

# MAINE STATE LEGISLATURE

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# STATE OF MAINE

Inter-Departmental Memorandum Date December 20, 1976

J. Wilfred Morin, Director

To Teacher Certification and Placement Dept. Educational and Cultural Services

From Waldemar G. Buschmann, Assistant

Dept. Attorney General

Subject School Psychologist M.R.S.A., T. 32, Chapter 56

## FACTS:

The "Maine State Standards for Certification of Educational Personnel," as approved by the State Board of Education, became effective in 1963. The classification, "School Psychologist," was defined therein. Persons with certain academic and experience qualifications (see appendix A) were eligible to receive either a Provisional or a Professional Certificate.

The Legislature enacted Chapter 321 of the Public Laws of 1967 establishing minimum qualifications for a person to be eligible to be licensed as a psychologist.<sup>1/</sup> These minimum qualifications are more stringent than those required for a person to be eligible to be certified as a "School Psychologist." The Legislature also enacted a section making it a misdemeanor for anyone to "hold himself out to the public as a psychologist or psychological examiner" who is not duly licensed. 32 M.R.S.A. § 3814.

1/ Chapter 321 of the Public Laws of 1967 was repealed and replaced by §§ 81 and 82 of Chapter 544 of the Public Laws of 1967. The qualifications of a psychologist are defined in 32 M.R.S.A. § 3833, sub-§ 2:

"... evidence that he is of good moral character, has received a doctorate degree in psychology from an accredited institution recognized by the board as maintaining satisfactory standards, at the time the degree was granted, or, in lieu of degree, a doctorate degree in a closely allied field, if it is the opinion of the board that the training required therefor is substantially similar, has had at least 2 years of experience in psychology of a type considered by the board to be qualifying in nature, is competent in psychology, as shown by passing such examinations, written or oral, or both, as the board deems necessary, is not considered by the board to be engaged in unethical practice, and has not within the preceding 6 months failed an examination given by the board. The board may in its discretion refuse to grant a license to an applicant who is not an American citizen."

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QUESTION AND ANSWER:

May individuals who have not been licensed by the State as "psychologists" be certified as "school psychologists" by the Department of Educational and Cultural Services? No.

REASONS:

32 M.R.S.A. § 3812 specifically prohibits "any individual or organization" from presenting himself or from being presented "to the public by any title incorporating the name 'psychological,' 'psychologist' or 'psychology' other than those licensed by this chapter. . . ." Since teachers and counselors "in recognized public and private schools" are not to be limited by chapter 56 of Title 32 M.R.S.A., in their professional pursuits, this law exempts such people from being penalized for administering necessary tests, etc., which are normally reserved by § 3811 to a psychologist. However, this Legislature does not allow teachers and counselors to use the title psychologist unless they are duly licensed by the State. 32 M.R.S.A. § 3812. Therefore, since the Legislature has specifically defined who may use the title "psychologist," the Board of Education's standards for a "school psychologist" must include that the person be licensed by the State as a psychologist.

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WALDEMAR G. BUSCHMANN  
Assistant Attorney General

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## SCHOOL PSYCHOLOGIST

AUTHORIZATION: To serve as school psychologist

REQUIREMENTS: Provisional Certificate 1/

1. A master's degree from an accredited graduate school, or matriculation as a doctoral candidate in an accredited graduate school.
2. Completion of graduate study to a cumulative total of not less than sixty semester hours, which must include courses from each of the following areas:
  - (1) Educational Foundations
  - (2) Education of the Exceptional
  - (3) Testing and Clinical Techniques
  - (4) Personality and Behavioral Development
  - (5) Supervised Practice in Testing and Clinical Techniques
3. Successful experience in a sub-collegiate school setting which may be fulfilled through completion of
  - (1) One year as a classroom teacher, or
  - (2) Not less than six semester hours of supervised practice in school psychological services.

TERM; RENEWAL: Provisional Certificate

This certificate is issued for a five-year term. It may be renewed once for an additional five years upon reasonable evidence of continuing professional service and growth.

REQUIREMENTS: Professional Certificate

1. A doctor's degree from a regionally accredited graduate school.
2. Completion of three years of successful experience within the scope of the Provisional Certificate.

TERM; RENEWAL: Professional Certificate

This certificate is issued for a ten-year term. It may be renewed for ten-year terms upon reasonable evidence of continuing professional service and growth.

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- 1/ Applicants having served successfully as school psychologists in approved elementary or secondary schools for not less than three years prior to the effective date of these regulations will be eligible for a Provisional School Psychologist's Certificate. This service-based certificate is issued for a five-year term and may be renewed for additional five-year terms upon the completion (for each such renewal) of not less than six additional credit hours in areas such as those listed above and continuous successful experience as a psychologist.