

SFA

BILL ANALYSIS

RECEIVED

OCT 23 1987

Senate Fiscal Agency

Lansing, Michigan 48909

(517) 373-5383

Mich. State Law Library

Senate Bill 224 (as passed by the Senate)

Sponsor: Senator Jack Faxon

Committee: Education and Mental Health

Date Completed: 9-24-87

RATIONALE

School psychologists meet with approximately 96,000 students each year throughout the State. In addition to providing services to handicapped children, school psychologists work with students in such areas as disruptive behavior, low self-esteem, early dropouts, juvenile delinquency, drug abuse, and teen pregnancy. Although school psychologists must be approved by the Department of Education, some people believe that certification should be extended to school psychologists to provide a legislated credential for practice, as found in other states, and would be consistent with certification of other professional educators in the State.

CONTENT

The bill would amend the School Code to require the State board of education to certify as qualified and issue certificates to personnel for school psychological services, which would be considered a "related nonclassroom function".

(Currently, the board of a school district can establish and employ personnel necessary to provide an adequate school psychological service. This service operates under rules promulgated by the State board, which establishes the educational and experience requirements for the personnel for the service.)

MCL 380.1251

FISCAL IMPACT

The bill would have an indeterminate impact on State resources. The Michigan Department of Education currently has staff who approve rather than "certify" approximately 75 school psychologists a year. Depending on the rules that would be promulgated at the discretion of the State board of education under this bill, the volume of re-certification required could affect the amount of staff time required for the certification of school psychological service personnel.

ARGUMENTS**Supporting Argument**

Under State administrative rules for special education, a handicapped child or a child suspected of being handicapped must be evaluated every three years by a psychologist or a school psychologist who serves as a member of a multi-disciplinary evaluation team. In addition, the Federal Education for All Handicapped Children Act, which mandates special education, requires that psychological counseling services be provided to handicapped children. School psychologists, also work with dropouts, juvenile delinquents, drug abusers, pregnant

teenagers, and other students with emotional problems. These conditions require early intervention and result in decisions that have great impact on the students and their families. School psychologists are in the schools throughout the State every day consulting with teachers, administrators, students, and parents.

School psychologists currently must obtain "approval" from the Department of Education in order to be employed as a qualified school psychologist. To receive an approval, as outlined in administrative rules, a person must: hold a master's degree in school psychology or the equivalent, have completed 45 graduate semester hours of school psychology, have completed 500 hours of a supervised internship, meet competency requirements established by the State, have completed a one-year experience as a school psychologist under the direction of a fully-approved school psychologist, and be recommended for full approval by a higher education institution that maintains a school psychologist program approved by the Department of Education. Despite these requirements, the approval process is inadequate, especially since approval is based in part on the recommendation of higher education institutions, which could vary among institutions. Certification would improve quality control of the credentialing of school psychologists by providing a uniform set of requirements for certification and making the State board of education responsible for establishing the credentials of school psychologists.

Response: It is not clear how certification would improve quality control of the endorsement of school psychologists, as proponents of the bill contend, since the bill apparently would not mandate that existing requirements be changed. While the bill would amend the School Code to require that school psychologists be certified, the bill would neither require that current education and experience standards, as promulgated in administrative rules, be altered, nor automatically set into motion a process within the Department of Education whereby current standards were reviewed and upgraded, according to officials in the Department and counsel with the Joint Committee on Administrative Rules. The State board currently has the power to review the standards set forth in the rules. If the bill were enacted, the board could choose to make technical changes that would specify "certification" rather than "approval" be granted to school psychologists. At that time, the rules could be amended to reflect new standards for certification, but this would not be required under the bill.

Supporting Argument

Michigan and New Mexico are the only states that do not

OVER

S.B. 224 (9-24-87)

certify school psychologists, according to the Michigan Association of School Psychologists. Certification would provide a legislated credential for practice as in other states, and would be consistent with other professional educators in the State. Michigan currently certifies 75,000 teachers, and as of July 1, 1988, will certify approximately 15,000 administrators under Public Act 163 of 1986.

Supporting Argument

Although some have raised the concern that the bill could result in school psychologists' coming under the Teachers' Tenure Act, the bill should not have this effect. In the first place, the bill specifies that school psychological services would be a "nonclassroom function". Secondly, an analogy may be made to school nurses, who may but are not required to be certified. The Teacher Tenure Commission has decided that school nurses are not covered by the tenure Act, and the Commission would likely rule the same in regard to school psychologists.

Response: If school psychologists are not to be included in the Teachers' Tenure Act, perhaps the bill should explicitly say so. There is no guarantee that the Tenure Commission would rule consistently with its earlier decision, and that decision may not actually set relevant precedent. Furthermore, the meaning of "nonclassroom function" and its pertinence to the tenure issue are not clear.

Supporting Argument

The training and practice of school psychology has changed greatly in the past 20 years and will continue to change in response to handicapped and minority advocacy issues, instructional research, and school improvement approaches. Certification could ensure that school psychological services met current standards and practices, if the State board of education promulgated rules that required the school psychologists to update their training as the rules require for teacher certification.

Supporting Argument

Certification would not permit a school psychologist to establish a private practice, according to the Department of Education and the Michigan Association of School Psychologists. In order for a school psychologist to be licensed for private practice, he or she would have to meet licensing standards for psychologists.

Supporting Argument

Under the current approval process, there is no mechanism to revoke the approval of a school psychologist found to have engaged in unprofessional or unethical conduct. Certification could allow for the establishment of procedures to revoke a credential if a school psychologist were convicted of a felony, found in violation of moral turpitude involving children, or involved in unprofessional conduct, for example.

Opposing Argument

The State board of education approves, rather than certifies, numerous other professional personnel, such as school social workers, teacher consultants, special education directors, and curriculum resource consultants. The bill does not include these professions. Even though some of these professionals must meet other certification or licensure requirements, it is not clear why certification should be granted to school psychologists, but not to members of these professions. Besides, certification would not necessarily improve the quality of school psychologists. While certification may appear to imply an improvement, the bill would not mandate any changes in the current

requirements that school psychologists must meet nor would the bill require that standards be upgraded.

Response: Members of these other professions already must be certified or licensed. Thus, an "approval" from the Department is an added endorsement. School psychologists, on the other hand, have no other licensing requirements that they must obtain before being approved by the Department.

Legislative Analyst: L. Arasim

Fiscal Analyst: N. Johnson

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.