



Karen B. Salmon, Ph.D.  
State Superintendent of Schools

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**TO:** Members of the State Board of Education

**FROM:** Karen B. Salmon, Ph.D.

**DATE:** June 25, 2019

**SUBJECT:** COMAR 13A.05.05.04  
*School Psychology Program*  
**ADOPTION**

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**PURPOSE:**

The purpose of this item is to request that the State Board adopt COMAR 13A.05.05.04 – *School Psychology Program*.

**REGULATION PROMULGATION PROCESS:**

Under Maryland law, a state agency, such as the State Board, may propose a new or amended regulation whenever the circumstances arise to do so. After the State Board votes to propose such a regulation, the proposed regulation is sent to the Administrative, Executive, and Legislative Review (AELR) Committee for a 15 day review period. If the AELR Committee does not hold up the proposed regulation for further review, it is published in the Maryland Register for a 30-day public comment period. At the end of the comment period, Maryland State Department of Education (MSDE) staff reviews and summarizes the public comments. Thereafter, MSDE staff will present a recommendation to the State Board of Education to either: (1) adopt the regulation in the form it was proposed; or (2) revise the regulation and adopt it as final because the suggested revision is not a substantive change; or (3) revise the regulation and re-propose it because the suggested revision is a substantive change. At any time during this process, the AELR Committee may stop the promulgation process and hold a hearing. Thereafter, it may recommend to the Governor that the regulation not be adopted as a final regulation or the AELR Committee may release the regulation for final adoption.

**BACKGROUND:**

In 2010, the National Association of School Psychologists (NASP) approved a formal model of practice for school psychologists to support the consistent implementation of school psychological services. These practices should be evident in school psychology programs to help ensure the effectiveness, efficiency, and quality of school psychological services in schools. This model for services by school psychologists (termed the NASP Practice Model) addresses 10 domains of practice that are encompassed in the areas of data-based decision making and accountability; direct and indirect services for children, families, and schools; system-level services; and school psychology service delivery. The current COMAR regulation for School

Psychology Programs (13A.05.05.04) has not been updated since 1985. The proposed update incorporates the 2010 NASP standards for school psychology practice. Stakeholder feedback on the proposed update has been obtained from the Maryland School Psychologists Association, school psychology supervisors, and school-based school psychologists. All feedback from these stakeholder groups was incorporated into the proposed regulations.

### **EXECUTIVE SUMMARY:**

The proposed regulations further define and clarify the role of the school psychology program to support the expanded role of school psychologists based upon NASP national guidelines. This includes supporting the role of school psychologists as professionals responsible for providing direct educational, behavioral, and mental health services for children and youth. In addition, the regulations support the role of school psychologists in working with families, school administrators, educators, and other professionals to create supportive learning and social environments for all students. To achieve these goals, the proposed regulations identify 10 domains of practice which include the following: data-based decision making and accountability; consultation and collaboration; interventions and instructional support to develop academic skills; interventions and mental health services to develop social and life skills; school-wide practices to promote learning; family-school collaboration services; diversity in development and learning; research and program evaluation; and legal, ethical, and professional practice.

The State Board reviewed the regulations and granted permission to publish at the January 22, 2019, State Board Meeting. The regulation was published in the Maryland Register from April 12, 2019, to May 13, 2019. Five comments were provided by school psychologists and a local school system (See Attachments II and III). Four comments advocated adoption of the proposed regulation. One of the individuals commenting included two recommendations:

13A.05.05.04B(9) The recommendation suggests that the phrase “research, design” was incorrect and the phrase should be “research design.” The MSDE appreciates and accepts the correction and will remove the comma. Upon review with counsel, the revision is determined to be not substantive.

13A.05.05.04C(1)(a) The second recommendation was to remove or clarify the use of the word “remedy” in “remedy barriers to learning, such as disabilities, mental or physical health programs, or social, cultural, language, or family issues” in the goals of the School Psychology Program. The MSDE does not accept the suggested change. The stated goal is supported by the National Association of School Psychologists. The MSDE will provide technical assistance to the Supervisors of School Psychologists to support the implementation of COMAR 13A.05.05.04.

### **ACTION:**

Request that the State Board adopt COMAR 13A.05.05.04 – *School Psychology Program*.

Attachments:

- I. COMAR 13A.05.05.04 *School Psychology Program*
- II. Public Comment Summary for 13A.05.05.04 *School Psychology Program*
- III. Public Comments for 13A.05.05.04 *School Psychology Program*

# Title 13A

## STATE BOARD OF EDUCATION

### Subtitle 05 SPECIAL INSTRUCTIONAL PROGRAMS

#### 13A.05.05 Programs of Pupil Services

Authority: Education Article, §§2-205(b), 2-205(c), 7-401, and 7-426, Annotated Code of Maryland

##### **.04 School Psychology Program.**

*A. The School Psychology Program is a comprehensive and integrated continuum of services and activities regarding the delivery of school psychological services. The goal of the program is to provide direct educational, behavioral, and mental health services for children and youth, as well as work with families, school administrators, educators, and other professionals to create supportive learning and social environments for all students.*

*B. To meet a student's needs, the School Psychology Program shall provide services and interventions across the following domains of practice:*

*(1) Data-based decision making and accountability that use varied models and methods of assessment and data collection to:*

- (a) Identify strengths and needs;*
- (b) Develop effective services and programs; and*
- (c) Measure progress and outcomes;*

*(2) Consultation and collaboration that use varied models and strategies of consultation and communication applicable to individuals, families, groups, and systems, and methods to promote effective implementation of services;*

*(3) To develop cognitive and academic strengths, interventions and instructional support that apply knowledge of biological, cultural, and social influences to:*

- (a) Academic skills;*
- (b) Human learning;*
- (c) Cognitive and developmental processes; and*
- (d) Evidence-based curricula and instructional strategies;*

*(4) To develop social and life skills, interventions and mental health services that use:*

- (a) Knowledge of biological, cultural, developmental, and social influences on behavior and mental health;*
- (b) Behavioral and emotional impacts on learning and life skills; and*
- (c) Evidence-based strategies to promote social/emotional functioning and mental health;*

*(5) Schoolwide practices to promote learning and mental health that use:*

- (a) School and school system structure, organization, and theory;*
- (b) General and special education;*
- (c) Technology resources; and*
- (d) Evidence-based school practices that promote learning and mental health;*

*(6) Preventive and responsive services that use:*

- (a) Principles and research related to resilience and risk factors in learning and mental health;*
- (b) Services in schools and communities to support multi-tiered prevention; and*
- (c) Evidence-based strategies for effective crisis response;*

*(7) Family-school collaboration services that use:*

- (a) Principles and research related to family systems, strengths, needs, and culture;*
- (b) Evidence-based strategies to support family influences on children's learning and mental health; and*
- (c) Strategies to develop collaboration between families and schools;*

*(8) Development and learning to enhance services and address potential influences related to diversity by using:*

- (a) Individual differences, abilities, disabilities, and other diverse student characteristics;*
- (b) Principles and research related to diversity factors for children, families, and schools, including factors related to culture, context, and individual and role differences; and*
- (c) Evidence-based strategies;*

*(9) Research and program evaluation that use [research,] research design, statistics, measurement, and varied data collection and analysis techniques and program evaluation sufficient for understanding research and interpreting data in applied settings; and*

*(10) Legal, ethical, and professional practice that use:*

- (a) History and foundations of school psychology;*
- (b) Multiple service models and methods;*
- (c) Ethical, legal, and professional standards; and*
- (d) Other factors related to professional identity and effective practice of school psychology.*

*C. The School Psychology Program shall encompass the following goals to meet a student's needs:*

- (1) *Improve academic engagement and achievement by working with educators and families to:*
  - (a) *Identify and remedy barriers to learning, such as disabilities, mental or physical health problems, or social, cultural, language, or family issues;*
  - (b) *Implement appropriate academic interventions by monitoring the effectiveness of academic interventions, developing student organizational skills, and promoting the use of learning strategies; and*
  - (c) *Implement appropriate social/emotional and behavioral strategies such as those that are designed to improve attention, strengthen motivation, and promote student problem solving;*
- (2) *Facilitate effective instruction that meets the individual needs of diverse learners by consulting with educators to:*
  - (a) *Individualize instructions;*
  - (b) *Manage classroom behavior;*
  - (c) *Monitor student progress; and*
  - (d) *Evaluate classroom data;*
- (3) *Support positive behavior and socially successful students by providing services that promote a student's:*
  - (a) *Communication skills;*
  - (b) *Social skills;*
  - (c) *Problem-solving skills;*
  - (d) *Anger management skills;*
  - (e) *Conflict resolution skills;*
  - (f) *Self-regulation;*
  - (g) *Self-determination;*
  - (h) *Resilience; and*
  - (i) *Optimism;*
- (4) *Support positive behavior and socially successful students by consulting with teachers and administrators on:*
  - (a) *Classroom strategies;*
  - (b) *Programs promoting positive peer relationships and social problem solving;*
  - (c) *Schoolwide positive behavior interventions and supports;*
  - (d) *Use of effective discipline policies and practices; and*
  - (e) *Programs to promote student wellness and reduce risk-taking;*
- (5) *Support diverse learners by working with teachers and other school staff to:*
  - (a) *Assess learning and behavior needs and distinguish between issues related to family, culture, or language and a learning style or disability;*
  - (b) *Plan appropriate individualized education programs for students with disabilities;*
  - (c) *Modify and adapt curricula and instruction;*
  - (d) *Adjust classroom facilities and routines to promote greater student engagement;*
  - (e) *Promote positive relationships among all students;*
  - (f) *Monitor and effectively communicate with parents about student progress; and*
  - (g) *Coordinate links to community services;*
- (6) *Create safe, positive school climates by providing expertise to school leadership in:*
  - (a) *Data collection and analysis;*
  - (b) *Social/emotional learning;*
  - (c) *Child development and behavior;*
  - (d) *Violence prevention;*
  - (e) *Crisis and trauma prevention and response; and*
  - (f) *School-family-community collaboration;*
- (7) *Strengthen school-family-community partnerships by:*
  - (a) *Working with teachers and other school staff to enhance their understanding and acceptance of diverse cultures and backgrounds and to promote culturally responsive schools; and*
  - (b) *Providing specific support to help families:*
    - (i) *Understand and support their child's learning and mental health needs;*
    - (ii) *Navigate the special education process;*
    - (iii) *Connect with community service providers when necessary;*
    - (iv) *Engage effectively with teachers and other school staff; and*
    - (v) *Reinforce the school-family-community partnership; and*
- (8) *Improve assessment and accountability by helping school leaders and teachers to:*
  - (a) *Generate and interpret student outcome data; and*
  - (b) *Make decisions regarding programs and interventions in the district, building, classroom, and individual student levels.*

KAREN B. SALMON, Ph.D.  
State Superintendent of Schools

## Public Comment Summary

### COMAR 13A.05.05.04 – School Psychology Program

Organization/ Individual	Comment	MSDE Response
<p><b>Dr. William Flook Chestertown, MD</b></p> <p>Member, Professional Standards Committee for the Maryland School Psychologists' Association and former Specialist for School Psychological Services at MSDE</p>	<p>Supportive of proposed change which represents a much-needed update of an important regulation that is grounded in the solid foundation of practice standards established by the National Association of School Psychologists. The introductory statement is a substantial improvement over the current language and sets a clear and informative tone for what is to follow.</p>	<p>Accepted</p>
<p><b>Janine Gutierrez Prince George's County Public Schools</b></p> <p>Nationally Certified School Psychologist Prince George's County Public Schools</p>	<p>Updated language reflects the flexible nature and expansiveness of services required by School Psychologists, including the required knowledge base and skill in interacting with a wide variety of adults who support children in the schools. It also addresses the skills required to conduct assessments and interpret information to best support and advocate for children.</p>	<p>Accepted</p>
<p><b>Pamela McCoy Certified School Psychologist</b></p> <p>Anne Arundel County Public Schools</p>	<p>Endorses proposed changes. Much needed updated description of the current states of school psychology.</p>	<p>Accepted</p>

<p><b>Montgomery County Public Schools Office of the General Counsel</b></p> <p>Maureen McNamara Policy and Forms Specialist</p>	<p>The revision of the regulation aligns with the National Association of School Psychologists (NASP) standards that impact school psychology training programs throughout the State of Maryland. This ensures that school psychologists in Maryland can provide a wide array of services to students, staff, and families.</p>	<p>Accepted</p>
	<p>The revision will help Local Education Agencies (LEAs) ensure that school psychologists are evaluated based on standards from NASP.</p>	<p>Accepted</p>
	<p>The revision will help LEAs ensure that school psychologists that are hired have the necessary training to meet NASP standards to receive certification.</p>	<p>Accepted</p>
	<p>It is encouraged for the State of Maryland to adopt future revisions of the NASP Practice Standards.</p>	<p>Accepted</p>
<p><b>Kimberly Phillips Nationally Certified School Psychologist Anne Arundel County Public Schools</b></p>	<p>Proposed regulation will help with gaining a consensus across the state of Maryland for school psychology training and practice</p>	<p>Accepted.</p>
	<p><i>.04 School Psychology Program</i>  <i>B. (9) Research and program evaluation that use research, design, statistics, measurement, and varied data collection and analysis techniques and program evaluation sufficient for understanding research and interpreting data in applied settings; and</i></p> <p>Remove the comma between research and design because the idea is research design the phrase, not research and design as separate constructs.</p>	<p>Suggestion accepted. Comma between research and design should be deleted. Statement should read:</p> <p><i>.04 School Psychology Program</i>  <i>B. (9) Research and program evaluation that use research design, statistics, measurement, and varied data collection and analysis techniques and program evaluation sufficient for understanding research and interpreting data in applied settings; and</i></p>

	<p><i>C. The school psychology program shall encompass the following goals to meet a student's needs: Improve academic engagement and achievement by working with educators and families to:</i></p> <ul style="list-style-type: none"><li><i>o Identify and remedy barriers to learning, such as disabilities, mental or physical health problems, or social, cultural, language, or family issues;</i></li></ul> <p>The current statement suggests to me that disabilities and mental or physical health problems can be remedied by a school psychologist. This is not an accurate or fair concept. I would suggest either adding <u>as/where appropriate</u> after "and" or using a word or phrase other than remedy (i.e. assist with, provide support for).</p>	<p>The proposed regulation refers to the goals of the school psychology program and is appropriate. The stated goal is supported by the National Association of School Psychologists. The Maryland State Department of Education will provide technical assistance in support of the implementation of COMAR 13A.05.05.04 in the school psychology departments in local school systems.</p>
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**Public Comments for COMAR 13A.05.05.04**  
***School Psychology Program***

From: Bill Flook <wmflook@gmail.com>  
Date: Tue, Apr 16, 2019 at 5:05 PM  
Subject: Comment on Proposed Regulation  
To: <walter.sallee@maryland.gov>

Hello, Mr. Sallee. I am writing to comment on the recently published proposed regulation regarding school psychologists, COMAR 13A.05.05.04: School Psychology Program.

My comments will be brief, for I am very supportive of this proposed change. It represents a much-needed updating of this important regulation, and it is grounded in the solid foundation of the practice standards established by the National Association of School Psychologists.

I am particularly appreciative of the new wording in 13A.05.05.04A. This introductory statement is a substantial improvement over the current language, and sets a clear and informative tone for what is to follow.

As a member of the Professional Standards Committee of the Maryland School Psychologists' Association, and as a former Specialist for Psychological Services at MSDE, I am acutely aware of the hard work and long hours that have gone into this proposed regulation. It was all worth it! Thank you.

-- Bill Flook, Ph.D.  
Chestertown, MD

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**Janine Gutierrez**

**<janine.gutierrez@pgcps.org>**

**Hello Mr. Sallee,**

**I am writing in support of the proposed new regulation for .04 under the heading of 13A.05.05 Programs of Pupil Services: notice of proposed action 19-072.p**

**I thank you in advance for your consideration on this matter, as the updated language reflects the flexible nature and expansiveness of services required by School Psychologists, including the required knowledge base and skill in interacting with a wide variety of adults who support children in the schools. It also addresses the skills required to conduct assessments and interpret information to best support and advocate for children.**

***Janine E. Gutierrez, MS, CAGS, NCSP***

***Nationally Certified School Psychologist***

***Rockledge Elementary School***

***Yorktown Elementary School***

***Woodmore Elementary School***

**###**

McCoy, Pamela A PMCCOY@aacps.org via aacpsportal.onmicrosoft.com  
10:47 AM (4 minutes ago)  
to me

Dear Mr. Sallee,

I have read the proposed language related to the School Psychology section in COMAR. As a 47 year experienced educational professional ( regular and special education and school psychologist) , I endorse the proposed changes. I am a former two-term president of MSPA and it was during my second term that this initiative was started. I am very proud to see the current Professional Standards Committee members have carried it through to completion. It was a much needed updated description of the current state of school psychology.

Pamela A. McCoy, M.A., C.A.S., M.Ed.

Certified School Psychologist

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COMAR 13A.05.05, Programs of Pupil Services  
Regulation .04, School Psychology Program  
Montgomery County Public Schools Comments

### **Maryland State Board of Education Statement of Purpose**

The purpose of this action is to revise the regulation to reflect the 2010 National Association of School Psychologists standards for school psychology practice.

### **Montgomery County Public Schools (MCPS) Comments**

- The revision of the regulation aligns with the National Association of School Psychologists (NASP) standards that impact school psychology training programs throughout the State of Maryland. This ensures that school psychologists in Maryland can provide a wide array of services to students, staff, and families.
- The revision will help Local Education Agencies (LEAs) ensure that school psychologists are evaluated based on standards from NASP.
- The revision will help LEAs ensure that school psychologists that are hired have the necessary training to meet NASP standards to receive certification.
- Although it is encouraged for the State of Maryland to adopt the revisions to the regulation, NASP is in the process of revising the NASP Practice Standards to be published in 2020. It is encouraged to also adopt the NASP 2020 Practice Standards.

Maureen McNamara  
Policy and Forms Specialist  
Montgomery County Public Schools  
Office of the General Counsel  
850 Hungerford Drive, Room 156  
Rockville, MD 20850  
240-740-5600

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Good morning Mr. Sallee, I hope this email finds you well. I am impressed with how closely the proposal aligns with the NASP standards. I think this will help with gaining a consensus across the state of Maryland for school psychology training and practice. After reviewing the proposal below are my suggestions:

*.04 School Psychology Program*

B. (9) Research and program evaluation that use **research, design**, statistics, measurement, and varied data collection and analysis techniques and program evaluation sufficient for understanding research and interpreting data in applied settings; and

-I would remove the comma between research and design. I think it could be read differently when the comma is there versus not. I think the idea is research design the phrase, not research and design as separate constructs.

C. The school psychology program shall encompass the following goals to meet a student's needs:

(1) Improve academic engagement and achievement by working with educators and families to :

(a) Identify **and remedy** barriers to learning, such as disabilities, mental or physical health problems, or social, cultural, language, or family issues;

-I have two suggestions for this point: The current statement suggests to me that disabilities and mental or physical health problems can be remedied by a school psychologist. This is not an accurate or fair concept. I would suggest either adding as/where appropriate after "and", or using a word or phrase other than remedy (i.e. assist with, provide support for)

Thank you for this opportunity to share my feedback.

Kind Regards,

Kimberly

Kimberly Y. Phillips

Nationally Certified School Psychologist

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