

ONE HUNDRED NINTH LEGISLATURE - FIRST SESSION - 2025
COMMITTEE STATEMENT
LB84

Hearing Date: Thursday January 30, 2025
Committee On: Health and Human Services
Introducer: Rountree
One Liner: Adopt the School Psychologist Interstate Licensure Compact

Roll Call Vote - Final Committee Action:
Advanced to General File

Vote Results:

Aye: 7 Senators Ballard, Fredrickson, Hansen, Hardin, Meyer, Quick, Riepe
Nay:
Absent:
Present Not Voting:

Testimony:

Proponents:

Senator Victor Rountree
Tessa Petereit

Representing:

Opening Presenter
Nebraska School Psychologists Association

Opponents:

Representing:

Neutral:

Laura Ebke

Representing:

Platte Institute

* ADA Accommodation Written Testimony

Summary of purpose and/or changes:

LB 84 creates the School Psychologist Interstate Licensure Compact. The Compact contains sections on the Purpose; Definitions; State Participation in the Compact; School Psychologist Participation in the Compact; Active Military Members or their Spouses; Discipline and Adverse Actions; Establishment of the School Psychologist Interstate Licensure Compact Commission; Facilitating Information Exchange; Rulemaking; Oversight, Dispute Resolution, and Enforcement; Effective Date, Withdrawal, and Amendment; Construction and Severability; and Consistent Effect and Conflict with Other State Laws. The purpose of this Compact is to facilitate the interstate practice of school psychology in educational or school settings, and in so doing to improve the availability of these services to the public.

Sec. 1:

Section 1. Purpose: The purpose of this Compact is to facilitate the interstate practice of school psychology in educational or school settings, and in so doing to improve the availability of these services to the public. The



Compact is intended to establish a pathway to allow school psychologists to obtain equivalent licenses to provide these services in any Member State. To facilitate the objectives, this Compact enables school psychologists who qualify for an equivalent license from other Member States; promotes mobility between of school psychologists; enhances the public accessibility of school psychologists; preserves and respects the authority of each Member State; requires school psychologists to comply with scope of practice laws; promotes cooperation between Member States; and facilitates the relocation of military members and their spouses.

Section 2: Definitions: This Compact provides definitions for active military member, adverse action, alternative program, commissioner, compact, continuing professional education, criminal background check, doctoral level degree, encumbered license, executive committee, equivalent license, home state, home state licensure, school psychological services, license, licensee, member state, model compact, practice of psychology, school psychologist interstate licensure compact, state licensing authority, specialist-level degree, qualifying national exam, qualifying school psychologist education program, remote state, rule, school psychologist, scope of practice, state, state specific requirement, and unencumbered license.

Section 3. State Participation in Compact: To be eligible to join this Compact, and to maintain eligibility as a Member State, a State must enact a statute that is not materially different from the Model Compact; participate in the sharing of information; identify and maintain a list of equivalent licenses; have a mechanism for investigating complaints; notify the Commission of any adverse actions; require applicants to take and pass the qualifying national exam, complete supervised internship hours and graduate from a qualifying school psychologist education program; and comply with the terms of this Compact and rules of the Commission.

Each Member State shall grant an equivalent license to practice school psychology as well as renewals. Also, Member States may set and collect a fee for granting an equivalent license.

Section 4. School Psychologist Participation in the Compact: To obtain and maintain an equivalent license from a Remote State, a licensee must hold and maintain an active Home State License; satisfy any applicable state specific requirements; complete any administrative or application requirements; complete any renewal requirements; and undergo any criminal background checks.

To renew an equivalent license, a licensee must only apply for renewal, complete a background check, and pay renewal fees.

Section 5. Active Military Members or their Spouses: A licensee who is an active military member or their spouse shall be deemed to hold a home state license in the licensee's permanent residence, a member state that is the licensee's primary state of practice, and a member state where the licensee has relocated.

Section 6. Discipline and Adverse Actions. Nothing in this Compact shall be deemed or construed to limit the authority of a Member State to investigate or impose disciplinary measures.

Member States shall be authorized to receive, and shall provide, files and information regarding the investigation and discipline. Any Member State receiving such information or files shall protect and maintain its security and confidentiality. Prior to disclosing any of this information, the disclosing state shall communicate its intention and purpose to the Member State.

Section 7. Establishment for the School Psychologist Interstate Licensure Compact Commission: The Member States shall create the School Psychologist Interstate Licensure Compact Commission. The Commission is an instrumentality of the Member States acting jointly and not an instrumentality of one state. The Commission shall come into existence on or after the effective date of the Compact.

The Compact sets out requirements involving membership, voting, and meetings. Each Member State shall have and be limited to one delegate selected by that Member State's Licensing Authority. The delegate shall be the primary



administrative officer of the Member State Licensing Authority or the officer's designee. The Commission shall establish a term of office and term limits and may recommend removal or suspension of any delegate from office. A Member State's Licensing Authority shall fill any vacancy of its delegate. Each delegate shall be entitled to one vote on all matters before the Commission and shall vote in person unless bylaws provide otherwise. The Commission shall meet at least once during each calendar year. Additional meetings may be held as set forth in its bylaws.

The Commission shall have powers involving the fiscal year; code of conduct; rules and bylaws; change of home state; financial records; meetings; legal proceedings; maintenance of records and information; insurance and bonds; contracts for personal services; financial reviews; personnel policies; collection of fees; gifts and donations; leases; sale of property; budget; borrowing money; committee appointments; law enforcement agencies; electing an Executive Committee; adopted language of Model Compact; and necessary and appropriate functions.

The Executive Committee shall have the power to act on behalf of the Commission. Their powers include overseeing day-to-day activities; recommending changing of fees; ensuring administrative services being provided; preparing the budget; maintaining financial records; monitoring compliance; establishing additional committees; exercising powers and duties during the interim; and other duties as provided in the rules or bylaws. Also, the Committee shall be composed of 7 members, may remove any member, and shall meet at least annually. Also, the Commission shall adopt and provide an annual report.

The Commission shall conduct meetings. All meetings shall be open to the public with public notice. Special meetings may be held to conduct emergency business. The Commission, Executive Committee or other committees may convene in a closed, nonpublic meeting to receive legal advice. These discussions consist of noncompliance of a Member State, matters involving employees, current or threatened discipline, anticipated litigation, contract negotiation, crimes or censure, trade secrets, personal privacy, investigative records, matters exempted by federal or state law, or other matters as promulgated by Commission's rule. In addition, this Compact provides language involving the closing of meetings and the keeping of minutes.

The financing of the Commission requires the Commission to pay the reasonable expenses. The Commission may accept any revenue sources and may levy and collect an annual assessment from each Member State. Also, the Commission shall not incur obligations and shall keep accurate accounts of all receipts and disbursements.

The members, officers, executive director, employees, and representatives shall have no greater liability than a state employee would have under the same or similar circumstances. The Commission shall defend any member, officer, executive director, employee, or representative in any civil action. The Commission shall indemnify and of these individuals for the amount of any settlement or judgement. Nothing shall be construed as a limitation on the liability of any licensee for professional malpractice or misconduct and nothing in this Compact shall be interpreted to waive or abrogate a Member State's state action immunity or affirmative defense with respect to antitrust laws as well as sovereign immunity.

Section 8. Facilitating Information Exchange: The Commission shall provide for facilitating the exchange of information. This information includes identifiers, licensure data, adverse actions, nonconfidential information related to alternative program participation, denial of licensure applications, investigative information, and other information as determined by the Commission's rules. Nothing in this Compact shall be deemed to alter, limit, or inhibit the laws governing the Member State.

Section 9. Rulemaking: The Commission shall exercise its rulemaking powers pursuant to the criteria set forth in this Compact and shall promulgate reasonable rules to achieve the intent and purpose of this Compact. These rules have no effect if a majority of the Member States' legislatures rejects the rules. Rules or amendments shall be adopted or ratified at a regular or special meeting of the Commission. Public notice requirements are provided. The Commission



may consider and adopt emergency rules to meet an imminent threat to public health, safety, or welfare; prevent a loss of funds; meet federal deadlines; or protect public health and safety.

Section 10. Oversight, Dispute Resolution, and Enforcement: The executive and judicial branches of the state government in each Member State shall enforce this Compact and take all actions necessary and appropriate to implement the Compact. Venue and service of process requirements are provided.

If the Commission determines that a Member State has defaulted in the performance of its obligations or responsibilities, written notice shall be provided to the defaulting state. Copy of the notice shall be provided to the other Member States. Termination and appeal requirements are provided.

Upon request by a Member State, the Commission shall attempt to resolve disputes that arise among Member States. The Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

By a majority vote, the Commission may initiate legal action against a Member State in default in federal court. Also, a Member State may initiate legal action against the Commission in federal court. Remedies and relief are provided. No person other than a Member State shall enforce this Compact against the Commission.

Section 11. Effective Date, Withdrawal, and Amendment: The Compact shall come into effect on the date on which the Compact statute is enacted into law in the 7th Member State. This Compact provides processes if the enactment is materially different, withdrawal from a Member State, the effective dates of rules and bylaws, and amendments.

Section 12. Construction and Severability: This Compact and the Commission's rulemaking authority shall be liberally construed so as to effectuate the purposes, implementation, and administration of the Compact. The provisions of this Compact shall be severable. The Commission may deny a State's participation or terminate a Member States' participation if it determines that a constitutional requirement of a Member State is a material departure from the Compact.

Section 13. Consistent Effect and Conflict with Other State Laws: Nothing herein shall prevent or inhibit the enforcement of any other law of a Member State that is not inconsistent with the Compact. Any laws, statutes, regulations, or other legal requirements in a Member State in conflict with the Compact are superseded to the extent of the conflict. All permissible agreements between the Commission and the Member States are binding in accordance with their terms.

Sec. 2: Includes persons who hold an equivalent license under the School Psychologist Interstate Licensure Compact to the Psychologist Practice Act.

Sec. 3: Repealer

Brian Hardin, Chairperson

