

Senate File 2367

S-5062

1 Amend Senate File 2367 as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <DIVISION I

5 CONTINUING EDUCATION REQUIREMENTS — NUTRITION AND METABOLIC
6 HEALTH

7 Section 1. Section 148.3, Code 2026, is amended by adding
8 the following new subsection:

9 NEW SUBSECTION. 5. The board shall adopt rules pursuant to
10 chapter 17A requiring a licensee practicing family medicine,
11 internal medicine, pediatrics, psychiatry, endocrinology,
12 gastroenterology, cardiology, oncology, rheumatology,
13 neurology, nephrology, dermatology, pulmonology, surgery,
14 immunology, hematology, obstetrics, or gynecology to complete a
15 minimum of one hour of continuing education on nutrition and
16 metabolic health every four years as a condition of license
17 renewal.

18 Sec. 2. Section 148C.3, subsection 1, paragraph c, Code
19 2026, is amended to read as follows:

20 c. Hours of continuing medical education necessary to become
21 or remain licensed. The board shall adopt rules pursuant to
22 chapter 17A requiring a licensee practicing family medicine,
23 internal medicine, pediatrics, psychiatry, endocrinology,
24 gastroenterology, cardiology, oncology, rheumatology,
25 neurology, nephrology, dermatology, pulmonology, surgery,
26 immunology, hematology, obstetrics, or gynecology to complete a
27 minimum of one hour of continuing education on nutrition and
28 metabolic health every four years as a condition of license
29 renewal.

30 DIVISION II

31 MEDICAL SCHOOL GRADUATION REQUIREMENT — NUTRITION

32 Sec. 3. NEW SECTION. 148.15 Medical school graduation
33 requirement — nutrition.

34 Beginning July 1, 2028, a medical school or college of
35 osteopathic medicine and surgery in this state shall require as

SF 2367.3178 (2) 91

amending this SF 2367 to CONFORM to HF 2676

1 a condition of graduation that each student complete at least
2 forty hours of coursework on nutrition and metabolic health.

3 DIVISION III

4 SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM — SUMMER ELECTRONIC
5 BENEFITS TRANSFER FOR CHILDREN PROGRAM

6 Sec. 4. Section 234.1, Code 2026, is amended by adding the
7 following new subsection:

8 NEW SUBSECTION. 4A. *“Summer electronic benefits transfer*
9 *for children program”* or *“summer EBT program”* means the summer
10 electronic benefits transfer for children program established
11 in 42 U.S.C. §1762.

12 Sec. 5. NEW SECTION. 234.12B Supplemental nutrition
13 assistance program — summer electronic benefits transfer for
14 children program.

15 The department shall continuously request that the United
16 States department of agriculture, food and nutrition service,
17 provide approval, for purposes of state administration of the
18 supplemental food and nutrition program and the summer EBT
19 program, if the state participates in the summer EBT program,
20 for a modification to the list of eligible foods in 7 C.F.R.
21 §271.2 to only include foods that are eligible as of January
22 1, 2026. The department may seek approval for additional
23 foods to be excluded based on healthy food standards if the
24 state provides all authorized SNAP retailers with a list of
25 ineligible foods identified by universal product code, and
26 instructions for point-of-sale compliance. The department
27 shall implement each modification upon receipt of approval.

28 DIVISION IV

29 IVERMECTIN — OVER-THE-COUNTER AVAILABILITY

30 Sec. 6. NEW SECTION. 126.24 Ivermectin — prescription drug
31 order not required.

32 1. A pharmacist or pharmacy may distribute ivermectin for
33 human consumption as an over-the-counter medicine.

34 2. A pharmacist or pharmacy shall not be subject to
35 professional discipline or civil or criminal penalties for the

SF 2367.3178 (2) 91

amending this SF 2367 to CONFORM to HF 2676

dg/ko

2/49

1 distribution of ivermectin pursuant to this section.

2 DIVISION V

3 SCHOOL FOODS AND BEVERAGES

4 Sec. 7. Section 256E.7, subsection 2, Code 2026, is amended
5 by adding the following new paragraph:

6 NEW PARAGRAPH. *0t.* Be subject to and comply with the
7 requirements of section 283A.6 relating to the preparation
8 of meals provided to students, and prohibited ingredients in
9 meals provided to students, in the same manner as a school
10 district, if the charter school provides a breakfast or lunch
11 program through the national school lunch program or the school
12 breakfast program administered by the food and nutrition
13 service of the United States department of agriculture.

14 Sec. 8. Section 256F.4, subsection 2, Code 2026, is amended
15 by adding the following new paragraph:

16 NEW PARAGRAPH. *v.* Be subject to and comply with the
17 requirements of section 283A.6 relating to the preparation of
18 meals provided to students, and prohibited ingredients in meals
19 provided to students, in the same manner as a school district,
20 if the charter school or innovation zone school provides a
21 breakfast or lunch program.

22 Sec. 9. NEW SECTION. **283A.6 School district breakfast and**
23 **lunch programs — food and beverages provided to students —**
24 **prohibited ingredients.**

25 1. *a.* A school district shall not serve a meal to students
26 as part of the school district's breakfast or lunch program
27 that contains any of the following ingredients:

- 28 (1) Blue dye 1.
- 29 (2) Blue dye 2.
- 30 (3) Green dye 3.
- 31 (4) Potassium bromate.
- 32 (5) Propylparaben.
- 33 (6) Red dye 40.
- 34 (7) Yellow dye 5.
- 35 (8) Yellow dye 6.

1 *b.* Paragraph “*a*” does not apply to food and beverages
2 received as part of a direct delivery from the foods in schools
3 program of the United States department of agriculture.

4 2. An employee or contracted vendor of a school district
5 shall not provide any food or beverages that contain an
6 ingredient described in subsection 1 to a student enrolled in
7 the school district during the school day.

8 3. A school district shall not permit the sale to students
9 of any foods or beverages that contain an ingredient described
10 in subsection 1 on the school campus, as school campus is
11 defined in 7 C.F.R. §210.11 as of January 1, 2026, unless the
12 sale takes place outside of the school day, as school day is
13 defined in 7 C.F.R. §210.11 as of January 1, 2026.

14 Sec. 10. Section 283A.10, Code 2026, is amended to read as
15 follows:

16 **283A.10 School breakfast or lunch in nonpublic schools.**

17 The authorities in charge of nonpublic schools may operate
18 or provide for the operation of school breakfast or lunch
19 programs in schools under their jurisdiction and may use funds
20 appropriated to them by the general assembly, gifts, funds
21 received from sale of school breakfasts or lunches under such
22 programs, and any other funds available to the nonpublic
23 school. However, school breakfast or lunch programs shall not
24 be required in nonpublic schools. The department of education
25 shall direct the disbursement of state funds to nonpublic
26 schools for school breakfast or lunch programs in the same
27 manner as state funds are disbursed to public schools. If
28 a nonpublic school receives state funds for the operation of
29 a school breakfast or lunch program, meals served under the
30 program shall be nutritionally adequate meals, as defined in
31 section 283A.1, and shall comply with the requirements of
32 section 283A.6.

33 Sec. 11. APPLICABILITY. This division of this Act applies
34 to school years beginning on or after July 1, 2027.

35

DIVISION VI

SF 2367.3178 (2) 91

amending this SF 2367 to CONFORM to HF 2676

dg/ko

1 EDUCATIONAL STANDARDS

2 Sec. 12. Section 256.11, subsection 2, Code 2026, is amended
3 to read as follows:

4 2. a. The kindergarten program shall include experiences
5 designed to develop healthy emotional and social habits and
6 growth in the language arts and communication skills, as well
7 as a capacity for the completion of individual tasks, and
8 protect and increase physical well-being with attention given
9 to experiences relating to the development of life skills and,
10 subject to [section 279.80](#), age-appropriate and research-based
11 human growth and development. The kindergarten program shall
12 also include instruction related to nutrition that emphasizes
13 all of the following:

14 (1) The importance of animal-based protein, dairy,
15 vegetables, and fruit.

16 (2) The nutritional benefits of animal-based protein,
17 dairy, vegetables, and fruit.

18 (3) The role that animal-based protein, dairy, vegetables,
19 and fruit play in a balanced diet.

20 b. A kindergarten teacher shall be licensed to teach in
21 kindergarten.

22 c. An accredited nonpublic school must meet the requirements
23 of [this subsection](#) only if the nonpublic school offers a
24 kindergarten program; provided, however, that [section 279.80](#)
25 shall not apply to a nonpublic school.

26 Sec. 13. Section 256.11, subsection 3, paragraph a,
27 subparagraph (5), Code 2026, is amended to read as follows:

28 (5) Health. The health curriculum shall include ~~the~~ all of
29 the following:

30 (a) The characteristics of communicable diseases.

31 (b) Instruction related to nutrition that emphasizes all of
32 the following:

33 (i) The importance of animal-based protein, dairy,
34 vegetables, and fruit.

35 (ii) The nutritional benefits of animal-based protein,

1 dairy, vegetables, and fruit.

2 (iii) The role that animal-based protein, dairy,
3 vegetables, and fruit play in a balanced diet.

4 Sec. 14. Section 256.11, subsection 4, paragraph a,
5 subparagraphs (5) and (7), Code 2026, are amended to read as
6 follows:

7 (5) Health. The health curriculum shall include
8 ~~age-appropriate~~ all of the following:

9 (a) Age-appropriate and research-based information
10 regarding the characteristics of sexually transmitted diseases.

11 (b) Instruction related to nutrition that emphasizes all of
12 the following:

13 (i) The importance of animal-based protein, dairy,
14 vegetables, and fruit.

15 (ii) The nutritional benefits of animal-based protein,
16 dairy, vegetables, and fruit.

17 (iii) The role that animal-based protein, dairy,
18 vegetables, and fruit play in a balanced diet.

19 (7) Career instruction, exploration, and development, which
20 shall include career investigation, career connections, and
21 career intentions. Career exploration and development shall
22 be designed so that students are appropriately prepared to
23 create an individualized career and academic plan pursuant to
24 section 279.61, incorporate foundational career and technical
25 education concepts aligned with the six career and technical
26 education service areas as defined in subsection 5, paragraph
27 "h", incorporate relevant twenty-first century skills to
28 facilitate career readiness, and introduce students to career
29 opportunities within the local community and across this state.
30 This subparagraph shall not apply to the teaching of career
31 exploration and development in nonpublic schools.

32 Sec. 15. Section 256.11, subsection 4, paragraph b, Code
33 2026, is amended to read as follows:

34 *b.* Computer science instruction incorporating the standards
35 established under **section 256.7, subsection 26**, paragraph "a",

1 subparagraph (4), shall be offered in at least one grade level
2 commencing with the school year beginning July 1, 2023. Career
3 ~~exploration and development shall be designed so that students~~
4 ~~are appropriately prepared to create an individual career~~
5 ~~and academic plan pursuant to section 279.61, incorporate~~
6 ~~foundational career and technical education concepts aligned~~
7 ~~with the six career and technical education service areas as~~
8 ~~defined in subsection 5, paragraph "h", incorporate relevant~~
9 ~~twenty-first century skills to facilitate career readiness, and~~
10 ~~introduce students to career opportunities within the local~~
11 ~~community and across this state.~~

12 Sec. 16. Section 256.11, subsection 5, paragraph h,
13 subparagraph (1), subparagraph division (a), Code 2026, is
14 amended to read as follows:

15 (a) Agriculture, food, and natural resources, which
16 shall include instruction relating to food production and the
17 benefits of local sourcing.

18 Sec. 17. Section 256.11, subsection 5, paragraph j,
19 subparagraph (1), Code 2026, is amended to read as follows:

20 (1) One unit of health education which may include
21 personal health; food and nutrition; environmental health;
22 safety and survival skills; consumer health; family life;
23 age-appropriate and research-based human growth and development
24 that incorporates the standards established under section
25 279.50, subsection 3, paragraph "b"; substance use disorder
26 and nonuse; emotional and social health; health resources;
27 cardiopulmonary resuscitation; and prevention and control
28 of disease, including age-appropriate and research-based
29 information regarding sexually transmitted diseases. The one
30 unit of health education shall include instruction related to
31 nutrition that emphasizes all of the following:

32 (a) The importance of animal-based protein, dairy,
33 vegetables, and fruit.

34 (b) The nutritional benefits of animal-based protein,
35 dairy, vegetables, and fruit.

1 (c) The role that animal-based protein, dairy, vegetables,
2 and fruit play in a balanced diet.

3 Sec. 18. Section 256E.7, subsection 2, paragraph h, Code
4 2026, is amended by adding the following new subparagraphs:

5 NEW SUBPARAGRAPH. (01) The educational standards
6 established in section 256.11, subsections 2, 3, and 4, and
7 section 256.11, subsection 5, paragraph "j", subparagraph (1),
8 related to instruction on nutrition.

9 NEW SUBPARAGRAPH. (3) The educational standards
10 established in section 256.11, subsection 5, paragraph "h",
11 subparagraph (1), subparagraph division (a), related to
12 instruction relating to food production and the benefits of
13 local sourcing.

14 Sec. 19. Section 256F.4, subsection 2, Code 2026, is amended
15 by adding the following new paragraphs:

16 NEW PARAGRAPH. *Op.* Be subject to and comply with the
17 requirements of section 256.11, subsections 2, 3, and 4, and
18 section 256.11, subsection 5, paragraph "j", subparagraph (1),
19 related to instruction on nutrition in the same manner as a
20 school district.

21 NEW PARAGRAPH. *w.* Be subject to and comply with the
22 requirements of section 256.11, subsection 5, paragraph
23 "h", subparagraph (1), subparagraph division (a), related to
24 instruction relating to food production and the benefits of
25 local sourcing in the same manner as a school district.

26 Sec. 20. NEW SECTION. **283A.14 Application for waiver —**
27 **updated nutritional guidelines — joint committee.**

28 1. The general assembly finds and declares all of the
29 following:

30 *a.* The nutritional needs and cultural preferences of
31 the students in Iowa might be better served by localizing
32 nutritional standards.

33 *b.* Unique regional food sources, including corn, pork, and
34 dairy, are not adequately addressed by federal guidelines.

35 *c.* Flexibility in nutritional standards can enhance the

1 ability of schools to provide meals that are both nutritious
2 and appealing to students, which may increase student
3 participation in school breakfast and lunch programs.

4 2. Within ninety days after the effective date of this Act,
5 the department of education shall apply for a waiver under the
6 provisions of the federal National School Lunch Act of 1966, 42
7 U.S.C. §1751 et seq., and the federal Child Nutrition Act of
8 1966, 42 U.S.C. §1771 et seq., to request all of the following:

9 a. An exemption from sodium limits, whole grain
10 requirements, and fruit and vegetable variety stipulations in
11 school breakfast and lunch programs.

12 b. Permission to substitute or modify federal requirements
13 with state-specific nutritional guidelines that align with
14 Iowa's dietary recommendations or cultural food practices.

15 3. If the waiver applied for by the department of
16 education under subsection 2 is granted, the department of
17 education shall adopt updated guidelines for what constitutes
18 a nutritionally adequate meal. The department shall consult
19 with the department of agriculture and land stewardship,
20 experts in nutrition, educators, parents, local farmers, and
21 other stakeholders during the process of adopting updated
22 guidelines for what constitutes a nutritionally adequate meal.
23 The guidelines for what constitutes a nutritionally adequate
24 meal may reflect local preferences, regional food sources,
25 including corn, pork, and dairy, and cultural considerations.
26 The guidelines for what constitutes a nutritionally adequate
27 meal must satisfy all of the following requirements:

28 a. Be at least as stringent in promoting health and
29 preventing chronic diseases as the federal guidelines.

30 b. Maintain a commitment to nutritional health and student
31 well-being.

32 c. Prioritize the following food groups, in the order
33 listed:

34 (1) Animal-based protein, including but not limited to
35 beef, pork, poultry, fish, and eggs.

1 (2) Dairy products, including but not limited to milk,
2 cheese, and yogurt.

3 (3) Vegetables, including but not limited to local and
4 seasonal produce.

5 (4) Fresh fruit or dried or frozen fruit when fresh fruit is
6 not seasonally available.

7 4. If the waiver applied for by the department of education
8 under subsection 2 is granted, the department of education
9 and the department of agriculture and land stewardship shall
10 establish a joint committee to do all of the following:

11 a. Oversee the implementation of the guidelines for what
12 constitutes a nutritionally adequate meal.

13 b. Review the outcomes associated with the guidelines for
14 what constitutes a nutritionally adequate meal.

15 c. Study the nutritional science associated with the
16 guidelines for what constitutes a nutritionally adequate meal
17 and seek feedback from schools, parents, and agricultural
18 stakeholders related to the guidelines.

19 d. Provide recommendations to the department of education
20 related to changes that may need to be made to the guidelines
21 for what constitutes a nutritionally adequate meal.

22 5. If the waiver applied for by the department of
23 education under subsection 2 is granted, the department of
24 education shall submit to the general assembly an annual
25 report, beginning on or before the first June 30 after
26 the implementation of the new guidelines, which describes
27 the impact of the guidelines related to what constitutes a
28 nutritionally adequate meal, including information related
29 to school breakfast and lunch program participation, student
30 health outcomes, feedback from school districts, progress
31 in implementing the guidelines, challenges associated with
32 implementing the guidelines, and recommendations for further
33 enhancement of the guidelines.

34 6. If the waiver applied for by the department of education
35 under subsection 2 is granted, the department of education

1 shall conduct an evaluation to assess the effectiveness of the
2 guidelines for what constitutes a nutritionally adequate meal
3 compared to the comparable federal standards within five years
4 after the effective date of the waiver.

5 Sec. 21. EFFECTIVE DATE. The following, being deemed of
6 immediate importance, takes effect upon enactment:

7 The section of this division of this Act enacting section
8 283A.14.

9 Sec. 22. APPLICABILITY. The following apply to school years
10 beginning on or after July 1, 2027:

11 1. The section of this division of this Act amending section
12 256.11, subsections 2, 3, and 4.

13 2. The section of this division of this Act amending
14 section 256.11, subsection 5, paragraph "h", subparagraph (1),
15 subparagraph division (a).

16 3. The section of this division of this Act amending section
17 256.11, subsection 5, paragraph "j", subparagraph (1).

18 4. The section of this division of this Act amending section
19 256E.7, subsection 2, paragraph "h".

20 5. The section of this division of this Act amending section
21 256F.4, subsection 2.

22 DIVISION VII

23 STUDENT INSTRUCTIONAL TECHNOLOGY STANDARDS

24 Sec. 23. Section 256E.7, subsection 2, Code 2026, is amended
25 by adding the following new paragraph:

26 NEW PARAGRAPH. *Os.* Be subject to and comply with
27 the requirements of section 279.89 relating to student
28 instructional technology standards in the same manner as a
29 school district.

30 Sec. 24. Section 256F.4, subsection 2, Code 2026, is amended
31 by adding the following new paragraph:

32 NEW PARAGRAPH. *w.* Be subject to and comply with
33 the requirements of section 279.89 relating to student
34 instructional technology standards in the same manner as a
35 school district.

1 Sec. 25. NEW SECTION. **279.89 Student instructional**
2 **technology standards.**

3 1. As used in this section, unless the context otherwise
4 requires:

5 *a. "Digital instruction"* means lessons, assignments,
6 assessments, or instructional activities delivered through
7 instructional technology.

8 *b. "Instructional technology"* means a laptop, tablet,
9 computer, smart device, software platform, or other similar
10 device or platform used for student learning.

11 *c. "One-to-one digital device program"* means a program
12 through which a school district provides or assigns a digital
13 device to each student for instructional use.

14 2. *a.* For students enrolled in grades kindergarten through
15 five, digital instruction shall not exceed sixty minutes per
16 school day.

17 *b.* The following uses shall not count toward the daily
18 limit:

19 (1) Use required pursuant to an individualized education
20 program or a plan developed pursuant to section 504 of the
21 federal Rehabilitation Act of 1973.

22 (2) Assistive or adaptive technology necessary to provide a
23 student access to instruction.

24 (3) Teacher-directed demonstrations using a projector,
25 smartboard, or similar display device when students are not
26 individually operating a digital device.

27 (4) State assessments and progress monitoring that requires
28 the use of a one-to-one digital device.

29 (5) Dedicated computer science and technology curriculum.

30 3. *a.* The board of directors of each school district shall
31 adopt a written technology use policy applicable to grades
32 kindergarten through five.

33 *b.* The policy shall include all of the following:

34 (1) The district's daily digital instruction limits.

35 (2) A list of digital platforms and applications used for

1 instruction.

2 (3) Notice of a parent's or guardian's right to request
3 additional reductions in the parent's or guardian's child's
4 digital instruction.

5 (4) A statement that instructional technology shall
6 support, and not supplant, foundational learning.

7 (5) A prohibition on the use of digital devices during
8 recess.

9 c. The policy shall be published on each elementary school's
10 internet site.

11 4. a. Prior to adopting or renewing a one-to-one digital
12 device program for any grade level, the board of directors of a
13 school district shall complete a technology adoption checklist
14 that documents consideration of all of the following:

15 (1) The instructional purpose of the device.

16 (2) Age appropriateness of the device and associated
17 software.

18 (3) Content-filtering limitations and the district's
19 capacity to mitigate those limitations.

20 (4) Whether student data is collected, stored, or shared,
21 and the nature of such data practices.

22 b. The checklist shall be retained by the board and made
23 available to the department of education upon request for audit
24 or compliance purposes.

25 c. Each school district shall make publicly available on the
26 district's internet site a list of one-to-one digital device
27 programs in use, and information regarding opt-out options for
28 parents who decline participation in digital instruction.

29 5. This section shall not apply to students enrolled in an
30 online learning program operating pursuant to section 256.43.

31 DIVISION VIII

32 PSYCHOLOGY INTERJURISDICTIONAL COMPACT

33 Sec. 26. NEW SECTION. 147M.1 Psychology interjurisdictional
34 compact.

35 The psychology interjurisdictional compact is enacted into

SF 2367.3178 (2) 91

amending this SF 2367 to CONFORM to HF 2676

dg/ko

13/49

1 law and entered into by this state with all states legally
2 joining in the compact in the form substantially as follows:

3 1. *Article I — Purpose.*

4 a. The party states find that:

5 (1) States license psychologists, in order to protect
6 the public through verification of education, training,
7 and experience, and ensure accountability for professional
8 practice.

9 (2) This compact is intended to regulate the day-to-day
10 practice of telepsychology, in which psychological services are
11 provided using telecommunication technologies, by psychologists
12 across state boundaries in the performance of their
13 psychological practice as assigned by an appropriate authority.

14 (3) This compact is intended to regulate the temporary
15 in-person, face-to-face practice of psychology by psychologists
16 across state boundaries for thirty days within a calendar year
17 in the performance of their psychological practice as assigned
18 by an appropriate authority.

19 (4) This compact is intended to authorize state psychology
20 regulatory authorities to afford legal recognition, in a manner
21 consistent with the terms of the compact, to psychologists
22 licensed in another state.

23 (5) This compact recognizes that states have a vested
24 interest in protecting the public's health and safety through
25 their licensing and regulation of psychologists and that such
26 state regulation will best protect public health and safety.

27 (6) This compact does not apply when a psychologist is
28 licensed in both the home and receiving states.

29 (7) This compact does not apply to permanent in-person,
30 face-to-face practice, but it does allow for authorization of
31 temporary psychological practice.

32 b. Consistent with these principles, this compact is
33 designed to achieve the following purposes and objectives:

34 (1) Increase public access to professional psychological
35 services by allowing for telepsychological practice across

1 state lines as well as temporary in-person, face-to-face
2 services into a state in which the psychologist is not licensed
3 to practice psychology.

4 (2) Enhance the states' ability to protect the public's
5 health and safety, especially client-patient safety.

6 (3) Encourage the cooperation of compact states in the areas
7 of psychology licensure and regulation.

8 (4) Facilitate the exchange of information between compact
9 states regarding psychologist licensure, adverse actions, and
10 disciplinary history.

11 (5) Promote compliance with the laws governing
12 psychological practice in each compact state.

13 (6) Invest all compact states with the authority to
14 hold licensed psychologists accountable through the mutual
15 recognition of compact state licenses.

16 2. *Article II — Definitions.*

17 a. "Adverse action" means any action taken by a state
18 psychology regulatory authority which finds a violation
19 of a statute or regulation that is identified by the state
20 psychology regulatory authority as discipline and is a matter
21 of public record.

22 b. "Association of state and provincial psychology boards"
23 means the recognized membership organization composed of state
24 and provincial psychology regulatory authorities responsible
25 for the licensure and registration of psychologists throughout
26 the United States and Canada.

27 c. "Authority to practice interjurisdictional telepsychology"
28 means a licensed psychologist's authority to practice
29 telepsychology, within the limits authorized under this
30 compact, in another compact state.

31 d. "Bylaws" means those bylaws established by the psychology
32 interjurisdictional compact commission pursuant to article
33 X for its governance, or for directing and controlling its
34 actions and conduct.

35 e. "Client-patient" means the recipient of psychological

1 services, whether psychological services are delivered in the
2 context of health care, corporate, supervision, or consulting
3 services.

4 *f. "Commissioner"* means the voting representative appointed
5 by each state psychology regulatory authority pursuant to
6 article X.

7 *g. "Compact state"* means a state, the District of Columbia,
8 or United States territory that has enacted this compact
9 legislation and which has not withdrawn pursuant to article
10 XIII, or been terminated pursuant to article XII.

11 *h. "Confidentiality"* means the principle that data or
12 information is not made available or disclosed to unauthorized
13 persons or processes.

14 *i. "Coordinated licensure information system" or "coordinated
15 database"* means an integrated process for collecting, storing,
16 and sharing information on psychologists' licensure and
17 enforcement activities related to psychology licensure laws,
18 which is administered by the recognized membership organization
19 composed of state and provincial psychology regulatory
20 authorities.

21 *j. "Day"* means any part of a day in which psychological work
22 is performed.

23 *k. "Distant state"* means the compact state where a
24 psychologist is physically present, not through the use
25 of telecommunications technologies, to provide temporary
26 in-person, face-to-face psychological services.

27 *l. "E.Passport"* means a certificate issued by the
28 association of state and provincial psychology boards
29 that promotes the standardization in the criteria of
30 interjurisdictional telepsychology practice and facilitates the
31 process for licensed psychologists to provide telepsychological
32 services across state lines.

33 *m. "Executive board"* means a group of directors elected or
34 appointed to act on behalf of, and within the powers granted to
35 them by, the commission.

1 *n.* "Home state" means a compact state where a psychologist
2 is licensed to practice psychology. If the psychologist is
3 licensed in more than one compact state and is practicing
4 under the authorization to practice interjurisdictional
5 telepsychology, the home state is the compact state where the
6 psychologist is physically present when the telepsychological
7 services are delivered. If the psychologist is licensed
8 in more than one compact state and is practicing under the
9 temporary authorization to practice, the home state is any
10 compact state where the psychologist is licensed.

11 *o.* "Identity history summary" means a summary of information
12 retained by the federal bureau of investigation (FBI), or other
13 designee with similar authority, in connection with arrests
14 and, in some instances, federal employment, naturalization, or
15 military service.

16 *p.* "In-person, face-to-face" means interactions in which the
17 psychologist and the client-patient are in the same physical
18 space and which does not include interactions that may occur
19 through the use of telecommunication technologies.

20 *q.* "Interjurisdictional practice certificate" or "IPC"
21 means a certificate issued by the association of state and
22 provincial psychology boards that grants temporary authority
23 to practice based on notification to the state psychology
24 regulatory authority of intention to practice temporarily, and
25 verification of one's qualifications for such practice.

26 *r.* "License" means authorization by a state psychology
27 regulatory authority to engage in the independent practice of
28 psychology, which would be unlawful without the authorization.

29 *s.* "Noncompact state" means any state which is not at the
30 time a compact state.

31 *t.* "Psychologist" means an individual licensed for the
32 independent practice of psychology.

33 *u.* "Psychology interjurisdictional compact commission" or
34 "commission" means the national administration of which all
35 compact states are members.

1 *v. "Receiving state"* means a compact state where the
2 client-patient is physically located when the telepsychological
3 services are delivered.

4 *w. "Rule"* means a written statement by the psychology
5 interjurisdictional compact commission promulgated pursuant
6 to article XI that is of general applicability, implements,
7 interprets, or prescribes a policy or provision of this
8 compact, or an organizational, procedural, or practice
9 requirement of the commission and has the force and effect of
10 statutory law in a compact state, and includes the amendment,
11 repeal, or suspension of an existing rule.

12 *x. "Significant investigatory information"* means any of the
13 following:

14 (1) Investigative information that a state psychology
15 regulatory authority, after a preliminary inquiry that includes
16 notification and an opportunity to respond if required by state
17 law, has reason to believe, if proven true, would indicate more
18 than a violation of state statute or ethics code that would be
19 considered more substantial than a minor infraction.

20 (2) Investigative information that indicates that the
21 psychologist represents an immediate threat to public health
22 and safety regardless of whether the psychologist has been
23 notified or had an opportunity to respond.

24 *y. "State"* means a state, commonwealth, territory, or
25 possession of the United States, or the District of Columbia.

26 *z. "State psychology regulatory authority"* means the board,
27 office, or other agency with the legislative mandate to license
28 and regulate the practice of psychology.

29 *aa. "Telepsychology"* means the provision of psychological
30 services using telecommunication technologies.

31 *ab. "Temporary authorization to practice"* means a licensed
32 psychologist's authority to conduct temporary in-person,
33 face-to-face practice, within the limits authorized under this
34 compact, in another compact state.

35 *ac. "Temporary in-person, face-to-face practice"* means where

1 a psychologist is physically present, not through the use
2 of telecommunications technologies, in the distant state to
3 provide for the practice of psychology for thirty days within a
4 calendar year and based on notification to the distant state.

5 3. *Article III — Home state licensure.*

6 a. The home state shall be a compact state where a
7 psychologist is licensed to practice psychology.

8 b. A psychologist may hold one or more compact state
9 licenses at a time. If the psychologist is licensed in more
10 than one compact state, the home state is the compact state
11 where the psychologist is physically present when the services
12 are delivered as authorized by the authority to practice
13 interjurisdictional telepsychology under the terms of this
14 compact.

15 c. Any compact state may require a psychologist not
16 previously licensed in a compact state to obtain and retain
17 a license to be authorized to practice in the compact state
18 under circumstances not authorized by the authority to practice
19 interjurisdictional telepsychology under the terms of this
20 compact.

21 d. Any compact state may require a psychologist to obtain
22 and retain a license to be authorized to practice in a
23 compact state under circumstances not authorized by temporary
24 authorization to practice under the terms of this compact.

25 e. A home state's license authorizes a psychologist to
26 practice in a receiving state under the authority to practice
27 interjurisdictional telepsychology only if the compact state
28 meets all of the following requirements:

29 (1) Currently requires the psychologist to hold an active
30 E.Passport.

31 (2) Has a mechanism in place for receiving and investigating
32 complaints about licensed individuals.

33 (3) Notifies the commission, in compliance with the terms
34 herein, of any adverse action or significant investigatory
35 information regarding a licensed individual.

SF 2367.3178 (2) 91

amending this SF 2367 to CONFORM to HF 2676

1 (4) Requires an identity history summary of all applicants
2 at initial licensure, including the use of the results of
3 fingerprints or other biometric data checks compliant with the
4 requirements of the federal bureau of investigation (FBI), or
5 other designee with similar authority, no later than ten years
6 after activation of the this compact.

7 (5) Complies with the bylaws and rules of the commission.

8 f. A home state's license grants temporary authorization
9 to practice to a psychologist in a distant state only if the
10 compact state meets all of the following requirements:

11 (1) Currently requires the psychologist to hold an active
12 IPC.

13 (2) Has a mechanism in place for receiving and investigating
14 complaints about licensed individuals.

15 (3) Notifies the commission, in compliance with the terms
16 herein, of any adverse action or significant investigatory
17 information regarding a licensed individual.

18 (4) Requires an identity history summary of all applicants
19 at initial licensure, including the use of the results of
20 fingerprints or other biometric data checks compliant with the
21 requirements of the federal bureau of investigation (FBI), or
22 other designee with similar authority, no later than ten years
23 after activation of this compact.

24 (5) Complies with the bylaws and rules of the commission.

25 4. *Article IV — Compact privilege to practice*
26 *telepsychology.*

27 a. Compact states shall recognize the right of a
28 psychologist, licensed in a compact state in conformance with
29 article III, to practice telepsychology in receiving states in
30 which the psychologist is not licensed, under the authority to
31 practice interjurisdictional telepsychology as provided in this
32 compact.

33 b. To exercise the authority to practice interjurisdictional
34 telepsychology under the terms and provisions of this compact,
35 a psychologist licensed to practice in a compact state shall

1 meet all of the following requirements:

2 (1) Hold a graduate degree in psychology from an institution
3 of higher education that was either of the following, at the
4 time the degree was awarded:

5 (a) Regionally accredited by an accrediting body recognized
6 by the United States department of education to grant graduate
7 degrees, or authorized by provincial statute or royal charter
8 to grant doctoral degrees.

9 (b) A foreign college or university deemed to be equivalent
10 to subparagraph (1), subparagraph division (a), by a foreign
11 credential evaluation service that is a member of the national
12 association of credential evaluation services or by a
13 recognized foreign credential evaluation service.

14 (2) Hold a graduate degree in psychology that meets all of
15 the following criteria:

16 (a) The program, wherever it may be administratively
17 housed, must be clearly identified and labeled as a
18 psychology program. Such a program must specify in pertinent
19 institutional catalogues and brochures its intent to educate
20 and train professional psychologists.

21 (b) The psychology program must stand as a recognizable,
22 coherent, organizational entity within the institution.

23 (c) There must be a clear authority and primary
24 responsibility for the core and specialty areas whether or not
25 the program cuts across administrative lines.

26 (d) The program must consist of an integrated, organized
27 sequence of study.

28 (e) There must be an identifiable psychology
29 faculty sufficient in size and breadth to carry out its
30 responsibilities.

31 (f) The designated director of the program must be a
32 psychologist and a member of the core faculty.

33 (g) The program must have an identifiable body of students
34 who are matriculated in that program for a degree.

35 (h) The program must include supervised practicum,

SF 2367.3178 (2) 91

amending this SF 2367 to CONFORM to HF 2676

dg/ko

1 internship, or field training appropriate to the practice of
2 psychology.

3 (i) The curriculum shall encompass a minimum of three
4 academic years of full-time graduate study for doctoral degrees
5 and a minimum of one academic year of full-time graduate study
6 for master's degrees.

7 (j) The program includes an acceptable residency as defined
8 by the rules of the commission.

9 (3) Possess a current, full, and unrestricted license to
10 practice psychology in a home state which is a compact state.

11 (4) Have no history of adverse action that violates the
12 rules of the commission.

13 (5) Have no criminal record history reported on an identity
14 history summary that violates the rules of the commission.

15 (6) Possess a current, active E.Passport.

16 (7) Provide attestations in regard to areas of intended
17 practice, conformity with standards of practice, competence in
18 telepsychology technology; criminal background; and knowledge
19 and adherence to legal requirements in the home and receiving
20 states, and provide a release of information to allow for
21 primary source verification in a manner specified by the
22 commission.

23 (8) Meet other criteria as defined by the rules of the
24 commission.

25 *c.* The home state maintains authority over the license of
26 any psychologist practicing into a receiving state under the
27 authority to practice interjurisdictional telepsychology.

28 *d.* A psychologist practicing into a receiving state under
29 the authority to practice interjurisdictional telepsychology
30 shall be subject to the receiving state's scope of practice.

31 A receiving state may, in accordance with that state's due
32 process law, limit or revoke a psychologist's authority to
33 practice interjurisdictional telepsychology in the receiving
34 state and may take any other necessary actions under the
35 receiving state's applicable law to protect the health and

1 safety of the receiving state's citizens. If a receiving state
2 takes action, the state shall promptly notify the home state
3 and the commission.

4 e. If a psychologist's license in any home state or another
5 compact state, or any authority to practice interjurisdictional
6 telepsychology in any receiving state, is restricted,
7 suspended, or otherwise limited, the E.Passport shall be
8 revoked and the psychologist shall not be eligible to practice
9 telepsychology in a compact state under the authority to
10 practice interjurisdictional telepsychology.

11 5. *Article V — Compact temporary authorization to practice.*

12 a. Compact states shall also recognize the right of a
13 psychologist, licensed in a compact state in conformance with
14 article III, to practice temporarily in distant states in which
15 the psychologist is not licensed, as provided in this compact.

16 b. To exercise the temporary authorization to practice
17 under the terms and provisions of this compact, a psychologist
18 licensed to practice in a compact state shall meet all of the
19 following requirements:

20 (1) Hold a graduate degree in psychology from an institution
21 of higher education that was either of the following, at the
22 time the degree was awarded:

23 (a) Regionally accredited by an accrediting body recognized
24 by the United States department of education to grant graduate
25 degrees, or authorized by provincial statute or royal charter
26 to grant doctoral degrees.

27 (b) A foreign college or university deemed to be equivalent
28 to subparagraph (1), subparagraph division (a), by a foreign
29 credential evaluation service that is a member of the national
30 association of credential evaluation services or by a
31 recognized foreign credential evaluation service.

32 (2) Hold a graduate degree in psychology that meets all of
33 the following criteria:

34 (a) The program, wherever it may be administratively
35 housed, must be clearly identified and labeled as a

1 psychology program. Such a program must specify in pertinent
2 institutional catalogues and brochures its intent to educate
3 and train professional psychologists.

4 (b) The psychology program must stand as a recognizable,
5 coherent, organizational entity within the institution.

6 (c) There must be a clear authority and primary
7 responsibility for the core and specialty areas whether or not
8 the program cuts across administrative lines.

9 (d) The program must consist of an integrated, organized
10 sequence of study.

11 (e) There must be an identifiable psychology
12 faculty sufficient in size and breadth to carry out its
13 responsibilities.

14 (f) The designated director of the program must be a
15 psychologist and a member of the core faculty.

16 (g) The program must have an identifiable body of students
17 who are matriculated in that program for a degree.

18 (h) The program must include supervised practicum,
19 internship, or field training appropriate to the practice of
20 psychology.

21 (i) The curriculum shall encompass a minimum of three
22 academic years of full-time graduate study for doctoral degrees
23 and a minimum of one academic year of full-time graduate study
24 for master's degrees.

25 (j) The program includes an acceptable residency as defined
26 by the rules of the commission.

27 (3) Possess a current, full, and unrestricted license to
28 practice psychology in a home state which is a compact state.

29 (4) Have no history of adverse action that violates the
30 rules of the commission.

31 (5) Have no criminal record history that violates the rules
32 of the commission.

33 (6) Possess a current, active IPC.

34 (7) Provide attestations in regard to areas of intended
35 practice and work experience and provide a release of

SF 2367.3178 (2) 91

amending this SF 2367 to CONFORM to HF 2676

dg/ko

1 information to allow for primary source verification in a
2 manner specified by the commission.

3 (8) Meet other criteria as defined by the rules of the
4 commission.

5 c. A psychologist practicing into a distant state under the
6 temporary authorization to practice shall practice within the
7 scope of practice authorized by the distant state.

8 d. A psychologist practicing into a distant state under the
9 temporary authorization to practice shall be subject to the
10 distant state's authority and law. A distant state may, in
11 accordance with that state's due process law, limit or revoke
12 a psychologist's temporary authorization to practice in the
13 distant state and may take any other necessary actions under
14 the distant state's applicable law to protect the health and
15 safety of the distant state's citizens. If a distant state
16 takes action, the state shall promptly notify the home state
17 and the commission.

18 e. If a psychologist's license in any home state, another
19 compact state, or any temporary authorization to practice in
20 any distant state, is restricted, suspended, or otherwise
21 limited, the IPC shall be revoked and the psychologist shall
22 not be eligible to practice in a compact state under the
23 temporary authorization to practice.

24 6. *Article VI — Conditions of telepsychology practice in a*
25 *receiving state.* A psychologist may practice in a receiving
26 state under the authority to practice interjurisdictional
27 telepsychology only in the performance of the scope of
28 practice for psychology as assigned by an appropriate state
29 psychology regulatory authority, as defined in the rules of the
30 commission, and under the following circumstances:

31 a. The psychologist initiates a client-patient contact
32 in a home state via telecommunications technologies with a
33 client-patient in a receiving state.

34 b. Other conditions regarding telepsychology as determined
35 by rules promulgated by the commission.

1 7. *Article VII — Adverse actions.*

2 *a.* A home state shall have the power to impose adverse
3 action against a psychologist's license issued by the home
4 state. A distant state shall have the power to take adverse
5 action on a psychologist's temporary authorization to practice
6 within that distant state.

7 *b.* A receiving state may take adverse action on a
8 psychologist's authority to practice interjurisdictional
9 telepsychology within that receiving state. A home state may
10 take adverse action against a psychologist based on an adverse
11 action taken by a distant state regarding temporary in-person,
12 face-to-face practice.

13 *c.* If a home state takes adverse action against a
14 psychologist's license, that psychologist's authority to
15 practice interjurisdictional telepsychology is terminated and
16 the E.Passport is revoked. Furthermore, that psychologist's
17 temporary authorization to practice is terminated and the IPC
18 is revoked.

19 (1) All home state disciplinary orders which impose adverse
20 action shall be reported to the commission in accordance with
21 the rules promulgated by the commission. A compact state shall
22 report adverse actions in accordance with the rules of the
23 commission.

24 (2) In the event discipline is reported on a psychologist,
25 the psychologist shall not be eligible for telepsychology or
26 temporary in-person, face-to-face practice in accordance with
27 the rules of the commission.

28 (3) Other actions may be imposed as determined by the rules
29 promulgated by the commission.

30 *d.* A home state's psychology regulatory authority shall
31 investigate and take appropriate action with respect to
32 reported inappropriate conduct engaged in by a licensee which
33 occurred in a receiving state as it would if such conduct had
34 occurred by a licensee within the home state. In such cases,
35 the home state's law shall control in determining any adverse

1 action against a psychologist's license.

2 e. A distant state's psychology regulatory authority
3 shall investigate and take appropriate action with respect to
4 reported inappropriate conduct engaged in by a psychologist
5 practicing under temporary authorization to practice which
6 occurred in that distant state as it would if such conduct
7 had occurred by a licensee within the home state. In such
8 cases, the distant state's law shall control in determining any
9 adverse action against a psychologist's temporary authorization
10 to practice.

11 f. Nothing in this compact shall override a compact state's
12 decision that a psychologist's participation in an alternative
13 program may be used in lieu of adverse action and that such
14 participation shall remain nonpublic if required by the compact
15 state's law. Compact states shall require psychologists who
16 enter any alternative programs to not provide telepsychology
17 services under the authority to practice interjurisdictional
18 telepsychology or provide temporary psychological services
19 under the temporary authorization to practice in any other
20 compact state during the term of the alternative program.

21 g. No other judicial or administrative remedies shall
22 be available to a psychologist in the event a compact state
23 imposes an adverse action pursuant to paragraph "c".

24 8. *Article VIII — Additional authorities invested in a*
25 *compact state's psychology regulatory authority.* In addition
26 to any other powers granted under state law, a compact state's
27 psychology regulatory authority shall have the authority under
28 this compact to do all of the following:

29 a. Issue subpoenas, for both hearings and investigations,
30 which require the attendance and testimony of witnesses and
31 the production of evidence. Subpoenas issued by a compact
32 state's psychology regulatory authority for the attendance
33 and testimony of witnesses or the production of evidence from
34 another compact state shall be enforced in the latter state by
35 any court of competent jurisdiction, according to that court's

1 practice and procedure in considering subpoenas issued in its
2 own proceedings. The issuing state psychology regulatory
3 authority shall pay any witness fees, travel expenses, mileage,
4 and other fees required by the service statutes of the state
5 where the witnesses or evidence are located.

6 *b.* Issue cease and desist or injunctive relief
7 orders to revoke a psychologist's authority to practice
8 interjurisdictional telepsychology or temporary authorization
9 to practice.

10 *c.* During the course of any investigation, a psychologist
11 may not change the psychologist's home state licensure. A
12 home state psychology regulatory authority is authorized to
13 complete any pending investigations of a psychologist and
14 to take any actions appropriate under its law. The home
15 state psychology regulatory authority shall promptly report
16 the conclusions of such investigations to the commission.
17 Once an investigation has been completed, and pending the
18 outcome of said investigation, the psychologist may change the
19 psychologist's home state licensure. The commission shall
20 promptly notify the new home state of any such decisions as
21 provided in the rules of the commission. All information
22 provided to the commission or distributed by compact states
23 pursuant to the psychologist shall be confidential, filed under
24 seal, and used for investigatory or disciplinary matters.
25 The commission may create additional rules for mandated or
26 discretionary sharing of information by compact states.

27 9. *Article IX — Coordinated licensure information system.*

28 *a.* The commission shall provide for the development and
29 maintenance of a coordinated licensure information system and
30 reporting system containing licensure and disciplinary action
31 information on all psychologists individuals to whom this
32 compact is applicable in all compact states as defined by the
33 rules of the commission.

34 *b.* Notwithstanding any other provision of state law to the
35 contrary, a compact state shall submit a uniform data set to

1 the coordinated database on all licensees as required by the
2 rules of the commission, including all of the following:

3 (1) Identifying information.

4 (2) Licensure data.

5 (3) Significant investigatory information.

6 (4) Adverse actions against a psychologist's license.

7 (5) An indicator that a psychologist's authority to
8 practice interjurisdictional telepsychology or temporary
9 authorization to practice is revoked.

10 (6) Nonconfidential information related to alternative
11 program participation information.

12 (7) Any denial of application for licensure, and the reasons
13 for such denial.

14 (8) Other information which may facilitate the
15 administration of this compact, as determined by the rules of
16 the commission.

17 *c.* The coordinated database administrator shall promptly
18 notify all compact states of any adverse action taken against,
19 or significant investigative information on, any licensee in a
20 compact state.

21 *d.* Compact states reporting information to the coordinated
22 database may designate information that may not be shared with
23 the public without the express permission of the compact state
24 reporting the information.

25 *e.* Any information submitted to the coordinated database
26 that is subsequently required to be expunged by the law of the
27 compact state reporting the information shall be removed from
28 the coordinated database.

29 10. *Article X — Establishment of the psychology*
30 *interjurisdictional compact commission.*

31 *a.* The compact states hereby create and establish a joint
32 public agency known as the psychology interjurisdictional
33 compact commission.

34 (1) The commission is a body politic and an instrumentality
35 of the compact states.

1 (2) Venue is proper and judicial proceedings by or against
2 the commission shall be brought solely and exclusively in a
3 court of competent jurisdiction where the principal office of
4 the commission is located. The commission may waive venue and
5 jurisdictional defenses to the extent it adopts or consents to
6 participate in alternative dispute resolution proceedings.

7 (3) Nothing in this compact shall be construed to be a
8 waiver of sovereign immunity.

9 *b. Membership, voting, and meetings.*

10 (1) The commission shall consist of one voting
11 representative appointed by each compact state who shall serve
12 as that state's commissioner. The state psychology regulatory
13 authority shall appoint its delegate. This delegate shall be
14 empowered to act on behalf of the compact state. This delegate
15 shall be limited to one of the following:

16 (a) The executive director, executive secretary, or similar
17 executive.

18 (b) A current member of the state psychology regulatory
19 authority of a compact state.

20 (c) A designee empowered with the appropriate delegate
21 authority to act on behalf of the compact state.

22 (2) Any commissioner may be removed or suspended from office
23 as provided by the law of the state from which the commissioner
24 is appointed. Any vacancy occurring in the commission shall
25 be filled in accordance with the laws of the compact state in
26 which the vacancy exists.

27 (3) Each commissioner shall be entitled to one vote with
28 regard to the promulgation of rules and creation of bylaws
29 and shall otherwise have an opportunity to participate in
30 the business and affairs of the commission. A commissioner
31 shall vote in person or by such other means as provided
32 in the bylaws. The bylaws may provide for commissioners'
33 participation in meetings by telephone or other means of
34 communication.

35 (4) The commission shall meet at least once during each

1 calendar year. Additional meetings shall be held as set forth
2 in the bylaws.

3 (5) All meetings shall be open to the public, and public
4 notice of meetings shall be given in the same manner as
5 required under the rulemaking provisions in article XI.

6 (6) The commission may convene in a closed, nonpublic
7 meeting if the commission must discuss any of the following:

8 (a) Noncompliance of a compact state with its obligations
9 under this compact.

10 (b) The employment, compensation, discipline, or other
11 personnel matters, practices, or procedures related to specific
12 employees or other matters related to the commission's internal
13 personnel practices and procedures.

14 (c) Current, threatened, or reasonably anticipated
15 litigation against the commission.

16 (d) Negotiation of contracts for the purchase or sale of
17 goods, services, or real estate.

18 (e) Accusation against any person of a crime or formal
19 censure of any person.

20 (f) Disclosure of trade secrets or commercial or financial
21 information which is privileged or confidential.

22 (g) Disclosure of information of a personal nature where
23 disclosure would constitute a clearly unwarranted invasion of
24 personal privacy.

25 (h) Disclosure of investigatory records compiled for law
26 enforcement purposes.

27 (i) Disclosure of information related to any investigatory
28 reports prepared by or on behalf of or for use of the
29 commission or other committee charged with responsibility for
30 investigation or determination of compliance issues pursuant
31 to the compact.

32 (j) Matters specifically exempted from disclosure by
33 federal and state statute.

34 (7) If a meeting, or portion of a meeting, is closed
35 pursuant to subparagraph (6), the commission's legal counsel or

1 designee shall certify that the meeting may be closed and shall
2 reference each relevant exempting provision. The commission
3 shall keep minutes which fully and clearly describe all matters
4 discussed in a meeting and shall provide a full and accurate
5 summary of actions taken, of any person participating in the
6 meeting, and the reasons therefore, including a description of
7 the views expressed. All documents considered in connection
8 with an action shall be identified in such minutes. All
9 minutes and documents of a closed meeting shall remain under
10 seal, subject to release only by a majority vote of the
11 commission or order of a court of competent jurisdiction.

12 c. The commission shall, by a majority vote of the
13 commissioners, prescribe bylaws or rules to govern its conduct
14 as may be necessary or appropriate to carry out the purposes
15 and exercise the powers of this compact, including but not
16 limited to or providing for all of the following:

17 (1) Establishing the fiscal year of the commission.

18 (2) Providing reasonable standards and procedures for all
19 of the following:

20 (a) The establishment and meetings of other committees.

21 (b) Governing any general or specific delegation of any
22 authority or function of the commission.

23 (3) Providing reasonable procedures for calling and
24 conducting meetings of the commission, ensuring reasonable
25 advance notice of all meetings and providing an opportunity
26 for attendance of such meetings by interested parties,
27 with enumerated exceptions designed to protect the public's
28 interest, the privacy of individuals of such proceedings,
29 and proprietary information, including trade secrets. The
30 commission may meet in closed session only after a majority
31 of the commissioners vote to close a meeting to the public in
32 whole or in part. As soon as practicable, the commission shall
33 make public a copy of the vote to close the meeting revealing
34 the vote of each commissioner with no proxy votes allowed.

35 (4) Establishing the titles, duties, and authority and

SF 2367.3178 (2) 91

amending this SF 2367 to CONFORM to HF 2676

1 reasonable procedures for the election of the officers of the
2 commission.

3 (5) Providing reasonable standards and procedures for the
4 establishment of the personnel policies and programs of the
5 commission. Notwithstanding any civil service or other similar
6 law of any compact state, the bylaws shall exclusively govern
7 the personnel policies and programs of the commission.

8 (6) Promulgating a code of ethics to address permissible and
9 prohibited activities of commission members and employees.

10 (7) Providing a mechanism for concluding the operations of
11 the commission and the equitable disposition of any surplus
12 funds that may exist after the termination of the compact after
13 the payment or reserving of all of its debts and obligations.

14 (8) The commission shall publish its bylaws in a convenient
15 form and file a copy thereof and a copy of any amendment
16 thereto, with the appropriate agency or officer in each of the
17 compact states.

18 (9) The commission shall maintain its financial records in
19 accordance with the bylaws.

20 (10) The commission shall meet and take such actions as are
21 consistent with the provisions of this compact and the bylaws.

22 *d.* The commission shall have all of the following powers:

23 (1) The authority to promulgate uniform rules to facilitate
24 and coordinate implementation and administration of this
25 compact. The rules shall have the force and effect of law and
26 shall be binding in all compact states.

27 (2) To bring and prosecute legal proceedings or actions in
28 the name of the commission, provided that the standing of any
29 state psychology regulatory authority or other regulatory body
30 responsible for psychology licensure to sue or be sued under
31 applicable law shall not be affected.

32 (3) To purchase and maintain insurance and bonds.

33 (4) To borrow, accept, or contract for services of
34 personnel, including but not limited to employees of a compact
35 state.

1 (5) To hire employees, elect or appoint officers, fix
2 compensation, define duties, grant such individuals appropriate
3 authority to carry out the purposes of the compact, and to
4 establish the commission's personnel policies and programs
5 relating to conflicts of interest, qualifications of personnel,
6 and other related personnel matters.

7 (6) To accept any and all appropriate donations and grants
8 of money, equipment, supplies, materials and services, and to
9 receive, utilize, and dispose of the same; provided that at all
10 times the commission shall strive to avoid any appearance of
11 impropriety or conflict of interest.

12 (7) To lease, purchase, accept appropriate gifts or
13 donations of, or otherwise to own, hold, improve, or use,
14 any property, real, personal, or mixed; provided that at all
15 times the commission shall strive to avoid any appearance of
16 impropriety.

17 (8) To sell, convey, mortgage, pledge, lease, exchange,
18 abandon, or otherwise dispose of any property real, personal,
19 or mixed.

20 (9) To establish a budget and make expenditures.

21 (10) To borrow money.

22 (11) To appoint committees, including advisory committees
23 comprised of members, state regulators, state legislators or
24 their representatives, and consumer representatives, and such
25 other interested persons as may be designated in this compact
26 and the bylaws.

27 (12) To provide and receive information from, and to
28 cooperate with, law enforcement agencies.

29 (13) To adopt and use an official seal.

30 (14) To perform such other functions as may be necessary or
31 appropriate to achieve the purposes of this compact consistent
32 with the state regulation of psychology licensure, temporary
33 in-person, face-to-face practice, and telepsychology practice.

34 e. The executive board.

35 (1) The elected officers shall serve as the executive board,

SF 2367.3178 (2) 91

amending this SF 2367 to CONFORM to HF 2676

dg/ko

1 which shall have the power to act on behalf of the commission
2 according to the terms of this compact.

3 (2) The executive board shall be comprised of the following
4 six members:

5 (a) Five voting members who are elected from the current
6 membership of the commission by the commission.

7 (b) One ex officio, nonvoting member from the recognized
8 membership organization composed of state and provincial
9 psychology regulatory authorities.

10 (3) The ex officio member must have served as staff or
11 member on a state psychology regulatory authority and shall be
12 selected by its respective organization.

13 (4) The commission may remove any member of the executive
14 board as provided in the bylaws.

15 (5) The executive board shall meet at least annually.

16 (6) The executive board shall have all of the following
17 duties and responsibilities:

18 (a) Recommend to the entire commission changes to the rules
19 or bylaws, changes to this compact legislation, fees paid by
20 compact states such as annual dues, and any other applicable
21 fees.

22 (b) Ensure compact administration services are
23 appropriately provided, contractual or otherwise.

24 (c) Prepare and recommend the budget.

25 (d) Maintain financial records on behalf of the commission.

26 (e) Monitor compact compliance of member states and provide
27 compliance reports to the commission.

28 (f) Establish additional committees as necessary.

29 (g) Other duties as provided in the rules or bylaws.

30 f. Financing of the commission.

31 (1) The commission shall pay, or provide for the payment of,
32 the reasonable expenses of its establishment, organization, and
33 ongoing activities.

34 (2) The commission may accept any and all appropriate
35 revenue sources, donations and grants of money, equipment,

1 supplies, materials, and services.

2 (3) The commission may levy on and collect an annual
3 assessment from each compact state or impose fees on other
4 parties to cover the cost of the operations and activities of
5 the commission and its staff which must be in a total amount
6 sufficient to cover its annual budget as approved each year
7 for which revenue is not provided by other sources. The
8 aggregate annual assessment amount shall be allocated based
9 upon a formula to be determined by the commission which shall
10 promulgate a rule binding upon all compact states.

11 (4) The commission shall not incur obligations of any kind
12 prior to securing the funds adequate to meet the same; nor
13 shall the commission pledge the credit of any of the compact
14 states, except by and with the authority of the compact state.

15 (5) The commission shall keep accurate accounts of all
16 receipts and disbursements. The receipts and disbursements of
17 the commission shall be subject to the audit and accounting
18 procedures established under its bylaws. However, all receipts
19 and disbursements of funds handled by the commission shall be
20 audited yearly by a certified or licensed public accountant and
21 the report of the audit shall be included in and become part of
22 the annual report of the commission.

23 *g. Qualified immunity, defense, and indemnification.*

24 (1) The members, officers, executive director, employees,
25 and representatives of the commission shall be immune from suit
26 and liability, either personally or in their official capacity,
27 for any claim for damage to or loss of property or personal
28 injury or other civil liability caused by or arising out of any
29 actual or alleged act, error, or omission that occurred, or
30 that the person against whom the claim is made had a reasonable
31 basis for believing occurred within the scope of commission
32 employment, duties, or responsibilities; provided that nothing
33 in this subparagraph shall be construed to protect any such
34 person from suit or liability for any damage, loss, injury,
35 or liability caused by the intentional or willful or wanton

1 misconduct of that person.

2 (2) The commission shall defend any member, officer,
3 executive director, employee, or representative of the
4 commission in any civil action seeking to impose liability
5 arising out of any actual or alleged act, error, or omission
6 that occurred within the scope of commission employment,
7 duties, or responsibilities, or that the person against
8 whom the claim is made had a reasonable basis for believing
9 occurred within the scope of commission employment, duties, or
10 responsibilities; provided that nothing in this subparagraph
11 shall be construed to prohibit that person from retaining the
12 person's own counsel; and provided further, that the actual
13 or alleged act, error, or omission did not result from that
14 person's intentional or willful or wanton misconduct.

15 (3) The commission shall indemnify and hold harmless
16 any member, officer, executive director, employee, or
17 representative of the commission for the amount of any
18 settlement or judgment obtained against that person arising
19 out of any actual or alleged act, error, or omission that
20 occurred within the scope of commission employment, duties,
21 or responsibilities, or that such person had a reasonable
22 basis for believing occurred within the scope of commission
23 employment, duties, or responsibilities, provided that the
24 actual or alleged act, error, or omission did not result from
25 the intentional or willful or wanton misconduct of that person.

26 11. *Article XI — Rulemaking.*

27 a. The commission shall exercise its rulemaking powers
28 pursuant to the criteria set forth in this article XI and the
29 rules adopted under this article XI. Rules and amendments
30 shall become binding as of the date specified in each rule or
31 amendment.

32 b. If a majority of the legislatures of the compact states
33 rejects a rule, by enactment of a statute or resolution in the
34 same manner used to adopt this compact, then such rule shall
35 have no further force and effect in any compact state.

SF 2367.3178 (2) 91

amending this SF 2367 to CONFORM to HF 2676

1 *c.* Rules or amendments to the rules shall be adopted at a
2 regular or special meeting of the commission.

3 *d.* Prior to promulgation and adoption of a final rule or
4 rules by the commission, and at least sixty days in advance
5 of the meeting at which the rule will be considered and voted
6 upon, the commission shall file a notice of proposed rulemaking
7 on both of the following:

8 (1) On the internet site of the commission.

9 (2) On the internet site of each compact state's psychology
10 regulatory authority or the publication in which each state
11 would otherwise publish proposed rules.

12 *e.* The notice of proposed rulemaking shall include all of
13 the following:

14 (1) The proposed time, date, and location of the meeting in
15 which the rule will be considered and voted upon.

16 (2) The text of the proposed rule or amendment and the
17 reason for the proposed rule.

18 (3) A request for comments on the proposed rule from any
19 interested person.

20 (4) The manner in which interested persons may submit notice
21 to the commission of their intention to attend the public
22 hearing and any written comments.

23 *f.* Prior to adoption of a proposed rule, the commission
24 shall allow persons to submit written data, facts, opinions,
25 and arguments, which shall be made available to the public.

26 *g.* The commission shall grant an opportunity for a public
27 hearing before it adopts a rule or amendment if a hearing is
28 requested by any of the following:

29 (1) At least twenty-five persons who submit comments
30 independently of each other.

31 (2) A governmental subdivision or agency.

32 (3) A duly appointed person in an association that has at
33 least twenty-five members.

34 *h.* If a hearing is held on the proposed rule or amendment,
35 the commission shall publish the place, time, and date of the

1 scheduled public hearing.

2 (1) All persons wishing to be heard at the hearing shall
3 notify the executive director of the commission or other
4 designated member in writing of their desire to appear and
5 testify at the hearing not less than five business days before
6 the scheduled date of the hearing.

7 (2) Hearings shall be conducted in a manner providing each
8 person who wishes to comment a fair and reasonable opportunity
9 to comment orally or in writing.

10 (3) No transcript of the hearing is required, unless
11 a written request for a transcript is made, in which case
12 the person requesting the transcript shall bear the cost of
13 producing the transcript. A recording may be made in lieu of a
14 transcript under the same terms and conditions as a transcript.
15 This subparagraph shall not preclude the commission from making
16 a transcript or recording of the hearing if it so chooses.

17 (4) Nothing in this article shall be construed as requiring
18 a separate hearing on each rule. Rules may be grouped for the
19 convenience of the commission at hearings required by this
20 article.

21 *i.* Following the scheduled hearing date, or by the close
22 of business on the scheduled hearing date if the hearing was
23 not held, the commission shall consider all written and oral
24 comments received.

25 *j.* The commission shall, by majority vote of all members,
26 take final action on the proposed rule and shall determine the
27 effective date of the rule, if any, based on the rulemaking
28 record and the full text of the rule.

29 *k.* If no written notice of intent to attend the public
30 hearing by interested parties is received, the commission may
31 proceed with promulgation of the proposed rule without a public
32 hearing.

33 *l.* Upon determination that an emergency exists, the
34 commission may consider and adopt an emergency rule without
35 prior notice, opportunity for comment, or hearing, provided

1 that the usual rulemaking procedures provided in this compact
2 and in this article shall be retroactively applied to the rule
3 as soon as reasonably possible, in no event later than ninety
4 days after the effective date of the rule. For the purposes of
5 this paragraph, an emergency rule is one that must be adopted
6 immediately in order to address any of the following:

7 (1) Meet an imminent threat to public health, safety, or
8 welfare.

9 (2) Prevent a loss of commission or compact state funds.

10 (3) Meet a deadline for the promulgation of an
11 administrative rule that is established by federal law or rule.

12 (4) Protect public health and safety.

13 *m.* The commission or an authorized committee of the
14 commission may direct revisions to a previously adopted rule
15 or amendment for purposes of correcting typographical errors,
16 errors in format, errors in consistency, or grammatical errors.
17 Public notice of any revisions shall be posted on the website
18 of the commission. The revision shall be subject to challenge
19 by any person for a period of thirty days after posting. The
20 revision may be challenged only on grounds that the revision
21 results in a material change to a rule. A challenge shall be
22 made in writing, and delivered to the chair of the commission
23 prior to the end of the notice period. If no challenge is
24 made, the revision will take effect without further action. If
25 the revision is challenged, the revision shall not take effect
26 without the approval of the commission.

27 12. *Article XII — Oversight, dispute resolution, and*
28 *enforcement.*

29 *a. Oversight.*

30 (1) The executive, legislative, and judicial branches
31 of state government in each compact state shall enforce this
32 compact and take all actions necessary and appropriate to
33 effectuate this compact's purposes and intent. The provisions
34 of this compact and the rules promulgated under this compact
35 shall have standing as statutory law.

1 (2) All courts shall take judicial notice of this compact
2 and the rules in any judicial or administrative proceeding in a
3 compact state pertaining to the subject matter of this compact
4 which may affect the powers, responsibilities, or actions of
5 the commission.

6 (3) The commission shall be entitled to receive service
7 of process in any such proceeding, and shall have standing to
8 intervene in such a proceeding for all purposes. Failure to
9 provide service of process to the commission shall render a
10 judgment or order void as to the commission, this compact, or
11 promulgated rules.

12 *b. Default, technical assistance, and termination.*

13 (1) If the commission determines that a compact state
14 has defaulted in the performance of its obligations or
15 responsibilities under this compact or the promulgated rules,
16 the commission shall do all of the following:

17 (a) Provide written notice to the defaulting state and other
18 compact states of the nature of the default, the proposed means
19 of remedying the default, or any other action to be taken by
20 the commission.

21 (b) Provide remedial training and specific technical
22 assistance regarding the default.

23 (2) If a state in default fails to remedy the default, the
24 defaulting state may be terminated from this compact upon an
25 affirmative vote of a majority of the compact states, and all
26 rights, privileges, and benefits conferred by this compact
27 shall be terminated on the effective date of termination. A
28 remedy of the default does not relieve the offending state
29 of obligations or liabilities incurred during the period of
30 default.

31 (3) Termination of membership in this compact shall be
32 imposed only after all other means of securing compliance have
33 been exhausted. Notice of intent to suspend or terminate shall
34 be submitted by the commission to the governor, the majority
35 and minority leaders of the defaulting state's legislature, and

1 each of the compact states.

2 (4) A compact state which has been terminated is
3 responsible for all assessments, obligations, and liabilities
4 incurred through the effective date of termination, including
5 obligations which extend beyond the effective date of
6 termination.

7 (5) The commission shall not bear any costs incurred by
8 the state which is found to be in default or which has been
9 terminated from this compact, unless agreed upon in writing
10 between the commission and the defaulting state.

11 (6) The defaulting state may appeal the action of the
12 commission by petitioning the United States district court for
13 the state of Georgia or the federal district where the compact
14 has its principal offices. The prevailing member shall be
15 awarded all costs of such litigation, including reasonable
16 attorney fees.

17 *c. Dispute resolution.*

18 (1) Upon request by a compact state, the commission shall
19 attempt to resolve disputes related to this compact which arise
20 among compact states and between compact and noncompact states.

21 (2) The commission shall promulgate a rule providing for
22 both mediation and binding dispute resolution for disputes that
23 arise before the commission.

24 *d. Enforcement.*

25 (1) The commission, in the reasonable exercise of its
26 discretion, shall enforce the provisions and rules of this
27 compact.

28 (2) By majority vote, the commission may initiate legal
29 action in the United States district court for the state
30 of Georgia or the federal district where the compact has
31 its principal offices against a compact state in default to
32 enforce compliance with the provisions of the compact and its
33 promulgated rules and bylaws. The relief sought may include
34 both injunctive relief and damages. In the event judicial
35 enforcement is necessary, the prevailing member shall be

1 awarded all costs of such litigation, including reasonable
2 attorney's fees.

3 (3) The remedies in this article shall not be the exclusive
4 remedies of the commission. The commission may pursue any
5 other remedies available under federal or state law.

6 13. *Article XIII — Date of implementation of the psychology*
7 *interjurisdictional compact commission and associated rules,*
8 *withdrawal, and amendments.*

9 a. This compact shall come into effect on the date on which
10 the compact is enacted into law in the seventh compact state.
11 The provisions which become effective at that time shall be
12 limited to the powers granted to the commission relating to
13 assembly and the promulgation of rules. Thereafter, the
14 commission shall meet and exercise rulemaking powers necessary
15 to the implementation and administration of this compact.

16 b. Any state which joins the compact subsequent to the
17 commission's initial adoption of the rules shall be subject
18 to the rules as they exist on the date on which the compact
19 becomes law in that state. Any rule which has been previously
20 adopted by the commission shall have the full force and effect
21 of law on the day the compact becomes law in that state.

22 c. Any compact state may withdraw from this compact by
23 enacting a statute repealing the compact.

24 (1) A compact state's withdrawal shall not take effect until
25 six months after enactment of the repealing statute.

26 (2) Withdrawal shall not affect the continuing requirement
27 of the withdrawing state's psychology regulatory authority to
28 comply with the investigative and adverse action reporting
29 requirements of this compact prior to the effective date of
30 withdrawal.

31 d. Nothing contained in this compact shall be construed to
32 invalidate or prevent any psychology licensure agreement or
33 other cooperative arrangement between a compact state and a
34 noncompact state which does not conflict with the provisions of
35 this compact.

1 e. This compact may be amended by the compact states. No
2 amendment to this compact shall become effective and binding
3 upon any compact state until it is enacted into the law of all
4 compact states.

5 14. *Article XIV — Construction and severability.* This
6 compact shall be liberally construed so as to effectuate the
7 purposes thereof. If this compact shall be held contrary to
8 the constitution of any compact state, the compact shall remain
9 in full force and effect as to the remaining compact states.

10 DIVISION IX

11 EDUCATIONAL REQUIREMENTS

12 Sec. 27. LEGISLATIVE INTENT. It is the intent of the
13 general assembly to do all of the following:

14 1. Prioritize and expand children's participation in youth
15 sports and active play.

16 2. Promote the physical, mental, and civic benefits of daily
17 movement, exercise, and good nutrition.

18 Sec. 28. Section 256.9, Code 2026, is amended by adding the
19 following new subsection:

20 NEW SUBSECTION. 80. Develop and distribute to school
21 districts, charter schools, and innovation zone schools a model
22 cocurricular or extracurricular activity contract that, if
23 executed, would satisfy a school district's, charter school's,
24 or innovation zone school's responsibilities under section
25 279.89.

26 Sec. 29. Section 256.11, subsection 3, paragraph a,
27 subparagraph (6), Code 2026, is amended to read as follows:

28 (6) Physical education. Each student shall be required to
29 participate in physical education for at least thirty minutes
30 during each school day. The physical education curriculum
31 shall include an assessment of the physical fitness of students
32 who are physically able using the presidential physical fitness
33 test.

34 Sec. 30. Section 256.11, subsection 4, paragraph a,
35 subparagraph (8), Code 2026, is amended to read as follows:

SF 2367.3178 (2) 91

amending this SF 2367 to CONFORM to HF 2676

dg/ko

1 (8) Physical education. Each student shall be required to
2 participate in physical education for at least thirty minutes
3 during each school day. The physical education curriculum
4 shall include an assessment of the physical fitness of students
5 who are physically able using the presidential physical fitness
6 test.

7 Sec. 31. Section 256.11, subsection 5, paragraph g, Code
8 2026, is amended to read as follows:

9 g. (1) All students physically able shall be required
10 to participate in a minimum of one-eighth unit of physical
11 education activities during each semester they are enrolled in
12 school except as otherwise provided in this paragraph. The
13 physical education activities must satisfy all of the following
14 requirements:

15 (a) Emphasize leisure time activities which will benefit
16 the student outside the school environment and after graduation
17 from high school.

18 (b) Include an assessment of the physical fitness of
19 students who are physically able using the presidential
20 physical fitness test.

21 (2) (a) A student who meets the requirements of this
22 ~~paragraph~~ subparagraph shall be excused from the physical
23 education activities requirement under subparagraph (1) by the
24 principal of the school in which the student is enrolled if
25 the parent or guardian of the student requests in writing that
26 the student be excused from the physical education activities
27 requirement. A student who wishes to be excused from the
28 physical education activities requirement must be seeking to be
29 excused in order to enroll in academic courses not otherwise
30 available to the student, or be enrolled or participating in
31 any of the following:

32 ~~(a)~~ (i) A work-based learning program or other educational
33 program authorized by the school which requires the student to
34 leave the school premises for specified periods of time during
35 the school day.

1 ~~(b)~~ (ii) An activity that is sponsored by the school in
2 which the student is enrolled which requires at least as much
3 physical activity per week as one-eighth unit of physical
4 education activities.

5 ~~(2)~~ (b) The principal of the school shall inform the
6 superintendent of the school district or nonpublic school that
7 the student has been excused. ~~Physical education activities~~
8 ~~shall emphasize leisure time activities which will benefit the~~
9 ~~student outside the school environment and after graduation~~
10 ~~from high school.~~

11 (3) A student who is enrolled in a junior reserve officers'
12 training corps shall not be required to participate in physical
13 education activities under subparagraph (1) or to meet the
14 physical activity requirements of subsection 6, paragraph
15 "b", subparagraph (2), but shall receive one-eighth unit of
16 physical education activities credit for each semester, or the
17 equivalent, of junior reserve officers' training corps the
18 student completes.

19 Sec. 32. Section 256.11, subsection 6, paragraph b,
20 subparagraph (1), Code 2026, is amended to read as follows:

21 (1) ~~All~~ In addition to the physical education curriculum
22 required under subsection 3, physically able students in
23 kindergarten through grade five shall be required to engage in
24 a physical activity for a minimum of ~~thirty~~ one hundred twenty
25 minutes per school-day week.

26 Sec. 33. Section 256.11, subsection 6, paragraph b, Code
27 2026, is amended by adding the following new subparagraph:

28 NEW SUBPARAGRAPH. (02) All physically able students in
29 grades six through eight shall be required to engage in a
30 physical activity for a a minimum of one hundred twenty minutes
31 per week.

32 Sec. 34. Section 256E.7, subsection 2, paragraph h, Code
33 2026, is amended by adding the following new subparagraph:

34 NEW SUBPARAGRAPH. (02) The educational standards of
35 section 256.11 relating to the physical education and physical

1 activity requirements for students enrolled in grades one
2 through twelve.

3 Sec. 35. Section 256E.7, subsection 2, Code 2026, is amended
4 by adding the following new paragraph:

5 NEW PARAGRAPH. *Os.* Be subject to and comply with
6 the requirements of section 279.89 relating to required
7 participation of students enrolled in grades nine through
8 twelve in at least one cocurricular or extracurricular activity
9 as a condition of graduation.

10 Sec. 36. Section 256F.4, subsection 2, Code 2026, is amended
11 by adding the following new paragraphs:

12 NEW PARAGRAPH. *Oq.* Be subject to and comply with the
13 requirements of section 256.11 relating to the physical
14 education and physical activity requirements for students
15 enrolled in grades one through twelve in the same manner as a
16 school district.

17 NEW PARAGRAPH. *Os.* Be subject to and comply with
18 the requirements of section 279.89 relating to required
19 participation of students enrolled in grades nine through
20 twelve in at least one cocurricular or extracurricular activity
21 as a condition of graduation.

22 Sec. 37. NEW SECTION. **279.89 Required participation in a**
23 **cocurricular or extracurricular activity.**

24 1. For purposes of this section:

25 *a.* "*Cocurricular activity*" means any school-supervised
26 activity that occurs outside of the traditional classroom
27 setting and that complements the regular curriculum.

28 "*Cocurricular activity*" includes but is not limited to all of
29 the following:

30 (1) Student government.

31 (2) Theater.

32 (3) Yearbook.

33 (4) Involvement with the national FFA organization.

34 (5) Competitive mathematics.

35 *b.* "*Extracurricular activity*" means any school-supervised

SF 2367.3178 (2) 91

amending this SF 2367 to CONFORM to HF 2676

dg/ko

47/49

1 activity that occurs outside of the traditional classroom
2 setting and that does not directly complement the regular
3 curriculum. *“Extracurricular activity”* includes but is not
4 limited to all of the following:

- 5 (1) Athletic contests or competitions.
- 6 (2) Dance.
- 7 (3) Band.
- 8 (4) Show choir.
- 9 (5) Robotics.
- 10 (6) Debate.
- 11 (7) Scouting programs.
- 12 (8) Youth groups.

13 2. *a.* The board of directors of each school district
14 shall require that all students enrolled in grades nine
15 through twelve participate in at least one cocurricular or
16 extracurricular activity as a condition of graduation.

17 *b.* The board of directors of each school district shall
18 require all students participating in a cocurricular or
19 extracurricular activity pursuant to paragraph *“a”*, the
20 student’s parent or guardian, and the principal of the
21 attendance center that the student attends to enter into
22 a cocurricular or extracurricular activity contract that
23 describes the activity in which the student will participate,
24 an estimate of the amount of time the student will devote to
25 the activity each week, and when such activity takes place
26 during the school year.

27 3. The state board of education shall adopt rules pursuant
28 to chapter 17A to administer this section.

29 Sec. 38. STATE MANDATE FUNDING SPECIFIED. In accordance
30 with section 25B.2, subsection 3, the state cost of requiring
31 compliance with any state mandate included in this division
32 of this Act shall be paid by a school district from state
33 school foundation aid received by the school district under
34 section 257.16. This specification of the payment of the state
35 cost shall be deemed to meet all of the state funding-related

1 requirements of section 25B.2, subsection 3, and no additional
2 state funding shall be necessary for the full implementation of
3 this division of this Act by and enforcement of this division
4 of this Act against all affected school districts.>

5 2. Title page, by striking lines 1 through 3 and inserting
6 <An Act relating to health-related matters, including
7 health-related professions, nutrition, medication, and
8 education, and including applicability provisions.>

KARA WARME