

**Chapter 117: RULE REGARDING THE DUTIES OF SCHOOL COUNSELORS  
AND SCHOOL SOCIAL WORKERS**

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**SUMMARY:** Chapter 117 outlines standards for the professional qualifications and duties of school counselors and school social workers; including appropriate roles, and use of time.

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**SECTION 1: POLICY AND PURPOSE**

Pursuant to 20-A MRSA §4008-A, this rule establishes standards for the duties of school counselors and school social workers employed by Maine schools.

**SECTION 2: DEFINITIONS**

- A. **Clinical Practice** is a specialty area which focuses on the assessment, diagnosis, treatment, and prevention of mental illness, emotional, and other behavioral disturbances. Individual, group and family therapy are common treatment modalities. Providers of these services are required to be licensed or certified at the clinical level in the State of Maine.
- B. **Comprehensive School Counseling Program (CSCP)** otherwise known as a comprehensive guidance plan, is designed and implemented by a school counselor through a collaborative effort with families, community stakeholders and other educators, to create an environment resulting in a positive impact on student achievement. A CSCP is required as part of the school approval process and a model CSCP had been approved by the State of Maine Department of Education. *20-A MRSA §4502(5)(H)*
- C. **Direct Services** mean in-person interactions between a school counselor or school social worker and students that are within the scope of the duties of a school counselor or school social worker as established by the department by Section 4(B) and (C) of the rule. *20-A MRSA §4008-A(1)(A)*
- D. **Indirect Services** are provided by a school counselor or school social worker on behalf of students as a result of a school counselor's or school social worker's interactions with the students and others that are within the scope of the duties of a school counselor or school social worker as established by the department by Section 4(B) and (C) of the rule. *20-A MRSA §4008-A(1)(B)*
- E. **Non-Clinical Practice** includes a broad range of support approaches, that do not involve diagnosis and treatment, and are employed to enhance positive educational experiences. These approaches may involve, but are not limited to, work with students, families, school personnel, and community resources.
- F. **Privileged Communication** means A school counselor or school social worker may not be required, except as provided by 20-A MRSA §4008(3), to divulge or release information gathered during a counseling relation with a client or with the parent, guardian or a person or agency having legal custody of a minor client. A counseling relation and the information resulting from it shall be kept confidential consistent with the professional obligations of the counselor or social worker. *20-A MRSA §4008(2)*
- G. School Counselor as defined by 20-A MRSA §4008(1)(B), is a person who is employed as a school counselor, in a school setting and who:
  - 1. Is certified as a school counselor by the department; or

2. Possesses a minimum of a master's degree in an approved program in guidance and counseling.

H. **School Social Worker** as defined by 20-A MRSA §4008(1)(C), is a person who is employed as a school social worker, in a school setting and who:

3. Is licensed as a social worker by the State Board of Social Worker Licensure; or
4. Possesses a bachelor's degree and has been granted a conditional license from the State Board of Social Worker Licensure.

### **SECTION 3: SCHOOL COUNSELORS**

School counselors in Maine are highly educated, professionally certified individuals who help students succeed in school and transition to meet postgraduate goals. The position of school counselor is defined in state statute and included in the Maine Essential Programs and Services funding formula under the “guidance/social work matrix.” An integral part of the total education system, school counselors are specifically prepared and certified to work in schools at the elementary, middle, and high school levels and help all students form healthy goals, mindsets, and behaviors. With the aid of a school counselor, students learn to develop effective collaboration and cooperation skills, to practice perseverance, to develop time management and study skills, and to learn self-motivation and self-direction habits. School counselors are instrumental in furthering the mission of schools to provide a safe, equitable setting for teaching, learning, and for the attainment of competence and confidence.

#### **A. State Certification**

Under the rules of the State Board of Education, Chapter 115(1)(12), professionals who meet eligibility requirements receive 075 School Counselor certification or conditional certification from the Department of Education.

#### **B. Duties**

The list below reflects broad categories of some appropriate duties for school counselors. A school counselor may engage in some, or many of these roles, as determined by the need of the school or school administrative unit. This list is not exhaustive, and should not be limiting to the position:

1. Administer a Comprehensive School Counseling Program;
2. Academic Guidance;
3. Prevention and Intervention Supports;
4. Professional Development and Support;
5. Leadership Team and/or Clinical Team Member;
6. Mental and Behavioral Health Supports;
7. Family and Community Engagement.

#### **C. Use of Time**

Each school counselor shall spend at least 80% of their time providing indirect and direct services on behalf of students. 20-A MRSA §4008-A(2)

### **SECTION 4: SCHOOL SOCIAL WORKERS**

School social work is a specialized area of practice within the broad field of the social work profession. The position of school social worker is defined in state statute and included in the Maine Essential Programs and Services funding formula under the “guidance/social work matrix.” School social workers in Maine bring unique knowledge and skills to the school system and the student services team and enhance the district's ability to meet its academic mission, especially where home, school and community collaboration is the key to achieving student success. School social workers

who are clinically licensed, are highly educated mental health professionals who can assist with mental health concerns, behavioral concerns, positive behavioral support, academic, and classroom support, consultation with teachers, parents, and administrators as well as provide mental health evaluation, assessment, and treatment, including individual, group, and family therapy. School social workers are instrumental in furthering the mission of the schools to provide a safe, equitable setting for teaching, learning, and for the attainment of competence and confidence.

#### **A. Maine State Licensure**

A school social worker is not certified by the Department of Education, but instead is qualified through licensure from the Maine State Board of Social Work Licensure. Under statute 20-A MRSA §4008(1)(C), any Maine state social work license qualifies for a school social work position, however the different types of social work licensure prescribe specific scopes of practice allowed under each license. Social Work licensures generally fall into two basic categories, non-clinical practice, and clinical practice.

#### **B. Duties**

The lists below reflect categories of some appropriate duties for school social workers. A school social worker may engage in some or many of these roles, as determined by the need of the school or school administrative unit and under the scope of their state licensure. This list is not exhaustive and should not be limiting to the position:

##### **1. Non-Clinical School Social Work Duties**

- a. Prevention and Intervention Supports;
- b. Professional Development and Support;
- c. Leadership Team Member;
- d. Family and Community Engagement;
- e. Research and Data Assessment;
- f. Student Case Management.

##### **2. Clinical School Social Work Duties**

- a. All non-clinical duties from Section 4(B)1 above;
- b. Clinical Team Member;
- c. Mental and Behavioral Health Support and Intervention;
- d. Crisis Assessment, Planning, and Intervention;
- e. Mental Health Evaluation and Treatment.

#### **C. Scope of Social Work Practice by State Licensure**

In Maine, the professional practice of social work is prescribed by the level of state license. The scopes of practice listed below are not determined by this rule but are only dictated by the Maine State Board of Social Work Licensure and based on statute.

##### **1. Non-Clinical Social Work Scope of Practice by State Licensure**

###### **a. Licensed Social Worker (LSW) 32 MRSA §7053-A(4)**

Under 32 MRSA §7053-A(4) a LSW may:

- i. Engage in psychosocial evaluation, excluding the diagnosis and treatment of mental illness, and conduct basic data gathering of records and specific life issues of individuals, groups and families, assess this data and formulate and implement a plan to achieve specific goals related to specific life issues;
- ii. Serve as an advocate for clients or groups of clients for the purpose of achieving specific goals relating to specific life issues;
- iii. Refer clients to other professional services;
- iv. Plan, manage, direct or coordinate social services; and
- v. Participate in training and education of social work students from an accredited institution or an educational institution in candidacy for accreditation with the Council on Social Work Education or a successor or other organization approved by the board and supervise other licensed social workers.

**b. Licensed Social Worker, Conditional (LSX)** 32 MRSA §7053-(3) indicates the licensee is completing a required internship period under certain conditions to progress to another level of licensure. A licensee must be licensed at this level while accruing required internship experience. This is an entry level requiring a Bachelor's degree that is sufficiently related to social work or social welfare and a LSX conditional must obtain four hours per month of supervision.

A LSX may:

- i. Conduct basic data gathering of records and specific life issues of individuals, groups, couples and families; assess the above data,
- ii. Formulate and implement a plan to achieve specific goals related to specific life issues;
- iii. Serve as an advocate for clients or groups of clients for the purpose of achieving specific goals relating to specific life issues;
- iv. Refer clients to other professional services;
- v. Plan, manage, direct or coordinate social services.

**c. Licensed Master Social Worker (LMSW)** 32 MRSA §7053-A(1)

Under 32 MRSA §7053-A(1) a LMSW may:

- i. Perform all functions of the LSW License;
- ii. Engage in administration, research, consultation, social planning and teaching related to the functions of social work;
- iii. Engage in non-clinical private practice;
- iv. Provide consultation required by the LSW and LSW Conditional Licenses.

## 2. Clinical Social Work Scope of Practice by State Licensure

**a. Licensed Clinical Social Worker (LCSW)** 32 MRSA §7053-A(2)

Under 32 MRSA §7053-A(2) a LCSW may:

- i. Practice social work in a clinical setting without consultation;
- ii. Engage in psychosocial evaluation, including diagnosis and treatment of mental illness and emotional disorders;
- iii. Engage in clinical private practice of social work;
- iv. Perform all the functions of a licensed master social worker; and
- v. Engage in the clinical consultation of licensed master social workers for the purpose of preparing the licensed master social worker for eventual licensed clinical social workers' status or regular licensure. This includes responsibility for ongoing training and evaluation. The licensed clinical social worker has an obligation to assess the licensed master social worker's competence and ethics and share this assessment with the Board of Social Worker Licensure at the time the licensed master social worker applies for the licensed clinical level.

**b. Licensed Master Social Worker, Conditional Clinical (LMSW-cc)** 32 MRSA §7053-A(1) This license is for Master Social Workers who are engaged in clinical practice who have not yet completed the consultation hours required for LCSW (independent licensure).

A LMSW-cc may:

- i. Perform all functions of the LMSW license;
- ii. Engage in psychosocial evaluation, including diagnosis and treatment of mental illness and emotional disorders, with required consultation;
- iii. Provide clinical consultation to LSWs, Social Work students, other professionals practicing related professions and paraprofessionals engaging in related activities;
- iv. A LMSW-cc must receive four (4) hours a month of consultation (no more than 25% in a group setting) by a LCSW while practicing social work in a

clinical setting. A LMSW-cc may not engage in private clinical practice unless permitted under 32 MRSA§7053(1).

**D. Use of Time**

Each school social worker shall spend at least 80% of their time providing indirect and direct services on behalf of students. *20-A MRSA §4008-A(2)*

STATUTORY AUTHORITY:

Title 20-A MRSA §4008-A(3)

EFFECTIVE DATE: