

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 413

Introduced by Blood, 3.

Read first time January 12, 2023

Committee: Education

- 1 A BILL FOR AN ACT relating to education; to amend section 79-101, Revised
- 2 Statutes Cumulative Supplement, 2022; to adopt the Interstate
- 3 Teacher Mobility Compact; to redefine a term; to provide a duty for
- 4 the State Board of Education; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. INTERSTATE TEACHER MOBILITY COMPACT

2 ARTICLE I- PURPOSE

3 The purpose of this Compact is to facilitate the mobility of
4 Teachers across the Member States, with the goal of supporting Teachers
5 through a new pathway to licensure. Through this Compact, the Member
6 States seek to establish a collective regulatory framework that expedites
7 and enhances the ability of Teachers to move across State lines.

8 This Compact is intended to achieve the following objectives and
9 should be interpreted accordingly. The Member States hereby ratify the
10 same intentions by subscribing hereto.

11 A. Create a streamlined pathway to licensure mobility for Teachers;

12 B. Support the relocation of Eligible Military Spouses;

13 C. Facilitate and enhance the exchange of licensure, investigative,
14 and disciplinary information between the Member States;

15 D. Enhance the power of State and district level education officials
16 to hire qualified, competent Teachers by removing barriers to the
17 employment of out-of-state Teachers;

18 E. Support the retention of Teachers in the profession by removing
19 barriers to relicensure in a new State; and

20 F. Maintain State sovereignty in the regulation of the teaching
21 profession.

22 ARTICLE II- DEFINITIONS

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

25 A. "Active Military Member" - means any person with full-time duty
26 status in the uniformed service of the United States, including members
27 of the National Guard and Reserve.

28 B. "Adverse Action" - means any limitation or restriction imposed by
29 a Member State's Licensing Authority, such as revocation, suspension,
30 reprimand, probation, or limitation on the licensee's ability to work as
31 a Teacher.

1 C. "Bylaws" - means those bylaws established by the Commission.

2 D. "Career and Technical Education License" - means a current, valid
3 authorization issued by a Member State's Licensing Authority allowing an
4 individual to serve as a Teacher in P-12 public educational settings in a
5 specific career and technical education area.

6 E. "Charter Member States" - means a Member State that has enacted
7 legislation to adopt this Compact where such legislation predates the
8 initial meeting of the Commission after the effective date of the
9 Compact.

10 F. "Commission" - means the interstate administrative body which
11 membership consists of delegates of all States that have enacted this
12 Compact, and which is known as the Interstate Teacher Mobility Compact
13 Commission.

14 G. "Commissioner" - means the delegate of a Member State.

15 H. "Eligible License" - means a license to engage in the teaching
16 profession which requires at least a bachelor's degree and the completion
17 of a state approved program for Teacher licensure.

18 I. "Eligible Military Spouse" - means the spouse of any individual
19 in full-time duty status in the active uniformed service of the United
20 States, including members of the National Guard and Reserve on active
21 duty, moving as a result of a military mission or military career
22 progression requirements or on their terminal move as a result of
23 separation or retirement (to include surviving spouses of deceased
24 military members).

25 J. "Executive Committee" - means a group of Commissioners elected or
26 appointed to act on behalf of, and within the powers granted to them by,
27 the Commission as provided for herein.

28 K. "Licensing Authority" - means an official, agency, board, or
29 other entity of a State that is responsible for the licensing and
30 regulation of Teachers authorized to teach in P-12 public educational
31 settings.

1 L. "Member State" - means any State that has adopted this Compact,
2 including all agencies and officials of such a State.

3 M. "Receiving State" - means any State where a Teacher has applied
4 for licensure under this Compact.

5 N. "Rule" - means any regulation promulgated by the Commission under
6 this Compact, which shall have the force of law in each Member State.

7 O. "State" - means a state, territory, or possession of the United
8 States and the District of Columbia.

9 P. "State Practice Laws" - means a Member State's laws, rules, and
10 regulations that govern the teaching profession, define the scope of such
11 profession, and create the methods and grounds for imposing discipline.

12 Q. "State Specific Requirements" - means a requirement for licensure
13 covered in coursework or examination that includes content of unique
14 interest to the State.

15 R. "Teacher" - means an individual who currently holds an
16 authorization from a Member State that forms the basis for employment in
17 the P-12 public schools of the State to provide instruction in a specific
18 subject area, grade level, or student population.

19 S. "Unencumbered License" - means a current, valid authorization
20 issued by a Member State's Licensing Authority allowing an individual to
21 serve as a Teacher in P-12 public educational settings. A Unencumbered
22 License is not a restricted, probationary, provisional, substitute, or
23 temporary credential.

24 ARTICLE III- LICENSURE UNDER THE COMPACT

25 A. Licensure under this Compact pertains only to the initial grant
26 of a license by the Receiving State. Nothing herein applies to any
27 subsequent or ongoing compliance requirements that a Receiving State
28 might require for Teachers.

29 B. Each Member State shall, in accordance with the Rules of the
30 Commission, define, compile, and update as necessary, a list of Eligible
31 Licenses and Career and Technical Education Licenses that the Member

1 State is willing to consider for equivalency under this Compact and
2 provide the list to the Commission. The list shall include those licenses
3 that a Receiving State is willing to grant to Teachers from other Member
4 States, pending a determination of equivalency by the Receiving State's
5 Licensing Authority.

6 C. Upon the receipt of an application for licensure by a Teacher
7 holding an Unencumbered Eligible License, the Receiving State shall
8 determine which of the Receiving State's Eligible Licenses the Teacher is
9 qualified to hold and shall grant such a license or licenses to the
10 applicant. Such a determination shall be made in the sole discretion of
11 the Receiving State's Licensing Authority and may include a determination
12 that the applicant is not eligible for any of the Receiving State's
13 Eligible Licenses. For all Teachers who hold an Unencumbered License, the
14 Receiving State shall grant one or more Unencumbered License(s) that, in
15 the Receiving State's sole discretion, are equivalent to the license(s)
16 held by the Teacher in any other Member State.

17 D. For Active Military Members and Eligible Military Spouses who
18 hold a license that is not Unencumbered, the Receiving State shall grant
19 an equivalent license or licenses that, in the Receiving State's sole
20 discretion, is equivalent to the license or licenses held by the Teacher
21 in any other Member State, except where the Receiving State does not have
22 an equivalent license.

23 E. 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 by
26 the applying Teacher and issued by another Member State, as determined by
27 the Receiving State in its sole discretion, except where a Career and
28 Technical Education Teacher does not hold a bachelor's degree and the
29 Receiving State requires a bachelor's degree for licenses to teach Career
30 and Technical Education. A Receiving State may require Career and
31 Technical Education Teachers to meet State industry recognized

1 requirements, if required by law in the Receiving State.

2 ARTICLE IV- LICENSURE NOT UNDER THE COMPACT

3 A. Except as provided in Article III above, nothing in this Compact
4 shall be construed to limit or inhibit the power of a Member State to
5 regulate licensure or endorsements overseen by the Member State's
6 Licensing Authority.

7 B. When a Teacher is required to renew a license received pursuant
8 to this Compact, the State granting such a license may require the
9 Teacher to complete State Specific Requirements as a condition of
10 licensure renewal or advancement in that State.

11 C. For the purposes of determining compensation, a Receiving State
12 may require additional information from Teachers receiving a license
13 under the provisions of this Compact.

14 D. Nothing in this Compact shall be construed to limit the power of
15 a Member State to control and maintain ownership of its information
16 pertaining to Teachers, or limit the application of a Member State's laws
17 or regulations governing the ownership, use, or dissemination of
18 information pertaining to Teachers.

19 E. Nothing in this Compact shall be construed to invalidate or alter
20 any existing agreement or other cooperative arrangement which a Member
21 State may already be a party to, or limit the ability of a Member State
22 to participate in any future agreement or other cooperative arrangement
23 to:

24 1. Award teaching licenses or other benefits based on additional
25 professional credentials, including, but not limited to, National Board
26 Certification;

27 2. Participate in the exchange of names of Teachers whose licenses
28 have been subject to an Adverse Action by a Member State; or

29 3. Participate in any agreement or cooperative arrangement with a
30 non-Member State.

31 ARTICLE V- TEACHER QUALIFICATIONS AND REQUIREMENTS FOR LICENSURE

1 UNDER THE COMPACT

2 A. Except as provided for Active Military Members or Eligible
3 Military Spouses in Article III.D above, a Teacher may only be eligible
4 to receive a license under this Compact where that Teacher holds an
5 Unencumbered License in a Member State.

6 B. A Teacher eligible to receive a license under this Compact shall,
7 unless otherwise provided for herein:

8 1. Upon their application to receive a license under this Compact,
9 undergo a criminal background check in the Receiving State in accordance
10 with the laws and regulations of the Receiving State; and

11 2. Provide the Receiving State with information in addition to the
12 information required for licensure for the purposes of determining
13 compensation, if applicable.

14 ARTICLE VI- DISCIPLINE / ADVERSE ACTIONS

15 A. Nothing in this Compact shall be deemed or construed to limit the
16 authority of a Member State to investigate or impose disciplinary
17 measures on Teachers according to the State Practice Laws thereof.

18 B. Member States shall be authorized to receive, and shall provide,
19 files and information regarding the investigation and discipline, if any,
20 of Teachers in other Member States upon request. Any Member State
21 receiving such information or files shall protect and maintain the
22 security and confidentiality thereof, in at least the same manner that it
23 maintains its own investigatory or disciplinary files and information.
24 Prior to disclosing any disciplinary or investigatory information
25 received from another Member State, the disclosing state shall
26 communicate its intention and purpose for such disclosure to the Member
27 State which originally provided that information.

28 ARTICLE VII- ESTABLISHMENT OF THE INTERSTATE TEACHER MOBILITY
29 COMPACT COMMISSION

30 A. The interstate compact Member States hereby create and establish
31 a joint public agency known as the Interstate Teacher Mobility Compact

1 Commission:

2 1. The Commission is a joint interstate governmental agency
3 comprised of States that have enacted the Interstate Teacher Mobility
4 Compact.

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

7 B. Membership, Voting, and Meetings

8 1. Each Member State shall have and be limited to one (1) delegate
9 to the Commission, who shall be given the title of Commissioner.

10 2. The Commissioner shall be the primary administrative officer of
11 the State Licensing Authority or their designee.

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

15 4. The Member State shall fill any vacancy occurring in the
16 Commission within ninety (90) days.

17 5. Each Commissioner shall be entitled to one (1) vote about the
18 promulgation of Rules and creation of Bylaws and shall otherwise have an
19 opportunity to participate in the business and affairs of the Commission.
20 A Commissioner shall vote in person or by such other means as provided in
21 the Bylaws. The Bylaws may provide for Commissioners' participation in
22 meetings by telephone or other means of communication.

23 6. The Commission shall meet at least once during each calendar
24 year. Additional meetings shall be held as set forth in the Bylaws.

25 7. The Commission shall establish by Rule a term of office for
26 Commissioners.

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

28 1. Establish a Code of Ethics for the Commission.

29 2. Establish the fiscal year of the Commission.

30 3. Establish Bylaws for the Commission.

31 4. Maintain its financial records in accordance with the Bylaws of

1 the Commission.

2 5. Meet and take such actions as are consistent with the provisions
3 of this interstate compact, the Bylaws, and Rules of the Commission.

4 6. Promulgate uniform Rules to implement and administer this
5 interstate compact. The Rules shall have the force and effect of law and
6 shall be binding in all Member States. In the event the Commission
7 exercises its Rulemaking authority in a manner that is beyond the scope
8 of the purposes of the compact, or the powers granted hereunder, then
9 such an action by the Commission shall be invalid and have no force and
10 effect of law.

11 7. Bring and prosecute legal proceedings or actions in the name of
12 the Commission, provided that the standing of any Member State Licensing
13 Authority to sue or be sued under applicable law shall not be affected.

14 8. Purchase and maintain insurance and bonds.

15 9. Borrow, accept, or contract for services of personnel, including,
16 but not limited to, employees of a Member State, or an associated non-
17 governmental organization that is open to membership by all states.

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

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

27 12. Sell, convey, mortgage, pledge, lease, exchange, abandon, or
28 otherwise dispose of any property real, personal, or mixed.

29 13. Establish a budget and make expenditures.

30 14. Borrow money.

31 15. Appoint committees, including standing committees composed of

1 members and such other interested persons as may be designated in this
2 interstate compact, Rules, or Bylaws.

3 16. Provide and receive information from, and cooperate with, law
4 enforcement agencies.

5 17. Establish and elect an Executive Committee.

6 18. Establish and develop a charter for an Executive Information
7 Governance Committee to advise on facilitating exchange of information,
8 use of information, data privacy, and technical support needs, and
9 provide reports as needed.

10 19. Perform such other functions as may be necessary or appropriate
11 to achieve the purposes of this interstate compact consistent with the
12 State regulation of Teacher licensure.

13 20. Determine whether a State's adopted language is materially
14 different from the model compact language such that the State would not
15 qualify for participation in the Compact.

16 D. The Executive Committee of the Interstate Teacher Mobility
17 Compact Commission

18 1. The Executive Committee shall have the power to act on behalf of
19 the Commission according to the terms of this interstate compact.

20 2. The Executive Committee shall be composed of eight voting
21 members:

22 a. The Commission chair, vice chair, and treasurer; and

23 b. Five members who are elected by the Commission from the current
24 membership:

25 i. Four voting members representing geographic regions in accordance
26 with Commission Rules; and

27 ii. One at large voting member in accordance with Commission Rules.

28 3. The Commission may add or remove members of the Executive
29 Committee as provided in Commission Rules.

30 4. The Executive Committee shall meet at least once annually.

31 5. The Executive Committee shall have the following duties and

1 responsibilities:

2 a. Recommend to the entire Commission changes to the Rules or
3 Bylaws, changes to the compact legislation, fees paid by interstate
4 compact Member States such as annual dues, and any compact fee charged by
5 the Member States on behalf of the Commission.

6 b. Ensure Commission administration services are appropriately
7 provided, contractual or otherwise.

8 c. Prepare and recommend the budget.

9 d. Maintain financial records on behalf of the Commission.

10 e. Monitor compliance of Member States and provide reports to the
11 Commission.

12 f. Perform other duties as provided in Rules or Bylaws.

13 6. Meetings of the Commission

14 a. All meetings shall be open to the public, and public notice of
15 meetings shall be given in accordance with Commission Bylaws.

16 b. The Commission or the Executive Committee or other committees of
17 the Commission may convene in a closed, non-public meeting if the
18 Commission or Executive Committee or other committees of the Commission
19 must discuss:

20 i. Non-compliance of a Member State with its obligations under the
21 compact.

22 ii. The employment, compensation, discipline, or other matters,
23 practices or procedures related to specific employees or other matters
24 related to the Commission's internal personnel practices and procedures.

25 iii. Current, threatened, or reasonably anticipated litigation.

26 iv. Negotiation of contracts for the purchase, lease, or sale of
27 goods, services, or real estate.

28 v. Accusing any person of a crime or formally censuring any person.

29 vi. Disclosure of trade secrets or commercial or financial
30 information that is privileged or confidential.

31 vii. Disclosure of information of a personal nature where disclosure

1 would constitute a clearly unwarranted invasion of personal privacy.

2 viii. Disclosure of investigative records compiled for law
3 enforcement purposes.

4 ix. Disclosure of information related to any investigative reports
5 prepared by or on behalf of or for use of the Commission or other
6 committee charged with responsibility of investigation or determination
7 of compliance issues pursuant to the compact.

8 x. Matters specifically exempted from disclosure by federal or
9 Member State statute.

10 xi. Others matters as set forth by Commission Bylaws and Rules.

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

15 d. The Commission shall keep minutes of Commission meetings and
16 shall provide a full and accurate summary of actions taken, and the
17 reasons therefore, including a description of the views expressed. All
18 documents considered in connection with an action shall be identified in
19 such minutes. All minutes and documents of a closed meeting shall remain
20 under seal, subject to release by a majority vote of the Commission or
21 order of a court of competent jurisdiction.

22 7. Financing of the Commission

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

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

31 c. The Commission may levy on and collect an annual assessment from

1 each Member State or impose fees on other parties to cover the cost of
2 the operations and activities of the Commission, in accordance with the
3 Commission Rules.

4 d. The Commission shall not incur obligations of any kind prior to
5 securing the funds adequate to meet the same; nor shall the Commission
6 pledge the credit of any of the Member States, except by and with the
7 authority of the Member State.

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

15 8. Qualified Immunity, Defense, and Indemnification

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

27 b. The Commission shall defend any member, officer, executive
28 director, employee, or representative of the Commission in any civil
29 action seeking to impose liability arising out of any actual or alleged
30 act, error, or omission that occurred within the scope of Commission
31 employment, duties, or responsibilities, or that the person against whom

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

7 c. The Commission shall indemnify and hold harmless any member,
8 officer, executive director, employee, or representative of the
9 Commission for the amount of any settlement or judgment obtained against
10 that person arising out of any actual or alleged act, error, or omission
11 that occurred within the scope of Commission employment, duties, or
12 responsibilities, or that such person had a reasonable basis for
13 believing occurred within the scope of Commission employment, duties, or
14 responsibilities, provided that the actual or alleged act, error, or
15 omission did not result from the intentional or willful or wanton
16 misconduct of that person.

17 ARTICLE VIII- RULEMAKING

18 A. The Commission shall exercise its Rulemaking powers pursuant to
19 the criteria set forth in this interstate compact and the Rules adopted
20 thereunder. Rules and amendments shall become binding as of the date
21 specified in each Rule or amendment.

22 B. The Commission shall promulgate reasonable Rules to achieve the
23 intent and purpose of this interstate compact. In the event the
24 Commission exercises its Rulemaking authority in a manner that is beyond
25 purpose and intent of this interstate compact, or the powers granted
26 hereunder, then such an action by the Commission shall be invalid and
27 have no force and effect of law in the Member States.

28 C. If a majority of the legislatures of the Member States rejects a
29 Rule, by enactment of a statute or resolution in the same manner used to
30 adopt the compact within four (4) years of the date of adoption of the
31 Rule, then such Rule shall have no further force and effect in any Member

1 State.

2 D. Rules or amendments to the Rules shall be adopted or ratified at
3 a regular or special meeting of the Commission in accordance with
4 Commission Rules and Bylaws.

5 E. Upon determination that an emergency exists, the Commission may
6 consider and adopt an emergency Rule with forty-eight (48) hours' notice,
7 with opportunity to comment, provided that the usual Rulemaking
8 procedures shall be retroactively applied to the Rule as soon as
9 reasonably possible, in no event later than ninety (90) days after the
10 effective date of the Rule. For the purposes of this provision, an
11 emergency Rule is one that must be adopted immediately in order to:

- 12 1. Meet an imminent threat to public health, safety, or welfare;
13 2. Prevent a loss of Commission or Member State funds;
14 3. Meet a deadline for the promulgation of an administrative Rule
15 that is established by federal law or Rule; or
16 4. Protect public health and safety.

17 ARTICLE IX- FACILITATING INFORMATION EXCHANGE

18 A. The Commission shall provide for facilitating the exchange of
19 information to administer and implement the provisions of this compact in
20 accordance with the Rules of the Commission, consistent with generally
21 accepted data protection principles.

22 B. Nothing in this compact shall be deemed or construed to alter,
23 limit, or inhibit the power of a Member State to control and maintain
24 ownership of its licensee information or alter, limit, or inhibit the
25 laws or regulations governing licensee information in the Member State.

26 ARTICLE X- OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

27 A. Oversight

28 1. The executive and judicial branches of State government in each
29 Member State shall enforce this Compact and take all actions necessary
30 and appropriate to effectuate the Compact's purposes and intent. The
31 provisions of this Compact shall have standing as statutory law.

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

9 3. All courts and all administrative agencies shall take judicial
10 notice of the Compact, the Rules of the Commission, and any information
11 provided to a Member State pursuant thereto in any judicial or quasi-
12 judicial proceeding in a Member State pertaining to the subject matter of
13 this Compact, or which may affect the powers, responsibilities, or
14 actions of the Commission.

15 4. The Commission shall be entitled to receive service of process in
16 any proceeding regarding the enforcement or interpretation of the Compact
17 and shall have standing to intervene in such a proceeding for all
18 purposes. Failure to provide the Commission service of process shall
19 render a judgment or order void as to the Commission, this Compact, or
20 promulgated Rules.

21 B. Default, Technical Assistance, and Termination

22 1. If the Commission determines that a Member State has defaulted in
23 the performance of its obligations or responsibilities under this Compact
24 or the promulgated Rules, the Commission shall:

25 a. Provide written notice to the defaulting State and other Member
26 States of the nature of the default, the proposed means of curing the
27 default, or any other action to be taken by the Commission; and

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

30 C. If a State in default fails to cure the default, the defaulting
31 State may be terminated from the Compact upon an affirmative vote of a

1 majority of the Commissioners of the Member States, and all rights,
2 privileges, and benefits conferred on that State by this Compact may be
3 terminated on the effective date of termination. A cure of the default
4 does not relieve the offending State of obligations or liabilities
5 incurred during the period of default.

6 D. Termination of membership in the Compact shall be imposed only
7 after all other means of securing compliance have been exhausted. Notice
8 of intent to suspend or terminate shall be given by the Commission to the
9 governor, the majority and minority leaders of the defaulting State's
10 legislature, the State Licensing Authority, and each of the Member
11 States.

12 E. A State that has been terminated is responsible for all
13 assessments, obligations, and liabilities incurred through the effective
14 date of termination, including obligations that extend beyond the
15 effective date of termination.

16 F. The Commission shall not bear any costs related to a State that
17 is found to be in default or that has been terminated from the Compact,
18 unless agreed upon in writing between the Commission and the defaulting
19 State.

20 G. The defaulting State may appeal the action of the Commission by
21 petitioning the United States District Court for the District of Columbia
22 or the federal district where the Commission has its principal offices.
23 The prevailing party shall be awarded all costs of such litigation,
24 including reasonable attorney's fees.

25 H. Dispute Resolution

26 1. Upon request by a Member State, the Commission shall attempt to
27 resolve disputes related to the Compact that arise among Member States
28 and between Member and non-Member States.

29 2. The Commission shall promulgate a Rule providing for both binding
30 and non-binding alternative dispute resolution for disputes as
31 appropriate.

1 I. Enforcement

2 1. The Commission, in the reasonable exercise of its discretion,
3 shall enforce the provisions and Rules of this Compact.

4 2. By majority vote, the Commission may initiate legal action in the
5 United States District Court for the District of Columbia or the federal
6 district where the Commission has its principal offices against a Member
7 State in default to enforce compliance with the provisions of the Compact
8 and its promulgated Rules and Bylaws. The relief sought may include both
9 injunctive relief and damages. In the event judicial enforcement is
10 necessary, the prevailing party shall be awarded all costs of such
11 litigation, including reasonable attorney's fees. The remedies herein
12 shall not be the exclusive remedies of the Commission. The Commission may
13 pursue any other remedies available under federal or State law.

14 ARTICLE XI- EFFECTUATION, WITHDRAWAL, AND AMENDMENT

15 A. The Compact shall come into effect on the date on which the
16 Compact statute is enacted into law in the tenth Member State.

17 1. On or after the effective date of the Compact, the Commission
18 shall convene and review the enactment of each of the Charter Member
19 States to determine if the statute enacted by each such Charter Member
20 State is materially different from the model Compact statute.

21 2. A Charter Member State whose enactment is found to be materially
22 different from the model Compact statute shall be entitled to the default
23 process set forth in Article X.

24 3. Member States enacting the Compact subsequent to the Charter
25 Member States shall be subject to the process set forth in Article
26 VII.C.20 to determine if their enactments are materially different from
27 the model Compact statute and whether they qualify for participation in
28 the Compact.

29 B. If any Member State is later found to be in default, or is
30 terminated or withdraws from the Compact, the Commission shall remain in
31 existence and the Compact shall remain in effect even if the number of

1 Member States should be less than ten.

2 C. Any State that joins the Compact after the Commission's initial
3 adoption of the Rules and Bylaws shall be subject to the Rules and Bylaws
4 as they exist on the date on which the Compact becomes law in that State.
5 Any Rule that has been previously adopted by the Commission shall have
6 the full force and effect of law on the day the Compact becomes law in
7 that State, as the Rules and Bylaws may be amended as provided in this
8 Compact.

9 D. Any Member State may withdraw from this Compact by enacting a
10 statute repealing the same.

11 1. A Member State's withdrawal shall not take effect until six (6)
12 months after enactment of the repealing statute.

13 2. Withdrawal shall not affect the continuing requirement of the
14 withdrawing State's Licensing Authority to comply with the investigative
15 and Adverse Action reporting requirements of this act prior to the
16 effective date of withdrawal.

17 E. This Compact may be amended by the Member States. No amendment to
18 this Compact shall become effective and binding upon any Member State
19 until it is enacted into the laws of all Member States.

20 ARTICLE XII- CONSTRUCTION AND SEVERABILITY

21 This Compact shall be liberally construed to effectuate the purposes
22 thereof. The provisions of this Compact shall be severable and if any
23 phrase, clause, sentence, or provision of this Compact is declared to be
24 contrary to the constitution of any Member State or a State seeking
25 membership in the compact, or of the United States or the applicability
26 thereof to any other government, agency, person, or circumstance is held
27 invalid, the validity of the remainder of this Compact and the
28 applicability thereof to any government, agency, person, or circumstance
29 shall not be affected thereby. If this Compact shall be held contrary to
30 the constitution of any Member State, the Compact shall remain in full
31 force and effect as to the remaining Member States and in full force and

1 effect as to the Member State affected as to all severable matters.

2 ARTICLE XIII- CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS

3 A. Nothing herein shall prevent or inhibit the enforcement of any
4 other law of a Member State that is not inconsistent with the Compact.

5 B. Any laws, statutes, regulations, or other legal requirements in a
6 Member State in conflict with the Compact are superseded to the extent of
7 the conflict.

8 C. All permissible agreements between the Commission and the Member
9 States are binding in accordance with their terms.

10 Sec. 2. Section 79-101, Revised Statutes Cumulative Supplement,
11 2022, is amended to read:

12 79-101 For purposes of Chapter 79:

13 (1) School district means the territory under the jurisdiction of a
14 single school board authorized by Chapter 79;

15 (2) School means a school under the jurisdiction of a school board
16 authorized by Chapter 79;

17 (3) Legal voter means a registered voter as defined in section
18 32-115 who is domiciled in a precinct or ward in which he or she is
19 registered to vote and which precinct or ward lies in whole or in part
20 within the boundaries of a school district for which the registered voter
21 chooses to exercise his or her right to vote at a school district
22 election;

23 (4) Prekindergarten programs means all early childhood programs
24 provided for children who have not reached the age of five by the date
25 provided in section 79-214 for kindergarten entrance;

26 (5) Elementary grades means grades kindergarten through eight,
27 inclusive;

28 (6) High school grades means all grades above the eighth grade;

29 (7) School year means (a) for elementary grades other than
30 kindergarten, the time equivalent to at least one thousand thirty-two
31 instructional hours and (b) for high school grades, the time equivalent

1 to at least one thousand eighty instructional hours;

2 (8) Instructional hour means a period of time, at least sixty
3 minutes, which is actually used for the instruction of students;

4 (9) Teacher means any certified employee who is regularly employed
5 for the instruction of pupils in the public schools;

6 (10) Administrator means any certified employee such as
7 superintendent, assistant superintendent, principal, assistant principal,
8 school nurse, or other supervisory or administrative personnel who do not
9 have as a primary duty the instruction of pupils in the public schools;

10 (11) School board means the governing body of any school district.
11 Board of education has the same meaning as school board;

12 (12) Teach means and includes, but is not limited to, the following
13 responsibilities: (a) The organization and management of the classroom or
14 the physical area in which the learning experiences of pupils take place;
15 (b) the assessment and diagnosis of the individual educational needs of
16 the pupils; (c) the planning, selecting, organizing, prescribing, and
17 directing of the learning experiences of pupils; (d) the planning of
18 teaching strategies and the selection of available materials and
19 equipment to be used; and (e) the evaluation and reporting of student
20 progress;

21 (13) Permanent school fund means the fund described in section
22 79-1035.01;

23 (14) Temporary school fund means the fund described in section
24 79-1035.02;

25 (15) School lands means the lands described in section 79-1035.03.
26 Educational lands has the same meaning as school lands;

27 (16) Community eligibility provision means the alternative to
28 household applications for free and reduced-price meals in high-poverty
29 schools enacted in section 104(a) of the federal Healthy, Hunger-Free
30 Kids Act of 2010, section 11(a)(1) of the Richard B. Russell National
31 School Lunch Act, 42 U.S.C. 1759a(a)(1), as such act and section existed

1 on January 1, 2015, and administered by the United States Department of
2 Agriculture; and

3 (17)(a) (17) Certificate, certificated, or certified, when referring
4 to an individual holding a certificate to teach, administer, or provide
5 special services, also includes an individual who holds a permit issued
6 by the Commissioner of Education pursuant to sections 79-806 to 79-815.

7 (b) Certificate, certificated, or certified, when referring to an
8 individual holding a certificate to teach, also includes an individual
9 who is granted a certificate in accordance with the Interstate Teacher
10 Mobility Compact and section 3 of this act.

11 The State Board of Education may adopt and promulgate rules and
12 regulations to define school day and other appropriate units of the
13 school calendar.

14 Sec. 3. The State Board of Education shall adopt and promulgate
15 rules and regulations to provide for certification of teachers pursuant
16 to the Interstate Teacher Mobility Compact.

17 Sec. 4. Original section 79-101, Revised Statutes Cumulative
18 Supplement, 2022, is repealed.