

NASP Sample Language for Response to MLA

J. Exemptions

I strongly oppose the proposed change to section J of the MLA that removes the exemption for specialist level school psychologists to use their titles. I urge APA to strike this change from the proposed revisions and reinstate the long-held exemption for all school psychologists.

The reasoning for changing the school psychologist exemption is unsound and unscientific. Doctoral level and licensed school psychologists have not been found to have a level of psychological practice in schools that is superior to or of significantly higher quality than specialist level school psychologists. Specialist and doctoral level school psychologists are experts in psychology and education. They provide high quality psychological and educational services in schools and improve the educational, behavioral, adaptive, social, and emotional outcomes of children and youth enabling them to achieve in school and in life. These specialized professionals are highly valued in the schools because of the unique combination of rigorous graduate training (in psychology and education) that they work diligently to attain, and the subsequent invaluable services that they are able to provide. This proposed change in the MLA exemption would unjustly remove the rights of more than 75% of practicing school psychologists (20,000+) to use the title for which they are legitimately credentialed and qualified.

APA has a professional responsibility to recommend to state legislatures amendments to their state psychology licensing acts that are based only on empirical, evidentiary grounds for the purpose of protecting the public. No such grounds exist. Therefore, there is no justifiable need for this removal of exemption or for the removal of the title of non-doctoral school psychologists to take place.

Implementing this change would inevitably have a negative impact on children and their education. If this proposed change in the MLA is enacted in states, conflict would inexorably ensue. By nature, policy changes and implementation are complicated. In this case, multiple changes would occur and have a significant impact: 1. state and federal legislation (all laws and regulations that refer to “school psychologists”); 2. state boards of education (credentialing policies/procedures and funding mechanisms); 3. school districts (hiring and practice policies); 4. supervision practices in schools by professionals other than doctoral level school psychologists or licensed psychologists; and 5. individual specialist level school psychologists (disenfranchised from their title and professional identity). This will cause confusion in every area mentioned above and will undoubtedly impede the delivery of needed educational, behavioral, emotional, and social (psychological) services to children. This needless change in the MLA exemptions, especially at this time of great need in schools, and the untenable removal of a title most associated with school-based practice has a high risk of hurting children, families, and schools by creating barriers to receiving services. Placing a barrier by limiting available—and essential—personnel has the potential to cause physical or emotional

harm to children and is in direct violation of APA's Ethical Principles of Psychologists and Code of Conduct, which under Principle A: Beneficence and Non-Maleficence states that psychologists "take care to do no harm."

The proposed changes in the MLA exemption would also allow licensed psychologists to bypass the credentialing requirements of State Education Agencies (SEAs), and permit them to use the title of "school psychologist" or "certified school psychologist" without having met the requirements established by the SEA. SEAs require that school psychologists have completed a comprehensive three year graduate program in school psychology, including a 1200+ hour internship. Because school psychologists who are credentialed through their SEAs practice in the schools with children, it is justifiable that SEAs require graduate preparation and internships in school settings before practice in the schools. Licensed psychologists who have taken one course in education are not equipped or qualified to work in schools as school psychologists and they should not be granted the title without attending a graduate program or completing respecialization in school psychology. Allowing licensed psychologists, who have not had adequate training and experience to work in schools as school psychologists may put children at risk for harm. Again, this is in direct violation of APA's published Ethical Principles.

For the reasons stated above, I strongly advise the APA to reinstate the exemption in section J for all school psychologists.

B. Definitions

I urge the Task Force to reinstate the exemption for non-doctoral level school psychologists in the March 6, 2009 proposed Model Act for State Licensure of Psychologists.

The proposed Model Act recommends to state legislatures that they disregard well-established, high quality credentialing standards for specialist level school psychologists without just cause or sound reasoning. For example, the Definitions Section (B) of the of the Model Act describes precisely the activities that school psychologists are trained and qualified to do in their daily work with children, educators, and families to enhance the school performance and mental health of children and youth and are practices for which school psychologists are credentialed by state boards of education. These functions are recognized in the professional NASP *Standards for Training and Field Placement in School Psychology, Principles for Professional Ethics, and Guidelines for the Provision of School Psychological Services*; requirements for the Nationally Certified School Psychologist credential; and the credentialing requirements of 49 state boards of education plus the District of Columbia. The elimination of the exemption for specialist level school psychologists would restrict the practice of non-doctoral school psychologists in public schools without justification.

Furthermore, the definition of the "practice of psychology" seeks to clarify the breadth of specific services rendered by psychologists. Within this definition, all of the services provided by school psychologists are addressed in whole or in part. This portion of the

Model Act defines psychological practice and essentially *removes* the right of non-doctoral school psychologists legitimately credentialed by State Education Agencies to engage in these practices. This removal constitutes a restraint of trade (or professional practice), which could put states in violation of interstate commerce law and place them at risk for civil litigation. Accordingly, these recommended revisions should be reversed.

The exemption for specialist level school psychologists should be maintained because school psychological services are defined and recognized in most state codes for the regulation of schools and educational services. In federal law and regulations, the expertise of school psychologists is recognized as a source of expert testimony for the purpose of establishing impairment. According to federal guidelines, the credibility of this testimony by licensed or certified school psychologists at both the doctoral or specialist levels is given equal weight to that of licensed psychologists, licensed physicians, and other licensed or qualified professional.

APA's proposed Model Act would attempt to remove the *right of state education agencies* to choose a title for a credential that the state education agency issues, and attempts to restrain states in its regulation of school based practices, both for the provision of school psychological services, and in its standards for providers of school psychological services. I oppose a Model Act that would attempt to remove state education agencies' regulation of title, credentials, and practices of school psychologists, who are highly valued professionals in schools.

Section B4 (Definitions) also threatens the ability of specialist level school psychologists who have earned the "Nationally Certified School Psychologist" (NCSP) recognition to use this title as representation of their graduate education and competence, without empirical or evidentiary grounds for doing so. This national NCSP credential and the corresponding graduate education standards that it represents are highly regarded in states and in the accreditation standards adopted by NCATE. It also represents a level of accomplishment that is frequently rewarded by school districts as reflecting high levels of professional attainment worthy of annual bonuses or stipends. Further, under Model Act proposed language, the use of the legitimately earned specialty title of NCSP by a non-doctoral school psychologist could be unjustly classified by psychology boards as misleading or false advertising.

Finally, school psychology is a developed area of practice and meets all of characteristics identified on page 5 (Section B7, Definitions) of the Model Act. Substantial evidence exists that school psychology is an established practice area and specialist level school psychologists are appropriately prepared and credentialed to engage in school psychology practice.

It is for the reasons stated above that I strongly advise the APA to reinstate the exemption for specialist level school psychologists in the Model Act.

G. Limitations of Practice; Maintaining and Expanding Competence

I strongly oppose the proposed revision to section G (Limitation of Practice; Maintaining and Expanding Competence) of the MLA that changes school psychology from an area of specialization to a foundation of psychology. I strongly urge the APA to reject this proposed change and maintain that school psychology is an area of specialization.

As an area of specialization, it is maintained that a professional with psychological training specifically in school psychology will practice within this area of specialization and will not practice in another area (e.g., experimental psychology) without the completion of a training program. If school psychology becomes a “foundation of psychology practice” this area would be added to a list of areas in which all psychologists are required to be trained. In order to demonstrate that an individual has met an APA psychological foundation in graduate programs, it is typical that one or more classes in this broad area would be sufficient, and it is probable that no additional experiences in school settings would be required. This is considerably less stringent than requiring the completion of graduate training or respecialization in the area of school psychology, and is in no way adequate to developing the knowledge and skills necessary to providing services in schools that genuinely support the mission and purpose of schools, which is learning.

By maintaining that school psychology is an area of specialization, the public is protected from being provided school psychological services by a professional that is not adequately trained in school psychology. If this proposed revision to the MLA is enacted, this would allow for licensed psychologists who lack education specific to school psychology and proper school-based competencies to be able to work with children in schools as a school psychologist. Allowing professionals who lack proper specialization to work in schools with the vulnerable population of children is in direct violation of APA’s Ethical Principles of Psychologists and Code of Conduct, which under 2.01 Boundaries of Competence states that, “(a) Psychologists provide services, teach, and conduct research with populations and in areas only within the boundaries of their competence, based on their education, training, supervised experience, consultation, study, or professional experience.” Additionally, allowing and promoting professionals who do not have the appropriate expertise to work with children in schools has the potential to cause harm by putting children at risk for receiving inappropriate services and by putting these professionals in a position to give services in which they have not been adequately trained. This is in direct violation of APA’s Ethical Principles of Psychologists and Code of Conduct, which under Principle A: Beneficence and Non-Maleficence states that psychologists “take care to do no harm.”

For the reasons stated above, I strongly advise the APA to reject the proposed changes to section G (Limitation of Practice; Maintaining and Expanding Competence) and maintain school psychology as an area of specialization.

Preamble

I strongly oppose language in the APA MLA that would potentially limit and change the practice of school psychologists without empirical or evidentiary grounds, and I urge APA to revise the proposed changes in the MLA that may cause this problem, including the Preamble.

While many claim that the MLA is primarily an act that is focused on standards for professional titles (i.e., psychologist), the Preamble clearly states that, “This is the fifth set of guidelines for state legislation regulating the *practice* of psychology that has been developed by the American Psychological Association (APA).”

Because other proposed revisions intend to change the title of non-doctoral level school psychologists by not allowing them to use the title “school psychologist,” (Exemptions J) and indicates that for these individuals “the state educational agency would still credential such individuals (albeit by a different title) and the individuals would still provide psychoeducational services in public school settings,” this creates a foreseeable conflict and is also counterintuitive. As the Preamble states, “the Model Act serves as a prototype for drafting state legislation regulating the practice of psychology,” and practices of school psychologists (assessments, consultation, intervention, prevention) are included within the practice of psychology.

If non-doctoral level school psychologists are stripped of their professional title (Exemptions J), but are expected to perform professional activities consistent with the practice of psychology (Definitions B), this has the potential to cause conflicts in policy and service delivery and could negatively impact all stakeholder groups (children, families, educators, schools, school psychologists, etc.) This type of confusion may cause harm to children by potentially hindering the delivery of needed psychological services and is in direct violation of APA’s Ethical Principles of Psychologists and Code of Conduct, which under Principle A: Beneficence and Non-Maleficence states that psychologists “take care to do no harm.”

For the reasons stated above, I strongly advise the APA to revise their MLA such that practice of school psychologists will not be limited or changed. There is no cause to make such a change and there are sizable demonstrated benefits of school psychologists providing services in the areas in which they are credentialed and qualified. I further advise that the present MLA revise the proposed sections in which it appears that there are conflicting sections (J, B, Preamble).

A. Declaration of Policy

I strongly oppose language in the APA MLA that would potentially limit and change the practice of school psychologists without empirical or evidentiary grounds, and I urge APA to revise the proposed changes in the MLA that may cause this problem, including Section A, Declaration of Policy.

This section states that, "...the intent of legislation for state licensure of psychologists is to ensure the practice of psychology in the public interest. The consumer should be assured that psychological services will be provided by licensed and qualified professionals..."

This assertion, combined with the proposed changes in the MLA Exemption (J) that disallows non-doctoral level school psychologists from using their titles and practicing psychology, implies that APA believes that the change in the school psychologist exemption is in the public interest. On the contrary, there is no evidence that the current exemption for school psychologists in the 1987 Model Act (that permits credentialed school psychologists to use the title and engage in the practice of school psychology) causes harm and no evidence that the proposed changes in the MLA will benefit the public. In fact, highly qualified specialist level and doctoral level school psychologists provide services essential to improving academic and mental health outcomes for children and families. By removing the exemption for non-doctoral level school psychologists, the proposed Act risks causing public harm by limiting the availability and accessibility of psychological services provided by qualified school psychologists, and is in direct violation of APA's Ethical Principles of Psychologists and Code of Conduct, which under Principle A: Beneficence and Non-Maleficence states that psychologists "take care to do no harm."

Before proposing a change in the MLA that could have such important outcomes for credentialing of professionals in schools and, ultimately, services to children, the task force developing the MLA revisions has the obligation to provide evidence of harm that has been caused by the exemption for school psychologists in the existing MLA and evidence of potential benefits for consumers and the public if the exemption is removed in the MLA revision. This evidence has not been provided.

In light of the potentially harmful impact on children and education resulting from proposed changes to the Model Act specific to school psychologists and the failure of APA to adequately document or support any benefits of their proposed change, I strongly suggest the APA strike these revisions, and specifically reinstate the exemption for all school psychologists. Furthermore, as many of these revisions would limit and change the practice of school psychologists without compelling justification, I strongly recommend that APA revise the MLA in a manner that conserves and respects highly qualified, skilled, and dedicated school psychologists and the psychological services that they provide in order to improve the outcomes of children and families.