

1 **INTERSTATE TEACHER MOBILITY COMPACT**

2 **ARTICLE I- PURPOSE**

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

8 This Compact is intended to achieve the following objectives and should be
9 interpreted accordingly. The Member States hereby ratify the same intentions by
10 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, and disciplinary
14 information between the Member States;
- 15 D. Enhance the power of State and district level education officials to hire qualified,
16 competent Teachers by removing barriers to the employment of out-of-state
17 Teachers;
- 18 E. Support the retention of Teachers in the profession by removing barriers to
19 relicensure in a new State; and
- 20 F. Maintain State sovereignty in the regulation of the teaching profession.

21

22 **ARTICLE II- DEFINITIONS**

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

- 25 A. "Active Military Member" – means any person with full-time duty status in the
26 uniformed service of the United States, including members of the National Guard
27 and Reserve.
- 28 B. "Adverse Action" – means any limitation or restriction imposed by a Member State's
29 Licensing Authority, such as revocation, suspension, reprimand, probation, or
30 limitation on the licensee's ability to work as a Teacher.
- 31 C. "Bylaws" – means those bylaws established by the Commission.
- 32 D. "Career and Technical Education License" – means a current, valid authorization
33 issued by a Member State's Licensing Authority allowing an individual to serve as a
34 Teacher in P-12 public educational settings in a specific career and technical
35 education area.

- 36 E. “Charter Member States” – means a Member State that has enacted legislation to
37 adopt this Compact where such legislation predates the initial meeting of the
38 Commission after the effective date of the Compact.
- 39 F. “Commission” – means the interstate administrative body which membership
40 consists of delegates of all States that have enacted this Compact, and which is
41 known as the Interstate Teacher Mobility Compact Commission.
- 42 G. “Commissioner” – means the delegate of a Member State.
- 43 H. “Eligible License” – means a license to engage in the teaching profession which
44 requires at least a bachelor’s degree and the completion of a state approved
45 program for Teacher licensure.
- 46 I. “Eligible Military Spouse” – means the spouse of any individual in full-time duty
47 status in the active uniformed service of the United States including members of the
48 National Guard and Reserve on active duty moving as a result of a military mission
49 or military career progression requirements or are on their terminal move as a result
50 of separation or retirement (to include surviving spouses of deceased military
51 members).
- 52 J. “Executive Committee” – means a group of Commissioners elected or appointed to
53 act on behalf of, and within the powers granted to them by, the Commission as
54 provided for herein.
- 55 K. “Licensing Authority” – means an official, agency, board, or other entity of a State
56 that is responsible for the licensing and regulation of Teachers authorized to teach in
57 P-12 public educational settings.
- 58 L. “Member State” – means any State that has adopted this Compact, including all
59 agencies and officials of such a State.
- 60 M. “Receiving State” – means any State where a Teacher has applied for licensure
61 under this Compact.
- 62 N. “Rule” – means any regulation promulgated by the Commission under this Compact,
63 which shall have the force of law in each Member State.
- 64 O. “State” – means a state, territory, or possession of the United States, and the District
65 of Columbia.
- 66 P. “State Practice Laws” – means a Member State’s laws, Rules, and regulations that
67 govern the teaching profession, define the scope of such profession, and create the
68 methods and grounds for imposing discipline.

- 69 Q. “State Specific Requirements” – means a requirement for licensure covered in
70 coursework or examination that includes content of unique interest to the State.
- 71 R. “Teacher” – means an individual who currently holds an authorization from a
72 Member State that forms the basis for employment in the P-12 public schools of the
73 State to provide instruction in a specific subject area, grade level, or student
74 population.
- 75 S. “Unencumbered License” – means a current, valid authorization issued by a Member
76 State’s Licensing Authority allowing an individual to serve as a Teacher in P-12
77 public educational settings. A Unencumbered License is not a restricted,
78 probationary, provisional, substitute or temporary credential.
- 79

80 **ARTICLE III- LICENSURE UNDER THE COMPACT**

- 81 A. Licensure under this Compact pertains only to the initial grant of a license by the
82 Receiving State. Nothing herein applies to any subsequent or ongoing compliance
83 requirements that a Receiving State might require for Teachers.
- 84 B. Each Member State shall, in accordance with the Rules of the Commission, define,
85 compile, and update as necessary, a list of Eligible Licenses and Career and
86 Technical Education Licenses that the Member State is willing to consider for
87 equivalency under this Compact and provide the list to the Commission. The list
88 shall include those licenses that a Receiving State is willing to grant to Teachers
89 from other Member States, pending a determination of equivalency by the Receiving
90 State’s Licensing Authority.
- 91 C. Upon the receipt of an application for licensure by a Teacher holding an
92 Unencumbered Eligible License, the Receiving State shall determine which of the
93 Receiving State’s Eligible Licenses the Teacher is qualified to hold and shall grant
94 such a license or licenses to the applicant. Such a determination shall be made in
95 the sole discretion of the Receiving State’s Licensing Authority and may include a
96 determination that the applicant is not eligible for any of the Receiving State’s
97 Eligible Licenses. For all Teachers who hold an Unencumbered License, the
98 Receiving State shall grant one or more Unencumbered License(s) that, in the
99 Receiving State’s sole discretion, are equivalent to the license(s) held by the
100 Teacher in any other Member State.
- 101 D. For Active Military Members and Eligible Military Spouses who hold a license that is
102 not Unencumbered, the Receiving State shall grant an equivalent license or licenses
103 that, in the Receiving State’s sole discretion, is equivalent to the license or licenses
104 held by the Teacher in any other Member State, except where the Receiving State
105 does not have an equivalent license.

106 E. For a Teacher holding an Unencumbered Career and Technical Education License,
107 the Receiving State shall grant an Unencumbered License equivalent to the Career
108 and Technical Education License held by the applying Teacher and issued by
109 another Member State, as determined by the Receiving State in its sole discretion,
110 except where a Career and Technical Education Teacher does not hold a bachelor's
111 degree and the Receiving State requires a bachelor's degree for licenses to teach
112 Career and Technical Education. A Receiving State may require Career and
113 Technical Education Teachers to meet State industry recognized requirements, if
114 required by law in the Receiving State.

115

116 **ARTICLE IV- LICENSURE NOT UNDER THE COMPACT**

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

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

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

127 D. Nothing in this Compact shall be construed to limit the power of a Member State
128 to control and maintain ownership of its information pertaining to Teachers, or
129 limit the application of a Member State's laws or regulations governing the
130 ownership, use, or dissemination of information pertaining to Teachers.

131 E. Nothing in this Compact shall be construed to invalidate or alter any existing
132 agreement or other cooperative arrangement which a Member State may already
133 be a party to, or limit the ability of a Member State to participate in any future
134 agreement or other cooperative arrangement to:

- 135 1. Award teaching licenses or other benefits based on additional professional
136 credentials, including, but not limited to National Board Certification;
- 137 2. Participate in the exchange of names of Teachers whose license has been
138 subject to an Adverse Action by a Member State; or
- 139 3. Participate in any agreement or cooperative arrangement with a non-
140 Member State.

141

142 **ARTICLE V- TEACHER QUALIFICATIONS AND REQUIREMENTS FOR LICENSURE**
143 **UNDER THE COMPACT**

- 144 A. Except as provided for Active Military Members or Eligible Military Spouses in
145 Article III.D above, a Teacher may only be eligible to receive a license under this
146 Compact where that Teacher holds an Unencumbered License in a Member
147 State.
- 148 B. A Teacher eligible to receive a license under this Compact shall, unless
149 otherwise provided for herein:
- 150 1. Upon their application to receive a license under this Compact, undergo a
151 criminal background check in the Receiving State in accordance with the
152 laws and regulations of the Receiving State; and
 - 153 2. Provide the Receiving State with information in addition to the information
154 required for licensure for the purposes of determining compensation, if
155 applicable.

156

157 **ARTICLE VI- DISCIPLINE / ADVERSE ACTIONS**

- 158 A. Nothing in this Compact shall be deemed or construed to limit the authority of a
159 Member State to investigate or impose disciplinary measures on Teachers
160 according to the State Practice Laws thereof.
- 161 B. Member States shall be authorized to receive, and shall provide, files and
162 information regarding the investigation and discipline, if any, of Teachers in other
163 Member States upon request. Any Member State receiving such information or
164 files shall protect and maintain the security and confidentiality thereof, in at least
165 the same manner that it maintains its own investigatory or disciplinary files and
166 information. Prior to disclosing any disciplinary or investigatory information
167 received from another Member State, the disclosing state shall communicate its
168 intention and purpose for such disclosure to the Member State which originally
169 provided that information.

170

171 **ARTICLE VII- ESTABLISHMENT OF THE INTERSTATE TEACHER MOBILITY**
172 **COMPACT COMMISSION**

- 173 A. The interstate compact Member States hereby create and establish a joint public
174 agency known as the Interstate Teacher Mobility Compact Commission:
- 175 1. The Commission is a joint interstate governmental agency comprised of
176 States that have enacted the Interstate Teacher Mobility Compact.

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

179 B. Membership, Voting, and Meetings

- 180 1. Each Member State shall have and be limited to one (1) delegate to the
181 Commission, who shall be given the title of Commissioner.
- 182 2. The Commissioner shall be the primary administrative officer of the State
183 Licensing Authority or their designee.
- 184 3. Any Commissioner may be removed or suspended from office as provided
185 by the law of the state from which the Commissioner is appointed.
- 186 4. The Member State shall fill any vacancy occurring in the Commission
187 within 90 days.
- 188 5. Each Commissioner shall be entitled to one (1) vote about the
189 promulgation of Rules and creation of Bylaws and shall otherwise have an
190 opportunity to participate in the business and affairs of the Commission. A
191 Commissioner shall vote in person or by such other means as provided in
192 the Bylaws. The Bylaws may provide for Commissioners' participation in
193 meetings by telephone or other means of communication.
- 194 6. The Commission shall meet at least once during each calendar year.
195 Additional meetings shall be held as set forth in the Bylaws.
- 196 7. The Commission shall establish by Rule a term of office for
197 Commissioners.

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

- 199 1. Establish a Code of Ethics for the Commission.
- 200 2. Establish the fiscal year of the Commission.
- 201 3. Establish Bylaws for the Commission.
- 202 4. Maintain its financial records in accordance with the Bylaws of the
203 Commission.
- 204 5. Meet and take such actions as are consistent with the provisions of this
205 interstate compact, the Bylaws, and Rules of the Commission.
- 206 6. Promulgate uniform Rules to implement and administer this interstate
207 compact. The Rules shall have the force and effect of law and shall be
208 binding in all Member States. In the event the Commission exercises its
209 Rulemaking authority in a manner that is beyond the scope of the
210 purposes of the compact, or the powers granted hereunder, then such an
211 action by the Commission shall be invalid and have no force and effect of
212 law.
- 213 7. Bring and prosecute legal proceedings or actions in the name of the
214 Commission, provided that the standing of any Member State Licensing
215 Authority to sue or be sued under applicable law shall not be affected.
- 216 8. Purchase and maintain insurance and bonds.

- 217 9. Borrow, accept, or contract for services of personnel, including, but not
218 limited to, employees of a Member State, or an associated non-
219 governmental organization that is open to membership by all states.
- 220 10. Hire employees, elect, or appoint officers, fix compensation, define duties,
221 grant such individuals appropriate authority to carry out the purposes of
222 the compact, and establish the Commission’s personnel policies and
223 programs relating to conflicts of interest, qualifications of personnel, and
224 other related personnel matters.
- 225 11. Lease, purchase, accept appropriate gifts or donations of, or otherwise
226 own, hold, improve, or use, any property, real, personal or mixed, provided
227 that at all times the Commission shall avoid any appearance of
228 impropriety.
- 229 12. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise
230 dispose of any property real, personal, or mixed.
- 231 13. Establish a budget and make expenditures.
- 232 14. Borrow money.
- 233 15. Appoint committees, including standing committees composed of
234 members and such other interested persons as may be designated in this
235 interstate compact, Rules, or Bylaws.
- 236 16. Provide and receive information from, and cooperate with, law
237 enforcement agencies.
- 238 17. Establish and elect an Executive Committee.
- 239 18. Establish and develop a charter for an Executive Information Governance
240 Committee to advise on facilitating exchange of information; use of
241 information, data privacy, and technical support needs, and provide
242 reports as needed.
- 243 19. Perform such other functions as may be necessary or appropriate to
244 achieve the purposes of this interstate compact consistent with the State
245 regulation of Teacher licensure.
- 246 20. Determine whether a State’s adopted language is materially different from
247 the model compact language such that the State would not qualify for
248 participation in the Compact.
- 249 D. The Executive Committee of the Interstate Teacher Mobility Compact
250 Commission
- 251 1. The Executive Committee shall have the power to act on behalf of the
252 Commission according to the terms of this interstate compact.
- 253 2. The Executive Committee shall be composed of eight voting members:
254 a. The Commission chair, vice chair, and treasurer; and
255 b. Five members who are elected by the Commission from the current
256 membership:

- 257 i. Four voting members representing geographic regions in
258 accordance with Commission Rules; and
- 259 ii. One at large voting member in accordance with Commission
260 Rules.
- 261 3. The Commission may add or remove members of the Executive
262 Committee as provided in Commission Rules.
- 263 4. The Executive Committee shall meet at least once annually.
- 264 5. The Executive Committee shall have the following duties and
265 responsibilities:
- 266 a. Recommend to the entire Commission changes to the Rules or
267 Bylaws, changes to the compact legislation, fees paid by interstate
268 compact Member States such as annual dues, and any compact
269 fee charged by the Member States on behalf of the Commission.
- 270 b. Ensure Commission administration services are appropriately
271 provided, contractual or otherwise.
- 272 c. Prepare and recommend the budget.
- 273 d. Maintain financial records on behalf of the Commission.
- 274 e. Monitor compliance of Member States and provide reports to the
275 Commission.
- 276 f. Perform other duties as provided in Rules or Bylaws.
- 277 6. Meetings of the Commission
- 278 a. All meetings shall be open to the public, and public notice of
279 meetings shall be given in accordance with Commission Bylaws.
- 280 b. The Commission or the Executive Committee or other committees
281 of the Commission may convene in a closed, non-public meeting if
282 the Commission or Executive Committee or other committees of the
283 Commission must discuss:
- 284 i. Non-compliance of a Member State with its obligations under
285 the compact.
- 286 ii. The employment, compensation, discipline or other matters,
287 practices or procedures related to specific employees or
288 other matters related to the Commission's internal personnel
289 practices and procedures.
- 290 iii. Current, threatened, or reasonably anticipated litigation.
- 291 iv. Negotiation of contracts for the purchase, lease, or sale of
292 goods, services, or real estate.
- 293 v. Accusing any person of a crime or formally censuring any
294 person.
- 295 vi. Disclosure of trade secrets or commercial or financial
296 information that is privileged or confidential.

- 297 vii. Disclosure of information of a personal nature where
298 disclosure would constitute a clearly unwarranted invasion of
299 personal privacy.
- 300 viii. Disclosure of investigative records compiled for law
301 enforcement purposes.
- 302 ix. Disclosure of information related to any investigative reports
303 prepared by or on behalf of or for use of the Commission or
304 other committee charged with responsibility of investigation
305 or determination of compliance issues pursuant to the
306 compact.
- 307 x. Matters specifically exempted from disclosure by federal or
308 Member State statute.
- 309 xi. Others matters as set forth by Commission Bylaws and
310 Rules.
- 311 c. If a meeting, or portion of a meeting, is closed pursuant to this
312 provision, the Commission’s legal counsel or designee shall certify
313 that the meeting may be closed and shall reference each relevant
314 exempting provision.
- 315 d. The Commission shall keep minutes of Commission meetings and
316 shall provide a full and accurate summary of actions taken, and the
317 reasons therefore, including a description of the views expressed.
318 All documents considered in connection with an action shall be
319 identified in such minutes. All minutes and documents of a closed
320 meeting shall remain under seal, subject to release by a majority
321 vote of the Commission or order of a court of competent
322 jurisdiction.
- 323 7. Financing of the Commission
- 324 a. The Commission shall pay, or provide for the payment of, the
325 reasonable expenses of its establishment, organization, and
326 ongoing activities.
- 327 b. The Commission may accept all appropriate donations and grants
328 of money, equipment, supplies, materials, and services, and
329 receive, utilize, and dispose of the same, provided that at all times
330 the Commission shall avoid any appearance of impropriety or
331 conflict of interest.
- 332 c. The Commission may levy on and collect an annual assessment
333 from each Member State or impose fees on other parties to cover
334 the cost of the operations and activities of the Commission, in
335 accordance with the Commission Rules.
- 336 d. The Commission shall not incur obligations of any kind prior to

337 securing the funds adequate to meet the same; nor shall the
338 Commission pledge the credit of any of the Member States, except
339 by and with the authority of the Member State.

340 e. The Commission shall keep accurate accounts of all receipts and
341 disbursements. The receipts and disbursements of the Commission
342 shall be subject to accounting procedures established under
343 Commission Bylaws. All receipts and disbursements of funds of the
344 Commission shall be reviewed annually in accordance with
345 Commission Bylaws, and a report of the review shall be included in
346 and become part of the annual report of the Commission.

347 8. Qualified Immunity, Defense, and Indemnification

348 a. The members, officers, executive director, employees and
349 representatives of the Commission shall be immune from suit and
350 liability, either personally or in their official capacity, for any claim
351 for damage to or loss of property or personal injury or other civil
352 liability caused by or arising out of any actual or alleged act, error or
353 omission that occurred, or that the person against whom the claim
354 is made had a reasonable basis for believing occurred within the
355 scope of Commission employment, duties or responsibilities;
356 provided that nothing in this paragraph shall be construed to protect
357 any such person from suit or liability for any damage, loss, injury, or
358 liability caused by the intentional or willful or wanton misconduct of
359 that person.

360 b. The Commission shall defend any member, officer, executive
361 director, employee, or representative of the Commission in any civil
362 action seeking to impose liability arising out of any actual or alleged
363 act, error, or omission that occurred within the scope of
364 Commission employment, duties, or responsibilities, or that the
365 person against whom the claim is made had a reasonable basis for
366 believing occurred within the scope of Commission employment,
367 duties, or responsibilities; provided that nothing herein shall be
368 construed to prohibit that person from retaining his or her own
369 counsel; and provided further, that the actual or alleged act, error,
370 or omission did not result from that person's intentional or willful or
371 wanton misconduct.

372 c. The Commission shall indemnify and hold harmless any member,
373 officer, executive director, employee, or representative of the
374 Commission for the amount of any settlement or judgment obtained
375 against that person arising out of any actual or alleged act, error or
376 omission that occurred within the scope of Commission

377 employment, duties, or responsibilities, or that such person had a
378 reasonable basis for believing occurred within the scope of
379 Commission employment, duties, or responsibilities, provided that
380 the actual or alleged act, error, or omission did not result from the
381 intentional or willful or wanton misconduct of that person.
382

383 **ARTICLE VIII- RULEMAKING**

- 384 A. The Commission shall exercise its Rulemaking powers pursuant to the criteria
385 set forth in this interstate compact and the Rules adopted thereunder. Rules and
386 amendments shall become binding as of the date specified in each Rule or
387 amendment.
- 388 B. The Commission shall promulgate reasonable Rules to achieve the intent and
389 purpose of this interstate compact. In the event the Commission exercises its
390 Rulemaking authority in a manner that is beyond purpose and intent of this
391 interstate compact, or the powers granted hereunder, then such an action by the
392 Commission shall be invalid and have no force and effect of law in the Member
393 States.
- 394 C. If a majority of the legislatures of the Member States rejects a Rule, by
395 enactment of a statute or resolution in the same manner used to adopt the
396 compact within four (4) years of the date of adoption of the Rule, then such Rule
397 shall have no further force and effect in any Member State.
- 398 D. Rules or amendments to the Rules shall be adopted or ratified at a regular or
399 special meeting of the Commission in accordance with Commission Rules and
400 Bylaws.
- 401 E. Upon determination that an emergency exists, the Commission may consider
402 and adopt an emergency Rule with 48 hours' notice, with opportunity to
403 comment, provided that the usual Rulemaking procedures shall be retroactively
404 applied to the Rule as soon as reasonably possible, in no event later than ninety
405 (90) days after the effective date of the Rule. For the purposes of this provision,
406 an emergency Rule is one that must be adopted immediately in order to:
- 407 a. Meet an imminent threat to public health, safety, or welfare.
 - 408 1. Prevent a loss of Commission or Member State funds.
 - 409 2. Meet a deadline for the promulgation of an administrative Rule that is
410 established by federal law or Rule; or
 - 411 3. Protect public health and safety.
412

413 **ARTICLE IX- FACILITATING INFORMATION EXCHANGE**

- 414 A. The Commission shall provide for facilitating the exchange of information to

415 administer and implement the provisions of this compact in accordance with the
416 Rules of the Commission, consistent with generally accepted data protection
417 principles.

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

422

423 **ARTICLE X- OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT**

424 A. Oversight

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

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

436 3. All courts and all administrative agencies shall take judicial notice of the
437 Compact, the Rules of the Commission, and any information provided to a
438 Member State pursuant thereto in any judicial or quasi-judicial proceeding in a
439 Member State pertaining to the subject matter of this Compact, or which may
440 affect the powers, responsibilities, or actions of the Commission.

441 4. The Commission shall be entitled to receive service of process in any proceeding
442 regarding the enforcement or interpretation of the Compact and shall have
443 standing to intervene in such a proceeding for all purposes. Failure to provide the
444 Commission service of process shall render a judgment or order void as to the
445 Commission, this Compact, or promulgated Rules.

446 B. Default, Technical Assistance, and Termination

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

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

- 453 b. Provide remedial training and specific technical assistance regarding the
454 default.
- 455 C. If a State in default fails to cure the default, the defaulting State may be terminated
456 from the Compact upon an affirmative vote of a majority of the Commissioners of the
457 Member States, and all rights, privileges and benefits conferred on that State by this
458 Compact may be terminated on the effective date of termination. A cure of the
459 default does not relieve the offending State of obligations or liabilities incurred during
460 the period of default.
- 461 D. Termination of membership in the Compact shall be imposed only after all other
462 means of securing compliance have been exhausted. Notice of intent to suspend or
463 terminate shall be given by the Commission to the governor, the majority and
464 minority leaders of the defaulting State’s legislature, the State Licensing Authority
465 and each of the Member States.
- 466 E. A State that has been terminated is responsible for all assessments, obligations, and
467 liabilities incurred through the effective date of termination, including obligations that
468 extend beyond the effective date of termination.
- 469 F. The Commission shall not bear any costs related to a State that is found to be in
470 default or that has been terminated from the Compact, unless agreed upon in writing
471 between the Commission and the defaulting State.
- 472 G. The defaulting State may appeal the action of the Commission by petitioning the
473 U.S. District Court for the District of Columbia or the federal district where the
474 Commission has its principal offices. The prevailing party shall be awarded all costs
475 of such litigation, including reasonable attorney’s fees.
- 476 H. Dispute Resolution
- 477 1. Upon request by a Member State, the Commission shall attempt to resolve
478 disputes related to the Compact that arise among Member States and between
479 Member and non-Member States.
- 480 2. The Commission shall promulgate a Rule providing for both binding and non-
481 binding alternative dispute resolution for disputes as appropriate.
- 482 I. Enforcement
- 483 1. The Commission, in the reasonable exercise of its discretion, shall enforce the
484 provisions and Rules of this Compact.
- 485 2. By majority vote, the Commission may initiate legal action in the United States
486 District Court for the District of Columbia or the federal district where the
487 Commission has its principal offices against a Member State in default to enforce
488 compliance with the provisions of the Compact and its promulgated Rules and
489 Bylaws. The relief sought may include both injunctive relief and damages. In the
490 event judicial enforcement is necessary, the prevailing party shall be awarded all
491 costs of such litigation, including reasonable attorney’s fees. The remedies herein

492 shall not be the exclusive remedies of the Commission. The Commission may
493 pursue any other remedies available under federal or State law.
494

495 **ARTICLE XI- EFFECTUATION, WITHDRAWAL, AND AMENDMENT**

- 496 A. The Compact shall come into effect on the date on which the Compact statute is
497 enacted into law in the tenth Member State.
- 498 1. On or after the effective date of the Compact, the Commission shall convene and
499 review the enactment of each of the Charter Member States to determine if the
500 statute enacted by each such Charter Member State is materially different from
501 the model Compact statute.
- 502 2. A Charter Member State whose enactment is found to be materially different from
503 the model Compact statute shall be entitled to the default process set forth in
504 Article X.
- 505 3. Member States enacting the Compact subsequent to the Charter Member States
506 shall be subject to the process set forth in Article VII.C.20 to determine if their
507 enactments are materially different from the model Compact statute and whether
508 they qualify for participation in the Compact.
- 509 B. If any Member State is later found to be in default, or is terminated or withdraws from
510 the Compact, the Commission shall remain in existence and the Compact shall
511 remain in effect even if the number of Member States should be less than ten.
- 512 C. Any State that joins the Compact after the Commission’s initial adoption of the
513 Rules and Bylaws shall be subject to the Rules and Bylaws as they exist on the
514 date on which the Compact becomes law in that State. Any Rule that has been
515 previously adopted by the Commission shall have the full force and effect of law
516 on the day the Compact becomes law in that State, as the Rules and Bylaws
517 may be amended as provided in this Compact.
- 518 D. Any Member State may withdraw from this Compact by enacting a statute
519 repealing the same.
- 520 1. A Member State’s withdrawal shall not take effect until six (6) months after
521 enactment of the repealing statute.
- 522 2. Withdrawal shall not affect the continuing requirement of the withdrawing
523 State’s Licensing Authority to comply with the investigative and Adverse
524 Action reporting requirements of this act prior to the effective date of
525 withdrawal.
- 526 E. This Compact may be amended by the Member States. No amendment to this
527 Compact shall become effective and binding upon any Member State until it is
528 enacted into the laws of all Member States.

529

530 **ARTICLE XII- CONSTRUCTION AND SEVERABILITY**

531 This Compact shall be liberally construed to effectuate the purposes thereof. The
532 provisions of this Compact shall be severable and if any phrase, clause, sentence, or
533 provision of this Compact is declared to be contrary to the constitution of any Member
534 State or a State seeking membership in the compact, or of the United States or the
535 applicability thereof to any other government, agency, person or circumstance is held
536 invalid, the validity of the remainder of this Compact and the applicability thereof to any
537 government, agency, person, or circumstance shall not be affected thereby. If this
538 Compact shall be held contrary to the constitution of any Member State, the Compact
539 shall remain in full force and effect as to the remaining Member States and in full force
540 and effect as to the Member State affected as to all severable matters.

541

542 **ARTICLE XIII- CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS**

- 543 A. Nothing herein shall prevent or inhibit the enforcement of any other law of a Member
544 State that is not inconsistent with the Compact.
- 545 B. Any laws, statutes, regulations, or other legal requirements in a Member State in
546 conflict with the Compact are superseded to the extent of the conflict.
- 547 C. All permissible agreements between the Commission and the Member States are
548 binding in accordance with their terms.

549