

Honolulu, Hawaii

MAR 03 2017

RE: S.B. No. 224  
S.D. 2

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Ninth State Legislature  
Regular Session of 2017  
State of Hawaii

Sir:

Your Committee on Commerce, Consumer Protection, and Health, to which was referred S.B. No. 224, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO PSYCHOLOGY,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Establish licensure and registration requirements for school psychologists, to be administered by the Board of Psychology; and
- (2) Amend the composition of the Board of Psychology to include two school psychologists.

Your Committee received testimony in support of this measure from the Hawai'i Association of School Psychologists, Hawaii Children's Action Network, and one individual. Your Committee received comments on this measure from the Department of Education, Regulated Industries Complaints Office of the Department of Commerce and Consumer Affairs, Professional and Vocational Licensing Division of the Department of Commerce and Consumer Affairs, Board of Psychology, and Hawai'i Psychological Association.

Your Committee finds that school psychologists are uniquely qualified members of school teams who support students' ability to



learn and teachers' ability to teach. School psychologists apply expertise in mental health, learning, and behavior to help children and youth succeed academically, socially, behaviorally, and emotionally. Your Committee further finds that existing law requires anyone engaged in the practice of psychology to meet specific education and training requirements and be licensed. However, school psychologists are currently exempt from licensure requirements when practicing in an educational setting.

Your Committee notes that Hawaii is the only state in the country that does not require licensing of school psychologists. Your Committee additionally finds that the exemption from licensure for school psychologists has allowed individuals who do not have graduate-level training in school psychology, or who do not meet the nationally accepted certification standard, to practice psychology within educational settings. Without appropriate licensing, the State cannot ensure that school psychologists are properly qualified and delivering appropriate services.

Your Committee also finds that school psychologists receive additional and extensive training in cognitive, academic, social and emotional, behavioral, and adaptive assessment practices. When unqualified or inadequately trained persons provide these services, students are not being fairly assessed, which can result in inaccurate results. Licensing school psychologists will ensure the delivery of quality service to students and the community. Furthermore, your Committee notes that school psychologists have the experience and training to provide applied behavior analysis, but without proper credentials, they are not yet able to deliver these services in a school setting.

Because Hawaii lags behind every other state in the country regarding the licensure of school psychologists, your Committee is not convinced that a sunrise review is necessary or appropriate. Rather, your Committee finds that it is in the best interest of consumers and the State to subject school psychologists and the practice of school psychology to regulation and control, which will protect the public from the unqualified practice of school psychology and from unprofessional conduct by persons licensed to practice school psychology.

Your Committee has amended this measure by:



- (1) Specifying the legislative findings and declaration of necessity for the licensing of school psychologists;
- (2) Clarifying the definition of "school psychologist";
- (3) Specifying that notwithstanding any other law, school psychologists in the State shall be licensed and regulated by the Board of Psychology;
- (4) Clarifying that an applicant for licensure as a school psychologist must have a specialist-level degree or doctoral degree in school psychology within an accredited educational institution comprising a minimum of sixty semester hours consistent with the National Association of School Psychologists' standards for graduate preparation of school psychologists;
- (5) Requiring applicants for licensure and licensure renewal to pay an unspecified license fee and compliance resolution fund fee;
- (6) Clarifying that school psychologist licenses shall be valid for two years;
- (7) Requiring school psychologists to meet continuing education requirements of an unspecified number of credit hours, as provided in Board rules;
- (8) Specifying that services delivered by a school psychologist are articulated under the National Association for School Psychologists' Model for Comprehensive and Integrated School Psychological Services, which represents the official policy regarding the delivery of school psychological services and the ethical standards developed and published by the National Association of School Psychologists;
- (9) Specifying that beginning on July 1, 2019, persons must have a license to practice school psychology in Hawaii;
- (10) Clarifying titles that may be used by school psychologists and students in an accredited school



psychology program and deleting the requirement for biennial registration of name and business address;

- (11) Clarifying that the fine for violating the licensure requirements for school psychologists and the practice of school psychology shall be no more than \$1,000 for each separate offense;
- (12) Specifying the grounds for refusal to renew, reinstate, or restore a license and for denial, revocation, suspension, or condition of a license;
- (13) Specifying that the fines for violating certain acts or conditions on the part of a licensee or licensee applicant may be no less than \$100 and no more than \$1,000;
- (14) Removing school psychologists from those persons exempt from the licensing requirements of chapter 465, Hawaii Revised Statutes;
- (15) Specifying that the regulatory system for school psychologists established by this measure shall be repealed on June 30, 2025;
- (16) Inserting a severability clause;
- (17) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (18) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 224, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 224, S.D. 2.



Respectfully submitted on  
behalf of the members of the  
Committee on Commerce, Consumer  
Protection, and Health,

*Rosalyn H. Baker*

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ROSALYN H. BAKER, Chair



The Senate  
Twenty-Ninth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Commerce, Consumer Protection, and Health**  
**CPH**

| Bill / Resolution No.:  | Committee Referral:   | Date:                                 |                     |          |
|---|---|---------------------------------------|---------------------|----------|
| SB 224, SDI   | EDU, CPH  | 2/28/17                               |                     |          |
| <input type="checkbox"/> The Committee is reconsidering its previous decision on this measure.<br>If so, then the previous decision was to: _____ |   |                                       |                     |          |
| The Recommendation is:  |   |                                       |                     |          |
| <input type="checkbox"/> Pass, unamended<br>2312  | <input checked="" type="checkbox"/> Pass, with amendments<br>2311 | <input type="checkbox"/> Hold<br>2310 |                     |          |
| <input type="checkbox"/> Recommit<br>2313   |   |                                       |                     |          |
| Members   | Aye   | Aye (WR)                              | Nay                 | Excused  |
| BAKER, Rosalyn H. (C)   | /   |                                       |                     |          |
| NISHIHARA, Clarence K. (VC)   | /   |                                       |                     |          |
| CHANG, Stanley  | /   |                                       |                     |          |
| ESPERO, Will  | /   |                                       |                     |          |
| IHARA, Jr., Les   | /   |                                       |                     |          |
| KIDANI, Michelle N.   | /   |                                       |                     |          |
| RUDERMAN, Russell E.  |   |                                       |                     | /        |
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| <b>TOTAL</b>  | <b>6</b>  |                                       |                     | <b>1</b> |
| Recommendation:   |   |                                       |                     |          |
| <input checked="" type="checkbox"/> Adopted   |   | <input type="checkbox"/> Not Adopted  |                     |          |
| Chair's or Designee's Signature:  |   |                                       |                     |          |
| <i>Clarence K. Nishihara</i>  |   |                                       |                     |          |
| Distribution:   |   |                                       |                     |          |
| Original  | Yellow  | Pink                                  | Goldenrod           |          |
| File with Committee Report  | Clerk's Office  | Drafting Agency                       | Committee File Copy |          |

\*Only one measure per Record of Votes