

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 1094

S.P. 327

In Senate, March 15, 2011

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

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

Joseph G. Carleton Jr.

JOSEPH G. CARLETON, JR.
Secretary of the Senate

Presented by Senator ALFOND of Cumberland.

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

2 **Sec. 1. 5 MRSA §12004-I, sub-§12-A**, as enacted by PL 1993, c. 207, §2, is
3 amended to read:

4 **12-A.**

5 Education	Advisory Committee	20-A MRSA §13022
6	on School	
7	Psychological	
8	Service Providers	
9	<u>Psychologists</u>	

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

12 **§13022. School psychologists**

13 **1. Definitions.** ~~For purposes of—~~ As used in this section, a "school psychological
14 service provider" is a professional who provides psychological assessment, consultation
15 or direct services, other than psychotherapy, to students enrolled in a public school or
16 approved private school unless the context otherwise indicates, the following terms have
17 the following meanings.

18 A. "Response to intervention" means a method of academic intervention that is
19 designed to provide early, effective assistance to children who have difficulty
20 learning.

21 B. "School psychologist" means a professional who provides psychological
22 assessment, consultation or direct services, other than psychotherapy, to students
23 enrolled in a public school or approved private school.

24 **1-A. School psychological services.** The scope of practice for school psychological
25 services delivered on a contract or employment basis by certified school psychologists
26 involves engaging in systematically collecting and analyzing data from multiple sources
27 as a foundation for engaging in applied research and decision making in general and
28 special education, including response to intervention. The scope of practice includes
29 providing developmental, psychological and educational assessments, diagnoses and
30 recommendations related to educational performance; providing systemwide and
31 individual consultation and collaborative and direct services for planning, implementing
32 and evaluating academic, behavioral, life-skill, social and school-based mental health
33 services; providing counseling and social skills training to address factors affecting
34 educational performance; and providing staff training and supervision of specialized
35 programs within the educational setting for children prekindergarten to grade 12 eligible
36 to be enrolled in educational and intermediate educational units, special education
37 programs and approved private schools.

38 **2. Certification by commissioner.** The commissioner shall certify school
39 psychological service providers psychologists pursuant to rules adopted by the state
40 board. The rules must include a code of ethics and practice standards for school

1 ~~psychological service providers~~ certified school psychologists that follow national
2 standards set forth by the National Association of School Psychologists and the American
3 Psychological Association, violation of which constitutes grounds for suspension or
4 revocation of the certification.

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

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

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

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

19 **4. Term of issuance.** The commissioner shall issue a school ~~psychological service~~
20 ~~provider~~ psychologist certificate for a term of years consistent with rules adopted by the
21 state board. The length of the term may vary among certificate holders so as to be
22 coterminous with any other professional license or certificate held by the school
23 ~~psychological service provider~~ psychologist. The school ~~psychological service provider~~
24 psychologist certificate may be renewed in accordance with academic and professional
25 requirements established by the state board. During the certified school psychologist's
26 first year of employment, the employer is required to provide at least 2 hours per week of
27 individual or group supervision with a certified school psychologist or licensed
28 psychologist in accordance with National Association of School Psychologists/National
29 Council for Accreditation of Teacher Education's practice guidelines. Evidence of
30 supervision is required for renewal purposes as established by the state board.

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

36 **6. Designation.** Persons certified under this section may hold themselves out as
37 school ~~psychological service providers~~ or may use any business name incorporating
38 variations of that title but may not hold themselves out as psychologists, psychological
39 examiners or any business name incorporating variations of those titles psychologists but
40 must include the word "school" or as nationally certified school psychologists if they hold
41 the credentials as designated by the National Association of School Psychologists and
42 may not hold themselves out as psychologists, psychological examiners or any business
43 name incorporating variations of those titles other than certified school psychologists or

1 nationally certified school psychologists unless they are appropriately licensed under
2 Title 32, chapter 56.

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

6 A. The duties of the committee are:

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

9 (2) To assist the commissioner in:

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

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

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

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

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

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

28 **8. Transition.** Persons certified as school psychologists and school psychological
29 examiners on ~~the effective date of this section~~ October 13, 1993 may continue to provide
30 the services authorized by their respective certificates until the scheduled expiration of
31 those certificates. The state board's rules must contain a schedule affording all certified
32 school psychologists and school psychological examiners a reasonable amount of time to
33 meet the requirements of the certificate authorized by subsection 2.

34 **9. Reimbursement.** Educational and intermediate educational units, special
35 education programs and approved private schools are eligible for reimbursement for the
36 services provided to students who are Medicaid recipients as defined in Title 22, section
37 3172, subsection 3 by certified school psychologists through the MaineCare program to
38 the same extent that the services of a psychologist are eligible for reimbursement.

1

SUMMARY

2 This bill changes the term "school psychological service provider" to "school
3 psychologist" in the law pertaining to school psychological services. The bill directs the
4 Commissioner of Education to revise the rules to align the code of ethics and practice
5 standards with those set by the National Association of School Psychologists and the
6 American Psychological Association. It requires that upon initial issuance of a certificate
7 and in the first year of employment a school psychologist is required to participate in at
8 least 2 hours per week of individual or group supervision with a certified school
9 psychologist or licensed psychologist. The bill also authorizes a school to be reimbursed
10 for services provided by a school psychologist to students who are Medicaid recipients.