

ASSEMBLY BILL NO. 308—ASSEMBLYWOMAN LESLIE

MARCH 13, 2003

Referred to Committee on Education

SUMMARY—Provides for endorsement as educational psychologist. (BDR 34-950)

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; and providing other matters properly relating thereto.

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

- 1 **Section 1.** Chapter 391 of NRS is hereby amended by adding
- 2 thereto the provisions set forth as sections 2 to 6, inclusive, of this
- 3 act.
- 4 **Sec. 2.** *“Commission” means the Commission on*
- 5 *Professional Standards in Education.*
- 6 **Sec. 3.** *“Educational psychologist” means a person who:*
- 7 1. *Is qualified to engage in the practice of educational*
- 8 *psychology by reason of education, practical training and*
- 9 *experience determined by the Commission to be satisfactory; and*
- 10 2. *Has received from the Commission an endorsement to*
- 11 *engage in the practice of educational psychology.*



1 **Sec. 4.** *“Practice of educational psychology” means*
2 *rendering or offering to render to natural persons, groups,*
3 *organizations or the general public any of the following services:*

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

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

10 3. *Educational or vocational consultation or direct*
11 *educational services, not including industrial consultation or*
12 *counseling services to clients undergoing vocational*
13 *rehabilitation.*

14 **Sec. 5.** 1. *In addition to the requirements and*
15 *qualifications adopted by the Commission pursuant to NRS*
16 *391.019, an applicant for an endorsement as an educational*
17 *psychologist must:*

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

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

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

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

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

34 3. *For the purposes of issuing an endorsement as an*
35 *educational psychologist to an applicant, a passing score on the*
36 *examination required by paragraph (c) of subsection 1 shall be*
37 *deemed valid regardless of when the applicant achieved the*
38 *passing score.*

39 **Sec. 6.** 1. *An educational psychologist may use the title*
40 *“Educational Psychologist” or “Licensed Educational*
41 *Psychologist” in connection with activities relating to the practice*
42 *of educational psychology.*

43 2. *Except as otherwise provided in this subsection, an*
44 *educational psychologist may, in addition to his employment with*
45 *a school district, engage in the private practice of educational*



1 *psychology for compensation. In no event may an educational*
2 *psychologist provide private services as an educational*
3 *psychologist for compensation to pupils assigned to him within the*
4 *course of his employment with a school district.*

5 **Sec. 7.** NRS 391.005 is hereby amended to read as follows:
6 391.005 As used in this chapter, unless the context otherwise
7 requires, ~~["Commission" means the Commission on Professional~~
8 ~~Standards in Education.]~~ *the words and terms defined in sections 2,*
9 *3 and 4 of this act have the meanings ascribed to them in those*
10 *sections.*

11 **Sec. 8.** NRS 391.019 is hereby amended to read as follows:
12 391.019 1. Except as otherwise provided in NRS 391.027,
13 the Commission:

14 (a) Shall adopt regulations:
15 (1) Prescribing the qualifications for licensing teachers and
16 other educational personnel and the procedures for the issuance and
17 renewal of such licenses.

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

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

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

25 (5) Setting forth the qualifications and requirements for
26 obtaining a license or endorsement to teach American Sign
27 Language.

28 *(6) Setting forth the qualifications and requirements for*
29 *obtaining an endorsement as an educational psychologist*
30 *consistent with section 5 of this act.*

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

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

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

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

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

43 **Sec. 9.** NRS 391.019 is hereby amended to read as follows:
44 391.019 1. Except as otherwise provided in NRS 391.027,
45 the Commission:



- 1 (a) Shall adopt regulations:
2 (1) Prescribing the qualifications for licensing teachers and
3 other educational personnel and the procedures for the issuance and
4 renewal of such licenses.
5 (2) Identifying fields of specialization in teaching which
6 require the specialized training of teachers.
7 (3) Except as otherwise provided in NRS 391.125, requiring
8 teachers to obtain from the Department an endorsement in a field of
9 specialization to be eligible to teach in that field of specialization.
10 (4) Setting forth the educational requirements a teacher must
11 satisfy to qualify for an endorsement in each field of specialization.
12 (5) Setting forth the qualifications and requirements for
13 obtaining a license or endorsement to teach American Sign
14 Language, including, without limitation, being qualified to engage
15 in the practice of interpreting pursuant to subsection 3 of
16 NRS 656A.100.
17 (6) Except as otherwise authorized by subsection 4 of NRS
18 656A.100, requiring teachers and other educational personnel to
19 satisfy the qualifications set forth in subsection 3 of NRS 656A.100
20 if they:
21 (I) Provide instruction or other educational services; and
22 (II) Concurrently engage in the practice of interpreting, as
23 defined in NRS ~~656A.040~~ 656A.060.
24 *(7) Setting forth the qualifications and requirements for*
25 *obtaining an endorsement as an educational psychologist*
26 *consistent with section 5 of this act.*
27 (b) May adopt such other regulations as it deems necessary for
28 its own government or to carry out its duties.
29 2. Any regulation which increases the amount of education,
30 training or experience required for licensing:
31 (a) Must, in addition to the requirements for publication in
32 chapter 233B of NRS, be publicized before its adoption in a manner
33 reasonably calculated to inform those persons affected by the
34 change.
35 (b) Must not become effective until at least 1 year after the date
36 it is adopted by the Commission.
37 (c) Is not applicable to a license in effect on the date the
38 regulation becomes effective.
39 **Sec. 10.** NRS 432B.220 is hereby amended to read as follows:
40 432B.220 1. Any person who is described in subsection 3
41 and who, in his professional or occupational capacity, knows or has
42 reasonable cause to believe that a child has been abused or neglected
43 shall:



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

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

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

10 (a) A person directly responsible or serving as a volunteer for or
11 an employee of a public or private home, institution or facility
12 where the child is receiving child care outside of his home for a
13 portion of the day, the person shall make the report to a law
14 enforcement agency.

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

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

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

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

35 (c) A coroner;

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

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

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

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



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

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

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

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

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

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

23 **Sec. 11.** NRS 641.390 is hereby amended to read as follows:

24 641.390 1. ~~1A~~ *Except as otherwise provided in this section,*
25 *a* person shall not represent himself as a psychologist within the
26 meaning of this chapter or engage in the practice of psychology
27 unless he is licensed under the provisions of this chapter, except that
28 any psychological scientist employed by an accredited educational
29 institution or public agency which has set explicit standards may
30 represent himself by the title conferred upon him by such institution
31 or agency.

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

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

43 4. A graduate student in psychology whose activities are part
44 of the course of study for a graduate degree in psychology at an
45 accredited educational institution or a person pursuing postdoctoral



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1 training or experience in psychology to fulfill the requirements for
2 licensure under the provisions of this chapter may use the terms
3 “Psychological Trainee,” “Psychological Intern,” “Psychological
4 Resident” or “Psychological Assistant” if the activities are
5 performed under the supervision of a licensed psychologist in
6 accordance with the regulations adopted by the Board.

7 5. A person who is certified as a school psychologist by the
8 State Board of Education may use the title “School Psychologist” or
9 “Certified School Psychologist” in connection with activities
10 relating to school psychologists.

11 *6. A person who holds an endorsement as an educational
12 psychologist may use the title “Educational Psychologist” or
13 “Licensed Educational Psychologist” in connection with activities
14 relating to the practice of educational psychology. As used in this
15 subsection:*

16 *(a) “Educational psychologist” has the meaning ascribed to it
17 in section 3 of this act.*

18 *(b) “Practice of educational psychology” has the meaning
19 ascribed to it in section 4 of this act.*

20 **Sec. 12.** 1. This section becomes effective on July 1, 2003.

21 2. Section 8 of this act:

22 (a) Becomes effective on July 1, 2003, for the purpose of
23 adopting regulations and on January 1, 2004, for all other purposes.

24 (b) Expires by limitation on June 30, 2005.

25 3. Sections 1 to 7, inclusive, 10 and 11 of this act become
26 effective on January 1, 2004.

27 4. Section 9 of this act becomes effective on July 1, 2005.

