



STATE OF MAINE
DEPARTMENT OF EDUCATION
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COMMISSIONER

March 28, 2023

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

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

The proposed amendment to LD 829, An Act to Improve Behavioral Health Support for Students in Public Schools, proposes three major elements: changing the term “school social worker” to “clinical mental health provider;” that the University of Southern Maine engage in a pilot training program with 15-20 educators; and that the student-to-staff ratios for school psychologists be set at 500:1 for the purpose of EPS.

In addition to the concerns below, this bill has the potential to impact the Maine Department of Education (DOE) proposed Chapter 117 rule which may require additional revisions before it has even been adopted. Since Chapter 117 is currently awaiting a legislative hearing, this would delay much needed clarifications to the field in areas that have already been addressed by statute. Many of the provisions of LD 829 are more appropriately explained in Department-level guidance documents that are distributed to the field. The Department has concerns about replacing the term “school social worker” with “clinical mental health provider.” Because the term “school social worker” covers a wide range of roles within a school, eliminating the term altogether is problematic. We suggest adding the term “clinical mental health provider” to the definition of “guidance counselor” in MRSA 20A §15672 §11. This will ensure that all members of the school mental health community are included and considered.

Finally, the last element of LD 829 proposes a set ratio for both school psychologists and “clinical mental health provider.” Currently, the Essential Programs and Services formula does not differentiate the different types of school mental health workers. The current student to guidance ratio for Non-Special Education services is 350:1 for elementary schools and 250:1 for secondary schools. Changes to the ratio will have impacts on EPS formula calculations.

Addressing access to best-practice resources to support student behavioral and mental health has been a priority for the DOE that has been reflected in the Department's internal reorganization and creation of the Office of School and Student Supports and the addition of the first mental health specialist position over three years ago. Through the pandemic, the Department has focused resources specifically supporting student mental and behavioral health by increasing access to best-practice prevention programming as well as broadening resources to systemic

support systems such as Multi-Tiered Systems of Support and Positive Behavior Intervention and Supports. Additionally, DOE staff provided over 20,000 contact hours of free, mental health related professional development and technical support directly to school staff.

Educating and supporting students to have positive behavioral responses is a multidimensional process and, taking into account research that shows the negative impact of the pandemic on mental health factors, the need for a whole student approach is apparent. While the DOE recognizes the significant, continued need for mental and behavioral health supports in schools, and looks to increase access to mental health professionals and resources, we encourage the Committee to deliberate on the Chapter 117 and Chapter 33 rules before considering LD 829 and the implications for the field. We also understand, based on discussions with the sponsor of the bill, that there are further potential changes to LD 829. The Department is happy to discuss these changes with the Committee and the sponsor.

The Department will be available to provide additional information on LD 829 and respond to any questions during the upcoming work session.

Sincerely,

DocuSigned by:

Bear Shea

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Maine Department of Education

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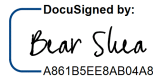
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