



S E A C
Special Education Advisory Council
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**Special Education
Advisory Council**

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Senator Michelle N. Kidani
Committee on Education
State Capitol
Honolulu, HI 96813

RE: SB 805 - RELATING TO THE PRACTICE OF BEHAVIOR
ANALYSIS

Dear Chair Kidani and Members of the Committee,

The Special Education Advisory Council (SEAC), Hawaii's State Advisory Panel under the Individuals with Disabilities Education Act (IDEA), **strongly supports** SB 805 which makes a permanent exemption from the behavior analyst licensing requirements for classroom teachers who implement applied behavior analysis services in a school setting in direct collaboration with or under the supervision of licensed professionals. This legislation also creates an exemption for licensed special education teachers and individuals in approved and accredited special education training programs that are working toward licensure as special education teachers whose scope of practice and training includes applied behavior analysis.

While the original licensing law, 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. Special education teachers and special education teacher candidates should also be exempt so that they may design and implement the special education practices that overlap with those of licensed behavior analysts.

SEAC acknowledges that while all special education teachers receive training in the delivery of a multi-tiered approach to teaching, including basic behavioral interventions to support learning, not every teacher has the required skillset to deliver ABA services to a subset of students with complex behavioral and communication needs. At the same time, teachers who have gone through a severe/profound disabilities and



autism teacher licensure program, like that offered by the UH College of Education, are capable of and within the scope of their practice in conducting functional behavioral assessments (FBA) and behavior intervention plans without the need for additional licensure. These professionals are required to demonstrate competency in conducting an FBA and designing and implementing a behavioral plan for a student prior to receiving their license.

SEAC proposes the following additional amendment to Exemption (a)(10) to ensure that those special education teachers and teacher candidates who perform FBAs are well within their scope of education, training and practice:

Exemption (a)(10)

~~“A licensed special education teacher or an individual who is working toward licensure as a special education teacher and who is enrolled in a state-approved and nationally-accredited special education teacher preparation program that includes training in behavior analysis- assessment and interventions~~ licensed in severe/profound disabilities or autism or their supervisee; provided that the applied behavior analysis services performed are within the boundaries of the licensed special education teacher’s ~~or individual working toward licensure as a special education teacher’s~~ scope of education, training, and practice. For the purposes of this paragraph, “supervisee” means a special education teacher candidate currently pursuing licensure in a severe/profound disabilities or autism program.”

SEAC also proposes an additional change to Exemption (a)(2) to acknowledge the appropriateness of having a teacher identified in Exemption (a)(10) supervise other teachers working with a student with complex behavioral needs in implementing applied behavior analysis in the classroom:

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 toward licensure who implements but does not design applied behavior analysis services in a school setting in direct collaboration with a 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.”~~

SEAC believes these changes to the current ABA licensure law will help to ensure timely and appropriate services to those students in need of behavioral interventions to benefit from their education. We appreciate this opportunity to provide our recommendations and are available to your Committee to answer any questions or concerns you may have.

Respectfully,


Martha Guinan
Chair


Ivalee Sinclair
Legislative Committee Chair