

MAINE STATE LEGISLATURE

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H. 213

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EDUCATION AND CULTURAL AFFAIRS

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STATE OF MAINE

SENATE

125TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 327, L.D. 1094, Bill, "An Act To Improve the Delivery of School Psychological Services to Children"

Amend the bill by striking out all of section 2 and inserting the following:

'Sec. 2. 20-A MRSA §13022, as enacted by PL 1993, c. 207, §3, is amended to read:

§13022. School psychologists

1. Definitions. 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 unless the context otherwise indicates, the following terms have the following meanings.~~

A. "School psychologist" means a professional certified by the department as a school psychologist who provides school psychological services consistent with the national standards articulated by the most current Model for Comprehensive and Integrated School Psychological Services as published by the National Association of School Psychologists. "School psychologist" includes a school psychologist - doctoral and a school psychologist - specialist.

B. "School psychologist - doctoral" means a professional who meets the qualifications established in subsection 3 and holds a doctoral degree in psychology or a related field as determined by the advisory committee established in subsection 7.

C. "School psychologist - specialist" means a professional who meets the qualifications established in subsection 3 and holds a master's degree or specialist-level degree.

1-A. Scope of services. A school psychologist delivers services to children from birth to grade 12 who are eligible to be enrolled in educational and intermediate educational units, special education programs and approved private schools. The services

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B. of S.

1 delivered are the services articulated under the domains of practice in the current Model
2 for Comprehensive and Integrated School Psychological Services developed and
3 published by the National Association of School Psychologists.

4 **2. Certification by commissioner.** The commissioner shall certify school
5 ~~psychological service providers~~ psychologists pursuant to rules adopted by the state
6 board. The rules must include ~~a code of ethics and~~ practice standards for school
7 ~~psychological service providers~~ certified school psychologists that follow national
8 standards set forth by the National Association of School Psychologists or a successor
9 organization and ethics standards set forth by the National Association of School
10 Psychologists or a successor organization and the American Psychological Association or
11 a successor organization, violation of which constitutes grounds for suspension or
12 revocation of the certification.

13 **3. Qualifications.** State board rules governing the qualifications for a school
14 ~~psychological service provider~~ psychologist certificate must require that a certificate be
15 issued only to an applicant who has met the academic and preprofessional requirements
16 established by the state board for the provision of school psychological services and who,
17 at a minimum:

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

22 B. Has completed graduate work that is determined by the commissioner to be
23 substantially similar to the programs referred to in paragraph A; or

24 C. Holds a valid license from the State Board of Examiners of Psychologists with
25 demonstrated competency in the area of school psychology as established by the state
26 board.

27 **4. Term of issuance.** The commissioner shall issue a school ~~psychological service~~
28 ~~provider~~ psychologist certificate for a term of years consistent with rules adopted by the
29 state board. The length of the term may vary among certificate holders so as to be
30 coterminous with any other professional license or certificate held by the school
31 ~~psychological service provider~~ psychologist. The school ~~psychological service provider~~
32 psychologist certificate may be renewed in accordance with academic and professional
33 requirements established by the state board. A certificate holder must be supervised for
34 the first year following initial certification at no additional cost to the school
35 administrative unit or the department. The state board shall require evidence of
36 supervision prior to renewing a first-year certificate. Supervision of the first-year school
37 psychologist must be in accordance with supervision standards established by the
38 National Association of School Psychologists or a successor organization and provided
39 by a person who is certified as a school psychologist under subsection 2 and is:

40 A. A member of the Maine Association of School Psychology or a successor
41 organization; or

42 B. Employed by or under contract with a school administrative unit.

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A. 4. 8.

1 **5. Exclusive regulatory authority.** The provisions of Title 32, chapter 56 do not
2 apply to persons certified as school ~~psychological service providers~~ psychologists under
3 this section except to the extent that such the persons are also licensed or seek licensure
4 under that chapter, engage in the practice of psychology beyond the scope of this section
5 or hold themselves out as psychologists or psychological examiners.

6 **6. Designation.** Persons certified under this section may hold themselves out as
7 school ~~psychological service providers~~ or may use any business name incorporating
8 variations of that title but may not hold themselves out as ~~psychologists, psychological~~
9 ~~examiners or any business name incorporating variations of those titles~~ psychologists but
10 must include the word "school" in the designation, or as nationally certified school
11 psychologists if they hold the credentials as designated by the National Association of
12 School Psychologists or a successor organization. Persons certified under this section
13 may not hold themselves out as psychologists, psychological examiners or any business
14 name incorporating variations of those titles other than school psychologists or nationally
15 certified school psychologists unless they are appropriately licensed under Title 32,
16 chapter 56.

17 **7. Advisory committee.** There is established within the department, in accordance
18 with Title 5, section 12004-I, the Advisory Committee on School ~~Psychological Service~~
19 ~~Providers~~ Psychologists, referred to in this subsection as "the committee."

20 A. The duties of the committee are:

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

23 (2) To assist the commissioner in:

24 (i) Certifying school ~~psychological service providers~~ psychologists;

25 (ii) Investigating alleged violations of the code of ethics and practice
26 standards adopted by the state board; and

27 (iii) Investigating alleged violations of section 13020 and certification rules
28 governing school ~~psychological service providers~~ psychologists.

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

34 C. Three members of the committee must be initially appointed for a term of one
35 year, 3 for a term of 2 years and 3 for a term of 3 years. All appointments must be for
36 a term of 3 years thereafter. Any member may serve beyond the expiration date of
37 that member's term until a successor has been appointed and qualified. Any vacancy
38 on the committee must be filled for the unexpired portion of the term. The committee
39 shall elect its own chair.

40 D. Members of the committee are entitled to receive compensation according to the
41 provisions of Title 5, chapter 379.

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1 8. **Transition.** Persons certified as school psychologists psychological service
2 providers and school psychological examiners on the ~~effective date of this section~~ or after
3 October 13, 1993 may continue to provide the services authorized by their respective
4 certificates until the scheduled expiration of those certificates. The state board's rules
5 must contain a schedule affording all certified school psychologists and school
6 ~~psychological examiners~~ psychological service providers a reasonable amount of time to
7 meet the requirements of the certificate authorized by subsection 2.

8 **Sec. 3. Stakeholders group to convene; report to the Joint Standing**
9 **Committee on Education and Cultural Affairs.** The chair of the Advisory
10 Committee on School Psychologists, established in the Maine Revised Statutes, Title 5,
11 section 12004-I and referred to in this section as "the advisory committee," shall invite
12 members of the Maine Psychological Association, the Maine Association of School
13 Psychology and other interested stakeholders to meet with members of the advisory
14 committee to discuss the ongoing responsibilities and effectiveness of the advisory
15 committee. The stakeholders' discussion must include, but is not limited to, issues related
16 to certification of school psychologists and disciplinary actions. The stakeholder group
17 shall submit its report to the Commissioner of Education who shall report to the Joint
18 Standing Committee on Education and Cultural Affairs no later than January 15, 2012
19 with recommendations and shall include any legislation needed to implement the
20 recommendations with the report. The committee may report out legislation in the
21 Second Regular Session of the 125th Legislature based on the work of the stakeholders
22 group.

23 **SUMMARY**

24 This amendment distinguishes between a school psychologist at the specialist level
25 and at the doctoral level. It replaces the scope of services section in the bill, clarifying
26 that a school psychologist may deliver services to children from birth to grade 12. It
27 references the current Model for Comprehensive and Integrated School Psychological
28 Services as published by the National Association of School Psychologists for an
29 articulation of the scope and delivery of services. It revises the supervision requirements
30 for a school psychologist receiving initial certification.

31 It removes the MaineCare reimbursement provision in the bill. It directs the
32 Advisory Committee on School Psychologists to convene a stakeholders group to discuss
33 issues regarding certification of school psychologists and requires a report by the
34 Commissioner of Education to the Joint Standing Committee on Education and Cultural
35 Affairs no later than January 15, 2012. It authorizes the Joint Standing Committee on
36 Educational and Cultural Affairs to submit legislation to the Second Regular Session of
37 the 125th Legislature based on the work of the stakeholders group.

38 **FISCAL NOTE REQUIRED**

39 (See attached)



125th MAINE LEGISLATURE

LD 1094

LR 1464(02)

An Act To Improve the Delivery of School Psychological Services to Children

Fiscal Note for Bill as Amended by Committee Amendment "A" S - 279

Committee: Education and Cultural Affairs

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Additional costs to the Department of Education associated with rulemaking can be absorbed within existing budgeted resources.