
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 in
17 alignment with the National Association of School
18 Psychologists standards to ensure the continued
19 delivery of quality service to students and the
20 community;



- 1 (2) Specify that persons licensed as school psychologists
- 2 shall not engage in private practice;
- 3 (3) Specify that school psychologists who are employed by
- 4 an educational institution and practice only within a
- 5 school setting shall be exempt from licensure under
- 6 chapter 465, Hawaii Revised Statutes;
- 7 (4) Amend the name of the Hawaii teacher standards board
- 8 to the Hawaii teacher standards and school
- 9 psychologists board;
- 10 (5) Amend the composition of the Hawaii teacher standards
- 11 board to include two school psychologists; and
- 12 (6) Require a report to the legislature.

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

16 "§302A- School psychologists; license required. (a) No
17 person shall represent, announce, or advertise oneself, publicly
18 or privately, as a school psychologist or affix any other words,
19 letters, abbreviations, or insignia to the person's name
20 indicating or implying that the person is engaged in the
21 practice of school psychology, without having first obtained a



1 license in the manner prescribed by the Hawaii teacher standards
2 and school psychologists board consistent with the national
3 standards articulated by the most current Model for
4 Comprehensive and Integrated School Psychological Services, as
5 published by the National Association of School Psychologists,
6 or its successor organization, in a school setting.

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

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

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

17 "D. Hawaii Teacher Standards and School Psychologists
18 Board"

19 SECTION 4. Section 302A-801, Hawaii Revised Statutes, is
20 amended by amending subsection (a) to read as follows:



1 "(a) There is established the Hawaii teacher standards and
2 school psychologists board, which shall be placed within the
3 department for administrative purposes only. The board shall
4 consist of [~~seventeen~~] nineteen members, including not less than
5 six licensed teachers regularly engaged in teaching at the time
6 of the appointment, three educational officers employed at the
7 time of the appointment, the chairperson of the board of
8 education or the chairperson's designee, the superintendent or
9 the superintendent's designee, a representative of independent
10 schools, the dean of the University of Hawaii college of
11 education or the dean's designee, [~~and~~] the chairperson of the
12 Native Hawaiian Education Council or the chairperson's
13 designee[~~+~~], two school psychologists, and two members of the
14 public; provided that one teacher member shall be engaged in
15 teaching at a Hawaii public charter school at the time of
16 appointment and the dean's designee shall be chosen from the
17 member institutions of the teacher education coordinating
18 committee established under section 304A-1202 [~~, and two members~~
19 ~~of the public~~]. A non-voting teacher candidate from a Hawaii
20 educator preparation program at a public institution of higher
21 education on a rotating basis shall be appointed by the



1 chairperson of the teacher education coordinating committee to
2 serve a one-year term."

3 SECTION 5. Section 465-3, Hawaii Revised Statutes, is
4 amended by amending subsection (a) to read as follows:

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

- 6 (1) Any person teaching, lecturing, consulting, or
7 engaging in research in psychology insofar as the
8 activities are performed as part of or are dependent
9 upon employment in a college or university; provided
10 that the person shall not engage in the practice of
11 psychology outside the responsibilities of the
12 person's employment;
- 13 (2) Any person who performs any, or any combination of the
14 professional services defined as the practice of
15 psychology under the direction of a licensed
16 psychologist in accordance with rules adopted by the
17 board; provided that the person may use the term
18 "psychological assistant", but shall not identify the
19 person's self as a psychologist or imply that the
20 person is licensed to practice psychology;
- 21 (3) Any person employed by [a]:



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

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

15 (4) Any person who is a student of psychology, a
16 psychological intern, or a resident in psychology
17 preparing for the profession of psychology under
18 supervision in a training institution or facility and
19 who is designated by a title as "psychology trainee",
20 "psychology student", "psychology intern", or
21 "psychology resident", that indicates the person's



1 training status; provided that the person shall not
2 identify the person's self as a psychologist or imply
3 that the person is licensed to practice psychology;

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

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

19 (7) Any person who is a duly recognized member of the
20 clergy; provided that the person functions only within
21 the person's capacities as a member of the clergy; and



1 provided further that the person does not represent
2 the person to be a psychologist, or the person's
3 services as psychological;

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

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

16 SECTION 6. Sections 302A-101, 302A-501, 302A-602, 302A-
17 602.5, 302A-702, 302A-803, 302A-806, 302A-808, 302D-26, 304A-
18 701, 304A-1201, 304A-1202, 315-2, and 315-3, Hawaii Revised
19 Statutes, are amended by substituting the term "Hawaii teacher
20 standards and school psychologists board" wherever the term



1 "Hawaii teacher standards board" appears, as the context
2 requires.

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

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

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

13 SECTION 10. This Act shall take effect on July 1, 2050,
14 and shall be repealed on July 1, 2026; provided that the title
15 of chapter 302A, part III, subpart D, and sections 302A-801,
16 465-3, 302A-101, 302A-501, 302A-602, 302A-602.5, 302A-702, 302A-
17 803, 302A-806, 302A-808, 302D-26, 304A-701, 304A-1201, 304A-
18 1202, 315-2, and 315-3, Hawaii Revised Statutes, shall be
19 reenacted in the form in which they read on the day before the
20 effective date of this Act.



Report Title:

School Psychologist; Licensure; School Setting; 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. Effective 7/1/2050. (SD2)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

