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MEMORANDUM

To: Senate Committee on Education
From: Kansas Office of Revisor of Statutes
Date: January 31, 2023
Subject: SB 66—Interstate Teacher Mobility Compact

Senate Bill 66 would enact the interstate teacher mobility compact to recognize equivalent teacher licenses from other member states.

Article I establishes that the purpose of the compact is to facilitate the mobility of teachers across member states through a collective regulatory framework that expedites and enhances the ability of teachers to move across state lines.

Article II provides relevant definitions of terms used throughout the compact including, among others, “commission,” “eligible license,” “licensing authority,” “state practice laws,” “state specific requirements,” and “unencumbered license.”

Article III provides the requirements for licensure under the compact, including reciprocity and the responsibilities of member states. Licensure under the compact only applies to the initial grant of a license by a member state. Each member state is to compile a list of eligible licenses that the member state will consider for equivalency under the compact. If the member state receives an application for licensure by a teacher holding an unencumbered eligible license, the receiving state shall determine which license the teacher is qualified to hold and shall grant such license. This determination is the sole decision of the receiving state’s licensing authority (the state board of education in Kansas). Active military members or eligible military spouses may receive licenses from the receiving state even if their license is not unencumbered.

Article IV provides specific instances when states maintain licensing authority that does not fall under the compact and includes imposing additional requirements when a teacher is required to renew a license, regulation of any licensure outside Article III of the compact and any existing agreements between states including licensure reciprocity.

Article V provides teacher qualifications and requirements for licensure under the compact. Specifically, except for active military members or eligible military spouses, a teacher is only eligible to receive a license if such teacher's current license in another state is unencumbered. Additionally, teachers may be required by the receiving state to undergo a criminal background check at the time of application and be required to provide additional information to the receiving state.

Article VI states that nothing in the compact is deemed to limit the authority of a member state to investigate or impose disciplinary measures. Additionally, member states shall provide and be authorized to receive information regarding any investigation or discipline upon request. Such information shall be secure and confidential.

Article VII establishes the interstate teacher mobility compact commission. Each member state has one commissioner on the commission and each commissioner has one vote on commission rules and bylaws. The commission has the authority to establish a term of office, code of ethics, bylaws, rules, a budget and financial records. Additionally, the commission may bring legal proceedings, purchase insurance and bonds, contract for services, hire employees, accept gifts or donations, sell property, borrow moneys, appoint committees, cooperate with law enforcement agencies, determine whether a state's adopted language is materially different from the model compact language such that the state would not be qualified for participation and perform other functions as may be necessary to achieve the purposes of the act. The commission may elect an executive committee to carry out certain responsibilities. Article VII also provides requirements for meetings and financing of the commission. The commission shall pay for the reasonable expenses of the commission and may accept appropriate gifts, donations, grants, materials and services. It may also levy an assessment on each member state or impose fees on other parties. Article VII provides that members, officers, employees and representatives of the commission are immune from liability and suit for certain claims.

Article VIII provides the commission's rulemaking authority and states that the rules of the commission carry the force of law in member states. Emergency rules may be adopted to meet an imminent threat to public health, safety or welfare, prevent a loss of funds or meet federal deadlines. A majority of member state legislatures may veto a rule of the commission. If the commission takes an action outside the scope of the compact, the action is invalid.

Article IX provides for the facilitation of the exchange of information to administer and implement the provisions of the compact.

Article X provides the oversight, dispute resolution and enforcement of the compact. The executive and judicial branches of each member state are tasked with enforcement of the compact to ensure its purpose and intent are effectuated. If a member state has defaulted in its obligations or failed to comply with the compact the commission shall provide notice and remedial training and assistance. If a state in default fails to cure the default, such state's membership may be terminated upon an affirmative vote of the majority of the commissioners of member states and any privileges, rights and benefits of the compact will also be terminated. A defaulting state may appeal the action of the commission in federal court. Additionally, upon request, an attempt shall be made to resolve any disputes through dispute resolution. The commission enforces the rules of the compact and may initiate legal action in federal court by majority vote.

Article XI states that the compact takes effect on the date of enactment by the 10th state. States that join the compact before the first convening of the commission are charter member states. Any state that joins after the initial commission adoption of rules and regulations shall be subject to the rules and bylaws as they exist on the date on which the compact becomes law in that state. Any member state may withdraw from the compact by repealing the enacting statute in that state. Such withdrawal will take effect six months after repeal. The compact may be amended by the member states but will only be effective and binding when all member states enact such amendment.

Article XII states that the compact shall be liberally construed to effectuate its purpose and the compact's provisions are severable.

Article XIII reiterates that any other law of a member state that is consistent with the compact is still in effect and enforceable by the member state. Any law of a member state that conflicts with the compact is superseded by the compact. Additionally, agreements between the commission and member states are binding.