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# OHIO LEGISLATIVE SERVICE COMMISSION

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**S.B. 276**  
**136<sup>th</sup> General Assembly**

## Bill Analysis

**Version:** As Introduced

**Primary Sponsor:** Sen. Roegner

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### SUMMARY

- Enters Ohio into the Interstate Compact for School Psychologists to improve public access to school psychological services by facilitating the interstate practice of school psychology in educational or school settings.
- As a member of the Compact, requires Ohio to offer equivalent licenses to school psychologists from another member state of the Compact, subject to Ohio's laws and rules governing school psychologists.
- Requires Ohio to submit information regarding school psychologist licensees to the School Psychologist Interstate Licensure Compact Commission, including information related to identification, licensure, investigations, and adverse action.

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## DETAILED ANALYSIS

### Interstate Compact for School Psychologists

The bill enters Ohio as a party to the Interstate Compact for School Psychologists. The Compact is an agreement among states that join the Compact to establish pathways allowing school psychologists to obtain equivalent licenses to provide school psychological services in any member state. The purpose of the Compact is to facilitate the interstate practice of school psychology in educational or school settings, and in doing so, to improve the availability of school psychological services to the public.<sup>1</sup>

The Compact becomes effective when seven states enact it into law. Each state’s enacting statute cannot be materially different than the model Compact. The Compact includes additional details on reviewing the Compact’s enactments by member states and joining the Compact after it becomes effective.<sup>2</sup> The Compact has been enacted by seven states and therefore is effective.<sup>3</sup>

### State participation in Compact

To participate in the Compact, a state must:<sup>4</sup>

1. Enact a compact statute that is not materially different from the model compact defined by the Commission’s rules;
2. Participate in the sharing of information with other member states as reasonably necessary to accomplish the Compact’s objectives;
3. Identify and maintain with the Commission a list of equivalent licenses available to licensees who hold a home state license under the Compact;

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<sup>1</sup> R.C. 4732.42, Section 1 (unless otherwise noted, subsequent “Section” references in this analysis are to specific sections of the Compact as enacted in R.C. 4732.42).

<sup>2</sup> Section 11.

<sup>3</sup> [Compact Map](http://Compact Map), available by clicking “Compact Map” on the Interstate Compact for School Psychologists website: [schoolpsychcompact.org](http://schoolpsychcompact.org).

<sup>4</sup> Sections 3, 2.S, and 2.T.

4. Have a mechanism in place for receiving and investigating complaints about licensees;
5. Notify the Commission, in compliance with the Compact and the Commission's rules, of any adverse action taken against a licensee, or of the availability of investigative information which relates to a licensee or applicant for licensure;
6. Require applicants for a home state license to have:
  - a. Taken and passed a national licensing examination endorsed by the National Association of School Psychologists or any other exam as approved by the Commission's rules;
  - b. Completed a minimum of 1,200 hours of supervised internship, of which at least 600 hours must have been completed in a school, prior to being approved for licensure; and
  - c. Graduated from an education program which awards a specialist- or doctoral-level degree or equivalent upon completion and is approved by the Commission's rules as meeting the necessary minimum educational standards to ensure that its graduates are ready, qualified, and able to engage in the practice of school psychology.
7. Comply with the terms of the Compact and the Commission's rules.

Each member state must grant an equivalent license to practice school psychology in that state upon application by a licensee who satisfies the Compact's eligibility criteria. Each state must also grant renewal of the equivalent license to a licensee who satisfies the Compact's renewal criteria. A member state may set and collect a fee for granting an equivalent license.

## **School psychologist participation in Compact**

### **Licensure and renewal**

To obtain and maintain an equivalent license from a member state other than the licensee's home state<sup>5</sup> under the Compact, a licensee must:<sup>6</sup>

1. Hold and maintain an active home state license;
2. Satisfy any applicable state specific requirements established by the member state after an equivalent license is granted;
3. Complete any administrative or application requirements which the Commission may establish by rule, and pay any associated fees;
4. Complete any requirements for renewal in the home state, including applicable continuing professional education requirements; and

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<sup>5</sup> Section 2.U.

<sup>6</sup> Section 4.A.

5. Upon application to receive a license under the Compact, undergo a criminal background check in the member state in which the equivalent license is sought in accordance with the laws and regulations of that member state.

To renew an equivalent license in a member state other than the home state, a licensee must only apply for renewal, complete a background check, and pay renewal fees as determined by the licensing authority.<sup>7</sup>

### **Active military members or their spouses**

Under the Compact, a licensee who is an active military member or the spouse of an active military member is considered to hold a home state license in any of the following locations:<sup>8</sup>

1. The licensee's permanent residence;
2. A member state that is the licensee's primary state of practice; and
3. A member state where the licensee has relocated pursuant to a permanent change of state (PCS).

Under the Compact, an active military member is any person with full-time duty status in the armed forces of the United States, including members of the National Guard and Reserve.<sup>9</sup>

### **Discipline and adverse actions**

Nothing in the Compact may be deemed or construed to limit the authority of a member state to investigate or impose disciplinary measures on licensees according to the state practice laws. Member states are authorized to receive, and must provide, files and information regarding the investigation and discipline of licensees in other member states upon request. Any member state that receives such information must protect and maintain the information's security and confidentiality in at least the same manner that it maintains its own investigatory or disciplinary files and information.

Prior to disclosing any disciplinary or investigatory information received from another member state, the disclosing state must communicate its intention and purpose for such disclosure to the member state which originally provided the information.<sup>10</sup>

### **School Psychologist Interstate Licensure Compact Commission**

The Compact provides for the creation of the School Psychologist Interstate Licensure Compact Commission, which is a joint government agency and an instrumentality of the Compact states acting jointly.<sup>11</sup>

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<sup>7</sup> Section 4.B.

<sup>8</sup> Section 5.

<sup>9</sup> Section 2.A.

<sup>10</sup> Section 7.

<sup>11</sup> Section 7.A.

## **Membership, voting, and meetings**

Each member state has one delegate selected by the member state's licensing authority. The delegate must be the primary administrative officer of the member state's licensing authority or their designee who is an employee of the licensing authority. A member state's licensing authority is required to fill any vacancy of its delegate within 60 days of the vacancy. Each delegate is entitled to one vote on all matters voted on by the Commission. Delegates must vote in person or by other means provided in the bylaws.

The Commission's rules and bylaws must establish terms of office for delegates and may establish term limits. The bylaws may permit delegates to meet by telecommunication, video conference, or other means of communication.

The Commission must meet at least once each calendar year. Additional meetings may be held as set by the bylaws. The Commission may meet by telecommunication, video conference, or other similar electronic means.<sup>12</sup>

## **Powers and duties**

The Compact specifies numerous powers and duties of the Commission, including:<sup>13</sup>

1. Establishing the fiscal year of the Commission;
2. Establishing the code of conduct and conflict of interest policies;
3. Establishing and amending rules and bylaws;
4. Establishing the procedure through which a licensee may change their home state;
5. Maintaining its financial records in accordance with the bylaws;
6. Meeting and taking actions consistent with the Compact's provisions, the Commission's rules, and the bylaws;
7. Initiating and concluding legal proceedings or actions in the name of the Commission, provided that the standing of any member state licensing authority to sue or be sued under applicable law is not affected;
8. Maintaining and certifying records and information provided to a member state as the authenticated business records of the Commission, and designating an agent to do so on the Commission's behalf;
9. Purchasing and maintaining insurance and bonds;
10. Borrowing, accepting, or contracting for services of personnel, including employees of a member state;
11. Conducting an annual financial review;

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<sup>12</sup> Section 7.B.

<sup>13</sup> Section 7.C.

12. Hiring employees, electing or appointing officers, fixing compensation, defining duties, granting those individuals appropriate authority to carry out the Compact's purposes, and establishing the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;
13. Assessing and collecting fees;
14. Accepting appropriate gifts, donations, grants, other sources of revenue, equipment, supplies, materials, and services, and receiving, utilizing, and disposing of the same, provided that the Commission must avoid any appearance of impropriety or conflict of interest;
15. Leasing, purchasing, retaining, owning, holding, improving, or using any property, real, personal, or mixed, or any undivided interest therein;
16. Selling, conveying, mortgaging, pledging, leasing, exchanging, abandoning, or otherwise disposing of any real, personal, or mixed property;
17. Establishing a budget and making expenditures;
18. Borrowing money;
19. Appointing committees, including standing committees, composed of members, state regulators, state legislators or their representatives, consumer representatives, and other interested persons as may be designed in the Compact and the bylaws;
20. Providing and receiving information from, and cooperating with, law enforcement agencies;
21. Establishing and electing an Executive Committee, including a chair and vice chair;
22. Determining whether a state's adopted language is materially different from the model Compact language such that the state would not qualify for the Compact; and
23. Performing other functions as may be necessary or appropriate to achieve the Compact's purposes.

Additionally, the Commission must annually adopt and provide a report to the member states.<sup>14</sup>

## **Executive Committee**

The Compact provides that the Executive Committee has the power to act on behalf of the Commission. The Executive Committee is composed of up to seven members, including the chair and vice chair of the Commission as voting members and five voting members from the current membership of the Commission. The Commission may remove any member of the Executive Committee as provided in the Commission's bylaws. The Executive Committee must meet at least once annually.

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<sup>14</sup> Section 7.E.

The Executive Committee's powers, duties, and responsibilities include:<sup>15</sup>

1. Overseeing the day-to-day activities of the administration of the Compact, including enforcement and compliance with the Compact, its rules and bylaws, and other duties as deemed necessary;
2. Recommending changes to the rules or bylaws, Compact legislation, fees charged to member states and licensees, and other fees;
3. Ensuring Compact administration services are appropriately provided;
4. Preparing and recommending the budget;
5. Maintaining financial records on behalf of the Commission;
6. Monitoring Compact compliance of member states and providing compliance reports to the Commission;
7. Establishing additional committees as necessary;
8. Exercising the powers and duties of the Commission during the interim between Commission meetings, except for adopting or amending rules or bylaws and exercising any other powers and duties expressly reserved to the Commission by rule or bylaw; and
9. Other duties as provided in the rules or bylaws of the Commission.

### **Commission meetings**

The Commission's meetings generally must be open to the public. A public notice of the meetings generally must be provided 30 days in advance of the meeting. The Executive Committee must post such notice on its website and as determined to provide notice to persons with interest in the Commission's business.

The Commission or the Executive Committee may hold a special meeting when it must meet to conduct emergency business by giving 48 hours' notice to all commissioners, on the Commission's website, and by other means as provided in the Commission's rules. The Commission's legal counsel must certify that the Commission's need to meet qualifies as an emergency.

The Commission or the Executive Committee may have a closed, nonpublic meeting to receive legal advice or to discuss limited topics, including state noncompliance; employment, compensation, or discipline of specific employees; discipline of a licensee; litigation; contract negotiation; criminal accusations; trade secrets and confidential information; personal information that would constitute a clearly unwarranted invasion of personal privacy if disclosed; investigative records compiled for law enforcement purposes; information related to investigative reports; matters exempted from disclosure by federal or member state law; or other matters as promulgated by the Commission by rule. If a meeting or a portion of a meeting is

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<sup>15</sup> Section 7.D.

closed, the presiding officer must state that the meeting will be closed and reference each relevant exempting provision. Each reference must be included in the meeting's minutes.

The Commission must keep minutes that fully and clearly describe all matters discussed in a meeting and provide a full and accurate summary of actions taken, and the reasons for those actions, including a description of the views expressed. All documents considered in connection with an action must be identified in the minutes. All minutes and documents of a closed meeting must remain under seal, subject to release only by a majority vote of the Commission or on order of a court of competent jurisdiction.<sup>16</sup>

### **Commission finances**

The Commission is required to pay for the reasonable expense of its establishment, organization, and ongoing activities. The Commission may collect an annual assessment from each member state and impose fees on licensees practicing in the member states under an equivalent license to cover the cost of the Commission's operations and activities, which must be in a total amount sufficient to cover its annual budget for which revenue is not provided by other sources. The aggregate annual assessment amount for member states must be allocated based on a formula established by rule. The Commission cannot incur obligations without first securing the funds to meet the obligation. The Commission cannot pledge the credit of the member states, except by and with the authority of the members states. The Commission must keep accurate accounts of all receipts and disbursements, subject to the financial review and accounting procedures established under its bylaws. All receipts and disbursements of funds handled by the Commission are subject to an annual financial review by a certified or licensed public accountant, and the report of the financial review must be included in the Commission's annual report.<sup>17</sup>

### **Qualified immunity, defense, and indemnification**

The Compact provides that the members, officers, executive director, employees, and representatives of the Commission are immune from suit and liability for damages to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged acts, errors, or omissions that occurred within the scope of Commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities, so long as the damage, loss, injury, or liability is not caused by intentional or willful or wanton misconduct. The Commission's procurement of insurance cannot compromise or limit this immunity. The Commission must defend individuals entitled to the immunity, but individuals may also retain their own counsel at their own expense.

The Commission also must indemnify and hold harmless any member, officer, executive director, employee, or representative of the Commission for the amount of any settlement or judgment obtained against that individual arising out of acts, errors, or omissions, or that

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<sup>16</sup> Sections 7.D.4 and 7.F.

<sup>17</sup> Section 7.G.



occurred within the scope of Commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities, except in the case of intentional or willful or wanton misconduct.

The Compact clarifies that it is not to be construed as any of the following:<sup>18</sup>

1. A limitation on the liability of a licensee for professional malpractice or misconduct, which must be governed solely by other applicable state laws;
2. A waiver or abrogation of a member state's state action immunity or state action affirmative defense with respect to antitrust claims under the Sherman Act, Clayton Act, or any other state or federal antitrust or anticompetitive law or regulation; or
3. A waiver of sovereign immunity by the member states or by the Commission.

## Information exchanges

The Commission is required to provide for facilitating the exchange of information to administer and implement the Compact's provisions in accordance with the Commission's rules and generally accepted data protection principles. Each member state is required to provide for the facilitation of the licensee information, including:<sup>19</sup>

1. Identifying information;
2. Licensure data;
3. Adverse actions;
4. Nonconfidential information related to alternative program participation;
5. Denial of application for licensure and the reasons for the denial;
6. The presence of investigative information; and
7. Other information as determined by the rules of the Commission.

The Compact does not alter, limit, or inhibit the power of a member state to control and maintain ownership of its licensee information or the laws or regulations governing that information in the member state.

## Rulemaking

The Commission has the power to adopt rules pursuant to the criteria and process set forth in the Compact. Rules or amendments to rules must be adopted or ratified at a regular or special meeting of the Commission. At least 30 days in advance of the meeting in which a rule will be considered and voted upon, the Commission must file a notice of proposed rulemaking on the Commission's website or other publicly accessible platform and on the website of each

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<sup>18</sup> Section 7.H.

<sup>19</sup> Section 8.

member state's licensing authority, another publicly accessible platform, or in the publication in which the state would otherwise publish proposed rules.

The Compact permits the Commission to adopt emergency rules in limited circumstances. The Commission must give 48 hours' notice of emergency rulemaking, with opportunity to comment. The Commission must retroactively apply the usual rulemaking procedures to the rule as soon as reasonably possible and no later than 90 days after the rule's effective date. Emergency rules may be adopted if the rule is needed immediately to:

1. Meet an imminent threat to public health, safety, or welfare;
2. Prevent a loss of Commission or member state funds;
3. Meet a deadline for the promulgation of an administrative rule established by federal law or rule; or
4. Protect public health and safety.

If the Commission adopts rules in a manner that is beyond the purpose and intent of the Compact or beyond the Commission's powers, then those rules are invalid. If a majority of the legislatures of the member states reject a rule by the enactment of a statute or resolution within four years of the rule's adoption, then the rule is no longer binding on member states.<sup>20</sup>

## **Commission oversight, dispute resolution, and enforcement**

The Compact provides that the executive and judicial branches for each member state must enforce the Compact and take necessary actions to implement it.<sup>21</sup>

If the Commission determines that a member state has defaulted under the Compact, the Commission must provide written notice to the state including a description of the default, proposed means of curing the default, and any other action that the Commission may take. The Commission must also offer training and specific technical assistance regarding the default. If a state fails to cure the default after all means of securing compliance have been exhausted, that state may be terminated from the Compact by a supermajority vote of the delegates of the member states. The Compact contains additional details regarding the termination process as well as the right to appeal. If a state is terminated, it must continue to recognize all licenses granted under the Compact for a minimum of six months from the date of the notice of termination.<sup>22</sup>

The Commission must attempt to resolve disputes related to the Compact that arise between member states and between member and nonmember states upon the request of a member state. The Commission must adopt a rule providing for mediation and binding dispute resolution.<sup>23</sup>

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<sup>20</sup> Section 9.

<sup>21</sup> Section 10.A.

<sup>22</sup> Section 10.B to H.

<sup>23</sup> Section 10.I.

The Compact permits the Commission, by a majority vote of the member states, to initiate legal action against a member state to enforce compliance with the Compact. Similarly, a member state may initiate legal action against the Commission to enforce compliance. No person other than a member state may enforce the Compact against the Commission.<sup>24</sup>

## Withdrawal

The Compact permits member states to withdraw from the Compact by enacting a statute repealing the Compact. Withdrawals are effective 180 days after the repeal. A state that withdraws from the Compact must immediately provide notice of the withdrawal to all licensees within the state and must continue to recognize all licenses granted under the Compact for a minimum of six months from the date of the notice of withdrawal.<sup>25</sup>

## Amendment

Member states may amend the Compact, but no such amendment may take effect and become binding upon any member state until it is enacted into the laws of all member states.<sup>26</sup>

## Construction and severability

The Compact provides that it is to be liberally construed and its provisions are severable.<sup>27</sup>

## Consistent effect and conflict with other state laws

The Compact does not prevent the enforcement of any other law of a member state that does not conflict with the Compact. The Compact provides that any laws 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.<sup>28</sup>

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## HISTORY

Action	Date
Introduced	09-30-25

ANSB0276IN-136/ks

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<sup>24</sup> Section 10.J.

<sup>25</sup> Section 11.

<sup>26</sup> Section 11.D

<sup>27</sup> Section 12.

<sup>28</sup> Section 13.