

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 791

S.P. 293

In Senate, February 26, 1991

Reference to the Committee on Education suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator GILL of Cumberland

Cosponsored by Senator ESTES of York, Representative HANDY of Lewiston and Representative AULT of Wayne.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

An Act Concerning School Psychological Service Providers.

Be it enacted by the People of the State of Maine as follows:

2
4 Sec. 1. 32 MRSA §3812, first ¶, as enacted by PL 1967, c. 544,
§82, is amended to read:

6 It is specifically prohibited that any individual
8 individuals or ~~organization~~ organizations shall present himself
10 themselves or be presented to the public by any title
12 incorporating the name "psychological," "psychologist" or
14 "psychology," other than those so licensed by this chapter,
16 except that any psychological ~~scientist~~ scientists employed by a
18 recognized research laboratory, college, university or state or
20 federal agency may represent himself themselves by the title
22 conferred upon him them by the administration of such or
24 equivalent laboratory, college, university or state or federal
26 agency. Nothing in this section shall ~~may~~ be construed as
28 permitting such persons to offer their service to any other
30 persons or organizations as consultants or to accept remuneration
32 for any psychological services other than that of their
34 institutional salaries unless they have been licensed under this
chapter. Visiting lecturers from recognized laboratories,
colleges or universities are exempt from this section and may
utilize their academic research title when presenting lectures to
similar institutions or organizations. School psychological
service providers who are certified by the Department of
Education may represent themselves by the titles conferred upon
them by the Department of Education in accordance with section
3841. Students of psychology, psychological interns and other
persons preparing for the profession of psychological examiner or
psychologist under qualified supervision in recognized training
institutions or facilities may be designated by such titles as
"psychological intern", "psychological trainee" or others
clearly indicating such training status.

36 Sec. 2. 32 MRSA §3840, as amended by PL 1989, c. 700, Pt. A,
§148, is repealed and the following enacted in its place:

38 §3840. Joint Committee on Certification for School
40 Psychological Service Providers

42 1. Joint committee established. There is established a
44 Joint Committee on Certification for School Psychological Service
Providers.

46 2. Purpose. The purpose of the Joint Committee on
48 Certification for School Psychological Service Providers is to
recommend policies and procedures that will assist local school
systems in providing accessible, high quality psychological
services to meet the needs of Maine school children.

50 3. Membership. The joint committee consists of 6 members.
52 The State Board of Examiners of Psychologists shall appoint 2

2 members from its membership. The State Board of Education shall
4 appoint 4 members, 2 members must be from the membership of the
6 State Board of Education and 2 must be either faculty members
8 from graduate programs in school psychology or certified school
10 psychological service providers.

12 4. Chair. The joint committee shall convene for the first
14 time at the call of the chair of the State Board of Examiners of
16 Psychologists, at which time the Joint Committee on Certification
18 for School Psychological Service Providers shall select a chair.

20 5. Term of office. Members are appointed for a term of one
22 year or until the expiration of their term on the board of
24 appointment, whichever comes first.

26 6. Meetings. The joint committee shall meet as necessary
28 to fulfill its purposes and duties.

30 7. Quorum. Attendance of a majority of the members of the
32 joint committee is necessary to conduct official business.

34 8. Compensation. Joint committee members are entitled to
36 compensation according to the provisions of Title 5, chapter
38 379. Compensation must be paid by the board of appointment.

40 9. Records. The joint committee shall keep records and
42 minutes of its activities and meetings. The records and minutes
44 must be retained by the Department of Education, made easily
46 accessible to the public and must be provided expeditiously upon
48 request.

50 10. Vacancies. Vacancies must be filled by the appointing
52 authority to complete the term of the appointee who vacated the
54 position.

56 11. Responsibilities and duties. The joint committee shall
58 advise the Department of Education in the development of rules
60 and procedures regarding the certification of school
62 psychological service providers and may perform other duties
64 related to school psychological services as requested by the
66 department.

68 **Sec. 3. 32 MRSA §3841 is enacted to read:**

70 **§3841. Certification of school psychological service**
72 **providers**

74 **1. Authority. The Department of Education has the sole**
76 **authority to certify school psychological service providers.**

78 **2. Levels of certification. There are 2 levels of**
80 **certification for school psychological service providers. These**

2 levels are known and referred to as "school psychologist" and
3 "associate school psychologist."

4 3. Qualifications. The minimum qualifications for
5 certification as a school psychological service provider are as
6 follows:

8 A. For certification as an associate school psychologist,
9 an individual must meet the credentialing standards
10 established by the National Association of School
11 Psychologists or be credentialed by a national school
12 psychology certification system.

14 B. For certification as a school psychologist, an
15 individual must meet the qualifications for certification as
16 an associate school psychologist and must have received a
17 doctorate degree reflecting comprehensive training in
18 psychology from an accredited institution recognized by the
19 State Board of Examiners of Psychologists in accordance with
20 section 3831, subsection 2.

22 4. Scope of practice. The services provided by a school
23 psychologist or associate school psychologist may be applied only
24 within the confines of a school district in activities related
25 directly to the education of its students pursuant to a contract
26 between the school psychological service provider, the school
27 district, union or educational facility and within guidelines for
28 such practices as developed by the National Association of School
29 Psychologists and the Department of Education. This practice may
30 involve the evaluation and assessment and the provision of direct
31 services to pupils and their families consistent with the pupils'
32 educational status or needs. The practice may include
33 consultation with representatives of school districts, teachers,
34 special education staff, consultants and administrators.

36 5. Rules. The Department of Education shall, in accordance
37 with the Maine Administrative Procedure Act, adopt rules for the
38 proper administration of this section. These rules must be
39 developed with the input and advice of the Joint Committee on
40 Certification for School Psychological Service Providers.

42 6. Existing school psychologists and psychological
43 examiners. Any person who is certified by the Department of
44 Education as a school psychologist on the effective date of this
45 section is considered to have met the requirements set forth in
46 this section for certification as a school psychologist. Any
47 person who is certified by the Department of Education as a
48 school psychological examiner on the effective date of this
49 section is considered to have met the requirements set forth in
50 this section for certification as an associate school
51 psychologist.

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STATEMENT OF FACT

4 The purpose of this bill is to increase the availability and
6 improve the quality, of school psychological services by adopting
8 widely accepted national standards for certification of school
10 psychological service providers and by making Maine's
12 certification process more consistent with prevailing practices
14 in other states. Maine is currently one of only 2 states that
16 requires school psychological service providers to be licensed by
the State Board of Examiners of Psychologists in addition to
being certified by the Department of Education. This bill
replaces the current joint licensure-certification process for
school psychological service providers with a certification
process that is under the sole authority of the Department of
Education.

18 The bill exempts school psychological service providers who
20 are certified by the Department of Education from the requirement
that they also be licensed by the State Board of Examiners of
Psychologists.

22

24 The bill changes the name of the Joint Committee on
26 Licensure-Certification for School Psychological Service
28 Providers to the Joint Committee on Certification for School
Psychological Service Providers. The purpose and duties of the
committee and its membership are also revised to complement the
new certification process.

30 The bill establishes a certification process within the
32 Department of Education for school psychological service
34 providers. The 2 levels of certification are school psychologist
36 and associate school psychologist. The bill adopts the standards
38 established by the National Association of School Psychologists
40 as the minimum standard for certification as an associate school
42 psychologist. To be certified as a school psychologist, a
44 doctorate degree is required in addition to the National
Association of School Psychologists requirements. Individuals
who are currently certified as school psychologist and school
psychological examiners under the joint licensure-certification
process are considered to have met the requirements for
certification as school psychologist and associate school
psychologists respectively.