

SB 5180 - CONF REPT
By Conference Committee

1 Strike everything after the enacting clause and insert the
2 following:

3 **"ARTICLE I**
4 **PURPOSE**

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

14 (1) Create a streamlined pathway to licensure mobility for
15 teachers;

16 (2) Support the relocation of eligible military spouses;

17 (3) Facilitate and enhance the exchange of licensure,
18 investigative, and disciplinary information between the member
19 states;

20 (4) Enhance the power of state and district level education
21 officials to hire qualified, competent teachers by removing barriers
22 to the employment of out-of-state teachers;

23 (5) Support the retention of teachers in the profession by
24 removing barriers to relicensure in a new state; and

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

27 **ARTICLE II**
28 **DEFINITIONS**

1 NEW SECTION. **Sec. 2.** As used in this compact, and except as
2 otherwise provided, the following definitions shall govern the terms
3 herein:

4 (1) "Active military member" means any person with full-time duty
5 status in the armed forces of the United States, including members of
6 the national guard and reserve.

7 (2) "Adverse action" means any limitation or restriction imposed
8 by a member state's licensing authority, such as revocation,
9 suspension, reprimand, probation, or limitation on the licensee's
10 ability to work as a teacher.

11 (3) "Bylaws" means those bylaws established by the commission.

12 (4) "Career and technical education license" means a current,
13 valid authorization issued by a member state's licensing authority
14 allowing an individual to serve as a teacher in prekindergarten
15 through grade 12 public educational settings in a specific career and
16 technical education area.

17 (5) "Charter member states" means a member state that has enacted
18 legislation to adopt this compact where such legislation predates the
19 initial meeting of the commission after the effective date of the
20 compact.

21 (6) "Commission" means the interstate administrative body which
22 membership consists of delegates of all states that have enacted this
23 compact, and which is known as the interstate teacher mobility
24 compact commission.

25 (7) "Commissioner" means the delegate of a member state.

26 (8) "Eligible license" means a license to engage in the teaching
27 profession which requires at least a bachelor's degree and the
28 completion of a state approved program for teacher licensure.

29 (9) "Eligible military spouse" means the spouse of any individual
30 in full-time duty status in the active armed forces of the United
31 States, including members of the national guard and reserve on active
32 duty moving as a result of a military mission or military career
33 progression requirements or are on their terminal move as a result of
34 separation or retirement (to include surviving spouses of deceased
35 military members).

36 (10) "Executive committee" means a group of commissioners elected
37 or appointed to act on behalf of, and within the powers granted to
38 them by, the commission as provided for herein.

39 (11) "Licensing authority" means an official, agency, board, or
40 other entity of a state that is responsible for the licensing and

1 regulation of teachers authorized to teach in prekindergarten through
2 grade 12 public educational settings.

3 (12) "Member state" means any state that has adopted this
4 compact, including all agencies and officials of such a state.

5 (13) "Receiving state" means any state where a teacher has
6 applied for licensure under this compact.

7 (14) "Rule" means any regulation promulgated by the commission
8 under this compact, which shall have the force of law in each member
9 state.

10 (15) "State" means a state, territory, or possession of the
11 United States, and the District of Columbia.

12 (16) "State practice laws" means a member state's laws, rules,
13 and regulations that govern the teaching profession, define the scope
14 of such profession, and create the methods and grounds for imposing
15 discipline.

16 (17) "State specific requirements" means a requirement for
17 licensure covered in coursework or examination that includes content
18 of unique interest to the state.

19 (18) "Teacher" means an individual who currently holds an
20 authorization from a member state that forms the basis for employment
21 in the prekindergarten through grade 12 public schools of the state
22 to provide instruction in a specific subject area, grade level, or
23 student population.

24 (19) "Unencumbered license" means a current, valid authorization
25 issued by a member state's licensing authority allowing an individual
26 to serve as a teacher in prekindergarten through grade 12 public
27 educational settings. An unencumbered license is not a restricted,
28 probationary, provisional, substitute, or temporary credential.

29 **ARTICLE III**

30 **LICENSURE UNDER THE COMPACT**

31 NEW SECTION. **Sec. 3.** (1) Licensure under this compact pertains
32 only to the initial grant of a license by the receiving state.
33 Nothing herein applies to any subsequent or ongoing compliance
34 requirements that a receiving state might require for teachers.

35 (2) Each member state shall, in accordance with the rules of the
36 commission, define, compile, and update as necessary, a list of
37 eligible licenses and career and technical education licenses that
38 the member state is willing to consider for equivalency under this

1 compact and provide the list to the commission. The list shall
2 include those licenses that a receiving state is willing to grant to
3 teachers from other member states, pending a determination of
4 equivalency by the receiving state's licensing authority.

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

17 (4) For active military members and eligible military spouses who
18 hold a license that is not unencumbered, the receiving state shall
19 grant an equivalent license or licenses that, in the receiving
20 state's sole discretion, is equivalent to the license or licenses
21 held by the teacher in any other member state, except where the
22 receiving state does not have an equivalent license.

23 (5) For a teacher holding an unencumbered career and technical
24 education license, the receiving state shall grant an unencumbered
25 license equivalent to the career and technical education license held
26 by the applying teacher and issued by another member state, as
27 determined by the receiving state in its sole discretion, except
28 where a career and technical education teacher does not hold a
29 bachelor's degree and the receiving state requires a bachelor's
30 degree for licenses to teach career and technical education. A
31 receiving state may require career and technical education teachers
32 to meet state industry recognized requirements, if required by law in
33 the receiving state.

34 **ARTICLE IV**

35 **LICENSURE NOT UNDER THE COMPACT**

36 NEW SECTION. **Sec. 4.** (1) Except as provided in section 3 of
37 this act, nothing in this compact shall be construed to limit or

1 inhibit the power of a member state to regulate licensure or
2 endorsements overseen by the member state's licensing authority.

3 (2) When a teacher is required to renew a license received
4 pursuant to this compact, the state granting such a license may
5 require the teacher to complete state specific requirements as a
6 condition of licensure renewal or advancement in that state.

7 (3) For the purposes of determining compensation, a receiving
8 state may require additional information from teachers receiving a
9 license under the provisions of this compact.

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

15 (5) Nothing in this compact shall be construed to invalidate or
16 alter any existing agreement or other cooperative arrangement which a
17 member state may already be a party to, or limit the ability of a
18 member state to participate in any future agreement or other
19 cooperative arrangement to:

20 (a) Award teaching licenses or other benefits based on additional
21 professional credentials including, but not limited to, national
22 board certification;

23 (b) Participate in the exchange of names of teachers whose
24 license has been subject to an adverse action by a member state; or

25 (c) Participate in any agreement or cooperative arrangement with
26 a nonmember state.

27 **ARTICLE V**

28 **TEACHER QUALIFICATIONS AND REQUIREMENTS FOR LICENSURE**

29 **UNDER THE COMPACT**

30 NEW SECTION. **Sec. 5.** (1) Except as provided for active military
31 members or eligible military spouses in section 3(4) of this act, a
32 teacher may only be eligible to receive a license under this compact
33 where that teacher holds an unencumbered license in a member state.

34 (2) A teacher eligible to receive a license under this compact
35 shall, unless otherwise provided for herein:

36 (a) Upon their application to receive a license under this
37 compact, undergo a criminal background check in the receiving state
38 in accordance with the laws and regulations of the receiving state;

1 (b) Comply with any applicable conditions of employment in the
2 receiving state; and

3 (c) Provide the receiving state with information in addition to
4 the information required for licensure for the purposes of
5 determining compensation, if applicable.

6 **ARTICLE VI**
7 **DISCIPLINE/ADVERSE ACTIONS**

8 NEW SECTION. **Sec. 6.** (1) Nothing in this compact shall be
9 deemed or construed to limit the authority of a member state to
10 investigate or impose disciplinary measures on teachers according to
11 the state practice laws thereof.

12 (2) Member states shall be authorized to receive, and shall
13 provide, files and information regarding the investigation and
14 discipline, if any, of teachers in other member states upon request.
15 Any member state receiving such information or files shall protect
16 and maintain the security and confidentiality thereof, in at least
17 the same manner that it maintains its own investigatory or
18 disciplinary files and information. Prior to disclosing any
19 disciplinary or investigatory information received from another
20 member state, the disclosing state shall communicate its intention
21 and purpose for such disclosure to the member state which originally
22 provided that information.

23 **ARTICLE VII**
24 **ESTABLISHMENT OF THE INTERSTATE TEACHER MOBILITY**
25 **COMPACT COMMISSION**

26 NEW SECTION. **Sec. 7.** (1) The interstate compact member states
27 hereby create and establish a joint public agency known as the
28 interstate teacher mobility compact commission:

29 (a) The commission is a joint interstate governmental agency
30 comprised of states that have enacted the interstate teacher mobility
31 compact.

32 (b) Nothing in this interstate compact shall be construed to be a
33 waiver of sovereign immunity.

34 (2) Membership, voting, and meetings.

35 (a) Each member state shall have and be limited to one delegate
36 to the commission, who shall be given the title of commissioner.

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

3 (c) Any commissioner may be removed or suspended from office as
4 provided by the law of the state from which the commissioner is
5 appointed.

6 (d) The member state shall fill any vacancy occurring in the
7 commission within 90 days.

8 (e) Each commissioner shall be entitled to one vote about the
9 promulgation of rules and creation of bylaws and shall otherwise have
10 an opportunity to participate in the business and affairs of the
11 commission. A commissioner shall vote in person or by such other
12 means as provided in the bylaws. The bylaws may provide for
13 commissioners' participation in meetings by telephone or other means
14 of communication.

15 (f) The commission shall meet at least once during each calendar
16 year. Additional meetings shall be held as set forth in the bylaws.

17 (g) The commission shall establish by rule a term of office for
18 commissioners.

19 (3) The commission shall have the following powers and duties:

20 (a) Establish a code of ethics for the commission;

21 (b) Establish the fiscal year of the commission;

22 (c) Establish bylaws for the commission;

23 (d) Maintain its financial records in accordance with the bylaws
24 of the commission;

25 (e) Meet and take such actions as are consistent with the
26 provisions of this interstate compact, the bylaws, and rules of the
27 commission;

28 (f) Promulgate uniform rules to implement and administer this
29 interstate compact. The rules shall have the force and effect of law
30 and shall be binding in all member states. In the event the
31 commission exercises its rule-making authority in a manner that is
32 beyond the scope of the purposes of the compact, or the powers
33 granted hereunder, then such an action by the commission shall be
34 invalid and have no force and effect of law;

35 (g) Bring and prosecute legal proceedings or actions in the name
36 of the commission, provided that the standing of any member state
37 licensing authority to sue or be sued under applicable law shall not
38 be affected;

39 (h) Purchase and maintain insurance and bonds;

1 (i) Borrow, accept, or contract for services of personnel
2 including, but not limited to, employees of a member state, or an
3 associated nongovernmental organization that is open to membership by
4 all states;

5 (j) Hire employees, elect or appoint officers, fix compensation,
6 define duties, grant such individuals appropriate authority to carry
7 out the purposes of the compact, and establish the commission's
8 personnel policies and programs relating to conflicts of interest,
9 qualifications of personnel, and other related personnel matters;

10 (k) Lease, purchase, accept appropriate gifts or donations of, or
11 otherwise own, hold, improve, or use, any property, real, personal,
12 or mixed, provided that at all times the commission shall avoid any
13 appearance of impropriety;

14 (l) Sell, convey, mortgage, pledge, lease, exchange, abandon, or
15 otherwise dispose of any property real, personal, or mixed;

16 (m) Establish a budget and make expenditures;

17 (n) Borrow money;

18 (o) Appoint committees, including standing committees composed of
19 members and such other interested persons as may be designated in
20 this interstate compact, rules, or bylaws;

21 (p) Provide and receive information from, and cooperate with, law
22 enforcement agencies;

23 (q) Establish and elect an executive committee;

24 (r) Establish and develop a charter for an executive information
25 governance committee to advise on facilitating exchange of
26 information, use of information, data privacy, and technical support
27 needs, and provide reports as needed;

28 (s) Perform such other functions as may be necessary or
29 appropriate to achieve the purposes of this interstate compact
30 consistent with the state regulation of teacher licensure; and

31 (t) Determine whether a state's adopted language is materially
32 different from the model compact language such that the state would
33 not qualify for participation in the compact.

34 (4) The executive committee of the interstate teacher mobility
35 compact commission.

36 (a) The executive committee shall have the power to act on behalf
37 of the commission according to the terms of this interstate compact.

38 (b) The executive committee shall be composed of eight voting
39 members: The commission chair, vice chair, and treasurer; and five

1 members who are elected by the commission from the current
2 membership:

3 (i) Four voting members representing geographic regions in
4 accordance with commission rules; and

5 (ii) One at large voting member in accordance with commission
6 rules.

7 (c) The commission may add or remove members of the executive
8 committee as provided in commission rules.

9 (d) The executive committee shall meet at least once annually.

10 (e) The executive committee shall have the following duties and
11 responsibilities:

12 (i) Recommend to the entire commission changes to the rules or
13 bylaws, changes to the compact legislation, fees paid by interstate
14 compact member states such as annual dues, and any compact fee
15 charged by the member states on behalf of the commission;

16 (ii) Ensure commission administration services are appropriately
17 provided, contractual or otherwise;

18 (iii) Prepare and recommend the budget;

19 (iv) Maintain financial records on behalf of the commission;

20 (v) Monitor compliance of member states and provide reports to
21 the commission; and

22 (vi) Perform other duties as provided in rules or bylaws.

23 (f) Meetings of the commission.

24 (i) All meetings shall be open to the public, and public notice
25 of meetings shall be given in accordance with commission bylaws.

26 (ii) The commission or the executive committee or other
27 committees of the commission may convene in a closed, nonpublic
28 meeting if the commission or executive committee or other committees
29 of the commission must discuss:

30 (A) Noncompliance of a member state with its obligations under
31 the compact;

32 (B) The employment, compensation, discipline, or other matters,
33 practices, or procedures related to specific employees or other
34 matters related to the commission's internal personnel practices and
35 procedures;

36 (C) Current, threatened, or reasonably anticipated litigation;

37 (D) Negotiation of contracts for the purchase, lease, or sale of
38 goods, services, or real estate;

39 (E) Accusing any person of a crime or formally censuring any
40 person;

1 (F) Disclosure of trade secrets or commercial or financial
2 information that is privileged or confidential;

3 (G) Disclosure of information of a personal nature where
4 disclosure would constitute a clearly unwarranted invasion of
5 personal privacy;

6 (H) Disclosure of investigative records compiled for law
7 enforcement purposes;

8 (I) Disclosure of information related to any investigative
9 reports prepared by or on behalf of or for use of the commission or
10 other committee charged with responsibility of investigation or
11 determination of compliance issues pursuant to the compact;

12 (J) Matters specifically exempted from disclosure by federal or
13 member state statutes; and

14 (K) Other matters as set forth by commission bylaws and rules.

15 (iii) If a meeting, or portion of a meeting, is closed pursuant
16 to this provision, the commission's legal counsel or designee shall
17 certify that the meeting may be closed and shall reference each
18 relevant exempting provision.

19 (iv) The commission shall keep minutes of commission meetings and
20 shall provide a full and accurate summary of actions taken, and the
21 reasons therefore, including a description of the views expressed.
22 All documents considered in connection with an action shall be
23 identified in such minutes. All minutes and documents of a closed
24 meeting shall remain under seal, subject to release by a majority
25 vote of the commission or order of a court of competent jurisdiction.

26 (g) Financing of the commission.

27 (i) The commission shall pay, or provide for the payment of, the
28 reasonable expenses of its establishment, organization, and ongoing
29 activities.

30 (ii) The commission may accept all appropriate donations and
31 grants of money, equipment, supplies, materials, and services, and
32 receive, utilize, and dispose of the same, provided that at all times
33 the commission shall avoid any appearance of impropriety or conflict
34 of interest.

35 (iii) The commission may levy on and collect an annual assessment
36 from each member state or impose fees on other parties to cover the
37 cost of the operations and activities of the commission, in
38 accordance with the commission rules.

39 (iv) The commission shall not incur obligations of any kind prior
40 to securing the funds adequate to meet the same; nor shall the

1 commission pledge the credit of any of the member states, except by
2 and with the authority of the member state.

3 (v) The commission shall keep accurate accounts of all receipts
4 and disbursements. The receipts and disbursements of the commission
5 shall be subject to accounting procedures established under
6 commission bylaws. All receipts and disbursements of funds of the
7 commission shall be reviewed annually in accordance with commission
8 bylaws, and a report of the review shall be included in and become
9 part of the annual report of the commission.

10 (h) Qualified immunity, defense, and indemnification.

11 (i) The members, officers, executive director, employees, and
12 representatives of the commission shall be immune from suit and
13 liability, either personally or in their official capacity, for any
14 claim for damage to or loss of property or personal injury or other
15 civil liability caused by or arising out of any actual or alleged
16 act, error or omission that occurred, or that the person against whom
17 the claim is made had a reasonable basis for believing occurred
18 within the scope of commission employment, duties, or
19 responsibilities; provided, that nothing in this subsection (4)(h)(i)
20 shall be construed to protect any such person from suit or liability
21 for any damage, loss, injury, or liability caused by the intentional
22 or willful or wanton misconduct of that person.

23 (ii) The commission shall defend any member, officer, executive
24 director, employee, or representative of the commission in any civil
25 action seeking to impose liability arising out of any actual or
26 alleged act, error, or omission that occurred within the scope of
27 commission employment, duties, or responsibilities, or that the
28 person against whom the claim is made had a reasonable basis for
29 believing occurred within the scope of commission employment, duties,
30 or responsibilities; provided, that nothing herein shall be construed
31 to prohibit that person from retaining his or her own counsel; and
32 provided further, that the actual or alleged act, error, or omission
33 did not result from that person's intentional or willful or wanton
34 misconduct.

35 (iii) The commission shall indemnify and hold harmless any
36 member, officer, executive director, employee, or representative of
37 the commission for the amount of any settlement or judgment obtained
38 against that person arising out of any actual or alleged act, error,
39 or omission that occurred within the scope of commission employment,
40 duties, or responsibilities, or that such person had a reasonable

1 basis for believing occurred within the scope of commission
2 employment, duties, or responsibilities, provided that the actual or
3 alleged act, error, or omission did not result from the intentional
4 or willful or wanton misconduct of that person.

5 **ARTICLE VIII**
6 **RULE-MAKING**

7 NEW SECTION. **Sec. 8.** (1) The commission shall exercise its
8 rule-making powers pursuant to the criteria set forth in this
9 interstate compact and the rules adopted thereunder. Rules and
10 amendments shall become binding as of the date specified in each rule
11 or amendment.

12 (2) The commission shall promulgate reasonable rules to achieve
13 the intent and purpose of this interstate compact. In the event the
14 commission exercises its rule-making authority in a manner that is
15 beyond purpose and intent of this interstate compact, or the powers
16 granted hereunder, then such an action by the commission shall be
17 invalid and have no force and effect of law in the member states.

18 (3) If a majority of the legislatures of the member states
19 rejects a rule, by enactment of a statute or resolution in the same
20 manner used to adopt the compact within four years of the date of
21 adoption of the rule, then such rule shall have no further force and
22 effect in any member state.

23 (4) Rules or amendments to the rules shall be adopted or ratified
24 at a regular or special meeting of the commission in accordance with
25 commission rules and bylaws.

26 (5) Upon determination that an emergency exists, the commission
27 may consider and adopt an emergency rule with 48 hours' notice, with
28 opportunity to comment, provided that the usual rule-making
29 procedures shall be retroactively applied to the rule as soon as
30 reasonably possible, in no event later than 90 days after the
31 effective date of the rule. For the purposes of this provision, an
32 emergency rule is one that must be adopted immediately in order to:

- 33 (a) Meet an imminent threat to public health, safety, or welfare;
34 (b) Prevent a loss of commission or member state funds;
35 (c) Meet a deadline for the promulgation of an administrative
36 rule that is established by federal law or rule of the commission; or
37 (d) Protect public health and safety.

1 **ARTICLE IX**

2 **FACILITATING INFORMATION EXCHANGE**

3 NEW SECTION. **Sec. 9.** (1) The commission shall provide for
4 facilitating the exchange of information to administer and implement
5 the provisions of this compact in accordance with the rules of the
6 commission, consistent with generally accepted data protection
7 principles.

8 (2) Nothing in this compact shall be deemed or construed to
9 alter, limit, or inhibit the power of a member state to control and
10 maintain ownership of its licensee information or alter, limit, or
11 inhibit the laws or regulations governing licensee information in the
12 member state.

13 **ARTICLE X**

14 **OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT**

15 NEW SECTION. **Sec. 10.** (1) Oversight.

16 (a) The executive and judicial branches of state government in
17 each member state shall enforce this compact and take all actions
18 necessary and appropriate to effectuate the compact's purposes and
19 intent. The provisions of this compact shall have standing as
20 statutory law.

21 (b) Venue is proper and judicial proceedings by or against the
22 commission shall be brought solely and exclusively in a court of
23 competent jurisdiction where the principal office of the commission
24 is located. The commission may waive venue and jurisdictional
25 defenses to the extent it adopts or consents to participate in
26 alternative dispute resolution proceedings. Nothing herein shall
27 affect or limit the selection or propriety of venue in any action
28 against a licensee for professional malpractice, misconduct, or any
29 such similar matter.

30 (c) All courts and all administrative agencies shall take
31 judicial notice of the compact, the rules of the commission, and any
32 information provided to a member state pursuant thereto in any
33 judicial or quasi-judicial proceeding in a member state pertaining to
34 the subject matter of this compact, or which may affect the powers,
35 responsibilities, or actions of the commission.

36 (d) The commission shall be entitled to receive service of
37 process in any proceeding regarding the enforcement or interpretation

1 of the compact and shall have standing to intervene in such a
2 proceeding for all purposes. Failure to provide the commission
3 service of process shall render a judgment or order void as to the
4 commission, this compact, or promulgated rules.

5 (2) Default, technical assistance, and termination. If the
6 commission determines that a member state has defaulted in the
7 performance of its obligations or responsibilities under this compact
8 or the promulgated rules, the commission shall:

9 (a) Provide written notice to the defaulting state and other
10 member states of the nature of the default, the proposed means of
11 curing the default or any other action to be taken by the commission;
12 and

13 (b) Provide remedial training and specific technical assistance
14 regarding the default.

15 (3) If a state in default fails to cure the default, the
16 defaulting state may be terminated from the compact upon an
17 affirmative vote of a majority of the commissioners of the member
18 states, and all rights, privileges, and benefits conferred on that
19 state by this compact may be terminated on the effective date of
20 termination. A cure of the default does not relieve the offending
21 state of obligations or liabilities incurred during the period of
22 default.

23 (4) Termination of membership in the compact shall be imposed
24 only after all other means of securing compliance have been
25 exhausted. Notice of intent to suspend or terminate shall be given by
26 the commission to the governor, the majority and minority leaders of
27 the defaulting state's legislature, the state licensing authority,
28 and each of the member states.

29 (5) A state that has been terminated is responsible for all
30 assessments, obligations, and liabilities incurred through the
31 effective date of termination, including obligations that extend
32 beyond the effective date of termination.

33 (6) The commission shall not bear any costs related to a state
34 that is found to be in default or that has been terminated from the
35 compact, unless agreed upon in writing between the commission and the
36 defaulting state.

37 (7) The defaulting state may appeal the action of the commission
38 by petitioning the United States district court for the District of
39 Columbia or the federal district where the commission has its

1 principal offices. The prevailing party shall be awarded all costs of
2 such litigation, including reasonable attorneys' fees.

3 (8) Dispute resolution.

4 (a) Upon request by a member state, the commission shall attempt
5 to resolve disputes related to the compact that arise among member
6 states and between member and nonmember states.

7 (b) The commission shall promulgate a rule providing for both
8 binding and nonbinding alternative dispute resolution for disputes as
9 appropriate.

10 (9) Enforcement.

11 (a) The commission, in the reasonable exercise of its discretion,
12 shall enforce the provisions and rules of this compact.

13 (b) By majority vote, the commission may initiate legal action in
14 the United States district court for the District of Columbia or the
15 federal district where the commission has its principal offices
16 against a member state in default to enforce compliance with the
17 provisions of the compact and its promulgated rules and bylaws. The
18 relief sought may include both injunctive relief and damages. In the
19 event judicial enforcement is necessary, the prevailing party shall
20 be awarded all costs of such litigation, including reasonable
21 attorneys' fees. The remedies herein shall not be the exclusive
22 remedies of the commission. The commission may pursue any other
23 remedies available under federal or state law.

24 **ARTICLE XI**

25 **EFFECTUATION, WITHDRAWAL, AND AMENDMENT**

26 NEW SECTION. **Sec. 11.** (1) The compact shall come into effect on
27 the date on which the compact statute is enacted into law in the 10th
28 member state.

29 (a) On or after the effective date of the compact, the commission
30 shall convene and review the enactment of each of the charter member
31 states to determine if the statute enacted by each such charter
32 member state is materially different from the model compact statute.

33 (b) A charter member state whose enactment is found to be
34 materially different from the model compact statute shall be entitled
35 to the default process set forth in section 10 of this act.

36 (c) Member states enacting the compact subsequent to the charter
37 member states shall be subject to the process set forth in section
38 7(3)(t) of this act to determine if their enactments are materially

1 different from the model compact statute and whether they qualify for
2 participation in the compact.

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

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

14 (4) Any member state may withdraw from this compact by enacting a
15 statute repealing the same.

16 (a) A member state's withdrawal shall not take effect until six
17 months after enactment of the repealing statute.

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

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

25 **ARTICLE XII**

26 **CONSTRUCTION AND SEVERABILITY**

27 NEW SECTION. **Sec. 12.** This compact shall be liberally construed
28 to effectuate the purposes thereof. The provisions of this compact
29 shall be severable and if any phrase, clause, sentence, or provision
30 of this compact is declared to be contrary to the Constitution of any
31 member state or a state seeking membership in the compact, or of the
32 United States or the applicability thereof to any other government,
33 agency, person, or circumstance is held invalid, the validity of the
34 remainder of this compact and the applicability thereof to any
35 government, agency, person, or circumstance shall not be affected
36 thereby. If this compact shall be held contrary to the Constitution
37 of any member state, the compact shall remain in full force and

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

3 ARTICLE XIII

4 CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS

5 NEW SECTION. **Sec. 13.** (1) Nothing herein shall prevent or
6 inhibit the enforcement of any other law of a member state that is
7 not inconsistent with the compact.

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

11 (3) All permissible agreements between the commission and the
12 member states are binding in accordance with their terms.

13 **Sec. 14.** RCW 28A.405.220 and 2016 c 85 s 2 are each amended to
14 read as follows:

15 (1) Notwithstanding the provisions of RCW 28A.405.210, every
16 person employed by a school district in a teaching or other
17 nonsupervisory certificated position shall be subject to nonrenewal
18 of employment contract as provided in this section during the first
19 three years of employment by such district, unless: (a) The employee
20 has previously completed at least two years of certificated
21 employment in another school district in the state of Washington, in
22 which case the employee shall be subject to nonrenewal of employment
23 contract pursuant to this section during the first year of employment
24 with the new district; or (b) the employee has received an evaluation
25 rating below level 2 on the four-level rating system established
26 under RCW 28A.405.100 during the third year of employment, in which
27 case the employee shall remain subject to the nonrenewal of the
28 employment contract until the employee receives a level 2 rating; or
29 (c) the school district superintendent may make a determination to
30 remove an employee from provisional status if the employee has
31 received one of the top two evaluation ratings during the second year
32 of employment by the district. Employees as defined in this section
33 shall hereinafter be referred to as "provisional employees."

34 (2) The superintendent of the school district may not renew the
35 employment contract of a provisional employee licensed under the
36 interstate teacher mobility compact in chapter 28A.--- RCW (the new
37 chapter created in section 15 of this act) for a third year if the

1 provisional employee has not yet completed both the issues of abuse
2 course described in RCW 28A.410.035 and the equity-based school
3 practices requirements under RCW 28A.410.277.

4 (3) In the event the superintendent of the school district
5 determines that the employment contract of any provisional employee
6 should not be renewed by the district for the next ensuing term such
7 provisional employee shall be notified thereof in writing on or
8 before May 15th preceding the commencement of such school term, or if
9 the omnibus appropriations act has not passed the legislature by the
10 end of the regular legislative session for that year, then
11 notification shall be no later than June 15th, which notification
12 shall state the reason or reasons for such determination. Such notice
13 shall be served upon the provisional employee personally, or by
14 certified or registered mail, or by leaving a copy of the notice at
15 the place of his or her usual abode with some person of suitable age
16 and discretion then resident therein. The determination of the
17 superintendent shall be subject to the evaluation requirements of RCW
18 28A.405.100.

19 ~~((3))~~ (4) Every such provisional employee so notified, at his
20 or her request made in writing and filed with the superintendent of
21 the district within ten days after receiving such notice, shall be
22 given the opportunity to meet informally with the superintendent for
23 the purpose of requesting the superintendent to reconsider his or her
24 decision. Such meeting shall be held no later than ten days following
25 the receipt of such request, and the provisional employee shall be
26 given written notice of the date, time and place of meeting at least
27 three days prior thereto. At such meeting the provisional employee
28 shall be given the opportunity to refute any facts upon which the
29 superintendent's determination was based and to make any argument in
30 support of his or her request for reconsideration.

31 ~~((4))~~ (5) Within ten days following the meeting with the
32 provisional employee, the superintendent shall either reinstate the
33 provisional employee or shall submit to the school district board of
34 directors for consideration at its next regular meeting a written
35 report recommending that the employment contract of the provisional
36 employee be nonrenewed and stating the reason or reasons therefor. A
37 copy of such report shall be delivered to the provisional employee at
38 least three days prior to the scheduled meeting of the board of
39 directors. In taking action upon the recommendation of the
40 superintendent, the board of directors shall consider any written

1 communication which the provisional employee may file with the
2 secretary of the board at any time prior to that meeting.

3 ~~((5))~~ (6) The board of directors shall notify the provisional
4 employee in writing of its final decision within ten days following
5 the meeting at which the superintendent's recommendation was
6 considered. The decision of the board of directors to nonrenew the
7 contract of a provisional employee shall be final and not subject to
8 appeal.

9 ~~((6))~~ (7) This section applies to any person employed by a
10 school district in a teaching or other nonsupervisory certificated
11 position after June 25, 1976. This section provides the exclusive
12 means for nonrenewing the employment contract of a provisional
13 employee and no other provision of law shall be applicable thereto,
14 including, without limitation, RCW 28A.405.210 and chapter 28A.645
15 RCW.

16 NEW SECTION. **Sec. 15.** Sections 1 through 13 of this act
17 constitute a new chapter in Title 28A RCW."

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By Conference Committee

18 On page 1, line 1 of the title, after "to" strike the remainder
19 of the title and insert "the licensure and employment of out-of-state
20 teachers; amending RCW 28A.405.220; and adding a new chapter to Title
21 28A RCW."

--- END ---