



Board of Behavioral Sciences

Memo

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To: Board Members **Date:** August 28, 2024
From: Rosanne Helms – Legislative Manager
Subject: Discussion of Statutory Amendments to Requirements for Licensure as an Educational Psychologist

The purpose of this agenda item is to discuss potential amendments to [Business and Professions Code \(BPC\) §4989.20](#), which is the section of statute that specifies licensing requirements for licensed educational psychologists (LEPs).

If the statutory change becomes law, the Board will also need to pursue regulatory amendments, which are currently being discussed in the Policy and Advocacy Committee.

Attachment A shows proposed statutory amendments.

Proposed Statutory Amendments

The proposed statutory amendments to 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.

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.

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** provides two options, based on whether or not the required two school terms of experience as a credentialed school psychologist specified in paragraph (a)(5) was gained with a California credential in a school located in California, as follows:

- If the required experience in paragraph (a)(5) was **gained with a California credential in a California school**, then the applicant must either choose to qualify by also having 1,200 hours of supervised experience in an accredited school psychology program (no age limit on these hours), **or** by obtaining one school term of full-time experience as a California credentialed school psychologist in the California public schools, under the direction of a California LEP, with the experience being no more than six years old.
- If the applicant did **not** gain the experience required by (a)(5) while holding a California credential in a California school, then the applicant must either choose to qualify by having 1,200 hours of supervised experience that was **gained in California** in an accredited school psychology program (gained in the past 6 years to ensure the California experience is current), **or** by obtaining one school term of full-time experience as a California credentialed school psychologist in the California public schools, under the direction of a California LEP, with the experience being no more than six years old. This

option ensures that 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, but allows them to utilize their experience if they obtained their degree in California.

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

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."

Policy and Advocacy Committee Discussion

At its August 9, 2024 meeting, the Policy and Advocacy Committee discussed the proposal. It requested three changes to the proposed language:

- 1) In BPC §4989.20(a)(5), add the option for the experience as a school psychologist to be either licensed or credentialed, to account for the fact that some states use the term "licensed" instead of "credentialed".
- 2) In BPC §4989.20(a)(6)(B) and (a)(7)(B), remove the option for a licensed psychologist to supervise the one school term of experience as a California credentialed school psychologist in California public schools. This was due to stakeholder feedback that it is unlikely that a licensed psychologist would be working in this setting, and the experience should be obtained under an LEP.
- 3) Add an additional option in BPC §4989.20(a)(7)(A) to allow someone who did not complete their required two school terms as a credentialed school psychologist in

California the option to count their 1,200 internship hours in their school psychology program if those hours were gained in California in the past 6 years.

In addition, since the Policy and Advocacy Committee meeting, staff has made one change for consistency with other practice acts. Previously, the proposed language required the various experience be obtained no more than six years “prior to filing the application for licensure.” Staff has changed this wording to require experience be obtained no more than six years “immediately preceding the date on which the application for licensure was received by the board. This is consistent with the wording used for the six year age of experience requirement in the Board’s other practice acts.

These most recent changes are shown in yellow highlight in the proposed language (**Attachment A**).

The Policy and Advocacy Committee directed staff to make the above changes and bring the proposal to the Board for consideration as a legislative proposal.

Recommendation

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 to pursue as a legislative proposal.

Attachments

Attachment A: Proposed Statutory Amendments (BPC §4989.20)

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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 licensed or 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, immediately preceding the date on which the application for licensure was received by the board.

(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 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 immediately preceding the date on which the application for licensure was received by the board.

(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 of the following:

(A) A minimum of 1,200 hours of supervised professional experience gained in California in an accredited school psychology program, gained no more than six

years immediately preceding the date on which the application for licensure was received by the board.

(B) 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 immediately preceding the date on which the application for licensure was received by the board.

(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.