

As Introduced

**135th General Assembly
Regular Session
2023-2024**

S. B. No. 27

Senator Roegner

A BILL

To enact section 3319.34 of the Revised Code to 1
ratify the Interstate Teacher 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

I. "Eligible military spouse" means the spouse of any 64
individual in full-time duty status in the active uniformed 65
service of the United States including members of the National 66
Guard and Reserve on active duty moving as a result of a 67
military mission or military career progression requirements or 68
are on their terminal move as a result of separation or 69
retirement (to include surviving spouses of deceased military 70
members). 71

J. "Executive committee" means a group of commissioners 72
elected or appointed to act on behalf of, and within the powers 73
granted to them by, the commission as provided for herein. 74

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

C. Upon the receipt of an application for licensure by a 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 spouses who hold a license that is not unencumbered, the receiving state shall grant an equivalent license or licenses that, in the receiving state's sole discretion, is equivalent to the license or licenses held by the teacher in any other member state, except where the receiving state does not have an equivalent license. 133
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E. For a teacher holding an unencumbered career and technical education license, the receiving state shall grant an unencumbered license equivalent to the career and technical education license held by the applying teacher and issued by another member state, as determined by the receiving state in its sole discretion, except where a career and technical education teacher does not hold a bachelor's degree and the receiving state requires a bachelor's degree for licenses to teach career and technical education. A receiving state may require career and technical education teachers to meet state industry recognized requirements, if required by law in the receiving state. 140
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ARTICLE IV. LICENSURE NOT UNDER THE COMPACT 152

A. Except as provided in Article III above, nothing in this compact shall be construed to limit or inhibit the power of a member state to regulate licensure or endorsements overseen by the member state's licensing authority. 153
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B. When a teacher is required to renew a license received pursuant to this compact, the state granting such a license may require the teacher to complete state specific requirements as a condition of licensure renewal or advancement in that state. 157
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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
state; or 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 compact, undergo a criminal background check in the receiving state in accordance with the laws and regulations of the receiving state; and 190
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2. Provide the receiving state with information in addition to the information required for licensure for the purposes of determining compensation, if applicable. 194
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ARTICLE VI. DISCIPLINE/ADVERSE ACTION 197

A. Nothing in this compact shall be deemed or construed to limit the authority of a member state to investigate or impose disciplinary measures on teachers according to the state practice laws thereof. 198
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B. Member states shall be authorized to receive, and shall provide, files and information regarding the investigation and discipline, if any, of teachers in other member states upon request. Any member state receiving such information or files shall protect and maintain the security and confidentiality thereof, in at least the same manner that it maintains its own investigatory or disciplinary files and information. Prior to disclosing any disciplinary or investigatory information received from another member state, the disclosing state shall communicate its intention and purpose for such disclosure to the member state which originally provided that information. 202
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ARTICLE VII. ESTABLISHMENT OF THE INTERSTATE TEACHER MOBILITY COMPACT COMMISSION 213
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A. The interstate compact member states hereby create and establish a joint public agency known as the interstate teacher mobility compact commission: 215
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1. The commission is a joint interstate governmental 218

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

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

<u>compensation, define duties, grant such individuals appropriate</u>	273
<u>authority to carry out the purposes of the compact, and</u>	274
<u>establish the commission's personnel policies and programs</u>	275
<u>relating to conflicts of interest, qualifications of personnel,</u>	276
<u>and other related personnel matters.</u>	277
<u>11. Lease, purchase, accept appropriate gifts or donations</u>	278
<u>of, or otherwise own, hold, improve, or use, any property, real,</u>	279
<u>personal or mixed, provided that at all times the commission</u>	280
<u>shall avoid any appearance of impropriety.</u>	281
<u>12. Sell, convey, mortgage, pledge, lease, exchange,</u>	282
<u>abandon, or otherwise dispose of any property real, personal, or</u>	283
<u>mixed.</u>	284
<u>13. Establish a budget and make expenditures.</u>	285
<u>14. Borrow money.</u>	286
<u>15. Appoint committees, including standing committees</u>	287
<u>composed of members and such other interested persons as may be</u>	288
<u>designated in this interstate compact, rules, or bylaws.</u>	289
<u>16. Provide and receive information from, and cooperate</u>	290
<u>with, law enforcement agencies.</u>	291
<u>17. Establish and elect an executive committee.</u>	292
<u>18. Establish and develop a charter for an executive</u>	293
<u>information governance committee to advise on facilitating</u>	294
<u>exchange of information; use of information, data privacy, and</u>	295
<u>technical support needs, and provide reports as needed.</u>	296
<u>19. Perform such other functions as may be necessary or</u>	297
<u>appropriate to achieve the purposes of this interstate compact</u>	298
<u>consistent with the state regulation of teacher licensure.</u>	299

<u>20. Determine whether a state's adopted language is</u>	300
<u>materially different from the model compact language such that</u>	301
<u>the state would not qualify for participation in the compact.</u>	302
<u>D. The executive committee of the interstate teacher</u>	303
<u>mobility compact commission</u>	304
<u>1. The executive committee shall have the power to act on</u>	305
<u>behalf of the commission according to the terms of this</u>	306
<u>interstate compact.</u>	307
<u>2. The executive committee shall be composed of eight</u>	308
<u>voting members:</u>	309
<u>a. The commission chair, vice chair, and treasurer; and</u>	310
<u>b. Five members who are elected by the commission from the</u>	311
<u>current membership:</u>	312
<u>i. Four voting members representing geographic regions in</u>	313
<u>accordance with commission rules; and</u>	314
<u>ii. One at large voting member in accordance with</u>	315
<u>commission rules.</u>	316
<u>3. The commission may add or remove members of the</u>	317
<u>executive committee as provided in commission rules.</u>	318
<u>4. The executive committee shall meet at least once</u>	319
<u>annually.</u>	320
<u>5. The executive committee shall have the following duties</u>	321
<u>and responsibilities:</u>	322
<u>a. Recommend to the entire commission changes to the rules</u>	323
<u>or bylaws, changes to the compact legislation, fees paid by</u>	324
<u>interstate compact member states such as annual dues, and any</u>	325
<u>compact fee charged by the member states on behalf of the</u>	326

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

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

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

and representatives of the commission shall be immune from suit 409
and liability, either personally or in their official capacity, 410
for any claim for damage to or loss of property or personal 411
injury or other civil liability caused by or arising out of any 412
actual or alleged act, error or omission that occurred, or that 413
the person against whom the claim is made had a reasonable basis 414
for believing occurred within the scope of commission 415
employment, duties or responsibilities; provided that nothing in 416
this paragraph shall be construed to protect any such person 417
from suit or liability for any damage, loss, injury, or 418
liability caused by the intentional or willful or wanton 419
misconduct of that person. 420

b. The commission shall defend any member, officer, 421
executive director, employee, or representative of the 422
Commission in any civil action seeking to impose liability 423
arising out of any actual or alleged act, error, or omission 424
that occurred within the scope of commission employment, duties, 425
or responsibilities, or that the person against whom the claim 426
is made had a reasonable basis for believing occurred within the 427
scope of commission employment, duties, or responsibilities; 428
provided that nothing herein shall be construed to prohibit that 429
person from retaining his or her own counsel; and provided 430
further, that the actual or alleged act, error, or omission did 431
not result from that person's intentional or willful or wanton 432
misconduct. 433

c. The commission shall indemnify and hold harmless any 434
member, officer, executive director, employee, or representative 435
of the commission for the amount of any settlement or judgment 436
obtained against that person arising out of any actual or 437
alleged act, error or omission that occurred within the scope of 438
commission employment, duties, or responsibilities, or that such 439

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
of that person. 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
commission. 514

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 524

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

1. Upon request by a member state, the commission shall 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
commission. The commission may pursue any other remedies 582

<u>available under federal or state law.</u>	583
<u>ARTICLE XI. EFFECTUATION, WITHDRAWAL, AND AMENDMENT</u>	584
<u>A. The compact shall become effective on the date on which</u>	585
<u>the compact statute is enacted into law in the tenth member</u>	586
<u>state.</u>	587
<u>1. On or after the effective date of the compact, the</u>	588
<u>commission shall convene and review the enactment of each of the</u>	589
<u>charter member states to determine if the statute enacted by</u>	590
<u>each such charter member state is materially different from the</u>	591
<u>model compact statute.</u>	592
<u>2. A charter member state whose enactment is found to be</u>	593
<u>materially different from the model compact statute shall be</u>	594
<u>entitled to the default process set forth in Article X.</u>	595
<u>3. Member states enacting the compact subsequent to the</u>	596
<u>charter member states shall be subject to the process set forth</u>	597
<u>in Article VII.C.20 to determine if their enactments are</u>	598
<u>materially different from the model compact statute and whether</u>	599
<u>they qualify for participation in the compact.</u>	600
<u>B. If any member state is later found to be in default, or</u>	601
<u>is terminated or withdraws from the compact, the commission</u>	602
<u>shall remain in existence and the compact shall remain in effect</u>	603
<u>even if the number of member states should be less than ten.</u>	604
<u>C. Any state that joins the compact after the commission's</u>	605
<u>initial adoption of the rules and bylaws shall be subject to the</u>	606
<u>rules and bylaws as they exist on the date on which the compact</u>	607
<u>becomes law in that state. Any rule that has been previously</u>	608
<u>adopted by the commission shall have the full force and effect</u>	609
<u>of law on the day the compact becomes law in that state, as the</u>	610
<u>rules and bylaws may be amended as provided in this compact.</u>	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 628
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