

House File 2033 - Introduced

HOUSE FILE 2033

BY INGELS

A BILL FOR

1 An Act establishing the interstate teacher mobility compact.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 272E.1 Interstate teacher mobility
2 compact.

3 The interstate teacher mobility compact is hereby entered
4 into and enacted into law with all jurisdictions legally
5 joining therein, in the form substantially as follows:

6 1. *Article I — Purpose.* The purpose of this compact is to
7 facilitate the mobility of teachers across the member states,
8 with the goal of supporting teachers through a new pathway to
9 licensure. Through this compact, the member states seek to
10 establish a collective regulatory framework that expedites
11 and enhances the ability of teachers to move across state
12 lines. The member states hereby ratify the same intentions by
13 subscribing hereto. This compact is intended to achieve all of
14 the following objectives and should be interpreted accordingly:

15 a. Create a streamlined pathway to licensure mobility for
16 teachers.

17 b. Support the relocation of eligible military spouses.

18 c. Facilitate and enhance the exchange of licensure,
19 investigative, and disciplinary information between the member
20 states.

21 d. Enhance the power of state and district level education
22 officials to hire qualified, competent teachers by removing
23 barriers to the employment of out-of-state teachers.

24 e. Support the retention of teachers in the profession by
25 removing barriers to relicensure in a new state.

26 f. Maintain state sovereignty in the regulation of the
27 teaching profession.

28 2. *Article II — Definitions.* As used in this compact, and
29 except as otherwise provided, the following definitions shall
30 govern the terms herein:

31 a. "Active military member" means any person with full-time
32 duty status in the armed forces of the United States, including
33 members of the national guard and reserve.

34 b. "Adverse action" means any limitation or restriction
35 imposed by a member state's licensing authority, such as

1 revocation, suspension, reprimand, probation, or limitation on
2 the licensee's ability to work as a teacher.

3 *c.* "Bylaws" means those bylaws established by the
4 commission.

5 *d.* "Career and technical education license" means a current,
6 valid authorization issued by a member state's licensing
7 authority allowing an individual to serve as a teacher in
8 prekindergarten through grade twelve public educational
9 settings in a specific career and technical education area.

10 *e.* "Charter member states" means a member state that
11 has enacted legislation to adopt this compact where such
12 legislation predates the initial meeting of the commission
13 after the effective date of the compact.

14 *f.* "Commission" means the interstate administrative body
15 which membership consists of delegates of all states that have
16 enacted this compact, and which is known as the interstate
17 teacher mobility compact commission.

18 *g.* "Commissioner" means the delegate of a member state.

19 *h.* "Eligible license" means a license to engage in the
20 teaching profession which requires at least a bachelor's degree
21 and the completion of a state-approved program for teacher
22 licensure.

23 *i.* "Eligible military spouse" means the spouse of any
24 individual in full-time duty status in the active armed
25 forces of the United States including members of the national
26 guard and reserve moving as a result of a military mission
27 or military career progression requirements or are on their
28 terminal move as a result of separation or retirement,
29 including surviving spouses of deceased military members.

30 *j.* "Executive committee" means a group of commissioners
31 elected or appointed to act on behalf of, and within the powers
32 granted to them by, the commission as provided for herein.

33 *k.* "Licensing authority" means an official, agency,
34 board, or other entity of a state that is responsible for
35 the licensing and regulation of teachers authorized to teach

1 in prekindergarten through grade twelve public educational
2 settings.

3 1. *“Member state”* means any state that has adopted this
4 compact, including all agencies and officials of such a state.

5 m. *“Receiving state”* means any state where a teacher has
6 applied for licensure under this compact.

7 n. *“Rule”* means any regulation promulgated by the commission
8 under this compact, which shall have the force of law in each
9 member state.

10 o. *“State”* means a state, territory, or possession of the
11 United States, and the District of Columbia.

12 p. *“State practice laws”* means a member state’s laws, rules,
13 and regulations that govern the teaching profession, define the
14 scope of such profession, and create the methods and grounds
15 for imposing discipline.

16 q. *“State-specific requirements”* means a requirement for
17 licensure covered in coursework or examination that includes
18 content of unique interest to the state.

19 r. *“Teacher”* means an individual who currently holds an
20 authorization from a member state that forms the basis for
21 employment in the prekindergarten through grade twelve public
22 schools of the state to provide instruction in a specific
23 subject area, grade level, or student population.

24 s. *“Unencumbered license”* means a current, valid
25 authorization issued by a member state’s licensing authority
26 allowing an individual to serve as a teacher in prekindergarten
27 through grade twelve public educational settings. An
28 *“unencumbered license”* is not a restricted, probationary,
29 provisional, substitute, or temporary credential.

30 3. *Article III — Licensure under the compact.*

31 a. Licensure under this compact pertains only to the initial
32 grant of a license by the receiving state. Nothing herein
33 applies to any subsequent or ongoing compliance requirements
34 that a receiving state might require for teachers.

35 b. Each member state shall, in accordance with the rules

1 of the commission, define, compile, and update as necessary, a
2 list of eligible licenses and career and technical education
3 licenses that the member state is willing to consider for
4 equivalency under this compact and provide the list to the
5 commission. The list shall include those licenses that a
6 receiving state is willing to grant to teachers from other
7 member states, pending a determination of equivalency by the
8 receiving state's licensing authority.

9 *c.* Upon the receipt of an application for licensure by
10 a teacher holding an unencumbered eligible license, the
11 receiving state shall determine which of the receiving state's
12 eligible licenses the teacher is qualified to hold and shall
13 grant such a license or licenses to the applicant. Such a
14 determination shall be made in the sole discretion of the
15 receiving state's licensing authority and may include a
16 determination that the applicant is not eligible for any of the
17 receiving state's eligible licenses. For all teachers who hold
18 an unencumbered license, the receiving state shall grant one or
19 more unencumbered licenses that, in the receiving state's sole
20 discretion, are equivalent to the licenses held by the teacher
21 in any other member state.

22 *d.* For active military members and eligible military spouses
23 who hold a license that is not unencumbered, the receiving
24 state shall grant an equivalent license or licenses that, in
25 the receiving state's sole discretion, is equivalent to the
26 license or licenses held by the teacher in any other member
27 state, except where the receiving state does not have an
28 equivalent license.

29 *e.* For a teacher holding an unencumbered career and
30 technical education license, the receiving state shall grant
31 an unencumbered license equivalent to the career and technical
32 education license held by the applying teacher and issued by
33 another member state, as determined by the receiving state
34 in its sole discretion, except where a career and technical
35 education teacher does not hold a bachelor's degree and the

1 receiving state requires a bachelor's degree for licenses to
2 teach career and technical education. A receiving state may
3 require career and technical education teachers to meet state
4 industry recognized requirements, if required by law in the
5 receiving state.

6 4. *Article IV — Licensure not under the compact.*

7 a. Except as provided in subsection 3, nothing in this
8 compact shall be construed to limit or inhibit the power of a
9 member state to regulate licensure or endorsements overseen by
10 the member state's licensing authority.

11 b. When a teacher is required to renew a license received
12 pursuant to this compact, the state granting such a license may
13 require the teacher to complete state-specific requirements as
14 a condition of licensure renewal or advancement in that state.

15 c. For the purposes of determining compensation, a receiving
16 state may require additional information from teachers
17 receiving a license under the provisions of this compact.

18 d. Nothing in this compact shall be construed to limit
19 the power of a member state to control and maintain ownership
20 of its information pertaining to teachers, or limit the
21 application of a member state's laws or regulations governing
22 the ownership, use, or dissemination of information pertaining
23 to teachers.

24 e. Nothing in this compact shall be construed to invalidate
25 or alter any existing agreement or other cooperative
26 arrangement which a member state may already be a party to,
27 or limit the ability of a member state to participate in any
28 future agreement or other cooperative arrangement to do any of
29 the following:

30 (1) Award teaching licenses or other benefits based on
31 additional professional credentials, including but not limited
32 to national board certification.

33 (2) Participate in the exchange of names of teachers whose
34 license has been subject to an adverse action by a member
35 state.

1 (3) Participate in any agreement or cooperative arrangement
2 with a nonmember state.

3 5. *Article V — Teacher qualifications and requirements for*
4 *licensure under the compact.*

5 a. Except as provided for active military members or
6 eligible military spouses in subsection 3, paragraph “d”, a
7 teacher may only be eligible to receive a license under this
8 compact where that teacher holds an unencumbered license in a
9 member state.

10 b. A teacher eligible to receive a license under this
11 compact shall do all of the following, unless otherwise
12 provided for herein:

13 (1) Upon their application to receive a license under this
14 compact, undergo a criminal background check in the receiving
15 state in accordance with the laws and regulations of the
16 receiving state.

17 (2) Provide the receiving state with information in
18 addition to the information required for licensure for the
19 purposes of determining compensation, if applicable.

20 6. *Article VI — Discipline and adverse actions.*

21 a. Nothing in this compact shall be deemed or construed
22 to limit the authority of a member state to investigate or
23 impose disciplinary measures on teachers according to the state
24 practice laws thereof.

25 b. Member states shall be authorized to receive, and shall
26 provide, files and information regarding the investigation and
27 discipline, if any, of teachers in other member states upon
28 request. Any member state receiving such information or files
29 shall protect and maintain the security and confidentiality
30 thereof, in at least the same manner that it maintains its own
31 investigatory or disciplinary files and information. Prior
32 to disclosing any disciplinary or investigatory information
33 received from another member state, the disclosing state shall
34 communicate its intention and purpose for such disclosure to
35 the member state which originally provided that information.

1 7. *Article VII — Establishment of the interstate teacher*
2 *mobility compact commission.*

3 a. (1) The interstate compact member states hereby create
4 and establish a joint public agency known as the interstate
5 teacher mobility compact commission.

6 (2) The commission is a joint interstate governmental
7 agency comprised of states that have enacted the interstate
8 teacher mobility compact.

9 (3) Nothing in this interstate compact shall be construed to
10 be a waiver of sovereign immunity.

11 b. (1) Each member state shall have and be limited to one
12 delegate to the commission, who shall be given the title of
13 commissioner.

14 (2) The commissioner shall be the primary administrative
15 officer of the state licensing authority or their designee.

16 (3) Any commissioner may be removed or suspended from office
17 as provided by the law of the state from which the commissioner
18 is appointed.

19 (4) The member state shall fill any vacancy occurring in the
20 commission within ninety days.

21 (5) Each commissioner shall be entitled to one vote about
22 the promulgation of rules and creation of bylaws and shall
23 otherwise have an opportunity to participate in the business
24 and affairs of the commission. A commissioner shall vote in
25 person or by such other means as provided in the bylaws. The
26 bylaws may provide for commissioners' participation in meetings
27 by telephone or other means of communication.

28 (6) The commission shall meet at least once during each
29 calendar year. Additional meetings shall be held as set forth
30 in the bylaws.

31 (7) The commission shall establish by rule a term of office
32 for commissioners.

33 c. The commission shall have all of the following powers and
34 duties:

35 (1) Establish a code of ethics for the commission.

- 1 (2) Establish the fiscal year of the commission.
- 2 (3) Establish bylaws for the commission.
- 3 (4) Maintain its financial records in accordance with the
4 bylaws of the commission.
- 5 (5) Meet and take such actions as are consistent with the
6 provisions of this interstate compact, the bylaws, and rules
7 of the commission.
- 8 (6) Promulgate uniform rules to implement and administer
9 this interstate compact. The rules shall have the force and
10 effect of law and shall be binding in all member states. In the
11 event the commission exercises its rulemaking authority in a
12 manner that is beyond the scope of the purposes of the compact,
13 or the powers granted hereunder, then such an action by the
14 commission shall be invalid and have no force and effect of
15 law.
- 16 (7) Bring and prosecute legal proceedings or actions in
17 the name of the commission, provided that the standing of
18 any member state licensing authority to sue or be sued under
19 applicable law shall not be affected.
- 20 (8) Purchase and maintain insurance and bonds.
- 21 (9) Borrow, accept, or contract for services of personnel
22 including but not limited to employees of a member state or
23 an associated nongovernmental organization that is open to
24 membership by all states.
- 25 (10) Hire employees, elect or appoint officers, fix
26 compensation, define duties, grant such individuals appropriate
27 authority to carry out the purposes of the compact, and
28 establish the commission's personnel policies and programs
29 relating to conflicts of interest, qualifications of personnel,
30 and other related personnel matters.
- 31 (11) Lease, purchase, accept appropriate gifts or donations
32 of, or otherwise own, hold, improve, or use, any property,
33 real, personal, or mixed, provided that at all times the
34 commission shall avoid any appearance of impropriety.
- 35 (12) Sell, convey, mortgage, pledge, lease, exchange,

1 abandon, or otherwise dispose of any property real, personal,
2 or mixed.

3 (13) Establish a budget and make expenditures.

4 (14) Borrow money.

5 (15) Appoint committees, including standing committees
6 composed of members and such other interested persons as may be
7 designated in this interstate compact, rules, or bylaws.

8 (16) Provide and receive information from, and cooperate
9 with, law enforcement agencies.

10 (17) Establish and elect an executive committee.

11 (18) Establish and develop a charter for an executive
12 information governance committee to advise on facilitating
13 exchange of information; use of information, data privacy, and
14 technical support needs; and provide reports as needed.

15 (19) Perform such other functions as may be necessary or
16 appropriate to achieve the purposes of this interstate compact
17 consistent with the state regulation of teacher licensure.

18 (20) Determine whether a state's adopted language is
19 materially different from the model compact language such that
20 the state would not qualify for participation in the compact.

21 d. (1) The executive committee of the interstate teacher
22 mobility compact commission shall have the power to act
23 on behalf of the commission according to the terms of this
24 interstate compact.

25 (2) The executive committee shall be composed of the
26 following eight voting members:

27 (a) The commission chair, vice chair, and treasurer.

28 (b) Five members who are elected by the commission from the
29 current membership:

30 (i) Four voting members representing geographic regions in
31 accordance with commission rules.

32 (ii) One at-large voting member in accordance with
33 commission rules.

34 (3) The commission may add or remove members of the
35 executive committee as provided in commission rules.

1 (4) The executive committee shall meet at least once
2 annually.

3 (5) The executive committee shall have all of the following
4 duties and responsibilities:

5 (a) Recommend to the entire commission changes to the
6 rules or bylaws, changes to the compact legislation, fees paid
7 by interstate compact member states such as annual dues, and
8 any compact fee charged by the member states on behalf of the
9 commission.

10 (b) Ensure commission administration services are
11 appropriately provided, contractual or otherwise.

12 (c) Prepare and recommend the budget.

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

14 (e) Monitor compliance of member states and provide reports
15 to the commission.

16 (f) Perform other duties as provided in rules or bylaws.

17 (6) (a) All meetings of the commission shall be open to
18 the public, and public notice of meetings shall be given in
19 accordance with commission bylaws.

20 (b) The commission or the executive committee or other
21 committees of the commission may convene in a closed, nonpublic
22 meeting if the commission or executive committee or other
23 committees of the commission must discuss any of the following:

24 (i) Noncompliance of a member state with its obligations
25 under the compact.

26 (ii) The employment, compensation, discipline or other
27 matters, practices or procedures related to specific employees
28 or other matters related to the commission's internal personnel
29 practices and procedures.

30 (iii) Current, threatened, or reasonably anticipated
31 litigation.

32 (iv) Negotiation of contracts for the purchase, lease, or
33 sale of goods, services, or real estate.

34 (v) Accusing any person of a crime or formally censuring any
35 person.

- 1 (vi) Disclosure of trade secrets or commercial or financial
2 information that is privileged or confidential.
- 3 (vii) Disclosure of information of a personal nature where
4 disclosure would constitute a clearly unwarranted invasion of
5 personal privacy.
- 6 (viii) Disclosure of investigative records compiled for law
7 enforcement purposes.
- 8 (ix) Disclosure of information related to any investigative
9 reports prepared by or on behalf of or for use of the
10 commission or other committee charged with responsibility of
11 investigation or determination of compliance issues pursuant
12 to the compact.
- 13 (x) Matters specifically exempted from disclosure by
14 federal or member state statute.
- 15 (xi) Others matters as set forth by commission bylaws and
16 rules.
- 17 (c) If a meeting, or portion of a meeting, is closed
18 pursuant to this subsection, the commission's legal counsel or
19 designee shall certify that the meeting may be closed and shall
20 reference each relevant exempting provision.
- 21 (d) The commission shall keep minutes of commission
22 meetings and shall provide a full and accurate summary
23 of actions taken, and the reasons therefore, including a
24 description of the views expressed. All documents considered
25 in connection with an action shall be identified in such
26 minutes. All minutes and documents of a closed meeting shall
27 remain under seal, subject to release by a majority vote of the
28 commission or order of a court of competent jurisdiction.
- 29 (7) (a) The commission shall pay, or provide for the
30 payment of, the reasonable expenses of its establishment,
31 organization, and ongoing activities.
- 32 (b) The commission may accept all appropriate donations and
33 grants of money, equipment, supplies, materials, and services,
34 and receive, utilize, and dispose of the same, provided that
35 at all times the commission shall avoid any appearance of

1 impropriety or conflict of interest.

2 (c) The commission may levy on and collect an annual
3 assessment from each member state or impose fees on other
4 parties to cover the cost of the operations and activities of
5 the commission, in accordance with the commission rules.

6 (d) The commission shall not incur obligations of any kind
7 prior to securing the funds adequate to meet the same; nor
8 shall the commission pledge the credit of any of the member
9 states, except by and with the authority of the member state.

10 (e) The commission shall keep accurate accounts of all
11 receipts and disbursements. The receipts and disbursements
12 of the commission shall be subject to accounting procedures
13 established under commission bylaws. All receipts and
14 disbursements of funds of the commission shall be reviewed
15 annually in accordance with commission bylaws, and a report of
16 the review shall be included in and become part of the annual
17 report of the commission.

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

31 (b) The commission shall defend any member, officer,
32 executive director, employee, or representative of the
33 commission in any civil action seeking to impose liability
34 arising out of any actual or alleged act, error, or omission
35 that occurred within the scope of commission employment,

1 duties, or responsibilities, or that the person against
2 whom the claim is made had a reasonable basis for believing
3 occurred within the scope of commission employment, duties, or
4 responsibilities; provided that nothing in this subparagraph
5 division shall be construed to prohibit that person from
6 retaining his or her own counsel; and provided further, that
7 the actual or alleged act, error, or omission did not result
8 from that person's intentional or willful or wanton misconduct.

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

20 8. *Article VIII — Rulemaking.*

21 a. The commission shall exercise its rulemaking powers
22 pursuant to the criteria set forth in this interstate compact
23 and the rules adopted thereunder. Rules and amendments
24 shall become binding as of the date specified in each rule or
25 amendment.

26 b. The commission shall promulgate reasonable rules to
27 achieve the intent and purpose of this interstate compact. In
28 the event the commission exercises its rulemaking authority in
29 a manner that is beyond purpose and intent of this interstate
30 compact, or the powers granted hereunder, then such an action
31 by the commission shall be invalid and have no force and effect
32 of law in the member states.

33 c. If a majority of the legislatures of the member states
34 rejects a rule, by enactment of a statute or resolution in the
35 same manner used to adopt the compact within four years of the

1 date of adoption of the rule, then such rule shall have no
2 further force and effect in any member state.

3 *d.* Rules or amendments to the rules shall be adopted or
4 ratified at a regular or special meeting of the commission in
5 accordance with commission rules and bylaws.

6 *e.* Upon determination that an emergency exists, the
7 commission may consider and adopt an emergency rule with
8 forty-eight hours' notice, with opportunity to comment,
9 provided that the usual rulemaking procedures shall be
10 retroactively applied to the rule as soon as reasonably
11 possible, in no event later than ninety days after the
12 effective date of the rule. For the purposes of this
13 provision, an emergency rule is one that must be adopted
14 immediately in order to do any of the following:

15 (1) Meet an imminent threat to public health, safety, or
16 welfare.

17 (2) Prevent a loss of commission or member state funds.

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

20 (4) Protect public health and safety.

21 *9. Article IX — Facilitating information exchange.*

22 *a.* The commission shall provide for facilitating the
23 exchange of information to administer and implement the
24 provisions of this compact in accordance with the rules of the
25 commission, consistent with generally accepted data protection
26 principles.

27 *b.* Nothing in this compact shall be deemed or construed to
28 alter, limit, or inhibit the power of a member state to control
29 and maintain ownership of its licensee information or alter,
30 limit, or inhibit the laws or regulations governing licensee
31 information in the member state.

32 *10. Article X — Oversight, dispute resolution, and*
33 *enforcement.*

34 *a.* (1) The executive and judicial branches of state
35 government in each member state shall enforce this compact and

1 take all actions necessary and appropriate to effectuate the
2 compact's purposes and intent. The provisions of this compact
3 shall have standing as statutory law.

4 (2) Venue is proper and judicial proceedings by or against
5 the commission shall be brought solely and exclusively in a
6 court of competent jurisdiction where the principal office of
7 the commission is located. The commission may waive venue and
8 jurisdictional defenses to the extent it adopts or consents
9 to participate in alternative dispute resolution proceedings.
10 Nothing herein shall affect or limit the selection or propriety
11 of venue in any action against a licensee for professional
12 malpractice, misconduct, or any such similar matter.

13 (3) All courts and all administrative agencies shall take
14 judicial notice of the compact, the rules of the commission,
15 and any information provided to a member state pursuant thereto
16 in any judicial or quasi-judicial proceeding in a member state
17 pertaining to the subject matter of this compact, or which
18 may affect the powers, responsibilities, or actions of the
19 commission.

20 (4) The commission shall be entitled to receive service
21 of process in any proceeding regarding the enforcement or
22 interpretation of the compact and shall have standing to
23 intervene in such a proceeding for all purposes. Failure
24 to provide the commission service of process shall render a
25 judgment or order void as to the commission, this compact, or
26 promulgated rules.

27 *b.* If the commission determines that a member state
28 has defaulted in the performance of its obligations or
29 responsibilities under this compact or the promulgated rules,
30 the commission shall do all of the following:

31 (1) Provide written notice to the defaulting state and other
32 member states of the nature of the default, the proposed means
33 of curing the default or any other action to be taken by the
34 commission.

35 (2) Provide remedial training and specific technical

1 assistance regarding the default.

2 *c.* If a state in default fails to cure the default, the
3 defaulting state may be terminated from the compact upon
4 an affirmative vote of a majority of the commissioners of
5 the member states, and all rights, privileges, and benefits
6 conferred on that state by this compact may be terminated on
7 the effective date of termination. A cure of the default does
8 not relieve the offending state of obligations or liabilities
9 incurred during the period of default.

10 *d.* Termination of membership in the compact shall be imposed
11 only after all other means of securing compliance have been
12 exhausted. Notice of intent to suspend or terminate shall
13 be given by the commission to the governor, the majority and
14 minority leaders of the defaulting state's legislature, the
15 state licensing authority, and each of the member states.

16 *e.* A state that has been terminated is responsible for all
17 assessments, obligations, and liabilities incurred through
18 the effective date of termination, including obligations that
19 extend beyond the effective date of termination.

20 *f.* The commission shall not bear any costs related to
21 a state that is found to be in default or that has been
22 terminated from the compact, unless agreed upon in writing
23 between the commission and the defaulting state.

24 *g.* The defaulting state may appeal the action of the
25 commission by petitioning the United States district court
26 for the District of Columbia or the federal district where
27 the commission has its principal offices. The prevailing
28 party shall be awarded all costs of such litigation, including
29 reasonable attorney fees.

30 *h.* (1) Upon request by a member state, the commission shall
31 attempt to resolve disputes related to the compact that arise
32 among member states and between member and nonmember states.

33 (2) The commission shall promulgate a rule providing for
34 both binding and nonbinding alternative dispute resolution for
35 disputes as appropriate.

1 *i.* (1) The commission, in the reasonable exercise of its
2 discretion, shall enforce the provisions and rules of this
3 compact.

4 (2) By majority vote, the commission may initiate legal
5 action in the United States district court for the District
6 of Columbia or the federal district where the commission has
7 its principal offices against a member state in default to
8 enforce compliance with the provisions of the compact and its
9 promulgated rules and bylaws. The relief sought may include
10 both injunctive relief and damages. In the event judicial
11 enforcement is necessary, the prevailing party shall be awarded
12 all costs of such litigation, including reasonable attorney
13 fees. The remedies herein shall not be the exclusive remedies
14 of the commission. The commission may pursue any other
15 remedies available under federal or state law.

16 11. *Article XI — Effectuation, withdrawal, and amendment.*

17 *a.* (1) The compact shall come into effect on the date on
18 which the compact statute is enacted into law in the tenth
19 member state.

20 (2) On or after the effective date of the compact, the
21 commission shall convene and review the enactment of each of
22 the charter member states to determine if the statute enacted
23 by each such charter member state is materially different from
24 the model compact statute.

25 (3) A charter member state whose enactment is found to be
26 materially different from the model compact statute shall be
27 entitled to the default process set forth in subsection 10.

28 (4) Member states enacting the compact subsequent to the
29 charter member states shall be subject to the process set forth
30 in subsection 7, paragraph "c", subparagraph (20), to determine
31 if their enactments are materially different from the model
32 compact statute and whether they qualify for participation in
33 the compact.

34 *b.* If any member state is later found to be in default, or
35 is terminated or withdraws from the compact, the commission

1 shall remain in existence and the compact shall remain in
2 effect even if the number of member states should be less than
3 ten.

4 *c.* Any state that joins the compact after the commission's
5 initial adoption of the rules and bylaws shall be subject to
6 the rules and bylaws as they exist on the date on which the
7 compact becomes law in that state. Any rule that has been
8 previously adopted by the commission shall have the full force
9 and effect of law on the day the compact becomes law in that
10 state, as the rules and bylaws may be amended as provided in
11 this compact.

12 *d.* (1) Any member state may withdraw from this compact by
13 enacting a statute repealing the same.

14 (2) A member state's withdrawal shall not take effect until
15 six months after enactment of the repealing statute.

16 (3) Withdrawal shall not affect the continuing requirement
17 of the withdrawing state's licensing authority to comply with
18 the investigative and adverse action reporting requirements of
19 this compact prior to the effective date of withdrawal.

20 *e.* This compact may be amended by the member states. No
21 amendment to this compact shall become effective and binding
22 upon any member state until it is enacted into the laws of all
23 member states.

24 12. *Article XII — Construction and severability.* This
25 compact shall be liberally construed to effectuate the purposes
26 thereof. The provisions of this compact shall be severable
27 and if any phrase, clause, sentence, or provision of this
28 compact is declared to be contrary to the constitution of any
29 member state or a state seeking membership in the compact,
30 or of the United States or the applicability thereof to any
31 other government, agency, person, or circumstance is held
32 invalid, the validity of the remainder of this compact and the
33 applicability thereof to any government, agency, person, or
34 circumstance shall not be affected thereby. If this compact
35 shall be held contrary to the constitution of any member state,

1 the compact shall remain in full force and effect as to the
2 remaining member states and in full force and effect as to the
3 member state affected as to all severable matters.

4 13. *Article XIII — Consistent effect and conflict with other*
5 *state laws.*

6 a. Nothing herein shall prevent or inhibit the enforcement
7 of any other law of a member state that is not inconsistent
8 with the compact.

9 b. Any laws, statutes, regulations, or other legal
10 requirements in a member state in conflict with the compact are
11 superseded to the extent of the conflict.

12 c. All permissible agreements between the commission and the
13 member states are binding in accordance with their terms.

14 EXPLANATION

15 The inclusion of this explanation does not constitute agreement with
16 the explanation's substance by the members of the general assembly.

17 This bill establishes the interstate teacher mobility
18 compact. The purpose of the compact is to facilitate the
19 mobility of teachers across the compact's member states, with
20 the goal of supporting teachers through a new pathway to
21 licensure. The following 10 states have adopted the compact:
22 Alabama, Colorado, Florida, Kansas, Kentucky, Nebraska, Nevada,
23 Oklahoma, Oregon, and Utah. Because the terms of the compact
24 provide that the compact goes into effect when it has been
25 enacted in the 10th member state, the compact is now in effect.

26 The bill provides that licensure under the compact pertains
27 only to the initial grant of a license by the receiving
28 state. The bill requires member states to compile a list of
29 eligible licenses and career and technical education licenses
30 that the member state is willing to consider for equivalency
31 under the compact and is willing to grant to teachers from
32 other member states. The bill also requires member states to
33 grant an eligible license to a teacher holding an unencumbered
34 eligible license upon the receipt of the teacher's application
35 for licensure. The bill provides that, when a teacher is

1 required to renew a license received under the compact, the
2 state granting the license may require the teacher to complete
3 state-specific requirements as a condition of licensure renewal
4 or advancement in that state.

5 The bill provides that the compact does not limit the
6 authority of a member state to investigate or impose
7 disciplinary measures on teachers according to the state
8 practice laws. The bill requires member states to provide
9 files and information regarding the investigation and
10 discipline of teachers in other member states upon request.

11 The bill establishes the interstate teacher mobility compact
12 commission. The bill also establishes the membership of the
13 commission as well as the commission's voting procedures and
14 rules related to commission meetings. The bill describes the
15 powers and duties of the commission, which include the power
16 to establish bylaws for the commission, promulgate rules to
17 implement the compact, bring legal proceedings in the name
18 of the commission, borrow money, and determine whether a
19 state's adopted language is materially different from the
20 model compact language such that the state would not qualify
21 for participation in the compact. The bill authorizes the
22 commission to levy on and collect an annual assessment from
23 each member state, or impose fees on other parties, to cover
24 the cost of operations and activities of the commission.

25 The bill establishes oversight, default, technical
26 assistance, termination, dispute resolution, and enforcement
27 provisions related to the compact. The bill provides that any
28 state that joins the compact after the commission's initial
29 adoption of the rules and bylaws shall be subject to the rules
30 and bylaws as they exist on the date on which the compact
31 becomes law in that state. The bill authorizes a member state
32 to withdraw from the compact by enacting a statute that repeals
33 the compact.

34 The bill defines "active military member", "adverse action",
35 "bylaws", "career and technical education license", "charter

1 member states", "commission", "commissioner", "eligible
2 license", "eligible military spouse", "executive committee",
3 "licensing authority", "member state", "receiving state",
4 "rule", "state", "state practice laws", "state-specific
5 requirements", "teacher", and "unencumbered license".