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February 15, 2023

AS AMENDED

SENATE BILL NO. 467

By: Stanley of the Senate

and

Miller of the House

[teachers - Interstate Teacher Mobility Compact Act
- licenses - certification - Interstate Teacher
Mobility Compact Commission - executive committee -
expenses - assessment - immunity - rules -
enforcement - enactment of compact - severability -
codification - effective date -
emergency]

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-190.3 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. This act shall be known and may be cited as the "Interstate Teacher Mobility Compact Act". The purpose of the Interstate Teacher Mobility Compact shall be to facilitate the mobility of teachers through a collective regulatory framework amongst member states to expedite and enhance the ability of teachers to move across state lines.

B. As used in this act:

1 1. "Active military member" means any person with full-time
2 duty status in the uniformed service of the United States including
3 members of the National Guard and Reserve;

4 2. "Adverse action" means any limitation or restriction imposed
5 by a member state's licensing authority, such as revocation,
6 suspension, reprimand, probation, or limitation on the licensee's
7 ability to work as a teacher;

8 3. "Bylaws" means those bylaws established by the Commission;

9 4. "Career and technical education license" means a current,
10 valid authorization issued by a member state's licensing authority
11 allowing an individual to serve as a teacher in a pre-kindergarten
12 through twelfth grade public educational setting in a specific
13 career and technical education area;

14 5. "Charter member state" means a member state that has enacted
15 legislation to adopt the compact and enactment predates the initial
16 meeting of the Commission after the effective date of the compact;

17 6. "Commission" means the Interstate Teacher Mobility Compact
18 Commission, an interstate administrative body whose membership
19 consists of delegates of all states that have enacted the Interstate
20 Teacher Mobility Compact;

21 7. "Commissioner" means the delegate of a member state that has
22 adopted the Interstate Teacher Mobility Compact;

23 8. "Eligible license" means a license or certification to
24 engage in the teaching profession which requires at least a

1 bachelor's degree and the completion of a state-approved program for
2 teacher certification;

3 9. "Eligible military spouse" means the spouse of any
4 individual in full-time duty status in the active uniformed service
5 of the United States including members of the National Guard and
6 Reserve on active duty moving as a result of a military mission or
7 military career progression requirements or moving as a result of
8 separation or retirement. Eligible military spouse includes
9 surviving spouses of deceased military members;

10 10. "Executive committee" means a group of commissioners
11 elected or appointed on behalf of and within the powers granted to
12 them by the Commission as provided for herein;

13 11. "Licensing authority" means an official agency, board, or
14 other entity of a state that is responsible for the licensing or
15 certification and regulation of teachers authorized to teach in pre-
16 kindergarten through twelfth grade public educational settings;

17 12. "Member state" means any state that has adopted the
18 Interstate Teacher Mobility Compact including all agencies and
19 officials of the state;

20 13. "Receiving state" means any state in which a teacher has
21 applied for certification pursuant to the Interstate Teacher
22 Mobility Compact;

23

24

1 14. "Rule" means any regulation promulgated by the Commission
2 under the Interstate Teacher Mobility Compact, which shall have the
3 force of law in each member state;

4 15. "State practice laws" means a member state's laws, rules,
5 and regulations that govern the teaching profession, define the
6 scope of the teaching profession, and create methods and grounds for
7 imposing discipline;

8 16. "State specific requirements" means a requirement for
9 teacher certification covered in coursework or examination that
10 includes the content of unique interest to the state;

11 17. "Teacher" means an individual who currently holds an
12 authorization from a member state that forms the basis for
13 employment in the pre-kindergarten through twelfth grade public
14 educational settings of the state to provide instruction in a
15 specific subject area, grade level, or student population; and

16 18. "Unencumbered license" means a current, valid authorization
17 issued by a member state's licensing authority allowing an
18 individual to serve as a teacher in a pre-kindergarten through
19 twelfth grade public educational setting. An unencumbered license
20 is not a restricted, probationary, provisional, substitute,
21 emergency, or temporary credential.

22 C. 1. Licensure pursuant to the Interstate Teacher Mobility
23 Compact shall pertain only to the initial grant of a license or
24 certificate by the receiving state. Nothing herein shall apply to

1 any subsequent or ongoing compliance requirements that a receiving
2 state may require for teachers.

3 2. Each member state shall, in accordance with the rules of the
4 Commission, define, compile, and update as necessary a list of
5 eligible licenses and career and technical education licenses that
6 the member state is willing to consider for equivalency pursuant to
7 the Interstate Teacher Mobility Compact and provide a list to the
8 Commission. The list shall include those licenses that a receiving
9 state is willing to grant to teachers from other member states,
10 pending a determination of equivalency by the receiving state's
11 licensing authority.

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

1 4. For active military members and eligible military spouses
2 who hold a license or certification that is not unencumbered, the
3 receiving state shall grant an equivalent license or licenses that,
4 in the receiving state's sole discretion, are equivalent to the
5 license or licenses held by the teacher in any other member state,
6 except where the receiving state does not have an equivalent license
7 or certification.

8 5. For a teacher holding an unencumbered career and technical
9 education license, the receiving state shall grant an unencumbered
10 license equivalent to the career and technical education license
11 held by the applying teacher and issued by another member state, as
12 determined by the receiving state in its sole discretion, except
13 where a career and technical education teacher does not hold a
14 bachelor's degree and the receiving state requires a bachelor's
15 degree for licenses to teach career and technical education. A
16 receiving state may require career and technical education teachers
17 to meet state industry recognized requirements, if required by law
18 in the receiving state.

19 D. 1. Except as provided for in subsection C of this section,
20 nothing in the Interstate Teacher Mobility Compact shall be
21 construed to limit or inhibit the authority of a member state to
22 regulate licensure or endorsements overseen by a member state's
23 licensing authority.
24

1 2. When a teacher is required to renew a license or
2 certification pursuant to the Interstate Teacher Mobility Compact,
3 the state granting the license or certification may require the
4 teacher to complete state specific requirements as a condition of
5 license or certification renewal or advancement in that state.

6 3. For the purposes of determining compensation, a receiving
7 state may require additional information from teachers receiving a
8 license or certification pursuant to the provisions of the
9 Interstate Teacher Mobility Compact.

10 4. Nothing in the Interstate Teacher Mobility Compact shall be
11 construed to limit the power of a member state to control and
12 maintain ownership of its information pertaining to teachers or
13 limit the application of a member state's laws or regulations
14 governing the ownership, use, or dissemination of information
15 pertaining to teachers.

16 5. Nothing in the Interstate Teacher Mobility Compact shall be
17 construed to invalidate or alter any existing agreement or another
18 cooperative arrangement of which a member state may already be a
19 party or limit the ability of a member state to participate in any
20 future agreement or other cooperative arrangement to:

- 21 a. award teaching licenses, certification, or other
22 benefits based on additional professional credentials
23 including but not limited to a National Board
24 Certification,

1 b. participate in the exchange of names of teachers whose
2 license or certification has been subject to an
3 adverse action by a member state, or

4 c. participate in any agreement or cooperative
5 arrangement with a non-member state.

6 E. 1. Except as provided for active military members or
7 eligible military spouses in paragraph 4 of subsection C of this
8 section, a teacher may only be eligible to receive a license or
9 certification pursuant to the Interstate Teacher Mobility Compact
10 where that teacher holds an unencumbered license or certification in
11 a member state.

12 2. A teacher eligible to receive a license or certification
13 pursuant to the Interstate Teacher Mobility Compact shall, unless
14 otherwise provided for herein:

15 a. upon his or her application to receive a license or
16 certification pursuant to the Interstate Teacher
17 Mobility Compact, undergo a criminal background check
18 in the receiving state in accordance with the laws and
19 regulations of the receiving state, and

20 b. provide the receiving state with information in
21 addition to the information required for licensure or
22 certification for the purposes of determining
23 compensation, if applicable.

1 F. 1. Nothing in the Interstate Teacher Mobility Compact shall
2 be deemed or construed to limit the authority of a member state to
3 investigate or impose disciplinary measures on teachers according to
4 the state's practice laws.

5 2. Member states shall be authorized to receive and shall
6 provide files and information regarding the investigation and
7 discipline, if any, of teachers in other member states upon request.
8 Any member state receiving information or files shall protect and
9 maintain the security and confidentiality thereof in at least the
10 same manner that it maintains its own investigatory or disciplinary
11 files and information. Prior to disclosing any disciplinary or
12 investigatory information received from another member state, the
13 disclosing state shall communicate its intention and purpose for
14 disclosure to the member state which originally provided the
15 information.

16 SECTION 2. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 6-190.4 of Title 70, unless
18 there is created a duplication in numbering, reads as follows:

19 A. The member states of the Interstate Teacher Mobility Compact
20 hereby create and establish a joint public agency known as the
21 Interstate Teacher Mobility Compact Commission. The Commission
22 shall be a joint interstate governmental agency comprised of states
23 that have enacted the Interstate Teacher Mobility Compact. Nothing
24

1 in the Interstate Teacher Mobility Compact shall be construed as a
2 waiver of sovereign immunity.

3 B. 1. Each member state shall have and be limited to one
4 delegate to the Commission, who shall be given the title of
5 commissioner and shall be the primary administrative officer of the
6 state licensing authority or his or her designee.

7 2. Any commissioner may be removed or suspended from office as
8 provided by the law of the state from which the commissioner is
9 appointed. The member state shall fill any vacancy occurring in the
10 Commission within ninety (90) days.

11 3. Each commissioner shall be entitled to one vote on the
12 promulgation of rules and the creation of bylaws and shall otherwise
13 have an opportunity to participate in the business and affairs of
14 the Commission. A commissioner shall vote in person or by other
15 means as provided for in the bylaws. The bylaws may provide for
16 commissioners' participation in meetings by telephone or other means
17 of communication.

18 4. The Commission shall meet at least once during each calendar
19 year. Additional meetings shall be held as set forth in the bylaws.

20 5. The Commission shall establish by rule a term of office for
21 commissioners.

22 C. The Commission shall have the following powers and duties:

23 1. Establish a code of ethics for the Commission;

24 2. Establish the fiscal year of the Commission;

1 3. Establish bylaws for the Commission;

2 4. Maintain its financial records in accordance with the bylaws
3 of the Commission;

4 5. Meet and take such actions as are consistent with the
5 provisions of the Interstate Teacher Mobility Compact, the bylaws,
6 and the rules of the Commission;

7 6. Promulgate uniform rules to implement and administer the
8 Interstate Teacher Mobility Compact. The rules shall have the force
9 and effect of law and shall be binding on all member states. In the
10 event the Commission exercises its rule-making authority in a manner
11 that is beyond the scope of the purposes of the compact or the
12 powers thereunder, then such action by the Commission shall be
13 invalid and shall have no force and effect of law;

14 7. Bring and prosecute legal proceedings or actions in the name
15 of the Commission, provided that the standing of any member state
16 licensing authority to sue or be sued under applicable law shall not
17 be affected;

18 8. Purchase and maintain insurance bonds;

19 9. Borrow, accept, or contract for services of personnel
20 including but not limited to employees of a member state or an
21 associated non-governmental organization that is open to membership
22 by all states;

23 10. Hire employees, elect or appoint officers, fix
24 compensation, define duties, grant individuals appropriate authority

1 to carry out the purposes of the Interstate Teacher Mobility
2 Compact, and establish the Commission's personnel policies and
3 programs relating to conflicts of interest, qualifications for
4 personnel, and other related personnel matters;

5 11. Lease, purchase, accept appropriate gifts or donations, or
6 otherwise own, hold, improve, or use any real, personal, or mixed
7 property, provided that at all times the Commission shall avoid any
8 appearance of impropriety;

9 12. Sell, convey, mortgage, pledge, lease, exchange, abandon,
10 or otherwise dispose of any real, personal, or mixed property;

11 13. Establish a budget and make expenditures;

12 14. Borrow money;

13 15. Appoint committees, including standing committees comprised
14 of members and other interested persons as may be designated in the
15 Interstate Teacher Mobility Compact or Commission rules or bylaws;

16 16. Provide and receive information from and cooperate with law
17 enforcement agencies;

18 17. Establish and elect an executive committee;

19 18. Establish and develop a charter for an executive
20 information governance committee to advise on facilitating exchange
21 of information, use of information, data privacy, and technical
22 support needs and provide reports as needed;

23 19. Perform such other functions as may be necessary or
24 appropriate to achieve the purposes of the Interstate Teacher

1 Mobility Compact consistent with the state regulation of teacher
2 licensure; and

3 20. Determine whether a state's adopted language is materially
4 different from the model compact language in such a way that the
5 state would not qualify for participation in the Interstate Teacher
6 Mobility Compact.

7 D. The executive committee of the Interstate Teacher Mobility
8 Compact shall have the power to act on behalf of the Commission
9 according to the terms of the compact.

10 1. The executive committee shall be comprised of eight (8)
11 voting members including:

12 a. the Commission chair, vice chair, and treasurer, and

13 b. five members who are elected by the Commission from
14 its membership including:

15 (1) four voting members representing geographic
16 regions in accordance with Commission rules, and

17 (2) one at large voting member in accordance with
18 Commission rules.

19 2. The Commission may add or remove members of the executive
20 committee as provided for in Commission rules.

21 3. The executive committee shall meet at least once annually.

22 4. The executive committee shall have the following duties and
23 responsibilities:

24

- a. recommend to the entire Commission changes to the rules or bylaws, changes to the Interstate Teacher Mobility Compact legislation, fees to be paid by compact member states such as annual dues, and any compact fee charged by the member states on behalf of the commission,
- b. ensure Commission administration services are appropriately provided, contractual or otherwise,
- c. prepare and recommend the budget,
- d. maintain financial records on behalf of the Commission,
- e. monitor compliance of member states and provide reports to the Commission, and
- f. perform other duties as provided in rules or bylaws.

5. All Commission meetings shall be open to the public, and public notice of meetings shall be given in accordance with Commission bylaws. Provided, however, the Commission, its executive committee, or other committees of the Commission may convene in a closed, non-public meeting if the Commission, its executive committee, or other committees of the Commission discuss:

- a. non-compliance of a member state with its obligations under the Interstate Teacher Mobility Compact,
- b. the employment, compensation, discipline, or other matters, practices, or procedures related to specific

- employees or other matters related to the Commission's
internal personnel practices or procedures,
- c. current, threatened, or reasonably anticipated
litigation,
 - d. negotiation of contracts for the purchase, lease, or
sale of goods, services, or real estate,
 - e. accusing any person of a crime or formally censuring
any person,
 - f. disclosure of trade secrets or commercial or financial
information that is privileged or confidential,
 - g. disclosure of information of a personal nature where
disclosure would constitute a clearly unwarranted
invasion of personal privacy,
 - h. disclosure of investigative records compiled for law
enforcement purposes,
 - i. disclosure of information related to any investigative
reports prepared by or on behalf of or for the use of
the Commission or other committees charged with
responsibility of investigating and determining
compliance issues pursuant to the Interstate Teacher
Mobility Compact,
 - j. matters specifically exempted from disclosure by
federal or member state statute, and

1 k. other matters as set forth by the Commission bylaws
2 and rules.

3 6. If a meeting or portion of a meeting is closed pursuant to
4 the provisions of paragraph 5 of this subsection, the Commission's
5 legal counsel or designee shall certify that the meeting may be
6 closed and shall reference each relevant exempting provision.

7 7. The Commission shall keep minutes of the Commission meetings
8 and shall provide a full and accurate summary of actions taken and
9 the reasons for the actions including a description of the views
10 expressed. All documents considered in connection with an action
11 shall be identified in the minutes. All minutes and documents of a
12 closed meeting shall remain under seal, subject to release by a
13 majority vote of the Commission or an order of a court of competent
14 jurisdiction.

15 E. 1. The Commission shall pay or provide for the payment of
16 the reasonable expenses of its establishment, organization, and
17 ongoing activities.

18 2. The Commission may accept all appropriate donations and
19 grants of money, equipment, supplies, materials, and services and
20 receive, utilize, and dispose of the same, provided that at all
21 times the Commission shall avoid any appearance of impropriety or
22 conflict of interest.

23 3. The Commission may levy on and collect an annual assessment
24 from each member state or impose fees on other parties to cover the

1 cost of the operations and activities of the Commission, in
2 accordance with Commission rules.

3 4. The Commission shall not incur obligations of any kind prior
4 to securing the funds adequate to meet the same, nor shall the
5 Commission pledge the credit of any of the member states, except by
6 and with the authority of the member state.

7 5. The Commission shall keep accurate accounts of all receipts
8 and disbursements. The receipts and disbursements of the Commission
9 shall be subject to accounting procedures established under
10 Commission bylaws. All receipts and disbursements of funds of the
11 Commission shall be reviewed annually in accordance with Commission
12 bylaws, and a report of the review shall be included in and become
13 part of the annual report of the Commission.

14 F. 1. The members, officers, executive director, employees,
15 and representatives of the Commission shall be immune from suit and
16 liability, either personally or in their official capacity, for any
17 claim for damage to or loss of property or personal injury or other
18 civil liability caused by or arising out of any actual or alleged
19 act, error, or omission that occurred, or that the person against
20 whom the claim is made had a reasonable basis for believing occurred
21 within the scope of Commission employment, duties, or
22 responsibilities. Provided, however, nothing in this paragraph
23 shall be construed to protect any such person from suit or liability
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1 for any damage, loss, injury, or liability caused by the
2 intentional, willful, or wanton misconduct of the person.

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

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

1 G. 1. The Commission shall exercise its rule-making powers
2 pursuant to the criteria set forth in the Interstate Teacher
3 Mobility Compact. Rules and amendments shall become binding as of
4 the date specified in each rule or amendment.

5 2. The Commission shall promulgate reasonable rules to achieve
6 the intent and purpose of the Interstate Teacher Mobility Compact.
7 In the event the Commission exercises its rule-making authority in a
8 manner that is beyond the purpose and intent of the Interstate
9 Teacher Mobility Compact or the powers granted thereunder, such
10 action by the Commission shall be invalid and have no force and
11 effect of law in the member states.

12 3. If a majority of the legislatures of the member states
13 rejects a rule by enactment of a statute or resolution in the same
14 manner used to adopt the Interstate Teacher Mobility Compact within
15 four (4) years of the date of the adoption of the rule, then the
16 rule shall have no further force and effect in any member state.

17 4. Rules or amendments to the rules shall be adopted or
18 ratified at a regular or special meeting of the Commission, in
19 accordance with Commission bylaws and rules.

20 5. Upon determination that an emergency exists, the Commission
21 may consider and adopt an emergency rule within forty-eight (48)
22 hours' notice with opportunity to comment, provided that the usual
23 rule-making procedures shall be retroactively applied to the rule as
24 soon as reasonably possible and in no event later than ninety (90)

1 days after the effective date of the rule. For purposes of this
2 paragraph, an emergency rule is one that must be adopted immediately
3 in order to:

- 4 a. meet an imminent threat to public health, safety, or
5 welfare,
- 6 b. prevent a loss of Commission or member state funds,
- 7 c. meet a deadline for the promulgation of an
8 administrative rule that is established by federal law
9 or rule, or
- 10 d. protect public health and safety.

11 H. 1. The Commission shall provide for facilitating the
12 exchange of information to administer and implement the provisions
13 of the Interstate Teacher Mobility Compact in accordance with
14 Commission rules, consistent with generally accepted data protection
15 principles.

16 2. Nothing in the Interstate Teacher Mobility Compact shall be
17 deemed or construed to alter, limit, or inhibit the power of a
18 member state to control and maintain ownership of its licensee
19 information or alter, limit, or inhibit the laws or regulations
20 governing licensee information in the member state.

21 I. 1. The executive and judicial branches of state government
22 in each member state shall enforce the Interstate Teacher Mobility
23 Compact and take all actions necessary and appropriate to effectuate
24

1 the compact's purposes and intent. The provisions of the compact
2 shall have standing as statutory law.

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

12 3. All courts and administrative agencies shall take judicial
13 notice of the Interstate Teacher Mobility Compact, the rules of the
14 Commission, and any information provided to a member state pursuant
15 thereto in any judicial or quasi-judicial proceeding in a member
16 state pertaining to the subject matter of the compact or which may
17 affect the powers, responsibilities, or actions of the Commission.

18 4. The Commission shall be entitled to receive service of
19 process in any proceeding regarding the enforcement or
20 interpretation of the Interstate Teacher Mobility Compact and shall
21 have standing to intervene in a proceeding for all purposes.
22 Failure to provide the Commission service of process shall render a
23 judgement or order void as to the Commission, the Interstate Teacher
24 Mobility Compact, or rules of the Commission.

1 J. 1. If the Commission determines that a member state has
2 defaulted in the performance of its obligations or responsibilities
3 under the Interstate Teacher Mobility Compact or Commission rules,
4 the Commission shall:

5 a. provide written notice to the defaulting state and
6 other member states of the nature of the default, the
7 proposed means of curing the default, or any other
8 action to be taken by the Commission, and

9 b. provide remedial training and specific technical
10 assistance regarding the default.

11 2. If a state in default fails to cure the default, the
12 defaulting state may be terminated from the Interstate Teacher
13 Mobility Compact upon an affirmative vote of a majority of the
14 commissioners of the member states, and all rights, privileges, and
15 benefits conferred on the state by the compact may be terminated on
16 the effective date of termination. A cure of the default shall not
17 relieve the offending state of obligations or liabilities incurred
18 during the period of default.

19 3. Termination of membership in the Interstate Teacher Mobility
20 Compact shall be imposed only after all other means of securing
21 compliance have been exhausted. Notice of intent to suspend or
22 terminate shall be given by the Commission to the governor, the
23 majority and minority leaders of the defaulting state's legislature,
24 the state licensing authority, and each of the member states.

1 4. A state that has been terminated is responsible for all
2 assessments, obligations, and liabilities incurred through the
3 effective date of termination including all obligations that extend
4 beyond the effective date of termination.

5 5. The Commission shall not bear any costs related to a state
6 that is found to be in default or that has been terminated from the
7 Interstate Teacher Mobility Compact, unless agreed upon in writing
8 between the Commission and the defaulting state.

9 6. The defaulting state may appeal the action of the Commission
10 by petitioning the U.S. District Court for the District of Columbia
11 or the federal district court where the Commission has its principal
12 offices. The prevailing party shall be awarded all costs of
13 litigation including reasonable attorney fees.

14 7. Upon request by a member state, the Commission shall attempt
15 to resolve disputes related to the Interstate Teacher Mobility
16 Compact that arise among member states and between member states and
17 non-member states. The Commission shall promulgate a rule providing
18 for both binding and non-binding alternative dispute resolution for
19 disputes as appropriate.

20 8. The Commission, in the reasonable exercise of its
21 discretion, shall enforce the provisions and rules of the Interstate
22 Teacher Mobility Compact. By majority vote, the Commission may
23 initiate legal action in the U.S. District Court for the District of
24 Columbia or the federal district where the Commission has its

1 principal offices against a member state in default to enforce
2 compliance with the provisions of the compact and the Commission's
3 promulgated rules and bylaws. The relief sought may include both
4 injunctive relief and damages. In the event judicial enforcement is
5 necessary, the prevailing party shall be awarded all costs of
6 litigation including reasonable attorney fees. The remedies shall
7 not be exclusive of remedies of the Commission. The Commission may
8 pursue any other remedies available under federal or state law.

9 K. The Interstate Teacher Mobility Compact shall be in effect
10 on the date on which the compact is enacted into law in the tenth
11 member state.

12 1. On or after the effective date of the compact, the
13 Commission shall convene and review the enactment of the compact by
14 each member state to determine if the statute enacted by each member
15 state is materially different from the model statute.

16 2. A member state whose enactment is found to be materially
17 different from the model compact statute shall be entitled to the
18 default process set forth in subsection J of this section.

19 3. Member states enacting the compact subsequent to the
20 effective date shall be subject to the process set forth in
21 paragraph 20 of subsection C of this section to determine if the
22 enactments are materially different from the model compact statute
23 and whether they qualify for participation in the compact.
24

1 4. If any member state is later found to be in default or is
2 terminated or withdraws from the compact, the Commission shall
3 remain in existence and the compact shall remain in effect even if
4 the number of member states is fewer than ten (10).

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

13 6. Any member state may withdraw from the Interstate Teacher
14 Mobility Compact by enacting a statute repealing the compact. A
15 member state's withdrawal shall not take effect until six (6) months
16 after enactment of the repealing statute. Withdrawal shall not
17 affect the continuing requirement of the withdrawing state's
18 licensing authority to comply with the investigative and adverse
19 action reporting requirements of the compact prior to the effective
20 date of withdrawal.

21 7. The Interstate Teacher Mobility Compact may be amended by
22 the member states; provided, however, that no amendment to the
23 compact shall become effective and binding upon any member state
24 until it is enacted into law by all member states.

1 L. The Interstate Teacher Mobility Compact shall be liberally
2 construed to effectuate its purposes. The provisions of the compact
3 shall be severable, and if any phrase, clause, sentence, or
4 provision of the compact is declared to be contrary to the
5 constitution of any member state or a state seeking membership in
6 the compact or of the U.S. Constitution or the applicability thereof
7 to any other government, agency, person, or circumstance is held
8 invalid, the validity of the remainder of the compact and the
9 applicability thereof to any government, agency, person, or
10 circumstance shall not be affected. If the compact is held contrary
11 to the constitution of any member state, the compact shall remain in
12 full force and effect as to the remaining member states and in full
13 force and effect as to the member state affected as to all severable
14 matters.

15 M. Nothing in this act shall prevent or inhibit the enforcement
16 of any other law of a member state that is not inconsistent with the
17 Interstate Teacher Mobility Compact. Any laws, statutes,
18 regulations, or other legal requirements in a member state in
19 conflict with the compact are superseded to the extent of the
20 conflict. All permissible agreements between the Commission and the
21 member states are binding in accordance with their terms.

22 SECTION 3. This act shall become effective July 1, 2023.

23 SECTION 4. It being immediately necessary for the preservation
24 of the public peace, health, or safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

3 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
4 February 15, 2023 - DO PASS AS AMENDED
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