

JAN 18 2019

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# A BILL FOR AN ACT

RELATING TO SCHOOL PSYCHOLOGISTS.

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

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

8           Currently, Hawaii is the only state without certification  
9 of licensure for school psychologists. Without orderly  
10 licensing, the State cannot ensure that functioning school  
11 psychologists are properly qualified and delivering appropriate  
12 services. In addition, the State's failure to properly license  
13 school psychologists means that by law the State is unable to  
14 seek warranted reimbursements from the federal medicaid program  
15 for the use of school psychologists in an educational setting.  
16 Consequently, it is necessary to establish a licensure program  
17 to ensure the employment of qualified school psychologists and



1 to allow schools utilizing school psychologists to properly seek  
2 available federal medicaid funds.

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

15       Accordingly, the purpose of this Act is to:

- 16       (1) Establish the licensure of school psychologists to  
17       ensure the continued delivery of quality service to  
18       students and the community; and  
19       (2) Specify that school psychologists who are employed by  
20       an educational institution and practice only within a



1 school setting shall be exempt from licensure under  
2 chapter 465, Hawaii Revised Statutes.

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

6 "§302A-A School psychologists; license required;  
7 description of services. (a) No person shall represent,  
8 announce, or advertise oneself, publicly or privately, as a  
9 school psychologist or affix any other words, letters,  
10 abbreviations, or insignia to the person's name indicating or  
11 implying that the person is engaged in the practice of school  
12 psychology, without having first obtained a license as provided  
13 under sections 302A-B or 302A-C.

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

- 16 (1) Provide services that enhance academic performance;  
17 (2) Design strategies and programs to address problems of  
18 adjustment;  
19 (3) Consult with other educators and parents on issues of  
20 social development and behavioral and academic  
21 difficulties;



- 1        (4) Conduct psycho-educational assessment for purposes of
- 2            identifying special needs;
- 3        (5) Provide psychological counseling for individuals,
- 4            groups, and families; and
- 5        (6) Coordinate intervention strategies for management of
- 6            individuals and school-wide crises.

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

12        **§302A-B Initial school psychologist license;**  
13 **qualifications.** (a) Upon filing a correct and complete  
14 application in form and manner prescribed by the board, a  
15 qualified applicant may be granted an initial school  
16 psychologist license. The initial school psychologist license  
17 shall be issued for three years plus time to the applicant's  
18 birthday.

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

- 21        (1) School psychology at all age and grade levels;



- 1        (2) Substitute counseling at any level; and
- 2        (3) Substitute teaching at any level in any specialty.

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

- 6        (1) Have a master's degree or higher in the behavioral  
7        sciences or their derivative therapeutic professions  
8        from an accredited institution in the United States,  
9        or the foreign equivalent of such a degree approved by  
10       the board;
- 11       (2) Complete in the State or another jurisdiction of the  
12       United States, as part of the master's degree or  
13       separately, an initial graduate program in school  
14       psychology at an institution approved for psychologist  
15       education by the board; or obtain certification from  
16       the National Association of School Psychologists;
- 17       (3) Obtain a passing score on a board-approved test of  
18       knowledge of United States and Hawaii civil rights  
19       laws and professional ethics; and
- 20       (4) Furnish fingerprints in the manner prescribed by the  
21       board and provide satisfactory responses to the



1           character questions contained in the board's licensure  
2           application.

3           §302A-C Continuing school psychologist license;  
4 qualifications. (a) Upon filing a correct and complete  
5 application in form and manner prescribed by the board, a  
6 qualified applicant may be granted a continuing school  
7 psychologist license. The continuing school psychologist  
8 license shall be issued for five years and be renewable  
9 repeatedly under conditions pursuant to this section.

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

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

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

- 18          (1) Meet and complete all of the requirements for the  
19           initial school psychologist license under section  
20           302A-B;



- 1        (2) Hold a master's or higher degree in the behavioral  
2        sciences or their derivative therapeutic professions  
3        from an accredited institution in the United States,  
4        or hold the foreign equivalent of such degree approved  
5        by the board;
- 6        (3) Have five years of school psychology experience at  
7        least half-time or more on any non-provisional license  
8        appropriate for the assignment; and
- 9        (4) Demonstrate minimum competencies, knowledge, and  
10       skills by fulfilling one of the following:
- 11       (A) Completing an advanced program in psychologist  
12       competencies consisting of at least six semester  
13       hours or nine quarter hours of graduate credit or  
14       the equivalent;
- 15       (B) Validation of all advanced psychology  
16       competencies through assessment by a board-  
17       approved professional development program offered  
18       by an institution, employer, or a combination of  
19       both working together;



1           (C) Obtaining a current National School Psychology  
2           Certificate awarded by the National Association  
3           of School Psychologists; or

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

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

8           "(a) This chapter shall not apply to:

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

16           (2) Any person who performs any, or any combination of the  
17           professional services defined as the practice of  
18           psychology under the direction of a licensed  
19           psychologist in accordance with rules adopted by the  
20           board; provided that the person may use the term  
21           "psychological assistant", but shall not identify the





1 person's self as a psychologist or imply that the  
2 person is licensed to practice psychology;

3 (3) Any person employed by [a]:

4 (A) A local, state, or federal government agency in a  
5 school psychologist or psychological examiner  
6 position, or a position that does not involve  
7 diagnostic or treatment services, but only at  
8 those times when that person is carrying out the  
9 functions of such government employment; provided  
10 that for a person employed as a school

11 psychologist under this subparagraph, the person  
12 is an employee of an educational institution and  
13 practices only within a school setting; or

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

18 (4) Any person who is a student of psychology, a  
19 psychological intern, or a resident in psychology  
20 preparing for the profession of psychology under  
21 supervision in a training institution or facility and



1 who is designated by a title as "psychology trainee",  
2 "psychology student", "psychology intern", or  
3 "psychology resident", that indicates the person's  
4 training status; provided that the person shall not  
5 identify the person's self as a psychologist or imply  
6 that the person is licensed to practice psychology;

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

16 (6) Any person who is a member of a mental health  
17 profession not requiring licensure; provided that the  
18 person functions only within the person's professional  
19 capacities; and provided further that the person does  
20 not represent the person to be a psychologist, or the  
21 person's services as psychological;



1 (7) Any person who is a duly recognized member of the  
2 clergy; provided that the person functions only within  
3 the person's capacities as a member of the clergy; and  
4 provided further that the person does not represent  
5 the person to be a psychologist, or the person's  
6 services as psychological;

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

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

19 SECTION 4. This Act does not affect rights and duties that  
20 matured, penalties that were incurred, and proceedings that were  
21 begun before its effective date.



# S.B. NO. 818

1 SECTION 5. In codifying the new sections added by section  
2 2 of this Act, the revisor of statutes shall substitute  
3 appropriate section numbers for the letters used in designating  
4 the new sections in this Act.

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

7 SECTION 7. This Act shall take effect upon its approval.  
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INTRODUCED BY:

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# S.B. NO. 818

**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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