

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1993

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Legislative Document

No. 800

S.P. 262

In Senate, March 4, 1993

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### An Act Regarding the Credentialing of School Psychological Service Providers.

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Submitted by the Department of Education pursuant to Joint Rule 24.  
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 AMERO of Cumberland.  
Cosponsored by Representatives: AULT of Wayne, NORTON of Winthrop, OLIVER of  
Portland, SMALL of Bath.

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

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**Sec. 1.** 5 MRSA §12004-I, sub-§4, as enacted by PL 1987, c. 786, §5, is repealed.

**Sec. 2.** 5 MRSA §12004-I, sub-§12-A is enacted to read:

12-A. Education          Advisory          20-A MRSA  
Committee on          §13022  
School  
Psychological  
Service  
Providers

**Sec. 3.** 20-A MRSA §13022 is enacted to read:

**§13022. School psychological service providers**

**1. Definition.** For purposes of this section, a "school psychological service provider" is a professional who provides psychological assessment, consultation or direct services, other than psychotherapy, to students enrolled in a public school or approved private school.

**2. Certification by commissioner.** The commissioner shall certify school psychological service providers pursuant to rules adopted by the state board. The rules must include a code of ethics and practice standards for school psychological service providers, violation of which constitutes grounds for suspension or revocation of the certification.

**3. Qualifications.** State board rules governing the qualifications for a school psychological service provider certificate must require that a certificate be issued only to an applicant who, at a minimum:

**A.** Holds a graduate degree from an accredited program in school psychology that was approved by the National Association of School Psychologists/National Council for Accreditation of Teacher Education or the American Psychological Association School Psychology at the time the degree was awarded; or

**B.** Has completed graduate work that is determined by the commissioner to be substantially similar to the programs referred to in paragraph A and has met other academic and preprofessional requirements established by the state board for the provision of school psychological services.

**4. Exclusive regulatory authority.** The provisions of Title 32, chapter 56 do not apply to persons certified as school psychological service providers under this section except to the

2 extent that such persons are also licensed or seek licensure  
3 under that chapter, engage in the practice of psychology beyond  
4 the scope of this section or hold themselves out as psychologists  
5 or psychological examiners.

6 5. Designation. Persons certified under this section may  
7 hold themselves out as school psychological service providers or  
8 may use any business name incorporating variations of that title  
9 but may not hold themselves out as psychologists, psychological  
10 examiners or any business name incorporating variations of those  
11 titles unless they are appropriately licensed under Title 32,  
12 chapter 56.

13 6. Advisory committee. There is established within the  
14 department, in accordance with Title 5, section 12004-I, the  
15 Advisory Committee on School Psychological Service Providers,  
16 referred to in this subsection as "the committee."

17 A. The duties of the committee are:

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20 (1) To advise the state board in the adoption of a  
21 code of ethics and practice standards for school  
22 psychological service providers; and

23 (2) To assist the commissioner in:

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25 (i) Certifying school psychological service  
26 providers; and

27 (ii) Investigating alleged violations of the code  
28 of ethics and practice standards adopted by the  
29 state board.

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33 B. The committee consists of 9 members appointed by the  
34 commissioner. The membership consists of 2 certified  
35 psychological service providers, 2 licensed psychologists,  
36 one faculty member from a graduate program in school  
37 psychology, one educator from a public school or approved  
38 private school and 3 parents or guardians of students.

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41 C. Three members of the committee must be initially  
42 appointed for a term of one year, 3 for a term of 2 years  
43 and 3 for a term of 3 years. All appointments must be for a  
44 term of 3 years thereafter. Any member may serve beyond the  
45 expiration date of that member's term until a successor has  
46 been appointed and qualified. Any vacancy on the committee  
47 must be filled for the unexpired portion of the term. The  
48 committee shall elect its own chair.

2 D. Members of the committee are entitled to receive  
3 compensation according to the provisions of Title 5, chapter  
4 379.

6 7. Transition. Persons certified as school psychologists  
7 and school psychological examiners on the effective date of this  
8 section may continue to provide the services authorized by their  
9 respective certificates until the scheduled expiration of those  
10 certificates. The state board's rules must contain a schedule  
11 affording all certified school psychologists and school  
12 psychological examiners a reasonable amount of time to meet the  
13 requirements of the certificate authorized by subsection 2.

14 Sec. 3. 32 MRSA §3840, as amended by PL 1989, c. 700, Pt. A,  
15 §148, is repealed.

### 18 STATEMENT OF FACT

20 This bill amends the standards of practice and the  
21 credentialing procedures for school psychological service  
22 providers to bring those standards and procedures in line with  
23 other states and to make them consistent with the professional  
24 standards of the National Association of School Psychologists.

26 The bill is the result of a recommendation to the  
27 Commissioner of Education by the Task Force on Credentialing of  
28 School Psychological Service Providers. Current certification  
29 standards are changed to create a single-level system consistent  
30 with that found in federal statutes, regulations and letters of  
31 interpretation from the federal Office of Special Education  
32 Programs. The bill also increases professional training  
33 standards to ensure quality school psychological services for the  
34 children of this State. It is not the purpose of this bill to  
prevent licensed psychologists from practicing within the schools.