
A BILL FOR AN ACT

RELATING TO PSYCHOLOGY.

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



1 employment of qualified school psychologists and allow schools
2 utilizing school psychologists to properly seek available
3 federal medicaid funds.

4 The legislature additionally finds that the pursuant to
5 section 465-3(a)(3), Hawaii Revised Statutes, school
6 psychologists in the public sector are exempt from the licensure
7 requirements for psychologists, while school psychologists in
8 the private sector are subject to licensure. This inconsistency
9 may cause confusion and unfairness within the profession.
10 Because the State does not require licensure for school
11 psychologists, it is important to specify the conditions under
12 which a school psychologist is exempt from licensure under
13 chapter 465, Hawaii Revised Statutes, to prevent potential harm
14 to students, ensure the continued delivery of quality service to
15 students and the community, and others and promote fairness and
16 consistency for persons within the profession.

17 Accordingly, the purpose of this Act is to:

- 18 (1) Establish licensure of school psychologists consistent
19 with the National Association of School Psychologists
20 standards;

21



- 1 (2) Clarify that the exemptions from licensure as a
2 psychologist under chapter 465, Hawaii Revised
3 Statutes, apply to those persons employed as school
4 psychologists by an educational institution and
5 practicing only within a school setting;
- 6 (3) Prohibits private practice by school psychologists;
7 and
- 8 (4) Rename the Hawaii teacher standards board the Hawaii
9 teacher standards and school psychologists board,
10 amend the composition of the board to include two
11 school psychologists, and require the board to submit
12 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)
17 No person shall represent, announce, or advertise oneself,
18 publicly or privately, as a school psychologist or affix any
19 other words, letters, abbreviations, or insignia to the person's
20 name 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 (d) The board shall adopt rules pursuant to chapter 91
15 necessary for the purposes of this section."

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

19 "D. Hawaii Teacher Standards and School Psychologists Board"



1 SECTION 4. Section 302A-801, Hawaii Revised Statutes, is
2 amended by amending its title and subsection (a) to read as
3 follows:

4 "§302A-801 Hawaii teacher standards and school
5 psychologists board established. (a) There is established the
6 Hawaii teacher standards and school psychologists board, which
7 shall be placed within the department for administrative
8 purposes only. The board shall consist of [~~seventeen~~] nineteen
9 members, including not less than six licensed teachers regularly
10 engaged in teaching at the time of the appointment, three
11 educational officers employed at the time of the appointment,
12 the chairperson of the board of education or the chairperson's
13 designee, the superintendent or the superintendent's designee, a
14 representative of independent schools, the dean of the
15 University of Hawaii college of education or the dean's
16 designee, [~~and~~] the chairperson of the Native Hawaiian Education
17 Council or the chairperson's designee[+], two school
18 psychologists, and two members of the public; provided that one
19 teacher member shall be engaged in teaching at a Hawaii public
20 charter school at the time of appointment and the dean's
21 designee shall be chosen from the member institutions of the



1 teacher education coordinating committee established under
2 section 304A-1202 [~~and two members of the public~~]. A non-
3 voting teacher candidate from a Hawaii educator preparation
4 program at a public institution of higher education on a
5 rotating basis shall be appointed by the chairperson of the
6 teacher education coordinating committee to serve a one-year
7 term."

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

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

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

18 (2) Any person who performs any, or any combination of the
19 professional services defined as the practice of
20 psychology under the direction of a licensed
21 psychologist in accordance with rules adopted by the



1 board; provided that the person may use the term
2 "psychological assistant", but shall not identify the
3 person's self as a psychologist or imply that the
4 person is licensed to practice psychology;

5 (3) Any person employed by [æ]:

6 (A) A local, state, or federal government agency in a
7 school psychologist or psychological examiner
8 position, or a position that does not involve
9 diagnostic or treatment services, but only at
10 those times when that person is carrying out the
11 functions of such government employment; provided
12 that for a person employed as a school
13 psychologist under this subparagraph, the person
14 shall be an employee of an educational
15 institution and practicing only within a school
16 setting; or

17 (B) An educational institution, including a private
18 or sectarian educational institution, in a school
19 psychologist position and practicing only within
20 a school setting;



1 (4) Any person who is a student of psychology, a
2 psychological intern, or a resident in psychology
3 preparing for the profession of psychology under
4 supervision in a training institution or facility and
5 who is designated by a title as "psychology trainee",
6 "psychology student", "psychology intern", or
7 "psychology resident", that indicates the person's
8 training status; provided that the person shall not
9 identify the person's self as a psychologist or imply
10 that the person is licensed to practice psychology;

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

20 (6) Any person who is a member of a mental health
21 profession not requiring licensure; provided that the



1 person functions only within the person's professional
2 capacities; and provided further that the person does
3 not represent the person to be a psychologist, or the
4 person's services as psychological;

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

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



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

3 SECTION 6. Sections 302A-101, 302A-501, 302A-602, 302A-
4 602.5, 302A-702, 302D-26, 302D-39, 302L-7, 304A-701, 304A-1201,
5 304A-1202, 315-2, and 315-3, Hawaii Revised Statutes, are
6 amended by substituting the term "Hawaii teacher standards and
7 school psychologists board" wherever the term "Hawaii teacher
8 standards board" appears, as the context requires.

9 SECTION 7. The Hawaii teacher standards and psychologists
10 board shall submit a report to the legislature regarding the
11 licensure of school psychologists as established by section 2 of
12 this Act no later than twenty days prior to the convening of the
13 regular session of 2024.

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

17 SECTION 9. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 10. This Act shall take effect on July 1, 2023,
20 and shall be repealed on July 1, 2026; provided that the title
21 of chapter 302A, part III, subpart D, and sections 302A-101,



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1 302A-501, 302A-602, 302A-602.5, 302A-702, 302A-801, 302D-26,
2 302D-39, 302L-7, 304A-701, 304A-1201, 304A-1202, 315-2, and 315-
3 3, Hawaii Revised Statutes, shall be reenacted in the form in
4 which they read on the day before the effective date of this
5 Act.

6

INTRODUCED BY:

A handwritten signature in black ink, appearing to read "John Gray", is written over a horizontal line.

JAN 24 2023



H.B. NO. 1265

Report Title:

School Psychologists; Licensure; Hawaii Teacher Standards and School Psychologists Board

Description:

Establishes licensure for school psychologists consistent with National Association of School Psychologists standards. Clarifies that the exemptions from licensure as a psychologist apply to those persons employed as school psychologists by an educational institution and practicing only within a school setting. Prohibits private practice by school psychologists. Renames the Hawaii teacher standards board the Hawaii teacher standards and school psychologists board; amends the composition of the board to include two school psychologists and requires the board to submit a report to the legislature. Sunsets 7/1/2026.

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

