

State of Maine
DEPARTMENT OF EDUCATION

Testimony of Bear Shea, Mental Health Specialist and Office of School and Student Support
Team Coordinator

In Support: L.D. 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 (EMERGENCY)

Before the Joint Standing Committee on Education and Cultural Affairs

Sponsored by: Representative Brennan

Date: April 6, 2023

Senator Rafferty, Representative Brennan, and Members of the Joint Standing Committee on
Education and Cultural Affairs:

My name is Bear Shea, and I am here today representing the Department of Education speaking in
support of L.D. 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 (EMERGENCY).

As a result of Public Law 2019, Chapter 45, statutory changes were made regarding school
counselors and social workers; specifying definitions for direct and indirect services, and that these
professional positions spend at least 80% of their time focused on direct and indirect support of
students. Additionally, the statute included a requirement to develop a rule regarding the duties of
school counselors, including that a school counselor delivers a comprehensive school counseling
program, and guidelines regarding the duties of school social workers.

Through analysis of feedback from state professional organizations and education professionals
and under the authority of state statute 20-A §4008-A, the Maine Department of Education
proposed a new Chapter 117 Rule. The rule includes definitions, scope of work by practice, and
use of time.

The proposed rule does not change the definitions or practices of these professions, which are
outlined in statute 20-A §4008. Likewise, the proposed Chapter 117 rule does not describe how
school counselors and school social workers deliver direct and indirect services. The rule will have
a positive impact for professional school staff by outlining the scope and duties of these dynamic
positions and creating a foundation for continued guidance. This new rule not only highlights how
the important, and complimentary roles of school counselors and school social workers fit into an
overall school structure, but also the unique knowledge and skills both provide for the support and
success of Maine students.

The Department of Education believes in a whole student approach to education that develops and
prepares students for the challenges and opportunities of today and tomorrow by addressing their

comprehensive needs through a shared responsibility of students, families, schools, and communities. One of the tenets of Maine's Whole Student Approach is supporting healthy and safe schools. LD 394 helps us achieve this goal by supporting the variety of mental health professionals that engage with our families and communities to keep our students safe.

For these reasons, the Department of Education is in support of L.D. 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 (EMERGENCY). I am happy to answer any questions the Committee may have, and I will be available for work sessions on this bill.