

## NYASP HISTORY

### PRESERVING SCHOOL-BASED POSITIONS

Following the passage of Federal Law PL 94-142 (the Education for All Handicapped Act) in 1975 there was an increased demand nation-wide for school psychologists and school psychology training programs. Within New York State many districts hired their own school psychologists for the first time, while others increased their school psychology staffs. School populations were expanding in suburban areas, new schools were being built and shortages of school psychologists were being reported.

In the early 80s the scene began to shift, with global recession, accelerated loss of industry in New York State, increased unemployment, decreased reimbursement for schools and greater difficulty passing school budgets. School districts began looking for ways to cut costs, which impacted school psychologists significantly. Districts considered and sometimes implemented strategies which included staff reductions, limiting school psychologists' roles to mandated activities and contracting for services either with BOCES or through the private sector. Even after the recession eased, much of the industrial employment in New York State was gone, population was declining and districts were beginning to close school buildings, sometimes diverting them to other district uses but often selling them outright. This trend has basically continued to the present time.

NASP published a compilation of ideas and resources, "Preserving School-Based Positions" in 1993, which contained documents for professional advocacy, templates for conducting a self-evaluation of school psychological services, a bibliography of articles on the efficacy of school psychological services, and case studies of advocacy initiatives in several states.

During the previous year (Spring, Summer 1992) within New York State, local NYASP Board members spearheaded efforts to support school psychologists in districts who had their employment terminated. In one district the school board terminated both of the school psychology positions and authorized their superintendent to contract with BOCES for mandated services. The school psychologists appeared before the Board with a carefully researched presentation, emphasizing that such an arrangement would, by law, restrict school psychologists hired through BOCES to service more than one district, so would limit each BOCES hire to part-time service to that district. They also raised significant questions regarding CSE coverage, services to non-CSE referred students, summer coverage and time for follow-up. They also recommended that the district support two interns per year, which would be a cost-effective way to improve services both to special education and "regular" students.

The district subsequently rehired one of the two psychologists and arranged for one intern for the coming year. The other psychologist was employed by BOCES and assigned to two other districts. While the terminated employee was placed on the

preferred eligibility list, he was never rehired by the district, though some years later other school psychologists were employed .by that district.

Another district informed three out of their four school psychologists that their positions would be eliminated; again, with BOCES contracting taking place. The psychologists were able to have a special Board meeting called for the purpose of examining the district's action and for presenting information on school psychological services. They also contacted colleagues in the area who were on the NYASP Board, asking them to lend their expertise and support in addressing this issue. A strategy session was held, in which descriptive information, demographic statistics and financial comparisons were compiled. A school psychologist in a neighboring district, who was a parent in this district, contacted Board members (as a parent and taxpayer) and interpreted the need for comprehensive psychological services. It is important to note that while we have always recommended that local union representatives and the state office of the union be contacted, in this case the support was not forthcoming.

At the meeting of the school board, the superintendent indicated that he had not been fully informed as to the fiscal facts and other considerations and then rescinded his previous recommendation for contracting. All three psychologists were reinstated in their positions as district employees. An additional strong factor in his reconsideration was that their new director of special education strongly advocated for the services of full time district school psychologists.

Another situation which was brought to NYASP's attention concerned a school psychologist whose employment was reduced to part-time, and the district contracted with a private agency for what had previously been services he had performed. In this case, the school psychologist retained his own attorney and prepared to go to court. NYASP filed an Amicus brief in support of his case. A hearing date was set in New York State Supreme Court for December 19, 1992. It was reported that two days before this date, the district "caved in" and reinstated the school psychologist to full time employment, along with back pay.

These and other cases were discussed at the Summer, 1992 meeting of the NYASP executive board , with input from our legislative and legal consultant and the legal and professional practices committee. The following guidelines were offered for colleagues who might be faced with similar situations:

1. Contact your local, state and national professional organizations for support and direction.
2. Organize a task force whose purpose is to formulate a game plan.
3. The game plan needs to include the gathering of as much accurate information possible, including consideration and compilation of financial implications to oneself and to the district; identify the key players and motivating forces and formulate a response.
4. Avoid anger and character defamation in any response or proposal put forward.

5. Write scripts and role-play them in advance. Even if you don't follow the script completely; it will set the tone for your remarks and help prevent word blocks.
6. Enlist the support of parents and taxpayers. Special Education PTOs can be very effective because they are accustomed to acting as advocates.
7. Arrange for an articulate supportive district resident to call board of education members.
8. Contact your collective bargaining unit representative.
9. Have something on paper to hand out to everyone. In this case we had a history of psychological services in the district and the public relations brochure.
10. Dress professionally, behave professionally.

It was noted that there are probably many other suggestions that may be helpful. This checklist cannot be exhaustive because each situation will have its own variations.