

STAND. COM. REP. NO.

126

Honolulu, Hawaii

FEB 08 2019

RE: S.B. No. 341
S.D. 1

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

Sir:

Your Committee on Education, to which was referred S.B. No. 341 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 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, Hawaii State Teachers Association, Hawai'i Association for Behavior Analysis, Hawai'i Psychological Association, Autism Behavior Consulting Group Hawaii, Together For Our Keiki, and six individuals. Your Committee received testimony in opposition to this measure from the Hawaii Disability Rights Center and two individuals. Your Committee received comments on this measure from the University of Hawai'i System.

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. Specifically, students benefit when a teacher is allowed to implement applied



behavior analysis services in collaboration with a licensed behavior analyst or licensed psychologist. 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 collaboration with, or under the direct supervision of, a licensed behavior analyst or licensed psychologist.

Your Committee has heard the testimony of the Hawai'i Association for Behavior Analysis expressing concerns relating to the use of the phrase "direct supervision" and other provisions relating to the direct supervision of licensed behavior analysts. Your Committee finds that these issues raise concerns that merit further consideration and request that your Committee on Commerce, Consumer Protection, and Health further examine the issues and concerns raised by the testifiers on this measure.

Your Committee has amended this measure by 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 Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 341, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 341, S.D. 1, and be referred to your Committee on Commerce, Consumer Protection, and Health.

Respectfully submitted on
behalf of the members of the
Committee on Education,



MICHELLE N. KIDANI, Chair



