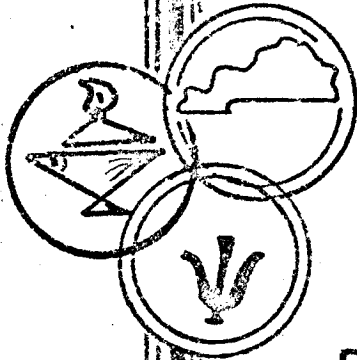


# THE KAPS REVIEW



A PUBLICATION OF THE

KENTUCKY ASSOCIATION FOR  
PSYCHOLOGY IN THE SCHOOLS

VOLUME 3, NUMBER 2

SUMMER 1982

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September 15, 1982**

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## PRESIDENT'S MESSAGE

by  
Joseph Zins

In the last year we have been faced with threats of significant funding cutbacks in education, psychology, and social services. The term, "Reagonomics" now causes each of us to experience an increase in blood pressure and feelings of frustration, anger, and helplessness.

Are we really as powerless as we often feel? I don't think so. For example, in the first few months of this year, KAPS has frequently and successfully spoken on our behalf to state and federal legislators. KAPS has been working in support of a continuation of adequate levels of funding for education and on the necessity of maintaining school psychological services. Furthermore, both NASP and APA have represented us on a national level on numerous occasions. Our need for these organizations and the necessity of being active members of them appears obvious to me.

Each of us has the opportunity to participate in these organizations to ensure that our views are adequately represented. However, on a more personal level, I believe that we each have the responsibility to demonstrate our professional effectiveness, to be accountable for our behavior. If we can show administrators and boards of education that we really do provide an effective and essential service (as I believe we do), our futures will be much more secure.

Yet, how many of us provide any accountability data to our superiors? Unfortunately, few of us do. In a recent survey that I made of state school psychology presidents, the results indicated that forty percent of those responding were unaware of significant accountability efforts in their states!

Sure, most of us keep a record of how many students we test or counsel. But, how many times have we attempted to determine the effectiveness of an intervention strategy that we developed and helped to implement? When did we last tape a consultation session and have a peer critique it for us? What about obtaining formal feedback about our performance from consumers?

It seems apparent to me that we must start talking about all of the valuable contributions that we make and start collecting data to demonstrate it. In those days of official fiscal retrenchment it is now crucial that we show that we provide services that are effective. Therefore, I would like to propose the KAPS establish an ad hoc committee on accountability. Initially, the committee would serve to bring together those persons who have interest in this critical area. The members, of course, would determine future activities. These might include determining the "state of the art" within the state, the identification of exemplary practices, and providing resource assistance to members who wish to develop accountability procedures. Our organization has much talent within it and I believe that we can work to improve our performance in this area. NASP can also assist us.

If others share my convictions and interest in this area, please let me know. Hopefully, we can have a meeting of these persons at the fall convention to formalize the group.

## EDITOR'S COMMENTS

by  
Bill Knauf

The previous issue of the newsletter ran so late that it was inadvertently labeled as the "Spring" issue. To clear up any lingering confusion among our contributors, all material submitted for the "Winter" issue was included in the presumptive "Spring" issue. It logically follows, that all material contributed for the "Spring" issue now appears in this "Summer" issue. There. Simple, right?

Due to the unforeseen problems with changing our printing and mailing arrangements to reduce the costs involved with the KAPS Review publication, we're considering printing only three issues for 1982. Also, the submission of material to the newsletter by the general KAPS membership has been disappointing, and unless this changes, we may not have enough new material for two more issues.

Bob Illback and Connie Wright at Eastern Kentucky University deserve much thanks for handling the mailing of the newsletter this year. Carol Carson has agreed to work as an associate editor for the KAPS Review. Carol has already made a substantial contribution to the newsletter with her articles in this issue.

A significant milestone in the growth and development of KAPS is the upcoming KAPS Convention in Richmond, Kentucky. The convention will be held on October 1st and 2nd, and James Ysseldyke has been confirmed as the featured presenter. This convention can do much to further KAPS credibility as a professional organization, for the KAPS membership should plan to attend! A final note: A "call for papers" notice for the convention appears in the center of the newsletter. Please give this your considered attention.

## **MINUTES OF THE FEBRUARY 27, 1982 KAPS MEETING**

**Bobbie Burcham**

The February KAPS meeting, held at the Lincoln Federal Savings and Loan Building in Louisville, was called to order at approximately 10:00 a.m. by President Joe Zins. Twelve persons were present.

To begin the meeting a panel composed of Joe Zins, Diana Trenary, Steve DeMers and Dennis Labriola presented their reactions to the Olympia Conference on the Future of School Psychology which they attended in November 1981. The panel's reactions and reviews were varied. Steve noted that the conference had tremendous potential but felt it was not realized. There were weaknesses in planning and content and many of the activities at the conference had little relationship to needs specific to school psychology. Joe pointed out that the Olympia conference was an experiential process rather than a time to develop specific goals and objectives for school psychology. He noted the need to be more futuristic and active in our own state in planning for school psychology services. Diana stated that participants at the conference were typically most concerned with their personal futures. The process at Olympia helped establish personal and professional perspectives and acted to establish new links among school psychologists across the country. Dennis has positive feelings in regard to the conference and had emphasized the importance of considering the future

in our planning. The Olympia discussion concluded by Beth Doll agreeing to chair an ad hoc committee to deal with futurism.

The various committees broke into work sessions an hour before and after lunch. Several additional KAPS members joined us for lunch. They were unable to attend the meeting due to participation in SOMPA training. The latter part of the KAPS meeting consisted of a business meeting. Minutes of the last meeting were approved and reports were given by each committee chairperson (see appropriate section of this newsletter). Steve also reported as KAPS liaison to KPA and Joe presented a NASP delegate report.

The meeting was adjourned at 3:20.

## **REGIONAL AND COMMITTEE REPORTS**

The Northern Kentucky Providers of School Psychological Services met at Ft. Wright School on November 20, 1981. Social worker Ruth Thomas of Kids Helping Kids, a local drug rehabilitation program, was the featured speaker. She began by explaining that the recently established program provides services for drug abusers from age 13 to 21. At that time the Kids program had an enrollment of 75, with a projected service capacity of 125. Drug abusers from the tri-state area have constituted the majority of the participants. Modeled after a Florida drug rehabilitation program, the Kids project uses a variation on rational behavior therapy where peer pressure is the basic therapeutic technique.

Initially, enrollees spend up to 67 hours per week in group therapy, during which time all live in foster home placements with parents and their children who are further advanced in the program phases. All program participants move through pre-set phases, with improvement in attitude and behavior being accompanied by increased privileges. An enrollee's right to advance to a higher phase is determined by votes of his-her peers and the program counselors. Demotions to lower phases for rule violations are decided in the same manner. Upon entry to the program, a drug abuser is paired with a peer currently in the program who entered with a similar drug abuse problem and has earned the privilege of serving as a change agent for other drug abusers. This kind of involvement acts to reinforce the behavioral and attitude changes which Kids seeks to obtain. Parental participation is required.

Ms. Thomas explained that the Kids Helping Kids model has had an impressive rehabilitation rate. She invited any interested persons to visit the program, promising a walk-through of the intake process, plus opportunities to attend the counseling groups. Accompanying Ms. Thomas were three current clients from the Kids program: two teenagers who had been heavily involved in drug abuse and the parent of another teenager in the program. Each spoke on their personal experiences with the program and about drug-related problems which had led them to seek help.

This timely presentation provided much useful information to the Providers group, some of whom are seeking ways of coping with drug abuse in the school populations which they serve. Also, much useful knowledge was gained regarding drug abuse and rehabilitation, an area where school psychologists need to have a degree of expertise.

Bob Kruger, school psychologist for the Ft. Thomas Schools, gave the Providers presentation in Ft. Thomason April 30. Bob talked about a program which he begun with the Ft. Thomas special education teachers this school year entitled "Helping Students to Help Themselves," a conceptual model for understanding and analyzing student behavior problems. The basic goal of this program is to help teachers to comprehend and effectively to employ a global, composite model of behavior in order to facilitate the teacher's and school psychologist's joint efforts to identify problem behaviors and to select different points of intervention to bring about desired changes.

Two Northern Kentucky school psychologists were among the random sample of NASP members invited to participate in the nation-wide, NASP sponsored research project on the effects of divorce on children's academic progress. The writer had to decline for medical reasons, but Cookie Cahill, aided by Bruce Wess and Bill Knauf, is actively involved in the data collection activities for what, no doubt, will prove to be some invaluable research findings.

The NASP Convention was the main focus of interest of Northern Kentucky Providers this spring. In attendance were Tim McCann, Bill Knauf, Bruce Wess, Cookie Cahill, Bob Kruger, Kavid Feldmann, Michelle Richter, Joe Zins and Charlene Ponti. At the convention Joe participated in a symposium on organizational school psychology, while Charlene presented a paper on contemporary cognitive assessment. In addition, Joe received the NASP Presidential Award for Outstanding Delegate, a Continuing Professional Development certificate, as well as recognition for Kentucky having had the

second highest percentage increase in NASP memberships.

In other notes of interest, Luann Wise, a Kenton County school psychologist, attended the Ethnography in Education Forum in Philadelphia. Congratulations are in order for Thomas (Tim) McCann, who completed his doctorate, in educational administration this past December and for Dave Feldmann, Tim's supervisee, who is to complete his internship this school year. Tim has promised to present his dissertation research to our group in the near future.

## Program Committee Report

by  
Cookie Cahill

Since the publication of the Winter newsletter, the program committee has been involved in sponsoring two workshops. The first was a full day workshop on Behavioral Family Therapy, presented by Dr. Robert Wahler of the University of Tennessee. This workshop was co-sponsored by KAPS and the Department of Psychology of Eastern Kentucky University. The workshop was well-attended and thanks are extended to Bob Illback for his lead in initiating and organizing this event.

Plans are underway currently for a dual seminar to be held on May 15th in Louisville. Dr. Stephen DeMers will be featured in the morning session, speaking on gifted children and the assessment of creativity. Dr. William Pfohl will present in the afternoon session, his topic being methods of assisting children to deal with stress. A registration fee will be charged for attendance at this workshop, as it is hoped that it will generate additional funds for the upcoming convention.

Which brings me to an important announcement: Reserve your calendars now for the dates of October 1 and 2, for the first annual KAPS Convention. The convention is being planned to be held at Eastern Kentucky University, and overnight accommodations will be planned for a nearby motel. Dr. James Ysseldyke, Director of the Institute for Research on Learning Disabilities at the University of Minnesota, will be featured in a keynote address and also has agreed to present a half-day workshop

at the convention. Two to three other workshops also are being planned, along with paper presentations submitted by KAPS members and other interested parties. Social activities also will not be neglected! A banquet is being planned for Friday evening, followed by a casual gathering at what is affectionately termed the Mule Barn. The convention is being supported by the Department of Education as a professional development activity, and a letter will be sent by the Department to local school districts urging the attendance of school psychologists and psychometrists, as well as special education teachers and supervisors, guidance counselors, school social workers, and other interested professionals. KAPS members who are interested in submitting papers for presentation at the convention are urged to follow procedures outlined elsewhere in this newsletter. The convention certainly will be a historic event in KAPS history. Make plans now to attend!

## **TREASURER'S REPORT**

The balance of the KAPS treasury as of 4-15-82 is \$1,221.06. Since my last report of 2-15-82, income from membership dues has totaled \$320.00 while expenses have amounted to \$56.58, including the amount spent on the KAPS Hospitality Party at the NASP Convention in Toronto.

## **MEMBERSHIP COMMITTEE REPORT**

The total number of paid members for the 1982 membership year as of 4-15-82 is 55. This includes 43 professional members and 12 student members. All former members are encouraged to renew as soon as possible. As a word of warning to those who have not renewed, I submit the tale of the former KAPS member who was preparing his income tax return. Much to his chagrin, he discovered too late that he would be unable to claim the KAPS dues he had neglected in the previous year as an itemized deduction under dues to professional organizations. Without this expense, he would up in a higher tax bracket and as a result his children went without shoes for a year.

## **ETHICS COMMITTEE REPORT**

**Peggy Harrell, Chair**

A meeting of the ethics committee was held in Louisville during the February 27 KAPS meeting. Bobbie Burcham, Mike Norris, Joe Zins, Steve DeMers, and Peggy Harrell discussed and prioritized goals for the committee this year.

It was decided that our most immediate goal should be to formulate and present for adoption a KAPS Code of Ethics or set of Ethical Principles. The code would represent what KAPS recognizes as minimal ethical standards for the practice of school psychology in the state of Kentucky. To this end ethics committee members are currently reviewing ethical codes of other school psychology organizations.

After an ethical code is adopted by KAPS it will then be possible to develop a procedure for questioning ethical practice. The complaint procedure will handle violations of the code and insure compliance with the code by practicing school psychologists.

The ethics committee will also continue to serve as a consultant to the KAPS members who are in need of assistance in working their way through ethical problems. We hope to eventually develop a handbook of questions and answer situations which would be derived from questions submitted- both real and hypothetical.

From time to time we may also be reviewing ethical issues in other states in The KAPS Review, especially those which have the most relevance to the practice of school psychology in Kentucky.

Finally, a secondary goal is to write a Best Practices Manual which would be based on our ethics code and which would give guidelines for the everyday practice of school psychology.

Any questions or comments are encouraged and should be sent to Peggy Harrell, 3400 Merrick Drive, 546, Lexington, Kentucky, 40502.

# MEMBERSHIP SURVEY

by  
Joseph Zins

A survey of the demographic characteristics of KAPS members was sent out earlier this year with the dues statements. As of April 15, 1982, forty-two have been returned and they appear to be representative of the membership. It should be noted when viewing the results that some respondents did not answer every question and some questions were not applicable to all respondents. The percentages presented are of the number of persons responding to that question. The numbers in parentheses are from the NASP demographic data from the 1982 Membership Directory (where available) and are presented for informational and comparison purposes.

## SEX

Male 47.6% (41.2%)  
Female 52.4% (58.8%)

## AGE

20 - 25 2.9% (3.6%) 38 - 43 5.9% (13.7%)  
56 + 0% (6.6%)  
26 - 31 47.1% (30.4%) 44 - 49 11.8% (11.8%)  
32 - 37 23.5% (24.7%) 50 - 55 8.8% (8.2%)

## DEGREE

Bachelors 0% (0.1%) Specialist 15.0% (10.7%)  
Masters 12.5% (19.7%) Doctorate 20.0% (15.1%)  
Masters + 30 52.5% (54.4%)

## YEARS OF EXPERIENCE

1 - 5 56.4% (45.7%) 16 - 20 2.6% (6.6%)  
6 - 10 30.8% (28.7%) 21 - 25 2.6% (3.2%)  
11 - 15 7.7% (13.8%) 26 + 0% (2.0%)

## SALARY (thousands-approximate)

\$13 - 15 2.5% (9.5%) \$25 - 27 10.0% (14.2%)  
16 - 18 15.0% (21.7%) 28 - 30 5.0% (7.2%)  
19 - 21 37.5% (21.4%) 31 - 33 2.5% (4.1%)  
22 - 24 22.5% (20.1%) 34 - 36 5.0% (1.3%)

## PUPIL - PSYCHOLOGIST RATIO (approximate)

1000 8.3% (1.2%) 1:3500 5.6% (0.6%)  
1:1000 5.6% (15.4%) 1:4000 5.6% (0.3%)  
1:1500 2.8% (22.1%) 1:4500 2.8% (7.2%)  
1:2000 16.7% (16.4%) 1:5000 8.3% (4.7%)  
1:2500 25.0% (12.9%) 5000 13.9% (4.2%)  
1:3000 5.6% (15.0%)

## NUMBER OF CHILD STUDIES (evaluations-annually)

50 12.5% (13.2%) 126 - 150 7.5% (8.9%)  
51 - 75 15.0% (20.7%) 151 - 175 10.0% (6.0%)  
76 - 100 15.0% (20.0%) 176 - 200 7.5% (6.6%)  
101 - 125 15.0% (18.3%) 201+ 17.5% (6.3%)

## PERCENTAGE OF IEP MEETINGS ATTENDED

0 - 25 - 47.4% 51 - 75 - 13.2% 25 - 50 - 5.3%  
75 - 100 - 34.2%

## SATISFACTION WITH PRESENT JOB

low 1 2 3 4 5 high  
percentage 0% 5.1% 7.7% 66.7% 20.5%

## FUTURE PLANS

rating  
find another 1 2 3 4 5 continue in  
area of 0% 7.7% 10.3% 30.8% 51.3% school  
employment psychology

## LENGTH OF CONTRACT (weeks)

36 - 37 - 12.8% 42 - 43 - 10.3% 48 - 49 - 7.7%  
38 - 39 - 10.3% 44 - 45 - 0% 50 - 51 - 0%  
40 - 41 - 30.8% 46 - 47 - 15.4% 52 - 12.8%

# CONFERENCE DATES

July 25 - 27 Kentucky Association of School Administrators (KASA), Louisville, Executive West

October 1 - 2 Kentucky Association for Psychology in the Schools (KAPS), Richmond, Eastern Kentucky University

October 13 - 15 Kentucky Personnel and Guidance Association (KPGA), Louisville Hyatt Regency

October 15 - 16 Bureau of Education for Exceptional Children (BEEC), Louisville, Executive West

March 14 - 19 National Association of School Psychologists (NASP) Detroit, Renaissance Center

# THE FREE RIDER'S CREED

The dues-paying member is my shepherd; I shall not want.  
He has me in the Special Education Standards, so I may continue to lie down in green pastures beside the stillwaters.  
He restoreth my place in Comprehensive Services;  
He guideth my welfare without cost to me:  
Yea, though I alibi and pay no dues from year to year, I fear no evil, for he pays my way and protecteth me.  
The working conditions he provideth, they comfort me;  
He annointeth my head with the oil of professionalism;  
He fighteth my battle in the legislature;  
Surely, his goodness and UASP spirit shall follow me all the days of my life, free of cost.  
And I shall dwell in the house of psychology that he hath built forever, and allow him to pay the bill.

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## RESULTS OF "DEAR COLLEAGUE" LETTER

Joseph Zins

Recently, KAPS asked you to urge your congressmen to sign a letter to President Reagan requesting continued support of P.L. 94-142 and its programs, full funding, and opposition to any changes in the statute which would dilute the effectiveness of present programs.

The list of Kentucky congressmen who signed this letter follows. Please follow your letter with a note of thanks or a request for their position on programs for handicapped persons.

### Senators

Walter Huddleston - Yes    Wendell Ford - Yes

### Representatives

Carroll Hubbard - Yes    William Natcher - Yes  
Romano Mazzoli - Yes    Gene Snyder - Yes  
Harold Rogers - Yes    Larry Hopkins - Yes  
Carl Perkins - Yes

## THE I.Q. TEST TRIALS: BASIC LEGAL ISSUES

By  
Carol F. Carson

During the 1970's two somewhat interrelated events brought the longstanding issue of bias in intelligence tests to national attention. First, Congressional passage of the Education for All Handicapped Children Act of 1975 (EHA), followed by publication of the EHA protection in evaluation criteria in 1977, set forth the first legal mandates for nonbiased assessment of exceptional children. Secondly, the first direct legal challenges to the use of I.Q. tests as classification devices appeared as complaints filed in two federal district courts. Alleging that individual intelligence tests such as the Binet or Wechsler scales are racially biased, the minority plaintiffs asked the courts to bar their use for the purpose of placing black students into classes for the educable mentally retarded or handicapped (EMR-H). The resultant legal opinions contained widely divergent conclusions on I.Q. test bias.

First, in *Larry P. vs. Wilson Riles* (1972, 1979) (Larry P.), California District Court Judge Peckham concluded that I.Q. tests are racially biased. Consequently, he barred their future use as EMR classification devices unless stringent, judicially-set standards for a nonbiased intelligence test can be met.

By contrast, less than a year later, in *Parents in Action on Special Education vs. Joseph P. Hanon* (1980) (Pase), Illinois District Court Judge



John Grady ruled that these same tests were not biased against blacks. These decisions are by no means final since both cases are currently on appeal.

These conflicting initial rulings on I.Q. test bias understandably have produced considerable confusion. For example, the judges reviewed similar legal complaints and heard much of the same testimony, sometimes given by the same witnesses. Also, both the Pase and Larry P. complaints principally addressed the fairness of the Wechsler and Binet scales. But despite these similarities the judges reached essentially opposite conclusions on the bias issue. A major reason for their differing opinions appears to lie in the judges' individual legal interpretations of the federal regulations which they reviewed. Chiefly, it is their divergent interpretations of EHA and of Title VI of the V Civil Rights Act of 1964 which underlie the differences in the legal rulings on the bias issue. Here, the major conflict concerns judicial interpretations of the EHA protection in evaluation criteria; especially those criteria dealing with definitions of non-discriminatory assessment, in general, and non-biased test instruments, in particular. Also in conflict were the courts' rulings on the assignment of the burden of proof under Title VI.

This is the first of a series of articles which will examine some of the major legal issues in the I.Q. test trials, as outlined above. Primary emphasis will be placed on the impact of conflicting judicial interpretations on the decisions on test bias.

The present article will begin with a brief review of the major legal complaints in Larry P. and Pase. In both trials the basic legal complaint was unlawful racial segregation. Specifically, the use of I.Q. tests as a primary classification device was alleged to have led to an over-representation of blacks in EMR-H classes, creating a state of de facto segregation. Decisions from earlier civil rights suits had established that such racial imbalance could be declared unlawful. Additionally, it was claimed that this segregation principally was due to racial and-or cultural bias in the I.Q. tests used for EMR placement purposes, making test bias a central issue in both trials. Finally, such inappropriate EMR placement of blacks was alleged to result in denial of equal educational opportunity, a constitutionally guaranteed right. EMR classes were characterized, in the words of the Larry P. court, as "essentially permanent placements. . . into educationally dead-end, isolated, and stigmatizing classes" (P. v. Riles, 1979, p. 933).

The basic claim of de facto segregation was substantiated in both trials by evidence which undisputedly demonstrated the presence of a racial imbalance. For Larry P. blacks comprised 18.5% of the over-all San Francisco school population, but 66% of EMR students were black. Statewide statistics revealed that blacks comprised 9.1% of all school-aged children in California, while 27.5% of EMR students were black. The corresponding percentages for the Chicago Public Schools were 62 and 82, respectively, in the Pase trial.

Thus, the existence of de facto racial segregation as defined by the judiciary, was established in both trials. Legal precedence from previous civil rights cases gave the Larry P. and Pase defendants two basic ways in which to prove that they were not guilty of unlawful segregation. First, evidence could be presented to show that the observed racial imbalance was due to objectively non-racial factors. Secondly, proof could be given that the de facto segregation had resulted from the application of an EMR classification system which was rational and reasonable. The present article will examine the nonracial reasons for the racial imbalances presented in each trial, along with the courts' reactions to these defenses. In later articles the legal issue of the I.Q. test as a rational and reasonable EMR classification device will be examined as the topics of nondiscriminatory assessment and racial bias in I.Q. tests are reviewed.

The reasoning employed by the courts in evaluating I.Q. test bias, in simple terms, adheres to the following pattern of logic: If the observed segregation cannot be proved to be due to non-racial factors, then the placement procedures, in particular the I.Q. tests, must be proved to be racially neutral in their impact. Thus the defendants initially had the option of presenting non-racial reasons for the observed imbalances. However, if the courts did not accept these, then the defendants would stand charged with proving that their EMR classification systems were not biased against blacks.

During the lengthy course of the Larry P. trial, the defendants, including the California State Department of Education (SDE), presented a total of four non-racial explanations for the de facto segregation in EMR classes. All of these were rejected by the court for various reasons. First, during the preliminary hearing which followed the initial filing of the suit in 1971, the defense presented the following explanations:

1. The racial imbalance was the result of the location of EMR classes in predominately black schools prior to desegregation.

2. More white than black parents elect to place their children in private schools when EMR placement is recommended, thus effectively lowering the proportion of white EMR students.

Judge Peckham rejected both of these non-racial explanations because of a lack of substantiation; the defense could produce no data to document that either explanation was valid.

Later, during the trial on substantive issues in Larry P., the defendants presented two additional non-racial reasons for the imbalance. First, a genetic argument was introduced which proposed that natural selection had acted to produce an inferior "I.Q. gene pool" for blacks so that their general intelligence is inferior to that of whites. Judge Peckham rejected this argument, noting that the limited evidence in support of this contention had come from studies based on scores from the same I.Q. tests which were currently under review by his court because of suspected bias. Additionally, he observed that these disputed studies had failed to consider the possibility that the obtained lower I.Q.'s for blacks could have resulted solely from racial bias in the tests. Therefore, the genetic argument was discounted because of a lack of objective verification. Secondly, the Larry P. defendants claimed that the reduced socio-economic status of many black families resulted in a higher incidence of mild retardation among their offspring. This non-racial explanation also was rejected by Peckham. Here, he noted that he would expect the "poverty" factor to produce higher incidences of all levels of retardation among blacks, not just educable retardation. Since the defense could produce no objective evidence to substantiate Peckham's contention, the socio-economic argument was declared to be invalid. However, it should be noted that Peckham's chosen judicial interpretation of this argument went beyond traditional statements of this hypothesis. Following the court's rejection of their four non-racial explanations, the Larry P. defendants stood charged with proving that their EMR placement procedures were racially fair ones.

By contrast, in *Pase* the defendants chose only to present one non-racial explanation for the documented racial imbalance in the Chicago EMR classes: the socio-economic argument. Here, the genetic argument was not a trial issue since both the plaintiffs and the defendants agreed that innate intellectual ability was equal for blacks and whites. Concentrating instead on the socio-economic argument, the defense presented a collection of census data to support their contention that poverty was more pervasive in the black community. Thus, objective data was supplied to the *Pase* court to back the defense's contention that poverty had a negative impact on black children's intellectual development.

After reviewing both the evidence and trial testimony, Judge Grady, in sharp contrast to the Larry P. court, agreed that the lower socio-economic status of many black families was indeed a valid non-racial explanation for the higher percentages of black EMH students. Basically, Grady noted two reasons for this finding. First, he concluded that the census data provided adequate objective verification that poverty and reduced socio-economic status is more often a feature of black than of white families. Secondly, he ruled that the defendants had presented a more persuasive argument on this hypothesis than had the plaintiffs who, of course, contended that it was I.Q. test bias, not poverty, which had produced the de facto segregation. Specifically, the testimony of defense witnesses had convinced Grady that adverse socio-economic conditions could interfere with intellectual development and, thus, logically could be expected to produce a higher rate of educable retardation among students so affected. He cited the findings of studies on Headstart Programs which had demonstrated to him that enriched environments could improve intellectual development. Therefore, impoverished ones could have a negative impact, as Judge Grady reasoned. Here, it is significant that Grady, unlike Judge Peckham, chose a literal interpretation of the "poverty" argument, avoiding the speculation about the probable effects of poverty on the incidence of all levels of retardation which had led to the rejection of this defense in the Larry P. trial.

Grady's acceptance of the socio-economic argument presented by the defense in *Pase* lessened the chance that Chicago school personnel would be found guilty of unlawful segregation. However, the court's ruling that a non-racial factor could have accounted for the segregation did not eliminate the possibility that this imbalance also could be due to test bias. Accordingly, before he would render a final decision, Judge Grady agreed to review two additional aspects of the plaintiff's charges: Are I.Q. test tests racially biased and is the over-all Chicago EMH placement process non-discriminatory?

The next article will begin a review of the courts' interpretations of the EHA protection in evaluation regulations. Emphasis will be placed on the judicial requirement in EMR-H placement procedures be rational and reasonable ones.

## Table of Cases

- P. v. Riles*, 343 F. Supp. 1306 (N.D. Cal. 1972) aff'd 502 F. 2d. 963 (9th Cir. 1974) (preliminary injunction); 495 F. Supp. 926 (N.D. Cal. 1979) (decision on merits).  
*Pase v. Hannon*, Civil Action No. 74 C 2586 (N.D. ILL. 1980).

# NASP DELEGATE REPORT

By  
Joseph Zins

The 1982 Convention is now history. We had our usual large turn-out from Kentucky. While I have no idea of the exact number of our people who attended, we were well represented and very visible! For the first time we held a KAPS hospitality suite which attracted a large contingent from within and outside of the state. Check with someone who attended for a more graphic report!

One of the major events of the convention was the passage of the following statement of policy to guide the NASP members of the NASP, APA Task Force. It was passed by the Delegate Assembly and reads (in part):

"We therefore resolve the following general statement of policy to the NASP Task Force members:

1. NASP hereby affirms its commitment to a sixty credit hour specialist level (NASP Standards) for the independent practice of school psychology in the public and private sector. It will also support each state's activity aimed at upgrading the profession to this level and their efforts at achieving independent practice at this level.
2. NASP recognizes that three years of full-time graduate education and training, if achieved through an APA and/or NCATE, NASP accredited program are sufficient for the title 'School Psychologist.' A continuum from the entry level through the doctorate and beyond to advanced levels of education and training needs articulation and agreement by both NASP and APA. The specifications of education and training components and their relationship to delivery of services will be addressed as a priority of the NASP-APA Joint Task Force.

In other events, the National Association of State Consultants in School Psychology also passed a resolution supporting NASP standards for certification at the sixth year-specialist level and also have indicated a desire to participate in the NCATE Training sessions.

Extremely interesting general session presentations were given by Michael Lamb on "The Changing Ecology of Childhood: Fathers, Mothers, and Children in the 1980s" and by David Elkind on "Hurried Children: Stressed Children." It was well worth arising early after long nights to attend their talks!

At the risk of omitting someone, I'm going to list those from Kentucky who made presentations at the convention (please let me know if I left anyone out): Bill Pfohl, Marsha Roit, Charlene Ponti, Bob Lilback, Ronda Talley, and Joe Zins.

For those of you who like to plan early, the convention will be held in Detroit at the Renaissance Center on March 20-24, 1983. Watch for further details.

We are still actively seeking new NASP members. Memberships are still \$49 per year (only \$19 for students) and include subscriptions to the School Psychology Review and the Communique. Write to me if you are interested or if you know of prospective members.

Finally, watch for the NASP hospitality suite at the first annual KAPS convention this fall!

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