



ASPPB

Association of State and
Provincial Psychology Boards

Supporting member jurisdictions in fulfilling their responsibility of public protection

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Dear Members of the Legislative Assembly of New-Brunswick,

The Association of State and Provincial Psychology Boards (ASPPB) has been informed by the College of Psychologists of New Brunswick that you are soon to vote on Bill-35 (*An Act Respecting Empowering the School System*) that would amend the *Education Act*. ASPPB is particularly concerned about three aspects of this legislation:

11.1 (1) A teacher who holds a master's degree approved by the Minister and completes the training approved by the Minister may administer a test prescribed by regulation, score the test and interpret and apply the results of the test, for the purpose of developing a personalized learning plan for a pupil.

11.1 (2) This section and the regulations made under paragraph 57(1)(o.1) shall supersede all other provisions in the Psychologists Act and any regulation made under that Act.

25.1 For the purposes of section 11.1 of the Act, the test that may be administered is the Wechsler Intelligence Scale for Children (WISC)."

ASPPB is the alliance of state, provincial, and territorial agencies responsible for the licensure and certification of psychologists throughout Canada and the United States. We support the College of Psychologists of New Brunswick's position that only licensed psychologists are properly trained to administer and interpret psychological tests within the context of a psychoeducational or psychological assessment. If Bill-35 passes, this would constitute a dangerous precedent in health regulation and has the potential to bring unintended and serious harm to each individual impacted by this legislation.

Based on the language within this proposed legislation, there appears to be a lack of understanding in the use of the word assessment and the scope of practice for psychologists. The description of a psychoeducational assessment in the proposed legislation is to "*administer a test prescribed by regulation, score the test and interpret and apply the results of the test... 25.1 For the purposes of section 11.1 of the Act, the test that may be administered is the Wechsler Intelligence Scale for Children (WISC).*" It is vital to note that psychoeducational assessments are not solely an act of administering, scoring, and interpreting a test. This is as true as understanding that a neurological examination encompasses far more than testing one's reflexes.

A psychoeducational assessment takes into account many facets of an individual's social, educational, and psychological functioning. To properly assess those, education and

training in foundational areas of statistics, tests and measurement, research design, psychometrics, cognitive measures, child cognitive development and other pertinent psychological knowledge is required. Licensed psychologists possess the breadth of training required to consider these facets. Teachers do not receive that breadth of training. Secondly, mental health problems can affect learning and impact the results on psychological tests. Once again, a licensed psychologist has been trained in the identification of emotional and mental health difficulties, that can impact cognitive functioning or performance on cognitive measures such as the WISC. This is why the scope of practice for psychologists is fundamentally different from that of teachers.

As an example, an individual with symptoms of anxiety, depression, or thought disorder might also struggle with academic performance, test-taking, attention and concentration, and behavior in the classroom. Due to their vastly different educational and training requirements, teachers lack the qualifications to be able to differentiate pure learning challenges from those caused by the aforementioned serious mental health conditions. As a result, by moving forward with this proposed legislation, there is a very strong likelihood that untrained individuals will be placed in the position of making clinical judgements about children's existing challenges and run the very real risk of making dangerously unfounded and incompletely grounded assumptions of cause. Ultimately, these acts have the potential to result in unintended harm being done to children, one of the most vulnerable populations we all serve.

As you know, the College of Psychologists of New Brunswick has the mandate to protect the public by regulating the practice of psychology. In so doing, they ensure both that psychologists practice ethically and competently, and that unqualified individuals do not engage in the practice of psychology. Performing a psychological or psychoeducational assessment is the practice of psychology. We therefore strongly support restricting the "evaluation and assessment procedures, including psychological and psychometric testing, for the identification and diagnosis of psychological or mental disorders" as defined in the NB *Psychologists Act*, to those properly trained to do so (i.e., licensed psychologists).

We thank you very kindly for reviewing this correspondence and would welcome any questions you may have about its contents.

Respectfully,



Mariann Burnetti-Atwell, PsyD
Chief Executive Officer, ASPPB