

Honolulu, Hawaii

MAR 04 2016

RE: S.B. No. 1311
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committee on Ways and Means, to which was referred S.B.
No. 1311, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO EDUCATION,"

begs leave to report as follows:

The purpose and intent of this measure is to clarify that an educational practitioner who uses behavior analysis principles when practicing within the educational practitioner's own recognized scope of practice is exempt from the licensure requirements for behavior analysts.

Your Committee received written comments in support of this measure from the Department of Education, Special Education Advisory Council, and State Council on Developmental Disabilities.

Your Committee received written comments in opposition to this measure from the Hawaii State Teachers Association, Hawaii Association for Behavior Analysis, Hawaii Association of School Psychologists, and Keiki Educational Consultants, Inc.

Your Committee received written comments on this measure from the Hawaii Disability Rights Center.

Your Committee finds that as part of their regular duties in the delivery of teaching and strategies to assist students to learn, Department of Education personnel engage in the practice of behavior analysis in a school classroom setting. However, department personnel, including general and special education



teachers, counselors, school psychologists, and educational assistants, do not, in the course of their work in a public educational setting, use any title or description stating or implying that the individual is a licensed behavior analyst or a "practicing" behavior analyst.

Your Committee further finds that without this measure, services to students with autism disorder may be disrupted. This measure will clarify that educational professionals will not be subject to mandatory licensing outside the scope of their formal educational degrees and training.

Your Committee notes that considerable concerns remain in regards to this measure, and, moving forward, stakeholders and the Department of Education should continue discussions and make recommendations on possible amendments.

Your Committee has amended this measure by changing the effective date from upon approval to July 1, 2050, to facilitate further discussion on the matter.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1311, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1311, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Ways and Means,



JILL N. TOKUDA, Chair



The Senate
Twenty-Eighth Legislature
State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:* SB 1311, SD1	Committee Referral: EDU/CPH, WAM	Date: 3/1/16		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Pass, unamended 2312 </div> <div> <input checked="" type="checkbox"/> Pass, with amendments 2311 </div> <div> <input type="checkbox"/> Hold 2310 </div> <div> <input type="checkbox"/> Recommit 2313 </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
TOKUDA, Jill N. (C)	/			
DELA CRUZ, Donovan M. (VC)	/			
CHUN OAKLAND, Suzanne	/			
ENGLISH, J. Kalani	/			
GALUTERIA, Brickwood	/			
HARIMOTO, Breene	/			
INOUE, Lorraine R.	/			
RIVIERE, Gil	/			
TANIGUCHI, Brian T.				/
WAKAI, Glenn	/			
SLOM, Sam		/		
TOTAL	9	1		1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<div style="display: flex; justify-content: space-between;"> <div> Distribution: Original File with Committee Report </div> <div> Yellow Clerk's Office </div> <div> Pink Drafting Agency </div> <div> Goldenrod Committee File Copy </div> </div>				

*Only one measure per Record of Votes