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 in alignment with the National Association of School Psychologists standards to ensure the continued delivery of quality service to students and the community;
(2) Specify that persons licensed as school psychologists shall not engage in private practice;

(3) 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;

(4) Amend the name of the Hawaii teacher standards board to the Hawaii teacher standards and school psychologists board;

(5) Amend the composition of the Hawaii teacher standards and school psychologists board to include two school psychologists; and

(6) Require a report to the legislature.

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

§302A—School psychologists; license required. (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 in the manner prescribed by the Hawaii teacher standards and school psychologists board consistent with the national standards articulated by the most current Model for Comprehensive and Integrated School Psychological Services, as published by the National Association of School Psychologists, or its successor organization, in a school setting.

(b) Before any applicant shall be eligible for a license, the applicant shall file an application in a form prescribed by the board and pay to the board an application fee and all other applicable fees.

(c) A person licensed as a school psychologist pursuant to this section shall practice only within a school setting and shall not engage in private practice."

SECTION 3. Chapter 302A, part III, subpart D, Hawaii Revised Statutes, is amended by amending its title to read as follows:

"D. Hawaii Teacher Standards and School Psychologists Board"
SECTION 4. Section 302A-801, Hawaii Revised Statutes, is amended by amending its title and subsection (a) to read as follows:

"§302A-801 Hawaii teacher standards and school psychologists board established. (a) There is established the Hawaii teacher standards and school psychologists board, which shall be placed within the department for administrative purposes only. The board shall consist of nineteen members, including not less than six licensed teachers regularly engaged in teaching at the time of the appointment, three educational officers employed at the time of the appointment, the chairperson of the board of education or the chairperson's designee, the superintendent or the superintendent's designee, a representative of independent schools, the dean of the University of Hawaii college of education or the dean's designee, [and] the chairperson of the Native Hawaiian Education Council or the chairperson's designee[+], two school psychologists, and two members of the public; provided that one teacher member shall be engaged in teaching at a Hawaii public charter school at the time of appointment and the dean's designee shall be chosen from the member institutions of the
teacher education coordinating committee established under section 304A-1202[, and two members of the public]. A non-voting teacher candidate from a Hawaii educator preparation program at a public institution of higher education on a rotating basis shall be appointed by the chairperson of the teacher education coordinating committee to serve a one-year term."

SECTION 5. 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 7. The Hawaii teacher standards and school psychologists board shall submit a report to the legislature, regarding licensure of school psychologists, as established by section 2 of this Act, no later than twenty days prior to the convening of the regular session of 2022.

SECTION 8. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 9. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 10. This Act shall take effect on July 1, 2052, and shall be repealed on July 1, 2026; provided that the title of chapter 302A, part III, subpart D, and sections 302A-801, 465-3, 302A-101, 302A-501, 302A-602, 302A-602.5, 302A-702, 302A-
803, 302A-806, 302A-808, 302D-26, 304A-701, 304A-1201, 304A-1202, 315-2, and 315-3, Hawaii Revised Statutes, shall be reenacted in the form in which they read on the day before the effective date of this Act.
Report Title:
School Psychologist; Licensure; Hawaii Teacher Standards and School Psychologists Board

Description:
Establishes licensure requirements for school psychologists to be administered by the Hawaii teacher standards board. Prohibits private practice by school psychologists. Amends the name of the Hawaii teacher standards board to the Hawaii teacher standards and school psychologists board and amends the board's composition to include two school psychologists. 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, Hawaii Revised Statutes. Requires the board to report to legislature. Sunsets 7/1/2026. (SB818 HD1)

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