



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

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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 8223. Licensure under the compact.

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

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

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

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

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

§ 8224. Licensure not under the Compact.

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 8226. Discipline; adverse actions.

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

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

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

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

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

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

(b) Membership, voting, and meetings.

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

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

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

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

(5) Each Commissioner shall be entitled to 1 vote about the promulgation of rules and creation of bylaws and 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.

- (15) Appoint committees, including standing committees composed of members and such other interested persons as may be designated in this interstate compact, rules, or bylaws.
- (16) Provide and receive information from, and cooperate with, law enforcement agencies.
- (17) Establish and elect an Executive Committee.
- (18) Establish and develop a charter for an Executive Information Governance Committee to advise on facilitating exchange of information; use of information, data privacy, and technical support needs, and provide reports as needed.
- (19) Perform such other functions as may be necessary or appropriate to achieve the purposes of this interstate Compact consistent with the state regulation of teacher licensure.
- (20) Determine whether a state's adopted language is materially different from the model compact language such that the state would not qualify for participation in the Compact.
- (d) The Executive Committee of the Interstate Teacher Mobility Compact Commission.
- (1) The Executive Committee shall have the power to act on behalf of the Commission according to the terms of this interstate compact.
- (2) The Executive Committee shall be composed of 8 voting members:
- a. The Commission chair, vice chair, and treasurer.
- b. Five members who are elected by the Commission from the current membership:
1. Four voting members representing geographic regions in accordance with Commission rules.
2. One at large voting member in accordance with Commission rules.
- (3) The Commission may add or remove members of the Executive Committee as provided in Commission rules.
- (4) The Executive Committee shall meet at least once annually.
- (5) The Executive Committee shall have the following duties and responsibilities:
- a. Recommend to the entire Commission changes to the rules or bylaws, changes to the Compact legislation, fees paid by interstate 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.

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

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

§ 8231. Effectuation, withdrawal, and amendment.

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

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

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

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

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

(c) Any State that joins the Compact after the Commission's initial adoption of the rules and bylaws shall be 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 been previously adopted by the Commission shall have the full force and effect of law on the day the Compact becomes law in that state, as the rules and bylaws may be amended as provided in this Compact.

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

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

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

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

§ 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