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Senator Rosalyn H. Baker, Chair
Committee on Commerce, Consumer Protection, and Health
Hawaii State Capitol
Honolulu, HI 96813

RE: SB 2281 - RELATING TO BEHAVIOR ANALYSTS
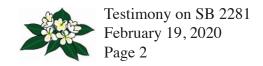
Dear Chair Baker and Members of the Committee,

The Special Education Advisory Council (SEAC) **supports** SB 2281 that makes permanent the regulation of behavior analysts under Chapter 465D.

SEAC was an early supporter of the legislation to provide Applied Behavior Analysis as a covered medical service under Hawaii's health insurers.   Licensure ensures that children with autism and other developmental disabilities receive evidence-based treatment by a qualified and licensed provider.

While the orginal licensing law, Act 199 (now Chapter 465D) was not intended to restrict the practice of other licensed or credentialed professionals providing services within the scope of their established training and expertise, it has had to be amended several times to add to the list of those exempted from acquiring licensure as a behavior analyst. SEAC proposes the following additional amendments to ensure that public school students who require behavior analysis to benefit from their education have greater access to practitioners and educators with the appropriate expertise, training and experience.

Under §Section 465D-7 Exemptions.
Modifying Exemption (a)(2)
A licensed classroom teacher or an individual who is working as a classroom teacher and is enrolled in a teacher preparation program working towards licensure who implements but does not design applied behavior analysis services in a school setting in direct collaboration with a

*Mandated by the **Individuals with Disabilities Education Act***

§Section 465D-7 Exemptions.
Modifying Exemption (a)(2) continued
licensed behavior analyst, ~~or~~ a licensed psychologist, or a special education teacher licensed in severe/profound disabilities or autism ~~on or before July 1, 2019~~;

§Section 465D-7 Exemptions.
Adding Exemption (a)(10)
(10) A special education teacher licensed in severe/profound disabilities or autism and any supervisee of the licensed special education teacher; provided that applied behavior analysis services performed are within the boundaries of the licensed special education teacher 's education, training, and competence; provided further that neither the licensed special education teacher nor any supervisee of the licensed special education teacher purports to be a licensed behavior analyst; and provided further that licensed special educators in the severe/profound disabilities or autism may provide training and supervision to direct support workers, paraprofessionals, caregivers, parents and guardians in a manner and to the extent determined by the supervising licensed special education teacher.

For purposes of this paragraph, "supervisee" means a special education teacher candidate, direct support worker, paraprofessional, caregiver, and parent or guardian who provides applied behavior analysis services.

Thank you for the opportunity to provide testimony on this important issue. Should you have any questions, we can be contacted at the above addresses.

Sincerely,

Martha Guinan
Chair

Ivalee Sinclair
Legislative Committee Chair

*Mandated by the **Individuals with Disabilities Education Act***