

DAVID Y. IGE
GOVERNOR

JOSH GREEN
LT. GOVERNOR

**STATE OF HAWAII
OFFICE OF THE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS**

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JO ANN M. UCHIDA TAKEUCHI
DEPUTY DIRECTOR

Testimony of the Department of Commerce and Consumer Affairs

**Before the
House Committee on Health, Human Services, & Homelessness
Tuesday, March 22, 2022
9:30 a.m.
Via Videoconference**

**On the following measure:
S.B. 2281, S.D. 2, RELATING TO PSYCHOLOGY**

Chair Yamane and Members of the Committee:

My name is Ahlani Quiogue, and I am the Licensing Administrator of the Department of Commerce and Consumer Affairs' (Department) Professional and Vocational Licensing Division. The Department offers comments on this bill.

The purposes of this bill are to: (1) establish interim licensure requirements for school psychologists to be administered by the Board; (2) require all school psychologists to be licensed by July 1, 2023; (3) increase the composition of the Board to include two school psychologists; and (4) require the Board and Department of Education (DOE) to collaborate to determine a permanent licensing scheme for school psychologists in the State and to submit a report of their findings and recommendations to the Legislature.

The Department respectfully requests that prior to enactment of any regulatory scheme for school psychologists, the Committee refer this matter to the State Auditor for a sunrise analysis pursuant to Hawaii Revised Statutes (HRS) section 26H-6. HRS section 26H-6 requires that new regulatory measures being considered for enactment

be referred to the State Auditor for a sunrise analysis. Referral is required to be made by concurrent resolution that identifies a specific legislative bill to be analyzed as authorized by S.C.R. 122. The statute further requires that the analysis shall set forth the probable effects of regulation, assess whether its enactment is consistent with the legislative policies of the Hawaii Regulatory Licensing Reform Act, and assess alternative forms of regulation.

It is also imperative to note the following concerns regarding this draft of the bill:

(1) Page 6, lines 17 to 21: sets forth eligibility for school psychologist licensure that provides for two tracks: (a) completion a degree, internship hours, and passage of an examination, or (b) holding a current unencumbered certificate as a nationally certified school psychologist or a valid license or credential in school psychology; provided that for those employed as a school psychologist in Hawaii as of January 1, 2023, an out-of-state license or credential that has expired for not more than ten years from January 1, 2023 shall also be accepted.

The Department has strong concerns about issuing a license based on expired licensure or credentials. Licensure or credentials may be expired for a variety of reasons some of which may be innocuous but some more serious. Hawaii State licensure is indicia that the State has vetted the professional for purposes of consumer protection. If, the Legislature is inclined to pass this measure, the Department recommends that some other mechanism for authorizing continued practice of these individuals be provided such as a limited “grandfather” clause or exemption from licensure.

(2) Page 8, line 12 to page 9, line 8, creates a new section called “Description of service.” The section defines practice of school psychology if the person delivers service to children and students from birth through college who are eligible to be enrolled in educational and intermediate educational units, special education programs, universities and colleges, early intervention programs, developmental centers, and approved private schools. Also, the

section provides that school psychologists are limited to practicing within these settings and licensure does not allow for private practice.

The Department has concerns that this section is unclear. Terms such as “educational and intermediate educational units”, “special education programs”, “universities and colleges”, and “early intervention programs” are not defined. The term “developmental center” is defined in the bill but includes the term “developmentally appropriate” which is not defined.

The Department recommends that “eligible to be enrolled” on page 8, line 15 be defined.

In addition, the term “private practice” is not defined, and it is not clear whether private practitioners are exempted from licensure or precluded from practice. Also, as currently drafted, private practice could be interpreted to apply to professionals that provide services by contract.

- (3) Page 9, line 9 to page 10, line 8, establishes an interim licensure requirement, effective January 1, 2023, provides for title protection for use of the title “school psychologist”, and establishes fines for violations of the section.

The Department requests clarification of the term “interim” on page 9, lines 9 and 17, and how the term is different from a permanent license. Also, school psychology interns are not exempt from the interim licensure requirement, but by definition would not qualify for licensure. Also, the draft lacks any guidance on supervision requirements for students and interns, scope of practice of students and interns, documentation requirements, and limits on delegation.

- (4) Page 10, lines 9 to 12, requires that the Board of Psychology receive advice and review proposals from the Hawaii Association of School Psychologists.

The Department recommends that this section undergo legal review to ascertain whether it is consistent with the guidelines for state action immunity set forth in *North Carolina State Board of Dental Examiners v. Federal Trade Commission*, 574 U.S. 494 (2015). The Department recognizes its

responsibility for active supervision and is concerned that this section undermines the separation of the board from the profession that it regulates.

- (5) The Department requests clarification of how the existing language in HRS section 465-13 applies in conjunction with the language of page 10, line 13 to page 13, line 9. Similarly, the department requests clarification of how the existing HRS 465-3 applies in conjunction with the new exemption section.

Therefore, this bill should be deferred until a sunrise analysis on this measure is conducted by the Auditor to address both the feasibility of regulating this profession and the above-referenced concerns.

Thank you for the opportunity to testify on this bill.



STATE OF HAWAII
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

Date: 03/22/2022

Time: 09:30 AM

Location: 329 Via Videoconference

Committee: House Health, Human
Services, & Homelessness

Department: Education

Person Testifying: Keith T. Hayashi, Interim Superintendent of Education

Title of Bill: SB 2281, SD2 RELATING TO PSYCHOLOGY.

Purpose of Bill: Establishes interim licensure requirements for school psychologists to be administered by the Board of Psychology. Requires all school psychologists to be licensed by January 1, 2023. Increases the composition of the Board of Psychology to include two school psychologists. Requires the Board of Psychology and the Department of Education to collaborate to determine a permanent licensing scheme for school psychologists in the State and to submit a report of their findings and recommendations to the Legislature. (SD2)

Department's Position:

The Hawaii State Department of Education (Department) respectfully provides comments on SB 2281, SD 2.

The Department supports the licensing of school psychologists; however, an analysis prior to implementation may be helpful to better inform the state as it begins to regulate this profession in order to improve the quality of services provided to our public school students and also to enable the Department to seek Medicaid reimbursements for eligible services.

Although SB 2281, SD 2 allows three years to meet licensure requirements, we are

concerned that employees that do not have a license may not meet the proposed requirements by July 1, 2025.

Currently, there are no higher education institutions in the State of Hawaii that offer a school psychology graduate program to meet the necessary qualifications outlined in this bill. These employees may need additional time and resources to enroll in and complete an accredited online school psychology graduate program while also maintaining full-time employment with the Department.

Thank you for the opportunity to submit testimony on SB 2281, SD 2.



Committee on Health, Human Services, and Homelessness
Representative Ryan Yamane, Chair
Representative Adrian Tam, Vice Chair

March 22, 2022

Dear Chair Yamane, Vice Chair Tam, and Members of the Committee,

We support SB 2281 SD2, which establishes licensure requirements for school psychologists to be administered by the Board of Psychology.

We need to join the other 49 states and create a licensing credential for school psychologists. We agree with the intent of SB 2281. Properly licensed school psychologists provide effective services to help children and youth with their social-emotional learning (SEL) needs and can work with parents, educators, and other professionals to create supportive learning and social environments for all children.

Hui for Excellence in Education, or “HE’E,” promotes a child-centered and strength-based public education system in which families, communities and schools are valued and empowered to help every student succeed. HE’E works to bring diverse stakeholders together to harness collective energy, share resources, and identify opportunities for progressive action in education.

Thank you for the opportunity to testify. Our support represents a 75% consensus or more of our voting membership.

Sincerely,

Cheri Nakamura
HE’E Coalition Director



Academy 21	Kamehameha Schools
American Civil Liberties Union	Kanu Hawai'i
Alliance for Place Based Learning	Kaua'i Ho'okele Council
*Castle Complex Community Council	Keiki to Career Kaua'i
Coalition for Children with Special Needs	Kupu A'e
Education Institute of Hawai'i	*Leaders for the Next Generation
*Faith Action for Community Equity	Learning First
Fresh Leadership LLC	McREL's Pacific Center for Changing the Odds
Girl Scouts Hawaii	Native Hawaiian Education Council
Harold K.L. Castle Foundation	Our Public School
*HawaiiKidsCAN	*Pacific Resources for Education and Learning
*Hawai'i Afterschool Alliance	*Parents and Children Together
*Hawai'i Appleseed Center for Law and Economic Justice	*Parents for Public Schools Hawai'i
*Hawai'i Association of School Psychologists	Special Education Provider Alliance
Hawai'i Athletic League of Scholars	*Teach for America
*Hawai'i Children's Action Network	The Learning Coalition
Hawai'i Nutrition and Physical Activity Coalition	US PACOM
Hawai'i Scholars for Education and Social Justice	University of Hawai'i College of Education
* Hawai'i State PTSA	<i>Voting Members (*) Voting member organizations vote on action items while individual and non-voting participants may collaborate on all efforts within the coalition.</i>
Hawai'i State Student Council	
Hawai'i State Teachers Association	
Hawai'i P-20	
Hawai'i 3Rs	
*Hawai'i Youth Service	
Head Start Collaboration Office	
It's All About Kids	
*INPEACE	
Joint Venture Education Forum	
Junior Achievement of Hawaii	

Testimony of the Hawaii Board of Psychology

**Before the
House Committee on Health, Human Services, & Homelessness
Tuesday, March 22, 2022
9:30 a.m.
Via Videoconference**

**On the following measure:
S.B. 2281, S.D. 2, RELATING TO PSYCHOLOGY**

Chair Yamane and Members of the Committee:

My name is Christopher Fernandez, and I am the Executive Officer of the Hawaii Board of Psychology (Board). The Board opposes this bill.

The purposes of this bill are to: (1) establish interim licensure requirements for school psychologists to be administered by the Board; (2) require all school psychologists to be licensed by July 1, 2023; (3) increase the composition of the Board to include two school psychologists; and (4) require the Board and Department of Education (DOE) to collaborate to determine a permanent licensing scheme for school psychologists in the State and to submit a report of their findings and recommendations to the Legislature.

The Board opposes this bill for the following reasons:

- The Board believes that pursuant to Hawaii Revised Statutes (HRS) section 26H-6, a sunrise analysis should be performed prior to the enactment of this bill. This measure is considering the enactment of licensure for specialist-level school psychologists, which have not been licensed in the State before. Further, this bill aims to drastically affect the purpose of HRS chapter 465.
- HRS chapter 465 currently provides a licensing scheme for psychologists, including school psychologists, who meet specific education, examination, and training requirements at the doctoral level. Accordingly, the Board believes it is not appropriate to license specialist-level school psychologists under this chapter. Instead, the Board recommends the Committee consider such language as reflected in S.B. 818, S.D. 2, H.D. 1, which the Committee on Lower & Higher Education passed during the 2019 legislative session.

- The purposes of S.B. 818, S.D. 2, H.D. 1, were to, among other things: (1) establish licensure requirements for school psychologists to be administered by the Hawaii Teacher Standards Board (HTSB); (2) prohibit private practice by school psychologists; (3) amend the name of the HTSB to the Hawaii Teacher Standards and School Psychologists Board and amend the board's composition to include two school psychologists; (4) specify that school psychologists who are employed by an educational institution and practice only within a school setting shall be exempt from licensure under HRS chapter 465; and (5) require the HTSB to report to the Legislature.
- For the Committee's information, regulation of school psychologists either through credentialing, certification, or licensure, are as follows: forty-one (41) states do within its department of education (or equivalent department type); two (2) within the departments of health; and four (4) states credential, certify, or license school psychologists by the boards of psychology. A sunrise analysis would provide the Legislature with important comparative information regarding why the vast majority of states regulate this profession through the departments of education. It is worthwhile to note that the HTSB currently licenses counselors in the DOE and charter schools.
 - Regarding the Board's composition, the Board does not believe that the addition of two school psychologists who lack the equivalent level of training in clinical and counseling psychology will allow the Board to adequately evaluate the credentials of applicants for licensure at the doctoral level in clinical and counseling psychology. Even with the proposed additions, the Board does not feel it would be prepared to evaluate the specialized knowledge of a school psychologist. For example, the Board is not familiar with the Praxis School psychologist exam and its content, or the requirements of a "nationally certified school psychologist". The majority of Board members are not school psychologists, nor do they have the relative expertise of school systems and professional practice in a school setting that a HTSB board

- member would likely have. Thus, the evaluation of candidates for this license type would be better administered by the HTSB.
- The Board would also like to call to attention language included on page 10, lines 9 to 12, which appears to pose a conflict of interest, as it states, “The board shall receive advice and review proposals from the Hawaii Association of School Psychologists regarding issues relating to school psychologists and the practice of school psychologists.” The Board should be the sole authority on the licensure, regulation, and public protection of psychologists and may consider the advice of public, including professional associations promoting the profession.
 - The Board also has strong concerns that this bill will adversely affect the scope of the practice of psychologists with training in school psychology, as currently set forth in HRS section 465-1. For example, page 8, lines 12 to 20, provides a description of services that psychologists who are currently licensed under HRS chapter 465 are trained to do. The Board questions why doctoral-level clinical psychologists should be excluded from this practice.
 - Both the Board and the Department of Commerce and Consumer Affairs’ Professional and Vocational Licensing Division (PVL) license school psychologists on a permanent or interim basis, as proposed by this bill. If the Committee is inclined to pass this bill, the Board and PVL respectfully request amending the date to July 1, 2027, to provide time to: (1) update PVL’s database with this new license type; (2) create a new method of licensure and the related license codes; (3) create new application forms; (4) promulgate rules; and (5) work with the Governor’s Boards and Commissions office to find two eligible school psychologists who are qualified to serve on the Board.
 - The Board notes that it is unclear whether this bill meets the criteria for Medicaid reimbursement as it seems to propose. A sunrise analysis would be helpful in providing a comprehensive review of the current federal requirements for Medicaid reimbursement and how many states are receiving reimbursements in this manner. A sunrise analysis, as proposed in S.C.R

122, requesting the auditor to conduct a sunrise analysis review of the regulation and licensure of school psychologists would determine whether this measure would meet these standards as well as assist in evaluating the impact the law would have on the DOE, school psychologists currently practicing in the State, and on the availability of training that would be needed to meet the requirements for licensure.

Thank you for the opportunity to testify on this bill. The Board respectfully requests that this measure be held in Committee.



SB2281, a bill to license School Psychologists

March 21st, 2022
Hawai'i State Capitol
415 S Beretania St.
Honolulu, HI 96813

Aloha Chair Yamane and members of the committee,

The Hawai'i Association of School Psychologists (HASP) believes that licensure is important for all professionals that are entrusted to care for students, especially those with special needs. HRS 465 protects the professional integrity of the term "psychology" by ensuring that non-licensed individuals cannot practice psychology. This public protection ensures that specialized training and expertise is required to practice psychology. Currently, School Psychologists are 'exempt' from having to have licensure to practice in the educational setting (HRS465) and have had no credentialing in the state of Hawai'i. Hawai'i is the **only** state in the nation that allows this. This exemption has allowed individuals who do not have graduate training in school psychology and who do not meet the nationally accepted certification standard to practice "psychology" within the educational setting. We are asking for the legislature's support to establish licensing in Hawai'i, in that it nullifies that exemption and ensures that students receive services from highly qualified and licensed professionals. Only certificated or licensed professionals are billable under Medicaid, so the current exemption does not allow for the Department of Education to bill for any services or evaluations conducted by school psychologists at this time. Licensing of school psychologists would be another avenue for the DOE to generate funds under Medicaid.

In addition to testimony provided in previous hearings scheduled by the bill's originating chamber, HASP hereby recommends amendments to page 6, line 21 and page 7, line 1 to henceforth read as follows:

shall also be accepted[-] ; or

(3) Has received a master's degree in school psychology with a minimum one thousand two hundred hour internship, half of which must have been completed in a school setting, obtained in the year 2024 or prior

These amendments will allow Master's-level school psychologists who completed their graduate training prior to the 2024 National Association of School Psychologist's (NASP) updated guidelines to obtain licensure within the State. The 2024 guidelines are new requirements for the minimum training qualifications needed to practice school psychology.

The research is clear that students who are identified with special learning needs are at a higher risk for a number of negative outcomes, such as dropping out of school, qualifying for lower-level jobs, or becoming involved in criminal activity. Raising the standards of practice for all school psychologists working in the state of Hawai'i will in turn increase appropriate service delivery to those students most in need.

Hawai'i Association of School Psychologists asks that you support licensing of school psychologists to ensure that all children in Hawai'i are afforded the same protection of a licensed and credentialed professional working within their scope of practice.

Respectfully Submitted:

Leslie Baunach,

NASP Delegate-Hawaii & HASP Legislative Co-Chair

Email: hasp808@gmail.com

Testimony Support for SB2281
March 20, 2022

Aloha,

School Psychologists work to 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. Additionally, we work with parents, educators, and other professionals to create supportive learning and social environments for all children. As a practicing School Psychologist and an executive board member (Past President) of the Hawai`i Association of School Psychologists (HASP), I am writing in support of licensure of School Psychologists in Hawai`i. Currently, Hawai`i is the *only* state in the country that does not have a credentialing process in place for School Psychologists, despite two sunset evaluations conducted regarding Psychologists that clarified all Psychologists should be licensed (Report No. 81-6, 1981; Report No. 87-22, 1987). There are a couple reasons this is extremely problematic. First and foremost, having no credentialing requirements may potentially result in unqualified individuals working in School Psychologist positions, which could possibly cause harm to our keiki. Because the state of Hawaii currently does not offer a single School Psychology graduate program, at this time all School Psychologists are either being recruited from the mainland, coming in with varying qualifications, or individuals within the state of Hawaii who have earned a degree in a similar field, such as Counseling or Clinical Psychology, are sometimes hired into School Psychologist positions, even though they have not received appropriate training to be working in these positions. It is clear that the state of Hawaii has a severe shortage of School Psychologists, and because of this, it is not surprising that unqualified individuals may be fulfilling School Psychologist roles; however, it is imperative to understand that this causes more harm than benefit to our keiki.

The reason this is problematic is that School Psychology programs are unique from other mental health programs in the focus on interpretation of assessment results and linking those results to effective, research-based intervention. Although any mental health professional can be trained to administer assessments, the interpretation can be very problematic for those who are not trained, and this can produce damaging consequences for students. For instance, I was recently made aware of a past case in our state where an unqualified individual working in the role of a School Psychologist had misinterpreted cognitive (IQ) scores of a student who spoke English as a second language when the cognitive test had been administered in English, a language in which this student was not fluent. The student scored within the extremely low range when tested in English, resulting in an educational classification of Mental Retardation at the time (now called Intellectual Disability), and the student consequently began to receive intensive special education services to meet what were determined to be his needs, based on the evaluation results. Unfortunately, this was very inaccurate, as the student apparently had average intellectual abilities when later tested in his dominant language. Therefore, it appears this student received inaccurate programming for years until the error was realized, and by that time, he had missed years of receiving appropriate instruction/curriculum in school. This is just one example to highlight how an individual unqualified to practice as a School Psychologist may not be able to make accurate decisions to assist our keiki, as this professional had not received the appropriate

and specialized training necessary to do so. It is critical to have qualified professionals working in our field.

Second, the state's failure to require licensure of its School Psychologists means that, by law, the state is unable to seek warranted reimbursements from the federal Medicaid program for the services provided by School Psychologists in an educational setting. If we had a licensing process in place, we would be able to bill for our services, and this money would be used to help Hawaii's keiki.

It would make most sense for School Psychologists to be licensed and registered through the Board of Psychology to ensure delivery of quality service to students and the community, as it is a consumer protection agency. It would be the most seamless transition because School Psychology has already become a part of the Board of Psychology. It is important to consider that all Psychologists are indeed Psychologists, regardless of the setting we work in (i.e., school, private practice, hospital). Why should School Psychologists be the only area of Psychology exempt from having to follow professional standards in our practice? Licensure is a requirement for all other Psychologists. As School Psychologists, we work with children with special needs, as we have specialized training to do this. We must have credentialing standards in place to be held to higher standards and to protect our children.

In summary, credentialing is important for all professionals, but it is critical for professionals who work with keiki with special needs. Our keiki need to be protected through implementation of a credentialing process that would keep Mahalo for your consideration.

Respectfully submitted,

A handwritten signature in black ink that reads "Amanda Garrett". The signature is written in a cursive, flowing style.

Amanda Garrett, Psy.D.

Nationally Certified School Psychologist

Past President of the Hawaii Association of School Psychologists (HASP)

Testimony Support Regarding **Senate Bill 2281**
Establishing Licensure for School Psychologists in Hawai‘i

Tuesday March 22, 2022

Aloha,

I am a School Psychologist from the island of Maui and am writing in support of Hawai‘i State Legislature Bill SB2281, which would establish licensure requirements for School Psychologists in the state of Hawai‘i.

I have previously worked in states requiring licensing for School Psychologists (currently **all** states have this requirement, with the exception of Hawai‘i) and recognize the importance of hiring credentialed, certified, and licensed School Psychologists to meet the critical demands of this position. Requiring School Psychologists to meet the high level expectations that licensure would necessitate will ensure that our keiki are receiving assessment services, psycho-educational evaluations, evidence-based interventions, and program development by individuals qualified and trained to make data-based decisions to improve student engagement, learning, and outcomes.

Practicing under the professional title of “School Psychologist” when one is not credentialed and trained to the degree designated to hold that title is not only misleading, but potentially dangerous and damaging. Those who would meet the purposed requirements of School Psychology licensing in the State of Hawai‘i will have demonstrated the rigorous training specific to School Psychology graduate work, practicum, and internship mastery. School Psychologists who meet this standard will represent practitioners who have received extensive training in the roles and duties that the title represents. Licensing must be established for School Psychologists practicing in Hawai‘i and I urge you to support this bill.

Mahalo for the opportunity to submit testimony.

Holly Hoke, Ed.S. NCSP
School Psychologist

SB-2281-SD-2

Submitted on: 3/21/2022 7:25:46 AM

Testimony for HHH on 3/22/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Alec Marentic	Individual	Support	Written Testimony Only

Comments:

Aloha Chair, Vice Chair, and members of the committee:

Hawai‘i remains the **only** state in the nation without a School Psychologist credential, despite two sunset evaluations conducted regarding Psychologists that clarified all Psychologists should be licensed (Report No. 81-6, 1981; Report No. 87-22, 1987). Because Hawai‘i does not have a School Psychology license, individuals who do not have graduate training in school psychology and who do not meet the nationally accepted certification standards can provide school psychological services within the educational setting. We are asking that legislators enact the present legislation, and require School Psychologists in Hawai‘i have proper credentialing. This will ensure that students receive services from highly qualified and licensed professionals.

The training of school psychologists is unique in that we have extensive training in cognitive, academic, social/emotional, behavioral, and adaptive assessment practices and training to ensure these measures are fair, reliable and valid. When these assessments are not utilized and administered as they were designed by properly trained professionals, the students are not being fairly assessed, which can result in inaccurate results. The research is clear that students who are identified with special learning needs are at a higher risk for a number of negative outcomes, such as dropping out of school, qualifying for lower-level jobs, or becoming involved in criminal activity. Raising the standards of practice for all school psychologists working in the state of Hawai‘i will in turn increase appropriate service delivery to those students most in need.

Respectfully Submitted,
Alec Marentic, **Ed.S.**
Nationally Certified School Psychologist
East Hawai‘i, KKP Complex Area

March 21, 2022
Hawai'i State Capitol
415 S. Beretania Street
Honolulu, HI 96813

Aloha,

I am a school psychologist on the island of Maui and I am writing in support of bill SB2281 SD2, which would establish licensure requirements for School Psychologists in Hawaii.

Hawaii remains the only state in the nation without a School Psychologist credential, despite two sunset evaluations conducted regarding Psychologists that clarified all Psychologists should be licensed (Report No. 81-6, 1981; Report No. 87-22, 1987). Because Hawaii does not have a School Psychology license, individuals who do not have graduate training in school psychology and who do not meet the nationally accepted certification standards can provide school psychological services within the educational setting.

Without a proper credential, individuals who have not received the training outlined by the nationally accepted certification standards put forth by the National Association of School Psychologists can be employed as and use the title *School Psychologist* in the state of Hawaii.

This bill will ensure that students receive services from highly qualified and licensed professionals.

Licensing must be established for School Psychologists practicing in Hawaii.

Respectfully Submitted,
Jamie Tagomori, NCSP



3/21/2022
Hawaii State Capitol
415 S Beretania St.
Honolulu, HI 96813

SB2281 SD2, a bill to license School Psychologists

Aloha Chair and members of the committee,

Hawaii remains the only state in the nation without a School Psychologist credential, despite two sunset evaluations conducted regarding Psychologists that clarified all Psychologists should be licensed (Report No. 81-6, 1981; Report No. 87-22, 1987). Because Hawaii does not have a School Psychology license, individuals who do not have graduate training in school psychology and who do not meet the nationally accepted certification standards can provide school psychological services within the educational setting. We are asking that legislators enact the present legislation, and require School Psychologists in Hawaii have proper credentialing. This will ensure that students receive services from highly qualified and licensed professionals.

This bill is important to me because I am a practicing school psychologist in the state of Hawaii, under the certification of another state and my national certification. This is not okay and the state of Hawaii is literally the last state to not have a credentialing programming. I often read reports that are poorly written and review decisions made by previous personal filling in the position of a school psychologist without proper training that I then have to correct. It is opening HIDOE up to many potential lawsuits and is a detrimental liability. We need to be accurately representing our profession. Being a School Psychologist is not the same as being trained in clinical psychology, IO psychology, or the like. It is a specialty position that should only be filled by people who have proper training.

In closing, I, Nicole Jones, take this opportunity to testify on SB2281 SD2, and urge the legislature to pass SB2281 SD2 and approve the Hawaii State Credentialing program for School Psychologist.

Respectfully Submitted,

A handwritten signature in blue ink that reads "Nicole Jones".

Nicole Jones, Ed.S., NCSP
Arizona State Certified
Colorado State Certified
Hawaii State, N/A

SB2281 SD2, a bill to license School Psychologists

Aloha Chair and members of the committee,

Hawai'i remains the only state in the nation without a School Psychologist credential, despite two sunset evaluations conducted regarding Psychologists that clarified all Psychologists should be licensed (Report No. 81-6, 1981; Report No. 87-22, 1987). Because Hawai'i does not have a School Psychology license, individuals who do not have graduate training in school psychology and who do not meet the nationally accepted certification standards can provide school psychological services within the educational setting. We are asking that legislators enact the present legislation, and require School Psychologists in Hawai'i have proper credentialing. This will ensure that students receive services from highly qualified and licensed professionals.

I am the District School Psychologist for East Hawaii and supervise a number of other School Psychologists. When I moved here, I was concerned that there was not a credential for School Psychologists. I continued to carry liability insurance as a School Psychologist and maintained my Arizona School Psychologist License as a way to protect myself legally if a parent, lawyer, or advocate questioned my credentials.

As a specialist on campuses for Mental Health, IDEA Special Education Law, 504 eligibility, and Academic/Behavior/Social Emotional Learning Intervention systems support, I find it very worrisome that anyone who meets certain hiring criteria can work in the school system with some of our most needy children without the proper training.

As a supervisor for other School Psychologists I know they also maintain out of state licenses just to make sure they also have proof that they are providing services that they have been trained and gone to extensive amounts of schooling to achieve.

I am also aware of a few professionals who do not have a school psychologist background who are currently in that role. These individuals have very little training in working with the school age population, have no prior training in special education eligibility/services, and yet they are conducting Psychoeducational Assessments, providing intervention support, and dealing with Special Education Law on a daily basis.

It is essential that the Department of Education and the State of Hawaii have professionals properly credentialed and filling roles appropriate to their training. Not only will it protect our students, it will protect the DOE from Liability, the other professionals who are in this role from liability, and it will eventually add a funding resource for the DOE in Medicaid billing (as 80% of our job is dealing with children in Special Education).

As a parent, a School Psychologist, and an employee of the DOE I support SB228.

Some quick Facts:

1. Why license school psychologists?
 - a. We are currently the only state in the nation without a credential
 - b. Without a licensing board, parents do not have anywhere to take ethical complaints related to malpractice
 - c. Without a proper credential, individuals who have not received the necessary training outlined by the nationally accepted certification standards put forth by the National Association of School Psychologists (NASP) can be employed as and use the title *School Psychologist* in Hawai'i
 - d. Licensing School Psychologists will allow the DOE to bill Medicaid for School Psychological services provided by School Psychologists
 - e. The Every Student Succeeds Act explicitly recognizes School Psychologists as "specialized instructional support personnel"

2. Is SB2281 similar to other state licensure laws?
 - a. Alabama, Alaska, Arizona, Arkansas, Washington, as a few examples, all require the completion of a School Psychology training program from an accredited institution OR a valid NCSP.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Angie Graham". The signature is fluid and cursive, with a large initial "A" and "G".

Dr. Angie Graham
District School Psychologist

SB2281, a bill to license School Psychologists

Aloha Chair and members of the committee,

Hawai'i remains the only state in the nation without a School Psychologist credential, despite two sunset evaluations conducted regarding Psychologists that clarified all Psychologists should be licensed (Report No. 81-6, 1981; Report No. 87-22, 1987). Because Hawai'i does not have a School Psychology license, individuals who do not have graduate training in school psychology and who do not meet the nationally accepted certification standards can provide school psychological services within the educational setting. We are asking that legislators enact the present legislation, and require School Psychologists in Hawai'i have proper credentialing. This will ensure that students receive services from highly qualified and licensed professionals.

I am a teacher who has taught in both General Education and Special Education classrooms for the past 22 years. After retirement I continued to help support children in Hawaii as a substitute teacher. Teachers and School Psychologists often work hand in hand helping support our most needy children. I have found amazing support from these professionals. They are knowledgeable in behavioral and academic intervention practices, systems of support for disability needs, data collection and analysis, curriculum based assessment, progress monitoring, mental health interventions, and have provided instructional support on numerous occasions.

When dealing with professionals on a campus I should know that the person I am working with does reflect the title of their position. I hold the title of Teacher, parents should know that as a "Teacher" I have taken and graduated from a "Teaching Program", parents and staff should have as much confidence in those who hold the title of School Psychologist. As a professional working on a K-12 campus I would hope I could trust that those I ask for to support me in the area of Mental Health and Special Education, are experts in these areas.

I support SB 2281 and the licensure of School Psychologists. All professionals working with K-12 students should be hired correctly in a position they are expertly trained. This should be similar across all professions in the Department of Education.

Respectfully Submitted,

Madeline Bennett

SB2281 SD2, a bill to license School Psychologists

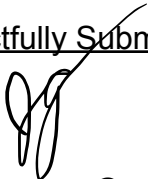
Aloha Chair and members of the committee,

Hawai'i remains the only state in the nation without a School Psychologist credential, despite two sunset evaluations conducted regarding Psychologists that clarified all Psychologists should be licensed (Report No. 81-6, 1981; Report No. 87-22, 1987). Because Hawai'i does not have a School Psychology license, individuals who do not have graduate training in school psychology and who do not meet the nationally accepted certification standards can provide school psychological services within the educational setting. We are asking that legislators enact the present legislation, and require School Psychologists in Hawai'i have proper credentialing. This will ensure that students receive services from highly qualified and licensed professionals.

I am the parent of two children in the Hawaii Department of Education. I am in support of this bill. When dealing with professionals on a campus as a parent I should know that the person I am working with does reflect the title of their position. I expect a school principal to have the administrative training to be trusted to deal with the systems on their campus. I would hope I could trust the Mental Health and Special Education professionals I am asking for support to help my children are actually trained and their title reflects their experience and expertise. However, I have seen that this is not always the case. Please ensure that my children and the rest of the students on the HIDOE campuses are being supported by those who know how to work in mental health and within special education law.

I support SB 2281 and the licensure of School Psychologists. All professionals working with my children should be hired correctly in a position they are expertly trained for as I expect from my children's teachers, Special Education Teachers, Speech Pathologists, and Principals.

Respectfully Submitted.



John Thomas Graham
Concerned Parent

SB-2281-SD-2

Submitted on: 3/21/2022 9:12:59 AM

Testimony for HHH on 3/22/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Keri Anacker	Individual	Support	Written Testimony Only

Comments:

3/21/22

Hello I am writing in support of SB2281 that establishes licensure requirements for school psychologists in Hawaii. Currently, Hawaii is the only state without a credential requirement for school psychologists. Without a licensure requirement, individuals with different experiences or education levels can work as school psychologists. We need to match every other state in the nation by requiring appropriate credentials for school psychologists in our schools.

Thank you,

Keri Anacker



DISABILITY AND COMMUNICATION ACCESS BOARD

1010 Richards Street, Room 118 • Honolulu, Hawaii 96813
Ph. (808) 586-8121 (V) • Fax (808) 586-8129

March 22, 2022

TESTIMONY TO THE HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES, AND HOMELESSNESS

Senate Bill 2281, Senate Draft 2 – Relating to Psychology

The Disability and Communication Access Board (DCAB) supports Senate Bill 2281, Senate Draft 2 Relating to Psychology. This bill establishes licensure requirements for school psychologists to be administered by the Board of Psychology and for all school psychologists to be licensed by July 1, 2023.

Access to psychologists is very important for students with psychological disabilities. However, without a licensure requirement, the quality of service might vary from school to school. In addition, there is no avenue for a student or their parent to file a formal complaint.

This bill would rectify both of those issues.

Thank you for the opportunity to provide testimony.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Kirby L. Shaw".

KIRBY L. SHAW
Executive Director

Hawai'i Psychological Association

For a Healthy Hawai'i

P.O. Box 833
Honolulu, HI 96808

www.hawaiipsychology.org

Phone: (808) 521 -8995

COMMITTEE ON HEALTH, HUMAN SERVICES, & HOMELESSNESS

Rep. Ryan I. Yamane, Chair
Rep. Adrian K. Tam, Vice Chair

DATE: March 22, 2022 10:00 A.M. - VIA VIDEO CONFERENCE

Testimony in support of SB2281 SD2.

The Hawai'i Psychological Association applauds the efforts of school psychologists to be licensed as this ensures quality care for children and families and adds an important layer of consumer protection that is in keeping with other professions and the profession of school psychology in other states, as noted in Part I of the bill. It also, at long last, would enable the state to seek reimbursements from the federal Medicaid program for services provided by school psychologists in educational settings. These are noble and stand-alone reasons for supporting the intent of this legislation that rise above some major concerns, including the absence of a NASP-accredited school psychology program in Hawai'i and the challenges of recruitment and retention of school psychologists.

We appreciate the amendments made by Senator Baker in the Senate Commerce and Consumer Protection Committee, which outlines a process to create an interim licensing scheme by the Board of Psychology (Board) under the DCCA; and a mandate that the Board and the Department of Education develop a permanent licensing structure.

HPA notes; however, our reservations on efforts to change the composition of the Board of Psychology to include school psychologists - as they have different credentials. Their training and continuing education requirements, while varying by state, are substantively different from the education, training, and continuing education requirements of clinical psychologists. HPA members have expressed strong concerns about school psychologists rendering their opinions regarding licensure of clinical or health service psychologists – as a whole; and of these psychologists rendering their opinions regarding the licensure of a specialized subset of the profession - school psychologists.

According to the National Association of School Psychologists' website, the State Education Agency (SEA) credentials school psychologists in *all* states to practice in the schools - except Texas and Hawai'i. Although Texas credentials its school psychologists through a state board of examiners of psychologists, they only credential those with a doctorate in school psychology.

Thank you for the opportunity to provide input into this important bill.

Sincerely,



Raymond A Folen, Ph.D., ABPP.
Executive Director



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION

AFSCME Local 152, AFL-CIO

RANDY PERREIRA, Executive Director • Tel: 808.543.0011 • Fax: 808.528.0922

The Thirty-First Legislature, State of Hawaii
House of Representatives
Committee on Health, Human Services & Homelessness

Testimony by
Hawaii Government Employees Association

March 22, 2022

S.B. 2281, S.D. 2 — RELATING TO PSYCHOLOGY

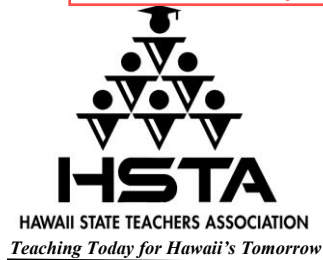
The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO supports the purpose and intent of S.B. 2281, S.D. 2, which establishes interim licensure requirements for school psychologists to be administered by the Board of Psychology.

Hawaii is the only state without certification or licensure for school psychologists and we believe the state needs properly licensed school psychologists to help our schoolchildren succeed academically, socially, behaviorally, and emotionally. It will also enable the Department of Education to seek Medicaid reimbursements for eligible services. School psychologists go through rigorous and extensive training and their expertise and profession should be recognized by our state. Having licensed school psychologists provide direct educational and mental health services at our schools is critical to creating a supportive learning and social environment while ensuring quality of service.

Thank you for the opportunity to testify in support of S.B. 2281, S.D. 2.

Respectfully submitted,

Randy Perreira
Executive Director



Osa Tui, Jr.
President
Logan Okita.
Vice President
Lisa Morrison
Secretary-Treasurer
Wilbert Holck
Executive Director

TESTIMONY BEFORE THE HOUSE COMMITTEE ON HEALTH, HUMAN
SERVICES, & HOMELESSNESS

RE: SB 2281, SD2 - RELATING TO PSYCHOLOGY

TUESDAY, FEBRUARY 22, 2022

OSA TUI, JR., PRESIDENT
HAWAII STATE TEACHERS ASSOCIATION

Chair Yamane, and Members of the Committee:

The Hawaii State Teachers Association **supports SB 2281, SD2**, relating to psychology. This bill establishes interim licensure requirements for school psychologists to be administered by the Board of Psychology. Requires all school psychologists to be licensed by January 1, 2023. Increases the composition of the Board of Psychology to include two school psychologists. Requires the Board of Psychology and the Department of Education to collaborate to determine a permanent licensing scheme for school psychologists in the State and to submit a report of their findings and recommendations to the Legislature. (SD2).

Licensure is important for all professionals that are entrusted to care for students, especially those with special needs. HRS 465 protects the professional integrity of the term “psychology” by ensuring that non-licensed individuals cannot practice psychology. This public protection ensures that specialized training and expertise is required to practice psychology. **Currently, School Psychologists are ‘exempt’ from having to have licensure to practice in the educational setting (HRS465) and have had no credentialing in the state of Hawaii. Hawaii is the only state in the nation that allows this.** This exemption has allowed individuals who do not have graduate training in school psychology and who do not meet the nationally accepted certification standard to practice “psychology” within the educational setting. **We are asking for the legislators support to establish state licensing in Hawaii, in that it nullifies that exemption and ensures that students receive services from highly qualified and licensed professionals.**

We agree with the Hawai`i Association of School Psychologists (HASP). Currently, **Hawai`i is the only state in the country that does not have a credentialing process in place for School Psychologists, despite two sunset evaluations conducted regarding Psychologists that clarified all Psychologists should be licensed** (Report No. 81-6, 1981; Report No. 87-22, 1987). **There are a couple reasons this is extremely problematic. First and foremost, having no credentialing requirements may potentially result in unqualified individuals working in School Psychologist positions, which could possibly**



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Osa Tui, Jr.
President

Logan Okita.
Vice President

Lisa Morrison
Secretary-Treasurer

Wilbert Holck
Executive Director

cause harm to our keiki. Secondly, only certificated or licensed professionals are billable under Medicaid, so the current exemption does not allow for the Department of Education to bill for any services or evaluations conducted by school psychologists at this time. Licensing of school psychologists would be another avenue for the DOE to generate funds under Medicaid.

The Hawaii State Teachers Association asks that you support this bill and the state licensing of school psychologists to ensure that all of our keiki in Hawaii are afforded the same protection of a licensed and credentialed professional working within their scope of practice.



3/21/2022
Hawai'i State Capitol
415 S Beretania St.
Honolulu, HI 96813

SB2281, a bill to license School Psychologists

Aloha Chair Keohokalole, Vice Chair Baker, and members of the committee,

Hawai'i remains the only state in the nation without a School Psychologist credential, despite two sunset evaluations conducted regarding Psychologists that clarified all Psychologists should be licensed (Report No. 81-6, 1981; Report No. 87-22, 1987). Because Hawai'i does not have a School Psychology license, individuals who do not have graduate training in school psychology and who do not meet the nationally accepted certification standards can provide school psychological services within the educational setting. We are asking that legislators enact the present legislation, and require School Psychologists in Hawai'i have proper credentialing. This will ensure that students receive services from highly qualified and licensed professionals.

I am overwhelmed with the amount of schools that I am tasked to covered in Central District Oahu and direly need Nationally Certified School Psychologists to apply to the state of Hawaii. We have open positions that cannot be filled due to the low income that we receive as pay from the state. The annual amount that we receive as pay, works out to be less than a teacher makes per hour, and the positions are very hard to fill. Increasing the pay to School Psychologists that are nationally certified would help attract potential candidates to apply for the positions available.

In closing, I am pleading for help to establish within the department a school psychologist national certification incentive program as to recruit and retain Nationally Certified School Psychologists to the state of Hawaii to better the lives of our keiki and their 'ohana.

Respectfully Submitted,

Traci Effinger,

Nationally Certified School Psychologist

SB-2281-SD-2

Submitted on: 3/21/2022 3:48:15 PM

Testimony for HHH on 3/22/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Erica Yamauchi	Individual	Support	Written Testimony Only

Comments:

As a mother of two children in our public schools, I strongly support this legislation.

Erica Yamauchi, Kaimukī/Wilhelmina Rise