider

Billing for Services - The School will have no involvement with collection of bills for health or other services.

Term & Early Termination - The term can be for one or more years, but the School District should reserve the right to terminate the agreement on 30 days written notice, with or without cause.

Other Legal Issues in an Agreement with a Social Services Provider

Information Sharing - Assume that all student (and family) information held by the Provider or School is protected from disclosure by FERPA or HIPPA.

Require a signed parent consent form as the basis for exchange of information between School and Provider regarding a student or the student's family.

Other Legal Issues in an Agreement with a Social Services Provider

Background Checks - Provider will require staff members to have an Arizona fingerprint clearance card.

Staff Conduct - Staff agree to comply with the School District's policies regarding conduct on school grounds and interaction with students, including mandatory reporting of suspected child abuse.

Other Legal Issues in an Agreement with a Social Services Provider

Indemnification - Provider indemnifies the School District for any losses and costs incurred from a lawsuit or claim that arises from the Provider's services or the conduct of its employees and agents.

Insurance - Provider agrees will provide a valid insurance policy in a minimum amount (\$1M single occurrence/\$2M aggregate) that covers the School District for a liability that arises from Provider's activities at a school.

A Couple of Notes about Food Banks

Food Banks involve the distribution of food to school children and their families, so there is reason to be concerned about liability for contaminated food. Two suggestions:

- No perishable food should be distributed from a school.
- The Food Bank should indemnify against claims based on food that is contaminated, mislabeled, etc.

Questions?
