

# Counseling and Testing: What Counselors Need to Know About State Laws on Assessment and Testing

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This article discusses testing in counseling, the history of psychology's attempts to restrict access to testing, and the potential impact on the public. Counselors are encouraged to obtain appropriate training in assessment and to understand that testing is not only consistent with fair testing policies but also essential for ethical practice.

**Keywords:** *testing; assessment; state law; fairness; ethical*

Counselors are often uncertain about the role that assessment—particularly, testing—should play in their practice. Regardless of the setting in which they work or their specialization area, counselors need to be aware of the ethical and legal role that assessment plays in their professional practice. Counseling assessment, including various forms of testing, has always been interwoven within the counselor's role. In *The Standards for Educational and Psychological Testing*, the American Educational Research Association, American Psychological Association, and the National Council on Measurement in Education (1999) define *assessment* as “any method used to measure characteristics of people, programs, or objects” (p. 2).

Counseling assessment includes several types of measurement instruments and tools, many of which have been in use for several centuries. For instance, proficiency testing was evident in China as early as 2200 BCE (Cohen & Swerdlik, 1999). The true launch of testing, as viewed in modern times, came in the 19th century with the work of Francis Galton, who is credited with formulating such assessment tools as questionnaires, rating

scales, and self-report inventories. Galton strongly influenced American psychologist James Catell, among others; in fact, it was Catell who coined the term *mental test*.

Other contributors to counseling assessment include Alfred Binet, who began work with what has become the modern form of intelligence tests, and L. M. Terman, who translated Binet's work into the Stanford–Binet Intelligence Test. The Army Alpha and Army Beta group that administered intelligence tests following World War I were also major contributions, as was the first publication of the *Mental Measurement Yearbook*, in 1939, which marked the beginning of a resource for identifying and evaluating assessment instruments. Other significant contributions include Hathaway and McKinley's Minnesota Multiphasic Personality Inventory (developed in the early 1940s), minimum competency testing

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(in the 1970s), and the current use of computer appraisals, as well as updated revisions of past inventories.

Authentic testing is one of the assessment movements of the 1990s that continues to influence the field of educational assessment. It has strongly influenced the testing practices of teachers and school systems in particular in assessing the academic progress of students. Rather than rely on annual achievement tests to assess students, the teachers compile student portfolios to provide a more inclusive source of measurement (Whiston, 2000). This movement has been a major force in assessment in Kentucky schools as part of the Kentucky Educational Reform Act—first with the Kentucky Information Results Information system and now with Commonwealth Accountability Testing System (Kentucky Department of Education, 2000).

As testing practices and assessment tools have developed and evolved throughout the last century, so has the need for their availability and the availability of trained professionals to administer, score, and interpret the results. Counselors and other mental health professionals with the appropriate training and competency in assessment have become increasingly important in filling this need. Assessment is not just used for gathering data for doctoral studies and publications; it is a tool through which counselors, clinicians, and other mental health professionals are able to measure such human constructs as emotion, intelligence, personality, self-esteem, and aptitude. These constructs are not always directly and conclusively evaluated by observation and interview alone—that is, counselors and other qualified professionals can perform other forms of assessment (e.g., tests). Whiston (2000) described that behavior is sampled in many ways including how individuals speak and respond to questions and that, when they take a test, it is a sample of their behavior in that instant only. By assessing these samples

of human behavior, the professional is better equipped to evaluate, define, and diagnose the client's problem; develop and implement effective treatment plans; and have a gauge to rate the counseling process.

## Test Publisher–Recommended Qualifications of Test Users

Test publishers have designated different levels of responsibility for monitoring the competencies of those who purchase and utilize assessment instruments. The Psychological Corporation (n.d.), for example, has issued four levels of competency for individuals, organizations, and agencies who are interested in purchasing tests—specifically, Levels A, B, C, and Q. Level A tests currently require no qualifications relating to purchase. Level B requirements include a master's degree in either psychology or education, appropriate training in assessment, or membership in a professional association that requires assessment training. Level C qualifications include a doctorate in psychology or education, the appropriate training in assessment, or the validation of licensure/certification that requires the professional to have the appropriate training and experience in counseling assessment. Level Q purchase qualifications specify a background relative to the testing purchase, as well as training in the ethical use, administration, and interpretation of tests.

This leveling process requires completion of a qualifications form for all levels, as well as the professional's attesting to having the training in assessment as mandated by the guidelines listed in the *Standards for Educational and Psychological Testing* (American Psychological Association, American Educational Research Association, & National Council on Measurement in Education, 1999). These guidelines state that it is

the experience, training, and certification held that should be the deciding factor of eligibility in test assessment. However, the 1985 revision of the standards—jointly authored by representatives of the American Educational Research Association, the American Psychological Association, and the National Council on Measurement in Education—does not recommend the use of classification levels (Moreland, Eyde, Robertson, Primoff, & Most, 1995).

As another example, Western Psychological Services (2001) is a founding member of the Association of Test Publishers and claims to be “America’s leading publisher of high quality assessment materials since 1948” (p. 258). The Western Psychological Services routes materials such as tests, books, software, and therapy materials to psychologists, counselors, other mental health professionals, special education coordinators, and human resources development/personnel specialists. This publisher specifies an array of professionals who are capable of purchasing and administering counseling assessment tools and psychological tests. However, they note that to purchase these tests, one must be a “qualified professional.” The process of determining who is qualified to purchase which tests begins with an initial request and completion of a qualification questionnaire, which includes questions about the individual’s assuming overall responsibility for the interpretation and use of the test. The form requires the purchaser to provide general background, educational, and professional information and then to send it to Western Psychological Services for review. A decision is then made to determine if the applicant has the knowledge base, training, and experience to qualify for the purchase and use of the test requested (Western Psychological Services, 2001).

Multi-Health Systems is a publishing company that advertises a variety of assessment tools available to psychologists,

psychiatrists, mental health professionals, human resource professionals, and special education coordinators/counselors. Multi-Health Systems designates two levels of qualifications for test purchasers. The minimum eligibility described in Level B involves having completed appropriate course work in tests and measurements at a university (or corresponding and documented training). Level C tests add to the Level B requirements in that the user must also have “training and/or experience in the use of tests and must have completed an advanced degree in an appropriate profession” (Multi-Health Systems, 2001, p. 122). Surpassing both levels are those restricted tests listed by Multi-Health Systems in which the mental health professional must complete a purchaser qualification form similar to that requested by Western Psychological Services.

### **Professional Organization—Recommended Test User Qualification**

The American Psychological Association, the American Counseling Association, and mental health organizations in general have accepted the above qualifications, including those established and supported by the Psychological Corporation. Table 1 summarizes the recommendations of a number of professional organizations, concerning their ideas of the qualifications that a professional should have in order to administer an assessment tool.

As previously stated, the levels of competency required for test purchase are supported in the *Standards for Educational and Psychological Testing* (American Educational Research Association, American Psychological Association, & National Council on Measurement and Education, 1999), as initiated by studies conducted by the Joint Committee on Testing Practices (2002a; APA,

**Table 1**  
**Assessment Qualifications of Professional Organizations**

| Qualifications  | ACA | CACREP | NBCC | FACT | ATP | NCME | ACA-M <sup>a</sup> |
|---|-----|--------|------|------|-----|------|--------------------|
| Course work in appraisal, assessment, and testing   | ×   | ×      | ×    | ×    | ×   | ×    | ×                  |
| Master's, specialist, or doctorate in counseling or related field                           | ×   | ×      | ×    | ×    | ×   | ×    | ×                  |
| Obtain passing score on the National Counselor Examination                                  |     |        |      | ×    |     |      |                    |
| Qualifying experience under supervision   | ×   | ×      | ×    | ×    | ×   | ×    | ×                  |
| Appropriate levels of training for specific tests   | ×   | ×      | ×    | ×    | ×   | ×    | ×                  |
| Need for assessment to assist with accurate diagnosis, treatment planning, and intervention | ×   | ×      | ×    | ×    | ×   | ×    | ×                  |

Note: All information obtained via the appropriate organization's Web site. ACA = American Counseling Association; CACREP = Council for Accreditation of Counseling and Related Educational Programs; NBCC = National Board for Certified Counselors; FACT = Fair Access Coalition on Testing; ATP = Association of Test Publishers; NCME = National Council on Measurement in Education.

a. Model legislation for state licensure.

2001) and which resulted in the formation of the Test User Qualifications Working Group. Because of financial reasons, withdrawal of American Psychological Association support, and other reasons, the committee disbanded in December 2007 (Kennedy, 2008). The Joint Committee on Testing Practices was truly a joint committee in that it consisted of representatives from the American Counseling Association, the American Educational Research Association, the American Psychological Association, the American Speech-Language-Hearing Association, the National Association of School Psychologists, the National Association of Test Directors, and the National Council on Measurement in Education. The bylaws of this committee encouraged professional organizations and test publishers to work together in the improvement of assessment use, not the promotion of test restriction. Moreland et al. (1995) states that "experience, training, and certification should be considered in assessing competence to use tests . . ." and that "educational efforts will ultimately be

more effective in promoting good testing practices than efforts to limit the use of tests" (p. 14 and 22). Anastasi (1992) supports this statement by defining the specific knowledge needed by all test users—namely, she or he must possess skills and experience in statistical techniques of psychometrics and must have knowledge of pertinent facts and characteristics of behavioral science: "The ultimate responsibility for integrating the information and using it in individual assessment and decision making rests with the counselor" (p. 611).

The Test User Qualification Working Group developed a model exemplifying the knowledge and skills needed by counselors and other professionals to prevent test misuse; this model is included in the *Responsibilities of Users of Standardized Tests* (Association for Assessment in Counseling, 1987). In fact, Elmore and Ekstrom (1993) found that ethical and standardized test use by counselors parallels measurement training. As stated, the credentialing of counselors requires course work in the

competencies of individual and group assessment. Familiarizing counselors with *Responsibilities of Users of Standardized Tests* promotes appropriate assessment qualifications for counselors.

These required qualifications are relatively agreed on within the field, and there is apparent agreement within professional organizations that the goal is not to limit professionals' access to tests; however, discrepancies surrounding who is qualified to administer, score, and interpret these assessments instruments exist and so challenge the rights of many mental health professionals. Cohen and Swerdlik (1999) described that many professionals currently use psychological testing including educators, other mental health professionals and other health care providers. Nevertheless, the American Psychological Association and a number of state psychology boards have made, and are continually making, moves to restrict the access and use of the majority of assessment instruments—namely, to psychologists who are licensed in a given state.

These attempts at restriction are not made without opposition. The Association of Test Publishers (2002) has joined with more than 30 professional associations to form the Fair Access Coalition on Testing (2009a). This organization has grown, in part, as a response to the need to monitor those restriction attempts at both the national level and the state level. The mission and policy statement of the Association of Test Publishers are founded on the same type of requirements developed and put forth by the Psychological Corporation. For example, the association proposes that assessment professionals have access to testing instruments based on their levels of education, training, and experience in administering, scoring, and interpreting psychological or other assessment instruments. Its position is that trained mental health professionals, not only trained psychologists, have the capability and right to use assessments. This

is exemplified in association's policy statement on fair access to psychological tests:

It is the policy of [the Association of Test Publishers] to oppose all efforts to restrict use of assessment instruments exclusively to psychologists licensed in a given state or states, and that [the association] shall monitor closely any attempts to restrict use based on licensure as a psychologist, and shall intervene where appropriate to ensure open and equal access to the use of assessment instruments for all qualified professionals. (Association of Test Publishers, 2002, para. 9)

Fair Access Coalition on Testing (2009b) has carried this position even further in addressing its stated mission of dedication to: "the protection and support of public access to professionals and organizations who have demonstrated competence in the administration and interpretation of assessment instruments, including psychological tests" (para.1). FACT (2009c) identifies five goals for the organization addressing their mission including its second goal which states it: "monitors state and national legislation and regulatory actions to assure that all qualified professionals are permitted to administer test instruments" (para. 1).

Counselors can demonstrate that they meet these levels of education, training, and experience in administering, scoring, and interpreting assessment instruments in a number of ways. For instance, understanding the laws that govern the licensing and accreditation of counselors and mental health professionals could be one way that counselors address this demonstration of competence. For example, the 1994 American Counseling Association's model legislation for state licensure of professional counselors was developed and revised by organizations responsible for credentialing professional counselors—these included the American Association of State Counseling

Boards, the Council for Accreditation of Counseling and Related Educational Programs, the Council on Rehabilitation Education, the Commission for Rehabilitation Counselor Certification, the National Board for Certified Counselors, and the National Rehabilitation Counselors Association (Glosoff, Benshoff, Hosie, & Maki, 1995). This model legislation comprises such guidelines as the need for counselors to conduct assessments and diagnoses to create treatment plans and strategic interventions. In preparation for these requirements under this model, professionals who are seeking licensure must have completed specific course work in the assessment, appraisal, and testing of individuals. This criterion certainly correlates with the standards put forth in the policy statement of the Association of Test Publishers (2002) on fair access to psychological tests and the Psychological Corporation's listed qualifications (n.d.) for Levels A and B.

Counselors having graduated from a program accredited by the Council for Accreditation of Counseling and Related Educational Programs (2001) or from a master's degree program (or above) that follows the council's standards will have at least met the Psychological Corporation's Level A and B assessment requirements, given that they are directly reflected in the standards. These standards stipulate that graduates from approved programs have curricular experiences and demonstrated knowledge in eight core areas, including assessment. Furthermore, they must demonstrate curricular experiences and demonstrated knowledge in a variety of assessment-related areas, including the basic concepts of standardized and nonstandardized testing, the utilization of individual and group-based test and inventory methods, and the appropriate strategies for selecting, administering,

and interpreting assessment and evaluation instruments. Likewise, counselors seeking licensure in a state following the American Counseling Association's model legislation guidelines must have studied the following areas in their course work: historical perspectives of assessment, basic concepts of standardized and nonstandardized testing, statistical concepts, reliability, validity, assessment factors related to specific populations and nondiscriminatory evaluations, strategies in selecting the test population, diagnoses and mental/emotional status understanding, and ethical/legal issues in assessment (Glossof et al., 1995). The National Board for Certified Counselors (2005) specifies in its requirements for earning certification as a Nationally Certified Counselor that the applicant must have had course work in appraisal. It then specifies in its code of ethics—specifically, "Section D: Measurement and Evaluation"—the same requirements for knowledge, training, and experience before administering, scoring, and interpreting any assessment instrument put forth by the Association of Test Publishers. Once again, the requirements focus on the counselors' having received the appropriate levels of training for specific tests and a recognition of their levels of competence before using any instrument. Additional guidelines revolve around such issues as knowledge of the tests, the population to be measured, stereotypical concerns, the welfare of the client, and test security (Association of Test Publishers, 2002).

## **State-Defined Qualifications for Test Users**

Forty-nine states consider mental health counseling and school counseling as licensed/

certified professions. These states pay additional attention to the role of counselors in testing, through the legal statutes and regulations that govern these professions. To become a licensed clinical counselor in the state of Kentucky, for example, one must have completed 60 graduate hours in nine core areas derived from the Council for Accreditation of Counseling and Related Educational Programs:

the helping relationship, including counseling theory and practice; human growth and development; lifestyle and career development; group dynamics, process, counseling and consultation; assessment, appraisal and testing of individuals; social and cultural foundations, including multicultural issues; principles of etiology, diagnosis, treatment planning and prevention of mental and emotional disorders and dysfunctional behavior; research and evaluation; and professional orientation and ethics. (Kentucky Board of Certification for Professional Counselors, 2002, p. 3)

Also, a licensed professional clinical counselor must have a master's degree or above in counseling or a related field, obtain a passing score on the National Counselor Examination, and have had a minimum of 4,000 hours of post-master's supervised experience in counseling, as approved by the board. These requirements are found in the *Kentucky Revised Statutes*, Section 335.525 (Kentucky Legislature, n.d.-c). The *Kentucky Administrative Regulations* (Kentucky Legislature, n.d.-d) support this legislation—specifically, 201 KAR 36:060, which relates to “qualifying experience under supervision.” Within this regulation, the practice of counseling is defined as professional counseling services delivered within the scope of Section 2 of this administrative regulation, which involves the application of mental health and development

principals, methods, or procedure—including the assessment, evaluation, diagnosis, and treatment of emotional disorders or mental illnesses—to assist individuals to achieve more effective personal, social, educational, or career development and adjustment. Table 2 specifies the current definitions and trends concerning assessment in the 49 states with professional counselor laws.

The administrative regulations concerning the provisional and standard certificates of School Guidance Counselors in the state of Kentucky are found under KAR 3:060, and they relate to the statutory authority of the *Kentucky Revised Statutes*—namely, 161.020, 161.028, and 161.030 (Kentucky Administrative Regulations, n.d.-b). None of this legislature specifies education, training or experience associated with assessment, evaluation or testing. However, the Kentucky Education Professional Standards Board (2005) did adopt and publish standards for new and experienced school counselors (respectively, provisional certificate versus standard certificate) that have assessment as Standard 7 of the eight standards (Kentucky Board of Certification for Professional Counselors, 2002). This standard says that the school counselor must understand the school's testing program and know how to plan and evaluate it; assess, interpret, and communicate learning results with respect to aptitude, achievement, interests, temperaments, and learning styles; collaborate with staff on assessment; use assessment results and other data in formulating career and graduation plans; coordinate student records to ensure confidentiality of assessment results; and provide orientation for others on the school assessment program (Kentucky Board of Certification for Professional Counselors, 2002). In addition, 16 KAR 3070 describes the “endorsement for individual intellectual assessment” to the provisional and standard certificate in school

**Table 2**  
**Assessment Legislation via a State-by-State Basis**

| State                   | Assessment, Appraisal, Testing <sup>a</sup> | Normal Assessment <sup>b</sup> | Tests, Administered <sup>c</sup> | Tests, Not Administered <sup>d</sup> | Assessment as One Core Area <sup>e</sup> |
|-------------------------|---|--------------------------------|----------------------------------|--------------------------------------|--|
| Alabama                 | ×   |                                | ×                                | ×                                    | ×  |
| Alaska                  | ×   |                                | ×                                | ×                                    | × <sup>f</sup>                           |
| Arizona                 | ×   |                                | ×                                |                                      | ×  |
| Arkansas                |   | ×                              | ×                                |                                      | ×  |
| California <sup>g</sup> |   |                                |                                  |                                      |  |
| Colorado                | ×   |                                | ×                                |                                      | ×  |
| Connecticut             | ×   |                                |                                  |                                      | ×  |
| Delaware <sup>h</sup>   |   |                                |                                  |                                      |  |
| DC                      | ×   |                                |                                  |                                      | ×  |
| Florida                 | ×   |                                |                                  |                                      | ×  |
| Georgia                 | ×   |                                | ×                                |                                      | ×  |
| Hawaii                  | ×   |                                |                                  |                                      |  |
| Idaho                   | ×   |                                |                                  |                                      | × <sup>f</sup>                           |
| Illinois                |   |                                |                                  |                                      | × <sup>f</sup>                           |
| Indiana                 | ×   |                                |                                  |                                      | ×  |
| Iowa                    | ×   |                                |                                  |                                      |  |
| Kansas                  | ×   | ×                              | ×                                |                                      | ×  |
| Kentucky                | ×   |                                |                                  |                                      | ×  |
| Louisiana               | ×   |                                | ×                                |                                      | ×  |
| Maine                   | ×   |                                |                                  |                                      |  |
| Maryland <sup>h</sup>   |   |                                |                                  |                                      | ×  |
| Massachusetts           | ×   |                                |                                  |                                      | ×  |
| Michigan                | ×   |                                |                                  |                                      | ×  |
| Minnesota               | ×   |                                |                                  |                                      | ×  |
| Mississippi             | ×   |                                | ×                                |                                      | ×  |
| Missouri                | ×   |                                | ×                                |                                      | ×  |
| Montana                 | ×   |                                | ×                                |                                      |  |
| Nebraska                | ×   |                                | ×                                | ×                                    | × <sup>f</sup>                           |
| Nevada                  | ×   |                                |                                  | ×                                    | ×  |
| New Hampshire           | ×   |                                |                                  |                                      |  |
| New Jersey              | ×   |                                |                                  |                                      | ×  |
| New Mexico              | ×   |                                |                                  |                                      | ×  |
| New York                | ×   |                                |                                  |                                      | ×  |
| North Carolina          | ×   |                                | ×                                |                                      |  |
| North Dakota            |   |                                |                                  |                                      | ×  |
| Ohio                    | ×   |                                |                                  |                                      | ×  |
| Oklahoma                | ×   |                                |                                  |                                      | ×  |
| Oregon                  |   | ×                              |                                  |                                      | ×  |
| Pennsylvania            | ×   |                                |                                  |                                      | ×  |
| Rhode Island            |   |                                |                                  |                                      | ×  |
| South Carolina          | ×   |                                | ×                                |                                      |  |
| South Dakota            |   |                                |                                  |                                      | ×  |
| Tennessee               | ×   |                                | ×                                | ×                                    | ×  |
| Texas                   | ×   |                                | ×                                | ×                                    | ×  |
| Utah                    |   | ×                              |                                  |                                      | ×  |

*(continued)*

**Table 2 (continued)**

| State                   | Assessment, Appraisal, Testing <sup>a</sup> | Normal Assessment <sup>b</sup> | Tests, Administered <sup>c</sup> | Tests, Not Administered <sup>d</sup> | Assessment as One Core Area <sup>e</sup> |
|-------------------------|---|--------------------------------|----------------------------------|--------------------------------------|--|
| Vermont <sup>h</sup>    |   |                                |                                  |                                      | ×  |
| Virginia                | ×   |                                |                                  |                                      | ×  |
| Washington <sup>h</sup> |   |                                |                                  |                                      | ×  |
| West Virginia           | ×   |                                |                                  |                                      | ×  |
| Wisconsin               |   | ×                              |                                  |                                      |  |
| Wyoming                 | ×   |                                | ×                                |                                      |  |

Note. All assessment information based on state laws and legislation as obtained through state Web sites.

a. Specifies assessment, appraisal, or testing in definition or scope of practice.

b. Includes descriptions of accepted or normal assessment, appraisal, and testing practices in body of licensure or regulation laws other than in definition of scope of practice.

c. Specifies certain types of tests that can be administered.

d. Specifies certain types of tests that cannot be administered.

e. Includes assessment as one core area for educational requirements for professional counselors.

f. Specifies appraisal or assessment as an optional area of requirement.

g. No licensure law at this time.

h. No licensure information regarding appraisal, assessment, or testing was found at the completion of this table.

counseling (a somewhat unique certification to the state of Kentucky); as such, it states that an endorsement for individual intellectual assessment shall be issued to an applicant already holding certification as a guidance counselor, who has completed 12 semester hours of graduate credit, including course work in basic testing and measurement concepts that related directly to individual intellectual assessment, as well as a supervised practicum for administering, scoring, and interpreting individual intellectual assessments (Kentucky Administrative Regulations, n.d.-a). Within the 49 states that have counselor licensure laws, only 6 place restrictions on specific assessment areas; in fact, Alabama, Arkansas, and Texas all disallow testing and assessment involving projective techniques for the purpose of assessing personality. Tennessee also disallows the counselor's use of projective techniques, as well as tests and assessments used to diagnosis or identify pathologies,

not to mention human intelligence tests (Tennessee Board of Professional Counselors, 2007). Alaska law prohibits the use of projective techniques and intelligence tests (State of Alaska, Department of Commerce, Community, and Economic Development, 2007). Nebraska disallows the measuring of personality or intelligence for the purpose of diagnosis and treatment planning (Nebraska Health and Human Services System, 2007).

These laws and administrative regulations, even with the few restrictions noted above, point to recognition by state governing agencies that the role of counselors in all settings includes the administration, scoring, and interpretation of assessment instruments; that is, such regulations demonstrate the state's recognition that counselors are valuable entities in meeting the demand for assessment present in today's society.

Despite this recognition, increasing attempts of restriction are threatening the job welfare

of professional counselors as well as other professionals such as School Psychologists not licensed as psychologists. Hyman and Kaplinski (1994) for example, in an article concerning school psychologists, report that "assessment is the core contribution that got us into the schools, has kept us there, and allows us to expand into other roles" (p. 570). School counselors are responsible for six major job expectations: counseling (individual and group), pupil assessment, consultation, information officer, school program facilitator, and research and evaluation (Schafer, 1995). Of these six, pupil assessment, program evaluation, and using basic research relate to assessment. Schafer (1995) found that the skills required by the Council for Accreditation of Counseling and Related Educational Programs, if they were applied appropriately and assessed by the program delivering them effectively, would prepare a beginning level school counselor to meet these job expectations. Furthermore, a division of the American Counseling Association, the Association for Assessment in Counseling (n.d.), has developed a list of required competencies that school counselors must have in the areas of assessment and evaluation:

1. School counselors are skilled in choosing assessment strategies.
2. School counselors can identify, access, and evaluate the most commonly used assessment instruments.
3. School counselors are skilled in the techniques of administration and methods of scoring assessment instruments.
4. School counselors are skilled in interpreting and reporting assessment results.
5. School counselors are skilled in using assessment results in decision making.
6. School counselors are skilled in producing, interpreting, and presenting statistical information about assessment results.

7. School counselors are skilled in conducting and interpreting evaluations of school counseling programs and counseling-related interventions.
8. School counselors are skilled in adapting and using questionnaires, surveys, and other assessments to meet local needs.
9. School counselors know how to engage in professionally responsible assessment and evaluation practice. If school counselors are restricted from using both educational and counseling assessment devices, the detection of children with special needs will be delayed and possibly overlooked.

## Fair Access for Counselors and Their Clients

The qualifications of test users are of great concern and they should be monitored—but not limited or restricted by any one discipline. With the adoption of the *Code of Professional Responsibilities in Educational Measurement* by the National Council on Measurement in Education (1996), an additional step was taken to uphold the ethical standards of test use and to prevent test misuse. The council's purpose in developing the code is to direct the conduct of its members who are involved in educational assessment. Professionals adhering to the ethical responsibilities described in the code will be acting on the criteria previously established by the *Standards for Educational and Psychological Testing* (American Educational Research Association, American Psychological Association, & National Council on Measurement and Education, 1999) and the *Code of Fair Testing Practices in Education* (Joint Committee on Testing Practices, 2002b). These criteria include judging the technical adequacy of tests, as well as deciphering which test is best test to

use and how to score the results. Vacc, Juhnke, and Nilsen (2001) support this theory by stating that “an effective and constructive way to address the misuse of tests and test results is through professional organizations’ codes of ethics, which are used to regulate members’ behaviors” (p. 217).

Despite the approved qualifications and required standards for assessment purchase and use, test restrictions are multiplying. The American Psychological Association is supporting legal interventions that would restrict the use of assessment instruments to licensed psychologists—as reported by Clawson (1997),

The position of the Fair Access Coalition on Testing is that the American Psychological Association efforts will reduce needed services to the general public, violate existing professional policies of both the American Counseling Association and American Psychological Association, initiate counterproductive turf wars, and turn existing collaboration among professional organizations into time-consuming, resource-devouring, nonproductive conflict. (p. 90)

By issuing these test restrictions, the American Psychological Association is violating its own model licensure act and its own draft revision by interfering with other professions. Both of these model licensure acts state that as long as other professionals do not represent themselves as psychologists, then the prevention of other trained professionals and/or their services will not be attempted (American Psychological Association, 2009). Furthermore, it is a lack of clarity that adds to the professional boundaries between psychologists and other mental health professionals. The psychologists agree that trained professionals have the capability to administer tests; however, training requirements are quite vague. For example, they include

course work, experience, supervision, and exposure to the population that the tests are to measure. The majority of counseling professionals see the need for cooperation between disciplines to benefit clients. Even the doctoral-level psychologists, along with mental health professionals, must have training and experience in the administration of a particular test. The requirements are not intended to exclude on the basis of degree area alone.

Be that as it may, professionals who are not deemed psychologists or psychiatrists but who possess the required skills are being discriminated against. Eyde, Moreland, Robertson, Primoff, and Most (1988) noted that the American Psychological Association has promoted the restriction of test use based on title (psychologist) against its own model legislation and against published documents from its own science directorate on test user qualifications both nationally and in state branches. Attempts of test restriction have occurred in such places as Florida, Indiana, South Carolina, Iowa, Louisiana, Alaska, and California. For example, the American Psychological Association granted \$14,500 to the Louisiana State Board of Examiners in Psychology to enforce its psychologist law, to file suits against a licensed professional counselor and a national certified counselor (Clawson, 1997). Both suits were initiated to prevent professionals other than licensed psychologists from using psychological tests (i.e., even if the professionals demonstrated test-specific qualifications)—tests such as the Bender-Gestalt Test, the Achenbach Child Behavior Checklist, the Woodcock-Johnson Psycho-Educational Battery-Revised, and the Kinetic Family Drawings.

In another example of an attempt to restrict assessment, the California Board of Psychology decided that to administer the Myers-Briggs Type Indicator, one must be a licensed psychologist. Luckily, counselors

in the California Fair Access Coalition on Testing were able to produce a reversal to the decision, based on the following arguments: First, the Myers-Briggs Type Indicator is used not only for diagnosis but also in business, group, religious, educational, and career areas; second, the Myers-Briggs Type Indicator was not developed by a psychologist; finally, public access to the Myers-Briggs Type Indicator, via the Internet and local bookstores, makes the restriction of the test nearly impossible to ensure. A suit was also filed in California against a doctoral-level special education examiner. In this case, the California Board of Psychology instructed the examiner to stop the administration and use of the Wechsler Adult Intelligence Scale-Revised, the Woodcock-Johnson Psycho-Educational Test-Revised, and the Wide Range Achievement Test. This examiner then had to hire a licensed psychologist to administer the tests. Given that the doctoral-level special education examiner was more trained and more experienced in the administration of these tests than the licensed psychologist whom she hired, she had to train the psychologist in their administration. The suit that created this situation was dropped in 1997, with the help and influence of the California Senate and Assembly Committee (Clawson, 1997).

As of January 1, 1999, counselors in Alaska were granted the rights to diagnose and treat mental/emotional disorders under that state's licensed professional counselor law. However, these professionals are prohibited from using projective assessments, as well as individually administered intelligence tests. This is done despite the fact that the licensure law of Alaska requires counselors to have a 48-hour master's degree in counseling or a related field, 12 additional hours, a written exam, and 3,000 hours of supervision (State of Alaska, Department of Commerce, Community, and Economic Development, 2007).

The Indiana State Board of Psychology proposed Indiana Code 25-33-1-3.g, which, according to Toner and Arnold (1998), would enable the board to

establish, maintain, and update a list of psychological instruments that, in the words of the legislature, could create a danger to the public because of their design and complexity if improperly administered and interpreted by individuals other than those designated in the statute. (p. 1)

The professionals most affected by this law, if enacted, would be social workers, marriage and family therapists, and the Mental Health Counselor Licensure Board. Once again, the Fair Access Coalition on Testing was contacted to aid the Association of Test Publishers in lobbying against this code, which would have restricted access to 318 psychological assessments that were to be restricted. The coalition successfully lobbied to end these restrictions.

## Recommendations and Conclusions

Counselors have a responsibility to be aware of the role of assessment in counseling and to be sure that they effectively carry out and protect this role in their practices. If the right to use assessment tools is granted to doctoral-level psychologists only, then services available to the public will diminish (e.g., diagnosis and treatment). In short, counselors who lose the right to assessment will lose the ability to diagnose, and they will have a valuable tool of treatment eliminated from their access. As reported by Whiston (2000), "most managed health care organizations require that a diagnosis be made before they will reimburse practitioners. Therefore, if counselors lose the right to assess in a state, they will be eliminated from the private practice market in the state" (p. 10).

This will also have a direct impact on rural and economically deprived urban populations. Test restriction would cheat these underserved populations of proper mental health care and attention. The majority of underserved populations are attended by master's-level mental health professionals, not doctoral-level psychologists. Test restriction would result in the victimization of those needing care. "The ultimate product of psychological test restriction would likely be less available service to clients" (Clawson, 1997, p. 93).

If counselors continue to seek the training and experience needed in providing effective assessment, then restrictions by outside disciplines should not be conducted and/or accepted. Counselors must be granted the right to test use if they take the responsibility to learn the laws and ethical guidelines surrounding the use and administration of assessment instruments. Furthermore, those counselors having graduated from programs that meet the standards of the Council for Accreditation of Counseling and Related Educational Programs are, by definition, in adherence with the assessment administration guidelines proposed by the American Psychological Association and the American Counseling Association. The unethical restriction of assessment rights among disciplines results in unethical treatment for the client.

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