



Board of Behavioral Sciences

*Memo*

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**To:** Policy & Advocacy Committee Members      **Date:** January 3, 2023  
**From:** Christy Berger, Regulatory Analyst  
**Subject:** **Licensed Educational Psychologist Experience Requirements**

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The purpose of this item is to consider a regulatory proposal that would strengthen and clarify the experience requirements for Licensed Educational Psychologist (LEP) applicants.

**Existing Law**

LEP applicants are required to have a total of three (3) years of experience to qualify for licensure<sup>1</sup> as described below. A specific number of hours are not required.

**Category A.** Two (2) years of full-time experience as a credentialed school psychologist<sup>2</sup>. Must take place in a school setting, and no supervision requirements are specified.

**- AND -**

**Category B.** One (1) year of supervised\* experience in an accredited school psychology degree program.

*(Note: LEP law does not specify who must supervise Category B experience, but the California Commission on Teacher Credentialing (CTC) requires at least 1,650 hours within the degree program supervised by a credentialed school psychologist with at least 3 years of experience.)*

**- OR (instead of Category B) -**

**Category C.** One (1) year of full-time experience as a credentialed school psychologist under the direction of an LEP or Licensed Psychologist<sup>2</sup>. Must take place in a school setting.

**Issues Identified and Proposed Regulatory Changes**

The proposed amendments to Title 16, California Code of Regulations (16 CCR) section 1856 would do all of the following:

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<sup>1</sup> Per Business and Professions Code section 4989.20 – see Attachment A

<sup>2</sup> Part-time experience may be accumulated if obtained within six (6) years.

1. Improve readability and provide clarification:

Divide 16 CCR section 1856 into three subsections, each of which would pertain to a specific experience category (see Attachment B, subsections (g), (h) and (i), which respectively pertain to categories A, B, and C shown on the prior page).

2. Specify required documentation of experience:

Formalize the documentation that must be submitted by applicants to verify experience and coursework (see Attachment B, subsections (g)(3), (h) and (i)(3)).

3. Specify how equivalency of private or parochial school experience in categories A and C shall be evaluated:

Experience as a school psychologist is required by statute (provided in Attachment A) to be in a public school. However, the regulations (provided in Attachment B) specify that the Board may accept experience gained in a private or parochial school “at the Board’s discretion.” However, it does not define how the Board shall apply its discretion.

Staff only receive a few calls each year from potential applicants inquiring about experience gained in private or parochial schools. However, given the shortages of school psychologists, staff recommends that the Committee consider a process by which equivalency can be determined. The proposal would require an applicant to submit their signed job description or duty statement, and the Board would have an LEP subject matter expert compare it to the core tasks authorized by a school psychologist credential (as set forth by the CTC<sup>3</sup>) to make a determination. 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.

Unfortunately, staff was unable to locate any job announcements/descriptions for private schools for review. See Attachment B, subsection (f) for proposed language that would set forth the review process.

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<sup>3</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))

4. Specify requirements for individuals overseeing experience in Category C:

For applicants who do not have one year of supervised experience in an accredited school psychology program (Category B), they must fulfill the requirements of Category C, which is one year of experience as a school psychologist obtained “under the direction of” an LEP or licensed Psychologist.

Current law does not address problematic dual relationships nor the license status of the licensee “directing” the experience. The proposal would prohibit the licensee who is directing the applicant’s experience from being related to the applicant and prohibit them from having provided therapeutic services to the applicant. In addition, it would require the licensee providing direction to have a current and valid license not under suspension or probation. (See Attachment B, subsection (i)(2)).

Another issue is that the law does not specify what “under the direction of” means. Merriam-Webster provides the following definitions:

- Direction is defined as “guidance or supervision of action or conduct.”
- Supervision is defined as “a critical watching and directing (as of activities or a course of action).”

Encyclopedia Britannica provides the following definitions:

- Direction is defined as “control or management of someone or something.”
- Supervision is defined as “the action or process of watching and directing what someone does or how something is done.”

Thus, it appears that the two terms are fairly interchangeable.

Staff recommends that the term “direction” be defined in regulation as “supervision”. This would provide the ability to refer to this person as a “supervisor” rather than “director” (which is typically used for the head of a department or organization). It is also difficult to determine a label for the person being “directed.” The ability to use the label “supervisee” would be helpful.

**Question for discussion:**

Should there be a definition of “supervision?” When considering this question, it is important to keep in mind the following:

- There has not been a consumer protection issue identified in the current structure.
- Supervisees work in a school setting as part of a team, and under the school or district’s supervision. Thus, there is already a structure in place that takes responsibility for the quality of services provided; and

- LEP applicants are not required to have experience in this category. Instead, they can have supervised experience in their school psychology degree program, where neither the type of supervisor nor the type of supervision is specified. This is likely because experience is being gained within the structure of the degree program and as above, there is a structure in place that takes responsibility for the quality of services provided.

5. Define “Year” as a “School Year”:

Specify that a “year” of experience refers to a “school year”. This is consistent with current practice by licensing evaluators. Note that the California Education Code<sup>4</sup> requires a school “year” to consist of 175 days or more, which equals 35 weeks (see Attachment B, subsection (e)).

6. Define “Full-time” as 80%:

Specify that full-time means being contracted with the school district at an 80% time base (typically 32 hours per week). Current law does not define full-time, and the Board’s evaluators use 32 hours per week as the minimum. Since school districts use contracted percentages to specify time bases, it may make more sense to use a percentage (see Attachment B, subsection (c)).

7. Define “Part-time” equivalency:

Define what is meant by “the equivalent to full-time” experience (see Attachment B, subsection (d)).

Equivalent part-time experience would be determined by prorating the contracted percentage against the full-time percentage of 80% and multiplying it by the number of weeks of experience.

For example, if an applicant worked at 60% for 35 weeks:

- 60% is divided by 80% = .75 (or 75% - in other words, 60% at part-time is 75% of 80% at full time).
- The 35 weeks is then multiplied by .75 to obtain the credited amount of experience (in this case, it equals 26.25 weeks).

This is similar to what the Board’s licensing evaluators currently do, except they use hours worked per month.

8. **Question for discussion –Staffing Agency Placements:**

The Board’s licensing evaluator is increasingly receiving calls from potential applicants who are gaining experience under Categories A or C via placement by a

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<sup>4</sup> Section 41420

staffing agency. The Board is currently accepting such experience as the law does not prohibit this. A search for “school psychologist jobs in California” found that the vast majority of current listings are staffing agency jobs, and this is likely to continue.

Job descriptions for several staffing agency employers, as well as for public school employers for comparison were reviewed. Note that job descriptions were pulled from job advertisements online, not from actual duty statements, and are provided in Attachment C.

The review found that for some placements, the depth and breadth of experience gained may be limited. However, this may also be true in public school settings (see #3, Roseville Unified School District). One of the staffing agency jobs was only for a 13-week assignment (see #4, Soliant Health), but most are 26 weeks or longer, and may be designed to lead to a permanent placement. Most jobs are full-time. Some staffing agency jobs are 100% remote (see #5, Sunbelt Staffing).

It is important to also consider that all LEP applicants would have already completed supervised practicum (minimum 450 hours) and field experience (minimum 1,200 hours) during their degree program and must also complete a total of three years of experience (via categories A and B or categories A and C).

If the Committee or stakeholders find that there are concerns about experience gained as a temporary staffing agency employee, should the Board require job descriptions to evaluate equivalency, similarly to what is proposed for private or parochial school experience?

### **Recommendation**

Conduct an open discussion about the proposed amendments. Direct staff to make any discussed changes, and any non-substantive changes, and recommend to the full Board as regulatory proposal.

### **Attachments**

- A. Relevant Statute
- B. Proposed Regulatory Amendments
- C. Staffing Agency Job Descriptions

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**ATTACHMENT A**  
**Business and Professions Code**

**§4989.20. LICENSURE REQUIREMENTS**

- (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) No commission of an act or crime constituting grounds for denial of licensure under Section 480.
  - (4) Successful completion of 60 semester hours of postgraduate work in pupil personnel services.
  - (5) Two years of full-time, or the equivalent to full-time, experience as a credentialed school psychologist in the public schools. The applicant shall not be credited with experience obtained more than six years prior to filing the application for licensure.
  - (6) One of the following:
    - (A) One year of supervised professional experience in an accredited school psychology program.
    - (B) In addition to the requirements of paragraph (5), one year of full-time, or the equivalent to full-time, experience as a credentialed school psychologist in the public schools obtained under the direction of a licensed educational psychologist or a licensed psychologist.
  - (7) Passage of an examination specified by the board.

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**ATTACHMENT B**  
**PROPOSED REGULATOR LANGUAGE**  
**Title 16, Division 18, California Code of Regulations**

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

- (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.
- (c) "Full-time experience" means the applicant's contracted time base with the school district was at 80% or higher.
- (d) Equivalent part-time experience must be determined based on the applicant's contracted time base (percentage) with the school district, divided by 80% and multiplied by the number of weeks of experience.
- (e) One year of experience is defined as one school year. The number of days in a school year must be determined by the minimum number of days listed in Education Code sections 41420, 46208 and 47612.
- ~~(e)~~(f) Experience as a credentialed school psychologist employed by a parochial or private school may, at the board's discretion, be deemed equivalent to experience as a credentialed school psychologist in the public schools. The board shall do the following to determine equivalency:
  - (1) Request that the applicant submit to the board a signed job description or duty statement for the applicant's position during the time the applicant gained the experience; and
  - (2) Obtain a recommendation from one or more licensed educational psychologist subject matter experts contracted by the board. A recommendation shall be based on a review of the job description or duty statement in comparison with the core tasks of the authorized duties for credentialed school psychologists as set forth by the California Commission on Teacher Credentialing.
- (g) Experience as a credentialed school psychologist, as required by section 4989.20(a)(5) of the Code, must comply with all of the following:

- (1) Experience must have been obtained within the six (6) years prior to the date the application for licensure is received by the Board.
- (2) Applicants must submit a printed copy of the school psychologist credential that indicates the date of issuance.
- (3) Applicants must submit documentation of completed experience verified by an employee of the school or school district where the experience was gained, signed by the verifying employee under penalty of perjury. Such documentation must include all of the following:
  - (A) School or school district's name, telephone number and address.
  - (B) Title of the position occupied by the applicant.
  - (C) Start and end dates of the applicant's experience.
  - (D) Applicant's time base (contracted percentage) with the school district.
  - (E) Name and title of the verifying employee.
- (h) Supervised professional experience gained in an accredited school psychology program, as specified in section 4989.20(a)(6)(A) of the Code, must be verified by an employee of the school, school district, or other setting where the experience was gained, and must be signed by the verifying employee under penalty of perjury. The verification must include all of the following:
  - (1) Name of work setting.
  - (2) Telephone number and title of verifying employee.
  - (3) Dates of the applicant's experience.
  - (4) Applicant's course numbers and course titles associated with the supervised experience.
- (i) Experience as a credentialed school psychologist as specified in section 4989.20(a)(6)(B) of the Code must comply with all of the following:
  - (1) Experience gained "under the direction of" a licensed educational psychologist or licensed psychologist means the applicant was under their supervision.
  - (2) The licensed educational psychologist or licensed psychologist who supervises the applicant's experience must meet all of the following requirements:
    - (A) Possessed a current and valid license that was not under suspension or probation during the time the applicant was gaining experience.

(B) Has not provided therapeutic services to the applicant, is not related to the applicant, and is not the spouse or domestic partner of the applicant.

(3) Applicants must submit documentation of completed experience verified by the supervisor referenced above, signed under penalty of perjury. The verification must include all of the following:

(A) Telephone number of the applicant's supervisor.

(B) License type, license number and date of issuance of the applicant's supervisor's license.

(C) The state or jurisdiction that issued the license of the applicant's supervisor.

(D) Name and location of the school or school district where the experience was gained.

(E) Applicant's time base (contracted percentage) with the school district.

*Note: Authority cited: Section 4990.20(a), Business and Professions Code. Reference: Section 4982.20-4989.20, Business and Professions Code and Sections 41420, 46208 and 47612, Education Code.*

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## ATTACHMENT

### SAMPLE SCHOOL PSYCHOLOGIST JOB DESCRIPTIONS (CALIFORNIA)

*Note: Job descriptions were pulled from job advertisements online,  
not from actual duty statements.*

| <b>Job Type</b>                                                                         | <b>Description of Duties</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-----------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. PUBLIC SCHOOL<br><i>(Panama-Buena Vista Union School District)</i><br>Full-time      | <ul style="list-style-type: none"> <li>Oversees and provides assessment, counseling, consultation, crisis intervention, program evaluation, case management, and staff development in-service education</li> <li>Works as part of an academic team to coordinate, facilitate, and provide direct service to students and parents</li> </ul>                                                                                                                                    |
| 2. PUBLIC SCHOOL<br><i>(Los Angeles Unified School District)</i><br>Full-time           | <ul style="list-style-type: none"> <li>Provides psychological services to general education students and students with disabilities</li> <li>Conducts psycho-educational assessments to assist in determining eligibility for special education services and the development of educational programs</li> <li>Consults with school personnel, parents and others concerned with the progress of students</li> <li>Provides individual and group counseling sessions</li> </ul> |
| 3. PUBLIC SCHOOL<br><i>(Roseville Unified School District)</i><br><b>PART-TIME</b>      | <ul style="list-style-type: none"> <li>In addition to conducting evaluations, the psychologist will:</li> <li>Support positive behavioral interventions and supports</li> <li>Assist teams with the design of pre-referral interventions</li> <li>Help create behavioral support plans</li> <li>Assist with the design of individualized education programs</li> </ul>                                                                                                         |
| 4. STAFFING AGENCY<br><i>(Soliant Health)</i><br>Full-time<br><b>13-WEEK ASSIGNMENT</b> | <ul style="list-style-type: none"> <li>Conducting evaluations or re-evaluations</li> <li>Completing reports as part of the IEP process</li> <li>Consulting with Special Education team as part of the MTSS process</li> </ul>                                                                                                                                                                                                                                                  |
| 5. STAFFING AGENCY<br><i>(Sunbelt Staffing)</i><br>Full-time<br><b>REMOTE JOB</b>       | <ul style="list-style-type: none"> <li>Address student learning and behavioral problems</li> <li>Consult with IEP team to improve learning</li> <li>Counsel students and families</li> <li>Conduct student evaluations to develop IEP goals</li> </ul>                                                                                                                                                                                                                         |

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| 6. STAFFING AGENCY<br>( <i>Soliant Health</i> )<br>Full-time     | <ul style="list-style-type: none"> <li>• Provide psychological services through consultation, intervention in crisis situations, alongside social and emotional issues student face</li> <li>• Attend all IEP and Student Study Team meetings</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 7. STAFFING AGENCY<br>( <i>ATX Learning</i> )<br>Full-time       | <ul style="list-style-type: none"> <li>• Facilitate and participate in the referral to placement processes to certify and assure students meet eligibility criteria for placement and services.</li> <li>• Serve as a member of the IEP team and facilitate IEP meetings.</li> <li>• Evaluate students according to approved assessment plans; utilize appropriate instruments/tests, observations, records and interviews; provide scheduled review testing and additional review testing as appropriate.</li> <li>• Provide in-service training to parents and staff as needed.</li> <li>• Evaluate pupils with behavioral difficulties, perform functional behavioral analyses and assist in the development of behavior intervention plans.</li> <li>• Assist the Student Study Team and referral for behavior analysis</li> </ul> |
| 8. STAFFING AGENCY<br>( <i>Maxim Healthcare</i> )<br>Full-time   | <ul style="list-style-type: none"> <li>• Completes multi-factored evaluations</li> <li>• Conducts pre-referral consultation/intervention</li> <li>• Psychoeducational assessments</li> <li>• Participates in other duties based on the needs of students and programs. These may include teacher in-service, counseling, screening of students (preschool, etc), parent groups, supervision of interns, research of ongoing programs, and development of new programs</li> </ul>                                                                                                                                                                                                                                                                                                                                                       |
| 9. STAFFING AGENCY<br>( <i>360 Degree Therapy</i> )<br>Full-time | <ul style="list-style-type: none"> <li>• Conducting in-person psycho-educational, and possibly academic assessments</li> <li>• Developing and sending APs/follow up</li> <li>• Monitoring caseload for assigned case managers</li> <li>• Assisting in drafting writing/developing IEPs</li> <li>• Monitoring and reviewing IEPs for compliance accuracy</li> <li>• Acting as admin designee for IEP meetings</li> <li>• Providing ERMHS therapy and assessment</li> </ul>                                                                                                                                                                                                                                                                                                                                                              |