



January 14, 2008

Debra Strain, Regulations Coordinator
LEGAL DIVISION
California Department of Education
1430 N. Street, Room 5319
Sacramento, California 95814

Dear Ms. Strain:

CASP would like to formally oppose certain sections of the proposed “Nonpublic School and Agency Certification: Proposed Amendments to Title 5 Regulations.” As presented to the State Board of Education on January 9 – 10, 2008.

CASP Recommendation A

On page 18 line 24 and on page 19 line 21

We appreciate the clarification of the professions that can be authorized to design or plan behavior interventions. However, we continue to be concerned that the only experience required to carry out a behavior intervention as described on Page 19 (B) line 21 consists of no more than a “(B)...high school diploma or its equivalent.” A higher level of education should be required to work with students with disabilities as it relates to behavior intervention. We highly recommend that the State Board of Education direct CDE staff to consult with the appropriate experts in the field of special education for input on what is an acceptable level of academic education.

CASP Recommendation B

On page 24, lines 7 and 8 we request the elimination of the words “psychotherapy and hypnosis”. Psychology as practiced in an educational setting does not recommend psychotherapy and/or hypnosis in the treatment of special education students.

CASP Recommendation C

On page 24, lines 18 through 20 should be eliminated. Students would be restricted in the provision of psychological services to “only personnel who are working under supervision of a licensed psychologist both regulated by the Board of

Psychology, within the Department of Consumer Affairs. This is a dramatic departure from current practice and educational law. The impact of that action is to severely restrict the choices that may be made by IEP teams and the families of students with disabilities placed in nonpublic schools. Additionally, given the current budget shortfall, a requirement to mandate a licensed psychologist would incur unnecessary costs when the other professions listed in lines 21 – 29 are readily available to nonpublic schools and are appropriately credentialed or licensed to provide the services specified.

CASP Recommendation D

On page 24, lines 21 through 29 have been eliminated in the proposed regulations. This precludes psychological services delivered by licensed Marriage, Family, and Child Counselors, Clinical Social Workers, Educational Psychologists, pupil personnel services credential holders and persons who hold a license in psychology. CASP strongly feels that the exclusion of these service providers limits the range of choices available to students with disabilities and their families and may do serious harm to the continuity of services specified in the student’s Individualized Education Plan. We urge the restoration of lines 21 through 29.

Please see below, our recommendation of a rewrite of page 24 is as follows:

Line 1-30 Consumer Affairs.

(o)(1) “Psychological services” means:

(A) psychological counseling services provided to children with disabilities involving the application of psychological principles, methods, and procedures of understanding, predicting, and influencing behavior, such as the principles pertaining to learning, perception, motivation, emotions, and interpersonal relationships; and the methods and procedures of interviewing, counseling, psychotherapy, behavior modification, and hypnosis; and of constructing, administering, and interpreting tests of mental abilities, aptitudes, interests, attitudes, personality characteristics, emotions, and motivations;

~~(B) consultative services to parents, pupils, teacher, and other school personnel; or~~

~~(C) planning and implementing a program of psychological counseling for children with disabilities and parents by a credentialed or licensed psychological or other qualified personnel.~~

~~(B)(D) This term does not include assessment services and the development of an individualized education program IEP.~~

(2) Psychological services, other than assessment and development of the ~~individualized education program IEP~~, shall be provided only by personnel who possess a license in psychology, or who are working under supervision of a licensed psychologist both regulated by the Board of Psychology, within the Department of Consumer Affairs.:

(A) pupil personnel services credential that authorizes school psychology.

(A2) license as a Marriage, Family, and Child Counselor, issued by a licensing agency within the Department of Consumer Affairs; or

(B) license as a Clinical Social Worker, issued by a licensing agency within the Department of Consumer Affairs; or

(C) license as an Educational Psychologist, issued by a licensing agency within the Department of Consumer Affairs; or

(D) license in Psychology, issued by a licensing agency within the Department of Consumer Affairs; or

~~—(E) pupil personnel services credential that authorizes school psychology.~~

(p)(1) “Recreation services” means:

Thank you for your consideration and should you have any questions feel free to contact Suzanne Fisher, our executive director at 916-444-1595.

Sincerely,

A handwritten signature in black ink that reads "Betty Connolly". The signature is written in a cursive style with a large, stylized initial 'B'.

Betty Connolly
President, California Association of School Psychologists