

MAINE STATE LEGISLATURE

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Date: 3/29/19

EDUCATION AND CULTURAL AFFAIRS

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**STATE OF MAINE
SENATE
129TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 59, L.D. 247, Bill, "An Act To Increase the Amount of Time School Counselors and Social Workers Spend Providing Students Direct and Indirect Counseling"

Amend the bill by striking out everything after the enacting clause and inserting the following:

Sec. 1. 20-A MRSA §4008-A is enacted to read:

§4008-A. School counselors and school social workers

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Direct services" means in-person interactions between a school counselor or school social worker and students that are within the scope of the duties of a school counselor or school social worker as established by the department by rule.

B. "Indirect services" means services provided by a school counselor or school social worker on behalf of students as a result of a school counselor's or school social worker's interactions with the students and others that are within the scope of the duties of a school counselor or school social worker as established by the department by rule.

C. "School counselor" has the same meaning as in section 4008, subsection 1, paragraph B.

D. "School social worker" has the same meaning as in section 4008, subsection 1, paragraph C.

2. Direct and indirect services to students. Each school counselor and school social worker shall spend at least 80% of the school counselor's or school social worker's time providing direct services to and indirect services on behalf of students.

3. Rules. The commissioner shall adopt rules to implement this section. The rules must include guidelines regarding the duties of school counselors, including that a school

COMMITTEE AMENDMENT

1 counselor deliver a comprehensive school counseling program, and guidelines regarding
2 the duties of school social workers. Rules adopted pursuant to this subsection are major
3 substantive rules as defined in Title 5, chapter 375, subchapter 2-A.'

4 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
5 section number to read consecutively.

6 **SUMMARY**

7 This amendment clarifies that direct services and indirect services must be within the
8 scope of the duties of school counselors or school social workers as established by major
9 substantive rules adopted by the Department of Education. The rules must include
10 guidelines regarding the duties of school counselors, including that a school counselor
11 deliver a comprehensive school counseling program, and guidelines regarding the duties
12 of school social workers. The amendment also clarifies that each school counselor and
13 school social worker must spend at least 80% of the school counselor's or school social
14 worker's time providing direct services to and indirect services on behalf of students.

FISCAL NOTE REQUIRED
(See attached)



129th MAINE LEGISLATURE

LD 247

LR 653(02)

An Act To Increase the Amount of Time School Counselors and Social Workers Spend Providing Students Direct and Indirect Counseling

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-29)

Committee: Education and Cultural Affairs

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

This legislation requires school counselors and school social workers to spend at least 80% of their time providing direct or indirect services to students but does not address how the time spent providing these services will be tracked. This fiscal note assumes that the process will be informal and will not require extensive recordkeeping and reporting. However, if the major substantive rules adopted by the department and submitted to the Legislature for review include a formal time recording and reporting process, the fiscal impact to local school administrative units for the additional requirement will need to be addressed.

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