



129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

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**

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.