



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

AUG 18 1997

Kimberly K. McClanahan, Ph.D.
President
Texas Psychological Association
6633 East Highway 290
Suite 305
Austin, Texas 78723

Dear Dr. McClanahan:

This is in response to your letter to the Office of Special Education Programs (OSEP) dated December 15, 1996, written on behalf of the Texas Psychological Association. Your letter concerns clarification that this Office has previously provided to the Texas Education Agency (TEA) on the State licensure requirements for school psychologists. Please excuse the delay in issuing our response.

Since the highest entry-level academic degree requirement for the occupational category "licensed specialist in school psychology" (LSSP) is the master's degree, you are concerned that the LSSP "encompasses only the minimum standards of training and experience for school psychology specialists." According to your letter, "doctoral school psychologists licensed by the State Board of Psychology for independent practice in the private sector must complete a second application process, and pass a master's examination in order to provide services in the schools." Therefore, you assert that Texas legislation "limits the access of children with disabilities to services from personnel with qualifications that exceed the minimum requirements."

In a letter to J.R. Cummings, former Commissioner of the Texas Education Agency, OSEP advised:

"it would be inconsistent with a State's responsibility under 34 CFR 300.153 to establish two separate occupational categories of providers of psychological services to students with disabilities, where the two categories have a similar or identical degree of supervision, but with different entry-level academic degree requirements (e.g., the Ph.D. degree for one category and only a masters degree for the other)." (p.5).

Part B's personnel standards provisions require States to establish policies and procedures relating to the establishment and maintenance of standards for ensuring that personnel necessary to carry out the purposes of Part B are appropriately and adequately prepared and trained. 34 CFR §300.153(b)(1). These policies and procedures must provide for "the establishment and maintenance of standards that are consistent with any State approved or recognized certification, licensing, registration, or other comparable requirements that apply to the profession or discipline in which a person is providing special education or related services." 34 CFR §300.153(b)(2). Further, standards for entry-level employment of personnel in each profession or discipline providing special education and related services must be based on the "highest" entry-level academic degree requirement across all State agencies applicable to serving children and youth with disabilities. 34 CFR §300.153(a)(2). So long as the above requirements are met, Part B does not prescribe the individuals who must provide required instruction or services; nor does Part B prescribe the applicable qualification standards for those individuals. The recent changes to Part B by the Individuals with Disabilities Education Act Amendments of 1997 did not change the Part B requirements concerning personnel standards that are raised by your inquiry.

State law, not Part B's personnel standards provisions, govern whether individuals who provide particular services must be licensed or hold some other credential. As you do, we do not see Part B's personnel standards requirement as designed to burden individuals who have higher than the entry level degree. Nothing in 34 CFR §300.153 would prohibit individuals who have attained an academic degree requirement that exceeds the minimum requirement for a specific profession or discipline from the practice of that profession in the schools. On the other hand, Part B does not prohibit a State from requiring individuals who have a doctorate in psychology to fulfill other requirements to satisfy State requirements for the LSSP license. These determinations are within the purview of State and local educational authorities.

In the situation prompting your inquiry, Texas has determined that only individuals holding the LSSP license can practice school psychology in public schools. We believe that specifying criteria for providing services in the public schools, such as licensure, is consistent with the State's responsibility to undertake procedures and activities to ensure that there is an adequate supply of qualified personnel to ensure that children with disabilities receive appropriate instruction or services. 34 CFR §§300.381 and 300.600.

We hope that you find this explanation helpful in clarifying the scope of Part B's personnel standards provisions. If we can be of further assistance, please feel free to contact Dr. JoLeta

Page 3 - Kimberly K. McClanahan, Ph.D.

Reynolds or Ms. Rhonda Weiss of my staff at (202) 205-5507, or Ms. Deborah Sturdivant, the Texas State contact at (202) 205-8038.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas Hehir".

Thomas Hehir
Director
Office of Special Education
Programs

cc: Ms. Jill Gray
Texas Education Agency