

Interstate Teaching Mobility Compact (ITMC) Meeting Minutes  
Wednesday, December 16, 2023  
4-6 PM ET

1. Introductions [Adam]
  - a. Adam Diersing, Samantha Nance (interim legal staff), Jimmy Adams (NASDTEC)
2. Roll Call [Adam]
  - a. Skipped COPresent:
    - i. FL: Dr. Sunny Chancy, Deputy of Chancellor Educator Quality at FL Dept of Education
    - ii. OR: Elizabeth Keller, Director of Licensure
    - iii. UT: Malia Hite, Executive Coordinator of Educator Licensing
    - iv. NV: Jeff Briske, Director of Licensure
    - v. NE: Brad Dirksen, Administrator at the Office of Accreditation, Certification and Program Approval
    - vi. KY: Cassie Trueblood, Counsel & Advisor to the KY Professional Education Board
    - vii. AL: Shavon Harris, AL Department of Education
    - viii. KS: Shane Carter, Director of Teacher Licensure for the KS State Department of Education
    - ix. CO (joined later): Coleen O'Neil, Associate Commissioner of Educator Talent at the CO Department of Education
      - Adam will check in later about what was covered today
  - b. OK absent
3. Votes [Adam]
  - a. Google form will be posted in chat – asks for name and vote (yay, nay or abstain)
  - b. Internal Zoom tools for voting are less secure for settings where we have lots of members of public
4. Overview of agenda [Adam]
  - a. Motion to adopt: Jeff Briskey (NV), Sunny Chancy (FL) seconded
  - b. Majority vote to adopt the agenda
5. Legislative consistency provision [Samantha]
  - a. All officially charter member states as defined in the statute – congrats!
  - b. The statute and model legislation created for the compacts statute contemplates the initial meeting of the commission
  - c. Commissioners will get together and determine any material differences between the enacted statute in the state are different from each other and from and the model compact.
  - d. Logic is that it is both statute and a contract between the member states
  - e. There has been an ongoing review of the legislation as they move through the chambers of the various state legislatures to ensure that there are no issues that could potentially present themselves later that might be a material departure from the model language – best practice is to catch any deviations on the front end
  - f. It is not a material deviation to have a different numbering system, title naming convention, capitalization.

- i. Some states have specific drafting conventions embedded in their drafting chapter of their statutes.
    - ii. All of this is taken into consideration during our review of the legislative consistency provision of the charter member states requirements. We convene to compare notes to make sure we have all adopted the statute
  - g. If one state has a material departure from the model language, they would move towards dispute resolution, default remediation provisions
    - i. Serves as a safety net to make sure that someone has not adopted something that purports to be, for example, a teaching mobility compact but instead is “grocery list”. Have not had an issue previously
  - h. Legislative counsel offers the opinion that we have fulfilled the legislative mandate and that the charter member states have adopted a fully consistent compact that has material consistency with the model language (Article 11 of the compact model language)
  - i. No questions or concerns raised
  - j. Resolution re: legislative consistency in statutory language of charter member states
    - i. Motion to adopt: Malia Haite (UT), Elizabeth Keller (OR) seconded
    - ii. Majority vote to adopt the resolution
- 6. Governance structure review
  - a. Compact statute will be our guiding principle – the authority on whether we have the option to do any of the business of the commission before we move forward
    - i. For every cascading governance document that follows, we must first look to the statute to ensure that we either have the power, ability, authorization of state-sovereign to conduct the work
    - ii. As each additional state joins the charter, we will conduct similar review to confirm that the statutes are materially similar and do not substantially deviate from any of the terms of the contract
    - iii. The growing number of statutes will then comprise the governing
    - iv. in statutory form that control the rest of what the business of the commission can do
    - v. We previously talked about things that cannot change. We can, however, add to details or processes
    - vi. The statute is going to be our immovable feature that can only be changed by amendment of not only one state’s statute, but all of the state’s statutes issued here
    - vii. This means that we are more or less pretty rigid in what the statute requires as we conduct the business of the commission; we cannot legislate over what the statute says
    - viii. Flexibility can be found in areas that the statute is silent or has specifically left it to the commission (e.g., eligibility of information, sharing of information, data system) – will discuss in future meetings
  - b. We are not adopting additional bylaws or rules today – will take up in January meeting

- c. Bylaws cover the mechanics of the business of the commission. How the day to day will work in terms of holding meetings, officer duties, committee duties, board elections, votes etc.
    - i. Will not vary a lot in terms of industry, type of profession or compact
    - ii. Point is to have coherent and clear rules on how to conduct meetings, do business, etc. Provides “nuts and bolts” for how the statute is intended to work.
    - iii. Sometimes a restatement, sometimes more details like the purpose/assumptions/roles of the commission
    - iv. Might allow the formation of standing/ad-hoc committees from time to time
    - v. Not necessarily placing any additional obligations on the state itself
  - d. Rules represent regulations within the state
    - i. Statute authorizes us to undertake rulemaking, but the rulemaking is nested in under the authority of the statute. So it can’t go beyond the scope of the statute itself
    - ii. A vital governance tool that allows the commission to be more nimble, flexible as it deals with issues that may be presented from time to time.
    - iii. “This is what the statute says. We need more details or additional obligations” Things like due-setting, fee-setting is an example of rulemaking because it is something that changes from time to time due to factors such as cost of living or inflation
    - iv. Depending on states, commissions and personalities involved, can have super few rules or tons of rules
      - As we move the compact from infancy to maturation, it will reveal from time to time what kind of rule a commission might need
    - v. We are not adopting rules or bylaws today – will take up in January
  - e. Policies capture the day-to-day logistics of the business of the commission. Can be adopted via general consent and can include things like code of conduct, ethics, something as simple as a reimbursement form, procedure for submission of information through this portal.
    - i. Even looser than rules – way more informal, a lot harder to enforce; no enforcement letter for violation of policy for the most part
    - ii. If we want anything with teeth or enforcement, it’s better not to put it as policy. If it is really important, we need to be looking at the rule or the bylaws.
  - f. Entity status is an expression of the sovereign authority of each of the member states as a “superstate of federal delegation”. The commission may want to entertain, either as a policy or by rule, things like open records laws.
    - The state is by no means a private endeavor or private entity
    - “Quasi-governmental” entity
  - g. No questions or concerns raised
7. Code of conduct review [Samantha]
- a. Question from FL: Don’t recall seeing things. Did it come in one of the emails?
    - i. Should have been included in the Welcome packet.

- ii. Recognized it later.
  - b. Code of conduct primarily deals with conflicts of interest
    - i. Provision about disclosure of conflicts, recusal in the event of an issue etc.  
Pretty standard language
  - c. Your state's appointing authority is who has appointed you into the commission
    - i. If a conflict issue or violation of code of conduct is identified, the appointing authority is the point of contact
    - ii. it would involve the notification of the state, who is the actual member of the commission as to whether or not you would continue to serve as the commissioner or the delegate given those concerns
    - iii. There is no real excommunication or removal process, but there is a notification and coordination with the actual member, who is the sovereign state
  - d. Other questions
    - i. Question from KY: Is this the same one that was reviewed and signed in August? No changes have been made?
      - Correct
  - e. Motion to adopt the code of conduct as a policy for additional commissioners to sign in the future: Shane Carter (KS), Cassie Trueblood (KY) seconded
  - f. Majority vote to adopt code of conduct policy
- 8. Overview of meeting in January [Adam and Jimmy]
  - a. All should have received info about travel, booking lodging
  - b. Goal was that many of you would already be there as part of normal duties, which would help to save states time and money from adding additional travel to your schedule
  - c. If any questions about the logistics, reach out to Jimmy and Adam
  - d. A draft agenda was circulated for the purpose of travel – will be working over the next week or so for the final version of the agenda.
  - e. We plan to start that meeting with bylaws. We are in the process of drafting those now; hopefully there will be a chance for everyone to review those bylaws with plenty of time before taking a vote. It's not something that will pop in front of you.
  - f. Will be passing the rule on rulemaking and additional procedural pieces – will start the meeting in January with that
  - g. Will also share more about permanent staffing of the commission, so taking the roles that Samantha and Adam are playing today and giving those to official employees. Several compacts are going through the search process. Will describe what that looks like.
  - h. Will also share more about elected positions for leadership roles in the Executive Committee of the commission
    - i. President, Vice President, Treasurer and five additional voting members. Four of those voting members, in statute, are supposed to represent geographic diversity within the commission – will discuss what that looks like in January.

- ii. Will be discussing nomination in the coming weeks in preparation for the election
  - i. Will be sending out some additional info about the national convening if you've registered for that. Some of you will be involved in the Professional Education Standards Board's Association (PESBA) meeting that will also be taking place while the commission meeting is going on.
    - i. If that's going to be a conflict, might be helpful if we could come up with a rotation system so that we can avoid having members of PESBA away from this commission meeting
    - ii. Conflict will not be happening in the future as we will try to tie this meeting into the NASDTEC annual conference for our yearly meetings
- 9. Questions/Comments from Commissioners
  - a. NV: One concern from supervisors in NV and also potentially many states that may join in the future is cost. Put in fiscal note when legislation was passed as 'unknown'.
    - i. We do not have concrete information now, and that will be a determination of you all. Will share more information in January.
    - ii. Adam is able to share as of now that we will be receiving support from the DoD on the data system, which is generally the highest cost portion of setting up the compact commission and its operations.
    - iii. Also boils down to hiring staff – some states choose to hire part-time or consulting staff rather than a full time Executive Director
    - iv. Another individual state cost is travel for commissioner state meetings. Will discuss more in January – Jimmy mentioned fusing the annual meeting with NASDTEC meeting, and we will also be keeping all other meetings virtual.
- 10. Brief recap of what is coming in the coming weeks
  - a. Final agenda for January – two half days
  - b. Draft bylaws
  - c. No legislative requirement of public notice of meetings currently – might want to consider for the opportunity for public comment
- 11. Motion to adjourn: Jeff Briske (NV), Malia Hite (UT) seconded