

Interstate Teacher Mobility Compact and Verified Electronic Credentials; SB 66

SB 66 enacts the Interstate Teacher Mobility Compact (Compact). In addition, the bill requires state licensing bodies to provide paper-based and verified electronic credentials to all credential holders and to also utilize a centralized electronic credential data management system.

Interstate Teacher Mobility Compact

The bill enacts the Compact, the provisions of which are outlined below. [Note: The provisions of the Compact will be effective on the date that the tenth member state enacts the Compact statute into law.]

Purpose

The bill states the purpose of the Compact is to facilitate the mobility of teachers across the member states with the goal of establishing a new and expedited pathway to licensure.

Definitions

The bill defines various terms used throughout the Compact.

Licensure Under the Compact

The bill provides licensure requirements for states participating in the Compact. Member states compile a list of licenses that they are willing to consider for equivalency, including licenses that a state is willing to grant to teachers from other member states. The receiving state has the sole discretion of determining which license, if any, the teacher is eligible to hold. Receiving states are required to grant an equivalent license to any active military member and eligible military spouse, as defined in the bill, who holds a license that is not unencumbered. Receiving states are not required to grant an equivalent license to a career and technical education teacher who does not meet the receiving state's industry recognized requirements, including not holding a bachelor's degree.

Licensure Not Under the Compact

The bill state the Compact does not limit the ability of a member state to regulate its licensing authority, nor does the Compact impede member states' control of ownership or dissemination of teacher's information. In the event a teacher is required to renew a license received pursuant to the Compact, the receiving state is able to condition the renewal of the license on the teacher's completion of state-specific requirements.

Teacher Qualifications and Requirements for Licensure Under the Compact

The bill states the Compact requires a teacher to hold an unencumbered license in a member state to be eligible to receive a license through the Compact. The unencumbered license requirement does not apply to active military members or eligible military spouses. If a teacher's license is accepted by the receiving state, the teacher will be required to then undergo a background check and provide other information as necessary to the receiving state.

Discipline and Adverse Actions

The bill states the Compact does not limit a member state's authority to impose disciplinary actions. Upon request of a member state, other member states are required to share information regarding investigations and discipline of teachers. The Compact requires member states to keep shared information secure. Prior to a state disclosing information it received, the state is required to inform the original state of its intent to disclose the information received.

Establishment of the Interstate Teacher Mobility Compact Commission

The bill creates the Interstate Teacher Mobility Compact Commission (Commission) and includes provisions relating to the membership, voting, powers and duties, and financing of the Commission. It also creates an executive committee.

Rulemaking

The bill authorizes the Commission to exercise rulemaking powers. Rules, or amendments to the rules, may be adopted or ratified at a regular or special meeting of the Commission. If a majority of the legislatures of the member states reject a rule, the rule will have no further force or effect. Additionally, if certain conditions are met, the Commission is required to grant the opportunity for a public hearing. In the event of an emergency, the Commission can adopt emergency rules.

Facilitating Information Exchange

The bill requires the Commission to facilitate the exchange of information.

Oversight, Dispute Resolution, and Enforcement

The bill provides for dispute resolution and appeals processes of Compact member states. In addition, the Commission is authorized to enforce the legal action in federal court against a member state.

Effective Date, Withdrawal, and Amendment

The bill states the Compact becomes effective on the date that the Compact statute is enacted into law in the tenth member state.

Any member state is allowed to withdraw from the Compact by enacting a statute that repeals the Compact, but this would not take effect until six months after the enactment of the repealing statute. Member states can amend the Compact, but any amendment will not be effective until it is enacted by all member states.

Construction and Severability

The bill requires the Compact to be liberally construed. The provisions of the Compact are severable.

Consistent Effect and Conflict with Other State Laws

The bill states the Compact does not prevent the enforcement of any other law of a member state that is not inconsistent with the Compact. State laws that conflict with the Compact are superseded, to the extent of the conflict. All lawful actions of the Compact Commission are binding upon member states.

Verified Electronic Credentials

The bill requires licensing bodies to provide verified electronic credentials to persons regulated by the licensing body not later than January 1, 2025.

Definitions

The bill defines the term “electronic credential” or “electronic certification, license or registration” to mean an electronic method by which a person displays or transmits to another person information that verifies the status of a person’s certification, licensure, registration or permit as authorized by a licensing body and is equivalent to a paper-based certification, license, registration or permit.

The bill defines the term “person” to mean a natural person.

The bill defines the term “verification system” to mean an electronic method by which the authenticity and validity of electronic credentials are verified.

Paper-based and Verified Electronic License, Registration, or Certification

The bill requires licensing bodies, upon submission of a completed application, to issue a paper-based and verified electronic license, registration, or certification to an applicant so that the applicant may lawfully practice the person’s occupation.

The bill also requires that an applicant who holds a valid current license, registration, or certification in another state, district, or territory of the United States receive a paper-based and verified electronic license, registration, or certification if certain conditions are met.

The bill allows a licensing body to satisfy requirements to provide a paper-based license, registration, certification, or permit by issuing an electronic credential to an applicant in a format that permits the applicant to print a paper copy of such electronic credential. Such paper copy is considered a valid license, registration, certification, or permit.

Centralized Electronic Credential Data Management Systems

Subject to appropriations, the bill requires the Secretary of Administration (Secretary) to develop and implement a uniform or singular license verification portal for the purpose of verifying or reporting license statuses such as credentials issued, renewed, revoked, or suspended by licensing bodies or that have expired or otherwise changed in status on or before January 1, 2025. The Secretary is permitted to utilize the services or facilities of a third party for the central electronic record system. The bill also requires the central electronic record system to comply with the requirements adopted by the Information Technology Executive Council.

The centralized electronic credential data management system must include an instantaneous verification system that is operated by the licensing body's respective secretary, the secretary's designee, or the secretary's third party agent on behalf of the licensing body for the purpose of instantly verifying the authenticity and validity of electronic credentials issued by the licensing body. The bill requires the centralized electronic credential data management systems to maintain an auditable record of credentials issued by each licensing body.

The bill requires each licensing body, beginning January 1, 2025, to integrate with the uniform or singular license verification portal in the manner and format required by the Secretary indicating any issuance, renewal, revocation, suspension, expiration, or other change in status of an electronic credential.

The bill states that no charge for the establishment or maintenance of the uniform or singular license verification portal may be imposed on any licensing body or any person with a license, registration, certification, or permit issued by a licensing body.

The bill states that a licensing body is not prohibited or prevented from developing, operating, maintaining, or using a separate electronic credential system in addition to making reports to the central electronic record system. The bill also states that a licensing body is not prohibited or prevented from participating in a multi-state compact or a reciprocal licensure, registration, or certification process if the separate electronic credential system of the licensing body integrates with the uniform or singular license verification portal.

Exception for Certification of Law Enforcement Officers

The bill exempts the certification of law enforcement officers pursuant to the Kansas Law Enforcement Training Act from the credentialing provisions related to military service members, military spouses, and individuals establishing residency in Kansas, including the electronic credentialing requirements.