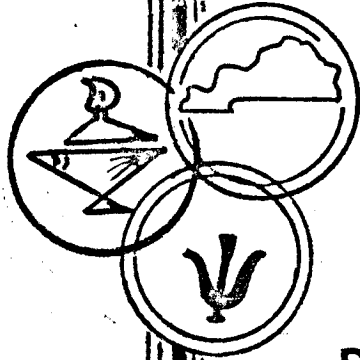


THE KAPS REVIEW



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PSYCHOLOGY IN THE SCHOOLS

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Send Newsletter articles to:
William Knauf, Editor
KAPS REVIEW
95 Miami Parkway
Fort Thomas, KY 41075

REGIONAL REPORTERS

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PRESIDENT'S COMMENTS

Joseph E. Zins

By now everyone must realize that one of my favorite topics to write about in this column is professional practices. All kidding aside, the topic is an extremely important one to each of us as well as to our clients and to professional organizations.

When I first took office, I had hoped that KAPS would be able to develop some type of "official" standards or guidelines for the practice of school psychology. I felt that this was especially important since many of our members had not attended "formal" school psychology training programs yet were providing services. Even for those who had such training, guidelines are often helpful.

As noted elsewhere in this newsletter, KAPS is now actively involved in such an endeavor as several of its members are assisting the KDE in developing a "School Psychology Handbook" under the direction of Pat Guthrie. At the same time, NASP has been revising its Guidelines for the Provision of School Psychological Services and they will hopefully be adopted in April. The third revision is now available, and I would encourage each of you to obtain a copy. They represent many significant advances in the practice of school psychology. I am proud to report that several KAPS members have taken a leadership role by working on the committee that I co-chair (with Dave Peterson) and have been instrumental in developing these Guidelines (Dave Barnett, Marcia McEvoy, and Charlene Ponti). NASP is also developing a "Best Practices Manual" which should be completed in a year. It will address thirty or forty areas of practice.

All of these documents should provide additional guidance and suggestions to us regarding "exemplary" practice. We all know that there often are not clear cut directions about how we should practice, so these should be helpful.

The reason that I bring up these documents is because of my continuing concern about the quality of services that we provide. Sure, I want to see comprehensive services available to all children in the State, but I am concerned about the type of services. While most of us are doing outstanding jobs (often despite the fact that we do not receive adequate support in terms of psychologist/pupil ratios, working conditions, salaries, etc.), others are not serving children as well as they could. For example, we continue to have

practitioners (often working on a contractual basis) who only test children and then send a report to the schools. Little or no involvement of parents, teachers, and administrators takes place. In discussions with some of them, they may claim that they are trying to "help" districts who cannot afford more extensive services. In reality, I believe that they are potentially harming children by depriving them of services that they need, and that they have little understanding of how important school psychological services can be to children and families. Furthermore, their actions cause significant difficulty for others who follow them into a district as administrators are led to believe that psychological services consist only of testing. It is no wonder that some have such little regard for our services, and that school psychologists are frustrated when they attempt to conscientiously provide services when following these individuals. I think that it is time that we begin to actively confront these individuals about their practice. If they do not know any better, we can work with them and provide access to documents such as were described at the beginning of the column. We can also be proactive and increase our public relations efforts to let administrators know what comprehensive services are so that they will not accept inferior services.

This leads me to my final point. I would like to encourage as many KAPS members as possible to consider joining KASA. I realize that their dues are relatively high, but the organization could be potentially helpful to us and to improving the practice of school psychology. By our active involvement in that group, we can educate administrators as to what quality services are. The time to form these affiliations is not before we face a crisis!

MINUTES OF THE SEPTEMBER 6 1983
KAPS EXECUTIVE COMMITTEE MEETING

Bobbie Burcham

The Executive Committee convened at the home of Bobbie Burcham in Lexington at 5:30 p.m. Present were Joe Zins, Cookie Cahill, Bruce Wess, Peggy Harrell, Alan Kite, Pat McGinty, Bobbie Burcham, Pat Guthrie, Bob Illback, Steve DeMers and Ronda Talley. The purpose of the meeting was to receive an update on committee activities and to discuss plans for the convention.

President Joe Zins opened the meeting and minutes from the April 23, 1983 meeting were presented by Bobbie Burcham and approved. Bruce indicated that the current treasury balance was \$1559.69.

Committee reports were then presented by Bruce Wess - Membership; Peggy Harrell - Ethics and Professional Standards; Bob Illback - Legislative; Pat McGinty - Liaison and Public Relations; Bruce Wess in Bill Kanauf's absence - Newsletter; Cooke Cahill - Program; Pat Guthrie (in Bill Pfohl's absence) - Professional Development.

A great deal of discussion revolved around potential receipts for service awards at the KAPS Convention. The committee chose Katie Sullivan, Fayette County guidance counselor who energetically chaired the Educational Diagnostician Committee, to receive an award. It was also noted that we need to develop a process to determine who will receive awards in the future. At this point, it is the sole responsibility of the executive committee. The committee also suggested that several state department officials be invited to the convention as guests of KAPS. Both candidates for State Superintendent of Public Instruction will be asked to attend and will be given a brief opportunity to speak. The executive committee will meet on Saturday after the convention and endorse a candidate.

Several important issues were presented by the committees including KAPS affiliation with other organizations as a way of enhancing our effectiveness and increasing our visibility, a preview of a state school psychology pamphlet, as well as the draft copy of the continuing Professional Development Program Philosophy, an update on the KAPS Code of Ethics, as well as legislative issues important to the organization. Summaries of each committee report are recorded; however, due to redundancy, refer to appropriate section of this newsletter.

Other Business

Pat Guthrie reported on her liaison activities as the school psychology state consultant giving an update on the Handbook Committee. She also stated that the Kentucky Department of Education Certified list is available and that the accreditation standards now include a statement that local districts should have a plan for school psychological services, which certainly is a step forward for the profession in the state.

Steve reported as our liaison to KPA and discussed issues of upcoming interest particularly in regard to KPA's disarray about the licensing bill. A hearty congratulations went out to Steve as he has been elected to serve on the State

Board of Psychology. The needs and interests of school psychology now can hopefully begin to be more adequately represented in that body. A new liaison to KPA will be appointed by the incoming President of KAPS, Bob Illback.

Ronda Talley and Beth Doll plan to conduct a needs assessment at the business meeting of the convention. Bob Illback volunteered the use of a personal computer in order that results and feedback can be obtained quickly. Beth and Ronda's efforts were applauded by the executive committee and the information should be most useful in helping the organization prioritize concerns.

As KAPS representative to NASP, Joe reported that NASP has established a new PR/PI committee (Public Relations/Public Information). Apparently there has been considerable interest in this committee. Joe also reported concern regarding NCATE not implementing specialty standards including those of school psychology, in the accreditation procedures for training programs. This may be a setback for school psychology. He reported additionally that the Guidelines for the Provision of School Psychological Services was now available through NASP. The NASP Convention will be held in Philadelphia on April 17-21, 1984.

Much discussion revolved around KAPS' need to become more politically active. It was suggested that a letter be sent to each of the candidates for governor asking them to respond to issues pertinent to school psychology. Bob Illback and Cookie Cahill will develop questions to be asked of the candidates for state superintendent suggesting to them that their comments will be distributed at the convention. These same issues will also be asked of the gubernatorial candidates.

The meeting was adjourned at 8:30.

KAPS ENDORSES ALICE MACDONALD

At the KAPS Convention, the membership voted to endorse Alice MacDonald, who is the Democratic candidate for the position of Superintendent of Public Instruction. We felt that the goals which she has established are largely consistent with those of KAPS and will benefit the children of Kentucky.

TREASURER'S REPORT

Bruce Wess

The balance of the treasury as of 9-15-83 was \$1,751.25. Convention income and expenses will no doubt affect the treasury, so watch this column for further developments in the next newsletter.

SCHOOL PSYCHOLOGY IN INTERNATIONAL PERSPECTIVE

Herbert G.W. Bischoff, PhD

"It would be great to get involved in international school psychology, especially since I like to travel." Most school psychologists agree. Interested? Now there's a way for you to join school psychologists from around the world who think the same. They've been getting together about every other year now for over ten years. This year we've chartered our efforts and the International School Psychologists Association was formed. Now you can travel, experience other cultures, and learn about different ways of life, professional life included. And, as the law allows, it's tax deductible! You can experience first hand the way colleagues work and live out their roles as school psychologists.

An overview of current practices in school psychology is virtually impossible in less than several volumes. Fortunately, Catterall (1976), 1977, 1979) has edited three such volumes summarizing school psychology as practiced in over 35 different countries. You can learn about historical development, minimum training standards, the number of school psychologists, how trained personnel are currently being utilized and some future trends. Unfortunately, the world of school psychology is changing so fast that some of the information published only a few years ago no longer reflects the state of the art.

School psychology services are constantly evolving. To help us conceptualize these developmental trends in school psychology, Catterall identifies the following four indicators:

Developmental indicators:

- a) Development of the country and its educational services.
- b) The number, level of training, and quality of teachers
- c) level of development and sophistica-

tion of special education
d) level of development and sophistication of psychology.

For each of these indicators, four levels of development are outlined to assist in clarifying their effect on school psychology services.

Many things are happening on the international scene. Project S.H.A.R.E. offers "hospitality" homes, the School Psychology International Journal provides insight into current research and projects and opinions of interest. International colloquiums are held regularly. ISPA met in Stockholm last August and plans to meet in the U.S. for the first time in August, 1983. France will be the next host country with plans to meet in Orleans in the summer of 1984. Finally, there are always a variety of travel seminars to enjoy.

If you have any doubt about the importance of the need for international awareness, consider the contributions of Binet, Bronfenbrenner, Luria and Piaget. There are thousands more. You can bring the world closer to you by reaching out and joining I.S.P.A. For membership information contact:

I.S.P.A. - Membership Chairperson
1367 East Main Street
Columbus, Ohio 43205 U.S.A.

Catterall, D.C., (Ed.) Psychology in the Schools in International Perspective. Vol. I, II, III, 1976, 1977, 1979; I.S.P. Publication, Columbus, Ohio.

PROGRAM COMMITTEE REPORT

Cookie Cahill

The KAPS Program Committee has been busily engaged in preparations for the Second Annual KAPS Fall Convention (Which, by the date of this publication may already have passed!). September 30 and October 1 have been packed to the brim with stimulating workshops, paper presentations, and other activities which promise to inform, educate, and entertain. NASP President Alan Coulter is the featured keynote speaker, and also will present a three-hour workshop on adaptive behavior on Saturday. The topics of Family Interventions, the KABC, and Teaching Stress Management to Teachers will be addressed in Friday workshops by Dr. Richard Daniels, Dr. Randy Kamphaus, and Dr. Mike Landwehr, respectively. Following several lightly veiled threats, Charlene Ponti has received numerous proposals for paper presentations on Friday afternoon. A KAPS business meeting is planned, as is a wild time at the Holiday Inn following the banquet.

Being an election year, requests for feedback to questions regarding education and school psychology have been sent to the candidates for Governor, and to the candidates for Superintendent of Public Instruction. Their responses will be published and distributed to participants, to aid in making election decisions. The candidates for Superintendent also have been invited to attend and speak at the banquet. The KAPS executive committee decided that, following the convention proceedings on Saturday, KAPS will officially endorse one of these candidates.

Another "first" for KAPS has been achieved with this year's convention. Mr. Raymond Barber, Superintendent of Public Instruction, has issued a letter to school superintendents, designating the convention as an "official meeting". (Thanks, Pat Guthrie!) We consequently anticipate that many more people will be granted release time to attend the convention on Friday, than was the case last year. We certainly appreciate Mr. Barber's action, and consider it a significant indicator of the growth and respectability KAPS has achieved in the past few years.

No stone is being left unturned in the convention publicity effort this year, which is being spearheaded by Lyn Petty and Bob Kruger. I consequently expect to see all of you on September 30 in Richmond, for a Second successful KAPS Fall Convention.

LEGISLATIVE COMMITTEE REPORT

Bob Illback

The latest in the continuing saga of the psychometrist/educational diagnostician certification process is that the State Board passed the proposal we supported (described in an earlier Committee Report) as written. The proposal now goes out for comment and receives final approval at the next State Board Meeting. It also must pass by the Legislative Research Commission (LRC). Once finally approved, this means that the State Education Department will no longer issue School Psychometry certificates as of a certain date (about two years hence). We have come a long way with this proposal, and unless there are last minute snags, it should go through. All the KAPS members who helped facilitate this, including Pat Guthrie, Harry Robe, Tom Ballowe, Steve DeMers, Joe Zins, and Bobbie Burcham deserve a lot of credit. As usual, Dr. Simandle was also instrumental, as was Katie Sullivan (A Fayette Co. counselor), who chaired the study committee.

An additional development worth noting is the organization of a committee through the KDE Division of Student Services, with Pat Guthrie as chair, to develop a School Psychological Services Handbook. The committee is comprised of: Beth Doll, Patty Coakley, Bob Illback, Pat McGinty, Duane Miller, Ronda Talley, Joe Zins, and Lynette Uhl (from BEEC). This working group has now met twice and a draft is taking shape. I think the product will contribute to the development of school psychology in a substantial way.

A third, and critical, development is the joint KAPS/CASE committee to promote unit funding of school psychologists and special education directors. This committee has also met twice, and is actively pursuing the following tasks:

- a. coalition building with KCEC, KARC, KASA, Advocacy, etc.
- b. development of a position paper to delineate the need for and impact of unit funding.
- c. identifying legislative support and laying the groundwork for introducing legislation.
- d. communicating with key persons in the educational establishment.

An effort of this magnitude is something entirely new for KAPS, and I expect we'll learn a lot as the process evolves. Anyone who has information documenting the need, or contracts who can be supportive is strongly encouraged to contact Bob Illback (502-624-5153) at Fort Knox ASAP.

One final comment: We're moving into uncharted territory with the prospect of a new administration at the KDE. I think we need to establish ourselves with this new group early on. Any thoughts on how we can do this?

ETHICS AND PROFESSIONAL STANDARDS COMMITTEE REPORT

Peggy Harrell

The second draft of the proposed KAPS Principles for Professional Ethics is now in print! All members of the Ethics Committee and the Executive Committee have a copy of the draft. KAPS members are encouraged to request copies of the draft for review and may do so by contacting me at the address below or by securing a copy from a member of the Ethics or Executive Committee. My address is:

PEGGY HARRELL
3400 Merrick Drive, #546
Lexington, Kentucky 40502

MEMBERSHIP COMMITTEE REPORT

Bruce Wess

I am happy to report that for the membership year ending 8-31-83 KAPS had achieved an all-time high membership total of 120 persons. However, as the saying goes, what goes up must come down and with the arrival of September 1 a new year has begun. As of 9-15-83, a total of 48 persons had joined or rejoined KAPS, no doubt drawn by the allure of the promised 30+ social age on their respective Vinelands. To the rest of you (and you know who you are)- avoid being the victims of future mailings by renewing NOW.

LIAISON AND PUBLIC RELATIONS COMMITTEE

Pat McGinty

Our committee continues to move forward in seeking affiliations with other professional organizations. Recently we recommended to the Executive Board that KAPS affiliate with the Kentucky Mental Health Coalition, a coalition of State organizations with a strong mental health purpose. This organization is informed about major mental health issues and prepared to advocate on those deemed important by the member organizations. The KAPS Executive Board approved our affiliation at the September meeting and the application for membership has been made.

KAPS continues to pursue affiliation with the Kentucky Association of School Administrators (KASA). Members of the Executive Board met with Bill Nallia, KASA Executive Director, on September 6 to discuss application process in detail. Bill was very informative and encouraging. He compiled for us a list of current affiliated members and non-members drawn from the school districts in the state. This graphically showed that we still need more of our KAPS members to join KASA, especially if we expect to make a strong case for our organization to be accepted as an affiliate. KASA has a tremendous influence on school legislature and policies in this state. With KAPS as an affiliative, school psychology issues and concerns could be addressed more effectively through this organization. If you have never been a member of KASA, or if you were at one time, but have not renewed your membership, we urge you to consider membership in KASA at this time. We will be discussing this more in detail at the Fall Conference. Write to me (2910 Falmouth Drive, Louisville, Kentucky 40205) if you have further questions regarding this.

The first draft of a state pamphlet has been made, thanks to the efforts of Nancy Janus, who has now left Kentucky

and returned to Connecticut. Members of the Executive Board have been asked to study it and make any suggestions for changing it. If you are interested in making any suggestions, please contact me.

Joe has informed me that NASP is expanding its public relations program. He has asked for someone to serve as Kentucky representative to this committee. If any of you are interested, please write Joe Zins. He has more details.

I am sure that you are aware of the many Fall conferences in our state. Besides the KAPS Conference, there are BEEC, KPGA, and KPA, all being held in late October. While it is impossible for us to attend all of them, it sure helps if school psychologist/psychometrists are represented. We need more visibility in all of these organizations. Your interaction with other professionals is the best "public relations" school psychology in this state can have.

PROJECT TO GATHER U.S. NORMS FOR THE RAVEN PROGRESSIVE MATRICES

...in cooperation with Dr. John Raven, an effort is being undertaken to initiate the gathering of U.S. norms for the Raven tests. Further information available from Mr. W.A. Summers, School Psychologist, Geary County Schools, Box 370, Junction City, Kansas 66441 -Office (913)238-6184; Residence: (913)238-3801.

NASP DELEGATE REPORT

Joseph Zins

NASP has continued to be very active on behalf of children and school psychology. The following is a brief summary of some of these activities.

1) Public Relations: A new public relations committee has been formed which will be very active in promoting school psychology. They have asked each committee and each state to name a representative to the PR committee so that national PR efforts are more feasible. After conferring with Bob Illback (KAPS President-elect), I asked Ronda Talley of Jefferson County to act as our official liaison to this important committee. Plans are being formulated to have a training session for members of the PR committee at the convention in April.

2) Membership: in NASP continues to grow and has reached over 8200. If you are not already a member, contact me and I'll be happy to send you an application. Dues are still quite reasonable - \$59 for regular members and \$16 for students. They include subscriptions to the Communique newsletter and the School Psychology Review Journal. Just as we need KAPS to represent us on a state level, we need NASP to represent us on a national level.

3) Publications: A new editor to the School Psychology Review will be named shortly. The three finalists are each outstanding leaders in the field and any one of them would make a fine editor. You are still invited to submit articles to the Review, particularly to the Psychological Interventions section. Another new professional development publication is now available. It is entitled, "Behavior Assessment for School Psychologists" and is by Galen Alessi and James Kaye. The manual (98 pages) is available for \$4.00 and a videotape costs \$60.00 and includes five copies of the manual. I have previewed the tape and can recommend it highly. This is a low cost way of improving your knowledge of this important area. Contact NASP Publications Office, 10 Overland Drive, Stratford, CT 06497.

4) National Register: Some school psychologists have reported difficulties in becoming listed in the National Register of Health Care Providers in School Psychology. The Council of Directors of School Psychology Training Programs, APA Division 16, and NASP have been jointly looking into this issue. It appears that many of those who have been turned down did not have appropriate credentials (e.g., one year full time internship, etc.). In addition, it appears that the National Register is "flexible" in accepting experiences and training that school psychologists have. The three organizations will continue to work with the Register on defining appropriate guidelines.

5) Learning Disabilities: NASP is examining the many problems related to the LD classification (e.g., little consensus on definition, lack of adequate intervention attempts in regular class before referral, how to define "severe discrepancy"). Additional discussion of this issue was scheduled for the Delegate Assembly meeting in early October.

6) Accreditation, Credentialing, and Training Committee: I have been asked to chair this committee. We are working on many important issues, including a revision of the Credentialing Standards and a "model" licensure bill. In addition, we are closely involved with NCATE regarding possible changes in accreditation standards. At the present time, NCATE has not implemented specialty standards (such as NASP's) in

the accreditation process as they had been scheduled to do this fall. I see this as a significant setback for the excellent standards which we have developed and believe that it may result in lower quality training. NASP may have to examine other methods of accreditation if they can not work out something that is mutually agreeable with NCATE.

The new Director of School Psychology Training Programs should be available this fall. Write to NASP Publications (address above). Finally, a report on the Joint Accreditation process (with APA) will be made this coming spring as it is currently being evaluated.

7) Convention: The convention will be held in Historic Philadelphia on April 19-21, 1984, at the Franklin Plaza Hotel. We are again fortunate in that it is within driving distance for most of us. A general session with Dr. Seymour Papert (developer of LOGO computer language) has been scheduled. The deadline for receipt of paper proposals is October 31. I anticipate that we will have our usual large turnout from Kentucky, especially since the conference occurs during spring break week for many of us.

8) Hospitality: Although the KAPS convention had not yet been held at the time of this writing, NASP had been scheduled to host the annual hospitality suite. I hope each of you were able to attend and partake!

NASP CONVENTION 1984

The NASP Convention will be held in Philadelphia on April 19-21, 1984, at the Franklin Plaza Hotel. Make plans to attend now as that date may be during spring break for many. In addition to the many professional activities, there very likely will be side trips to Atlantic City and to the many historical sites within Philadelphia.

THE I.Q. TEST TRIALS: BASIC LEGAL
ISSUES PART III
THE CASE FOR TEST BIAS IN LARRY P

Carol Carson

This is the third installment in a series of articles reviewing the major legal issues in the I.Q. test trials: Larry P. (1972, 1979) and Pase (1980). In the present article the legal interpretations leading to the finding of test bias in Larry P. will be examined. First, some preliminary judicial rulings, discussed in depth in earlier articles, will be reviewed briefly. Next, Judge Peckham's legal interpretations of EHA will be considered, along with his final rulings on the crucial trial issue of racial bias in individual intelligence tests. It is notable that Peckham's final ruling was based in part on factors delineated following his review of extensive trial testimony as well as on his finding that the intelligence tests in question, principally the WISC, WISC-R and Binet, failed to meet the standards set forth in EHA.

Setting the state for that portion of the Larry P. trial which directly addressed test bias were several preliminary rulings. As previously discussed, the burden of proof was switched to the defendants in Larry P. This particular ruling was based on Peckham's chosen interpretation of Title VI of the Civil Rights Act of 1964. Here, he ruled that the de facto racial segregation documented to exist in California schools constituted a prima facie violation of Title VI. Later, following the passage of P.L. 94-142, the Larry P. complaint was amended to allege violation of EHA also. In keeping with his previous ruling on Title VI, Peckham again held that the same proof of de facto segregation was sufficient to establish a prima facie violation of EHA.

In additional decisions the court ruled that the California State Department of Education (SDE) had failed to prove that this observed de facto segregation was due to racially neutral factors. Chief among the defenses rejected by the court were claims that the black intelligence "gene pool" is inferior to that of whites or that socio-economic factors act to produce a higher level of educable retardation among blacks. Lack of objective substantiation played a major role in the court's rejection of these defense arguments. As a consequence of these preliminary rulings, the Larry P. defendants stood charged with proving that their EMR placement policies of the late 1960s and

1970s were racially fair ones. The outcome of the Larry P. trial is well known. In part, the summary of Judge Peckham's final decision reads as follows:

"In violation of Title VI of the Civil Rights Act of 1964, of the Rehabilitation Act of 1973, and the Education for All Handicapped Children Act of 1975, defendants have utilized standardized intelligence tests that are racially and culturally biased, have a discriminatory impact against black children, and have not been validated for the purpose of essentially permanent placement of black children into educationally dead-end, isolated, and stigmatized classes for the so-called educable mentally retarded." (p.933)

Peckham's final decision dealt principally with three of the EHA protection in evaluation criteria, as summarized below:

- 1) An EMR placement decision cannot be based solely on an intelligence quotient.
- 2) Tests and assessment procedures cannot be culturally or racially discriminatory.
- 3) Assessment instruments must have been proven to be valid for the specific purpose for which they are utilized.

The prohibition against using an I.Q. as the sole basis for an EMR placement decision received close judicial scrutiny in Larry P. The SDE and other defendants contended that EMR evaluations were based on a variety of information; including I.Q.'s, adaptive behavior assessments, school achievement measures and developmental histories. In fact, such multi-factor EMR evaluations were mandated by the California Education Code. In actual practice, however, the evidence convinced Peckham that I.Q.'s were given primary emphasis in EMR evaluations. For example, school district personnel testimony was cited which demonstrated the so-called "magical" quality of I.Q.'s whereby these scores often carry far more weight in the EMR decision process than do other kinds of test data. Further convincing evidence was derived from a mid-1970s survey of EMR students' files. Specifically, the state's own review of EMR records revealed that I.Q.'s were the most carefully kept evaluation record; with one-third of the files lacking adaptive behavior data, while one-quarter had no developmental history information. Finally, Peckham noted that state EMR evaluations specified that the I.Q. must only be substantiated by other test data. In practice, however, the EMR classification system appeared to be

dependent upon I.Q. scores, with a low score establishing what Peckham refers to as a "prima facie case of retardation" (p. 950). Therefore, despite state regulations requiring multi-factor EMR assessments, the Larry P. plaintiffs successfully established that I.Q.'s were the principal EMR evaluation data, playing either a determinative or a persuasive role in placement decisions. This fact, Judge Peckham concluded, violated the first of the EHA protection in evaluation criteria as summarized above.

Next, the EHA requirement that tests be racially and culturally fair was subjected to judicial review. The Larry P. decision lists various kinds of evidence to support Peckham's conclusion that I.Q. tests are indeed racially biased. Among the trial evidence mentioned in the decision on merits are a review of the development of intelligence tests, a discussion of the impossibility of defining "intelligence", an analysis of objective evidence indicating that black children as a group tend to obtain lower mean I.Q. scores than whites, with blacks typically scoring about one standard deviation (i.e., approximately 15 I.Q. points) lower. Finding a judicially acceptable explanation for this black/white score disparity was one of Peckham's principal goals when reviewing the trial evidence. Here, he noted that male/female score disparities on an early version of the Stanford-Binet had been deemed unacceptable by the test makers and consequently had been removed through item revisions. The absence of similar efforts to remove black/white score differences was interpreted as a tacit acceptance by test constructors of the intellectual inferiority of blacks. Additionally, Peckham noted that the two major arguments in support of black intellectual inferiority, the genetic and the socio-economic, were insufficient to convince his court that lower I.Q.'s for blacks were due to either of these two racially-neutral factors. The defense arguments on the genetic and socio-economic hypothesis have been discussed in depth in earlier articles. Accordingly, Peckham reasoned that the defendants' inability to prove that racially neutral factors had produced the disproportionately large black EMR population, led to the possibility that lower I.Q. scores for blacks could result from cultural bias in individual intelligence tests.

In his analysis of evidence on racial bias in I.Q. tests, Peckham referred to inferential or indirect evidence and to some more direct kinds of evidence. The discussion of inferential evidence for test bias begins with Peckham's

conclusion that individual intelligence tests were never designed to eliminate racial biases. Here, Wechsler's (1949) introduction to the WISC is quoted wherein it is stated that the norms cannot be used for blacks nor could special interpretative measures render these useable. Later additions of blacks and other minority subjects during restandardization of the Binet and Wechsler scales was not sufficient, in Peckham's opinion, to eliminate racial bias. Mixing races, he concluded, even with special interpretative procedures, would not eliminate unfairness in a test which contains racially-biased items. Thus, the court reasoned that the major individual intelligence tests, such as the Binet or Wechsler scales, were unlikely to be racially fair because of the manner in which they are constructed and standardized.

An additional source of inferential evidence of cultural bias cited in the Larry P. decision deals with factors which potentially can improve the I.Q. scores of blacks. Specifically, reference was made to testimony which suggested that environmental enrichment programs tend to raise the intelligence scores of black participants. It is noteworthy that the Larry P. court elected to interpret this information as indicating that intelligence tests are designed, in part, to measure skills unique to the white, middle-class culture, thus handicapping culturally-different test-takers such as lower-class blacks.

More direct evidence for test bias is cited in analyses of the contents of I.Q. tests. First, the various Wechsler subtests are discussed, with Peckham noting that a lack of mastery of standard English appeared to handicap black students, especially on the verbal subtests such as comprehension. Secondly, cultural bias in specific intelligence test items, such as the Wechsler "fight" item, is briefly reviewed.

Further evidence in favor of a ruling for bias in I.Q. tests came from testimony concerning a state-adopted, mandatory test list which gave the names of intelligence tests permissible for EMR placement purposes. In 1969 a SDE official, in response to new state regulations on EMR placement procedures, conducted a survey of approximately 100 school psychologists and other school officials in which information was sought for use in compiling a list of group and individual intelligence tests appropriate for use in EMR evaluations.

There were only 28 responses. Despite the hasty nature of this survey and the obviously inadequate data procured, the SDE proceeded to compile an EMR test list, using frequency of test use as the primary criterion for inclusion on the list. A short time later this list was approved for EMR placement use by the California State Board of Education, despite written protests of its inappropriateness. This action was described by the Larry P. court as an act of invidious racial discrimination for several reasons, as follow. At the time the list was compiled the SDE was aware that cultural minorities, such as blacks and Hispanics, were over-represented in EMR classes. In fact, a suit on behalf of Hispanic children allegedly mislabeled EMR because of cultural bias in I.Q. tests, Diana vs. State Board of Education (1970), was filed at the same time that the SDE produced its list of I.Q. tests mandated for use in EMR evaluations. Nevertheless, despite prior knowledge that substantial racial imbalances existed in EMR enrollments state-wide, the SDE chose to mandate continued use of the same intelligence tests which had produced the racial imbalance in the first place. Judge Peckham concluded that this particular SDE action violated the plaintiffs' constitutional rights, representing an invidious intent to discriminate against minorities by perpetrating the use of tests that had been shown to place disproportionately large numbers of minority students into educationally-limited EMR classes.

Finally, the defendants' candid admission that intelligence tests are racially biased also contributed to Peckham's findings, with him noting that cultural bias "is hardly disputed in this litigation" (p. 959).

Next, the question of test validation was reviewed. The Larry P. court's approach to assessing I.Q. test validity focused on one primary question: Do standardized individual intelligence tests have the ability to measure black students' potential to master basic academic skills? Here, validation was defined in terms of the test's suitability for the purpose for which they were used. Returning to his earlier conclusion that intelligence tests are not racially fair, Peckham observed:

"To the extent that a "black culture" ...exists and translates the phenomenon of intelligence into skills and knowledge untested by the standardized intelligence tests, those tests cannot measure the capabilities of black children." (p.960)

The review of I.Q. test validity is continued in Peckham's analysis of the primary legal claims of the Larry P. plaintiffs. Citing the close parallels between the test validity regulations of EHA and Section 504 of the Rehabilitation Act of 1973, Peckham notes that these regulations require that tests and other evaluation materials must be "validated for the specific purpose for which they are used". (p.968) (emphasis added)

Because no clear legal precedence existed for intelligence test validation, the Larry P. court turned to employment discrimination cases for guidance, asking if a valid I.Q. test requires the same shows of proof as does a valid employment test. Peckham concluded that job success criteria were not equal in the legal sense to those for school success. Basically, a person performing poorly on a valid employment test could legitimately be denied a job, while a student obtaining an I.Q. predictive of poor school performance could not, in the absence of other kinds of test data, legitimately be denied access to regular academic classes. Furthermore, the assignment of students to classes for the educable mentally retarded has a much more far-reaching impact on students' lives than the denial of a job opportunity. Such EMR placements, if done on the basis of a single predictor, such as a score from a culturally unfair test, would effectively, as well as illegally, deny students their constitutionally guaranteed right to equal educational opportunity. Another consideration which weighted heavily in the Larry P. court's choice of I.Q. test validity criteria was the SDE exclusive use of self-contained classrooms for EMR students, with little or no mainstreaming to regular classes. Consequently, students judged to qualify for EMR Placement were, with few exceptions, denied access to regular education classes for the remainder of their public school careers; they were in fact segregated from the regular school population. Because of the serious implication of EMR placement, Peckham felt it was imperative for his court to insure that no placements be made in error. Only valid assessment instruments could insure that EMR placement decisions were racially fair ones, so Peckham chose stringent standards for I.Q. test validity.

The crucial question of intelligence test validity was examined from several different perspectives. First, the court asked if I.Q. tests were indeed validated for use with blacks, who comprised the Larry P. plaintiff class. Summarizing much of his earlier review of I.Q. test history and validity research, Peckham concluded that the validation had been assumed, but not established, for blacks.

Here, the belated inclusion of blacks in intelligence test standardization samples, lack of efforts by test professionals to remove and/or to adequately explain black/white mean I.Q. score differences, and the failure of test constructors systematically to identify racially-biased test items comprised the major judicial arguments against I.Q. test validity. Next, Peckham charged that the defendants had failed to act to insure the validity of the I.Q. tests they mandated for use, a burden placed on test users by EHA which received much emphasis in the court's review of test validity. Mere acceptance of tests as valid because of the tests' general reputation as assessment instrument was not judged sufficient to insure validity. Furthermore, in order to establish validity, Peckham declared that defendants must show that intelligence tests have been validated for each minority group with which they are used.

Finally, the defendants' contention that validity had previously been established for standardized intelligence tests was judicially analyzed. Despite the presentation of numerous articles documenting the predictive validity of I.Q. tests, the court judged the data to be inadequate. Quoting testimony by Sattler, Judge Peckham noted that very few studies have dealt with the major validity question under consideration in Larry P.: Do intelligence tests predict black students' school performance as well as they predict that of whites? In the court's search for an answer, much of the commonly accepted validity data for I.Q. tests was rejected as inadequate. For example, studies which combined data from black and white students and those which correlated I.Q.'s with standardized achievement test scores were rejected, respectively, because of what Peckham termed unclear results or the likelihood of auto-correlations between I.Q.'s and standardized achievement test scores. What the court finally did accept as a valid measure of classroom performance was grades; noting that grades, despite their admitted subjectivity, comprise "the accepted measure of school performance" (p.972). Therefore, the validity of I.Q. tests for blacks would be proven in the judicial sense if correlations between I.Q.'s and grades were similar for blacks and whites. Only one study by Goldman and Hartig (1976) met the courts' stringent validity criteria. Here, correlations between WISC scores and grade point averages for blacks and for whites were compared. The resulting correlations of .14 for blacks and .25 for whites were interpreted by Peckham as demonstrating that the WISC is differentially valid for blacks and

whites. This, he concluded was not acceptable because a lower I.Q.-grade correlation for blacks meant that more EMR placement errors would be made for blacks than for white students. More EMR mislabeling of blacks was not deemed to be a judicially acceptable outcome of the use of any assessment device. Testimony by Sattler again was cited as a partial basis for this decision.

In summary, the Larry P. court ruled that I.Q. tests are racially and culturally biased, that their validity for use with blacks has not been established and that use of these tests had had a discriminatory impact on blacks, causing a disproportionately large number of blacks to be labeled EMR. Consequently, Peckham issued a permanent injunction barring the use of standardized individually-administered intelligence tests as EMR placement devices for blacks. Further, he set strict judicial standards which must be met before his court would again permit the use of I.Q. tests for EMR placement purposes. Specifically, an acceptable I.Q. test must be racially and culturally fair, must be administered in a non-discriminatory manner and must have been validated for use in EMR evaluations. The court also specified the shows of proof that must be made to establish that a test is indeed valid for use with blacks. Both the mean test scores of blacks and whites, as well as separate validity data for blacks and whites, demonstrating the test is equally valid for each racial group to be tested and for the evaluation purposes for which it is to be used, must be presented.

Finally, Judge Peckham's chosen interpretation of the EHA protection in evaluation criteria had great impact on the trial outcome in Larry P. Especially, his choice of stringent validity criteria set standards for I.Q. test validity which test constructors will find difficult, if not impossible, to meet. The next article will examine Judge Grady's interpretations of EHA in Pase.

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NEWS FROM NORTHERN KENTUCKY

Lynn Petty

As the school year gets underway we have all resumed our usual frenetic pace here in the North Country. Several news items to report:

New Faces include Judy Krupp, who has taken a position as a school psychologist for the Boone County School System. She recently completed her training program at the University of Cincinnati (U.C.). * [see bottom]

Kenton County welcomes Charlene Ponti who will be working part-time while she researches and writes her doctoral dissertation at U.C. Marcia McEvoy, who is also working on her dissertation at U.C. has taken a position with the Erlanger School System. Charlene and Marcia recently passed their oral exams. Congratulations!

Finally, we welcome the small pink face of Thomas Matthew born to John Murphy and his wife, Debbie, this past May. Tom has been promised a position in the U.C. doctoral program in year 2004.

Congratulations are in order to Dr. Robert Krugger who has successfully defended his doctoral dissertation! Rumor has it, however that he may chuck it all for a career in Big Time Wrestling.

Congratulations are also in order to Joe Zins who has been appointed to chair the NASP committee on Accreditation, Credentialing, and Training. His duties on this committee will include working closely with NCATE toward accreditation of university programs, helping create a model licensure bill, and completing training standards. Joe will field any questions, comment or suggestions you have regarding these crucial issues.

Joe reports that the University of Cincinnati doctoral program in school psychology has been fully accredited by the American Psychology Association! This reflects the hard work of the U.C. school psychology trainers. We are proud to add that approximately 66% of the members of the U.C. school psychology staff are members of KAPS.

By the time you read this issue of KAPS Newsletter our Convention '83 will be an historical event. Those presenting from Northern Kentucky included Bill Knauf, Cookie Cahill, Charlene Ponti, Luann Wise, Bruce Wess, Lynn Petty, Joe Zins, John Murphy, Marilyn Hagenseker, and Bob Kruger.

*Joyce Ravenscraft, who was a psychometrist in Boone County, has taken a two-year leave of absence in order to complete her school psychology training at U.C.

JEFFERSON COUNTY REGIONAL NEWS

We have a name! Kentuckiana area school psychologist (including anyone providing these services to children in our area) is now officially Louisville Area School Psychologists Association or LASPA. Our first meeting of the 83-84 school year was held Thursday, September 22, from 7 to 9 p.m. at Pat McGinty's home. Among those attending was Jefferson County Public Schools (JCPS) Superintendent, Donald Ingwerson. The purpose of the meeting was to better acquaint our Superintendent with the school psychologists' functioning in the district and our perceived role.

As always, many school psychologists of JCPS are working for further degrees or taking courses to enhance their skills. Kevin Stevenson is taking courses in Curriculum; Joyce Stevens is pursuing Administration and Supervision certification; David Hull is taking coursework in LBD certification; and Ruth Bewley began

the School Psychologists Doctorate Program at U of K this past summer. Pat McGinty, Mike Norris, Pam Orwin and Lynn McCoy-Simandle have completed coursework for U of K's doctorate program and are currently ABD (all but dissertation).

Others of our staff attended summer workshops. The Bureau of Education for Exceptional Children (BEEC) sponsored a Behavioral Intervention Workshop which Pat attended. Along with Pat, Barbara Armstrong, Betty White, and Joan Jones attended a workshop on Sensory Integration.

Changes continually occur at JCPS and school psychologists have provided input into those changes. Our staff revised six due process forms that deal with generic special education. Soon we will be revising our new activity log once again. Methods for accountability continue to be a major are in need of reform. Pat McGinty represents school psychologists on a new JCPS committee which will study methods for dealing with persistent behavioral problems for TMH students. Many others on our staff continue to consult with teachers and counselors and work in the schools providing intervention strategies in conjunction with regular assessment duties. Unfortunately, we are slightly fewer in rank this year, exactly 16.5 (one part-time) from 18 full-time last

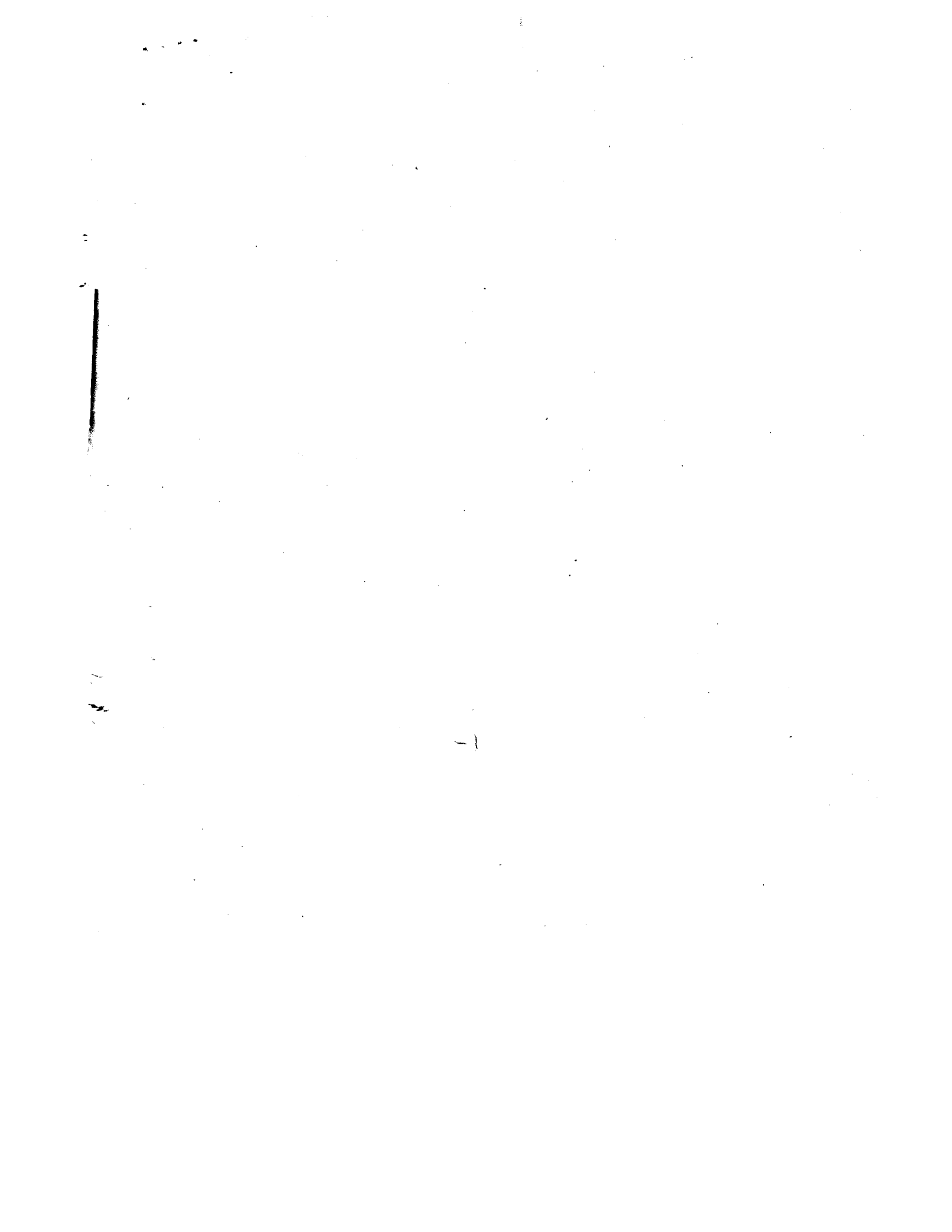
year. JCPS caseload remains constant. We do have three interns working with assessment part-time, in addition to one from last year. Our new intern is Gail Cannon who is a graduate of Spaulding College, receiving a Specialist degree in School Psychology. We begin our tri-weekly meetings this year with the headlining topic of BASIS -- the new screening instrument from Psychological Corporation. Our meetings will also allow time for necessary peer collaboration, case review, and dissemination of information.

Ronda Talley, Director of Assessment Services for JCPS, and Pat McGinty have been named to serve on the School Psychology Services State Handbook Committee. We are fortunate to have such good representation from JCPS. In addition, Ronda is serving on a NASP committee entitled, Urban School Psychology. She is also the chair for APA's Division 16 Committee entitled, Administration of School Psychology Services.

Dear KAPS Members:

This will be the last issue of the KAPS REVIEW for 1983. Contributions for the Winter 1984 issue may be submitted by January 15, 1984.

Bill Knauf
Editor



KAPS REVIEW
William Knauf
95 Miami Parkway
Fort Thomas, KY 41075