



STATE OF MAINE
DEPARTMENT OF EDUCATION
23 STATE HOUSE STATION
AUGUSTA, ME 04333-0023

JANET T. MILLS
GOVERNOR

A. PENDER MAKIN
COMMISSIONER

April 26, 2021

Senator Ned Claxton, Co-Chair
Representative Michele Meyer, Co-Chair
Members of the Joint Standing Committee on Health and Human Services

Dear Senator Claxton, Representative Meyer, and Members of the Joint Committee,

LD 1302, Resolve, To Change the Educational Requirements of Certain Behavioral Health Professionals (EMERGENCY), seeks to change the educational requirements for behavioral health professionals (BHP) providing children's home and community-based treatment and school-based program services; by replacing the requirement of a bachelor's degree with a requirement of a minimum of 60 credit hours in a related field, 90 credit hours in an unrelated field combined with a plan for supervision and training or a high school diploma or equivalent with 3 years of experience working in the field combined with a plan for supervision and training. For any public or private school providing school-based BHP services, this bill, if enacted as written, would substantially limit programming options for the students who require this medically necessary service in order to access their education. In addition, LD 1302 as written, conflicts with the Joint Department of Education and State Board of Education Rule Chapter 115 – *The Credentialing of Education Personnel Rule* and the Department of Education Rule Chapter 101 – *Maine Unified Special Education Regulation Birth to Age 20*; which outline the permitted responsibilities and supervision requirements for the three levels of Education Technicians (I, II, and III). Only Education Technician III's are permitted to supervise small groups of students in community-based programs and require indirect supervision for all the duties assigned to them.

Classroom structures for students requiring school-based BHP services typically consist of a Special Education Teacher and a combination of school-based BHP and Education Technicians (of various levels, determined by local schools' administration) determined necessary by students' Individual Education Program and/or Individual Service Plan teams. Currently, Maine school-based BHP (clinical certification) are required to have a bachelor's degree, most closely matching the education expectation for Education Technician III's (education certification). Consequently, staff providing Maine school-based BHP services typically acquire and maintain both BHP and Education Technician III certification, each through their own respective initial and renewal process and timelines.

The Department recognizes the challenge of acquiring and retaining qualified staff for Behavioral Health Professional positions. While the proposed bill, as written, may adequately address staffing shortages for children's home and community-based BHP treatment; it will cripple the capacity for public and private schools to provide quality school-based BHP treatment for students requiring this level of medically necessary service by limiting programming options, requiring direct supervision of all school-based BHP at all times, requiring

a significant reduction in the number of students served, and requiring changes to Chapter 115 rules and Chapter 101 regulations. We respectfully request the Committee consider an amendment to LD 1302, to include a provision for children's school-based BHP treatment conditional certification (requiring 90 credit hours and Education Technician III certification) for applicants meeting some certification requirements, with a plan and timeline to complete the remainder of the certification requirements; similar to the structure currently in place for conditional special education teacher certification.

The Department looks forward to continued conversations regarding LD 1302 and will be happy to answer any questions.

Sincerely,

DocuSigned by:

Erin Frazier

Director, Office of Special Services, Birth to 22

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