

ONE HUNDRED EIGHTH LEGISLATURE - SECOND SESSION - 2024
COMMITTEE STATEMENT
LB835

Hearing Date: Monday January 22, 2024
Committee On: Education
Introducer: Blood
One Liner: Adopt the School Psychologist Interstate Licensure Compact

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

Vote Results:

Aye: 8 Senators Albrecht, Conrad, Linehan, Meyer, Murman, Sanders, Walz, Wayne
Nay:
Absent:
Present Not Voting:

Testimony:

Proponents:

Senator Carol Blood
Jennifer Pollock
Laura Ebke
Ashleigh Clarke, Psy.D.

Representing:

Opening Presenter
Nebraska School Psychologists Association
Platte Institute
Nebraska Psychological Association

Opponents:

Representing:

Neutral:

Representing:

* ADA Accommodation Written Testimony

Summary of purpose and/or changes:

Bill Name / Title / Subject

THE SCHOOL PSYCHOLOGIST INTERSTATE LICENSURE COMPACT

Statutory Changes:

Amends 38-3113 of the Psychology Practice Act (see: 38-3101 through 38-3133) by adding sections 1 through 12 of this Bill.

Bill Summary:

The School Psychologist Interstate Licensure Compact in Nebraska aims to facilitate the interstate practice of School Psychology in educational settings.

Under the Model Compact, Member States are required to share information, maintain Equivalent License lists,



manage complaints, and notify the Commission of Adverse Actions.

Licensees can obtain and maintain an Equivalent License in Remote States, and military members or spouses can continue their work in this field when undergoing a Permanent Change of Station.

The Compact establishes the School Psychologist Interstate Licensure Compact Commission, which is granted rulemaking powers and has the responsibility to facilitate information exchange.

Section-by-Section Summary:

SECTION 1 - PURPOSE

Section 1 establishes the "School Psychologist Interstate Licensure Compact" in Nebraska, aiming to enhance the interstate practice of School Psychology in educational settings.

The Compact primarily aims to enhance public access to School Psychological Services by allowing qualified professionals to acquire equivalent licenses in Member States, encouraging mobility to address workforce shortages, ensuring compliance with state laws, fostering cooperation among states, and facilitating the relocation of licensed military members and their spouses.

SECTION 2 - DEFINITIONS

Definitions for the following terms are provided on pages three through six:

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 License

School Psychological Services

License

Licensee

Member State

Model Compact

Practice of School Psychology

School Psychologist Interstate Licensure Compact Commission

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 Requirements

Unencumbered License



SECTION 3 - STATE PARTICIPATION IN THE COMPACT

To join and remain a Member State of this Compact, a state must enact a statute aligning with the Model Compact, engage in information sharing with other states, maintain a list of Equivalent Licenses, establish a mechanism for handling complaints, and notify the Commission of Adverse Actions; additionally, applicants for a Home State License must meet specific educational and examination criteria.

Upon application, each Member State is required to grant an Equivalent License to practice School Psychology, and Member States have the discretion to set and collect fees for this license.

SECTION 4 - SCHOOL PSYCHOLOGIST PARTICIPATION IN THE COMPACT

To obtain and maintain an Equivalent License from a Remote State under this Compact, a Licensee must hold an active Home State License, meet State Specific Requirements, fulfill administrative and application requirements set by the Commission, complete Home State renewal requirements, and undergo a criminal background check when applying for the license or renewing it in a Member State other than the Home State.

SECTION 5 - ACTIVE MILITARY MEMBERS OR THEIR SPOUSES

An Active Military Member or their spouse holding a Home State License is considered to have the license in their permanent residence, their primary State of Practice, and a Member State where they relocate due to a Permanent Change of Station (PCS)

SECTION 6 – DISCIPLINE AND ADVERSE ACTIONS

This Compact does not restrict a Member State's authority to investigate or take disciplinary actions according to its Scope of Practice Laws, and Member States are allowed to exchange information about investigations and discipline of Licensees, maintaining confidentiality and communication protocols.

SECTION 7 – ESTABLISHMENT OF THE SCHOOL PSYCHOLOGIST INTERSTATE COMPACT COMMISSION

The School Psychologist Interstate Licensure Compact establishes a joint government agency, the School Psychologist Interstate Licensure Compact Commission, comprised of Member States to facilitate the practice of School Psychology across state borders. The Commission holds the authority to establish rules, conduct meetings, oversee finances, and address disciplinary matters. It also ensures immunity, defense, and indemnification for its members, while financing its operations through assessments and fees on Member States and Licensees. Additionally, it outlines protocols for open and closed meetings, establishes an Executive Committee, and addresses matters related to financial reviews, qualified immunity, and state action immunity.

SECTION 8 – FACILITATING INFORMATION EXCHANGE

The Compact stipulates that the Commission will establish mechanisms for exchanging information among Member States to implement the provisions of the agreement, outlining specific details, including identifying information, licensure data, adverse actions, and other relevant details, while preserving the authority of Member States to control and maintain ownership of their Licensee information.

SECTION 9 - RULEMAKING

The Commission is granted rulemaking powers under the Compact, with rules becoming effective upon specified dates, subject to rejection by a majority of Member State legislatures within four years, and emergency rules adopted



to address imminent threats to public health, safety, or welfare.

SECTION 10 – OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

The executive and judicial branches of each Member State will enforce the Compact, with judicial proceedings involving the Commission exclusively held in the jurisdiction of its principal office; in case of default, termination is possible through a supermajority vote, and the Commission may take legal action against defaulting states, while disputes can be resolved through mediation or binding dispute resolution, and enforcement actions can be initiated by the Commission or a Member State in federal court.

SECTION 11 – EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

The Compact becomes effective upon enactment in the seventh Member State, with the Commission reviewing each Charter Member State's enactment; if a Member State is found to be in default or withdraws, the Compact remains in effect; subsequent Member States are subject to evaluation, and withdrawal requires a repealing statute with a 180-day waiting period, during which the withdrawing state must comply with reporting requirements; amendments are effective only after enactment by all Member States.

SECTION 12 – CONSTRUCTION AND SEVERABILITY

The Compact and the Commission's rulemaking authority are to be liberally construed to achieve their purposes, with provisions allowing rulemaking not limiting the authority solely for those purposes; the Compact's provisions are severable, and if any part is deemed unconstitutional, the remainder remains valid, though the Commission may deny or terminate a state's participation if its constitutional requirement is a material departure from the Compact.

SECTION 13 – CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS

This section clarifies that the Compact does not impede the enforcement of other laws in Member States, any conflicting laws in a Member State are superseded by the Compact, and all permissible agreements between the Commission and Member States are binding; an amendment to the Psychology Practice Act is also outlined, specifying exceptions and regulations related to the practice of psychology within the state of Nebraska.

Dave Murman, Chairperson

