



Board of Behavioral Sciences

*Memo*

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**To:** Committee Members **Date:** July 30, 2024  
**From:** Rosanne Helms – Legislative Manager  
Christy Berger – Regulation Manager  
**Subject:** **Discussion of Statutory and Regulatory Amendments to Requirements for Licensure as an Educational Psychologist**

The purpose of this agenda item is to discuss potential amendments to the sections of statute and regulations that specify licensing requirements for licensed educational psychologists (LEPs):

1. Statutory amendments: [Business and Professions Code \(BPC\) §4989.20](#)
2. Regulation amendments: [California Code of Regulations Title 16 \(16 CCR\) §1856](#)

**Attachment A** shows proposed statutory amendments. **Attachment B** shows proposed regulation amendments.

## **1. Discussion of Proposed Statutory Amendments (BPC §4989.20)(Attachment A)**

The proposed statutory amendments (BPC §4989.20) fall into three categories:

- a. Specifying Experience Requirements in Greater Detail
- b. Clarifying Requirements for In-State Versus Out-of-State School Psychologists
- c. Adding an Age Limit to a Passing Score on the LEP Exam

### **a. Specifying Experience Requirements in Greater Detail**

Current requirements for LEP licensure are as follows:

- 60 semester hours of postgraduate work in pupil personnel services; and

- Two years of full-time (or equivalent) experience as a credentialed school psychologist in the public schools; and
- One of the following:
  - One year of supervised professional experience in an accredited school psychology program; OR
  - One additional year of full time (or equivalent) experience as a credentialed school psychologist in the public schools under the direction of an LEP or a licensed psychologist.

Requiring experience in years rather than hours can be confusing. A school year doesn't equate to a full calendar year. Additionally, applicants may have worked part-time. School districts use "school terms" and "school years" to measure work time, not hours, which makes it difficult to assess experience for LEP applicants in the same way the Board does for other types of applicants. Staff suggests the following approach:

- Replace the current measuring of experience in years to instead be measured in "school terms." A school term is currently defined in the Education Code (EC) as follows, and this definition has been added to the proposal:

*EC §22168.5 "School term" means a minimum period of 35 weeks beginning the first day and ending the last day creditable service is required to be performed by a member employed on a full-time basis, excluding any period that has been excluded pursuant to a publicly available written contractual agreement. The school term shall also be the same for a member who is not employed on a full-time basis who is performing the same duties as a member employed on a full-time basis.*

- Provide a definition in LEP statute of "full time" and "equivalent to full time," so that school districts and supervisors are able to attest that an LEP applicant has met precise standards.

The definition of "full time" is in EC §22138.5(b) and is as follows:

*EC §22138.5(b) The minimum standard for full time in prekindergarten through grade 12 is as follows:*

*(1) One hundred seventy-five days per school term or 1,050 hours per school term, except as provided in paragraphs (2) and (3).*

EC §22138.6 defines "full-time equivalent" as follows:

*"Full-time equivalent" means the days or hours of creditable service that a person who is employed on a part-time basis would be required to perform*

*in a school term if he or she were employed full time in that part-time position.*

- Specifying that all required experience as a credentialed school psychologist be gained over a period of at least one or two school terms (depending on whether the section of law currently specifies that one or two school years of experience is required).
- Specifying that all required experience as a credentialed school psychologist be no more than 6 years old prior to filing the application for licensure.
- Clarifying that the required year of supervised professional experience in an accredited school psychology program must be 1,200 hours (instead of one year). This aligns with the field experience requirement of the Commission on Teacher Credentialing for a Pupil Personnel Services Credential in School Psychology. (Note that a minimum time to gain these hours of one school term, and a maximum age of these hours of 6 years, is not specified here due to these hours being gained in a qualifying degree program.)

Additionally, staff has also specified that the experience gained as a credentialed school psychologist may be gained in either the public schools or another school setting as specified in regulations. Current law states that the experience must be gained in public schools, but regulations then state that experience in a parochial or private school may be acceptable at the Board's discretion. Staff is working on regulations to specify in more detail when parochial or private school experience is acceptable. However, statute needs to specifically state that regulations may specify when experience in non-public school settings is allowed in order to establish that regulatory authority.

Question for Committee Discussion: Do the amendments need to specify that the required school terms of experience as a credentialed school psychologist be gained while the credential was current, active, and unrestricted?

**b. Clarifying Requirements for In-State Versus Out-of-State School Psychologists**

Statute does not currently specify if the experience as a credentialed school psychologist must be done while holding a California credential in a California school, or one from another state. It also does not specify whether the additional year of experience must be California-specific experience.

The language proposed in **Attachment A** specifies that if the required two school terms of experience as a credentialed school psychologist was not gained with a California credential in a school located in California, that an additional one school term of experience must be gained with a California credential in a school located in California and under the direction of either a California-licensed LEP or a California-licensed psychologist. This would ensure an out-of-state trained school psychologist

has experience working within a California school system to become familiar with the complexity of California laws and cultures.

In addition, the proposal clarifies that for California credential holders, the one school term of additional experience under the direction of an LEP or licensed psychologist must be under the direction of an individual with a California license.

Question for Committee Discussion: The Committee should discuss whether the experience as a credentialed school psychologist required in 4989.20(a)(5) for an out-of-state applicant needs to be specified in further detail.

**c. Adding an Age Limit to a Passing Score on the LEP Exam**

Current law does not specify an age limit for a passing score on the LEP exam.

For the Board's other clinical exams (for LMFT, LCSW, and LPCC) the law specifies that the Board will accept a passing score for seven years from the date the exam was taken.

Once the exam is passed, the next step is to submit the application for initial license issuance, along with the required fee, to the Board, and the license is issued. Most individuals do this right away. However, occasionally, an applicant will wait for a period of time before completing this final step. Although it is unlikely an individual would wait over seven years, the law should specify an age limit on the exam score for public protection purposes. Otherwise, an individual could technically submit for initial license issuance with a very old exam score, and the Board would have to issue the license.

Additionally, current law does not formally name the LEP examination, other than referring to it as an examination specified by the Board. The proposed amendments refer to the exam as the "licensed educational psychologist written examination administered by the board."

## **2. Discussion of Proposed Amendments to Regulation (16 CCR §1856)(Attachment B)**

Amendments are proposed to be made to LEP experience requirements in Title 16, California Code of Regulations (16 CCR) section 1856, as shown in **Attachment B**.

The changes would be run after the statutory changes are made. Please note that the regulatory proposal is still a work in progress, with several questions to be resolved. As currently written, the proposed changes would do all of the following:

### **1. Strike language that would be covered by statute as follows:**

- Delete subsection (a) which specifies that no more than one year of experience will be granted for any 12-month period. This would be no longer necessary due to the proposed statutory changes that specify experience in “school terms” and provide a definition of such.
- Delete subsection (b) which specifies requirements pertaining to part-time experience. The proposed statutory changes define “equivalent to full-time” and therefore this subsection is not necessary.

### **2. Specify documentation required for experience gained in a private or parochial school (subsection (c)):**

Experience as a school psychologist is required by statute to be in a public school (BPC §4989.20(a)(5)). However, the regulations specify that the Board may accept experience gained in a private or parochial school “at the Board’s discretion.” However, the regulation does not define how the Board shall apply its discretion. For consistency, this needs to be specified in regulation.

Private and parochial schools are called out separately in the law because special education services are typically limited for students with disabilities who are parentally placed in a private or parochial school, as these schools are not legally bound to provide such services<sup>1</sup>. This means that not only may the school psychologist be limited in the duties performed, they are also unlikely to become knowledgeable about the complex laws that govern special education, which is critical for an LEP who practices independently.

However, some private or parochial schools may choose to employ a credentialed school psychologist, so it may be reasonable to allow experience in these settings if the duties performed by the school psychologist is comparable to those performed in a public school. The proposed language lays out a potential method that could be used to make this determination, as follows:

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<sup>1</sup> [Disability Rights California – Special Education Rights and Responsibilities](#)

- Require certification from the private or parochial school stating that the applicant was an employee. School psychologists who are an independent contractor or employed by an agency that contracts with a school are more likely to be performing limited functions (typically student assessments). (Note: It is also possible that an independent contractor or agency employee doing work for a public school could be contracted to perform only limited functions, though this may be less likely); and
- Require a signed copy of the applicant’s job description; and
- Require certification from the school stating that the applicant performed the “full range of duties of a school psychologist” as set forth by the Commission on Teacher Credentialing (CTC)<sup>2</sup>.

The CTC lists the authorized duties as follows:

- Provide services that enhance academic performance.
- Design strategies and programs to address problems of adjustment.
- Consult with other educators and parents on issues of social development and behavioral and academic difficulties.
- Conduct psycho-educational assessment for purposes of identifying special needs.
- Provide psychological counseling for individuals, groups, and families.
- Coordinate intervention strategies for management of individuals and schoolwide crises.

Board staff are not qualified to make determinations about whether an applicant’s job description indicates they have performed the full range of duties of a school psychologist, so this process would place trust in the school to be truthful and accurate. Another possibility would be to have an LEP subject matter expert determine acceptability of the experience by comparing the applicant’s job description with the authorized duties. One drawback of this method is that it would slow down the evaluation process. This could be minimized by providing a threshold above which a duty statement would be required. For example, if the applicant has more than one year of experience in a private or parochial school, only then would a duty statement evaluation be required.

Another possible option is simply limiting the amount of experience allowed to be counted toward licensure in a private or parochial school.

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<sup>2</sup> [https://www.ctc.ca.gov/credentials/leaflets/Pupil-Personnel-Credential-In-California-\(CL-606C\)](https://www.ctc.ca.gov/credentials/leaflets/Pupil-Personnel-Credential-In-California-(CL-606C))

**3. Specify the documentation of experience required to be submitted by applicants:**

The proposal adds language to specify the documentation required to verify completion of the experience required for licensure, which helps to ensure that experience meets the specifications required in law. This documentation falls into the following categories:

Category 1. (*subsection (c)*). This corresponds with the experience required by BPC section 4989.20(a)(5): Two school terms of full-time, or the equivalent to full-time, experience as a school psychologist.

Category 2. (*subsection (d)*). This corresponds with the experience required by BPC section 4989.20(a)(6)(A): A minimum of 1,200 hours of supervised professional experience in a school psychology program.

Category 3. (*subsection (e)(3)*). This corresponds with the experience required by BPC section 4989.20(a)(6)(B) or 4989.20(a)(7): One school term of full-time, or the equivalent to full-time, experience as a school psychologist obtained under the direction of an LEP or licensed psychologist.

The documentation specified for categories A and C would also require the school or school district (category A) or supervisor (category C) to specify the “number of hours worked” by the applicant. This would enable staff to calculate the accumulation of part-time experience toward the overall experience requirement. However, in past discussions the Committee and stakeholders have expressed that it may be difficult for schools, school districts or supervisors to verify experience gained in terms of hours. If that is the case, staff will work with stakeholders after the meeting to determine another suitable method and bring this back to the Committee.

**4. Specify additional requirements for experience gained under the direction of an LEP or licensed psychologist.**

The proposal adds subsection (e)(1) to define “under the direction of” as meaning the applicant was under the licensee’s supervision, and to provide a definition of “supervision” for clarity. In addition, subsection (e)(2) would require that the supervisor held a current, active and unrestricted California license while the experience was gained, and would prohibit the supervisor from having a financial, personal, business, or therapeutic relationship with the supervisee.

**Recommendation**

1. Conduct an open discussion regarding the proposed statutory amendments shown in **Attachment A**. Direct staff to make any discussed changes and any non-substantive changes, and bring to the Board for consideration as a legislative proposal.

2. Conduct an open discussion regarding the proposed amendments to regulation shown in **Attachment B**.

**Attachments**

**Attachment A:** Proposed Statutory Amendments (BPC §4989.20)

**Attachment B:** Proposed Amendments to Regulation (16 CCR §1856)



**ATTACHMENT A**  
**Proposed Statutory Amendments (BPC §4989.20)**

**Amend Business and Professions Code (BPC) §4989.20.**

(a) The board may issue a license as an educational psychologist if the applicant satisfies, with proof satisfactory to the board, the following requirements:

(1) Possession of, at minimum, a master's degree in psychology, educational psychology, school psychology, counseling and guidance, or a degree deemed equivalent by the board. This degree shall be obtained from an educational institution approved by the board according to the regulations adopted under this chapter.

(2) Attainment of 18 years of age.

(3) Is not subject to denial of licensure pursuant to Section 480.

(4) Successful completion of 60 semester hours of postgraduate work in pupil personnel services.

(5) Two years-school terms of full-time, or the equivalent to full-time, experience as a credentialed school psychologist in the public schools or in another school setting as specified in regulations. The experience shall be gained over a period of at least two school terms. The applicant shall not be credited with experience obtained more than six years prior to filing the application for licensure.

(6) One of the experience required by Paragraph (5) was completed while holding a California credential in a school located in California, completion of one of the following:

(A) One year A minimum of 1,200 hours of supervised professional experience in an accredited school psychology program.

(B) In addition to the requirements of paragraph (5), one One year school term of full-time, or the equivalent to full-time, experience as a California credentialed school psychologist in the California public schools, or in another school setting as specified in regulations, obtained under the direction of a California licensed educational psychologist or a California licensed psychologist. The experience shall be gained over a period of at least of one school term. The applicant shall not be credited with experience obtained more than six years prior to filing the application for licensure.

(7) If the experience required by Paragraph (5) was not completed while holding a California credential in a school located in California, completion of one school term of full-time, or the equivalent to full-time, experience as a California credentialed school psychologist in the California public schools, or in another school setting as specified in regulations, under the direction of a California licensed educational psychologist or a California licensed psychologist. The experience shall be gained over a period of at

least one school term. The applicant shall not be credited with experience obtained more than six years prior to filing the application for licensure.

(78) Passage of the licensed educational psychologist written examination administered by the board. ~~an examination specified by the board.~~ A passing score on this examination shall be accepted by the board for a period of seven years from the date the examination was taken.

(b) For purposes of this section, the following definitions apply:

(1) "Full time" means the days or hours of creditable service the employer requires to be performed by the employee in a school term under their collective bargaining agreement or employment agreement. It shall consist of a minimum of one hundred seventy-five days, or 1,050 hours, per school term.

(2) "Equivalent to full time" means the days or hours of creditable service that a person who is employed on a part-time basis would be required to perform in a school term if they were employed full time in that part time position.

(3) "School term" means a minimum period of 35 weeks beginning the first day and ending the last day creditable service is required to be performed by a member employed on a full time basis, excluding any period that has been excluded pursuant to a publicly available written contractual agreement. The school term shall also be the same for an individual who is not employed on a full time basis who is performing the same duties as a member employed on a full time basis.

**ATTACHMENT B**  
**PROPOSED REGULATION CHANGES**  
**Title 16, Division 18, California Code of Regulations**

**§1856. EXPERIENCE REQUIREMENTS FOR A LICENSE AS AN EDUCATIONAL PSYCHOLOGIST EQUIVALENT TO THREE (3) YEARS FULL-TIME EXPERIENCE AS CREDENTIALLED SCHOOL PSYCHOLOGIST**

To demonstrate “proof satisfactory to the board” of meeting the experience requirements of section 4989.20 of the Code, an applicant for a license as an educational psychologist shall meet all of the requirements of this section.

~~(a) No more than one year of experience will be granted for any 12 month period.~~

~~(b) Part time experience may be accumulated provided that the experience is obtained within six (6) calendar years.~~

~~(ea) Experience as a credentialed school psychologist employed by a parochial or private school may, at the board's discretion, shall be deemed equivalent to experience as a credentialed school psychologist in the public schools if all of the following requirements are met:-~~

~~(1) The school certifies that the applicant was an employee of the school during the time the experience was gained.~~

~~(2) A statement, signed and dated by an authorized representative of the school, certifying under penalty of perjury under the laws of the State of California that the applicant performed the full range of duties of a school psychologist as described in California Code of Regulations, title 5, section 80049.1(a)(3).~~

~~(3) A copy of the job description or duty statement for the position, signed by the applicant and signed by an authorized representative of the school at the time the applicant commenced employment.~~

~~(4) Submission of documentation in accordance with subsection (c) or (e)(3), as applicable.~~

~~(c) Documentation of claimed experience as a school psychologist in accordance with section 4989.20(a)(5) of the Code shall be verified by an authorized representative of the school or school district, and shall include all of the following:~~

~~(1) School or school district's name, telephone number and address.~~

~~(2) Telephone number, name, and title of the authorized representative.~~

~~(3) A statement regarding whether the school or school district where the experience was gained was public, private or parochial.~~

- (4) Name of the position occupied by the applicant.
- (5) Start and end dates of the applicant's experience.
- (6) The number of school term(s) the applicant worked as a school psychologist.
- (7) Number of hours worked during those dates as a school psychologist.
- (8) A statement, signed and dated by the authorized representative, certifying under penalty of perjury under the laws of the State of California that the information provided by the authorized representative in paragraphs (1) through (7) is true and correct.

(d) Documentation of claimed supervised professional experience in an accredited school psychology program accordance with section 4989.20(a)(6)(A) of the Code shall be verified by an authorized representative of the school or school district where the experience was gained. Such documentation shall include all of the following:

- (1) School or school district's name, telephone number and address.
- (2) Telephone number, name, and title of the authorized representative.
- (3) Name and title of applicant's supervisor.
- (4) Start and end dates of the applicant's experience.
- (5) A statement, signed and dated by the authorized representative, certifying under penalty of perjury under the laws of the State of California that the information provided by the authorized representative in paragraphs (1) through (4) is true and correct.

(e) Experience claimed as a credentialed school psychologist under the direction of a licensed educational psychologist or licensed psychologist as specified in section 4989.20(a)(6)(B) or 4989.20(a)(7) of the Code shall comply with all of the following:

- (1) "Under the direction of" means the applicant was under the licensee's supervision. "Supervision" is defined as providing oversight and direction of the services provided by the supervisee.
- (2) The licensed educational psychologist or licensed psychologist who supervised the applicant's experience shall meet both of the following requirements:
  - (A) Possessed a current, active, and unrestricted California license at the time the applicant obtained the experience.
  - (B) Did not have a financial, personal, business, or therapeutic relationship with applicant.
- (3) Documentation of claimed experience shall be verified by the supervisor referenced in paragraph (2) above and shall include all of the following:
  - (A) Supervisor's name and telephone number.
  - (B) Supervisor's license type, license number and date of issuance.

- (C) Name of the school or school district where the experience was gained.
- (D) Whether the school or school district where the experience was gained was public, private or parochial.
- (E) Name of the position occupied by the applicant.
- (F) The number of school term(s) the applicant worked as a school psychologist.
- (G) Start and end dates of the applicant's experience.
- (H) Number of hours worked during those dates as a school psychologist.
- (I) A statement, signed and dated by the supervisor, certifying under penalty of perjury under the laws of the State of California that the information provided by the supervisor in paragraphs (A) through (H) is true and correct.

Note: Authority cited: Section 4990.20(a), Business and Professions Code. Reference: Section 4989.20, Business and Professions Code.