

STAND. COM. REP. NO. 1010

Honolulu, Hawaii

MAR 01 2019

RE: S.B. No. 341
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committee on Commerce, Consumer Protection, and Health,
to which was referred S.B. No. 341, S.D. 1, entitled:

"A BILL FOR AN ACT RELATED TO THE PRACTICE OF BEHAVIOR
ANALYSIS,"

begs leave to report as follows:

The purpose and intent of this measure is to make exemptions
from the behavior analyst licensing requirements permanent for
certain teachers working in direct collaboration with, and direct
support workers working under the supervision of, a licensed
behavior analyst or licensed psychologist.

Your Committee received testimony in support of this measure
from the Department of Education, Hawai'i Psychological
Association, Hawaii State Teachers Association, O'ahu County
Committee on Legislative Priorities of the Democratic Party of
Hawai'i, Alaka'i Na Keiki, and two individuals. Your Committee
received testimony in opposition to this measure from the Hawaii
Disability Rights Center. Your Committee received comments on
this measure from the University of Hawai'i System and Hawai'i
Association for Behavior Analysis.

Your Committee finds that many students enrolled in public
schools would benefit from the expansion of behavior analysis
services throughout Hawaii's public school system. However, under
existing law, there is a deadline after which teachers will no



longer be allowed to implement these services. This measure ensures that teachers will be able to continue to implement these services in direct collaboration with a licensed behavioral analyst or licensed psychologist.

Your Committee has heard the concerns raised by the Hawai'i Association for Behavior Analysis that this measure may enable a further implementation delay of required licensure for direct support workers. Amendments are therefore necessary to ensure the Department of Education moves forward in implementing licensure for direct support workers who directly implement applied behavior analysis services. Your Committee has additionally heard the testimony from the University of Hawai'i System expressing concern that this measure restricts the practice of certain licensed special education teachers and students seeking licensure that are enrolled in an accredited special education teacher preparation program and may prevent the University of Hawai'i's College of Education from fully implementing its special education teacher preparation program.

Accordingly, your Committee has amended this measure by:

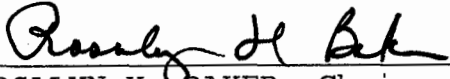
- (1) Clarifying that the licensure exemption for credentialed registered behavior technicians applies to those under the direction of a licensed behavior analyst or licensed psychologist;
- (2) Deleting language that exempted from licensure a direct support worker who directly implements an applied behavior analysis program under the supervision of a licensed behavior analyst or licensed psychologist;
- (3) Inserting a licensure exemption for licensed special education teachers with specific training and practice and individuals working toward licensure as special education teachers who are enrolled in a state-approved and nationally-accredited special education teacher preparation program that includes training in behavior analysis assessment and interventions;
- (4) Inserting an effective date of July 1, 2050, to encourage further discussion; and



- (5) 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. 341, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 341, S.D. 2.

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




ROSALYN H. BAKER, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

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

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 341, SD 1	EDU, CPH	2/26/19		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	✓			
CHANG, Stanley (VC)	✓			
KEOHOKALOLE, Jarrett	✓			
NISHIHARA, Clarence K.	✓			
RUDERMAN, Russell E.				✓
THIELEN, Laura H.	✓			
FEVELLA, Kurt	✓			
TOTAL	6			1
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

*Only one measure per Record of Votes