
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 and school psychologists board to include two school
- 12 psychologists; and
- 13 (6) Require a report to the legislature.

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

17 "§302A- School psychologists; license required. (a) No
 18 person shall represent, announce, or advertise oneself, publicly
 19 or privately, as a school psychologist or affix any other words,
 20 letters, abbreviations, or insignia to the person's name
 21 indicating or implying that the person is engaged in the



1 practice of school psychology, without having first obtained a
2 license in the manner prescribed by the Hawaii teacher standards
3 and school psychologists board consistent with the national
4 standards articulated by the most current Model for
5 Comprehensive and Integrated School Psychological Services, as
6 published by the National Association of School Psychologists,
7 or its successor organization, in a school setting.

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

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

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

18 "D. Hawaii Teacher Standards and School Psychologists
19 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 [a]:

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 is an employee of an educational institution and
15 practices only within a school setting; or

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

20 (4) Any person who is a student of psychology, a
21 psychological intern, or a resident in psychology



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

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

18 (6) Any person who is a member of a mental health
 19 profession not requiring licensure; provided that the
 20 person functions only within the person's professional
 21 capacities; and provided further that the person does



1 not represent the person to be a psychologist, or the
2 person's services as psychological;

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

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

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



1 SECTION 6. Sections 302A-101, 302A-501, 302A-602, 302A-
2 602.5, 302A-702, 302A-803, 302A-806, 302A-808, 302D-26, 304A-
3 701, 304A-1201, 304A-1202, 315-2, and 315-3, Hawaii Revised
4 Statutes, are amended by substituting the term "Hawaii teacher
5 standards and school psychologists board" wherever the term
6 "Hawaii teacher standards board" appears, as the context
7 requires.

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

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

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

18 SECTION 10. This Act shall take effect on July 1, 2052,
19 and shall be repealed on July 1, 2026; provided that the title
20 of chapter 302A, part III, subpart D, and sections 302A-801,
21 465-3, 302A-101, 302A-501, 302A-602, 302A-602.5, 302A-702, 302A-



1 803, 302A-806, 302A-808, 302D-26, 304A-701, 304A-1201, 304A-
2 1202, 315-2, and 315-3, Hawaii Revised Statutes, shall be
3 reenacted in the form in which they read on the day before the
4 effective date of this Act.



Report Title:

School Psychologist; Licensure; 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. (SB818 HD1)

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

