

STAND. COM. REP. NO.

2264

Honolulu, Hawaii

FEB 18 2016

RE: S.B. No. 1311

S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committees on Education and Commerce, Consumer Protection, and Health, to which was referred S.B. No. 1311 entitled:

"A BILL FOR AN ACT RELATING TO EDUCATION,"

beg leave to report as follows:

The purpose and intent of this measure is to support the Hawaii Keiki: Healthy and Ready to Learn program by appropriating funds for the program.

Prior to the hearing on this measure, your Committees made available for public review a proposed S.D. 1 of this measure. The proposed S.D. 1 deleted the contents of this measure and inserted provisions allowing an individual of a school-based profession to engage in the practice of behavior analysis without being licensed as a behavior analyst; provided that the unlicensed individual does not use the title or description to state or imply that the individual is a licensed behavior analyst.

Your Committees received testimony in support of the proposed S.D. 1 from the Department of Education. Your Committees received testimony in opposition to the proposed S.D. 1 from the State Council on Developmental Disabilities; Hawaii Association for Behavior Analysis; Hawaii Association of School Psychologists; Wolff Behavioral Services, LLC; Hawaii School Counselor Association; Autism Behavior Consulting Group, Inc.; Hawaii State Teachers Association; Autism Society of Hawaii; Keiki Educational Consultants; and numerous individuals.

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Your Committees find that teachers and other Department of Education personnel must employ a wide range of strategies in the course of their regular duties to effectively instruct students and create an environment conducive to learning. Some of these strategies employ principles and techniques that fall inside the practice of behavior analysis. If teachers are required to be licensed as behavior analysts before they employ these techniques, they will be hindered in their ability to provide educational services to their students. However, your Committees note that teachers who are not licensed as behavior analysts are not equipped to provide the same services as a licensed behavior analyst, especially with regard to students with special needs. For that reason, the use of behavior analysis techniques by teachers who are not licensed as behavior analysts should be limited to the course of their recognized scopes of practice.

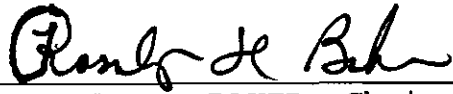
Your Committees have amended this measure by adopting the proposed S.D. 1 and further amending it by:

- (1) Inserting language to clarify that the licensing of behavior analysts is not intended to restrict the practice of other licensed or credentialed educational practitioners practicing within their own recognized scopes of practice, rather than specifically exempting school-based professionals from required behavior analyst licensing; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

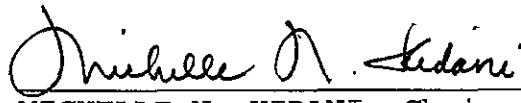
As affirmed by the records of votes of the members of your Committees on Education and Commerce, Consumer Protection, and Health that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1311, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1311, S.D. 1, and be referred to your Committee on Ways and Means.



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



ROSALYN H. BAKER, Chair



MICHELLE N. KIDANI, Chair



