

MAINE STATE LEGISLATURE

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May 1, 1974

Asa A. Gordon, Deputy Commissioner

Education

Eliot Field, Assistant

Attorney General

Administration of Psychological Tests by School Counselors and School Psychologists

You asked whether or not the present laws defining the practice of psychology and requiring a license therefor (32 M.R.S.A. § 3811, et seq.) prohibit school counselors and school psychologists from administering psychological tests. The counselors and psychologists are salaried by the school district and the testing takes place in the district. We answer in the negative; the laws do not prohibit the school counselors and school psychologists from administering psychological tests to pupils if such testing is done within the context of and pursuant to their school employment.

There is a limitation in 32 M.R.S.A. § 3813 which reads:

"Nothing in this chapter shall be construed to limit the professional pursuits of teachers and counselors in recognized public and private schools."

Since the administering of psychological tests has been and is, we are told, part of a school counselor's regular service to students, and therefore is part of the "professional pursuits" of counselors, it is clear that these activities of school counselors are exempted from the coverage of the law in question (32 M.R.S.A. § 3811, et seq.).

And it is our view that the law prescribing licensure of psychologists was not intended to cover school psychologists who work full time within and for the public school system. The State Board of Education established standards for the certification of school psychologists in 1963, which certification is a prerequisite to their school employment; so the State school system has this means of protection from unqualified school psychologists.

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AN INFORMAL OPINION