A BILL FOR AN ACT

RELATING TO SCHOOL PSYCHOLOGISTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The legislature finds that school psychologists provide effective services to help children and youth succeed academically, socially, behaviorally, and emotionally by providing direct educational and mental health services for children and youth, as well as working with parents, educators, and other professionals to create supportive learning and social environments for all children.

Currently, Hawaii is the only state without certification of licensure for school psychologists. Without orderly licensing, the State cannot ensure that functioning school psychologists are properly qualified and delivering appropriate services. In addition, the State's failure to properly license school psychologists means that by law the State is unable to seek warranted reimbursements from the federal medicaid program for the use of school psychologists in an educational setting. Consequently, it is necessary to establish a licensure program to ensure the employment of qualified school psychologists and
to allow schools utilizing school psychologists to properly seek available federal medicaid funds.

Additionally, the present licensing statute for psychologists, pursuant to section 465-3(a)(3), Hawaii Revised Statutes, does not apply to school psychologists in the public sector, while school psychologists in the private sector are subject to licensure. This inconsistency may cause confusion and unfairness within the profession. Because the State does not have certification of licensure for school psychologists, it is important to specify the conditions in which a school psychologist is exempt from licensure under chapter 465, Hawaii Revised Statutes, to prevent potentially causing harm to students and others and to be fair and consistent for persons within the profession.

Accordingly, the purpose of this Act is to:

(1) Establish the licensure of school psychologists to ensure the continued delivery of quality service to students and the community; and

(2) Specify that school psychologists who are employed by an educational institution and practice only within a
school setting shall be exempt from licensure under chapter 465, Hawaii Revised Statutes.

SECTION 2. Chapter 302A, part III, subpart D Hawaii Revised Statutes, is amended by adding three new sections to be appropriately designated and to read as follows:

§302A-A School psychologists; license required;

description of services. (a) No person shall represent, announce, or advertise oneself, publicly or privately, as a school psychologist or affix any other words, letters, abbreviations, or insignia to the person's name indicating or implying that the person is engaged in the practice of school psychology, without having first obtained a license as provided under sections 302A-B or 302A-C.

(b) A person licensed as a school psychologist shall be authorize to perform the following duties:

(1) Provide services that enhance academic performance;
(2) Design strategies and programs to address problems of adjustment;
(3) Consult with other educators and parents on issues of social development and behavioral and academic difficulties;
(4) Conduct psycho-educational assessment for purposes of identifying special needs;

(5) Provide psychological counseling for individuals, groups, and families; and

(6) Coordinate intervention strategies for management of individuals and school-wide crises.

(c) Before any applicant shall be eligible for a license under sections 302A-B or 302A-C, the applicant shall file an application in a form as shall be prescribed by the board and pay to the board an application fee and all other applicable fees.

§302A-B Initial school psychologist license; qualifications. (a) Upon filing a correct and complete application in form and manner prescribed by the board, a qualified applicant may be granted an initial school psychologist license. The initial school psychologist license shall be issued for three years plus time to the applicant's birthday.

(b) The initial school psychologist license shall be valid for:

(1) School psychology at all age and grade levels;
(2) Substitute counseling at any level; and

(3) Substitute teaching at any level in any specialty.

(c) To be eligible for an initial school psychologist license, an applicant shall satisfy all of the following requirements:

(1) Have a master's degree or higher in the behavioral sciences or their derivative therapeutic professions from an accredited institution in the United States, or the foreign equivalent of such a degree approved by the board;

(2) Complete in the State or another jurisdiction of the United States, as part of the master's degree or separately, an initial graduate program in school psychology at an institution approved for psychologist education by the board; or obtain certification from the National Association of School Psychologists;

(3) Obtain a passing score on a board-approved test of knowledge of United States and Hawaii civil rights laws and professional ethics; and

(4) Furnish fingerprints in the manner prescribed by the board and provide satisfactory responses to the...
character questions contained in the board's licensure application.

§302A-C Continuing school psychologist license qualifications. (a) Upon filing a correct and complete application in form and manner prescribed by the board, a qualified applicant may be granted a continuing school psychologist license. The continuing school psychologist license shall be issued for five years and be renewable repeatedly under conditions pursuant to this section.

(b) The continuing school psychologist license shall be valid for:

(1) School psychology at all age or grade levels;
(2) Substitute counseling at any level; and
(3) Substitute teaching at any level in any specialty.

(c) To be eligible for a continuing school psychologist license, an applicant shall satisfy all of the following requirements:

(1) Meet and complete all of the requirements for the initial school psychologist license under section 302A-B;
(2) Hold a master's or higher degree in the behavioral sciences or their derivative therapeutic professions from an accredited institution in the United States, or hold the foreign equivalent of such degree approved by the board;

(3) Have five years of school psychology experience at least half-time or more on any non-provisional license appropriate for the assignment; and

(4) Demonstrate minimum competencies, knowledge, and skills by fulfilling one of the following:

(A) Completing an advanced program in psychologist competencies consisting of at least six semester hours or nine quarter hours of graduate credit or the equivalent;

(B) Validation of all advanced psychology competencies through assessment by a board-approved professional development program offered by an institution, employer, or a combination of both working together;
(C) Obtaining a current National School Psychology Certificate awarded by the National Association of School Psychologists; or

(D) Having an accredited doctor's degree in educational, clinical, or counseling psychology."

SECTION 3. Section 465-3, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) This chapter shall not apply to:

(1) Any person teaching, lecturing, consulting, or engaging in research in psychology insofar as the activities are performed as part of or are dependent upon employment in a college or university; provided that the person shall not engage in the practice of psychology outside the responsibilities of the person's employment;

(2) Any person who performs any, or any combination of the professional services defined as the practice of psychology under the direction of a licensed psychologist in accordance with rules adopted by the board; provided that the person may use the term "psychological assistant", but shall not identify the
person's self as a psychologist or imply that the person is licensed to practice psychology;

(3) Any person employed by [a]:

(A) A local, state, or federal government agency in a school psychologist or psychological examiner position, or a position that does not involve diagnostic or treatment services, but only at those times when that person is carrying out the functions of such government employment; provided that for a person employed as a school psychologist under this subparagraph, the person is an employee of an educational institution and practices only within a school setting; or

(B) An educational institution, including a private or sectarian educational institution, in a school psychologist position and practices only within a school setting;

(4) Any person who is a student of psychology, a psychological intern, or a resident in psychology preparing for the profession of psychology under supervision in a training institution or facility and
who is designated by a title as "psychology trainee", "psychology student", "psychology intern", or "psychology resident", that indicates the person's training status; provided that the person shall not identify the person's self as a psychologist or imply that the person is licensed to practice psychology;

(5) Any person who is a member of another profession licensed under the laws of this jurisdiction to render or advertise services, including psychotherapy, within the scope of practice as defined in the statutes or rules regulating the person's professional practice; provided that, notwithstanding section 465-1, the person does not represent the person's self to be a psychologist or does not represent that the person is licensed to practice psychology;

(6) Any person who is a member of a mental health profession not requiring licensure; provided that the person functions only within the person's professional capacities; and provided further that the person does not represent the person to be a psychologist, or the person's services as psychological;
(7) Any person who is a duly recognized member of the clergy; provided that the person functions only within the person's capacities as a member of the clergy; and provided further that the person does not represent the person to be a psychologist, or the person's services as psychological;

(8) Any psychologist employed by the United States Department of Defense, while engaged in the discharge of the psychologist's official duty and providing direct telehealth support or services, as defined in section 431:10A-116.3, to neighbor island beneficiaries within a Hawaii National Guard armory on the island of Kauai, Hawaii, Molokai, or Maui; provided that the psychologist employed by the United States Department of Defense is credentialed by Tripler Army Medical Center; or

(9) Any supervisee of a licensed psychologist as defined in section 465D-7."

SECTION 4. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.
SECTION 5. In codifying the new sections added by section 2 of this Act, the revisor of statutes shall substitute appropriate section numbers for the letters used in designating the new sections in this Act.

SECTION 6. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 7. This Act shall take effect upon its approval.
Report Title:
School Psychologist; Licensure; School Setting; Hawaii Teacher Standards Board

Description:
Establishes licensure requirements for school psychologists to be administered by the Hawaii teacher standards board. Specifies that school psychologists who are employed by an educational institution and practice only within a school setting shall be exempt from licensure under chapter 465.

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