As Introduced

135th General Assembly Regular Session 2023-2024

S. B. No. 27

Senator Roegner

A BILL

То	enact	secti	on 3319.34	of the	Revised Code to	1
	ratify	y the	Interstate	Teache	r Mobility Compact.	2

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

Section 1. That section 3319.34 of the Revised Code be	3
enacted to read as follows:	4
Sec. 3319.34. The interstate teacher mobility compact is	5
hereby ratified, enacted into law, and entered into by this	6
state as a party thereto with any other state that heretofore	7
has legally joined or hereafter legally joins the compact, as	8
follows:	9
Interstate Teacher Mobility Compact	10
ARTICLE I. PURPOSE	11
The purpose of this compact is to facilitate the mobility	12
of teachers across the member states, with the goal of	13
supporting teachers through a new pathway to licensure. Through	14
this compact, the member states seek to establish a collective	15
regulatory framework that expedites and enhances the ability of	16
teachers to move across state lines. This compact is intended to	17
achieve the following objectives and should be interpreted	18

accordingly. The member states hereby ratify the same intentions	19
by subscribing hereto.	20
A. Create a streamlined pathway to licensure mobility for	21
teachers;	22
B. Support the relocation of eligible military spouses;	23
C. Facilitate and enhance the exchange of licensure,	24
investigative, and disciplinary information between the member	25
states;	26
D. Enhance the power of state and district level education	27
officials to hire qualified, competent teachers by removing	28
barriers to the employment of out-of-state teachers;	29
E. Support the retention of teachers in the profession by	30
removing barriers to relicensure in a new state;	31
F. Maintain state sovereignty in the regulation of the	32
teaching profession.	33
ARTICLE II. DEFINITIONS	34
As used in this compact, and except as otherwise provided,	35
the following definitions shall govern the terms herein:	36
A. "Active military member" means any person with full-	37
time duty status in the uniformed service of the United States,	38
including members of the National Guard and Reserve.	39
B. "Adverse Action" means any limitation or restriction	40
imposed by a member state's licensing authority, such as	41
revocation, suspension, reprimand, probation, or limitation on	42
the licensee's ability to work as a teacher.	43
C. "Bylaws" means those bylaws established by the	44
commission.	45

D. "Career and technical education license" means a	46
current, valid authorization issued by a member state's	47
licensing authority allowing an individual to serve as a teacher	48
in pre-kindergarten to twelve public educational settings in a	49
specific career and technical education area.	50
E. "Charter member state" means a member state that has	51
enacted legislation to adopt this compact where such legislation	52
predates the initial meeting of the commission after the	53
effective date of the compact.	54
F. "Commission" means the interstate administrative body	55
which membership consists of delegates of all states that have	56
enacted this compact, and which is known as the Interstate	57
Teacher Mobility Compact Commission.	58
G. "Commissioner" means the delegate of a member state.	59
H. "Eligible license" means a license to engage in the	60
teaching profession which requires at least a bachelor's degree	61
and the completion of a state approved program for teacher	62
licensure.	63
	00
I. "Eligible military spouse" means the spouse of any	64
I. "Eligible military spouse" means the spouse of any individual in full-time duty status in the active uniformed	
	64
individual in full-time duty status in the active uniformed	64 65
individual in full-time duty status in the active uniformed service of the United States including members of the National	64 65 66
individual in full-time duty status in the active uniformed service of the United States including members of the National Guard and Reserve on active duty moving as a result of a	64 65 66 67
individual in full-time duty status in the active uniformed service of the United States including members of the National Guard and Reserve on active duty moving as a result of a military mission or military career progression requirements or	64 65 66 67 68
individual in full-time duty status in the active uniformed service of the United States including members of the National Guard and Reserve on active duty 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	64 65 66 67 68 69
individual in full-time duty status in the active uniformed service of the United States including members of the National Guard and Reserve on active duty 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 (to include surviving spouses of deceased military	64 65 67 68 69 70
<pre>individual in full-time duty status in the active uniformed service of the United States including members of the National Guard and Reserve on active duty 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 (to include surviving spouses of deceased military members).</pre>	64 65 66 67 68 69 70 71

K. "Licensing authority" means an official, agency, board,	75
or other entity of a state that is responsible for the licensing	76
and regulation of teachers authorized to teach in pre-	77
kindergarten to twelve public educational settings.	78
<u>manadigaroon oo ondroo pawaro daadadinar ooddrigoi</u>	
L. "Member state" means any state that has adopted this	79
compact, including all agencies and officials of that state.	80
M. "Receiving state" means any state where a teacher has	81
applied for licensure under this compact.	82
N. "Rule" means any regulation promulgated by the	83
commission under this compact, which shall have the force of law	84
in each member state.	85
O. "State" means a state, territory, or possession of the_	86
United States, and the District of Columbia.	87
<u>onicea beaces, and the pistilet of columpia.</u>	07
<u>P. "State practice laws" means a member state's laws,</u>	88
rules, and regulations that govern the teaching profession,	89
define the scope of such profession, and create the methods and	90
grounds for imposing discipline.	91
Q. "State specific requirement" means a requirement for	92
licensure covered in coursework or examination that includes	93
content of unique interest to the state.	94
R. "Teacher" means an individual who currently holds an	95
authorization from a member state that forms the basis for	96
employment in the pre-kindergarten to twelve public schools of	97
the state to provide instruction in a specific subject area,	98
grade level, or student population.	99
S. "Unencumbered license" means a current, valid	100
authorization issued by a member state's licensing authority	101
allowing an individual to serve as a teacher in pre-kindergarten	102

to twelve public educational settings. An unencumbered license	103
is not a restricted, probationary, provisional, substitute or	104
temporary credential.	105
ARTICLE III. LICENSURE UNDER THE COMPACT	106
A. Licensure under this compact pertains only to the	107
initial grant of a license by the receiving state. Nothing	108
herein applies to any subsequent or ongoing compliance	109
requirements that a receiving state might require for teachers.	110
B. Each member state shall, in accordance with the rules	111
of the commission, define, compile, and update as necessary, a	112
list of eligible licenses and career and technical education	113
licenses that the member state is willing to consider for	114
equivalency under this compact and provide the list to the	115
commission. The list shall include those licenses that a	116
receiving state is willing to grant to teachers from other	117
member states, pending a determination of equivalency by the	118
receiving state's licensing authority.	119
<u>C. Upon the receipt of an application for licensure by a</u>	120
teacher holding an unencumbered eligible license, the receiving	121
state shall determine which of the receiving state's eligible	122
licenses the teacher is qualified to hold and shall grant such a	123
license or licenses to the applicant. Such a determination shall	124
be made in the sole discretion of the receiving state's	125
licensing authority and may include a determination that the	126
applicant is not eligible for any of the receiving state's	127
eligible licenses. For all teachers who hold an unencumbered	128
license, the receiving state shall grant one or more	129
unencumbered license that, in the receiving state's sole	130
discretion, is equivalent to the license held by the teacher in	131
any other member state.	132

D. For active military members and eligible military	133
spouses who hold a license that is not unencumbered, the	134
receiving state shall grant an equivalent license or licenses	135
that, in the receiving state's sole discretion, is equivalent to	136
the license or licenses held by the teacher in any other member	137
state, except where the receiving state does not have an	138
<u>equivalent license.</u>	139
E. For a teacher holding an unencumbered career and	140
technical education license, the receiving state shall grant an	141
unencumbered license equivalent to the career and technical	142
education license held by the applying teacher and issued by	143
another member state, as determined by the receiving state in	144
its sole discretion, except where a career and technical	145
education teacher does not hold a bachelor's degree and the	146
receiving state requires a bachelor's degree for licenses to	147
teach career and technical education. A receiving state may	148
require career and technical education teachers to meet state	149
industry recognized requirements, if required by law in the	150
receiving state.	151
ARTICLE IV. LICENSURE NOT UNDER THE COMPACT	152
A. Except as provided in Article III above, nothing in	153
this compact shall be construed to limit or inhibit the power of	154
<u>a member state to regulate licensure or endorsements overseen by </u>	155
the member state's licensing authority.	156
D. When a teacher is normized to perce a licence received	1 5 7
B. When a teacher is required to renew a license received	157
pursuant to this compact, the state granting such a license may	158
require the teacher to complete state specific requirements as a	159
condition of licensure renewal or advancement in that state.	160
C. For the purposes of determining compensation, a	161

receiving state may require additional information from teachers	162
receiving a license under the provisions of this compact.	163
D. Nothing in this compact shall be construed to limit the	164
power of a member state to control and maintain ownership of its	165
information pertaining to teachers, or limit the application of	166
a member state's laws or regulations governing the ownership,	167
use, or dissemination of information pertaining to teachers.	168
E. Nothing in this compact shall be construed to	169
invalidate or alter any existing agreement or other cooperative	170
arrangement which a member state may already be a party to, or	171
limit the ability of a member state to participate in any future	172
agreement or other cooperative arrangement to:	173
1. Award teaching licenses or other benefits based on	174
additional professional credentials, including, but not limited	175
to national board certification;	176
2. Participate in the exchange of names of teachers whose	177
licenses have been subject to an adverse action by a member	178
<u>state; or</u>	179
3. Participate in any agreement or cooperative arrangement	180
with a nonmember state.	181
ARTICLE V. TEACHER QUALIFICATIONS AND REQUIREMENTS FOR	182
LICENSURE UNDER THE COMPACT	183
A. Except as provided for active military members or	184
eligible military spouses in Article III.D above, a teacher may	185
only be eligible to receive a license under this compact where	186
that teacher holds an unencumbered license in a member state.	187
B. A teacher eligible to receive a license under this	188
compact shall, unless otherwise provided for herein:	189

1. Upon their application to receive a license under this	190
compact, undergo a criminal background check in the receiving	191
state in accordance with the laws and regulations of the	192
receiving state; and	193
2. Provide the receiving state with information in	194
addition to the information required for licensure for the	195
	195
purposes of determining compensation, if applicable.	190
ARTICLE VI. DISCIPLINE/ADVERSE ACTION	197
A. Nothing in this compact shall be deemed or construed to	198
limit the authority of a member state to investigate or impose	199
disciplinary measures on teachers according to the state	200
practice laws thereof.	201
B. Member states shall be authorized to receive, and shall	202
provide, files and information regarding the investigation and	203
discipline, if any, of teachers in other member states upon	203
request. Any member state receiving such information or files	204
	205
shall protect and maintain the security and confidentiality	200
thereof, in at least the same manner that it maintains its own	-
investigatory or disciplinary files and information. Prior to	208
disclosing any disciplinary or investigatory information	209
received from another member state, the disclosing state shall	210
communicate its intention and purpose for such disclosure to the	211
member state which originally provided that information.	212
ARTICLE VII. ESTABLISHMENT OF THE INTERSTATE TEACHER	213
MOBILITY COMPACT COMMISSION	214
A. The interstate compact member states hereby create and	215
establish a joint public agency known as the interstate teacher	215
mobility compact commission:	210
MODILITY COMPACE COMMISSION.	
1. The commission is a joint interstate governmental	218

agency comprised of states that have enacted the interstate 219 teacher mobility compact. 220 2. Nothing in this interstate compact shall be construed 221 to be a waiver of sovereign immunity. 222 223 B. Membership, voting, and meetings 1. Each member state shall have and be limited to one 224 delegate to the commission, who shall be given the title of 225 226 commissioner. 2. The commissioner shall be the primary administrative 227 officer of the state licensing authority or their designee. 228 3. Any commissioner may be removed or suspended from 229 office as provided by the law of the state from which the 230 commissioner is appointed. 231 4. The member state shall fill any vacancy occurring in 232 the commission within ninety days. 233 5. Each commissioner shall be entitled to one vote about 234 the promulgation of rules and creation of bylaws and shall 235 otherwise have an opportunity to participate in the business and 236 affairs of the commission. A commissioner shall vote in person 237 or by such other means as provided in the bylaws. The bylaws may 238 provide for commissioners' participation in meetings by 239 telephone or other means of communication. 240 6. The commission shall meet at least once during each 241 calendar year. Additional meetings shall be held as set forth in 242 the bylaws. 243 7. The commission shall establish by rule a term of office 244 for commissioners. 245

C. The commission shall have the following powers and	246
<u>duties:</u>	247
1. Establish a code of ethics for the commission.	248
2. Establish the fiscal year of the commission.	249
3. Establish bylaws for the commission.	250
4. Maintain its financial records in accordance with the	251
bylaws of the commission.	252
5. Meet and take such actions as are consistent with the	253
provisions of this interstate compact, the bylaws, and rules of	254
the commission.	255
6. Promulgate uniform rules to implement and administer	256
this interstate compact. The rules shall have the force and	257
effect of law and shall be binding in all member states. In the	258
event the commission exercises its rulemaking authority in a	259
manner that is beyond the scope of the purposes of the compact,	260
or the powers granted hereunder, then such an action by the	261
commission shall be invalid and have no force and effect of law.	262
7. Bring and prosecute legal proceedings or actions in the	263
name of the commission, provided that the standing of any member	264
state licensing authority to sue or be sued under applicable law	265
shall not be affected.	266
8. Purchase and maintain insurance and bonds.	267
9. Borrow, accept, or contract for services of personnel,	268
including, but not limited to, employees of a member state, or	269
an associated nongovernmental organization that is open to	270
membership by all states.	271
10. Hire employees, elect, or appoint officers, fix	272

compensation, define duties, grant such individuals appropriate	273
authority to carry out the purposes of the compact, and	274
establish the commission's personnel policies and programs	275
relating to conflicts of interest, qualifications of personnel,	276
and other related personnel matters.	277
11. Lease, purchase, accept appropriate gifts or donations	278
of, or otherwise own, hold, improve, or use, any property, real,	270
personal or mixed, provided that at all times the commission	280
shall avoid any appearance of impropriety.	281
12. Sell, convey, mortgage, pledge, lease, exchange,	282
abandon, or otherwise dispose of any property real, personal, or	283
mixed.	284
13. Establish a budget and make expenditures.	285
14. Borrow money.	286
15. Appoint committees, including standing committees	287
composed of members and such other interested persons as may be	288
designated in this interstate compact, rules, or bylaws.	289
16. Provide and receive information from, and cooperate	290
with, law enforcement agencies.	291
17. Establish and elect an executive committee.	292
18. Establish and develop a charter for an executive	293
information governance committee to advise on facilitating	294
exchange of information; use of information, data privacy, and	295
technical support needs, and provide reports as needed.	296
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19. Perform such other functions as may be necessary or	297
appropriate to achieve the purposes of this interstate compact	298
consistent with the state regulation of teacher licensure.	299

20. Determine whether a state's adopted language is	300
materially different from the model compact language such that	301
the state would not qualify for participation in the compact.	302
D. The executive committee of the interstate teacher_	303
mobility compact commission	304
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1. The executive committee shall have the power to act on	305
behalf of the commission according to the terms of this	306
interstate compact.	307
2. The executive committee shall be composed of eight	308
voting members:	309
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a. The commission chair, vice chair, and treasurer; and	310
b. Five members who are elected by the commission from the	311
current membership:	312
i. Four voting members representing geographic regions in	313
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accordance with commission rules; and	514
ii. One at large voting member in accordance with	315
commission rules.	316
3. The commission may add or remove members of the	317
executive committee as provided in commission rules.	318
4. The executive committee shall meet at least once	319
annually.	320
5. The executive committee shall have the following duties	321
and responsibilities:	322
a. Recommend to the entire commission changes to the rules	323
or bylaws, changes to the compact legislation, fees paid by	324
interstate compact member states such as annual dues, and any	325
compact fee charged by the member states on behalf of the	326

commission.	327
b. Ensure commission administration services are	328
appropriately provided, contractual or otherwise.	329
c. Prepare and recommend the budget.	330
d. Maintain financial records on behalf of the commission.	331
e. Monitor compliance of member states and provide reports	332
to the commission.	333
f. Perform other duties as provided in rules or bylaws.	334
6. Meetings of the commission	335
a. All meetings shall be open to the public, and public	336
notice of meetings shall be given in accordance with commission	337
bylaws.	338
b. The commission or the executive committee or other	339
committees of the commission may convene in a closed, non-public	340
meeting if the commission or executive committee or other	341
committees of the commission must discuss:	342
i. Non-compliance of a member state with its obligations	343
under the compact.	344
ii. The employment, compensation, discipline or other	345
matters, practices or procedures related to specific employees	346
or other matters related to the commission's internal personnel	347
practices and procedures.	348
iii. Current, threatened, or reasonably anticipated	349
litigation.	350
iv. Negotiation of contracts for the purchase, lease, or	351
sale of goods, services, or real estate.	352

v. Accusing any person of a crime or formally censuring	353
any person.	354
vi. Disclosure of trade secrets or commercial or financial	355
information that is privileged or confidential.	356
vii. Disclosure of information of a personal nature where	357
disclosure would constitute a clearly unwarranted invasion of	358
personal privacy.	359
viii. Disclosure of investigative records compiled for law	360
enforcement purposes.	361
ix. Disclosure of information related to any investigative	362
reports prepared by or on behalf of or for use of the commission	363
or other committee charged with responsibility of investigation	364
or determination of compliance issues pursuant to the compact.	365
x. Matters specifically exempted from disclosure by	366
federal or member state statute.	367
xi. Others matters as set forth by commission bylaws and	368
<u>rules.</u>	369
c. If a meeting, or portion of a meeting, is closed	370
pursuant to this provision, the commission's legal counsel or	371
designee shall certify that the meeting may be closed and shall	372
reference each relevant exempting provision.	373
d. The commission shall keep minutes of commission	374
meetings and shall provide a full and accurate summary of	375
actions taken, and the reasons therefore, including a	376
description of the views expressed. All documents considered in	377
connection with an action shall be identified in such minutes.	378
All minutes and documents of a closed meeting shall remain under	379
seal, subject to release by a majority vote of the commission or	380

order of a court of competent jurisdiction.	381
7. Financing of the commission	382
a. The commission shall pay, or provide for the payment	383
of, the reasonable expenses of its establishment, organization,	384
and ongoing activities.	385
b. The commission may accept all appropriate donations and	386
grants of money, equipment, supplies, materials, and services,	387
and receive, utilize, and dispose of the same, provided that at	388
all times the commission shall avoid any appearance of	389
impropriety or conflict of interest.	390
c. The commission may levy on and collect an annual	391
assessment from each member state or impose fees on other	392
parties to cover the cost of the operations and activities of	393
the commission, in accordance with the commission rules.	394
d. The commission shall not incur obligations of any kind	395
prior to securing the funds adequate to meet the same; nor shall	396
the commission pledge the credit of any of the member states,	397
except by and with the authority of the member state.	398
e. The commission shall keep accurate accounts of all	399
receipts and disbursements. The receipts and disbursements of	400
the Commission shall be subject to accounting procedures	401
established under commission bylaws. All receipts and	402
disbursements of funds of the commission shall be reviewed	403
annually in accordance with commission bylaws, and a report of	404
the review shall be included in and become part of the annual	405
report of the commission.	406
8. Qualified immunity, defense, and indemnification	407
a. The members, officers, executive director, employees	408

and representatives of the commission shall be immune from suit 4	
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injury or other civil liability caused by or arising out of any 4	12
actual or alleged act, error or omission that occurred, or that 4	13
the person against whom the claim is made had a reasonable basis 4	14
for believing occurred within the scope of commission 4	15
employment, duties or responsibilities; provided that nothing in 4	16
this paragraph shall be construed to protect any such person 4	17
from suit or liability for any damage, loss, injury, or 4	18
liability caused by the intentional or willful or wanton 4	19
misconduct of that person. 4	20
b. The commission shall defend any member, officer, 4	21
executive director, employee, or representative of the 4	22
Commission in any civil action seeking to impose liability 4	23
arising out of any actual or alleged act, error, or omission 4	24
that occurred within the scope of commission employment, duties, 4	25
or responsibilities, or that the person against whom the claim 4	26
is made had a reasonable basis for believing occurred within the 4	27
scope of commission employment, duties, or responsibilities; 4	28
provided that nothing herein shall be construed to prohibit that 4	29
person from retaining his or her own counsel; and provided 4	30
further, that the actual or alleged act, error, or omission did 4	31
not result from that person's intentional or willful or wanton 4	32
misconduct. 4	133
<u>c. The commission shall indemnify and hold harmless any</u> 4	34
<pre>member, officer, executive director, employee, or representative 4</pre>	35
of the commission for the amount of any settlement or judgment 4	36
obtained against that person arising out of any actual or 4	37
alleged act, error or omission that occurred within the scope of 4	38
commission employment, duties, or responsibilities, or that such 4	39

person had a reasonable basis for believing occurred within the	440
scope of commission employment, duties, or responsibilities,	441
provided that the actual or alleged act, error, or omission did	442
not result from the intentional or willful or wanton misconduct	443
<u>of that person.</u>	444
ARTICLE VIII. RULEMAKING	445
A. The commission shall exercise its rulemaking powers	446
pursuant to the criteria set forth in this interstate compact	447
and the rules adopted thereunder. Rules and amendments shall	448
become binding as of the date specified in each rule or	449
amendment.	450
B. The commission shall promulgate reasonable rules to	451
achieve the intent and purpose of this interstate compact. In	452
the event the commission exercises its rulemaking authority in a	453
manner that is beyond purpose and intent of this interstate	454
compact, or the powers granted hereunder, then such an action by	455
the commission shall be invalid and have no force and effect of	456
law in the member states.	457
C. If a majority of the legislatures of the member states	458
rejects a rule, by enactment of a statute or resolution in the	459
same manner used to adopt the compact within four years of the	460
date of adoption of the rule, then such rule shall have no	461
further force and effect in any member state.	462
D. Rules or amendments to the rules shall be adopted or	463
ratified at a regular or special meeting of the commission in	464
accordance with commission rules and bylaws.	465
E. Upon determination that an emergency exists, the	466
Commission may consider and adopt an emergency rule with forty-	467
eight hours' notice, with opportunity to comment, provided that	468

the usual rulemaking procedures shall be retroactively applied	469
to the rule as soon as reasonably possible, in no event later	470
than ninety days after the effective date of the rule. For the	471
purposes of this provision, an emergency rule is one that must	472
be adopted immediately in order to:	473
1. Meet an imminent threat to public health, safety, or	474
welfare.	475
2. Prevent a loss of commission or member state funds.	476
3. Meet a deadline for the promulgation of an	477
administrative rule that is established by federal law or rule;	478
or	479
4. Protect public health and safety.	480
ARTICLE IX. FACILITATING INFORMATION EXCHANGE	481
A. The commission shall provide for facilitating the	482
exchange of information to administer and implement the	483
provisions of this compact in accordance with the rules of the	484
commission, consistent with generally accepted data protection	485
principles.	486
B. Nothing in this compact shall be deemed or construed to	487
alter, limit, or inhibit the power of a member state to control	488
and maintain ownership of its licensee information or alter,	489
limit, or inhibit the laws or regulations governing licensee	490
information in the member state.	491
ARTICLE X. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT	492
A. Oversight	493
1. The executive and judicial branches of state government	494
in each member state shall enforce this compact and take all	495

actions necessary and appropriate to effectuate the compact's 496 purposes and intent. The provisions of this compact shall have 497 standing as statutory law. 498 2. Venue is proper and judicial proceedings by or against 499 the commission shall be brought solely and exclusively in a 500 court of competent jurisdiction where the principal office of 501 the commission is located. The commission may waive venue and 502 jurisdictional defenses to the extent it adopts or consents to 503 participate in alternative dispute resolution proceedings. 504 Nothing herein shall affect or limit the selection or propriety 505 of venue in any action against a licensee for professional 506 malpractice, misconduct, or any such similar matter. 507 3. All courts and all administrative agencies shall take 508 judicial notice of the compact, the rules of the commission, and 509 any information provided to a member state pursuant thereto in 510 any judicial or quasi-judicial proceeding in a member state 511 pertaining to the subject matter of this compact, or which may 512 affect the powers, responsibilities, or actions of the 513 514 commission. 4. The commission shall be entitled to receive service of 515 process in any proceeding regarding the enforcement or 516 interpretation of the Compact and shall have standing to 517 intervene in such a proceeding for all purposes. Failure to 518 provide the commission service of process shall render a 519 judgment or order void as to the commission, this compact, or 520 promulgated rules. 521 B. Default, Technical Assistance, and Termination 522 1. If the commission determines that a member state has 523

defaulted in the performance of its obligations or

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responsibilities under this compact or the promulgated rules,	525
the commission shall:	526
a. Provide written notice to the defaulting state and	527
other member states of the nature of the default, the proposed	528
means of curing the default or any other action to be taken by	529
the commission;	530
b. Provide remedial training and specific technical	531
assistance regarding the default.	532
C. If a state in default fails to cure the default, the	533
defaulting state may be terminated from the compact upon an	534
affirmative vote of a majority of the commissioners of the	535
member states, and all rights, privileges, and benefits	536
conferred on that state by this compact may be terminated on the	537
effective date of termination. A cure of the default does not	538
relieve the offending state of obligations or liabilities	539
incurred during the period of default.	540
D. Termination of membership in the compact shall be	541
imposed only after all other means of securing compliance have	542
been exhausted. Notice of intent to suspend or terminate shall	543
be given by the commission to the governor, the majority and	544
minority leaders of the defaulting state's legislature, the	545
state licensing authority and each of the member states.	546
E. A state that has been terminated is responsible for all	547
assessments, obligations, and liabilities incurred through the	548
effective date of termination, including obligations that extend	549
beyond the effective date of termination.	550
F. The commission shall not bear any costs related to a	551
state that is found to be in default or that has been terminated	552
from the compact, unless agreed upon in writing between the	553

commission and the defaulting state. 554 G. The defaulting state may appeal the action of the 555 commission by petitioning the U.S. District Court for the 556 District of Columbia or the federal district where the 557 commission has its principal offices. The prevailing party shall 558 be awarded all costs of such litigation, including reasonable 559 attorney's fees. 560 H. Dispute Resolution 561 <u>1. Upon request by a member state, the commission shall</u> 562 attempt to resolve disputes related to the compact that arise 563 among member states and between member and non-member states. 564 2. The commission shall promulgate a rule providing for 565 both binding and nonbinding alternative dispute resolution for 566 disputes as appropriate. 567 I. Enforcement 568 1. The commission, in the reasonable exercise of its 569 discretion, shall enforce the provisions and rules of this 570 compact. 571 2. By majority vote, the commission may initiate legal 572 action in the United States District Court for the District of 573 Columbia or the federal district where the commission has its 574 principal offices against a member state in default to enforce 575 compliance with the provisions of the compact and its 576 promulgated rules and bylaws. The relief sought may include both 577 injunctive relief and damages. In the event judicial enforcement 578 is necessary, the prevailing party shall be awarded all costs of 579 such litigation, including reasonable attorney's fees. The 580 remedies herein shall not be the exclusive remedies of the 581 582 commission. The commission may pursue any other remedies

available under federal or state law. 583 ARTICLE XI. EFFECTUATION, WITHDRAWAL, AND AMENDMENT 584 A. The compact shall become effective on the date on which 585 the compact statute is enacted into law in the tenth member 586 587 state. 1. On or after the effective date of the compact, the 588 commission shall convene and review the enactment of each of the 589 charter member states to determine if the statute enacted by 590 each such charter member state is materially different from the 591 model compact statute. 592 2. A charter member state whose enactment is found to be 593 materially different from the model compact statute shall be 594 entitled to the default process set forth in Article X. 595 3. Member states enacting the compact subsequent to the 596 charter member states shall be subject to the process set forth 597 in Article VII.C.20 to determine if their enactments are 598 materially different from the model compact statute and whether 599 they qualify for participation in the compact. 600 B. If any member state is later found to be in default, or 601 602 is terminated or withdraws from the compact, the commission shall remain in existence and the compact shall remain in effect 603 even if the number of member states should be less than ten. 604 <u>C. Any state that joins the compact after the commission's</u> 605 initial adoption of the rules and bylaws shall be subject to the 606

rules and bylaws as they exist on the date on which the compact607becomes law in that state. Any rule that has been previously608adopted by the commission shall have the full force and effect609of law on the day the compact becomes law in that state, as the610rules and bylaws may be amended as provided in this compact.611

D. Any member state may withdraw from this compact by 612 enacting a statute repealing the same. 613 1. A member state's withdrawal shall not take effect until 614 six months after enactment of the repealing statute. 615 2. Withdrawal shall not affect the continuing requirement 616 of the withdrawing state's licensing authority to comply with 617 the investigative and adverse action reporting requirements of 618 this act prior to the effective date of withdrawal. 619 E. This compact may be amended by the member states. No 620 amendment to this compact shall become effective and binding 621 upon any member state until it is enacted into the laws of all 622 member states. 623 ARTICLE XII. CONSTRUCTION AND SEVERABILITY 624 This compact shall be liberally construed to effectuate 625 the purposes thereof. The provisions of this compact shall be 626 severable and if any phrase, clause, sentence, or provision of 627 this compact is declared to be contrary to the constitution of 62.8 any member state or a state seeking membership in the compact, 629 or of the United States or the applicability thereof to any 630 other government, agency, person or circumstance is held 631 invalid, the validity of the remainder of this compact and the 632 applicability thereof to any government, agency, person, or 633 circumstance shall not be affected thereby. If this compact 634 shall be held contrary to the constitution of any member state, 635 the compact shall remain in full force and effect as to the 636 remaining member states and in full force and effect as to the 637 member state affected as to all severable matters. 638 ARTICLE XIII. CONSISTENT EFFECT AND CONFLICT WITH OTHER 639 STATE LAWS 640

A. Nothing herein shall prevent or inhibit the enforcement	641
of any other law of a member state that is not inconsistent with	642
the compact.	643

B. Any laws, statutes, regulations, or other legal	644
requirements in a member state in conflict with the compact are	645
superseded to the extent of the conflict.	646

C. All permissible agreements between the commission and 647 the member states are binding in accordance with their terms. 648