



**NATIONAL
ASSOCIATION OF
SCHOOL
PSYCHOLOGISTS**

NASP Analysis of APA's Proposed Model Act for the State Licensure of Psychologists (2009)

Revised 4/14/09

Introduction to APA's Proposed Model Act for the State Licensure of Psychologists

Licensing acts and other credentialing standards are helpful to state legislators as they inform them about the standards of practice for professions, provide guidance on how these standards should be articulated in state law, make recommendations on how the public may be protected from harm related to these practices, and seek to set title boundaries for trade and commerce purposes. In 1987, the American Psychological Association (APA) created and promoted to state legislatures a Model Act that served as a prototype for states to draft legislation that regulated the titling and practice of psychology. Many states adopted the specific statutory language recommended by the APA. The general expectations promoted by the 1987 APA Model Act were that professionals seeking to use the title "psychologist" and to render "psychological services" were to be doctoral level psychologists only. However, given the growing credentialing of school psychologists by state boards of education, the 1987 APA Model Act included an exemption to this doctoral only standard saying, "It is recognized that school psychologists who are certified by the state education agency are permitted to use the term school psychologist or certified school psychologist as long as they are practicing in the public schools." In the subsequent 30 years, school psychology has developed into a distinct, well-established field, due in part to recognition through this exemption, and to leadership provided by the National Association of School Psychologists (NASP) and other school psychology organizations.

As part of the current revision process, APA is reversing its 32-year policy by modifying the school psychologist exemption in their proposed Model Act (revised 3/6/2009). APA's proposed Model Act includes an exemption that "Only those persons who are credentialed by state education agencies to provide psycho-educational services and who possess a doctoral degree in psychology (emphasis added) from a regionally accredited institution may use the title "school psychologist" or "certified school psychologist." Further, the draft Model Act is described as the prototype for the practice of psychology, emphasizes that psychological services will be provided by licensed and qualified professionals, defines the practices of psychology, and essentially attempts to remove the right of state education agency credentialed specialist and doctoral-level school psychologists to engage in these practices. NASP strongly opposes APA's attempt to limit school psychologists' title exemption to only those with a doctoral degree in psychology and restrict specialist and doctoral school psychologists' practice, as well as other components of the March 2009 draft of APA's model act. NASP reaffirms its position that credentialed specialist and doctoral level school psychologists may use the title and engage in a wide range of school psychology practices for which they are credentialed and well-qualified.

APA's proposed model act removes the right of state education agencies to choose a title for a credential that the state education agency issues, regulate school based practice for the provision of school psychological services, and establish standards for who may provide school psychological services. In APA's proposed Model Act exemption for only those school psychologists who possess a doctoral degree in school psychology, the proposed act notes, "Such persons shall be restricted in their practice and in the use of such title to those settings under the purview of the state education agency. This provision is not intended to apply to

licensed psychologists.” According to this language in APA’s Model Act, licensed psychologists would have access to the title and practice of “school psychologist” without meeting standards for preparation in school psychology and requirements established by a state education agency, and Boards of Psychology may regulate the kinds of services provided in schools and by whom these services are provided. NASP opposes a Model Act that would attempt to remove state education agencies’ regulation of credentials and practices and that would allow individuals to use a title and engaged in practices without meeting state education agency standards.

The following implications are noted if state legislatures adopt the proposed APA Model Act as revised (without the current exemption for state education agency credentialed specialist-level school psychologists and potential restrictions in practices by all state education credentialed school psychologists):

- Significant conflict at the state level would ensue. Statutes and regulations regarding school psychology qualifications, title, and descriptions of services would have to be revised in order to align state education credentialing and psychologists’ licensing requirements. A state education agency would need to consider a myriad of state and federal education regulations that would be impacted if the school psychologist title, qualifications, and practice were to change. This could also trigger the need for massive revisions of local school district policies and could place local school practices in conflict with federal laws that explicitly recognize school psychologists by title and practices. Not only would this cause unnecessary conflict at the state level, it would ultimately restrict the trade of currently credentialed specialist level and doctoral level school psychologists. **Critical school psychological** services to schools and students in need could be disrupted significantly, and this would contribute to increasing shortages of qualified school mental health professionals available to respond to student needs. The proposed Model Act could cause public harm by limiting availability of and access to needed services. Such a disruption of services would have a detrimental effect on academic achievement, school climate, and on compliance with federal and state regulations.
- Schools could potentially experience significant financial implications as a result of the need to hire more doctoral level practitioners to meet statutory and regulatory requirements, as well as face documented limitations in the available pool of doctoral level practitioners. Currently, 75% of practicing school psychologists are specialist-level trained, and these professionals would be restricted in their use of the title “school psychologist” and the practice of psychology in the schools.
- With the Model Act’s emphasis on the provision of “psycho-educational” services by school psychologists, the comprehensiveness of school psychologist’s services could be altered or restricted, which would create significant confusion about whether services provided by specialist level school psychologists are “eligible” or “sufficient” to meet existing regulatory and statutory requirements.
- In APA’s Model Act, licensed psychologists would have access to the title and practice of “school psychologist.” Thus, licensed psychologists would be permitted to use the title and practice in schools even if they were not trained in school psychology or did not hold a “school psychologist” state credential.
- Use of the title Nationally Certified School Psychologist (NCSP) by all specialist level school psychologists would be restricted. This title reflects a level of professional training and practice that is highly regarded across the country in both credentialing standards and in employment benefits.
- All state credentialed school psychologists would only be permitted to practice in settings under the purview of the state education agency. This means that school psychologists serving private schools, non-public schools, and some schools within juvenile justice facilities or residential treatment settings would be restricted in their use of the title and practice.

Proposed revisions to APA’s Model Act, if implemented in states, could also open up state legislatures, licensing and credentialing boards, schools, universities, students, and practitioners to a host of potential legal and practical problems as articulated below. It is imperative that all school psychologists understand how the proposed Model Act threatens their ability to practice their profession and that they take action to encourage the staff and leadership of the American Psychological Association to restore the exemption for specialist and doctoral-level school psychologists credentialed by their state education agencies prior to the final passage of the fifth version of the Model Act.

The table below summarizes NASP’s line-by-line analysis of the intended purposes of the proposed Model Act and how specific sections impact the use of the title “school psychologist” and the specific practice of “school psychology,” including the ability of school psychologists to render “psychological services” equivalent to

their level of training and expertise. An overview of keys concepts, additional background material, sample letters, and a timeline for APA decision-making on the Model Act are available at <http://www.nasponline.org/standards/apamla.aspx>.

Model Act Page Numbers	APA Model Act Proposed Language (March 2009 revision; http://forms.apa.org/practice/modelactlicensure/mla-review-2009.pdf)	Implications for School Psychologists	Key Issues
Preamble, A. Declaration of Policy, B. Definitions, J. Exemptions: Proposed Model Act language establishes that one purpose of the Model Act is to regulate the practice of psychology.			
1 Preamble	"As APA policy, the Model Act serves as a prototype for drafting state legislation regulating the practice of psychology . State legislatures are encouraged to use the language of this document and the policies that it espouses as the model for their own state licensure law."	The NASP Standards for Credentialing are the most authoritative source for credentialing of school psychologists. On numerous occasions, APA leaders and staff have stated that the Model Act is a "title act" only and will not impact the actual professional roles or services rendered by school psychologists. In a March 2009 FAQ (http://forms.apa.org/practice/modelactlicensure/faq-mla-revision.pdf) posted to accompany the proposed revisions to the MLA, APA notes the following about school psychologists who do not hold the doctoral degree in psychology, "The state education agency would still credential such individuals (albeit with a different title) and the individuals would still provide psycho-educational services in public school settings." However, the proposed document clearly states that the purpose of the proposed Model Act is to define and regulate the use of psychological titles and practice.	<ul style="list-style-type: none"> Regulation of Psychology Practice and Title
1 Preamble	"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.)"	Again, the language in the proposed Model Act clearly seeks to regulate the titling and practice of psychology and does not recognize the distinctive qualifications and credentialing of school psychologists.	<ul style="list-style-type: none"> Regulation of Psychology Practice and Title
2 A. Declaration of Policy	"A. Declaration of Policy: This section declares that the intent of legislation for state licensure of psychologists is to ensure the practice of psychology is in the public	This reaffirms the intent of the Model Act to define practice and limit the practice of psychology to Board of Psychology licensed professionals. There is no evidence that the	<ul style="list-style-type: none"> Regulation of psychology practice and titling Restraint of trade Unnecessary and unsubstantiated

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	<p>interest. The consumer should be assured that psychological services will be provided by licensed and qualified professionals according to the provisions of this act. The public must also be protected from the consequences of unprofessional conduct by persons licensed to practice psychology.”</p>	<p>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 public harm. On the contrary, highly qualified school psychologists at both the specialist and doctoral levels provide services essential to improving academic and mental health outcomes for children and families. By removing the exemption for school psychologists, the proposed Act potentially risks causing public harm by limiting the availability and accessibility of psychological services provided by qualified school psychologists. Further, the removal of the title exemption for specialist level school psychologists in the proposed Model Act in effect asserts that the psychological services provided by qualified school psychologists are no longer “qualified” for an unexplained reason and should therefore, no longer be accessible by the public.</p> <p>The proposed Model Act asserts state psychology licensure board authority over the practice of psychology, including title and practices currently defined and regulated by over 90% of state Boards of Education.</p>	<p>recommendations to state policy makers</p>
<p>2 B. Definitions</p>	<p>“Psychological services should be described adequately and specified in order to identify clearly the areas of psychological services, provided to individuals, groups of individuals, or organizations, that require qualified and sound professional psychology practice.”</p>	<p>The practices defined in this and subsequent sections of the proposed Model Act clearly include the services in which school psychologists have been and continue to be educated, trained and qualified to practice. The school psychology exemption found in the 1987 Model Act is necessary to continue the current state education credentialing and delivery of services by school psychologists.</p>	<ul style="list-style-type: none"> Regulation of Psychology Practice and Title
<p>14-15</p>	<p>“There should be an exemption from</p>	<p>This purpose of the Model Act is to prescribe</p>	<ul style="list-style-type: none"> Regulation of Psychology Practice and

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J. Exemptions	licensure for persons engaged solely in teaching in academic institutions, or research in academic and/or research institutions. In addition, those General Applied (non-HSP) Psychologists who provide services for the benefit of the organization and not involving direct services to individuals should be exempt from licensure and be allowed to refer to themselves as psychologists. The exemption should not be determined on the basis of work setting or place of primary employment, but on the basis of the purpose of the activity as defined in Section B3 (Practice of psychology). "	practice guidelines and limitations, not just address the title of psychologist. This section limits school psychologists from engaging in activities they are trained to do. Nearly all school psychologists are credentialed by State Boards of Education and provide services appropriate and consistent with the needs of students in school settings. The purpose of school psychology practice is to deliver services consistent with the standards of the profession. These activities of school psychologists clearly fall within the scope of the Practice of Psychology as defined within Section B3 and would thereby be restricted if the exemption language currently existing in Section J3 of the 1987 Model Act is removed and the proposed Model Act is adopted by state legislatures as recommended.	Title
SUMMARY: It is clear from the text of the proposed Model Act that APA intends to regulate the practice of psychology and work to limit that practice to licensed doctoral level psychologists through public policy at the state level.			
Proposed Model Act language establishes that one purpose of the Model Act is to define terms associated with the practice of psychology.			
3 B. Definitions	" 3. Practice of psychology is defined as the observation, description, evaluation, interpretation, prediction, and modification of human behavior by the application of psychological principles, methods and procedures for the purposes of (a) preventing, eliminating, evaluating, assessing, or predicting symptomatic, maladaptive, or undesired behavior; (b) evaluating and assessing and/or facilitating the enhancement of individual, group, and/or organizational effectiveness—including personal effectiveness, adaptive behavior, interpersonal relationships, work and life adjustment, health and individual,	This part of the proposed Model Act describes exactly what 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. These functions are recognized in the professional NASP Standards for Training and Practice in School Psychology, Principles for Professional Ethics: 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.	<ul style="list-style-type: none"> • Regulation of Psychology Practice and Title • Potentially unconstitutional claiming of exclusive property rights to psychology titles, terminology, and services. • There is substantial and well corroborated documented evidence that school psychology is an established practice area and such services are provided by qualified, credentialed persons trained at both the specialist and doctoral level who are not necessarily licensed by state boards of psychology.

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	group and/or organizational performance, or (c) assisting in legal decision making."	School psychological services are defined and recognized in most state codes for the regulation of schools and educational services. Additionally, federal law and regulations acknowledge the expertise of school psychologists in providing these 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 professionals.	
3 B. Definitions	"Practice of psychology includes, but is not limited to: a) psychological testing and the evaluation or assessment of personal characteristics, such as intelligence, personality, cognitive, physical, and/or emotional abilities, skills, interests, aptitudes, and neuropsychological functioning; b) counseling, psychoanalysis, psychotherapy, hypnosis, biofeedback, and behavior analysis and therapy; c) diagnosis, treatment and management of mental and emotional disorder or disability, alcoholism and substance abuse, disorders of habit or conduct, as well as of the psychological aspects of physical illness, accident, injury, or disability; (d) psycho-educational evaluation, therapy and remediation; e) consultation with physicians, other health care professionals and patients regarding all available treatment options, including	Here the proposed Model Act 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 Act defines psychological practice and essentially removes the right of state agency specialist school psychologists credentialed by state education agencies to engage in these practices.	<ul style="list-style-type: none"> • Regulation of Psychology Practice and Title • Restraint of Trade

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	<p>medication; and f) provision of direct services to individuals and/or groups for the purpose of enhancing individual and thereby organizational effectiveness, using psychological principles, methods and/or procedures to assess and evaluate individuals on personal characteristics for individual development and/or behavior change or for making decisions about the individual, such as selection; and (g) the supervision of any of the above. Psychological services may be rendered to individuals, families, groups, systems, and/or organizations. The practice of psychology shall be construed within the meaning of this definition without regard to whether payment is received for services rendered."</p>		
16 J. Exemptions	<p>"4. Graduate students, interns, unlicensed postdoctoral trainees, and applicants for licensure are permitted to function under the supervision of a licensed psychologist, as are assistants not eligible for licensure in some states. None may use the title psychologist, but titles such as psychological trainee, psychological intern, psychological resident, and psychological assistant or psychological associate would be permissible under this exemption. The supervising psychologist is responsible for the professional actions of the student, trainee, or assistant. The Board is required to adopt regulations defining the nature and extent of training for qualified assistants and supervision for each category."</p>	<p>This section, by requiring supervision of those not eligible for licensure, declares that supervision of any of the activities associated with the provision of school psychological services would have to be provided by a licensed doctoral level psychologist. The proposed titles of "psychological assistant" or "psychological associate" do not communicate properly the extensive graduate preparation of a specialist level school psychologist.</p>	<ul style="list-style-type: none"> • Restraint of trade
15 J. Exemptions	<p>The prior version of this Model Act (1987) included an exemption for the use of the</p>	<p>Here the proposed Model Act removes the exemption for specialist level school</p>	<ul style="list-style-type: none"> • Restraint of trade • Unnecessary and unsubstantiated

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	<p>terms school psychologist or certified school psychologist for all individuals credentialed by the state agency regulating practice in public schools. This (3/6/09) version restricts the use of the term school psychologist or certified school psychologist to individuals who: 1) have a doctoral degree in psychology; 2) are certified by the state education agency; and 3) are using the terms only during their practice in public schools. "</p> <p>"Only those persons who are credentialed by state education agencies to provide psycho-educational services and who possess a doctoral degree in psychology from a regionally accredited institution may use the title "school psychologist" or "certified school psychologist." Such persons shall be restricted in their practice and in the use of such title to those settings under the purview of the state education agency. This provision is not intended to apply to licensed psychologists."</p>	<p>psychologists and directs state education agencies to change its credentialing practices in other significant ways.</p> <p>According to this language, licensed Board of Psychology psychologists would have access to the title of "school psychologist" without meeting standards for preparation in school psychology.</p> <p>Doctoral school psychologists would also be limited to "psycho-educational services", a term not defined elsewhere in the Model Act, nor is the term commonly used in contemporary school psychology.</p> <p>The proposed Model Act unnecessarily and capriciously recommends to state legislators that they disregard established credentialing standards for specialist school psychologists. APA has a professional responsibility to recommend to state legislators amendments to their state psychology licensing acts that are based only on empirical, evidentiary grounds for the purpose of protecting the public.</p> <p>The existence of a professional Model Act can and should be in the public interest. And in fact, for over thirty years, the exemption for title and practice of credentialed specialist-level school psychologists has served the public well and contributed to the development of school psychology and helped make accessible to millions of children and families school psychological services that have contributed significantly to the right of students to receive a Free Appropriate Public</p>	<p>recommendations to state policy makers</p>

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		<p>Education (FAPE). Unfortunately, through this arbitrary and unfounded recommendation to remove the exemption for specialist-level school psychologists, the APA potentially compromises the integrity of all of the recommendations of the Model Act.</p> <p>Case law establishes that the basis for legislative change to licensure must be factual, rationale, and sound. Limiting the ability of professionals to practice within the scope of their education, training, and expertise may only be done when the benefit to the public outweighs the right of the professional to practice their trade. The APA has no empirical evidence that this change in their policy is necessary in order to benefit the public and, in fact, the recommendation for the removal of this exemption suggests to many that this move is merely an attempt to infringe on a market largely served by school psychologists.</p>	
<p>13 G. Limitation of Practice; Maintaining and Expanding Competence</p> <p>15 J. Exemptions</p>	<p>p.13 "The provision of the Act is intended to ensure licensed psychologists who provide services will not practice outside the limits of their competence. The burden of proof is on the applicant to provide evidence, acceptable to the Board, that the applicant has obtained the training necessary to engage in the practice of psychology in the specified area of competence. The Board may wish to develop forms that provide for the specification of the intended area of practice and the evidence necessary to document competence. The Board should recognize that training in psychology includes broad and general training in scientific psychology and in the foundations of practice.</p>	<p>This portion of the proposed model act uses different language than in the 1987 version moving away from the assertion of school psychology as a broad area of specialization to instead a foundation of psychology practice. Previously, the language used in the Model Act was intended to ensure that a psychologist trained in one area (e.g. experimental psychology, developmental psychology) will not practice in another area (e.g. counseling psychology) without completing a training program. As written here, this language asserts that school psychology training is a "foundation of psychology practice" and not recognized as a specialty practice requiring retraining or</p>	<ul style="list-style-type: none"> • Unnecessary and unsubstantiated recommendations to state policy makers

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	<p>[emphasis added] Practice areas include: clinical psychology, counseling psychology, school psychology, industrial-organizational psychology and other developed practice areas."</p> <p>p. 15: "This version restricts the use of the term school psychologist or certified school psychologist to individuals who: 1) have a doctoral degree in psychology; 2) are certified by the state education agency; and 3) are using the terms only during their practice in the public schools."</p> <p>"Only those persons who are credentialed by state education agencies to provide psycho-educational services and who possess a doctoral degree in psychology from a regionally accredited institution may use the title "school psychologist" or "certified school psychologist." Such persons shall be restricted in their practice and in the use of such title to those settings under the purview of the state education agency. This provision is not intended to apply to licensed psychologists. " [emphasis added]</p>	<p>respecialization.</p> <p>Further evidence of this shift in APA policy is observed in Section J. Exemptions which deal with the use of the title "school psychologist" by credentialed doctoral level school psychologists. In this section, the proposed language exempts licensed psychologists from having to meet the credentialing requirements of State Education Agencies and allows them to use the title "school psychologist" or "certified school psychologist" without having met the requirements established by the SEA. Given that the language on p. 13 now implies that school psychology is a foundation of psychology practice, licensed psychologists with no specialty training in school psychology could assert that they are not engaging in deceptive practices when they refer to themselves as a "school psychologist" even though they do not hold or meet the requirements of the associated state credential.</p>	
<p>SUMMARY: APA's Model Act defines the practice of psychology, including the training and job functions that have been capably performed by school psychologists for over 50 years. In addition, APA's Model Act disregards the importance of school psychologists' specialized competencies and values psychologist licensure over state credentialing standards for school psychologists' competencies and practice. Additionally, the proposed Model Act removes the rights of specialist-level school psychologists to use a professional title that APA has recognized as legitimate for 30 years. APA has an obligation to put forth to legislators factual information regarding the necessity of removing the exemption. At this point we find no evidence that specialist level school psychologists, as a whole, harm children, families or the educational professionals by their practice of school psychology. Indeed, we find innumerable instances of powerful assistance provided to children, families, and schools by specialist-level school psychologists.</p>			
<p>Proposed Model Act language establishes definition of the term psychologist and the use of the title.</p>			
<p>3 B. Definitions</p>	<p>"Psychologist: Means (a) any person licensed as a psychologist under this act and (b) any General applied psychologist whose</p>	<p>This section requires that a person be licensed or hold a doctoral degree in psychology whose practice area is exempted in order to</p>	<ul style="list-style-type: none"> • Restraint of trade

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	<p>practice area are specifically exempted under this act, and includes a person representing himself or herself to be a psychologist if that person uses any title or description of services incorporating the words psychology, psychological, or psychologist, or if he or she uses any term that implies that he or she possesses expert qualification in any area of psychology, or if that person offers to the public or renders to individuals or groups of individuals services defined as the practice of psychology in this Act."</p>	<p>engage in the practice of psychology. Removing the long-established, widely recognized exemption for state Board of Education credentialed specialist school psychologists, could potentially result in "restraint of trade." By revising and promoting the Model Act along these lines, APA is arbitrarily and irresponsibly recommending to state legislators that they adopt policy that could put them in violation of interstate commerce law and open them up to civil litigation. In effect, if adopted in states, this would disenfranchise the credentialing of specialist-level school psychologists by Boards of Education and create multiple regulatory and statutory conflicts at the state and federal levels. Additionally, this action would potentially cause harm to the public as it would compromise the availability and accessibility of school psychological services currently being delivered to millions of children, families and school communities.</p>	
7 D. Requirements for Licensure	<p>"All applicants for licensure must minimally be graduates of a regionally accredited institution of higher education and must have completed a planned program of study which reflects an integration of the science and practice of psychology. A formal training program accredited by the American Psychological Association or the Canadian Psychological Association is required. For areas of psychology where APA or CPA program accreditation does not exist, psychology program must meet all the requirements listed below (D1)." [Referring to lines 246-307]"</p>	<p>Unless the American Psychological Association and the Canadian Psychological Association are planning to offer their accreditation to all public and private universities free of charge, it is inappropriate for a professional association to require that the route to licensure be exclusively through their own association's accreditation process.</p>	<ul style="list-style-type: none"> • Restraint of trade • Unnecessary and unsubstantiated recommendations to state policy makers
7-8	"9. The curriculum shall encompass a	The standards for school psychology graduate	<ul style="list-style-type: none"> • Regulation of Psychology Practice and

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D-1. Educational Requirements	<p>minimum of three academic years of full time graduate student and a minimum of one year's residency or the equivalent thereof at the educational institution granting the doctoral degree. The core program shall require every student to demonstrate competence in each of the following substantive areas. This typically will be met through substantial instruction in each of these foundational areas, as demonstrated by a minimum of three graduate semester hours, five or more graduate quarter hours (when an academic term is other than a semester, credit hours will be evaluated on the basis of fifteen hours of classroom instruction per semester hour) or the equivalent:</p> <ol style="list-style-type: none"> a. scientific and professional ethics and standards; b. research design and methodology c. statistics d. psychometric theory e. biological bases of behavior: physiological psychology, comparative psychology, neuropsychology, sensation and perception, and psychopharmacology; f. cognitive-affective bases of behavior: learning, thinking, motivation, and emotion; g. social bases of behavior: social psychology, group processes, organizational and systems theory; and h. individual differences: personality theory, human development, and abnormal psychology." 	<p>education, as published by NASP and adopted by NCATE, are consistent with these requirements, but permit this training to occur within the scope of specialist level as well as doctoral level graduate education programs. NASP course content and training and supervision standards are comparable with the APA standards articulated here. School psychology graduate students are required to engage in both supervised practicum experiences concurrent with course instruction and a culminating 1200 hour supervised internship that matches the public school calendar. Six hundred (600) of the required internship hours must occur in the schools.</p>	<p>Title</p> <ul style="list-style-type: none"> • There is substantial and well corroborated documented evidence that school psychology is an established practice area and specialist level school psychologists are appropriately trained to engage in school psychology practice.

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SUMMARY Section III: APA has fixated on licensure as the only route to ensure competency by psychologists and protection of the public. This is an overly narrow view of the world as state credentialing bodies work very carefully to also ensure the capabilities of school based personnel. In addition, APA is ignoring evidence that NASP also has a process for evaluating school psychology training programs that is recognized and valued by NCATE, the premier accrediting body in the United States for colleges of education.			
Proposed Model Act language establishes that one purpose of the Model Act is to assert a property right regarding the use of the titles "psychology, psychological, or psychologist."			
3-4 B. Definitions	"4. Psychologist: Means (a) any person licensed as a psychologist under this act and (b) any General applied psychologist (see 5b below) whose practice areas are specifically exempted under this act, and includes a person representing himself or herself to be a psychologist if that person uses any title or description of services incorporating the words psychology, psychological, or psychologist, or if he or she uses any term that implies that he or she possesses expert qualification in any area of psychology, or if that person offers to the public or renders to individuals or groups of individuals services defined as the practice of psychology in this Act. "	<p>These sections establish that the titles and use of the words "psychologist", "psychology" and "psychological" are a distinct property right of persons licensed as a psychologist. By removing the title exemption for specialist-level school psychologists, and reversing its policy of over 30 years, APA is claiming that this property right, which has been shared with school psychologists for decades, should no longer be extended to this group of professionals. The adoption by a state of this Model Act as recommended (without the current exemption for specialist-level school psychologists) would be a probable restriction of trade without due process, and would permit school psychologists affected by such infringement to file class action lawsuits against the state, licensing and credentialing bodies, and the APA. Licensed, doctoral level psychologists do not have exclusive property rights to the title "psychologist" and use of "psychology" related terms in describing professional services.</p> <p>Again, school psychologists have expertise in school psychological practice, and have properly used the title in accordance with previously established policy of APA and by virtue of established credentialing regulations in every state. The proposed, revised Model Act severely limits the ability of specialist-level school psychologists to describe accurately</p>	<ul style="list-style-type: none"> • Restraint of trade • Unnecessary and unsubstantiated recommendations to state policy makers • Potentially unconstitutional claiming of exclusive property rights to psychology titles, terminology, and services. • There is substantial and well corroborated documented evidence that school psychology is an established practice area and specialist level school psychologists are appropriately trained to engage in school psychology practice.

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		<p>their training, expertise, and services. The title "school psychologist" is clearly associated with the profession of school psychology and the professionals who provide these services in every public school system across the country, almost all of whom are credentialed by their state boards of education.</p>	
<p>15 J. Exemptions</p>	<p>"Nothing in this act will prevent the provision of expert testimony by psychologists who are otherwise exempted by this Act."</p>	<p>Although the Model Act asserts that this act will not prevent the provision of expert testimony, the removal of the exemption for specialist-level school psychologists would in effect create barriers to credentialing of school psychologists and could potentially impugn the credibility of this group of professionals. Specialist-level certified school psychologists who provide expert testimony in cases of Special Education Due Process hearings and SSI disability hearings are explicitly recognized by federal statute as experts, with their testimony given equal weight to doctoral level psychologists and pediatricians in cases of determining eligibility. The basis for legislative changes as recommended here by the Model Act are not substantiated and infringe on the rights of specialist-level school psychologists to offer their expert testimony consistent with the weight given it in federal law and regulations.</p>	<ul style="list-style-type: none"> • Restraint of trade • Unnecessary and unsubstantiated recommendations to state policy makers
<p>15 J. Exemptions</p>	<p>"2. Members of other established professions, such as physicians, attorneys, and clergy, may provide services that are similar or related to the scope of practice of psychology. They should be exempted from licensure on the condition that they not represent themselves to be psychologists."</p>	<p>School psychologists are trained according to nationally recognized standards of training and practice and according to guidelines for practice and ethical principals established by the National Association of School Psychologists. The title, "school psychologist" is well established as a distinct profession and has been for nearly fifty years. The title is an</p>	<ul style="list-style-type: none"> • Unnecessary and unsubstantiated recommendations to state policy makers

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		accurate description for professionals delivering school psychological services and school psychologists should represent themselves and their services according to their established credentials, competencies, and ethical guidelines.	
3-4 B. Definitions	"Psychologist: Means (a) any person licensed as a psychologist under this act and (b) any General applied psychologist whose practice area are specifically exempted under this act, and includes a person representing himself or herself to be a psychologist if that person uses any title or description of services incorporating the words psychology, psychological, or psychologist, or if he or she uses any term that implies that he or she possesses expert qualification in any are of psychology, or if that person offers to the public or renders to individuals or groups of individuals services defined as the practice of psychology in this Act.	This section threatens the ability of specialist-level school psychologists who have earned the "Nationally Certified School Psychologist" (NCSP) title to use this title as representation of their professional training and competence. This credential and the corresponding standards that it represents are highly regarded in state credentialing laws 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. Under this proposed language, the use of this legitimately earned specialty title of NCSP by a non-doctoral school psychologist would be classified by psychology boards as misleading or false advertising.	<ul style="list-style-type: none"> • Restraint of trade • Infringement on legitimate freedom of speech
SUMMARY: APA's language in the Model Act infringes upon the rights of school psychologists to not only use their title but also to their roles and function . APA appears to assert authority over school psychology, but fails to acknowledge and recognize 70% of the current practitioners providing school psychological services.			
Developed area of practice. Proposed Model Act language establishes that one purpose of the Model Act is to define what constitutes a "developed area of practice vs. an "emerging area" of psychological practice.			
5 B. Definitions	"7. Developed area of practice . Developed practice areas of psychology have all of the following characteristics:"	School psychology is a developed area of practice and meets all of characteristics identified on page 5.	<ul style="list-style-type: none"> • Regulation of Psychology Practice and Title • Substantial evidence exists that school psychology is an established practice area and specialist level school psychologists are appropriately trained to engage in school psychology practice.
5	"National recognition of the practice by a	NASP is a recognized and respected national	<ul style="list-style-type: none"> • Regulation of Psychology Practice and

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B. Definitions	national organization(s) whose purpose includes recognizing or representing and developing the practice area, by relevant divisions of the APA, or by involvement in similar umbrella organizations."	organization with over 25,000 members. Two-thirds of the members are specialist level, school psychologists while one-third are doctoral level certified and/or licensed school psychologists working in schools, universities, and community settings.	Title
5 B. Definitions	"An accumulated body of knowledge in the professional literature that provides a scientific basis for the practice area including empirical support for the effectiveness of the services provided"	For more than fifty years, practitioners and researchers relevant to the field of school psychology have been building the knowledge base for school psychology through empirical scholarly research. School psychology has a distinct professional knowledge base as evidenced by published works including reference materials, textbooks, training tools, and periodicals, as well as hundreds of conferences and websites. There are three prominent refereed school psychology journals available: School Psychology Quarterly (published by the American Psychological Association), Journal of School Psychology, and, School Psychology Review. The latter, School Psychology Review, is published by NASP and is the second largest journal in the field of psychology.	<ul style="list-style-type: none"> Regulation of Psychology Practice and Title
5 B. Definitions	"Representation by or in a national training council that is recognized, functional, and broadly accepted;:"	NASP is a member of the National Council for Accreditation of Teacher Education (NCATE). NASP is recognized by NCATE, the premier accrediting body for education, to approve specialist and doctoral programs in school psychology. The only standards specific to the training of school psychologists that are approved by NCATE are the NASP standards. NCATE has the same level of accrediting authority as does APA. Both NCATE and APA are members of the Commission on Recognition of Postsecondary Accreditation (CORPA).	<ul style="list-style-type: none"> Regulation of Psychology Practice and Title

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5 B. Definitions	"Development and wide dissemination by the training council of doctoral educational and training guidelines consistent with the Accreditation Guidelines and Principles; Existence of the practice area in current education and training programs"	NASP approves APA Accredited school psychology doctoral programs which also meet NASP internship standards relevant to the school-based internship hours.	<ul style="list-style-type: none"> Regulation of Psychology Practice and Title
5 B. Definitions	"Existence of the practice area in current education and training programs."	Currently, there 159 NASP approved training programs in 44 states and the District of Columbia.	<ul style="list-style-type: none"> Regulation of Psychology Practice and Title
5 B. Definitions	"Geographically dispersed psychology practitioners who identify with the practice area and provide such services. "	SAMHSA (2005) estimates that there are roughly 63,000 school psychologists in the United States. There are also school psychologists working abroad in countries all over the world. NASP alone has more than 25,000 members residing in 44 countries around the world.	<ul style="list-style-type: none"> Regulation of Psychology Practice and Title
SUMMARY Developed area of practice: It is illogical to conclude that the practice of school psychology is not legitimate if conducted by a state education agency credentialed specialist level or doctoral level school psychologist when all other criteria required for concluding that school psychology is a 'developed area' of psychological practice are met.			
Practice Without a License: Proposed Model Act language establishes that one purpose of the Model Act is to recommend penalties for specialist-level practitioners who use the title "psychologist" or render services equivalent to "psychological services" as defined by this act.			
14 I. Practice Without a License	"It shall be violation of this Act for any person not licensed in accordance with this Act to represent himself or herself as a psychologist. It shall be a violation of this Act for any person not licensed in accordance with the provisions of this Act to engage in the practice of psychology as defined in this Act, whether practicing as an individual, firm, partnership, corporation, agency, or other entity."	This portion of the proposed Model Act intends to limit the use of the title "school psychologist" and the practice of the school psychology by qualified, trained, and credentialed school psychologists.	<ul style="list-style-type: none"> Unnecessary and unsubstantiated recommendations to state policy makers Restraint of trade Regulation of Psychology Practice and Title Potentially unconstitutional claiming of exclusive property rights to psychology titles, terminology, and services.
14 I. Practice Without a License	"Any person who shall represent himself or herself as a psychologist in violation of this Act, or who shall engage in the practice of psychology in violation of this Act, shall be guilty of a misdemeanor and shall be fined not less than [] dollars and not more than [] dollars and, in addition thereto, maybe	Taken as a whole, the proposed Model Act language asserts authority over the practice of "school psychology" by those appropriately credentialed as school psychologists by state boards of education which, is a departure from APA's policy per the 1987 Model Act. Additionally, if the Model Act was adopted by a	<ul style="list-style-type: none"> Unnecessary and unsubstantiated recommendations to state policy makers Restraint of trade Regulation of Psychology Practice and Title Potentially unconstitutional claiming

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	imprisoned for not more than [] months.”	state legislature as proposed, all current graduate students in school psychology training programs within that state would be essentially limited in their ability to practice the profession for which they are being prepared. This could potentially deliver a crushing blow to higher education institutions who would be charged with trying to “clean up the mess” by revising course program titles, descriptions, training standards and expectations, accreditations, etc. all while seeking to prevent the mass exodus of students from graduate programs that have been essentially rendered useless.	<p>of exclusive property rights to psychology titles, terminology, and services.</p> <ul style="list-style-type: none"> • Potential fine and imprisonment for school psychologist using their title and engaging in the practice for which they are credentialed and qualified.
14 I. Practice Without a License	Practice Without a License. The Act must clearly specify what constitutes a violation of law and what penalties may be imposed for practice without a license or for misrepresentation of oneself as a psychologist.	This portion of the Model Act essentially asserts that in the event that the school psychologist exemption was adopted by a state as proposed, any licensed psychologist or doctoral level school psychologist who provided supervision for any non-doctoral school psychologist (e.g. a specialist level school psychologist) who was providing school psychological services, would be subject to disciplinary action from the licensing board.	<ul style="list-style-type: none"> • Unnecessary and unsubstantiated recommendations to state policy makers • Restraint of trade • Regulation of Psychology Practice and Title • Potentially unconstitutional claiming of exclusive property rights to psychology titles, terminology, and services.
SUMMARY Section VI: If the Model Act is adopted by state legislators as written, Department of Education credentialed specialist and doctoral level school psychologists, engaged in the practice for which they are appropriately trained, are subject to criminal penalties such as fines and imprisonment.			