

By: Melissa M. M. M.
Deputy Agency Clerk

**STATE OF FLORIDA
DEPARTMENT OF HEALTH
OFFICE OF SCHOOL PSYCHOLOGY**

IN RE:

**Kawanza Dukes,
Petition for Declaratory Statement**

**FINAL ORDER GRANTING PETITION FOR
DECLARATORY STATEMENT**

On or about November 30, 2010, Petitioner Kawanza Dukes filed the attached Petition for Declaratory Statement with the Department of Health (Department), pursuant to section 120.565, Florida Statutes, and chapter 28-105 of the Florida Administrative Code Rules. The Petitioner requested an interpretation of paragraph 490.003(5)(a), Florida Statutes, as to whether it permits Petitioner, as a licensed school psychologist, to perform an assessment and prepare a treatment plan for a child suspected of having autism. No public comments were submitted to the Department for consideration. The Department did solicit and consider expert opinions from those in the field.

FINDINGS OF FACT

1. Petitioner, a licensed school psychologist, has been contacted by pediatricians to perform assessment and treatment plans for children with autism and has a list of autistic diagnostic assessments that she uses in her practice.

2. As a result of training and experience, many, if not most, school psychologists have expertise in conducting assessments and evaluating children suspected of having autism spectrum disorders.

CONCLUSIONS OF LAW

3. The Department determined that Petitioner's request for the issuance of a declaratory statement should be GRANTED.

4. The Petition stated with particularity Petitioner's set of circumstances.

5. The practice of school psychology is broadly defined in subsection 490.003(5), Florida Statutes, to include assessment, counseling, consultation and development of programs. Assessment includes psychoeducational, developmental, and vocational assessment, evaluation and interpretation of intelligence, aptitudes, interests, academic achievement, adjustment, and motivations, or any other attributes that relate to learning, educational, or adjustment needs. Unlike the definition for the practice of psychology in subsection 490.003(4), Florida Statutes, however, the practice of school psychology does not include the use of psychological methods to diagnose and treat various disorders.

WHEREFORE,

IT IS HEREBY ORDERED AND ADJUDGED that the Petition for Declaratory Statement is GRANTED. Aside from an official or formal diagnosis of autism, which should be undertaken in collaboration with a physician or psychologist, Petitioner, as a licensed school psychologist with training and experience in the area, has the ability to carry out evaluations and assessments and to provide treatment plans for children suspected of having autism.

DONE AND ORDERED this 21 day of February, 2011.




Kimberly A. Berfield
Deputy Secretary

NOTICE OF RIGHT TO JUDICIAL REVIEW

A party who is adversely affected by this final order is entitled to judicial review pursuant to section 120.68, Florida Statutes. Review proceedings are governed by the Florida Rules of Appellate Procedure. Proceedings are commenced by filing one copy of a notice of appeal with the agency clerk of the Department of Health and a second copy, accompanied by filing fees prescribed by law, with the District Court of Appeal, First District, or with the District Court of Appeal in the Appellate District where the party resides. The notice of appeal must be filed within 30 days of rendition of the order to be reviewed.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been furnished by U.S. mail to Kawanza Dukes, LSP, P.O., Box 1231, Crosby, Texas 77532; and by electronic mail to Donna Erlich, Assistant General Counsel, Department of Health, Tallahassee, Florida, this 21st day of February, 2011.


Deputy Agency Clerk

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713-384-9878
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FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK Angel Sanders
DATE NOV 30 2010
LEGAL

Florida Department of Health
Attn: Agency Clerk's Office
4052 Bald Cypress Bln #A02
Tallahassee, Florida 32399-1703

November 24, 2010

RE: Amendment RE: Petition for Declaratory Statement before the Department of Health (School Psychology)

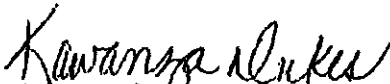
According to Statute 490.003 (5) (a) the practice of school psychology includes psycho educational, developmental, and vocational assessment. It continues on to explain that 'evaluation and interpretation of intelligence, aptitudes, interests, academic achievement, adjustment, and motivations, or any other attributes in individuals or groups, that relate to learning, education, or adjustment needs is permissible.'

A pediatrician recently contacted me to inquire about performing an assessment and treatment plan for a child suspected of having autism. The child is a two year old with autistic symptoms and is displaying behavioral difficulties within her daycare and home settings. The parent wants diagnostic information about her child and a behavior plan to implement at the daycare and home. Would this case be considered a developmental assessment pertaining to learning, education, and adjustment?

The following is a list of autistic diagnostic assessments I currently use in my practice: Autism Behavior Checklist (ABC), Childhood Autism Rating Scale (CARS), Gilliam Autism Rating Scale (GARS), Autism Diagnostic Observation Scale (ADOS), Structured and Unstructured interviews, and Autism Diagnostic Interview- Revised. I also use the Psycho educational Profile- Revised and the Developmental Play Assessment Instrument for developmental assessments. Standardized intelligence measures as well as achievement measures (i.e. Wechsler scales and Woodcock Johnson Test of Achievement) are also used on a regular basis to round out the reports.

I am increasingly receiving referral inquiries from physicians because as a school psychologist I tend to offer more of a behavioral understanding for autism, as it relates to education and learning, outside of a pure diagnosis. I am accustomed to receiving these same referrals from county school districts and grade age school parents; however, referrals from physicians (i.e. pediatricians) are new to my office. I would appreciate your legal expertise concerning this type of referral. Attached to this email you will find, for your convenience, a copy of an autistic report that would be similar in nature to a report I would produce for a physician referral.

Sincerely,


Kawanza Dukes, LSP SS 954
Licensed School Psychologist