



SPONSOR: Sen. Sturgeon & Sen. Gay & Sen. Townsend &
Rep. K. Williams
Sens. Buckson, Hansen, Hoffner, Lockman, S. McBride,
Paradee, Pettyjohn, Pinkney, Walsh

DELAWARE STATE SENATE
152nd GENERAL ASSEMBLY

SENATE BILL NO. 188

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO THE INTERSTATE TEACHER
MOBILITY COMPACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend Chapter 82, Title 14 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 Subchapter III. Interstate Teacher Mobility Compact.

4 § 8220. Adoption.

5 The Interstate Teacher Mobility Compact (Compact) is hereby enacted into law and entered into with all other
6 jurisdictions joining therein, in substantially the same form as in this chapter.

7 § 8221. Purpose.

8 (a) The purpose of this Compact is to facilitate the mobility of teachers across the member states, with the goal of
9 supporting teachers through a new pathway to licensure. Through this Compact, the member states seek to establish a
10 collective regulatory framework that expedites and enhances the ability of teachers to move across state lines.

11 (b) This Compact is intended to achieve the following objectives and should be interpreted accordingly. The
12 member states hereby ratify the same intentions by subscribing hereto.

13 (1) Create a streamlined pathway to licensure mobility for teachers.

14 (2) Support the relocation of eligible military spouses.

15 (3) Facilitate and enhance the exchange of licensure, investigative, and disciplinary information between the
16 member states.

17 (4) Enhance the power of state and district level education officials to hire qualified, competent teachers by
18 removing barriers to the employment of out-of-state teachers.

19 (5) Support the retention of teachers in the profession by removing barriers to relicensure in a new state.

20 (6) Maintain state sovereignty in the regulation of the teaching profession.

21 § 8222. Definitions.

22 As used in this Compact, and except as otherwise provided, the following definitions shall govern the terms
23 herein:

24 (1) “Active military member” means any person with full-time duty status in the armed forces of the United
25 States, including members of the National Guard and Reserve.

26 (2) “Adverse action” means any limitation or restriction imposed by a member state's licensing authority, such
27 as revocation, suspension, reprimand, probation, or limitation on the licensee's ability to work as a teacher.

28 (3) “Bylaws” means those bylaws established by the Commission.

29 (4) “Career and technical education license” means a current, valid authorization issued by a member state’s
30 licensing authority allowing an individual to serve as a teacher in P-12 public educational settings in a specific career
31 and technical education area.

32 (5) “Charter member states” means a member state that has enacted legislation to adopt this Compact where
33 such legislation predates the initial meeting of the Commission after the effective date of the Compact.

34 (6) “Commission” means the interstate administrative body which membership consists of delegates of all
35 states that have enacted this Compact, and which is known as the “Interstate Teacher Mobility Compact Commission”.

36 (7) “Commissioner” means the delegate of a member state.

37 (8) “Eligible license” means a license to engage in the teaching profession which requires at least a bachelor’s
38 degree and the completion of a state approved program for teacher licensure.

39 (9) “Eligible military spouse” means the spouse of any individual in full-time duty status in the active armed
40 forces of the United States including members of the National Guard and Reserve moving as a result of a military
41 mission or military career progression requirements or are on their terminal move as a result of separation or
42 retirement, including surviving spouses of deceased military members.

43 (10) “Executive committee” means a group of Commissioners elected or appointed to act on behalf of, and
44 within the powers granted to them by, the Commission as provided for herein.

45 (11) “Licensing authority” means an official, agency, board, or other entity of a state that is responsible for the
46 licensing and regulation of teachers authorized to teach in P-12 public educational settings.

47 (12) “Member state” means any state that has adopted this Compact, including all agencies and officials of
48 such a state.

49 (13) “Receiving state” means any state where a teacher has applied for licensure under this Compact.

50 (14) “Rule” means any regulation promulgated by the Commission under this Compact, which shall have the
51 force of law in each member state.

52 (15) “State” means a state, territory, or possession of the United States, and the District of Columbia.

53 (16) “State practice laws” – means a member state’s laws, rules, and regulations that govern the teaching
54 profession, define the scope of such profession, and create the methods and grounds for imposing discipline.

55 (17) “State specific requirements” means a requirement for licensure covered in coursework or examination
56 that includes content of unique interest to the state.

57 (18) “Teacher” means an individual who currently holds an authorization from a member state that forms the
58 basis for employment in the P-12 public schools of the state to provide instruction in a specific subject area, grade
59 level, or student population.

60 (19) “Unencumbered License” means a current, valid authorization issued by a member state’s licensing
61 authority allowing an individual to serve as a teacher in P-12 public educational settings. An “unencumbered license”
62 is not a restricted, probationary, provisional, substitute, or temporary credential.

63 § 8223. Licensure under the compact.

64 (a) Licensure under this Compact pertains only to the initial grant of a license by the receiving state. Nothing
65 herein applies to any subsequent or ongoing compliance requirements that a receiving state might require for teachers.

66 (b) Each member state shall, in accordance with the rules of the Commission, define, compile, and update as
67 necessary, a list of eligible licenses and career and technical education licenses that the member state is willing to consider
68 for equivalency under this Compact and provide the list to the Commission. The list shall include those licenses that a
69 receiving state is willing to grant to teachers from other member states, pending a determination of equivalency by the
70 receiving state’s licensing authority.

71 (c) Upon the receipt of an application for licensure by a teacher holding an unencumbered eligible license, the
72 receiving state shall determine which of the receiving state’s eligible licenses the teacher is qualified to hold and shall grant
73 such a license or licenses to the applicant. Such a determination shall be made in the sole discretion of the receiving state’s
74 licensing authority and may include a determination that the applicant is not eligible for any of the receiving state’s eligible
75 licenses. For all teachers who hold an unencumbered license, the receiving state shall grant one or more unencumbered
76 license(s) that, in the receiving state’s sole discretion, are equivalent to the license(s) held by the teacher in any other
77 member state.

78 (d) For active military members and eligible military spouses who hold a license that is not unencumbered, the
79 receiving state shall grant an equivalent license or licenses that, in the receiving state’s sole discretion, is equivalent to the
80 license or licenses held by the teacher in any other member state, except where the receiving state does not have an
81 equivalent license.

82 (e) For a teacher holding an unencumbered career and technical education license, the receiving state shall grant an
83 unencumbered license equivalent to the career and technical education license held by the applying teacher and issued by
84 another member state, as determined by the receiving state in its sole discretion, except where a career and technical
85 education teacher does not hold a bachelor's degree and the receiving state requires a bachelor's degree for licenses to teach
86 career and technical education. A receiving state may require career and technical education teachers to meet state industry
87 recognized requirements, if required by law in the receiving state.

88 § 8224. Licensure not under the Compact.

89 (a) Except as provided in § 8223 of this title, nothing in this Compact shall be construed to limit or inhibit the
90 power of a member state to regulate licensure or endorsements overseen by the member state's licensing authority.

91 (b) When a teacher is required to renew a license received pursuant to this Compact, the state granting such a
92 license may require the teacher to complete state specific requirements as a condition of licensure renewal or advancement
93 in that state.

94 (c) For the purposes of determining compensation, a receiving state may require additional information from
95 teachers receiving a license under the provisions of this Compact.

96 (d) Nothing in this Compact shall be construed to limit the power of a member state to control and maintain
97 ownership of its information pertaining to teachers or limit the application of a member state's laws or regulations
98 governing the ownership, use, or dissemination of information pertaining to teachers.

99 (e) Nothing in this Compact shall be construed to invalidate or alter any existing agreement or other cooperative
100 arrangement which a member state may already be a party to, or limit the ability of a member state to participate in any
101 future agreement or other cooperative arrangement to:

102 (1) Award teaching licenses or other benefits based on additional professional credentials, including, but not
103 limited to National Board Certification.

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

106 (3) Participate in any agreement or cooperative arrangement with a non-member state.

107 § 8225. Teacher qualifications and requirements for licensure under the Compact.

108 (a) Except as provided for active military members or eligible military spouses in § 8223(d) of this title, a teacher
109 may only be eligible to receive a license under this Compact where that teacher holds an unencumbered license in a
110 member state.

111 (b) A teacher eligible to receive a license under this Compact shall, unless otherwise provided for herein:

112 (1) Upon their application to receive a license under this Compact, undergo a criminal background check in
113 the receiving state in accordance with the laws and regulations of the receiving state.

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

116 § 8226. Discipline; adverse actions.

117 (a) Nothing in this Compact shall be deemed or construed to limit the authority of a member state to investigate or
118 impose disciplinary measures on teachers according to the state practice laws thereof.

119 (b) Member states shall be authorized to receive, and shall provide, files and information regarding the
120 investigation and discipline, if any, of teachers in other member states upon request. Any member state receiving such
121 information or files shall protect and maintain the security and confidentiality thereof, in at least the same manner that it
122 maintains its own investigatory or disciplinary files and information. Prior to disclosing any disciplinary or investigatory
123 information received from another member state, the disclosing state shall communicate its intention and purpose for such
124 disclosure to the member state which originally provided that information.

125 § 8227. Establishment of the Interstate Teacher Mobility Compact Commission.

126 (a) The interstate Compact member states hereby create and establish a joint public agency known as the Interstate
127 Teacher Mobility Compact Commission:

128 (1) The Commission is a joint interstate governmental agency comprised of states that have enacted the
129 Interstate Teacher Mobility Compact.

130 (2) Nothing in this interstate compact shall be construed to be a waiver of sovereign immunity.

131 (b) Membership, voting, and meetings.

132 (1) Each member state shall have and be limited to 1 delegate to the Commission, who shall be given the title
133 of Commissioner.

134 (2) The Commissioner shall be the primary administrative officer of the state licensing authority or their
135 designee.

136 (3) Any Commissioner may be removed or suspended from office as provided by the law of the state from
137 which the Commissioner is appointed.

138 (4) The member state shall fill any vacancy occurring in the Commission within 90 days.

139 (5) Each Commissioner shall be entitled to 1 vote about the promulgation of rules and creation of bylaws and
140 shall otherwise have an opportunity to participate in the business and affairs of the Commission. A Commissioner shall

141 vote in person or by such other means as provided in the bylaws. The bylaws may provide for Commissioners'
142 participation in meetings by telephone or other means of communication.

143 (6) The Commission shall meet at least once during each calendar year. Additional meetings shall be held as
144 set forth in the bylaws.

145 (7) The Commission shall establish by rule a term of office for Commissioners.

146 (c) The Commission shall have the following powers and duties:

147 (1) Establish a Code of Ethics for the Commission.

148 (2) Establish the fiscal year of the Commission.

149 (3) Establish bylaws for the Commission.

150 (4) Maintain its financial records in accordance with the bylaws of the Commission.

151 (5) Meet and take such actions as are consistent with the provisions of this interstate compact, the bylaws, and
152 rules of the Commission.

153 (6) Promulgate uniform rules to implement and administer this interstate Compact. The rules shall have the
154 force and effect of law and shall be binding in all member states. In the event the Commission exercises its rulemaking
155 authority in a manner that is beyond the scope of the purposes of the compact, or the powers granted hereunder, then
156 such an action by the Commission shall be invalid and have no force and effect of law.

157 (7) Bring and prosecute legal proceedings or actions in the name of the Commission, provided that the standing
158 of any member state licensing authority to sue or be sued under applicable law shall not be affected.

159 (8) Purchase and maintain insurance and bonds.

160 (9) Borrow, accept, or contract for services of personnel, including, but not limited to, employees of a member
161 state, or an associated non-governmental organization that is open to membership by all states.

162 (10) Hire employees, elect, or appoint officers, fix compensation, define duties, grant such individuals
163 appropriate authority to carry out the purposes of the compact, and establish the Commission's personnel policies and
164 programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters.

165 (11) Lease, purchase, accept appropriate gifts or donations of, or otherwise own, hold, improve, or use, any
166 property, real, personal or mixed, provided that at all times the Commission shall avoid any appearance of impropriety.

167 (12) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real,
168 personal, or mixed.

169 (13) Establish a budget and make expenditures.

170 (14) Borrow money.

- 171 (15) Appoint committees, including standing committees composed of members and such other interested
172 persons as may be designated in this interstate compact, rules, or bylaws.
- 173 (16) Provide and receive information from, and cooperate with, law enforcement agencies.
- 174 (17) Establish and elect an Executive Committee.
- 175 (18) Establish and develop a charter for an Executive Information Governance Committee to advise on
176 facilitating exchange of information; use of information, data privacy, and technical support needs, and provide reports
177 as needed.
- 178 (19) Perform such other functions as may be necessary or appropriate to achieve the purposes of this interstate
179 Compact consistent with the state regulation of teacher licensure.
- 180 (20) Determine whether a state's adopted language is materially different from the model compact language
181 such that the state would not qualify for participation in the Compact.
- 182 (d) The Executive Committee of the Interstate Teacher Mobility Compact Commission.
- 183 (1) The Executive Committee shall have the power to act on behalf of the Commission according to the
184 terms of this interstate compact.
- 185 (2) The Executive Committee shall be composed of 8 voting members:
- 186 a. The Commission chair, vice chair, and treasurer.
- 187 b. Five members who are elected by the Commission from the current membership:
- 188 1. Four voting members representing geographic regions in accordance with Commission rules.
- 189 2. One at large voting member in accordance with Commission rules.
- 190 (3) The Commission may add or remove members of the Executive Committee as provided in Commission
191 rules.
- 192 (4) The Executive Committee shall meet at least once annually.
- 193 (5) The Executive Committee shall have the following duties and responsibilities:
- 194 a. Recommend to the entire Commission changes to the rules or bylaws, changes to the Compact
195 legislation, fees paid by interstate Compact member states such as annual dues, and any Compact fee charged by
196 the member states on behalf of the Commission.
- 197 b. Ensure Commission administration services are appropriately provided, contractual or otherwise.
- 198 c. Prepare and recommend the budget.
- 199 d. Maintain financial records on behalf of the Commission.
- 200 e. Monitor compliance of member states and provide reports to the Commission.

201 f. Perform other duties as provided in rules or bylaws.

202 (6) Meetings of the Commission.

203 a. All meetings shall be open to the public, and public notice of meetings shall be given in accordance
204 with Commission bylaws.

205 b. The Commission or the Executive Committee or other committees of the Commission may convene in
206 a closed, non-public meeting if the Commission or Executive Committee or other committees of the Commission
207 must discuss:

208 1. Non-compliance of a member state with its obligations under the Compact.

209 2. The employment, compensation, discipline or other matters, practices or procedures related to
210 specific employees or other matters related to the Commission's internal personnel practices and procedures.

211 3. Current, threatened, or reasonably anticipated litigation.

212 4. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate.

213 5. Accusing any person of a crime or formally censuring any person.

214 6. Disclosure of trade secrets or commercial or financial information that is privileged or
215 confidential.

216 7. Disclosure of information of a personal nature where disclosure would constitute a clearly
217 unwarranted invasion of personal privacy.

218 8. Disclosure of investigative records compiled for law enforcement purposes.

219 9. Disclosure of information related to any investigative reports prepared by or on behalf of or for use
220 of the Commission or other committee charged with responsibility of investigation or determination of
221 compliance issues pursuant to the Compact.

222 10. Matters specifically exempted from disclosure by federal or member state statute.

223 11. Others matters as set forth by Commission bylaws and rules.

224 c. If a meeting, or portion of a meeting, is closed pursuant to this provision, the Commission's legal
225 counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting
226 provision.

227 d. The Commission shall keep minutes of Commission meetings and shall provide a full and accurate
228 summary of actions taken, and the reasons therefore, including a description of the views expressed. All
229 documents considered in connection with an action shall be identified in such minutes. All minutes and documents

230 of a closed meeting shall remain under seal, subject to release by a majority vote of the Commission or order of a
231 court of competent jurisdiction.

232 (7) Financing of the Commission

233 a. The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment,
234 organization, and ongoing activities.

235 b. The Commission may accept all appropriate donations and grants of money, equipment, supplies,
236 materials, and services, and receive, utilize, and dispose of the same, provided that at all times the Commission
237 shall avoid any appearance of impropriety or conflict of interest.

238 c. The Commission may levy on and collect an annual assessment from each member state or impose fees
239 on other parties to cover the cost of the operations and activities of the Commission, in accordance with the
240 Commission rules.

241 d. The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet
242 the same; nor shall the Commission pledge the credit of any of the member states, except by and with the authority
243 of the member state.

244 e. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and
245 disbursements of the Commission shall be subject to accounting procedures established under Commission
246 bylaws. All receipts and disbursements of funds of the Commission shall be reviewed annually in accordance with
247 Commission bylaws, and a report of the review shall be included in and become part of the annual report of the
248 Commission.

249 (8) Qualified Immunity, Defense, and Indemnification.

250 a. The members, officers, executive director, employees and representatives of the Commission shall be
251 immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of
252 property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or
253 omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing
254 occurred within the scope of Commission employment, duties or responsibilities; provided that nothing in this
255 paragraph shall be construed to protect any such person from suit or liability for any damage, loss, injury, or
256 liability caused by the intentional or willful or wanton misconduct of that person.

257 b. The Commission shall defend any member, officer, executive director, employee, or representative of
258 the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or
259 omission that occurred within the scope of Commission employment, duties, or responsibilities, or that the person

260 against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission
261 employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person
262 from retaining his or her own counsel; and provided further, that the actual or alleged act, error, or omission did
263 not result from that person's intentional or willful or wanton misconduct.

264 c. The Commission shall indemnify and hold harmless any member, officer, executive director,
265 employee, or representative of the Commission for the amount of any settlement or judgment obtained against that
266 person arising out of any actual or alleged act, error or omission that occurred within the scope of Commission
267 employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within
268 the scope of Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or
269 omission did not result from the intentional or willful or wanton misconduct of that person.

270 § 8228. Rulemaking.

271 (a) The Commission shall exercise its rulemaking powers pursuant to the criteria set forth in this interstate
272 Compact and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each
273 rule or amendment.

274 (b) The Commission shall promulgate reasonable rules to achieve the intent and purpose of this interstate
275 Compact. In the event the Commission exercises its rulemaking authority in a manner that is beyond purpose and intent of
276 this interstate Compact, or the powers granted hereunder, then such an action by the Commission shall be invalid and have
277 no force and effect of law in the member states.

278 (c) If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the
279 same manner used to adopt the Compact within 4 years of the date of adoption of the rule, then such rule shall have no
280 further force and effect in any member state.

281 (d) Rules or amendments to the rules shall be adopted or ratified at a regular or special meeting of the Commission
282 in accordance with Commission rules and bylaws.

283 (e) Upon determination that an emergency exists, the Commission may consider and adopt an emergency rule with
284 48 hours' notice, with opportunity to comment, provided that the usual Rulemaking procedures shall be retroactively
285 applied to the rule as soon as reasonably possible, in no event later than 90 days after the effective date of the rule. For the
286 purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

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

288 (2) Prevent a loss of Commission or member state funds.

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

290 (4) Protect public health and safety.

291 § 8229. Facilitating information exchange.

292 (a) The Commission shall provide for facilitating the exchange of information to administer and implement the
293 provisions of this Compact in accordance with the rules of the Commission, consistent with generally accepted data
294 protection principles.

295 (b) Nothing in this Compact shall be deemed or construed to alter, limit, or inhibit the power of a member state to
296 control and maintain ownership of its licensee information or alter, limit, or inhibit the laws or regulations governing
297 licensee information in the member state.

298 § 8230. Oversight, dispute resolution, and enforcement.

299 (a) Oversight

300 (1) The executive and judicial branches of state government in each member state shall enforce this Compact
301 and take all actions necessary and appropriate to effectuate the Compact's purposes and intent. The provisions of this
302 Compact shall have standing as statutory law.

303 (2) Venue is proper and judicial proceedings by or against the Commission shall be brought solely and
304 exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The
305 Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative
306 dispute resolution proceedings. Nothing herein shall affect or limit the selection or propriety of venue in any action
307 against a licensee for professional malpractice, misconduct or any such similar matter.

308 (3) All courts and all administrative agencies shall take judicial notice of the Compact, the rules of the
309 Commission, and any information provided to a member state pursuant thereto in any judicial or quasi-judicial
310 proceeding in a member state pertaining to the subject matter of this Compact, or which may affect the powers,
311 responsibilities, or actions of the Commission.

312 (4) The Commission shall be entitled to receive service of process in any proceeding regarding the
313 enforcement or interpretation of the Compact and shall have standing to intervene in such a proceeding for all
314 purposes. Failure to provide the Commission service of process shall render a judgment or order void as to the
315 Commission, this Compact, or promulgated rules.

316 (b) Default, technical assistance, and termination.

317 (1) If the Commission determines that a member state has defaulted in the performance of its obligations or
318 responsibilities under this Compact or the promulgated rules, the Commission shall:

319 a. Provide written notice to the defaulting state and other member states of the nature of the default, the
320 proposed means of curing the default or any other action to be taken by the Commission; and

321 b. Provide remedial training and specific technical assistance regarding the default.

322 (c) If a state in default fails to cure the default, the defaulting state may be terminated from the Compact upon an
323 affirmative vote of a majority of the Commissioners of the member states, and all rights, privileges and benefits conferred
324 on that state by this Compact may be terminated on the effective date of termination. A cure of the default does not relieve
325 the offending state of obligations or liabilities incurred during the period of default.

326 (d) Termination of membership in the Compact shall be imposed only after all other means of securing compliance
327 have been exhausted. Notice of intent to suspend or terminate shall be given by the Commission to the governor, the
328 majority and minority leaders of the defaulting state's legislature, the state licensing authority and each of the member
329 states.

330 (e) A state that has been terminated is responsible for all assessments, obligations, and liabilities incurred through
331 the effective date of termination, including obligations that extend beyond the effective date of termination.

332 (f) The Commission shall not bear any costs related to a state that is found to be in default or that has been
333 terminated from the Compact, unless agreed upon in writing between the Commission and the defaulting state.

334 (g) The defaulting state may appeal the action of the Commission by petitioning the U.S. District Court for the
335 District of Columbia or the federal district where the Commission has its principal offices. The prevailing party shall be
336 awarded all costs of such litigation, including reasonable attorney's fees.

337 (h) Dispute Resolution.

338 (1) Upon request by a member state, the Commission shall attempt to resolve disputes related to the Compact
339 that arise among member states and between member and non-member states.

340 (2) The Commission shall promulgate a rule providing for both binding and non-binding alternative dispute
341 resolution for disputes as appropriate.

342 (i) Enforcement.

343 (1) The Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this
344 Compact.

345 (2) By majority vote, the Commission may initiate legal action in the United States District Court for the
346 District of Columbia or the federal district where the Commission has its principal offices against a member state in
347 default to enforce compliance with the provisions of the Compact and its promulgated rules and bylaws. The relief
348 sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing

349 party shall be awarded all costs of such litigation, including reasonable attorney's fees. The remedies herein shall not
350 be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal
351 or state law.

352 § 8231. Effectuation, withdrawal, and amendment.

353 (a) The Compact shall come into effect on the date on which the Compact statute is enacted into law in the tenth
354 member state.

355 (1) On or after the effective date of the Compact, the Commission shall convene and review the enactment of
356 each of the Charter member states to determine if the statute enacted by each such Charter member state is materially
357 different from the model Compact statute.

358 (2) A Charter member state whose enactment is found to be materially different from the model Compact
359 statute shall be entitled to the default process set forth in § 8230 of this title.

360 (3) Member states enacting the Compact subsequent to the Charter member states shall be subject to the
361 process set forth in § 8227(c)(20) of this title to determine if their enactments are materially different from the model
362 Compact statute and whether they qualify for participation in the Compact.

363 (b) If any member state is later found to be in default, or is terminated or withdraws from the Compact, the
364 Commission shall remain in existence and the Compact shall remain in effect even if the number of member states should
365 be less than 10.

366 (c) Any State that joins the Compact after the Commission's initial adoption of the rules and bylaws shall be
367 subject to the rules and bylaws as they exist on the date on which the Compact becomes law in that state. Any rule that has
368 been previously adopted by the Commission shall have the full force and effect of law on the day the Compact becomes law
369 in that state, as the rules and bylaws may be amended as provided in this Compact.

370 (d) Any member state may withdraw from this Compact by enacting a statute repealing the same.

371 (1) A member state's withdrawal shall not take effect until 6 months after enactment of the repealing statute.

372 (2) Withdrawal shall not affect the continuing requirement of the withdrawing state's licensing authority to
373 comply with the investigative and adverse action reporting requirements of this act prior to the effective date of
374 withdrawal.

375 (e) This Compact may be amended by the member states. No amendment to this Compact shall become effective
376 and binding upon any member state until it is enacted into the laws of all member states.

377 § 8232. Construction and severability.

378 This Compact shall be liberally construed to effectuate the purposes thereof. The provisions of this Compact shall
379 be severable and if any phrase, clause, sentence, or provision of this Compact is declared to be contrary to the constitution
380 of any member state or a state seeking membership in the Compact, or of the United States or the applicability thereof to
381 any other government, agency, person or circumstance is held invalid, the validity of the remainder of this Compact and the
382 applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this Compact shall
383 be held contrary to the constitution of any Member state, the Compact shall remain in full force and effect as to the
384 remaining member states and in full force and effect as to the member state affected as to all severable matters.

385 § 8233. Consistent effect and conflict with other state laws.

386 (a) Nothing herein shall prevent or inhibit the enforcement of any other law of a member state that is not
387 inconsistent with the Compact.

388 (b) Any laws, statutes, regulations, or other legal requirements in a member state in conflict with the Compact are
389 superseded to the extent of the conflict.

390 (c) All permissible agreements between the Commission and the member states are binding in accordance with
391 their terms.

392 Section 2. This Act takes effect upon the enactment of the Interstate Teacher Mobility Compact by the tenth state.
393 The Secretary of the Department of Education shall provide notice published in the Register of Regulations that the
394 Interstate Teacher Mobility Compact has been adopted by 10 states.

SYNOPSIS

This Act enacts the Interstate Teacher Mobility Compact (ITMC). The Council of State Governments partnered with the Department of Defense and the National Association of State Directors of Teacher Education and Certification (NASDTEC) to support the mobility of licensed teachers through the development of this new interstate compact. The ITMC will create reciprocity among participant states and reduce barriers to license portability and employment.

The Interstate Teacher Mobility Compact (ITMC) is an interstate occupational licensure compact. Interstate compacts are constitutionally authorized, legislatively enacted, legally binding agreements among states. The ITMC will allow teachers to use an eligible license held in a compact member state to be granted an equivalent license in another compact member state, lowering barriers to teacher mobility and getting teachers back into the classroom more seamlessly.

The ITMC utilizes a different model than other interstate occupational licensure compacts. Compact member states submit licenses that are eligible for the compact and meet a set of criteria outlined in the legislation. To be eligible, a license must require a bachelor's degree and completion of a state-approved program for teacher licensure like a teacher preparation program at a college or university. Furthermore, for a license to be eligible under the ITMC, the license must be unencumbered, which means it is not restricted, probationary, provisional, substitute, or temporary. Teachers holding a compact-eligible license can apply for licensure in another member state and receive the closest equivalent license without submitting additional materials, taking state-specific exams or completing additional coursework. Special carveouts were created for some populations in the ITMC to support equitable access. Due to the mobility patterns of military spouses, the barriers to receiving a license that would be considered unencumbered under the compact are much higher. Teachers meeting the definition of an eligible military spouse will be able to use a temporary or provisional license for the purposes of the ITMC. Career and Technical Education Teaching Licenses often do not require a bachelor's degree as a requirement for licensure, so the compact allows these licenses to be considered eligible without that requirement.

The ITMC will not close any existing pathways to teacher licensure or teacher mobility. The ITMC aims to provide additional tools to state licensing authorities to more efficiently license out of state teachers and get them into the classroom. State licensing authorities will also appoint their state's representatives to the Interstate Teacher Mobility Compact Commission, which serves as the administrative body of the ITMC.

In addition to the NASDTEC, the following organizations contributed to the development process for the ITMC:

- National Association of Elementary School Principals.
- American Association of Colleges for Teacher Education.
- National Education Association.
- Council of Chief State School Officers.
- Education Commission of the States.
- Southern Regional Education Board.
- American Association of School Administrators.
- National Conference of State Legislatures.
- National Association of State Boards of Education.
- National Governors Association.
- National Council on Teacher Quality.
- National School Boards Association.

The ITMC must be enacted in 10 states to become effective. The ITMC has been enacted in 8 states and legislation to enact it is pending in 13 states.

Author: Senator Sturgeon