

1 **Interstate Teacher Mobility Compact Commission**

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3 **Title of Rule:** Rule on Rulemaking

4 **Reason for Rule:** To further outline and clarify the rule promulgation process of the ITMC
5 Commission.

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8 **Chapter 1:** **Rulemaking**

9 **Authority:** Article XI: Effectuation, Withdrawal, and Amendment

10 Article VII: Establishment of the Interstate Teacher Mobility Compact
11 Commission

12 Article VIII: Rulemaking

13 **1.0 Purpose:** **Pursuant to Article VIII**, the Interstate Teacher Mobility Compact
14 Commission shall promulgate reasonable and lawful uniform rules to
15 facilitate and coordinate implementation and administration of the
16 Interstate Teacher Mobility Compact. This Rule will become effective
17 upon passage by the Interstate Teacher Mobility Compact Commission as
18 provided in Article VIII of the Interstate Teacher Mobility Compact.

19 **1.1 Definition(s):** (a) **“Commission”** means: the Interstate Teacher Mobility Compact
20 Commission, which is the national administrative body whose
21 membership consists of all states that have enacted the Compact.

22 (b) **“Compact”** means: Interstate Teacher Mobility Compact.

23 (c) **“Delegate”** means: the appointed delegate from each state as described
24 in Article VII of the Compact and further rules promulgated by the
25 Commission pursuant to the criteria set forth in Article VIII.

26 (d) **“Member state”** means a state, the District of Columbia, or United
27 States territory that has enacted this Compact legislation and which has
28 not withdrawn pursuant to Article XI or has not been discharged pursuant
29 to Article X due to non-compliance with the provisions of Article III.

30 (d) **“Rule”** means: a regulation, principle or directive promulgated by the
31 Commission pursuant to the criteria set forth in Article VIII that has the
32 force and effect of statutory law in a Member state and includes the
33 amendment, repeal, or suspension of an existing Rule.

34 (e) “**Rules Committee**” means: a committee that is established as a
35 standing committee to develop reasonable and lawful uniform rules for
36 consideration by the Commission and subsequent implementation by the
37 states and to review existing rules and recommend necessary changes to
38 the Commission for consideration.

39 (g) “**State**” means: any state, commonwealth, district, or territory of the
40 United States of America.

41 **1.2 Proposed rules or amendments:** rules shall be adopted by majority vote of the Member
42 States of the Commission pursuant to the criteria set forth in Article VIII and in the following
43 manner:

44 (a) New rules and amendments to existing rules proposed pursuant to Article VII and
45 Article VIII and the Commission Bylaws shall be submitted to the Commission office for
46 referral to the Rules Committee in any of the following ways:

47 (1) Any Delegate may submit a proposed Rule or rule amendment for referral to
48 the Rules Committee during the next scheduled Commission meeting.

49 (2) Standing Committees of the Commission may propose rules or rule
50 amendments by majority vote of that Committee.

51 (3) The Commission or an authorized committee of the Commission may direct
52 revisions to a previously adopted Rule or amendment for purposes of correcting
53 typographical errors, errors in format, errors in consistency, or grammatical
54 errors. Public notice of any revisions shall be posted on the website of the
55 Commission. The revision shall be subject to challenge by any person for a period
56 of thirty (30) days after posting. The revision may be challenged only on grounds
57 that the revision results in a material change to a Rule. A challenge shall be made
58 in writing and delivered to the Chair of the Commission prior to the end of the
59 notice period. If no challenge is made, the revision will take effect without further
60 action. If the revision is challenged, the revision may not take effect without the
61 approval of the Commission.
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63 **1.3 The Rules Committee:** shall prepare a draft of all proposed rules and provide the draft to the
64 Executive Committee to provide to all Delegates for review and comments. Based on the
65 comments made by the Delegates, the Rules Committee shall prepare a final draft of the
66 proposed rule(s) or amendments for consideration by the Commission not later than 30 days
67 prior to the next Commission meeting.

68 **1.4 Prior to promulgation and adoption of a final Rule:** The Commission shall publish the
69 text of the proposed rule or amendment prepared by the Rules Committee not later than 30 days
70 prior to the meeting at which the vote is scheduled, on the official website of the Commission
71 and on the website of each Member state licensing board or other publicly accessible platform or
72 the publication in which each state would otherwise publish proposed rules. All written
73 comments received by the Rules Committee on proposed rules shall be made available to the

74 public upon request. In addition to the text of the proposed Rule or amendment, the reason for
75 the proposed rule shall be provided.

76 **1.5 The Notice of Proposed Rulemaking shall include:**

77 (a) The proposed time, date and location of the meeting in which the Rule shall be
78 considered and voted upon,

79 (b) The text of the proposed Rule or amendment and the reason for the proposed Rule.

80 (c) A request for comments on the proposed Rule from any interested person; and

81 (d) The manner in which interested persons may submit notice to the Commission of their
82 intention to attend the public meeting and any written comments.

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84 **1.6 Public Hearings:** The Commission shall grant an opportunity for a public hearing before it
85 adopts a Rule or amendment if a hearing is requested by:

- 86 1. At least twenty-five (25) persons;
- 87 2. A state or federal governmental subdivision or agency; or
- 88 3. An association having at least twenty-five (25) members.

89 If no written notice of intent to attend the public hearing by interested parties is received, the
90 Commission may proceed with promulgation of the proposed Rule without a public hearing.

91 If a hearing is held on the proposed rule or amendment, the Commission shall publish the place,
92 time, and date of the scheduled public hearing. If the hearing is held via electronic means, the
93 Commission shall publish the mechanism for access to the electronic hearing.

- 94 1. All persons wishing to be heard at the hearing shall notify the executive director of the
95 Commission or other designated member in writing of their desire to appear and testify at
96 the hearing not less than five (5) business days before the scheduled date of the hearing.
- 97 2. Hearings shall be conducted in a manner providing each person who wishes to comment
98 a fair and reasonable opportunity to comment orally or in writing.
- 99 3. All hearings shall be recorded. A copy of the recording shall be made available on
100 request.
- 101 4. Nothing in this section shall be construed as requiring a separate hearing on each Rule.
102 Rules may be grouped for the convenience of the Commission at hearings required by
103 this section.

104 Following the scheduled hearing date, or by the close of business on the scheduled hearing date
105 if the hearing was not held, the Commission shall consider all written and oral comments
106 received.

107 **1.7 Final adoption of Rule:** The Commission shall, by majority vote of all Member States, take
108 final action on the proposed Rule and shall determine the effective date of the rule, if any, based
109 on the rulemaking record and the full text of the rule.

- 110 1. If a majority of the legislatures of the Member States rejects a Rule, by enactment of a
111 statute or resolution in the same manner used to adopt the Compact within 4 years of the
112 date of adoption of the Rule, the Rule shall have no further force and effect in any
113 Member state.
114 2. Rules or amendments to the rules shall be adopted at a regular or special meeting of the
115 Commission.

116 **1.8 Status of Rules upon adoption of Compact additional Member states and applicability:**

117 Any state that joins the Compact subsequent to the Commission’s initial adoption of the rules
118 shall be subject to the rules as they exist on the date on which the Compact becomes law in that
119 state. Any Rule that has been previously adopted by the Commission shall have the full force and
120 effect of law on the day the Compact becomes law in that state.

121 No Member State’s rulemaking requirements shall apply under this Compact.

122 The Rules of the Commission shall have the force of law in each Member State, provided
123 however that where the Rules of the Commission conflict with the State Practice Laws as held by
124 a court of competent jurisdiction, the rules of the Commission shall be ineffective in that State to
125 the extent of the conflict.

126 **1.9 Emergency Rulemaking:** Upon determination that an emergency exists, the Commission
127 may consider and adopt an emergency Rule without prior notice, opportunity for comment, or
128 hearing, provided that the usual rulemaking procedures provided in the Compact and in this
129 section shall be retroactively applied to the rule as soon as reasonably possible, in no event later
130 than ninety (90) days after the effective date of the rule. For the purposes of this provision, an
131 emergency rule is one that must be adopted immediately in order to:

- 132 1. Meet an imminent threat to public health, safety, or welfare,
133 2. Prevent a loss of Commission or Member state funds; or
134 3. Meet a deadline for the promulgation of an administrative Rule that is established by
135 federal law or rule.

136 **2.0 Non-substantive Rule Revisions:** The Commission or an authorized committee of the
137 Commission may direct revisions to a previously adopted Rule or amendment for purposes of
138 correcting typographical errors, errors in format, errors in consistency, or grammatical errors.
139 Public notice of any revisions shall be posted on the website of the Commission. The revision
140 shall be subject to challenge by any person for a period of thirty (30) days after posting. The
141 revision may be challenged only on grounds that the revision results in a material change to a
142 Rule. A challenge shall be made in writing and delivered to the Commission prior to the end of
143 the notice period. If no challenge is made, the revision will take effect without further action. If
144 the revision is challenged, the revision may not take effect without the approval of the
145 Commission.

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147 The Commission shall exercise its rulemaking powers pursuant to the criteria set forth in Article
148 VIII of the Compact and the rules adopted thereunder. Rules and amendments shall become
149 binding as of the date specified in each Rule or amendment.