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SUNRISE

BOARD OF EXAMINERS OF SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY

EVALUATION OVERVIEW

The West Virginia Department of Education's Continuing Education Requirements for Speech and Hearing Professionals Are Deficient



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EXECUTIVE SUMMARY

The West Virginia Board of Examiners of Speech-Language Pathology and Audiology submitted a Sunrise application to the Joint Standing Committee on Government Organization seeking:

- licensure requirements for all speech-language pathologists and audiologists in all practice settings, and registration requirements for all speech assistants;
- licensure requirements for anyone providing telepractice services to clients in West Virginia; and
- The requirement that beginning July 1, 2013, any applicant for an audiology license must possess at least a doctorate degree or equivalent in audiology.

Pursuant to *West Virginia Code §30-1A-3*, the Performance Evaluation and Research Division (PERD) is required to provide findings and recommendations as to whether or not the proposals of the Sunrise application should be implemented. The findings and recommendations of the review are summarized below.

Report Highlights:

Finding: The West Virginia Department of Education's Continuing Education Requirements for Speech and Hearing Professionals Are Deficient.

- Within the Board's enabling statute, speech-language pathologists, audiologists, and assistants who work for the West Virginia Department of Education (DOE) do not have to be licensed by the Board. Instead they are certified by the DOE.
- The Board contends that the DOE's certification requirements for continuing education are deficient and jeopardize the well-being of children. Therefore, the Board proposes that speech-language pathologists, audiologists, and assistants working within the school system be licensed by the Board.
- The Legislative Auditor has determined the DOE's continuing education requirements to be deficient and recommends the DOE be given two years to improve the requirements. If the DOE chooses not to make the adjustments, the Legislature should consider amending *West Virginia Code §30-32* to require speech and hearing professionals employed through the DOE to be licensed by the Board.
- The Legislative Auditor recommends that the Legislature consider adopting the proposed language regarding Board licensure for professional telepractice to clients in West Virginia.

- The Legislative Auditor agrees with the Board's proposal that a doctorate degree in audiology should be required for an audiology license, but the current law requires an audiology applicant to have at least a master degree. Therefore, since the Board is asserting that there are no master degree programs in audiology, and the Board will grandfather audiologists who currently hold a master degree, the wording of current law will accomplish the Board's objective.
- A shortage of qualified speech-language pathologists forces the DOE to use speech assistants in place of certified speech pathologists. If the DOE must continue to use speech assistants it should follow its guidelines with respect to proper supervision.

Recommendations:

1. *The Legislative Auditor recommends to the Legislature that the West Virginia Department of Education be given two years to improve the continuing education requirements for certified speech professionals employed through the DOE.*
2. *The Legislative Auditor recommends that this report be updated at the appropriate time to determine if the DOE has complied appropriately with the recommendations of this report.*
3. *If the DOE chooses not to make adequate improvements to its continuing education requirements for speech professionals then the Legislative Auditor recommends that the Legislature consider amending West Virginia Code §30-32 to require speech-language pathologists within the DOE be licensed by the Board of Examiners for Speech-Language Pathology and Audiology, and DOE speech assistants be registered by the Board.*
4. *The Legislature should consider amending West Virginia §30-32-14 to include the proposed language within the Sunrise application that requires board licensure for speech-language pathologists and audiologists who provide services within this state by telepractice.*
5. *The Legislature should consider maintaining current statutory language contained in West Virginia Code §30-32-12 as a means to requiring applicants seeking an audiologist license to possess a doctorate degree, and to provide for those who currently hold only a master degree in audiology to be licensed as audiologists.*
6. *If the DOE must continue to use speech assistants in place of speech-language pathologists, then it should continue to follow its guidelines with respect to proper supervision.*

FINDING 1

The West Virginia Department of Education’s Continuing Education Requirements for Speech and Hearing Professionals Are Deficient.

Summary

In 1992, the West Virginia Board of Examiners of Speech-Language Pathology and Audiology (Board) was established to license speech-language pathologists, audiologists, and their assistants. However, under the Board’s enabling statute speech-language pathologists, audiologists and assistants who work for the West Virginia Department of Education (DOE) do not have to be licensed by the Board. Instead, these professionals are certified by the DOE. In many ways the DOE’s certification requirements are the same as the Board’s licensing requirements. However, the Board contends in its 2012 Sunrise application that DOE’s certification requirements for continuing education are deficient and do not promote the safety of students in the school system. Therefore, the Board proposes that all speech-language pathologists, audiologists, and assistants working within the school system be licensed by the Board. There are many professionals who are licensed by the Board and also certified by the DOE. Table 1 shows that for the 2011-2012 school year there were 224 speech-language pathologists, audiologists, and assistants who were licensed and certified by the Board and the DOE respectively. The remaining 209 professionals had only the DOE’s certification. **The Legislative Auditor has determined that DOE’s continuing education requirements have deficiencies and should be enhanced by the DOE.** If the DOE chooses not to modify the continuing education requirements then the Legislature should consider having all DOE speech-language pathologists, audiologists, and assistants licensed by the Board.

However, the Board contends in its 2012 Sunrise application that DOE’s certification requirements for continuing education are deficient and do not promote the safety of students in the school system. Therefore, the Board proposes that all speech-language pathologists, audiologists, and assistants working within the school system be licensed by the Board.

**Table 1
Credential Status of Speech-Language Pathologists, Audiologists and Assistants
Within the DOE
School Year 2011-2012**

Type of Professional	Speech-Language Pathologists, Audiologists and Assistants Certified by the DOE	The number of Individuals Certified by the DOE and Licensed by the Board	The Number of Individuals Only Certified by the DOE
Speech-Language Pathologist	395	218	177
Audiologist	12	6	6
Assistant	26	0	26
Totals	433	224	209

Sources: West Virginia Department of Education, and West Virginia Board of Examiners of Speech Language Pathology and Audiology.

In addition, the Board's proposed legislation would require a doctorate degree to be licensed as an audiologist, and individuals who provide speech-language pathology or audiology services through telepractice would be licensed by the Board. Telepractice allows speech-language and audiology services to be conducted electronically to remote, rural, and underserved areas. Currently, telepractice is unregulated within West Virginia. Changing the requirement that a licensed audiologist must have a doctorate degree has become necessary, according to the Sunrise application, because master degree programs in audiology are no longer being offered at colleges and universities. The Board has indicated that its proposal would allow audiologists with a master degree prior to July 1, 2013 to be grandfathered in and maintain the status and scope of practice of a licensed audiologist. After review, the Legislative Auditor recommends that the Legislature consider adopting the proposed language from the Sunrise application regarding telepracticing. In addition, while the Legislative Auditor agrees that a doctorate degree should be required to obtain an audiology license, the current law is adequately written to meet the concerns of the Board. Current law states that *"To be eligible for licensure by the board as a . . . audiologist, the applicant shall . . . possess at least a master's degree"* (WVC 30-32-12). Since the Board is asserting that there are no master degree programs in audiology, and the Board will grandfather audiologists who currently hold a master degree, the wording of current law will accomplish the Board's objective.

Background

During calendar year 2012, the Board submitted a Sunrise application in accordance with West Virginia Code §30-1A. The application proposes legislation that would impose license requirements on *"All Speech-Language Pathologists and Audiologists in all practice settings, including anyone employed by or contracted to the WV Board of Education, a county board of education or a Regional Education Service Agency."* Currently, the Board's enabling statute does not require speech-language pathologists and audiologists who are employed by state or county boards of education or a Regional Education Service Agency to be licensed by the Board (WVC §30-32-5). Instead, these professionals who work exclusively in the school system are certified and regulated by the DOE. The Board's proposed legislation would also impose registration requirements for all speech-language pathology and audiology assistants working within the school system.

Both the DOE and the State Board of Education are authorized by federal and state laws to exercise general supervision for implementing free public education to students with disabilities. The Individual with Disabilities Act (IDEA) is a federal law that governs how states are to provide special education and related services to children with disabilities. According to 34 CFR 300.149 (a)(2)(i), *"The SEA (State*

In addition, the Board's proposed legislation would require a doctorate degree to be licensed as an audiologist, and individuals who provide speech-language pathology or audiology services through telepractice would be licensed by the Board.

Currently, the Board's enabling statute does not require speech-language pathologists and audiologists who are employed by state or county boards of education or a Regional Education Service Agency to be licensed by the Board (WVC §30-32-5).

Education Agency) is responsible for ensuring...that each educational program for children with disabilities administered within the State...is under the general supervision of the persons responsible for educational programs for children with disabilities in the SEA.” Also, West Virginia 126 CSR 16, Chapter 19, §1(B) reports that each educational program for students with exceptionalities administered within the state, “...is under the general supervision of the WVDE. . . .”

The Sunrise application also proposes board licensure for any speech-pathologist or audiologist who provides telepractice services. Telepractice is the application of telecommunications technology to deliver professional services at a distance. Currently, the Board does not require licensure to provide this service to clients in West Virginia, from anywhere in the country or the world. Finally, the Sunrise application proposes that by July 1, 2013 anyone seeking licensure as an audiologist in all settings within the state must complete a doctorate degree in order to obtain licensure from the Board.

Although the Board and the DOE are separate credentialing agencies over the same group of professionals, they have similar educational requirements for these professionals as can be seen in Table 2.

The Board and the DOE Have Similar Requirements for Speech-Language Pathologists and Audiologists Except for Continuing Education

Although speech-language pathologists, audiologists and speech assistants working in the school system do not have to be licensed by the Board, many choose to be licensed by the Board in addition to their DOE certification because they may be practicing outside of the school system. Although the Board and the DOE are separate credentialing agencies over the same group of professionals, they have similar educational requirements for these professionals as can be seen in Table 2. Both agencies require individuals to have a master degree in Speech-Language Pathology or Audiology. For speech or audiology assistants, the Board requires at least an associate degree or a bachelor degree in speech-language pathology or audiology. The DOE requires a bachelor degree in the fields of speech-language pathology, audiology or communication disorders for assistants.

Table 2		
WVDE and Board Minimum Educational Requirements		
Profession	WVDE Requirement	Board Requirement
Speech-Language Pathologist	Master Degree	Master Degree
Audiologist	Master Degree	Master Degree
Speech Assistant	Bachelor Degree	Associate or Bachelor Degree
Audiology Assistant	N/A	Associate or Bachelor Degree

Sources: The West Virginia Department of Education, and the Board of Examiners for Speech Pathology.

In addition, the Board and the DOE have the same testing requirements. The Board and the DOE require speech-language pathologists and audiologists to pass the National Praxis II exam in the area for which licensure is sought. The passing score is also the same for both agencies. This examination assesses knowledge important for the beginning practitioner in all primary employment settings. Speech assistants, on the other hand, are not required by either the Board or DOE to pass any required test prior to becoming certified or licensed as assistants.

While both the educational and testing requirements for these professionals are similar for the Board and the DOE, the Board contends in its Sunrise application that the DOE's continuing education is deficient. The Board states that although current DOE regulations require 18 hours of continuing education per year, the DOE does not require those hours to be in their professional area to renew certification. **The Legislative Auditor has determined that the Board is correct in its assessment of the DOE regulations as it pertains to staff development hours.** According to DOE regulations (*West Virginia CSR 126-149-4.2*) speech-language pathologists and audiologists are required to take 18 clock hours of job-related staff development each year. These are administered, monitored and evaluated by the County Professional Development Council within each county. Twelve (12) of the 18 hours can come from any of the 7 categories listed below.

1. Educational priorities for West Virginia to include, but not limited to implementation of regulations, trends, and issues at the local, regional, state, national, and international levels (i.e. Multicultural education, new instructional materials education, and AIDS education);
2. The areas of study in which they are currently teaching;
3. The teaching strategies appropriate to those areas of study;
4. Classroom management skills;
5. Techniques appropriate for learners with various exceptionalities and learning styles;
6. Alignment of instructional goals and objectives with effective strategies, methods and/or techniques; and
7. Student and program evaluation methods and instruments (Policy 2510).

Therefore, it is at the discretion of the speech-language pathologist or audiologist to take the 12 hours from just 1 of the 7 categories, or to have training in multiple categories. This is confirmed by a DOE

In addition, the Board and the DOE have the same testing requirements. The Board and the DOE require speech-language pathologists and audiologists to pass the National Praxis II exam in the area for which licensure is sought.

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representative who stated, *“Theoretically it is possible for all 12 hours to be related to only one of the 7 priority categories.”* Furthermore, the DOE’s rules do not mention how the remaining 6 of the 18 clock hours may be used. This suggests that they can be used at the discretion of the professional. The DOE did not deny this but it stated that, *“The County Professional Development Council has final authority to propose staff development for their peers-which means they can also deny PD credit for schools or staff.”* The Legislative Auditor’s understanding of this response is that while the professional can use these six hours at his or her discretion, a county’s Professional Development Council can deny the credits or propose areas of study for those six hours.

Technically, the 18 hours of CE each year required by the DOE is greater than the annual number of hours required by the Board (20 hours every two years for an average of 10 hours per year). However, the DOE does not require a certain number of hours be obtained in category number two, which is *“The areas of study in which they are currently teaching.”* Therefore, all 18 hours could conceivably be in categories that are not directly related to speech-language pathology or audiology if the professional chooses. While the DOE acknowledges this, it stated that:

“Staff development related to the field of practice is essential, but a comprehensive professional development plan for SLPs working in the schools must also include topics relevant to the educational setting, such as, the implementation of federal and state special education regulations; development of Individualized Educational Programs (IEPs); curriculum; language/vocabulary development; scheduling; and other educational issues.”

The Legislative Auditor acknowledges the value of training in areas related to the educational setting such as teaching methods, classroom management, federal and state education regulations, etc. However, training in the fields related to speech-language pathology and audiology are also important. Under the DOE’s regulations, the professional has the discretion to have all of his or her training in areas relevant only to the educational setting or the field of practice. Given the importance of both the field of practice and the educational setting, it may be detrimental to allow the professional to have full discretion in determining the areas of professional development.

In fairness to the DOE, it should be noted that a speech-language pathologist must take professional development for two separate purposes, one is to maintain a certificate with the DOE, and the other purpose is to maintain employment with the respective county board of education. The

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Under the DOE’s regulations, the professional has the discretion to have all of his or her training in areas relevant only to the educational setting or the field of practice.

18 hours of annual professional development is to maintain employment with county. However, in order to maintain and advance to a higher certificate and salary classification, the DOE requires 6 semester hours of college classes be taken within a five-year period in addition to the 18 professional development hours required each year by the county. Three (3) semester hours may be relevant to the individual's endorsement area and the other three semester hours can be related to the improvement of instruction through the use of instructional technologies. The coursework must reflect a 3.0 GPA.

Under the DOE, speech-language pathologist and audiologist certificates fall into one of four Student Support categories: 1) Temporary, 2) Initial, 3) Professional, and 4) Permanent Professional. In order for the professional to renew his or her certificate and advance to the next certificate level, the six semester hours of course work must be completed at some point within the five-year period. The Permanent Professional Certificate may be obtained by a holding a Professional certificate and teaching five years, with two of those years being within his or her specialty. Once a speech-language pathologist or audiologist holds a Permanent Professional Certificate, he or she is no longer required to take any course work to maintain the certificate. However, they will have to continue taking the annual 18 clock hours of CE to maintain their employment within the county school system. According to a DOE representative,

“Once the individual holds a Permanent Professional Student Support Certificate endorsed for SLP, they are not required to complete additional coursework or trainings to maintain credential. If the individual is employed by a local WV school system, s/he will be required to attend trainings as mandated by the county/state regulations. These trainings are not tied to certification. They are tied to employment requirements.”

Those audiologists who are currently practicing with a master degree will be grandfathered in as a Level 1 licensee. After July 1, 2013 an applicant for an audiology license must possess a doctorate degree.

The Sunrise Application Proposes Licensure and Registration Requirements for All Speech Professionals Regardless of the Employment Setting.

The Board's Sunrise application would allow for speech-language pathologists and audiologists to either apply for a Level 1 or Level 2 license. A Level 1 license is a universal license that does not restrict the individual from practicing in any employment setting. The Level 1 license requirements would go into effect July 1, 2013. A Level 1 license will require a speech-language pathologist to obtain at least a master degree while an audiologist must possess a doctorate degree. Those audiologists who are currently practicing with a master degree will be

grandfathered in as a Level 1 licensee. After July 1, 2013 an applicant for an audiology license must possess a doctorate degree. Also, the Level 1 license would require a passing score from the National Praxis Exam, complete a supervised clinical practicum experience, complete a post-graduate professional experience and submit verification of the certificate of clinical experience issued by the American Speech-Language-Hearing Association.

Individuals who do not meet the qualifications for a Level 1 license and can document proof of being employed or contracted by the DOE, a county board of education or a Regional Education Service Agency on or before July 1, 2013 will be issued a Level 2 professional license to practice exclusively in the schools. A Level 2 license will be issued to those who apply from July 1, 2013 through July 1, 2014. Therefore, a DOE employee has one year to apply to the Board for a Level 2 license to work exclusively within the school system. Once a Level 2 license is obtained by individuals it is permanent as long as they continue to work exclusively within the school system. A Level 2 license, according to the Board's proposed legislation, will require a speech-language pathologist to obtain at least a bachelor degree while an audiologist must possess at least a master degree. According to the Sunrise application,

“The individuals working in the school system as Speech Pathologists and who do not meet the qualifications for a Level 1 professional license will be issued a Level 2 professional license to practice exclusively in the schools. Other than the work setting restriction, the Level 2 licensee will abide by the same rules and laws as all Speech Pathologists and Audiologists.”

Therefore, a Level 2 licensee will be required to complete 20 clock hours of continuing education every 2 years in fields that relate directly to professional growth.

Currently there are 395 speech-language pathologists and 12 audiologists certified by the DOE (see Table 1). There are 218 speech-language pathologists and 6 audiologists who are certified by the DOE and also licensed by the Board. **Therefore, with the passage of the Sunrise application a total of 177 speech-language pathologists and 6 audiologists would have to become licensed by the Board, and 26 assistants would have to become registered by the Board.** The DOE no longer issues credentials for audiologists but examinations are conducted by another certified professional as well as any independent contractors and vendors.

Therefore, a DOE employee has one year to apply to the Board for a Level 2 license to work exclusively within the school system. Once a Level 2 license is obtained by individuals it is permanent as long as they continue to work exclusively within the school system.

Therefore, with the passage of the Sunrise application a total of 177 speech-language pathologists and 6 audiologists would have to become licensed by the Board, and 26 assistants would have to become registered by the Board.

The passage of the proposed legislation would also require any DOE certified speech professional to adhere to the fee structure of the Board. Currently, the Board requires a \$100 initial application fee for speech-language pathologists and audiologists, an initial licensure fee of \$200, and a bi-annual renewal fee of \$175 for both (see Table 3).

Table 3 Certification and Licensure Fee Requirements for Speech-Language Pathologists and Audiologists			
Requirements	WVDE Initial Certification Fee Requirements	Board Initial Licensure Fee Requirements	Proposed Licensure Fee Requirement
Fee Requirement	One Time \$25 initial processing fee and \$45 State Police and FBI background check	One Time \$100 initial application fee, \$200 initial licensure fee, and \$175 bi-annual renewal fee	*One Time \$100 application fee, \$200 initial licensure fee, and \$175 or less bi-annual renewal fee
<i>Source: Sunrise application from the Board of Examiners of Speech Pathology and Audiology. *A Level 2 licensee would not pay the application fee according to the proposed legislation.</i>			

The Sunrise application’s proposed legislation calls for a Level 1 licensee to pay the initial application fee but not a Level 2 licensee who exclusively works in schools. Renewal fees for those working exclusively in the schools may be the same or reduced. According to the Application “*Reduced fees for Level 2 license would be addressed in a Rules change after passage of this revision.*” In other words, utilizing Table 2, 177 speech-language pathologists and 6 audiologists at a minimum would be required to pay \$200 initially to obtain licensure to continue practicing within the school system.

Table 4 demonstrates what the speech assistants would be required to pay in additional fees if the proposed change is passed. According to the Sunrise application and Table 4, the 26 current certified speech-language assistants would be required to initially pay \$50 to become registered with the Board.

The Sunrise application’s proposed legislation calls for a Level 1 licensee to pay the initial application fee but not a Level 2 licensee who exclusively works in schools. Renewal fees for those working exclusively in the schools may be the same or reduced.

Table 4 Certification and Licensure Fee Requirements for Speech-Language Pathologist and Audiologist Assistants			
Requirement	West Virginia Department of Education Speech Language Assistant	West Virginia Board of Examiners Speech Language Fee Requirement	Proposed Registration Fee Structure
Fee Requirement	One Time \$25 initial processing fee and \$45 State Police and FBI background check	\$50 initial registration fee and \$30 annual renewal fee	\$50 initial registration fee and \$30 annual renewal fee
<i>Source: Sunrise application from the Board of Examiners of Speech Pathology and Audiology.</i>			

The Majority of States Do Not Require State Licensure for School-Based Speech-Language Pathologists, Audiologists and Assistants

Currently most states do not require speech language professionals who work within the school system to be licensed or registered by their state speech pathology board. According to the American Speech and Hearing Association (ASHA), only 16 states require state board licensure for school-based speech-language pathologists; while 14 states require educational audiologists to be licensed in order to be eligible to work within the school system (see Table 5).

According to the American Speech and Hearing Association (ASHA), only 16 states require state board licensure for school-based speech-language pathologists; while 14 states require educational audiologists to be licensed in order to be eligible to work within the school system.

Table 5
Speech- Language Pathology, Audiology and Speech-Language Assistants State
By State Requirement Analysis

States	States that Require State Licensure for School-Based Speech-Language Pathologists	States that Require State Licensure for School-Based Audiologists	States that Require State Licensure/Registration for School-Based Speech-Language Assistants
Alabama	No	No	No
Alaska	No	No	Yes
Arizona	No	No	Yes
Arkansas	No	No	No
California	No	No	Yes
Colorado	No	No	No
Connecticut	Yes	Yes	No
Delaware	Yes	Yes	No
Florida	No	No	Yes
Georgia	No	No	Yes
Hawaii	Yes	Yes	No
Idaho	No	No	No
Illinois	No	No	Yes
Indiana	Yes	Yes	Yes
Iowa	No	No	No
Kansas	Yes	Yes	No
Kentucky	No	No	Yes
Louisiana	Yes	Yes	Yes
Maine	No	No	No
Maryland	Yes	Yes	Yes
Massachusetts	Yes	Yes	Yes
Michigan	Yes	Yes	No
Minnesota	No	No	No
Mississippi	No	No	No
Missouri	No	No	No
Montana	Yes	Yes	Yes
Nebraska	No	No	No
Nevada	No	No	No
New Hampshire	No	No	No
New Jersey	No	No	No
New Mexico	Yes	Yes	No
New York	No	No	No
North Carolina	Yes	No	Yes
North Dakota	No	No	No
Ohio	Yes	Yes	No
Oklahoma	No	No	Yes
Oregon	No	No	Yes
Pennsylvania	No	No	No

Rhode Island	No	No	No
South Carolina	No	No	No
South Dakota	Yes	No	No
Tennessee	No	No	No
Texas	Yes	Yes	No
Utah	No	No	Yes
Vermont	Yes	Yes	No
Virginia	No	No	No
Washington	No	No	No
West Virginia	No	No	No
Wisconsin	No	No	No
Wyoming	No	No	No
Total	16	14	16

Source: American Speech and Hearing Association.

There Has Been No Documentation of Harm to the Public by DOE Certified Speech-Language Pathologists or Assistants

According to the Sunrise Application, the revision to *West Virginia Code §30-32* is to address several deficiencies within the code and to merely offer students in the public schools “...the same protection as other citizens of the state.” The Board did not report any incidents of harm to the public in its Sunrise application. The Legislative Auditor conducted a search of lawsuits involving speech-language pathologists, audiologists, speech assistants and audiology assistants using case law from the West Virginia Supreme Court of Appeals, the U.S. Northern and Southern Districts of West Virginia and the U.S. Fourth Circuit of Appeals. **It was reported that in the last 25 years there have been no cases found in the state of West Virginia in which a speech-language pathologist, audiologist or assistant was named a party to a lawsuit or was his or her conduct at issue in the case.**

According to DOE Statistics There Is a Shortage of Speech Pathologists in West Virginia Schools

According to the results of a 2011 DOE survey sent to all West Virginia County Special Education Directors, there is a shortage of speech-language pathologists working in West Virginia schools. Each county director was requested to answer questions related to the employment status of speech-language pathologists in their county. If a county was short that year in the number of filled speech professionals or had to use speech assistants, contracted professionals or retired speech-language pathologists to fill available positions then they were considered to be in a shortage for this position. According to the Special Education Director of Morgan County, there were 175 students who required speech therapy services, which required the county to hire four speech-language pathologists. Unfortunately, *“During the 2011-12 school year Morgan County Schools was unable to fill any of these positions with hires.”* All four positions were filled with contracted employees.

The definition of need for speech-language pathologists is determined by the number of students identified as needing speech therapy services in that county. According to *West Virginia CSR §126-16 Regulations for the Education of Students with Exceptionalities*, the maximum number of case assignments per speech therapist is 50. In order to continue to provide therapy during the school year, a waiver may be provided to a county. According to *West Virginia CSR §126-16 Regulations for the Education of Students With Exceptionalities*,

“When student numbers increase after the Second Month report is submitted, waivers to maximum limits may be requested in writing through the WVDE. Waivers may require an on-site visit, will be considered on a case-by-case basis and remain valid for the current school year only.”

Therefore, when it is known for the upcoming school-year that additional therapists will be needed due to a waiver being used the year before, a position will be advertised through the DOE and the county board of education. If county directors do not have a certified speech-language pathologists apply for the open position then they can use alternative qualified personnel such as speech assistants, contracted agencies or even retired speech-language pathologists. **According to the DOE 2012 State Update, *Speech-Language Pathology Services in West Virginia Schools*, during the 2011-2012 school-year there were 16 counties that were forced to use speech assistants and retired speech-language pathologists as well as 24 counties that used contracted speech-language pathologists.** A representative from the Office of

If a county was short that year in the number of filled speech professionals or had to use speech assistants, contracted professionals or retired speech-language pathologists to fill available positions then they were considered to be in a shortage for this position.

If county directors do not have a certified speech-language pathologists apply for the open position then they can use alternative qualified personnel such as speech assistants, contracted agencies or even retired speech-language pathologists.

Special Programs reported that if during the 2011-12 school year a county was unable to hire a qualified speech-language pathologist and instead employed a speech assistant, retired speech-language pathologist or a contracted professional then that county was considered to be in a shortage of speech-language pathologists. Appendix B shows which counties are considered to be in need of speech-language pathologists as well as how many speech and hearing professionals are employed per county.

The Sunrise Application Proposes Licensure for Any Professional Who Provides Telepractice Services

The Sunrise application proposes licensure requirements for any speech-language pathologist or audiologist who provides a telepractice service. The American Speech and Hearing Association (ASHA) defines telepractice as “*The application of telecommunications technology to delivery of professional services at a distance by linking clinician to client, or clinician to clinician, for assessment, intervention, and/or consultation.*” ASHA’s position is that “*Telepractice is an appropriate model of service delivery for the professions of audiology and speech-language pathology. Telepractice may be used to overcome barriers of access to services caused by distance, unavailability of specialists and/or subspecialists, and impaired mobility.*”

Currently, according to the DOE, there is only one individual who has conducted telepractice within the school system and this individual is board-licensed as well as DOE certified. The DOE representative reported that “*...because of the severe shortage of SLPs, I tried to get more counties to consider the use of a Telepractice approach but they were not interested.*” While the DOE does not have any rules or regulations concerning telepractice, anyone working in West Virginia schools “*...must meet the DOE requirements.*” While the only individual who currently conducts this service is board-licensed, in order to further protect the public there should be direct oversight of this practice. **Therefore, it is the Legislative Auditor’s opinion that the Legislature consider amending West Virginia §30-32-14 to include the proposed language within the Sunrise application that requires board licensure for speech-language pathologists and audiologists who provide services within this state by telepractice.**

The Sunrise Application Proposes a Doctorate Degree Requirement for Future Audiology Licensees

The Sunrise application proposes a change to *West Virginia §30-32-8(b)(3)* requiring that after July 1, 2013 in order to be licensed

The Sunrise application proposes licensure requirements for any speech-language pathologist or audiologist who provides a telepractice service.

The Sunrise application proposes a change to West Virginia §30-32-8(b)(3) requiring that after July 1, 2013 in order to be licensed to practice in all settings as an audiologist, an applicant must possess a doctorate degree in audiology.

to practice in all settings as an audiologist, an applicant must possess a doctorate degree in audiology. The current licensure requirement for audiologists by the Board is at least a master degree in audiology. The reason for the proposed change, according to the Sunrise application, is that master degree programs in audiology “...are no longer offered at colleges and universities. To complete a degree in Audiology, a Doctorate is required.” **After review of various colleges and national certification agencies, the Legislative Auditor confirmed this to be true.** The proposed language also mirrors that of ASHA and the American Board of Audiology, both of which require that all audiologists hold a doctorate degree to be eligible for certification through their agency.

The Board stated to PERD that its proposed legislation would allow those individuals who are currently practicing in audiology with a master degree to be grandfathered in, thus allowing them to practice as a licensed audiologist. According to the proposed language for *West Virginia Code §30-32-8(c)*:

Subject to the renewal requirements set forth in section fifteen of this article, a license issued by the board under prior enactments of this article shall for all purposes be considered a license issued under this article.

The Legislative Auditor had the Board’s proposed legislation reviewed by its Legislative Services division and had it answer the following question:

For those audiologists with only a master degree prior to July 1, 2013 who are not eligible for a Level 2 license (who do not work for the DOE), does the proposed language allow them to receive a Level 1 license as an audiologist?

Legislative Services stated that “*The proposed legislation does not clarify whether the previous standard remains in place until June 30, 2013, and does not provide a requirement for any period before July 1, 2013.*” In other words, the proposed legislation does not provide a clear grandfather clause that allows current audiologists who only hold a master degree in audiology to continue to practice as licensed audiologists.

Current law states that in order to be eligible for licensure as an audiologist, the applicant must possess at least a master degree in audiology (WVC 30-32-12). Since the Board’s concern is that master degree programs no longer exist in the country, current statutory language is still adequate to address that issue because future audiologist applicants will possess a doctorate degree. Furthermore, if the Board’s intention is to

The Board stated to PERD that its proposed legislation would allow those individuals who are currently practicing in audiology with a master degree to be grandfathered in, thus allowing them to practice as a licensed audiologist.

Since the Board’s concern is that master degree programs no longer exist in the country, current statutory language is still adequate to address that issue because future audiologist applicants will possess a doctorate degree.

have a grandfather provision for current master degree audiologists, then current statutory language clearly allows for licensure of master degree applicants as audiologists. **Therefore, it is the Legislative Auditor's opinion that current statutory language does not need to be amended to address the Board's concern that master degree programs are not being offered.**

Conclusion

The Board of Examiners for Speech-Language Pathology and Audiology has proposed, through a Sunrise application, the revision of *West Virginia Code §30-32* that would require all speech-language pathologists and audiologists employed in the county education system to be licensed by the Board, and in the case of speech and audiology assistants that they be registered by the Board. The Board has identified that while DOE certified speech professionals are required to obtain 18 professional staff development hours per year, they are not required to be directly related to the professional's field of study. After review of the DOE's continuing education requirements for its professional staff, the Legislative Auditor has similar concerns expressed by the Board. However, there are several factors that the Legislature needs to consider in addressing this issue.

First, the Sunrise analysis stipulated in WVC 30-1A-3(c) (4) requires consideration of alternative methods of addressing the issue that are more cost-effective than proposed. The focus of concern is that the DOE gives its professionals discretion as to the areas of professional development. It should be noted that the DOE requires a greater number of professional development hours annually than the number required by the Board. **Therefore, the simplest solution to this concern would be that the DOE require an adequate number of hours be devoted to the field of speech pathology.** The Legislative Auditor recognizes the importance for the DOE to have its professionals receive training in the areas of education setting. However, for the welfare of the students, speech professionals also need to develop in their field of practice. The DOE requires enough CE hours annually that an adequate number can be devoted to both the field of practice and education setting. The DOE has indicated that it "...will examine the continuing education requirements for SLPs," and that it will be "...more than happy to collaborate with the WV Board of Examiners for Speech-Language Pathology and Audiology to identify trainings valuable to the practice of school-based speech-language pathologists."

Although the Board's proposal would create a uniform continuing education requirement for all speech professionals, it would also impose additional costs in initial and renewal licensure fees for those who are

Therefore, the simplest solution to this concern would be that the DOE require an adequate number of hours be devoted to the field of speech pathology.

Although the Board's proposal would create a uniform continuing education requirement for all speech professionals, it would also impose additional costs in initial and renewal licensure fees for those who are exclusively DOE certified professionals.

exclusively DOE certified professionals. Furthermore, the DOE has expressed concern that the Board's proposal could aggravate the DOE shortage in speech professionals. DOE recruitment could be affected because an incentive for graduates to work in the school system is that they would not have to incur the cost of state licensure. Also, three of the five surrounding states do not require state licensure to be employed in their school system. A state licensure requirement for new graduates could cause some to consider working out of state. DOE has had to hire retired speech professionals to fill vacant positions. If licensure costs are imposed on these retired individuals, they may be reluctant to come out of retirement.

It cannot be determined the extent, if any, of the impact of state licensure on the DOE's shortage or recruitment of speech professionals. Nevertheless, the Board's proposal has real and potential costs associated with it. Given these costs, the most cost-effective means to address this issue is to give the DOE the opportunity to make changes to its professional development requirements that are consistent with the Board's proposal. **Therefore, in an effort to maintain the ongoing competence of the speech professionals employed by the DOE, the Legislative Auditor recommends that the DOE be given two years to improve the continuing education requirements for speech-language pathologists.** If the DOE does not improve the professional development requirements, then the Legislature should consider amending *West Virginia Code §30-32* to require all speech and audiology professionals working in the state to be licensed or registered by the Board.

If the DOE does not improve the professional development requirements, then the Legislature should consider amending West Virginia Code §30-32 to require all speech and audiology professionals working in the state to be licensed or registered by the Board.

In addition, the Legislative Auditor agrees with the Board that the practice of telepractice be licensed by the Board. The DOE has no concerns with this requirement. The proposed change to require a doctorate degree to be licensed as an audiologist after July 1, 2013 is necessary by default, as master degree programs are no longer offered at colleges and universities. However, this can be addressed without amending current statutory language, and it also provides a clear provision to grandfather those who currently hold only a master degree in audiology.

As previously noted, the DOE currently has a shortage of qualified speech-language pathologists. During the 2011-2012 school-year, 26 speech assistants were used in placed of a speech pathologist because certified speech pathologists were not available. While theoretically the DOE would prefer not to use a speech assistant in the role of a speech pathologist, it is an unavoidable option. Speech assistants must hold a minimum of a bachelor degree in speech pathology or communication disorders and while working must be supervised by a certified speech-language pathologist. According to DOE guidelines, a supervising speech-language pathologist is to provide direct on-site supervision a minimum

of 20 percent weekly during the assistant's first 90 workdays. After the 90-day work period, the amount of supervision may be adjusted but the minimum recommended is no less than 10 percent of direct supervision weekly. While it is evident that the use of speech assistants is needed, it is the DOE's responsibility to hire individuals who are effectively trained, have appropriate responsibilities and are supervised by a qualified speech-language pathologist. **It is the Legislative Auditor's opinion that if the DOE must continue to use speech assistants in place of certified speech-language pathologists, then it should also continue to follow its guidelines with respect to proper supervision.**

Recommendations

1. *The Legislative Auditor recommends to the Legislature that the West Virginia Department of Education be given two years to improve the continuing education requirements for certified speech professionals employed in the county school system.*
2. *The Legislative Auditor recommends that this report be updated at the appropriate time to determine if the DOE has complied appropriately with the recommendations of this report.*
3. *If the DOE chooses not to make adequate improvements to its continuing education requirements for speech professionals then the Legislative Auditor recommends that the Legislature consider amending West Virginia Code §30-32 to require speech-language pathologists within the DOE be licensed by the Board of Examiners for Speech-Language Pathology and Audiology, and DOE speech assistants be registered by the Board.*
4. *The Legislature should consider amending West Virginia §30-32-14 to include the proposed language within the Sunrise application that requires board licensure for speech-language pathologists and audiologists who provide services within this state by telepractice.*
5. *The Legislature should consider maintaining current statutory language contained in West Virginia Code §30-32-12 as a means to requiring applicants seeking an audiologist license to possess a doctorate degree, and to provide for those who currently hold only a master degree in audiology to be licensed as audiologists.*

While it is evident that the use of speech assistants is needed, it is the DOE's responsibility to hire individuals who are effectively trained, have appropriate responsibilities and are supervised by a qualified speech-language pathologist.

6. *If the DOE must continue to use speech assistants in place of speech-language pathologists, then it should continue to follow its guidelines with respect to proper supervision.*

Appendix A: Transmittal Letters

WEST VIRGINIA LEGISLATURE *Performance Evaluation and Research Division*

Building 1, Room W-314
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0610
(304) 347-4890
(304) 347-4939 FAX



John Sylvia
Director

December 21, 2012

Patty Nesbitt, Administrative Services Manager
West Virginia Board of Examiners of Speech-Language Pathology and Audiology
99 Edmiston Way
Box 11, Suite 214
Buckhannon, WV 26201

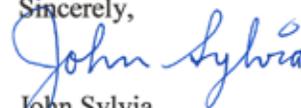
Dear Ms. Nesbitt:

This is to transmit a draft copy of the analysis of the Sunrise Application submitted by the West Virginia Board of Examiners of Speech-Language Pathology and Audiology. This report is scheduled to be presented during the January 7-9, 2013 interim meeting of the Joint Committee on Government Operations, and the Joint Committee on Government Organization. We will inform you of the exact time and location once the information becomes available. It is expected that a representative from your agency be present at the meeting to orally respond to the report and answer any questions the committees may have.

We need your written response by noon on Wednesday, January 2, 2013 in order for it to be included in the final report. If your agency intends to distribute additional material to committee members at the meeting, please contact the House Government Organization staff at 340-3192 by Thursday, January 3, 2013 to make arrangements.

We request that your personnel not disclose the report to anyone not affiliated with your agency. Thank you for your cooperation.

Sincerely,


John Sylvia

Joint Committee on Government and Finance

WEST VIRGINIA LEGISLATURE
Performance Evaluation and Research Division

Building 1, Room W-314
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0610
(304) 347-4890
(304) 347-4939 FAX



John Sylvia
Director

December 21, 2012

Chuck Heinlein, Superintendent of Schools
West Virginia Department of Education
1900 Kanawha Blvd., East, Building 6, Room 360
Charleston, WV 25305

Dear Superintendent Heinlein:

This is to transmit a draft copy of the analysis of the Sunrise Application submitted by the West Virginia Board of Examiners of Speech-Language Pathology and Audiology. This report is scheduled to be presented during the January 7-9, 2013 interim meeting of the Joint Committee on Government Operations, and the Joint Committee on Government Organization. We will inform you of the exact time and location once the information becomes available. You are cordially invited to be present at the meeting to orally respond to the report and answer any questions the committees may have.

You have the option to provide a written response to this report. If you respond, please do so by noon on Wednesday, January 2, 2013 in order for it to be included in the final report. If your agency intends to distribute additional material to committee members at the meeting, please contact the House Government Organization staff at 340-3192 by Thursday, January 3, 2013 to make arrangements.

We request that your personnel not disclose the report to anyone not affiliated with your agency. Thank you for your cooperation.

Sincerely,

A handwritten signature in blue ink that reads "John Sylvia".

John Sylvia

Joint Committee on Government and Finance

c: Laura Kiser, Coordinator of Certification
West Virginia Department of Education
Office of Professional Preparation

Kathy Knighton, Coordinator of Speech Language Disorders
West Virginia Department of Education
Office of Professional Preparation

Appendix B: Number of Professionals Certified by County School Year 2011-2012

Number of Professionals Certified by County School Year 2011-12				
County	Short of Qualified Speech Pathologists	Speech Pathologist	Audiologist	Speech Assistant
Barbour	Yes	4	1	0
Berkley	Yes	24	0	4
Boone	Yes	5	0	0
Braxton	Yes	1	0	1
Brooke	No	12	0	0
Cabell	Yes	21	0	1
Calhoun	Yes	0	0	0
Clay	Yes	0	0	0
Doddridge	No	4	0	0
Fayette	Yes	7	0	2
Gilmer	No	2	0	0
Grant	Yes	2	0	0
Greenbrier	Yes	4	0	0
Hampshire	Yes	2	0	0
Hancock	No	9	0	0
Hardy	Yes	1	0	0
Harrison	No	22	2	0
Jackson	Yes	11	0	0
Jefferson	Yes	3	0	0
Kanawha	Yes	44	2	0
Lewis	Yes	3	0	0
Lincoln	Yes	6	0	0
Logan	Yes	7	0	0
Marion	No	16	0	0
Marshall	No	9	0	0
Mason	Yes	4	0	1
Mercer	Yes	8	1	6
Mineral	Yes	4	0	1
Mingo	Yes	8	0	1
Monongalia	No	11	3	0
Monroe	Yes	2	0	1
Morgan	Yes	0	0	0
McDowell	Yes	1	0	0
Nicholas	No	7	0	0
Ohio	Yes	14	1	0
Pendleton	Yes	2	0	0
Pleasants	Yes	3	0	0
Pocahontas	No	5	0	0
Preston	Yes	8	0	0
Putnam	No	14	0	0
Raleigh	Yes	11	1	4
Randolph	No	8	0	0
Ritchie	Yes	2	0	1
Roane	Yes	2	0	1

**Number of Professionals Certified by County
School Year 2011-12**

Summers	No	1	0	0
Taylor	No	6	0	0
Tucker	Yes	2	0	0
Tyler	Yes	2	0	1
Upshur	No	6	0	0
Wayne	Yes	9	0	1
Webster	Yes	1	0	0
Wetzel	No	5	0	0
Wirt	Yes	1	0	0
Wood	Yes	26	1	0
Wyoming	Yes	2	0	0
Totals	39	395	12	26

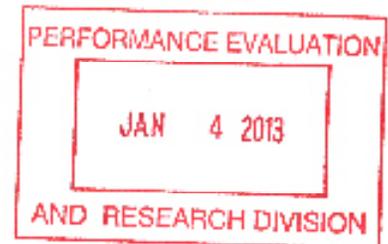
Source: West Virginia Department of Education

Appendix C: Agency Responses

West Virginia Board of Examiners for Speech-Language Pathology and Audiology

Board Members

Michael J. Zarewka, AuD., President
Gary Vandevander, M.S., CCC-A
Vickie Pullins, M.A., CCC-SLP, Secretary
Cinda Shaver, M.S., CCC-SLP, Member
Joe E. Richards, M.A., Citizen Member



January 3, 2013

Comments on the Report of the Performance Evaluation and Research Division of the West Virginia Legislature regarding the Board of Examiners for Speech-Language Pathology and Audiology.

An item that received considerable discussion, but was not mentioned in the report concerns the topic of Universal Licensure. Universal Licensure indicates that all persons working as Speech Language Pathologists or Audiologists in the state be licensed by the same agency regardless of their work setting. Under current laws, Speech language Pathologists and Audiologists who work for the West Virginia Department of Education are not required to hold a state license. Each year the Board receives several complaints against SLPs who work in the schools, but since they are not under our jurisdiction we can take no action in these cases. The American Speech and Hearing Association states that the majority of complaints that they receive are in regards to speech pathologists who work in the public schools.

Speech Language Pathology Assistants (SLPAs) are required to be registered with the Board, but not licensed. The majority of SLPAs in the state are employed by the schools and, therefore are not registered. In some cases these employees are working as SLPs even though they do not meet educational guidelines of either the BOE or the WVDOE for that position. It is common practice for the State Superintendent of Schools to grant an exemption for these employees. This results in children being treated in the schools by people who do not have the proper training or expertise for their positions. Since the licensure Board is a consumer protection agency, our primary stakeholder would be the children being served and we would not allow this practice to continue.

Another area of contention regards continuing education. In order to maintain a state license, all licensees are required to obtain continuing education in each two year period. School employees are required to obtain staff development, which is significantly different. Continuing education must relate directly to the provision of clinical services and should be designed to enhance clinical skills. Staff development relates to the operation of a school facility and may include such things as textbook guidelines or cafeteria nutritional standards. To the Board's knowledge there is no county school system in the state that provides any staff development training relating to speech pathology.

In 2012 a survey was sent to all licensed speech language pathologists in the state soliciting their opinion on Universal Licensure. An overwhelming majority favored Universal Licensure, primarily for the reasons presented above.

One of the arguments presented against Universal Licensure is that it would require school based SLPs to have two licenses in order to work in the schools. In fact, the opposite is true. At present any school based SLP who does any work outside the school (including Head Start and WV Birth to Three) is required to have two licenses. With Universal Licensure only one credential would be necessary. The WVDOE would not need to have any requirement for its SLPs other than a state license. The WVDOE would be relieved of the burden of credentialing SLPs and verifying continuing education since this would be done by the BOE.

Another argument is that the cost would be prohibitive. According to the WVDOE website, the average salary for SLPs is \$6000 per year more than the average teacher salary. Licensing fees of less than \$100 per year hardly seems like an excessive burden.

The WVBESLPA fully supports the concept of Universal Licensure of Speech Language Pathologists and Audiologists. The WV Speech Language and Hearing Association, the American Speech Language and Hearing Association, the National Council of State Boards and a large majority of SLPs currently employed in the state of WV, also support this idea. We would like to see Universal Licensure added as a recommendation for changes that should be made by the Board.

Dr Michael Zagarella, Au.D., CCC/A
President, WVBESLPA

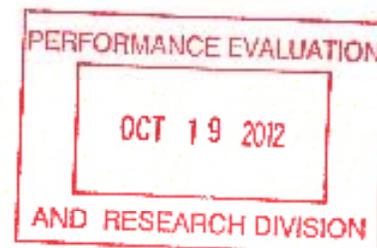


Jones M. Marple, Ed.D.
State Superintendent of Schools
1900 Kanawha Boulevard, East, Building 6
Charleston, WV 25305-2330
Phone: 304.558.2600 Fax: 304.558.3046

<http://wvde.state.wv.us>

October 19, 2012

John Sylvia, Director
West Virginia Legislature
Performance Evaluation and Research Division
Building 1, Room W-314
1900 Kanawha Boulevard East
Charleston, WV 25305



Dear Mr. Sylvia:

This letter is in response to your review of the Sunrise Application submitted by the West Virginia Board of Examiners (Applicant) for Speech-language Pathology and Audiology pursuant to West Virginia Code §30-1A. The Applicant asserted that the West Virginia Department of Education (WVDE) does not provide sufficient continuing education to speech-language pathologists (SLPs) to maintain competency and is proposing that its licensure requirements be imposed on all SLPs employed by the WVDE.

You indicated this letter would be included in the report presented to the Legislature during the November interim meetings to express our opinions and willingness to make enhancements to the continuing education requirements for SLPs. It is important that the Legislature is made aware of the WVDE's opposition to amending West Virginia Code §30-32 to remove the current exemption for speech-language pathologists employed by local county board of education being licensed by the West Virginia Board of Examiners for Speech-Language Pathology and Audiology and thereby imposing the licensure and registration requirements on those certified by the WVDE. The WVDE appreciates the opportunity to clarify some misconceptions conveyed in the letter.

Assertion: Speech-language pathologists are employed by the WVDE.

Clarification: Speech-language pathologists are certified by the WVDE and employed by the fifty-five (55) local boards of education, the West Virginia Schools for the Deaf and Blind (WVSDB) and Institutional Education Programs.

Assertion: The WVDE requires a low number of continuing education hours in the area of speech-language pathology to renew certification.



Clarification: Ninety (90) hours of graduate or undergraduate instruction (6 semester credit hours) and a minimum of 3.0 GPA are required to renew an initial or a five year certificate prior to being eligible to receive permanent certification. Eighteen (18) hours of professional staff development annually are required to maintain employment in the local school system.

Assertion: *Once an SLP holds a Permanent Professional Student Support Certificate, he or she is not required to complete additional coursework or training to maintain certification.*

Clarification: West Virginia Code §18A-3-8 directs each school district to establish a county professional staff development council consisting of representation from the major school levels and from vocational, special education and other specialties to propose staff development programs for their respective counties. West Virginia Board of Education (WVBE) Policy 5500: *County Professional Staff Development Councils* requires educators to acquire eighteen (18) hours of professional staff development per year. Although an SLP may have been granted a Permanent Professional Student Support Certificate, additional training and staff development are required to maintain employment.

An additional incentive for SLPs working in the schools to obtain continuing education is National Board Certification salary classification recognition. The purpose of this salary classification is to recognize and reward professional personnel, as defined in W. Va. Code §18A-1-1, who hold advanced certification by the American Speech-Language-Hearing Association (ASHA). In order to maintain ASHA certification and National Board status, SLPs must complete ASHA approved continuing education each year. Other ASHA certified SLPs working in the schools must also complete ASHA approved continuing education to maintain ASHA certification.

Assertion: *The WVDE's requirements for certified speech-language pathologists are deficient and should be addressed.*

Clarification: The West Virginia Board of Examiners for Speech-Language Pathology and Audiology (Applicant) asserted that the continuing education provided by the WVDE was not sufficient or field related. WVBE Policy 5500 requires certified SLPs to obtain eighteen (18) hours of professional development each year to maintain employment as compared to twenty (20) hours every 2 years required by the WV Board of Examiners for Speech-Language Pathology and Audiology

A listing of the 2011-2012 Continuing Education submitted to the WV Board of Examiners for Speech-Language Pathology and Audiology for approval and published on their website (<http://www.wvspeechandaudiology.com/Home/20112012CEHoursUnitsBoardApproved/tabid/969/Default.aspx>) indicated a majority of submissions were offered by the WVDE, regional education service agencies (RESAs), WVSDA and local school districts. This listing did not include ASHA approved continuing education units (CEUs) that are automatically approved such as the Autism Diagnostic Observation Schedule (ADOS) training sponsored by the WVDE.

The WVDE recognizes the importance of providing continuing education related to the field of practice to maintain competence, improve skills and introduce new concepts. Examples of WVDE professional development focusing on speech-language pathology include:

- **CELEBRATING CONNECTIONS CONFERENCE:** This annual statewide early childhood conference is attended by approximately 2,000 educators and includes sessions specifically designed for SLPs.
- **AUTISM:** The population of children with autism has grown significantly in the last few years reflecting a national trend. The WV Autism Collaborative Community of Practice was established by the WVDE to provide guidance for school personnel serving students with Autism Spectrum Disorder (ASD). SLPs were trained to administer the Autism Diagnostic Observation Schedule (ADOS), the gold standard in autism assessment for ASD and participated in Autism Academies focusing on the implementation of evidenced-based instruction and services to students with ASD.
- **SPEECH/LANGUAGE PATHOLOGY SEMINARS:** The WVDE partners with West Virginia University (WVU) to provide online/web-based 3 hour courses each semester for SLPs for a total of 6 hours. Content is designed for school based SLPs and provides graduate credit and ASHA CEUs to assist SLPs and speech assistants in completing professional development requirements to maintain certification.
- **ASSISTIVE TECHNOLOGY:** The provision of assistive technology is a challenge for school districts. WVDE partners with WVU to provide graduate level continuing education for SLPs serving children with severe communication disabilities and sponsors a week long assistive technology summer camp focusing on professional development.

Additional statewide, RESA and local trainings are provided during the year as well as the opportunity for SLPs to attend state and national conferences specifically designed for speech-language pathologists.

Assertion: The WVDE should eradicate the Permanent Professional Student Support Certificate and require developmental hours that relate directly to the field of practice.

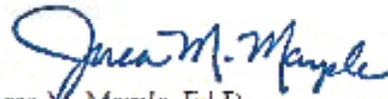
*Clarification: West Virginia Code §18-2-5 charges the state board of education with general supervision of the public schools, which includes making rules regarding issuance of certificates based upon credentials. SLPs working in WV schools are certified to serve students as indicated in WVBE Policy 5202: *Minimum Requirements for the Licensure of Professional/Paraprofessional Personnel and Advanced Salary Classifications*. Licensure granted by the WVDE under the requirements of Policy 5202 is the sufficient and preferred method for safeguarding the services of SLPs employed by county boards of education*

Speech-language pathologists serve a vital function in the West Virginia public schools providing intervention and support for students with communication disorders. As a result of their unique training and expertise in understanding the relationship among language, literacy and learning, SLPs are critical members of school teams developing and implementing educational programs that benefit children. Staff development related to the field of practice is essential, but a comprehensive professional development plan for SLPs working in the schools must also include topics relevant to the educational setting, such as, the implementation of federal and state special education regulations; development of Individualized Education Programs (IEPs); curriculum; language/vocabulary development; scheduling; and other educational issues.

Conclusion: Your letter indicated that you were considering a recommendation to the Legislature which would give the WVDE the opportunity, within two years, to improve continuing education requirements for speech-language pathologists and other certified speech professionals. The above referenced ASHA and WV Board of Examiners for Speech-Language Pathology and Audiology approved CEUs are developmental hours. The other referenced professional development opportunities provided by the WVDE, RESAs and local school districts are designed for speech-language pathologists practicing in schools. These opportunities relate directly to their field of practice. The WVDE will examine the continuing education requirements for SLPs, the current professional development available and collaborate with local school districts, RESAs, WVSDB and others to address this issue. The WVDE staff examines continuing education opportunities on a regular basis and would be more than happy to collaborate with the WV Board of Examiners for Speech-Language Pathology and Audiology to identify trainings valuable to the practice of school-based speech-language pathologists.

The WVDE is committed to expanding and improving professional development opportunities for all educators, including speech-language pathologists. Thank you for the opportunity to respond to your letter and discuss this critical issue.

Sincerely,



Joreca M. Marple, Ed.D.
State Superintendent of Schools

JMM;kk;jlv



December 4, 2012

John Sylvia, Director
West Virginia Legislature
Performance Evaluation and Research Division
Building 1, Room W-314
1900 Kanawha Boulevard East
Charleston, WV 25305

Dear Mr. Sylvia:

This letter is in response to your recent correspondence regarding the letter submitted by former State Superintendent of Schools, Dr. Marple, dated October 17, 2012, regarding the proposal made by the West Virginia Board of Examiners for Speech-Language Pathology and Audiology (Board) that all speech-language pathologists, audiologists and assistants be licensed by the Board, including those presently certified by the West Virginia Department of Education (WVDE) and who work within the county school systems. The Board contends that the WVDE does not provide sufficient continuing education to speech-language pathologists (SLPs) to maintain competency and is proposing that its licensure requirements be imposed on all SLPs certified by the WVDE.

You have indicated the report presented to the Legislature during the interim meetings would include WVDE's response to that proposal. As State Superintendent of Schools, I concur with the opinions expressed by Dr. Marple in the October 17th letter and emphasize the importance of making the Legislature aware of WVDE's opposition to amending West Virginia Code §30-32 to remove the current exemption status for SLPs employed by local boards of education being licensed by the WV Board of Examiners for Speech-Language Pathology and Audiology and thereby imposing the licensure and registration requirements on those certified by the WVDE. The following is a summary of the issues discussed in the letter:

- West Virginia Code §18-2-5 charges the state board of education with general supervision of the public schools, which includes making rules regarding issuance of certificates based upon credentials. SLPs working in WV schools are certified to serve students as indicated in WVBE Policy S202: *Minimum Requirements for the Licensure of Professional/Paraprofessional Personnel and Advanced Salary Classifications*. Licensure granted by the WVDE under the requirements of Policy S202 is the sufficient and preferred method for adjudicating the services of SLPs employed by county boards of education.

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- The WV Board of Examiners for Speech-Language Pathology and Audiology asserted that the continuing education provided by the WVDE was not sufficient or field related. WVBE Policy 5500 requires certified SLPs to obtain eighteen (18) hours of professional development each year to maintain employment as compared to twenty (20) hours every 2 years required by the WV Board of Examiners for Speech-Language Pathology and Audiology.
- The WVDE recognizes the importance of providing continuing education related to the field of practice to maintain competence, improve skills and introduce new concepts. The previous letter provided examples of professional development provided by the WVDE focusing on speech-language pathology. The listing of 2011-2012 Continuing Education submitted to the WV Board of Examiners for Speech-Language Pathology and Audiology for approval and published on their website indicated that a majority of submissions were offered by the WVDE, regional education service agencies (RESAs), West Virginia Schools for the Deaf and Blind (WVSDB) and local school districts.
- SLPs are critical members of school teams developing and implementing educational programs that benefit children. Staff development related to the field of practice is essential, but a comprehensive professional development plan for SLPs working in the schools must also include topics relevant to the educational setting, such as, the implementation of federal/state regulations; development of Individualized Education Programs (IEPs) and other educational issues.
- The WVDE will examine the continuing education requirements for SLPs, the current staff development available and collaborate with local school districts, RESAs, WVSDB and others to address this issue. The WVDE would appreciate the opportunity to work with the WV Board of Examiners to identify appropriate trainings for school based SLPs.

In conclusion, I agree with the opinions expressed by Dr. Marple on behalf of the WVDE in the previous correspondence and oppose the proposal by the WV Board of Examiners of Speech-Language Pathology and Audiology to remove the exempt status of SLPs certified by the WVDE and working in local school districts. The WVDE is committed to expanding and improving professional development opportunities for all educators, including speech-language pathologists. Thank you for your consideration of this important issue.

Sincerely,

Charles K. Heinlein
State Superintendent of Schools



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