

SENATE BILL NO. 178—SENATOR AMODEI

MARCH 10, 2005

Referred to Committee on Human Resources and Education

SUMMARY—Provides for endorsement as educational psychologist.
(BDR 34-1303)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to educational personnel; requiring the Commission on Professional Standards in Education to adopt regulations providing for an endorsement in the field of educational psychology; prescribing the requirements and qualifications for the endorsement; authorizing an educational psychologist to engage in the private practice of educational psychology in addition to his employment with a school district or charter school; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Under existing law, the Commission on Professional Standards in Education
2 establishes the requirements and qualifications for the licensure and endorsements
3 of teachers and other school personnel, including school psychologists.
4 (NRS 391.019)

5 This bill requires the Commission to adopt regulations governing the
6 requirements and qualifications for an endorsement as an educational psychologist.
7 To receive the endorsement, a person must hold an endorsement as a school
8 psychologist, pass certain examinations and have 5 years of experience as a school
9 psychologist.

10 This bill defines the practice of educational psychology as the practice of
11 rendering services related to the assessment of intellectual ability and learning
12 patterns, the counseling of persons for educationally related problems and
13 educational and vocational consultation.

14 This bill also authorizes an educational psychologist to engage in the private
15 practice of educational psychology in addition to his employment with a school
16 district or charter school, but he is not authorized to have as a client any pupil who
17 is assigned to him in the course of his employment with the school district or
18 charter school.



THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 391 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. *“Educational psychologist” means a person who:*

1. Is qualified to engage in the practice of educational psychology by reason of education, practical training and experience determined by the Commission to be satisfactory; and

2. Has received from the Commission an endorsement to engage in the practice of educational psychology.

Sec. 3. *“Practice of educational psychology” means rendering or offering to render to natural persons, groups, organizations or the general public any of the following services:*

1. Evaluation, diagnosis or test interpretation limited to assessment of intellectual ability, learning patterns, achievement, motivation or personality factors directly related to learning problems in an educational setting.

2. Counseling services for children or adults for amelioration or prevention of educationally related learning problems.

3. Educational or vocational consultation in direct educational services, not including industrial consultation or counseling services to clients undergoing vocational rehabilitation.

Sec. 4. *1. In addition to the qualifications and requirements adopted by the Commission pursuant to NRS 391.019, an applicant for an endorsement as an educational psychologist must:*

(a) Hold an endorsement as a school psychologist issued pursuant to this chapter;

(b) Have at least 5 years of experience as a school psychologist in this State or another state;

(c) Except as otherwise provided in subsection 2, pass the School Psychologist Test of the Praxis Series administered by the Educational Testing Service with a passing score set by the National Association of School Psychologists, or its successor organization; and

(d) If required by regulation of the Commission, pass an oral examination in applied or theoretical fields as the Commission determines appropriate.



1 2. *The Commission may waive the requirement of a written*
2 *examination for a person who is currently certified as a Nationally*
3 *Certified School Psychologist by the National Association of*
4 *School Psychologists, or its successor organization.*

5 3. *For the purposes of issuing an endorsement as an*
6 *educational psychologist to an applicant, a passing score on the*
7 *examination required by paragraph (c) of subsection 1 shall be*
8 *deemed valid regardless of when the applicant achieved the*
9 *passing score.*

10 **Sec. 5.** 1. *An educational psychologist may use the title*
11 *“Educational Psychologist” or “Licensed Educational*
12 *Psychologist” in connection with activities relating to the practice*
13 *of educational psychology.*

14 2. *Except as otherwise provided in this subsection, an*
15 *educational psychologist may, in addition to his employment with*
16 *a school district or charter school, engage in the private practice*
17 *of educational psychology for compensation. In no event may an*
18 *educational psychologist provide private services as an*
19 *educational psychologist for compensation to pupils assigned to*
20 *him within the course of his employment with a school district or*
21 *charter school.*

22 **Sec. 6.** NRS 391.002 is hereby amended to read as follows:

23 391.002 As used in this chapter, unless the context otherwise
24 requires, the words and terms defined in NRS 391.005 and 391.008
25 *and sections 2 and 3 of this act* have the meanings ascribed to them
26 in those sections.

27 **Sec. 7.** NRS 391.019 is hereby amended to read as follows:

28 391.019 1. Except as otherwise provided in NRS 391.027,
29 the Commission:

30 (a) Shall adopt regulations:

31 (1) Prescribing the qualifications for licensing teachers and
32 other educational personnel, including, without limitation, the
33 qualifications for a license to teach middle school or junior high
34 school education, and the procedures for the issuance and renewal of
35 such licenses.

36 (2) Identifying fields of specialization in teaching which
37 require the specialized training of teachers.

38 (3) Except as otherwise provided in NRS 391.125, requiring
39 teachers to obtain from the Department an endorsement in a field of
40 specialization to be eligible to teach in that field of specialization.

41 (4) Setting forth the educational requirements a teacher must
42 satisfy to qualify for an endorsement in each field of specialization.

43 (5) Setting forth the qualifications and requirements for
44 obtaining a license or endorsement to teach American Sign



1 Language, including, without limitation, being qualified to engage
2 in the practice of interpreting pursuant to subsection 3 of
3 NRS 656A.100.

4 (6) Except as otherwise authorized by subsection 4 of NRS
5 656A.100, requiring teachers and other educational personnel to
6 satisfy the qualifications set forth in subsection 3 of NRS 656A.100
7 if they:

8 (I) Provide instruction or other educational services; and

9 (II) Concurrently engage in the practice of interpreting, as
10 defined in NRS 656A.060.

11 *(7) Setting forth the qualifications and requirements for*
12 *obtaining an endorsement as an educational psychologist*
13 *consistent with section 4 of this act.*

14 (b) May adopt such other regulations as it deems necessary for
15 its own government or to carry out its duties.

16 2. Any regulation which increases the amount of education,
17 training or experience required for licensing:

18 (a) Must, in addition to the requirements for publication in
19 chapter 233B of NRS, be publicized before its adoption in a manner
20 reasonably calculated to inform those persons affected by the
21 change.

22 (b) Must not become effective until at least 1 year after the date
23 it is adopted by the Commission.

24 (c) Is not applicable to a license in effect on the date the
25 regulation becomes effective.

26 **Sec. 8.** NRS 432B.220 is hereby amended to read as follows:

27 432B.220 1. Any person who is described in subsection 3
28 and who, in his professional or occupational capacity, knows or has
29 reasonable cause to believe that a child has been abused or neglected
30 shall:

31 (a) Except as otherwise provided in subsection 2, report the
32 abuse or neglect of the child to an agency which provides child
33 welfare services or to a law enforcement agency; and

34 (b) Make such a report as soon as reasonably practicable but not
35 later than 24 hours after the person knows or has reasonable cause to
36 believe that the child has been abused or neglected.

37 2. If a person who is required to make a report pursuant to
38 subsection 1 knows or has reasonable cause to believe that the abuse
39 or neglect of the child involves an act or omission of:

40 (a) A person directly responsible or serving as a volunteer for or
41 an employee of a public or private home, institution or facility
42 where the child is receiving child care outside of his home for a
43 portion of the day, the person shall make the report to a law
44 enforcement agency.



(b) An agency which provides child welfare services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission, and the investigation of the abuse or neglect of the child must be made by an agency other than the one alleged to have committed the act or omission.

3. A report must be made pursuant to subsection 1 by the following persons:

(a) A physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant, psychiatrist, psychologist, *educational psychologist*, marriage and family therapist, alcohol or drug abuse counselor, athletic trainer, advanced emergency medical technician or other person providing medical services licensed or certified in this State;

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of suspected abuse or neglect of a child by a member of the staff of the hospital;

(c) A coroner;

(d) A clergyman, practitioner of Christian Science or religious healer, unless he has acquired the knowledge of the abuse or neglect from the offender during a confession;

(e) A social worker and an administrator, teacher, librarian , *psychologist* or counselor of a school;

(f) Any person who maintains or is employed by a facility or establishment that provides care for children, children's camp or other public or private facility, institution or agency furnishing care to a child;

(g) Any person licensed to conduct a foster home;

(h) Any officer or employee of a law enforcement agency or an adult or juvenile probation officer;

(i) An attorney, unless he has acquired the knowledge of the abuse or neglect from a client who is or may be accused of the abuse or neglect;

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding abuse or neglect of a child and refers them to persons and agencies where their requests and needs can be met;

(k) Any person who is employed by or serves as a volunteer for an approved youth shelter. As used in this paragraph, "approved youth shelter" has the meaning ascribed to it in NRS 244.422; and



(l) Any adult person who is employed by an entity that provides organized activities for children.

4. A report may be made by any other person.

5. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a child has died as a result of abuse or neglect, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the report and submit to an agency which provides child welfare services his written findings. The written findings must include, if obtainable, the information required pursuant to the provisions of subsection 2 of NRS 432B.230.

Sec. 9. NRS 641.390 is hereby amended to read as follows:

641.390 1. ~~[A]~~ *Except as otherwise provided in this section,* a person shall not represent himself as a psychologist within the meaning of this chapter or engage in the practice of psychology unless he is licensed under the provisions of this chapter, except that any psychological scientist employed by an accredited educational institution or public agency which has set explicit standards may represent himself by the title conferred upon him by such institution or agency.

2. This section does not grant approval for any person to offer his services as a psychologist to any other person as a consultant, and to accept remuneration for such psychological services, other than that of his institutional salary, unless he has been licensed under the provisions of this chapter.

3. This chapter does not prevent the teaching of psychology or psychological research, unless the teaching or research involves the delivery or supervision of direct psychological services to a person. Persons who have earned a doctoral degree in psychology from an accredited educational institution may use the title "psychologist" in conjunction with the activities permitted by this subsection.

4. A graduate student in psychology whose activities are part of the course of study for a graduate degree in psychology at an accredited educational institution or a person pursuing postdoctoral training or experience in psychology to fulfill the requirements for licensure under the provisions of this chapter may use the terms "psychological trainee," "psychological intern," "psychological resident" or "psychological assistant" if the activities are performed under the supervision of a licensed psychologist in accordance with the regulations adopted by the Board.

5. A person who is certified as a school psychologist by the State Board of Education may use the title "school psychologist" or



1 “certified school psychologist” in connection with activities relating
2 to school psychologists.

3 *6. A person who holds an endorsement as an educational*
4 *psychologist may use the title “educational psychologist” or*
5 *“licensed educational psychologist” in connection with activities*
6 *relating to the practice of educational psychology. As used in this*
7 *subsection:*

8 *(a) “Educational psychologist” has the meaning ascribed to it*
9 *in section 2 of this act.*

10 *(b) “Practice of educational psychology” has the meaning*
11 *ascribed to it in section 3 of this act.*

12 **Sec. 10.** 1. This section becomes effective on July 1, 2005.

13 2. Section 7 of this act becomes effective on July 1, 2005, for
14 the purpose of adopting regulations and on January 1, 2006, for all
15 other purposes.

16 3. Sections 1 to 6, inclusive, 8 and 9 of this act become
17 effective on January 1, 2006.



