

# MAINE STATE LEGISLATURE

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# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 247

S.P. 59

In Senate, January 22, 2019

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

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator MILLETT of Cumberland.  
Cosponsored by Senators: BREEN of Cumberland, VITELLI of Sagadahoc, Representatives:  
McCREIGHT of Harpswell, PIERCE of Falmouth.

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

2 **Sec. 1. 20-A MRSA §4008**, as amended by PL 1989, c. 396, §§1 to 3, is further  
3 amended to read:

4 **§4008. School counselors and school social workers**

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

7 A. "Client" means a person who has actively sought or is in the process of seeking  
8 professional help from a school counselor or school social worker.

9 A-1. "Direct services" means in-person interactions between a school counselor or  
10 school social worker and students, including, but not limited to, delivering the school  
11 guidance curriculum, guiding individual student planning and providing responsive  
12 services.

13 A-2. "Indirect services" means services provided by a school counselor or school  
14 social worker on behalf of students as a result of a school counselor's or school social  
15 worker's interactions with the students and others, including, but not limited to,  
16 providing referrals for additional assistance and consultation and collaboration with  
17 parents, teachers and other educators.

18 B. "School counselor" means a person who is employed as a school counselor in a  
19 school setting and who:

- 20 (1) Is certified as a school counselor by the department; or  
21 (2) Possesses a minimum of a master's degree in an approved program in  
22 guidance and counseling.

23 C. "School social worker" means a person who is employed as a school social  
24 worker in a school setting and who:

- 25 (1) Is licensed as a social worker by the State Board of Social Worker Licensure;  
26 or  
27 (2) Possesses a bachelor's degree and has been granted a conditional license from  
28 the State Board of Social Worker Licensure.

29 **2. Privileged communication.** A school counselor or school social worker may not  
30 be required, except as provided by ~~this section~~ subsection 3, to divulge or release  
31 information gathered during a counseling relation with a client or with the parent, the  
32 guardian or a person or agency having legal custody of a minor client. A counseling  
33 relation and the information resulting from it ~~shall~~ must be kept confidential consistent  
34 with the professional obligations of the counselor or social worker.

35 **3. Exceptions.** ~~This section shall not apply to the extent that disclosure of~~  
36 ~~information~~ Notwithstanding subsection 2, a school counselor or school social worker  
37 may be required to disclose information that is necessary:

38 A. To comply with Title 22, chapter 1071; ~~and~~ or

1 B. To report to an appropriate authority or to take an appropriate emergency measure  
2 when:

3 (1) The client's condition requires others to assume responsibility for the client;  
4 or

5 (2) There is clear and imminent danger to the client or others.

6 **4. Direct and indirect services to students.** Each school counselor and school  
7 social worker shall deliver a comprehensive school counseling program in which the  
8 school counselor or school social worker spends at least 80% of the school counselor's or  
9 school social worker's time providing direct services or indirect services to students. The  
10 commissioner shall adopt rules to implement this subsection. Rules adopted pursuant to  
11 this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter  
12 2-A.

13 **SUMMARY**

14 This bill requires each school counselor and school social worker to spend at least  
15 80% of that counselor's or social worker's time providing direct or indirect services to  
16 students and requires the Commissioner of Education to adopt rules to implement this  
17 provision.