

**TEXAS STATE  
BOARD OF  
EXAMINERS OF  
PSYCHOLOGISTS**



**MEMBERS OF THE BOARD**

**Tim F. Branaman, Ph.D., Chair**  
Dallas

**Lou Ann Todd Mock, Ph.D., Vice Chair**  
Bellaire

**Jeff Baker, Ph.D.**  
League City

**Donna Lord Black, M.A.**  
Frisco

**Jo Ann Campbell, M.S.**  
Abilene

**Carlos R. Chacón**  
Austin

**Angela A. Downes, J.D.**  
Dallas

**John R. Huffman, J.D.**  
Southlake

**Leslie D. Rosenstein, Ph.D.**  
Austin

**EXECUTIVE DIRECTOR**  
Darrel D. Spinks

October 25, 2012

[REDACTED]  
[REDACTED]  
[REDACTED]

Dear [REDACTED]

Your letter of October 4, 2012 was reviewed by the Texas State Board of Examiners of Psychologists at its meeting on October 25, 2012. You inquired about who should keep the records/protocols after testing is complete in a scenario where a contract LSSP assists a public school with testing. The Board directed that the following response be provided to you.

Pursuant to Board rule 465.22(a)(6), all licensees working in the public school setting must comply with all federal and state laws and regulations relative to the content, maintenance, control, access, retention and destruction of psychological and educational records, test data and test protocols. Federal and state laws and regulations consider test protocols containing identifiable student information as educational records. Therefore, these protocols are the property of the school district and must remain in their possession as part of the student's educational record.

We hope this information is of assistance to you.

Sincerely,

A handwritten signature in black ink that reads "Darrel D. Spinks".

Darrel D. Spinks  
Executive Director

333 Guadalupe, Suite 2-450, Austin, Texas 78701  
(Administration) 512-305-7700 (Enforcement) 512-305-7709 (TDD) 1-800-735-2989  
(Fax) 512-305-7701 <http://www.tsbep.texas.gov>

The Texas State Board of Examiners of Psychologists is an equal opportunity employer and does not discriminate on the basis of race, color, religion, national origin, age, sex, disability, or sexual orientation.

October 04, 2012

TSBEP  
333 Guadalupe  
Tower 2, Room 450  
Austin, Texas 78701

2012 OCT -5 AM 11:09

To: TSBEP Board  
From: [REDACTED]  
Ref: Records Management

I am a contract LSSP that assists districts when they have a large number of referrals to test. I do not conduct independent evaluations. I need to know who keeps the protocols after I have completed testing. One school district kept the paperwork, but I had another that stated I needed to keep the records because I am contract.

Keeping the protocols does not seem right to me because I did not conduct the evaluations as an independent evaluator for purposes of a second interpretation. I am helping the district with their testing load.

Please let me know who keeps the records/protocols after testing is completed. I need to make sure I follow the appropriate guidelines.