February 10, 2017

Dear Applicant:

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act (Our File #: EDU/006/2017)

On January 19, 2017, the Department of Education and Early Childhood Development received your request for access to the following records/information:

“I would like all correspondence between the Dept of Education and Pearson Canada from October 1, 2015 - January 19, 2017.”

On January 26, 2017, your request was clarified to:

“I would like all correspondence between the Dept of Education and Pearson Canada from October 1, 2015 - January 19, 2017 regarding guidance counsellors and their training/qualifications to administer Assessments, as well as the Agreement with Pearson.”

A decision has been made by the Deputy Minister for the Department of Education and Early Childhood Development to provide access to some of the requested information and the appropriate copies have been enclosed.

Access to the remaining records, and/or information contained within the records, has been refused in accordance with the following exceptions to disclosure, as specified in the Access to Information and Protection of Privacy Act (the Act):

Section 40: Disclosure harmful to personal privacy
(1) The head of a public body shall refuse to disclose personal information to an applicant where the disclosure would be an unreasonable invasion of a third party’s personal privacy.

As required by 8(2) of the Act, we have severed information that is unable to be disclosed and have provided you with as much information as possible. In accordance with your request for a copy of the records, the appropriate copies have been enclosed.

You may appeal this decision and ask the Information and Privacy Commissioner to review the decision to provide partial access to the requested information, as set out in section 42 of the Act. A request to the Commissioner must be made in writing within 15 business days of the date of this letter or within a longer period that may be allowed by the Commissioner. Your appeal should identify your concerns with the request and why you are submitting the appeal.

The appeal may be addressed to the Information and Privacy Commissioner is as follows:

Office of the Information and Privacy Commissioner
2 Canada Drive
P. O. Box 13004, Stn. A
St. John’s, NL A1B 3V8
Telephone: (709) 729-6309
Toll-Free: 1-877-729-6309
Facsimile: (709) 729-6500
You may also appeal directly to the Supreme Court Trial Division within 15 business days after you receive the decision of the public body, pursuant to section 52 of the Act.

Please be advised that responsive records will be published following a 72 hour period after the response is sent electronically to you or five business days in the case where records are mailed to you. It is the goal to have the responsive records posted to the Completed Access to Information Requests website within one business day following the applicable period of time. Please note that requests for personal information will not be posted online.

If you have any further questions, please feel free to contact the undersigned by telephone at 709-729-1841 or by e-mail at brian-evans@gov.nl.ca.

Sincerely,

[Signature]

Brian Evans, CIPP/C
Director of Information Management & Special Projects
ATIPP Coordinator

Enclosure
Hi Bernie,

Hope all is well. Sorry for the delay in my response. I can call you at 2:30pm EST today—does that work?

Jen

Jen Nightingale  
Director Sales and Marketing  
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Toronto, ON M8Z 4X6  
T: 416-644-2140  
M: 647-501-2688  
jennifer.nightingale@pearson.com

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On Fri, Nov 13, 2015 at 7:18 AM, Ottenheimer, Bernie <BernieOttenheimer@gov.nl.ca> wrote:

Hi Jennifer,

Are you available to chat about this request anytime today?
Hi Jennifer,

Thanks for the letter. I was in Halifax earlier this week.

I have a question regarding your letter. Can you explain what is meant by the statement: “It is also our understanding that this design is in collaboration with Memorial University and the provincial College of Psychologists”

Also, in order to be very clear, is it possible to say something to the effect:

“Guidance counsellors hired in Newfoundland and Labrador, to administer level C assessments, will have the appropriate training to administer and interpret level C assessment tools.”

Or

“Guidance counsellors hired in Newfoundland and Labrador, to administer level C assessments, will have the appropriate training to administer and interpret level C assessment tools as outlined in the NL Guidelines for Comprehensive Assessment.”

The NL Comprehensive Assessment Guidelines
http://www.ed.gov.nl.ca/edu/k12/studentsupportservices/Guidelines_for_Comprehensive_Assessment.pdf, state:

Level C Tests
1.4.1 These tests are more complex than Level A and B tests. They require an in-depth understanding of psychometric principles, the traits and constructs being measured, and the student population. This category includes such assessment as WISC, WAIS and other intellectual assessment tools.

1.4.2 Qualifications for administration and interpretation of Level C tests:

- At least a Master's degree in Special Education, Educational Psychology or equivalent,
- A graduate level course in the assessment of intelligence, and
- Any additional requirements stipulated by the test publisher.

If you would like to discuss further, please call me.

Thanks,

Bernie

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From: Nightingale, Jennifer [mailto:jennifer.nightingale@pearson.com]
Sent: Thursday, October 29, 2015 10:50 AM
To: Ottenheimer, Bernie
Subject: Pearson Clinical Assessment: Request for Letter

Hi Bernie,

As discussed, please find attached a letter for your files.

I did reach out to [redacted], the former GM to gather his sense of the legacy agreement and learned that this dates back for some time- I trust this will provide you the back up that you need but don't hesitate to let me know if you have any questions.
On another note, I am wondering if you can please assist me in understanding where things are with respect to the approved Review360 press release I was aiming to do back in the spring. I am really hoping we can get this resolved.

Thank you,

Jen

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Hi Bernie,

I certainly did, and you were my first thought.

Don't hesitate to call me. In and out of meetings but definitely in the office this week.

Jen

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Jen Nightingale

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On Tue, Jan 19, 2016 at 1:21 PM, Ottenheimer, Bernie <BernieOttenheimer@gov.nl.ca> wrote:

Hi Jennifer,

Happy New Year.

I presume you have received a letter from [REDACTED] from the NLPB. I was copied on the letter. Would like to chat about the implications of this. Let me know what works for you.

Take care,

Bernie Ottenheimer

Director – Student Support Services

Department of Education and Early Childhood Development

Government of Newfoundland and Labrador

PO Box 8700

St. John’s, NL A1B 4J6

T 709-729-3023 F 709-729-1400

bernieottenheimer@gov.nl.ca
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Hi Jennifer,

Thanks for getting back to me. My apologies for my voicemail, I tend to have a quieter voice. A few of my members have expressed concern that people that do not typically have access to level C tests, are somehow purchasing and using Level C tests, and as a result they are interfering with the assessment process of psychologists and neuropsychologists. The most concerning instance has now gone to the child and youth advocate in Newfoundland. Specifically, one of my members claim that although Pearson states that an individual must be a part of a regulating body or have a doctorate, Pearson continues to sell the tests to nonregistered individuals. Specifically, there is apparently an exception for the use of tests for non licensed masters level holders in newfoundland working in the school
board. However, they are not required to take any testing courses in their training (one generic one is optional) and are only supervised for 1-2 assessments. There has been more than one complaint in Newfoundland about this due to poor assessment and delays in proper treatment as a result. Without proper training, registration and supervision, families are left with unusable assessments, that cannot be redone by psychologists for at least a year, and some tests are not considered reusable once given once (especially certain neuropsychological tests).

Therefore, I have two main questions and concerns. 1st, how do some non C level eligible individuals gain access to level C tests? 2nd, What would you require to remove an exception you have currently given?

Thanks
Please note that this is not a confidential mailbox. In the event that you want to contact [REDACTED] on a confidential matter, please call 613-237-2144, ext. [REDACTED].
Thank you for getting back to me. My apologies for the delay, I have been out of the office for several days attending business meetings. I am hoping it would be OK with you, to reply back to me outlining your concerns. The voicemail was very faint and I would very much like to ensure I understand the full picture and your reason for getting in touch.

Thank you,

Jen

---

Hello Jennifer,

I left a voicemail message with you last week. I was wondering if you had a chance to review my questions so we can touch base this week?
Thanks

Director, Practice Directorate

Directrice générale de la pratique

Canadian Psychological Association | Société canadienne de psychologie
141 avenue Laurier Ave., Ouest/West, # 702 | Ottawa, ON K1P 5J3
(tel / tél) 613-237-2144, ext. [redacted] | (toll free in Canada / numéro sans frais) 1-888-472-0657
ext. [redacted] | (fax / télécopieur) 613-237-1674

Email/Courriel: [redacted]@cpa.ca | Website/Site web: www.cpa.ca

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Please note that this is not a confidential mailbox. In the event that you want to contact [redacted] on a confidential matter, please call 613-237-2144, ext. [redacted].
Absolutely perfect, Bernie. Thanks again. Don’t hesitate to let me know if there is anything you need.

Jen

Jen Nightingale  
Director Sales and Marketing

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On Fri, Jul 29, 2016 at 8:57 AM, Ottenheimer, Bernie <BernieOttenheimer@gov.nl.ca> wrote:

Nice to chat. Thanks for your support on this issue.

I think this is everything I promised to send. I included Dave Philpott’s email.

Take care,

Bernie
1. R360

Tony Stack, Associate Director for Programs, NLESD AnthonyStack@nlesd.ca

Ed Walsh, Assistant Deputy Minister, K-12, Education & Early Childhood Development EdWalsh@gov.nl.ca

2. Assessment

Guidelines for Comprehensive Assessment

Standards of Practice for Educational Psychologists

Standards of Practice for Guidance Counsellors

Philpott, David, MUN philpott@mun.ca

From: Nightingale, Jennifer [mailto:jennifer.nightingale@pearson.com]
Sent: Friday, July 29, 2016 10:09 AM
To: Ottenheimer, Bernie
Subject: Fwd: Request to Connect

FYI
Hi Jennifer,

Thanks for getting back to me. My apologies for my voicemail, I tend to have a quieter voice. A few of my members have expressed concern that people that do not typically have access to Level C tests, are somehow purchasing and using Level C tests, and as a result they are interfering with the assessment process of psychologists and neuropsychologists. The most concerning instance has now gone to the child and youth advocate in Newfoundland. Specifically, one of my members claim that although Pearson states that an individual must be a part of a regulating body or have a doctorate, Pearson continues to sell the tests to nonregistered individuals. Specifically, there is apparently an exception for the use of tests for non-licensed masters level holders in Newfoundland working in the school board. However, they are not required to take any testing courses in their training (one generic one is optional) and are only supervised for 1-2 assessments. There has been more than one complaint in Newfoundland about this due to poor assessment and delays in proper treatment as a result. Without proper training, registration and supervision, families are left with unusable assessments, that cannot be redone by psychologists for at least a year, and some tests are not considered reusable once given once (especially certain neuropsychological tests).
Therefore, I have two main questions and concerns. 1st, how do some non C level eligible individuals gain access to level C tests? 2nd, What would you require to remove an exception you have currently given?

Thanks
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Thank you,

Jen

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On Wed, Jul 27, 2016 at 2:27 PM, [redacted] wrote:

Hello Jennifer,

I left a voicemail message with you last week. I was wondering if you had a chance to review my questions so we can touch base this week?

Thanks
Director, Practice Directorate

Directrice générale de la pratique

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information is strictly prohibited. If you received this email in error, please delete it immediately and notify the sender.”
I hope you had a nice weekend. I received your recent email regarding Occupational Therapists but I will first address the Association's concerns with Guidance Counselors administering the WISC or the WPPSI in the school setting in the province of Newfoundland and Labrador.
Though this predates my tenure, your email prompted a review of Memorial University's Guidance Counselling Program:

Special Education teachers must take 3600 (Level A & B) and they also must complete a supervised practicum, Education 3650, before being allowed to use Level A & B instruments.

The counseling program requires Education 3600 or Education 6707 (its graduate equivalency) before being admitted to Education 6709-Assessment of Intelligence and Learning Skills. Education 6709 is a mandatory course and is the same course offered to graduates in the psychology program. I understand that this course is heavily scrutinized to ensure competency and you will not get hired as a school counselor without these courses. Education 6712 and education 6720 are optional but the vast majority of counseling students take it. Education 6720 is required for certification with either the Canadian Counselling and Psychotherapy Association or the Psychology Board. Students seeking registration with either association complete these courses as one group, from the same instructor. There isn't a section offered to psychology students only or school counselors only. The courses and their descriptions can be found on the MUN website.

Our role here at Pearson is to ensure that the appropriate individuals are purchasing our tests and we ask that they fulfill certain requirements, however, there are regional exceptions made as long as we feel comfortable that they are adequately trained. Yes, we can change our rules and obligations at anytime but in this case we do not see a reason to do so. The course curricula at MUN has not changed from what was communicated many years ago, and I understand from the Department of Education, having Guidance Counselors working in this capacity is imperative to practice in the province and has been working well.

Regarding your concerns with OT's using C-level tests in various provinces, we do not sell tests to non-qualified individuals. There have been exceptions made with use of the Bayley in certain settings when there is evidence of supervision and an inter-disciplinary approach to care. I manage these exceptions personally. If you are aware of OT's purchasing tests outside of this framework, please let me know.

I hope this adequately outlines our responsibility and position on the matter. I want to thank you for providing us the opportunity to weigh in and do not hesitate to reach out if you have any further questions or concerns.
Best,

Jen

Jen Nightingale
Director Sales and Marketing

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