



Statement of Disability Rights Texas to the Sunset Advisory Commission
Regarding the Texas State Board of Examiners of Psychologists
April 25, 2018

Disability Rights Texas is the federally designated legal protection and advocacy agency for people with disabilities in Texas. Our mission is to advocate, protect and advance the legal, human and service rights of people with disabilities. We appreciate the opportunity to comment on the sunset review of the Texas State Board of Examiners of Psychologists (TSBEP or Board).

We focus our remarks on new issues regarding licensed specialists in school psychology (LSSPs) beyond the issues in the March, 2018 staff report of the Sunset Advisory Commission on the TSBEP.

As you know, LSSPs provide valuable and essential services in Texas public schools. Our understanding is that currently there are approximately 3,500 LSSPs licensed by the Board in Texas. Among other things, they perform evaluations of students with disabilities, participate in planning meetings of students with disabilities, and deliver psychological services to students with disabilities.

New Issue: Formal Cooperation with Texas Education Agency (Management Action)

We believe that students with disabilities in Texas would benefit if the TSBEP, or its successor agency, was required to enter into a memorandum of understanding with the Texas Education Agency (TEA) to periodically discuss, review and adapt, as appropriate, to new developments in the delivery of school psychological services. While a separate agency, the TEA has a significant role in the professional duties of LSSPs. For example, the TEA regulations for special education currently identifies a LSSP as among the professionals whose presence might be necessary on the school's multidisciplinary team that collects and reviews evaluation data in connection with the determination of a student's eligibility for special education (19 Tex. Admin. Code § 89.1040(b)(1)). The system of special education is not static as it is always evolving either as a matter of best practice or updates in law. It would be beneficial to the public if there was a formal mechanism for exchanges of information between TSBEP and the TEA to assist the Board in its regulation of LSSPs. We are not aware of any current memorandum of understanding between the Board and the TEA. Further, upon a review of minutes of recent Board meetings it appears that the Board had no formal communication or briefings with the TEA. **Therefore, it would be appropriate for the sunset review to include as a management action recommendation for the Board to explore and pursue a memorandum of understanding with the TEA.**

New Issue: Psychology Interjurisdictional Compact and School Psychologists (Management Action)

The availability of LSSPs to provide objective, professional reports and recommendations is an issue in special education. As you are aware, in January, 2018 the TEA was cited by the U.S. Department of Education for failure to ensure Child Find and the availability of a free appropriate public education to students with disabilities in the Texas public school system. We believe that LSSP shortages might limit the ability of the state to now be in compliance with Child Find duties in public schools and ensure that each student with a disability is fully evaluated and served by LSSPs, as

appropriate. The Psychology Interjurisdictional Compact is recommended as one solution to the problem in Texas of limited access to psychological services in general. We believe that might be a step in the right direction. However, we are concerned that the Compact might not include the provision of services delivered by LSSPs. School-based practice refers to the provision of school psychological services under the authority of a local educational agency, i.e. independent school district. School-based practice occurs if the school psychologist is an employee of the schools or contracted by the schools on a per case or consultative basis. We are concerned about the potential benefits of the Compact not extending to school settings and assisting with the pressure on current LSSPs as they serve a growing population of students. **Therefore, it would be appropriate for the sunset review to include as a management action recommendation for the Board to investigate and report on whether the Psychology Interjurisdictional Compact would also expand access to services in school-based settings, and if not, alternative options.**

Conclusion

Thank you for this opportunity during the sunset review process to offer these observations on a critical aspect of the Board as it relates to students with disabilities in special education in Texas. We note and acknowledge that these comments will be considered public information and subject to disclosure under Chapter 552 of the Texas Government Code, commonly known as the Public Information Act.

Sincerely,

Disability Rights Texas

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