The original documents are located in Box 14, folder "1974/12/07 HR342 DC Miscellaneous Omnibus Bill" of the White House Records Office: Legislation Case Files at the Gerald R. Ford Presidential Library.

APPROVED
DEC 7 - 1974

ACTION

THE WHITE HOUSE

WASHINGTON

Last Day: December 9

December 6, 1974

Posted 12/9

To Archive 12/9

MEMORANDUM FOR THE PRESIDENT

FROM: KEN COLE

SUBJECT: Enrolled Bill H.R. 342
D.C. Miscellaneous Omnibus Bill

Attached for your consideration is H.R. 342, sponsored by Representative Broyhill, which would authorize the District of Columbia to enter into contracts with other states based on the Interstate Agreement on Qualification of Educational Personnel, amend the Practice of Psychology Act and allow the D.C. Court of Appeals to review decisions of the Unemployment Compensation Board.

OMB recommends approval and provides you with additional background information in its enrolled bill report (Tab A).

Bill Timmons and Phil Areeda both recommend approval.

RECOMMENDATION

That you sign H.R. 342 (Tab B).

APPROVED DEC 7 - 1974

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

DEC 4 1974

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 342 - D.C. miscellaneous omnibus bill
Sponsor - Rep. Broyhill (R) Virginia

Last Day for Action

December 9, 1974 - Monday

Purpose

Would authorize the District of Columbia to enter into contracts with other states based on the Interstate Agreement on Qualification of Educational Personnel, amend the Practice of Psychology Act, and allow the D.C. Court of Appeals to review decisions of the Unemployment Compensation Board.

Agency Recommendations

Office of Management and Budget	Approval
District of Columbia Government	Approval(Informally)
Advisory Commission on Intergovernmental Relations	No comment

Discussion

H.R. 342 grew out of legislative proposals of the District of Columbia Government. Title I was the original legislation introduced in the 91st Congress and passed by the House on April 9, 1973. The Senate then amended the bill to include Titles II and III.

The various titles and their provisions are as follows:

Title I

Its purpose is to authorize the District of Columbia to join the Interstate Agreement on Qualification of Educational Personnel, which was developed in 1966 by a nationwide project. This

agreement, which has been passed by 31 states, is designed to waive individual state requirements for teaching certification. Where each state has strict administrative procedures governing training, licensing and certification of school personnel, teachers crossing state lines find that they often fail to meet some technical requirement to be licensed in that state. By allowing D.C. to enter into such agreements, H.R. 342 would increase not only the mobility but also the availability of teachers in the District.

In its views letter on the enrolled bill, the District of Columbia states:

> "It is believed that this title of the legislation will contribute to the advancement of education in the District, and also bring the District further in line with the prevailing policy of interstate coordination and cooperation."

Title II

This section amends the Practice of Psychology Act to alter the Act in two respects to make it consistent with the D.C. Court Reorganization Act of 1970 by providing for: (1) review of decisions under the Act by the D.C. Court of Appeals in lieu of the U.S. Circuit Court of Appeals as presently provided; and (2) injunctive relief by the D.C. Superior Court in lieu of the U.S. District Court as presently provided. The title also clarifies Congress' intent to protect the public from practice of psychology by unqualified practitioners. It provides that psychologists practicing or living in the District prior to the enactment of the Act and meeting the provisions of the amended Act need not meet the rigorous and highly technical educational degree requirements interpreted by the Commissioner to be required by the original Act.

In its views letter the D.C. Government further states:

> "While these amendments were not proposed by the District Government and have the effect of authorizing the licensing of a number of persons as psychologists in the District who are not deemed eligible under existing law, we believe that the revised standards are fair and equitable and will not result in the 'blanketing in' of otherwise unqualified practitioners."

Title III

It would amend the D.C. Unemployment Compensation Act to provide judicial review of decisions of the District's Unemployment Compensation Board by the D.C. Court of Appeals. This review authority had erroneously been vested in the D.C. Superior Court.

Wilfred H Rommel

Assistant Director for
Legislative Reference

Enclosures

To — Jerry Jenkins 12-4-74 6:15 p.m.

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

DEC 4 1974

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 342 - D.C. miscellaneous omnibus bill
Sponsor - Rep. Broyhill (R) Virginia

Last Day for Action

December 9, 1974 - Monday

Purpose

Would authorize the District of Columbia to enter into contracts with other states based on the Interstate Agreement on Qualification of Educational Personnel, amend the Practice of Psychology Act, and allow the D.C. Court of Appeals to review decisions of the Unemployment Compensation Board.

Agency Recommendations

Office of Management and Budget	Approval
District of Columbia Government	Approval (Informally)
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Discussion

H.R. 342 grew out of legislative proposals of the District of Columbia Government. Title I was the original legislation introduced in the 91st Congress and passed by the House on April 9, 1973. The Senate then amended the bill to include Titles II and III.

The various titles and their provisions are as follows:

Title I

Its purpose is to authorize the District of Columbia to join the Interstate Agreement on Qualification of Educational Personnel, which was developed in 1966 by a nationwide project. This

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET

DATE: 12-9-74

TO: Bob Linder

FROM: Wilf Rommel

Attached is the D.C. views letter on H.R. 342. Please have this final version substituted for the "Advance" copy which was included in the enrolled bill file. Thanks.

OMB FORM 38
REV AUG 73

THE DISTRICT OF COLUMBIA

WASHINGTON, D.C. 20004

WALTER E. WASHINGTON
Mayor-Commissioner

DEC 6 1974

Mr. Wilfred H. Rommel
Assistant Director for
Legislative Reference
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Rommel:

This is in reference to a facsimile of an enrolled enactment of Congress entitled:

> H.R. 342 - To authorize the District of Columbia to enter into the Interstate Agreement on Qualification of Educational Personnel, and to amend the Practice of Psychology Act and the District of Columbia Unemployment Compensation Act.

Title I of the enrolled bill authorizes the Commissioner of the District of Columbia to enter into and execute on behalf of the District the Interstate Agreement on Qualification of Educational Personnel with the thirty-one States which have already adopted this Agreement. This title of the bill is identical to draft legislation submitted to the 92nd Congress by the District on May 17, 1971.

H.R. 342 would provide an efficient means of bridging differences in substantive and procedural arrangements for qualifications of teachers and other educators, without affecting the autonomy of individual State educational systems. Each State and the District of Columbia now has its own system of law and administrative practice governing the process of licensing or certifying teachers. In varying degrees, the systems are based on detailed descriptions of course requirements attached to teacher-training programs and a miscellaneous list of other statutory and

administrative requirements. While many of these requirements vary there is a large body of generally agreed upon principles utilized in determining satisfactory teacher certification. In brief, with only very rare and limited exceptions, a person who is well prepared as a teacher or other school professional in one State can also function well in other States.

The enrolled bill would allow the Superintendent of Schools, D.C., to enter into contracts, pursuant to the terms of the Agreement, which should reduce or eliminate duplication of administrative effort in checking teacher records already evaluated by competent authorities in the States. This should result in faster processing of teacher applications, improve teacher morale, permit rapid identification of qualified teachers, and increase the supply of qualified educational personnel. As many of the District's educational personnel come from without the District, the bill will facilitate the certification process and thereby improve recruitment procedures. These contracts would have the force of law and would prescribe the methods under which teacher qualifications of a signatory State could be accepted by party States without the necessity for re-examination of such qualifications. The Agreement specifies the minimum contents of such contracts in such a way as to assure the contracting States that standards employed for passing on qualifications will remain at a high professional level.

Title I of the enrolled bill requires no new administrative body to implement its provisions and requires no appropriations to become effective. It is believed that this title of the legislation will contribute to the advancement of education in the District, and also bring the District further in line with the prevailing policy of interstate coordination and cooperation.

Title II of the enrolled bill, which may be cited as the "Practice of Psychology Act Amendments", would make certain technical amendments to conform the Practice of Psychology Act in a manner consistent with the District of Columbia Court Reorganization Act of 1970 and the District of Columbia

Administrative Procedure Act. The first four paragraphs of section 202 of Title II are identical to draft legislation submitted to the Congress by the District Government on August 5, 1974.

The Practice of Psychology Act inadvertently provided review of decisions of the District of Columbia Court of Appeals by the United States Court of Appeals for the District of Columbia Circuit, and authorized the United States District Court to enjoin the unauthorized practice of psychology on petition by the Corporation Counsel of the District of Columbia. As noted by the District of Columbia Court of Appeals in the recent case of Berger v. Board of Psychologist Examiners for the District of Columbia (C.A. Nos. 6681, 6723, decided December 11, 1973), these provisions are inconsistent with the District of Columbia Court Reorganization Act of 1970, which established the District of Columbia Court of Appeals as the highest court of the District of Columbia and the Superior Court of the District of Columbia as the local trial court for the District of Columbia. The enrolled bill amends the Practice of Psychology Act to provide final judicial review in the District of Columbia Court of Appeals and to vest injunctive power in the Superior Court, in a manner consistent with the 1970 Court Reorganization Act and the District of Columbia Administrative Procedure Act.

Title II also contains technical amendments to specify that the subpena powers of the Commissioner are applicable to the production of books, records, papers, and other documents, as well as to the testimony of witnesses, and to compel obedience to such subpenas through the Superior Court of the District of Columbia. These amendments do not add to the substantive powers of either the Commissioner or the Superior Court, and are intended for purposes of clarification and conformity to existing law.

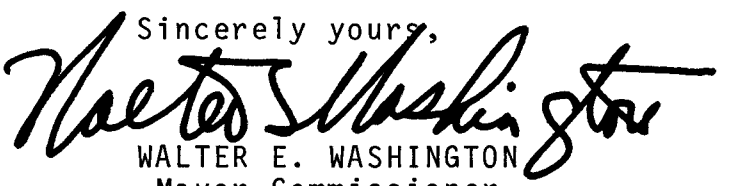
The fifth paragraph of section 202 of the enrolled bill substantially revises section 8, or the so-called "grandfather clause", of the Practice of Psychology Act to permit the licensing without examination of persons as psychologists who meet the conditions, requirements, and qualifications specified by the

amendments. While these amendments were not proposed by the District Government and have the effect of authorizing the licensing of a number of persons as psychologists in the District who are not deemed eligible under existing law, we believe that the revised standards are fair and equitable and will not result in the "blanketing in" of otherwise unqualified practitioners. Accordingly, the District Government has no objection to the approval of paragraph (5) of H.R. 342. We point out, however, that line 6 of the amended section 8(a) contains a typographical error in that the word "Commissioners" should read "Commissioner".

Title III of the enrolled bill amends the District of Columbia Unemployment Compensation Act in several respects to provide judicial review of decisions of the District's Unemployment Compensation Board by the District of Columbia Court of Appeals rather than the Superior Court of the District of Columbia. Although such review authority was vested in that court by passage of the District of Columbia Administrative Procedure Act, sections 155(c)(44)(A) and 155(c)(44)(C) of the District of Columbia Court Reorganization Act of 1970 appear to have inadvertently vested this authority in the Superior Court of the District of Columbia. Review in such instances by the Superior Court is inconsistent with the review authority applicable to orders and decisions of other District of Columbia agencies under the Administrative Procedure Act. This title of the enrolled bill is identical to section 2 of draft legislation submitted to the Congress by the District Government on August 5, 1974.

The approval of H.R. 342 is not expected to result in any additional costs to the District of Columbia. The District Government recommends the approval of H.R. 342.

Sincerely yours,



WALTER E. WASHINGTON
Mayor-Commissioner

THE WHITE HOUSE

ACTION MEMORANDUM WASHINGTON LOG NO.: 762

Date: December 4, 1974 Time: 6:45 p.m.

FOR ACTION: Andre Buckles noobj
Bill Timmons o. /c
Phil Areeda noobj.

cc (for information): Warren Hendriks
Jerry Jones

FROM THE STAFF SECRETARY

DUE: Date: Friday, December 6, 1974 Time: 10:00 a.m.

SUBJECT:

Enrolled Bill HR 342 - D.C. miscellaneous omnibus bill

ACTION REQUESTED:

____ For Necessary Action
____ Prepare Agenda and Brief
x For Your Comments
x For Your Recommendations
____ Draft Reply
____ Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor, West Wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.
For the President

74

THE WHITE HOUSE

ACTION MEMORANDUM WASHINGTON LOG NO.: 762

Date: December 4, 1974 Time: 6:45 p.m.

FOR ACTION: Andre Buckles
Bill Timmons
Phil Areeda

cc (for information): Warren Hendriks
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ACTION REQUESTED:

____ For Necessary Action

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____ Draft Reply

____ Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor, West Wing

No Objection - AHB

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Warren K. Hendriks
For the President

THE WHITE HOUSE

WASHINGTON

December 5, 1974

MEMORANDUM FOR: MR. WARREN HENDRIKS

FROM: WILLIAM E. TIMMONS

SUBJECT: Action Memorandum - Log No. 762
Enrolled Bill HR 342 - D.C. Miscellaneous
Omnibus Bill

The Office of Legislative Affairs concurs in the attached proposal and has no additional recommendations.

Attachment

THE WHITE HOUSE

ACTION MEMORANDUM WASHINGTON LOG NO.: 762

Date: December 4, 1974 Time: 6:45 p.m.

FOR ACTION: Andre Buckles
Bill Timmons
Phil Areeda

cc (for information): Warren Hendriks
Jerry Jones

FROM THE STAFF SECRETARY

DUE: Date: Friday, December 6, 1974 Time: 10:00 a.m.

SUBJECT:

Enrolled Bill HR 342 - D.C. miscellaneous omnibus bill

ACTION REQUESTED:

____ For Necessary Action

____ Prepare Agenda and Brief

x For Your Comments

x For Your Recommendations

____ Draft Reply

____ Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor, West Wing

No objection
P. Areeda

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Warren K. Hendriks
For the President

ACTION

THE WHITE HOUSE

WASHINGTON

Last Day: December 9

December 6, 1974

MEMORANDUM FOR THE PRESIDENT

FROM: KEN COLE

SUBJECT: Enrolled Bill H.R. 342
D.C. Miscellaneous Omnibus Bill

Attached for your consideration is H.R. 342, sponsored by Representative Broyhill, which would authorize the District of Columbia to enter into contracts with other states based on the Interstate Agreement on Qualification of Educational Personnel, amend the Practice of Psychology Act and allow the D.C. Court of Appeals to review decisions of the Unemployment Compensation Board.

OMB recommends approval and provides you with additional background information in its enrolled bill report (Tab A).

Bill Timmons and Phil Areeda both recommend approval.

RECOMMENDATION

That you sign H.R. 342 (Tab B).

DRAFT

ADVANCE

THE DISTRICT OF COLUMBIA

WASHINGTON, D.C. 20004

WALTER E. WASHINGTON
Mayor-Commissioner

Mr. Wilfred H. Rommel
Assistant Director for
Legislative Reference
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Rommel:

This is in reference to a facsimile of an enrolled enactment of Congress entitled:

> H.R. 342 - To authorize the District of Columbia to enter into the Interstate Agreement on Qualification of Educational Personnel, and to amend the Practice of Psychology Act and the District of Columbia Unemployment Compensation Act.

Title I of the enrolled bill authorizes the Commissioner of the District of Columbia to enter into and execute on behalf of the District the Interstate Agreement on Qualification of Educational Personnel with the thirty-one States which have already adopted this Agreement. This title of the bill is identical to draft legislation submitted to the 92nd Congress by the District on May 17, 1971.

H.R. 342 would provide an efficient means of bridging differences in substantive and procedural arrangements for qualifications of teachers and other educators, without affecting the autonomy of individual State educational systems. Each State and the District of Columbia now has its own system of law and administrative practice governing the process of licensing or certifying teachers. In varying degrees, the systems are based on detailed descriptions of course requirements attached to teacher-training programs and a miscellaneous list of other statutory and

administrative requirements. While many of these requirements vary there is a large body of generally agreed upon principles utilized in determining satisfactory teacher certification. In brief, with only very rare and limited exceptions, a person who is well prepared as a teacher or other school professional in one State can also function well in other States.

The enrolled bill would allow the Superintendent of Schools, D.C., to enter into contracts, pursuant to the terms of the Agreement, which should reduce or eliminate duplication of administrative effort in checking teacher records already evaluated by competent authorities in the States. This should result in faster processing of teacher applications, improve teacher morale, permit rapid identification of qualified teachers, and increase the supply of qualified educational personnel. As many of the District's educational personnel come from without the District, the bill will facilitate the certification process and thereby improve recruitment procedures. These contracts would have the force of law and would prescribe the methods under which teacher qualifications of a signatory State could be accepted by party States without the necessity for re-examination of such qualifications. The Agreement specifies the minimum contents of such contracts in such a way as to assure the contracting States that standards employed for passing on qualifications will remain at a high professional level.

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Title II also contains technical amendments to specify that the subpena powers of the Commissioner are applicable to the production of books, records, papers, and other documents, as well as to the testimony of witnesses, and to compel obedience to such subpenas through the Superior Court of the District of Columbia. These amendments do not add to the substantive powers of either the Commissioner or the Superior Court, and are intended for purposes of clarification and conformity to existing law.

The fifth paragraph of section 202 of the enrolled bill substantially revises section 8, or the so-called "grandfather clause", of the Practice of Psychology Act to permit the licensing without examination of persons as psychologists who meet the conditions, requirements, and qualifications specified by the

amendments. While these amendments were not proposed by the District Government and have the effect of authorizing the licensing of a number of persons as psychologists in the District who are not deemed eligible under existing law, we believe that the revised standards are fair and equitable and will not result in the "blanketing in" of otherwise unqualified practitioners. Accordingly, the District Government has no objection to the approval of paragraph (5) of H.R. 342. We point out, however, that line 6 of the amended section 8(a) contains a typographical error in that the word "Commissioners" should read "Commissioner".

Title III of the enrolled bill amends the District of Columbia Unemployment Compensation Act in several respects to provide judicial review of decisions of the District's Unemployment Compensation Board by the District of Columbia Court of Appeals rather than the Superior Court of the District of Columbia. Although such review authority was vested in that court by passage of the District of Columbia Administrative Procedure Act, sections 155(c)(44)(A) and 155(c)(44)(C) of the District of Columbia Court Reorganization Act of 1970 appear to have inadvertently vested this authority in the Superior Court of the District of Columbia. Review in such instances by the Superior Court is inconsistent with the review authority applicable to orders and decisions of other District of Columbia agencies under the Administrative Procedure Act. This title of the enrolled bill is identical to section 2 of draft legislation submitted to the Congress by the District Government on August 5, 1974.

The approval of H.R. 342 is not expected to result in any additional costs to the District of Columbia. The District Government recommends the approval of H.R. 342.

Sincerely yours,

WALTER E. WASHINGTON
Mayor-Commissioner

WAR:vlw:baa
CCL 49-123-165/93
12/3/74

ADVISORY
COMMISSION ON INTERGOVERNMENTAL RELATIONS
WASHINGTON, D.C. 20575

November 27, 1974

Mr. W. H. Rommel
Assistant Director for
Legislative Reference
Executive Office of the President
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Rommel:

This is in response to your request for the views of the Advisory Commission on Intergovernmental Relations with respect to H.R. 342, an act "To authorize the District of Columbia to enter into the Interstate Agreement on Qualification of Educational Personnel, and to amend the Practice of Psychology Act and the District of Columbia Unemployment Compensation Act."

The Commission has not examined the specific issues involved in this legislation. The staff has no comment concerning its intergovernmental effect.

Thank you for the opportunity to review and comment on this proposed measure.

Sincerely,

David B. Walker

David B. Walker
Assistant Director

DBW/lss

93D CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
1st Session } { No. 93-99

AUTHORIZE D.C. TO ENTER INTERSTATE AGREEMENT ON QUALIFICATION OF EDUCATIONAL PERSONNEL

MARCH 29, 1973.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. DIGGS, from the Committee on the District of Columbia, submitted the following

REPORT

[To accompany H.R. 342]

The committee on the District of Columbia, to whom was referred the bill (H.R. 342), to authorize the District of Columbia to enter into the Interstate Agreement on Qualification of Educational Personnel, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of this legislation (which is requested by the Government of the District of Columbia) is to authorize the District of Columbia to enter into the Interstate Agreement on Qualification of Educational Personnel, which has already been adopted by 29 States. This will allow the District to enter into contracts with such member states, which will reduce or eliminate the duplication of administrative effort in checking teacher qualification records that have already been evaluated by competent authorities in other states, in connection with teachers and other educational personnel who are licensed in these other states and who apply for employment in the District of Columbia public school system, or vice versa. Consequently, faster processing of such teacher applications and more rapid identification of qualified applicants will result, thus increasing the available supply of qualified educational personnel. As many of the District's educational personnel come from other jurisdictions, this bill will facilitate the certification process and thereby improve as well as expedite the city's recruitment procedures.

NEED FOR LEGISLATION

Certification and licensing of teachers already licensed or certified in other jurisdictions has always been a time-consuming, complicated, and cumbersome process both for the teacher and the certification officer. The reevaluation of teacher records which have been evaluated already by competent authorities in other jurisdictions with similar standards is wasteful of the administrator's and teacher's time, energies, and skills.

Each state has its own system of laws and administrative practices governing the training, licensing, and certification of school personnel. As a result, all too often an experienced, fully certified teacher upon moving to another state will find that he or she fails to meet some technical certification specification in the new state. For example, the course taken in state A's teachers college entitled "Teaching in the Elementary Schools" may not meet state B's requirement of a course in "Methods of Teaching in the Elementary Schools", or the course may be only a three-hour instead of a four-hour course.

When states have similar standards for certification or licensing, these types of minor technicalities place unrealistic restraints on the mobility of teachers and on the ability of a jurisdiction to hire experienced teachers with licenses in other jurisdictions. This leads to a loss in the total available educational work force, as fully certified teachers moving to a new state are discouraged by the new certification requirements. This is true particularly in the case of women who move because of the husband's change in employment location.

In concentrating on minor technicalities, a school system's officials frequently must overlook the larger picture. The fact that the teacher applicant may have ten years of successful experience and a master's degree in her field from a fully accredited teachers' college all too often cannot be considered. This is utterly unrealistic, in view of the fact that, generally speaking, the teaching of mathematics in California or New York requires substantially the same skills as teaching mathematics in Pennsylvania or the District of Columbia; and a properly trained school librarian in Nebraska is able to function just as ably in Idaho or Wisconsin. In short, the fact is that with only very limited exceptions, a person who is adequately prepared as a teacher or other school professional in one state should be capable of meeting the minimum skills and training required in another state.

Despite general agreement among professional educators that certification requirements for out-of-state educational personnel have always been unnecessarily cumbersome and unrealistic, however, until recent years attempts to ameliorate this situation met with little success.

INTERSTATE AGREEMENT ON QUALIFICATION OF EDUCATIONAL PERSONNEL

In 1966, a nation-wide Interstate Certification Project was begun, and a national plan was developed which would allow states, pursuant to enabling legislation, to enter into mutual agreements with other states regarding the acceptance of license or certification of educational personnel.

After intensive study and consultation among officials from state departments of education and other policymaking state officials, including substantial representation from various state legislatures, the Interstate Agreement was developed in its present form. This developmental process took two years to accomplish, and the first states enacted this interstate agreement in 1968. Today, twenty-nine states are parties to this agreement, and many others have it under active consideration. Even though the benefits of this Interstate Agreement are nationwide as well as regional, it is important to note that all the District of Columbia's neighboring jurisdictions have enacted the measure.

The 29 states which have adopted the Interstate Agreement are the following:

Alaska	New Jersey
California	New York
Connecticut	North Carolina
Delaware	Ohio
Florida	Oklahoma
Hawaii	Pennsylvania
Idaho	Rhode Island
Indiana	South Dakota
Kentucky	Utah
Maine	Vermont
Maryland	Virginia
Massachusetts	Washington
Minnesota	West Virginia
Nebraska	Wisconsin
New Hampshire	

PROVISIONS OF THE BILL

This bill is patterned directly from the Interstate Agreement. It is legally similar to many other enabling statutes allowing interstate agreements in other fields of state government responsibility. However, the provisions of H.R. 342 are less elaborate than those of many other interstate compacts. It sets up no new administrative body and requires no additional appropriation of funds to become effective. Its sole function is to provide the necessary legal authority for District of Columbia officials to contract with other state public education agencies regarding the mutual acceptance of out-of-state certification and licensing decisions regarding educational personnel.

The Interstate Agreement includes safeguards to insure that it will not produce interstate acceptance of substandard educational personnel. Section 1 of Article 3 of the Agreement states that:

> A designated State official may enter into a contract pursuant to this article only with States in which he finds that there are programs of education, certification standards, or other acceptable qualifications that assure preparation or qualification of education personnel on a basis sufficiently comparable, even though not identical, to that prevailing in his own State.

The contracts entered into under the agreement have the weight of law, and prescribe the methods under which the teacher qualifications of a signatory state can be accepted by other party states without the necessity for re-examination of such qualifications. The agreement specifies the minimum contents of such contracts in such a way as to assure the contracting states that standards employed for passing on such qualifications will remain at a high professional level.

HISTORY

Legislation identical to H.R. 342 was reported by this Committee to the House in the 92nd Congress (H.R. 8407, H. Rept. 92–332), and passed the House by vote of 324 to 4 on December 22, 1971.

This legislation was thereafter included in an omnibus bill, S. 1998, (S. Rept. 92–245), which passed the Senate on April 13, 1972, but the entire Senate package was not approved by your Committee; and no hearings were held on the new Senate provisions added to the House provisions.

COSTS

No cost to the District of Columbia government will accrue as a result of the enactment of this legislation.

COMMITTEE VOTE

H.R. 342 was approved and ordered favorably reported to the House by voice vote of the Committee members present.

HEARINGS

A public hearing on H.R. 342 was conducted on March 22, 1973, by the Subcommittee on Education, at which time testimony in favor of the legislation was submitted by spokesmen for the District of Columbia Government, the District of Columbia public school system, and the Washington Teachers' Union. No opposition to the measure was expressed.

COMMISSIONER'S LETTER

The following letter from the Commissioner of the District of Columbia expresses his support for the bill:

THE DISTRICT OF COLUMBIA,
Washington, D.C., March 21, 1973.

Hon. CHARLES C. DIGGS, JR.,
Chairman, Committee on the District of Columbia,
U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: The Government of the District of Columbia has for report H.R. 342, a bill "To authorize the District of Columbia to enter into the Interstate Agreement on Qualification of Educational Personnel."

The enactment of H.R. 342 would provide an efficient means of bridging differences in substantive and procedural arrangements for qualifications of teachers and other educators, without affecting the autonomy of individual State educational systems. Each State and the

District of Columbia now has its own system of law and administrative practice governing the process of licensing or certifying teachers. In varying degrees, the systems are based on detailed descriptions of course requirements attached to teacher-training programs and a miscellaneous list of other statutory and administrative requirements. While many of these requirements vary there is a large body of generally agreed upon principles utilized in determining satisfactory teacher certification. In brief, with only very rare and limited exceptions, a person who is well prepared as a teacher or other school professional in one State can also function well in other States.

The bill would allow the District to enter into contracts which should reduce or eliminate duplication of administrative effort in checking teacher records already evaluated by competent authorities in the States. This should result in faster processing of teacher applications, improve teacher morale, permit rapid identification of qualified teachers, and increase the supply of qualified educational personnel. As many of the District's educational personnel come from without the District, the bill will facilitate the certification process and thereby improve recruitment procedures.

This legislation is in the nature of an enabling act. It provides the necessary legal authority whereby the Board of Education of the District may institute procedures to permit the recognition of decisions on teacher qualifications already made in party States. At the same time safeguards are provided to assure each participating State that such procedures will not produce interstate acceptance of substandard educational personnel. This legislation requires no new administrative body and requires no appropriations to become effective.

The heart of the Interstate Agreement is in its provisions authorizing the making of contracts by designated State educational officials. These contracts would have the force of law and would prescribe the methods under which teacher qualifications of a signatory State could be accepted by party States without the necessity for re-examination of such qualifications. The Agreement specifies the minimum contents of such contracts in such a way as to assure the contracting States that standards employed for passing on qualifications will remain at a high professional level.

The Interstate Agreement has received national recognition as a means of overcoming the problem of reciprocity in the certification of educational personnel. At present the legislatures of 28 States have adopted the Interstate Agreement on Qualification of Educational Personnel, and this legislation would authorize the District to do likewise.

We believe that the enactment of this legislation will contribute to the advancement of education in the District, and also bring the District further in line with the prevailing policy of interstate coordination and cooperation. Accordingly, we recommend enactment of H.R. 342.

Sincerely yours,

WALTER E. WASHINGTON,
Commissioner.

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Calendar No. 1037

93D CONGRESS
2d Session

SENATE

REPORT
No. 93-1080

AUTHORIZE THE DISTRICT OF COLUMBIA TO ENTER INTERSTATE AGREEMENT ON QUALIFICATION OF EDUCATIONAL PERSONNEL AND TO AMEND THE PRACTICE OF PSYCHOLOGY ACT AND THE UNEMPLOYMENT COMPENSATION ACT OF THE DISTRICT OF COLUMBIA

AUGUST 8, 1974.—Ordered to be printed

Mr. INOUYE, from the Committee on the District of Columbia, submitted the following

REPORT

[To accompany H.R. 342]

The Committee on the District of Columbia, to which was referred the bill (H.R. 342) to authorize the District of Columbia to enter into the Interstate Agreement on Qualification of Educational Personnel, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

PURPOSES OF THE BILL

The purposes of this legislation are to authorize the District of Columbia to enter into the Interstate Agreement on Qualification of Educational Personnel which has already been adopted by 31 states, to amend the Practice of Psychology Act so as to allow review of decisions by the Commissioner by the District of Columbia Court of Appeals and to allow certain persons to obtain licenses who met the qualifications of the District of Columbia and were engaged in practice prior to the enactment of the Practice of Psychology Act in 1971, and to amend the District of Columbia Unemployment Compensation Act to allow review of the determinations of the Unemployment Compensation Board in the Court of Appeals of the District of Columbia.

NEED FOR LEGISLATION

The various titles of this bill were requested by the District of Columbia government, except for the section of title II dealing with licensing of psychologists, which was brought to the Committee's attention by members of the public.

Purpose of Title I

Title I will allow the District to enter into contracts with such member states, which will reduce or eliminate the duplication of administrative effort in checking teacher qualification records that have already been evaluated by competent authorities in other states, in connection with teachers and other educational personnel who are licensed in these other states and who apply for employment in the District of Columbia public school system, or vice versa. Consequently, faster processing of such teacher applications and more rapid identification of qualified applicants will result, thus increasing the available supply of qualified educational personnel. As many of the District's educational personnel come from other jurisdictions, this bill will facilitate the certification process and thereby improve as well as expedite the city's recruitment procedures.

Certification and licensing of teachers already licensed or certified in other jurisdictions has always been a time-consuming complicated, and cumbersome process both for the teacher and the certification officer. The reevaluation of teacher records which have been evaluated already by competent authorities in other jurisdictions with similar standards is wasteful of the administrator's and teacher's time, energies, and skills.

Each state has its own system of laws and administrative practices governing the training, licensing, and certification of school personnel. As a result, all too often an experienced, fully certified teacher upon moving to another state will find that he or she fails to meet some technical certification specification in the new state. For example, the course taken in state A's teachers college entitled "Teaching in the Elementary Schools" may not meet state B's requirement of a course in "Methods of Teaching in the Elementary Schools", or the course may be only a three-hour instead of a four-hour course.

When states have similar standards for certification or licensing, these types of minor technicalities place unrealistic restraints on the mobility of teachers and on the ability of a jurisdiction to hire experienced teachers with licenses in other jurisdictions. This leads to a loss in the total available educational work force, as fully certified teachers moving to a new state are discouraged by the new certification requirements. This is true particularly in the case of women who move because of the husband's change in employment location.

In concentrating on minor technicalities, a school system's officials frequently must overlook the larger picture. The fact that the teacher applicant may have ten years of successful experience and a master's degree in her field from a fully accredited teacher's college all too often cannot be considered. This is utterly unrealistic, in view of the fact that, generally speaking, the teaching of mathematics in California or New York requires substantially the same skills as teaching mathematics in Pennsylvania or the District of Columbia; and a properly trained school librarian in Nebraska is able to function just as ably in Idaho or Wisconsin. In short, the fact is that with only very limited exceptions, a person who is adequately prepared as a teacher or other school professional in one state should be capable of meeting the minimum skills and training required in another state.

Despite general agreement among professional educators that certification requirements for out-of-state educational personnel have always been unnecessarily cumbersome and unrealistic, however, until recent years attempts to ameliorate this situation met with little success.

In 1966, a nation-wide Interstate Certification Project was begun, and a national plan was developed which would allow states, pursuant to enabling legislation, to enter into mutual agreements with other states regarding the acceptance of license or certification of educational personnel.

After intensive study and consultation among officials from state departments of education and other policymaking state officials, including substantial representation from various state legislatures, the Interstate Agreement was developed in its present form. This developmental process took two years to accomplish, and the first states enacted this interstate agreement in 1968. Today, twenty-nine states are parties to this agreement, and many others have it under active consideration. Even though the benefits of this Interstate Agreement are nationwide as well as regional, it is important to note that all the District of Columbia's neighboring jurisdictions have enacted the measures.

The 31 states which have adopted the Interstate Agreement are the following:

Alaska
California
Connecticut
Delaware
Florida
Hawaii
Idaho
Indiana
Iowa
Kentucky
Maine
Maryland
Massachusetts
Minnesota
Nebraska
New Hampshire
New Jersey
New York
North Carolina
Ohio
Oklahoma
Pennsylvania
Rhode Island
South Carolina
South Dakota
Utah
Vermont
Virginia
Washington
West Virginia
Wisconsin

Title II

Title II would amend the Practice of Psychology Act which inadvertently provided review of decisions of the District of Columbia Court of Appeals by the United States Court of Appeals for the District of Columbia Circuit, and authorized the United States District Court to enjoin the unauthorized practice of psychology on petition by the Corporation Counsel of the District of Columbia. As noted by the District of Columbia Court of Appeals in the recent case of *Berger* v. *Board of Psychologist Examiners for the District of Columbia* (C.A. Nos. 6681, 6723, decided December 11, 1973, these provisions are inconsistent with the District of Columbia Court Reorganization Act of 1970 (P.L. 91-358), which established the District of

Columbia Court of Appeals as the highest court of the District of Columbia and the Superior Court of the District of Columbia as the local trial court for the District of Columbia. The proposed bill would amend the Practice of Psychology Act to provide final judicial review in the District of Columbia Court of Appeals and to vest injunctive power in the Superior Court, in a manner consistent with the 1970 Court Reorganization Act and the District of Columbia Administrative Procedure Act.

The title also contains technical amendments to specify that the subpena powers of the Commissioner are applicable to the production of books, records, papers, and other documents, as well as to the testimony of witnesses, and to compel obedience to such subpenas through the Superior Court of the District of Columbia. These proposed amendments do not add to the substantive powers of either the Commissioner or the Superior Court, and are intended for purposes of clarification and conformity to existing law.

Finally, title II amends Section 8 of Public Law 91–657, An Act to Regulate the Practice of Psychology in The District of Columbia. Section 8, the "grandfather clause," is being amended in order to make completely clear Congress' intent concerning the protection of the public health, safety and welfare from the practice of psychology by unqualified persons. This clarification of the laws regulating the application of Section 8 is done with the approval of the District Government and incorporates the technical amendments and substantive input of the District of Columbia. The singular purpose of this amendment is to mandate the licensing by the D.C. Board of Psychological Examiners of all psychologists who meet the requirements of the Act as amended. By amending Section 8, the Committee wishes to clear up any ambiguity and indicate that psychologists either practicing or living in the District of Columbia prior to the enactment of the Act, and meeting the provisions of the amended Act, need not meet the rigorous and highly technical educational degree qualifications interpreted by the Commissioner to be imposed by the original Act. Due to their experience, post baccalaureate study and years of applied practice, most of these practing psychologists do not and cannot qualify under the sections of the Act other than Section 8. Therefore, it is Congress' intent that a liberal interpretation of Section 8 be utilized by the Board of Psychological Examiners when considering applicants whose requests for licensing have been made under and in accordance with Section 8 of the Act.

Title III

Title III of the bill would amend the District of Columbia Unemployment Compensation Act (D.C. Code, secs. 46–301 et seq.) to provide judicial review of decisions of the District's Unemployment Compensation Board by the District of Columbia Court of Appeals. Although such review authority was vested in that court by passage of the District of Columbia Administrative Procedure Act (*Woodridge Nursery School* v. *Jessup*, D.C. App., 269 A.2d 199 (1970)), sections 155(c)(44)(A) and 155(c)(44)(C) of the District of Columbia Court Reorganization Act of 1970 appear to have inadvertently

vested this authority in the Superior Court of the District of Columbia. Review in such instances by the Superior Court is inconsistent with the review authority applicable to other District of Columbia agencies under the District of Columbia Administrative Procedure Act.

The amendments contained in title III also are consistent with provisions of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973, relating to the Judiciary and Judicial Powers (Title IV, part C).

History

A public hearing was held on H.R. 342 on July 25, 1974, by the committee. Witnesses in support of the legislation included representatives of the District Government, and the Washington Teachers Union. No opposition to the bill has been received by the Committee.

Cost

The enactment of this proposed legislation will involve no added cost to the government of the District of Columbia.

Committee Vote

H.R. 342 was ordered favorably reported, as amended, by unanimous vote of the full committee on August 7, 1974.

District of Columbia Commissioner's Reports

The District of Columbia,
Washington, D.C., July 24, 1974.

Hon. Thomas F. Eagleton,
Chairman, Committee on the District of Columbia,
U.S. Senate, Washington, D.C.

Dear Mr. Chairman: The Government of the District of Columbia has for report H.R. 342, a bill "To authorize the District of Columbia to enter into the Interstate Agreement on Qualification of Educational Personnel", as passed by the House of Representatives on April 9, 1973.

The enactment of H.R. 342 would provide an efficient means of bridging differences in substantive and procedural arrangements for qualifications of teachers and other educators, without affecting the autonomy of individual State educational systems. Each State and the District of Columbia now has its own system of law and administrative practice governing the process of licensing or certifying teachers. In varying degrees, the systems are based on detailed descriptions of course requirements attached to teacher-training programs and a miscellaneous list of other statutory and administrative requirements. While many of these requirements vary there is a large body of generally agreed upon principles utilized in determining satisfactory teacher certification. In brief, with only very rare and limited exceptions, a person who is well prepared as a teacher or other school professional in one State can also function well in other States.

The bill would allow the District to enter into contracts which should reduce or eliminate duplication of administrative effort in checking teacher records already evaluated by competent authorities in the States. This should result in faster processing of teacher applications, improve teacher morale, permit rapid identification of qualified teachers, and increase the supply of qualified educational personnel. As many of the District's educational personnel come from without the District, the bill will facilitate the certification process and thereby improve recruitment procedures.

This legislation is in the nature of an enabling act. It provides the necessary legal authority whereby the Board of Education of the District may institute procedures to permit the recognition of decisions on teacher qualifications already made in party States. At the same time safeguards are provided to assure each participating State that such procedures will not produce interstate acceptance of substandard educational personnel. This legislation requires no new administrative body and requires no appropriations to become effective.

The heart of the Interstate Agreement is in its provisions authorizing the making of contracts by designated State educational officials. These contracts would have the force of law and would prescribe the methods under which teacher qualifications of a signatory State could be accepted by party States without the necessity for re-examination of such qualifications. The Agreement specifies the minimum contents of such contracts in such a way as to assure the contracting States that standards employed for passing on qualifications will remain at a high professional level.

The Interstate Agreement has received national recognition as a means of overcoming the problem of reciprocity in the certification of educational personnel. At present the legislaturees of 28 States have adopted the Interstate Agreement on Qualification of Educational Personnel, and this legislation would authorize the District to do likewise.

We believe that the enactment of this legislation will contribute to the advancement of education in the District, and also bring the District further in line with the prevailing policy of interstate coordination and cooperation. Accordingly, we recommend enactment of H.R. 342.

Sincerely yours,

WALTER E. WASHINGTON,
Mayor-Commissioner.

GOVERNMENT OF THE DISTRICT OF COLUMBIA,
OFFICE OF THE CORPORATION COUNSEL,
Washington, D.C., July 26, 1974.

L&O:RND:if.

ROBERT HARRIS, ESQ.,
Staff Director, Committee on the District of Columbia,
U.S. Senate, Washington, D.C.

DEAR MR. HARRIS: At the hearing of July 25, 1974 on H.R. 342, we stated that thirty-one States, rather than twenty-eight, have now

adopted the Interstate Agreement on Qualification of Educational Personnel. These States are as follows:

Alaska
California
Connecticut
Delaware
Florida
Hawaii
Idaho
Indiana
Iowa
Kentucky
Maine
Maryland
Massachusetts
Minnesota
Nebraska
New Hampshire
New Jersey
New York
North Carolina
Ohio
Oklahoma
Pennsylvania
Rhode Island
South Carolina
South Dakota
Utah
Vermont
Virginia
Washington
West Virginia
Wisconsin

Sincerely yours,

R. NEIL DICKMAN,
Assistant Corporation Counsel, District of Columbia.

THE DISTRICT OF COLUMBIA,
Washington, D.C., August 5, 1974.

THE HONORABLE
THE PRESIDENT,
U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: The Government of the District of Columbia has the honor to submit for the consideration of the 93rd Congress a draft bill "To amend certain laws relating to the jurisdiction of the courts of the District of Columbia, and for other purposes." The proposed legislation would make certain technical amendments to conform the Practice of Psychology Act to the District of Columbia Court Reorganization Act of 1970. The bill would also amend the District of Columbia Unemployment Compensation Act to provide consistency with the District of Columbia Administrative Procedure Act.

The Practice of Psychology Act, approved January 8, 1971 (D.C. Code, secs. 2–481 to 2–498), inadvertently provided review of decisions of the District of Columbia Court of Appeals by the United States Court of Appeals for the District of Columbia Circuit, and authorized the United States District Court to enjoin the unauthorized practice of psychohlogy on petition by the Corporation Counsel of the District of Columbia. As noted by the District of Columbia Court of Appeals in the recent case of *Berger* v. *Board of Psychologist Examiners for the District of Columbia* (C.A. Nos. 6681, 6723, decided December 11, 1973), these provisions are inconsistent with the District of Columbia Court Reorganization Act of 1970 (P.L. 91–358), which established the District of Columbia Court of Appeals as the highest

court of the District of Columbia and the Superior Court of the District of Columbia as the local trial court for the District of Columbia. The proposed bill would amend the Practice of Psychology Act to provide final judicial review in the District of Columbia Court of Appeals and to vest injunctive power in the Superior Court, in a manner consistent with the 1970 Court Reorganization Act and the District of Columbia Administrative Procedure Act.

The bill also contains technical amendments to specify that the subpena powers of the Commissioner are applicable to the production of books, records, papers, and other documents, as well as to the testimony of witnesses, and to compel obedience to such subpenas through the Superior Court of the District of Columbia. These proposed amendments do not add to the substantive powers of either the Commissioner or the Superior Court, and are intended for purposes of clarification and conformity to existing law.

Section 2 of the draft bill would amend the District of Columbia Unemployment Compensation Act (D.C. Code, secs. 46–301 et seq.) to provide judicial review of decisions of the District's Unemployment Compensation Board by the District of Columbia Court of Appeals. Although such review authority was vested in that court by passage of the District of Columbia Administrative Procedure Act (*Woodbridge Nursery School* v. *Jessup*, D.C. App., 269 A.2d 199 (1970)), sections 155(c)(44)(A) and 155(c)(44)(C) of the District of Columbia Court Reorganization Act of 1970 appear to have inadvertently vested this authority in the Superior Court of the District of Columbia. Review in such instances by the Superior Court is inconsistent with the review authority applicable to other District of Columbia agencies under the District of Columbia Administrative Procedure Act.

The amendments proposed by this bill also are consistent with provisions of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973, relating to the Judiciary and Judicial Powers (Title IV, part C).

The proposed bill would improve the administration of both the Practice of Psychology Act and the District of Columbia Unemployment Compensation Act, and we strongly urge its early consideration and enactment by the Congress.

The Office of Management and Budget has advised that, from the standpoint of the Administration's program, there is no objection to the submission of this proposed legislation to the Congress.

Sincerely yours,

WALTER E. WASHINGTON,
Mayor-Commissioner.

THE DISTRICT OF COLUMBIA,
Washington, D.C., August 6, 1974.

Hon. THOMAS F. EAGLETON,
Chairman, Committee on the District of Columbia,
Dirksen Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: This is to inform you that my staff has reviewed the draft bill to amend the D.C. Practice of Psychology Act which Bob Harris and Bill Weems asked us to study. We find the draft

bill to be unobjectionable generally. In some respects the Board of Psychologist Examiners through its administrative interpretations has followed the intent that is reflected in the draft bill. Dr. Helen E. Peixotto, the Chairman of the D.C. Board of Psychologist Examiners has pointed out that she does not support these amendments since under present law the Board has not, with a few exceptions, been required to reject qualified applicants.

If the Committee decides to take action on the draft bill, we would suggest several amendments to improve the draft bill technically. We also suggest an amendment to meet a point raised by the D.C. Court of Appeals in *Berl* v. *Board of Psychologist Examiners of the District of Columbia*, No. 7850, July 3, 1974. I have attached a revised draft bill for your consideration.

Sincerely yours,

WALTER E. WASHINGTON,
Mayor-Commissioner.

Enclosure.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italic, existing law in which no change is proposed is shown in roman):

D.C. CODE—TITLE 2.—DISTRICT BOARDS AND COMMISSIONS

SUBCHAPTER IV.—PSYCHOLOGISTS

* * * * * * *

SEC. 2–487. LICENSE WITHOUT EXAMINATION

(*a*) *Notwithstanding any other provision of this Act,* [Within one year from and after the effective date of this subchapter,] a license shall be issued without examination to any applicant who is of good moral character, who [either maintains a residence or office, or participates in psychological activities as determined by the Commissioner, within the District of Columbia, who has], *at any time during the twelve month period preceding the effective date of the Practice of Psychology Act, maintained a residence or office, or participated in psychological practice acceptable to the Commissioner, in the District of Columbia, and who, within one year after the effective date of the Practice of Psychology Act,* submitted an application for license accompanied by the required fee, and who holds—

[(A) a doctoral degree in psychology from an accredited college or university or other doctoral degree acceptable to the Commissioner, and has completed at least two years of postgraduate experience not including terms of internship; or]

(1) a doctoral degree in psychology or 45 credit hours taken subsequent to a bachelor's degree in courses related to psychology, from accredited colleges or universities, and has engaged in psychological practice acceptable to the Commissioner for at least two years prior to the filing of such application pursuant to this Act; or

[(B) a master's degree in psychology from an accredited college or university, and has engaged in psychological practice acceptable to the Commissioner for at least seven years after the attainment of his highest degree.]

(2) a master's degree in psychology or 24 credit hours taken subsequent to a bachelor's degree in courses related to psychology, from accredited colleges or universities, and has engaged in psychological practice acceptable to the Commissioner for at least seven years prior to the filing of such application pursuant to this Act.

(b) For purposes of subsection (a) of this section, the term—

(1) "courses related to psychology" means any combination of the following behavioral science courses not necessarily in one department of one school: human development, education, educational psychology, guidance, counselling, guidance and counselling, vocational counselling, school psychology, school guidance, family counselling, counselling and psychotherapy, special education, learning disabilities, anthropology, sociology, human ecology, social ecology, rehabilitation counselling, group counselling and psychotherapy, or any substantially similar field of study acceptable to the Commissioner; and

(2) "psychological practice acceptable to the Commissioner" includes any job in which the job title or description contains any term acceptable to the Commissioner, or any of the following terms: psychologist, psychotherapy, group therapy, family therapy, art therapy, activity therapy, psychometry measurement and evaluation, psychodiagnosis, pupil personnel services, counselling and guidance, special education, rehabilitation, or any job in which the person or organization was recognized or reimbursed under public or private health insurance programs by reason of being engaged in psychological practice.

* * * * * * *

SEC. 2–492 [(C) Any person aggrieved by a decision of the Commissioner under subsection (B) of this section may, within thirty days after receiving notice thereof, seek review of said decision in the District of Columbia Court of Appeals. Such review shall be subject to appeal to the United States Court of Appeals for the District of Columbia Circuit.]

(C) Any person aggrieved by a final decision or a final order of the Commissioner under subsection (B) of this section may seek review of such decision or order in the District of Columbia Court of Appeals in accordance with the District of Columbia Administrative Procedure Act.

[(D) In hearings conducted pursuant to subsection (B) of this section, the attendance and testimony of witnesses may be compelled by subpoena. Any person refusing to respond to such a subpoena shall be guilty of contempt of court.]

(D) In hearings conducted pursuant to subsection (B) of this section, the Commissioner may administer oaths and affirmations, and may require by subpoena or otherwise the attendance and testimony of witnesses and the production of such books, records, papers, and documents as he may deem advisable in carrying out his functions under this Act. In the case of contumacy or refusal to obey any such

subpoena or requirement of this subsection, the Commissioner may make application to the Superior Court of the District of Columbia for an order requiring obedience thereto. Thereupon the court, with or without notice and hearing, as it in its discretion may decide, shall make such order as is proper and may punish as contempt of court any failure to comply with such order.

SEC. 2–493. PENALTIES

Any person who shall practice psychology, as defined in this subchapter, without having a valid, unexpired, unrevoked, and unsuspended license or certificate of registration issued as provided in this subchapter, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not more than $500, or confined in jail for not more than six months, or both. Prosecutions shall be *conducted* in the name of the District of Columbia *in the Superior Court of the District of Columbia* by the Corporation Counsel or [one] *any* of his assistants.

SEC. 2–494. ENJOINING UNAUTHORIZED PRACTICE OF PSYCHOLOGY

The unlawful practice of psychology, as defined in this subchapter, may be enjoined by the [United States District Court for the District of Columbia] *Superior Court of the District of Columbia* on petition by the Corporation Counsel for the District of Columbia, upon a finding that the person sought to be enjoined has committed a violation of the provisions of this subchapter. * * *

* * * * * * *

D.C. CODE—TITLE 46.—SOCIAL SECURITY

* * * * * * *

SEC. 46–303. EMPLOYER CONTRIBUTIONS

* * * * * * *

(c) FUTURE RATES BASED ON BENEFIT EXPERIENCE.—

* * * * * * *

(10) At least one month prior to the final date upon which the first contributions for any calendar year or part thereof become due from any employer at a contribution rate determined under this subsection, the Board shall notify such employer of his rate of contributions and of the benefit charges upon which such rate was based. Such determination shall become conclusive and binding upon the employer unless, within thirty days after the mailing of notice thereof to his last-known address, or in the absence of mailing, within thirty days after the delivery of such notice, the employer files an application for review and a redetermination, setting forth his reasons therefor. Upon receipt of such application, the Board shall voluntarily adjust such matter or shall grant an opportunity for a fair hearing and promptly notify the employer thereof. All such hearings shall be held before a Contribution Rate Review Committee composed of three members who shall be employees of the Board and appointed by the Board. The findings and decision of this Committee shall not be subject to review by the District Auditor. No employer shall have standing, in any proceeding involving his rate of contributions or contribution liability, to contest the chargeability of his account of any benefits paid in accordance with a determination, redetermination, or decision

pursuant to section 46–311, except on the ground that the services on the basis of which such benefits were found to be chargeable do not constitute services performed in employment for him and only in the event that he was not a party to such determination, redetermination, or decision or to any other proceedings under this chapter in which the character of such services was determined. [The employer shall be promptly notified of the Board's denial of his application or of the Board's redetermination, both of which shall become final unless, within thirty days after the mailing of such notice thereof to his last-known address, or in the absence of mailing, within thirty days after the delivery of such notice, a petition for judicial review is filed in the Superior Court of the District of Columbia. In any proceedings under this subsection the findings of the Board as to the facts, if supported by evidence and in the absence of fraud, shall be conclusive and the jurisdiction of said court shall be confined to questions of law. Such proceedings shall be given precedence over all other civil cases except cases arising under section 46–312 and under section 36–501.] *The employer shall be promptly notified in writing of the Board's redetermination..An employer aggrieved by the Board's decision may seek review of such determination in the District of Columbia Court of Appeals in accordance with the District of Columbia Administrative Procedure Act.*

* * * * * * *

SEC. 46–312. COURT REVIEW

[Within thirty days after the decision of the Board has become final, any party to the proceeding may appeal from the decision to the Superior Court of the District of Columbia. Upon the filing of any such appeal notice thereof shall be served upon the Board by the appellant and upon any other party to the proceedings. Such appeal shall be heard by the court at the earliest possible date and shall be given precedence over all other civil cases. It shall not be necessary on any such appeal to enter exceptions to the rulings of the Board and no bond shall be required for entering such appeal. In no event shall any appeal act as a supersedeas. In any appeal under this section the findings of the Board, or of the examiner or appeal tribunal, as the case may be, as to the facts, if supported by evidence and in the absence of fraud, shall be conclusive, and the jurisdiction of said court shall be confined to questioned of law; *Provided*, That no appeal shall be permitted under this section by any party who has not first exhausted his administrative remedies as provided by this chapter] *Any person aggrieved by the decision of the Board may seek review of such decision in the District of Columbia Court of Appeals in accordance with the District of Columbia Administrative Procedure Act.*

○

H. R. 342

Ninety-third Congress of the United States of America

AT THE SECOND SESSION

Begun and held at the City of Washington on Monday, the twenty-first day of January, one thousand nine hundred and seventy-four

An Act

To authorize the District of Columbia to enter into the Interstate Agreement on Qualification of Educational Personnel, and to amend the Practice of Psychology Act and the District of Columbia Unemployment Compensation Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—INTERSTATE AGREEMENT ON EDUCATIONAL PERSONNEL

SEC. 101. The Commissioner of the District of Columbia is authorized to enter into and execute on behalf of the District of Columbia an agreement with any State or States legally joining therein in the form substantially as follows:

"THE INTERSTATE AGREEMENT ON QUALIFICATION OF EDUCATIONAL PERSONNEL

"ARTICLE I—Purpose, Findings, and Policy

"1. The States party to this Agreement, desiring by common action to improve their respective school systems by utilizing the teacher or other professional educational person wherever educated, declare that it is the policy of each of them, on the basis of cooperation with one another, to take advantage of the preparation and experience of such persons wherever gained, thereby serving the best interests of society, of education, and of the teaching profession. It is the purpose of this Agreement to provide for the development and execution of such programs of cooperation as will facilitate the movement of teachers and other professional educational personnel among the States party to it, and to authorize specific interstate educational personnel contracts to achieve that end.

"2. The party States find that included in the large movement of population among all sections of the Nation are many qualified educational personnel who move for family and other personal reasons but who are hindered in using their professional skill and experience in their new locations. Variations from State to State in requirements for qualifying educational personnel discourage such personnel from taking the steps necessary to qualify in other States. As a consequence, a significant number of professionally prepared and experienced educators is lost to our school systems. Facilitating the employment of qualified educational personnel, without reference to their States of origin, can increase the available educational resources. Participation in this Agreement can increase the availability of educational manpower.

"ARTICLE II—Definitions

"As used in this Agreement and contracts made pursuant to it, unless the context clearly requires otherwise:

"1. 'Educational personnel' means persons who must meet requirements pursuant to State law as a condition of employment in educational programs.

"2. 'Designated State official' means the education official of a State selected by that State to negotiate and enter into, on behalf of his State, contracts pursuant to this Agreement.

"3. 'Accept', or any variant thereof, means to recognize and give effect to one or more determinations of another State relating to the qualifications of educational personnel in lieu of making or requiring a like determination that would otherwise be required by or pursuant to the laws of a receiving State.

"4. 'State' means a State, territory, or possession of the United States; the District of Columbia; or the Commonwealth of Puerto Rico.

"5. 'Originating State' means a State (and the subdivision thereof, if any) whose determination that certain educational personnel are qualified to be employed for specific duties in schools is acceptable in accordance with the terms of a contract made pursuant to Article III.

"6. 'Receiving State' means a State (and the subdivisions thereof) which accept educational personnel in accordance with the terms of a contract made pursuant to Article III.

"ARTICLE III—Interstate Educational Personnel Contracts

"1. The designated State official of a party State may make one or more contracts on behalf of his State with one or more other party States providing for the acceptance of educational personnel. Any such contract for the period of its duration shall be applicable to and binding on the States whose designated State officials enter into it, and the subdivisions of those States, with the same force and effect as if incorporated in this Agreement. A designated State official may enter into a contract pursuant to this Article only with States in which he finds that there are programs of education, certification standards or other acceptable qualifications that assure preparation or qualification of educational personnel on basis sufficiently comparable, even though not identical to that prevailing in his own State.

"2. Any such contract shall provide for:

"(a) Its duration.

"(b) The criteria to be applied by an originating State in qualifying educational personnel for acceptance by a receiving State.

"(c) Such waivers, substitutions, and conditional acceptances as shall aid the practical effectuation of the contract without sacrifice of basic educational standards.

"(d) Any other necessary matters.

"3. No contract made pursuant to this Agreement shall be for a term longer than five years by any such contract may be renewed for like or lesser periods.

"4. Any contract dealing with acceptance of educational personnel on the basis of their having completed an educational program shall specify the earliest date or dates on which originating State approval of the program or programs involved can have occurred. No contract made pursuant to this Agreement shall require acceptance by a receiving State of any person qualified because of successful completion of a program prior to January 1, 1954.

"5. The certification or other acceptance of a person who has been accepted pursuant to the terms of a contract shall not be revoked or otherwise impaired because the contract has expired or been terminated. However, any certificate or other qualifying document may be revoked or suspended on any ground which would be sufficient for revocation or suspension of a certificate or other qualifying document initially granted or approved in the receiving State.

"6. A contract committee composed of the designated State officials of the contracting States or their representatives shall keep the contract under continuous review, study means of improving its adminis-

tration, and report no less frequently than once a year to the heads of the appropriate education agencies of the contracting States.

"ARTICLE IV—Approved and Accepted Programs

"1. Nothing in this Agreement shall be construed to repeal or otherwise modify any law or regulation of a party State relating to the approval of programs of educational preparation having effect solely on the qualification of educational personnel within that State.

"2. To the extent that contracts made pursuant to this Agreement deal with the educational requirements for the proper qualification of educational personnel, acceptance of a program of educational preparation shall be in accordance with such procedures and requirements as may be provided in the applicable contract.

"ARTICLE V—Interstate Cooperation

"The party States agree that:

"1. They will, so far as practicable, prefer the making of multilateral contracts pursuant to Article III of this Agreement.

"2. They will facilitate and strengthen cooperation in interstate certification and other elements of educational personnel qualification and for this purpose shall cooperate with agencies, organizations, and associations interested in certification and other elements of educational personnel qualification.

"ARTICLE VI—Agreement Evaluation

"The designated State officials of any party States may meet from time to time as a group to evaluate progress under the Agreement, and to formulate recommendations for changes.

"ARTICLE VII—Other Arrangements

"Nothing in this Agreement shall be construed to prevent or inhibit other arrangements or practices of any party State or States to facilitate the interchange of educational personnel.

"ARTICLE VIII—Effect and Withdrawal

"1. This Agreement shall become effective when enacted into law by two States. Thereafter it shall become effective as to any State upon its enactment of this Agreement.

"2. Any party State may withdraw from this Agreement by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the Governor of the withdrawing State has given notice in writing of the withdrawal to the Governors of all other party States.

"3. No withdrawal shall relieve the withdrawing State of any obligation imposed upon it by a contract to which it is a party. The duration of contracts and the methods and conditions of withdrawal therefrom shall be those specified in their terms.

"ARTICLE IX—Construction and Severability

"This Agreement shall be liberally construed so as to effectuate the purposes thereof. The provisions of this Agreement shall be severable and if any phrase, clause, sentence, or provision of this Agreement is

declared to be contrary to the constitution of any State or of the United States, or the application thereof to any Government, agency, person, or circumstance is held invalid, the validity of the remainder of this Agreement and the applicability thereof to any Government, agency, person, or circumstance shall not be affected thereby. If this Agreement shall be held contrary to the constitution of any State participating therein, the Agreement shall remain in full force and effect as to the State affected as to all severable matters."

SEC. 102. The "designated State official" for the District of Columbia shall be the Superintendent of Schools of the District of Columbia. The Superintendent shall enter into contracts pursuant to Article III of the Agreement only with the approval of the specific text thereof by the Board of Education of the District of Columbia.

SEC. 103. True copies of all contracts made on behalf of the District of Columbia pursuant to the Agreement shall be kept on file in the office of the Board of Education of the District of Columbia and in the office of the Commissioner of the District of Columbia. The Superintendent of Schools shall publish all such contracts in convenient form.

SEC. 104. As used in the Interstate Agreement on Qualification of Educational Personnel, the term "Governor" when used with reference to the District of Columbia shall mean the Commissioner of the District of Columbia.

TITLE II—PRACTICE OF PSYCHOLOGY ACT AMENDMENTS

SEC. 201. This title may be cited as the "Practice of Psychology Act Amendments".

SEC. 202. The Practice of Psychology Act (84 Stat. 1955) is amended as follows:

(1) Subsection (C) of section 13 of such Act (D.C. Code, sec. 2–492 (C)) is amended to read as follows:

"(C) Any person aggrieved by a final decision or a final order of the Commissioner under subsection (B) of this section may seek review of such decision or order in the District of Columbia Court of Appeals in accordance with the District of Columbia Administrative Procedure Act.".

(2) Subsection (D) of section 13 of such Act (D.C. Code, sec. 2–492(D)) is amended to read as follows:

"(D) In hearings conducted pursuant to subsection (B) of this section, the Commissioner may administer oaths and affirmations, and may require by subpena or otherwise the attendance and testimony of witnesses and the production of such books, records, papers, and documents as he may deem advisable in carrying out his functions under this Act. In the case of contumacy or refusal to obey any such subpena or requirement of this subsection, the Commissioner may make application to the Superior Court of the District of Columbia for an order requiring obedience thereto. Thereupon the court, with or without notice and hearing, as it in its discretion may decide, shall make such order as is proper and may punish as contempt of court any failure to comply with such order.".

(3) Section 14 of such Act (D.C. Code, sec. 2–493) is amended by amending the second sentence to read as follows:

"Prosecutions shall be conducted in the name of the District of Columbia in the Superior Court of the District of Columbia by the Corporation Counsel or any of his assistants.".

(4) Section 15 of such Act (D.C. Code, sec. 2–494) is amended by striking out "United States District Court for the District of Columbia" and inserting in lieu thereof "Superior Court of the District of Columbia".

(5) Section 8 of the Practice of Psychology Act (84 Stat. 1955), is amended to read as follows:

"SEC. 8. (a) Notwithstanding any other provision of this Act, a license shall be issued without examination to any applicant who is of good moral character, who, at any time during the twelve-month period preceding the effective date of the Practice of Psychology Act, maintained a residence or office, or participated in psychological practice acceptable to the Commissioners, in the District of Columbia, and who, within one year after the effective date of the Practice of Psychology Act, submitted an application for license accompanied by the required fee, and who—

"(1) holds a doctoral degree in psychology or forty-five credit hours taken subsequent to a bachelor's degree in courses related to psychology, from accredited colleges or universities, and has engaged in psychological practice acceptable to the Commissioner for at least two years prior to the filing of such application pursuant to this Act;

"(2) holds a master's degree in psychology or twenty-four credit hours taken subsequent to a bachelor's degree in courses related to psychology, from accredited colleges or universities, and has engaged in psychological practice acceptable to the Commissioner for at least seven years prior to the filing of such application pursuant to this Act; or

"(3) presents evidence of completion of a curriculum of study acceptable to the Commissioner, taken subsequent to a bachelor's degree in psychology, in courses related to psychology from an institution outside the United States acceptable to the Commissioner, and has engaged in psychological practice acceptable to the Commissioner for at least seven years prior to the filing of such application pursuant to this Act.

"(b) For purposes of subsection (a) of this section, the term—

"(1) 'courses related to psychology' means any combination of the following behavioral science courses not necessarily in one department of one school: human development, education, educational psychology, guidance, counseling, guidance and counseling, vocational counseling, school psychology, school guidance, family counseling, counseling and psychotherapy, special education, learning disabilities, anthropology, sociology, human ecology, social ecology, rehabilitation counseling, group counseling and psychotherapy, or any substantially similar field of study acceptable to the Commissioner; and

"(2)'psychological practice acceptable to the Commissioner' includes any job in which the job title or description contains any term acceptable to the Commissioner, or any of the following terms: psychologists, psychotherapy, group therapy, family therapy, art therapy, activity therapy, psychometry, measurement and evaluation, psychodiagnosis, pupil personnel services, counseling and guidance, special education, rehabilitation, or any job in which the person or organization was recognized or reimbursed under public or private health insurance programs by reason of being engaged in psychological practice.".

SEC. 203. The amendments made by paragraphs (1) through (4) of section 202 of this title shall take effect with respect to petitions filed after the date of the enactment of this title for review of decisions or orders.

TITLE III—DISTRICT OF COLUMBIA UNEMPLOYMENT COMPENSATION ACT AMENDMENTS

SEC. 301. The District of Columbia Unemployment Compensation Act is amended as follows:

(1) Section 3(c)(10) of such Act (D.C. Code, sec. 46–303(c)(10)) is amended by striking out the last three sentences and inserting in lieu thereof the following new sentence: "The employer shall be promptly notified in writing of the Board's denial of his application or of the Board's redetermination. An employer aggrieved by the Board's decision may seek review of such determination in the District of Columbia Court of Appeals in accordance with the District of Columbia Administrative Procedure Act.".

(2) Section 12 of such Act (D.C. Code, sec. 46–312) is amended to read as follows:

"SEC. 12. Any person aggrieved by the decision of the Board may seek review of such decision in the District of Columbia Court of Appeals in accordance with the District of Columbia Administrative Procedure Act.".

SEC. 302. The amendments made by section 302 of this title shall take effect with respect to petitions filed after the date of enactment of this title for review of decisions or orders.

Speaker of the House of Representatives.

Vice President of the United States and
President of the Senate.

(3)

November 27, 1974

Dear Mr. Director:

The following bills were received at the White House on November 27th:

S. 3202
H.R. 342
H.R. 15580
H.R. 17503

Please let the President have reports and recommendations as to the approval of these bills as soon as possible.

Sincerely,

Robert D. Linder
Chief Executive Clerk

The Honorable Roy L. Ash
Director
Office Of Management and Budget
Washington, D. C.