



## Maine Education Association

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### Testimony In Support of

### **LD 394 Resolve, Regarding Legislative Review of Chapter 117: Rule Regarding the Duties of School Counselors and School Social Workers, a Major Substantive Rule of the Department of Education**

**Grace Leavitt, President, Maine Education Association  
Before the Joint Standing Committee on Education & Cultural Affairs  
April 6, 2023**

Senator Rafferty, Representative Brennan, and members of the Education and Cultural Affairs Committee,

My name is Grace Leavitt. My pronouns are she, her, hers. I am serving as President of the Maine Education Association while on leave from teaching Spanish in MSAD 51. I have over 43 years of classroom teaching experience with 20 years as a National Board Certified teacher. The MEA represents nearly 24,000 educators in our Maine system of public education in pre-K-12 schools as well as in our institutions of higher education, both the University of Maine System and the Maine Community College System, along with students in teacher prep programs as well as many retired educators.

I am here to testify on behalf of MEA in support of LD 394, Resolve, Regarding Legislative Review of Chapter 117: Rule Regarding the Duties of School Counselors and School Social Workers, a Major Substantive Rule of the Department of Education.

As the title indicates, LD 394 specifies the rules for the duties of both school counselors and school social workers. These are two especially important positions in our preK-12 schools, particularly now as we have seen for several years an increase in the number of students experiencing a variety of mental health issues. The needs of our students in this regard must be addressed in order for our students to be able to learn their best and be successful in academics. School counselors and school social workers provide essential supports for many students who are dealing with a number of issues. An important part of counseling is privileged communication so that the communication between a client, in this case the student, and their counselor can be open and problems and situations can be discussed freely in order to find possible solutions and ways to cope with issues. But the communication can only be open and free if there is assurance that confidentiality can be maintained. There is an appropriate exception to maintaining confidentiality when necessary, as noted in Section 2. F. (20-A MRSA 4008(3)) such as in a situation where there is imminent danger or a need to report a possible case of abuse. Of course, when appropriate a counselor may encourage a student to share information with a parent, but again, in order to best meet the student's needs it may not be possible or even advisable for the student to do so. The safety and well-being of the student is of the highest priority to all educators, and for school counselors and social workers alike it is their professional responsibility that this be their primary concern. A student who senses that what they share with their counselor may not be kept confidential will not be likely to be willing to have frank conversations with the professional who is trained to assist and support them.

MEA urges the Committee to vote 'ought to pass' on LD 394.

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