



March 23, 2021

Honourable Blaine Higgs
Premier
Chancery Place
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Email: premier@gnb.ca

Dear Honourable Higgs,

We are writing on behalf of the Canadian Psychological Association (CPA) which is the national association of psychology in Canada. Our mandate is to promote the science, practice, and education of psychology in the service of the public. Our many activities across our science, practice and education pillars include the accreditation of the doctoral programs and residencies that train Canada's psychologists, the development and publication of practice guidance for the profession, and knowledge transfer and translation for psychology's many partners and stakeholders (e.g. other allied professions, funders and decision makers, government).

We have been informed by the College of Psychologists of New Brunswick (CPNB) that you are to vote on Bill-35 (An Act Respecting Empowering the School System) that would amend the Education Act. We are particularly concerned about three aspects of this proposed 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)."

As you know, the CPNB has the mandate to protect the public by regulating the practice of psychology. Key among this public protection mandate is to make sure that psychologists practice ethically and competently and that the practice of psychology, as defined in the Psychologists Act, is limited to those with the requisite qualifications and registered under the Act. As stated in the Act, the practice of psychology includes "evaluation and assessment procedures, including psychological and psychometric testing, for the identification and diagnosis of psychological or mental disorders". Psychometric C level tests, like the WISC, require a high level of expertise to administer and interpret. They are tests to which Pearson has restricted sale to those who have doctoral degrees in psychology, are licensed as psychologists or have full membership in psychology organizations (which typically requires a graduate degree in psychology <https://www.pearsonclinical.ca/en/ordering/qualification-levels.html>

As a representative body of Canada's psychologists, we fully support the CPNB's position that only psychologists are properly trained to undertake psychoeducation and psychological assessments of which test planning, administration and interpretation is part. If Bill-35 passes, this would constitute a dangerous precedent in health regulation.

CPA just recently released a position paper on this topic

https://cpa.ca/docs/File/Position/PositionPaper_PsychologicalTestSafety_BoardApproved_May2019.pdf As stated on page 3 of the guidance paper:

"The safe, valid, and reliable use of psychological tests requires a specialized body of complex knowledge. Expertise in the areas of psychometrics, advanced statistics, cognitive and behavioural sciences, learning and memory, personality, and psychopathology are essential for safe psychological test use. Neuropsychological tests regularly used to assess child development, motor vehicle accident injuries, learning disorders and so on, require sophisticated knowledge and training in neuroanatomy, behavioural neurology, and neuropathology. Knowledge and skill for the safe and effective use of psychological tests is an area of specialization, acquired through a dedicated training program and extensive supervised practice over the course of years."

As you can imagine, poor performance in school, or poor performance on a single psychological test, can be the result of cognitive, social, developmental, or biological factors. As also pointed out by the CPNB, when a child presents with learning difficulties, an assessment is required to understand the nature of the difficulty, make a diagnosis and develop a learning or remediation plan. The administration of a single test is part of but does not constitute an assessment. A diagnosis, learning or remediation plan based on the results of a single test are more likely to lead to missed or misdiagnosis and negative school outcomes – all of which could confer stress and suffering for the student and their family as well as liability for the tester and the institution which sanctioned this practice.

The CPA recognizes that school boards and governments want to address the needs of the communities they serve. Meeting the emotional and learning needs of children and youth is critical to the wellbeing of children and families and brings great return on investment to their communities. The CPA would encourage government to empower its school boards to engage the CPNB and its psychologists in addressing the problem(s) government is trying to solve with this Bill. If the issue is a lack of psychologist resource, the CPNB has many suggestions about how to train more psychologists, address working conditions within the school boards to better recruit and retain psychologists, and/or contract out assessments to psychologists practicing in the community to name only a few. Another option is to augment psychologists' reach by training others, who have appropriate background and supervised training, to administer the tests that form part of the assessment undertaken by psychologists. This has been done in many sectors and settings in the past by psychometrists who administered tests under the supervision of psychologists. This has been done in many sectors and settings in the past by psychometrists who administered tests under the supervision of psychologists.

We understand that consultations with Pearson Canada contributed to the development of this proposed legislation. One cannot imagine a government changing access to a medical act without consulting physicians or making such a change to the use of a medical device on the basis of consultation with the device manufacturer alone. We respectfully ask that you give psychology, a mature, respected and regulated health profession, the courtesy of consultation before making changes to any provincial act governing the use of psychological tests. The wellbeing of the children and youth we serve depends on it.

Respectfully,



K.R. Cohen Ph.D., C.Psych.
Chief Executive Officer

cc. Members of the Legislative Assembly of New Brunswick