

2023 Regular Session

HOUSE BILL NO. 472

BY REPRESENTATIVES MINCEY, BACALA, COX, FREIBERG, GREEN, HUGHES, IVEY, JEFFERSON, MIKE JOHNSON, MARCELLE, STAGNI, AND THOMPSON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

TEACHERS: Provides for the state's entry into the Interstate Teacher Mobility Compact, which provides relative to certification and qualification of teachers

1 AN ACT

2 To enact Part III of Chapter 2 of Title 17 of the Louisiana Revised Statutes of 1950, to be
3 comprised of R.S. 17:581 and 582, relative to teacher certification; to provide for the
4 state's entry into the Interstate Teacher Mobility Compact; to require licensure of
5 certain teachers moving from other states that are members of the compact; to
6 provide for governance of the compact by a commission and executive committee;
7 to provide for funding of the commission including provisions for an assessment
8 levied on member states; to provide relative to rules of the commission; to provide
9 for the exchange of information regarding investigations and discipline of teachers;
10 to provide relative to legal actions and liabilities; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. Part III of Chapter 2 of Title 17 of the Louisiana Revised Statutes of 1950,
13 comprised of R.S. 17:581 and 582, is hereby enacted to read as follows:

14 PART III. INTERSTATE TEACHER MOBILITY COMPACT

15 §581. Ratification; text of compact

16 The Interstate Teacher Mobility Compact is hereby recognized, enacted into
17 law, and entered into by the state of Louisiana with all other states legally joining
18 therein in the form substantially as follows:

1 INTERSTATE TEACHER MOBILITY COMPACT2 ARTICLE I. PURPOSE

3 A. The purpose of this compact is to facilitate the mobility of teachers across
4 the 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 B. This compact is intended to achieve the following objectives and should
9 be interpreted accordingly. The member states hereby ratify the same intentions by
10 subscribing hereto:

11 (1) Create a streamlined pathway to licensure mobility for teachers.

12 (2) Support the relocation of eligible military spouses.

13 (3) Facilitate and enhance the exchange of licensure, investigative, and
14 disciplinary information between the member states.

15 (4) Enhance the power of state and district level education officials to hire
16 qualified, competent teachers by removing barriers to the employment of out-of-state
17 teachers.

18 (5) Support the retention of teachers in the profession by removing barriers
19 to relicensure in a new state.

20 (6) Maintain state sovereignty in the regulation of the teaching profession.

21 ARTICLE II. DEFINITIONS

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

24 (1) "Active military member" means any person with full-time duty status
25 in the uniformed service of the United States, including members of the national
26 guard and reserve.

27 (2) "Adverse action" means any limitation or restriction imposed by a
28 member state's licensing authority, such as revocation, suspension, reprimand,
29 probation, or limitation on the licensee's ability to work as a teacher.

1 (3) "Bylaws" means those bylaws established by the commission.

2 (4) "Career and technical education license" means a current, valid
3 authorization issued by a member state's licensing authority allowing an individual
4 to serve as a teacher in public educational settings in a specific career and technical
5 education area.

6 (5) "Charter member state" means a member state that has enacted
7 legislation to adopt this compact where such legislation predates the initial meeting
8 of the commission after the effective date of the compact.

9 (6) "Commission" means the interstate administrative body which
10 membership consists of delegates of all states that have enacted this compact and
11 which is known as the Interstate Teacher Mobility Compact Commission.

12 (7) "Commissioner" means the delegate of a member state.

13 (8) "Eligible license" means a license to engage in the teaching profession
14 which requires at least a bachelor's degree and the completion of a state-approved
15 program for teacher licensure.

16 (9) "Eligible military spouse" means the spouse of an active military member
17 who is moving as a result of a military mission or military career progression
18 requirements or is on his terminal move as a result of separation or retirement and
19 includes surviving spouses of deceased military members.

20 (10) "Executive committee" means a group of commissioners elected or
21 appointed to act on behalf of, and within the powers granted to them by, the
22 commission as provided for herein.

23 (11) "Licensing authority" means an official, agency, board, or other entity
24 of a state that is responsible for the licensing and regulation of teachers authorized
25 to teach in public educational settings.

26 (12) "Member state" means a state that has adopted this compact, including
27 all agencies and officials of such a state.

28 (13) "Receiving state" means a state where a teacher has applied for
29 licensure under this compact.

1 (14) "Rule" means a regulation promulgated by the commission under this
2 compact, which shall have the force of law in each member state.

3 (15) "State" means a state, territory, or possession of the United States and
4 the District of Columbia.

5 (16) "State practice laws" means a member state's laws, rules, and
6 regulations that govern the teaching profession, define the scope of such profession,
7 and create the methods and grounds for imposing discipline.

8 (17) "State-specific requirement" means a requirement for licensure covered
9 in coursework or examination that includes content of unique interest to the state.

10 (18) "Teacher" means an individual who currently holds an authorization to
11 teach from a member state that forms the basis for employment in the public schools
12 of the state to provide instruction in a specific subject area, grade level, or student
13 population.

14 (19) "Unencumbered license" means a current, valid authorization issued by
15 a member state's licensing authority allowing an individual to serve as a teacher in
16 public educational settings. An unencumbered license is not a restricted,
17 probationary, provisional, substitute, or temporary credential.

18 ARTICLE III. LICENSURE UNDER THE COMPACT

19 A. Licensure under this compact pertains only to the initial grant of a license
20 by the receiving state. Nothing herein applies to any subsequent or ongoing
21 compliance requirements that a receiving state might require for teachers.

22 B. Each member state shall, in accordance with the rules of the commission,
23 define, compile, and update as necessary a list of eligible licenses and career and
24 technical education licenses that the member state is willing to consider for
25 equivalency under this compact and provide the list to the commission. The list shall
26 include those licenses that a receiving state is willing to grant to teachers from other
27 member states, pending a determination of equivalency by the receiving state's
28 licensing authority.

1 C. Upon receipt of an application for licensure from a teacher holding an
2 unencumbered license, the receiving state shall determine which of the receiving
3 state's eligible licenses the teacher is qualified to hold and shall grant such a license
4 or licenses to the applicant. Such a determination shall be made in the sole
5 discretion of the receiving state's licensing authority and may include a determination
6 that the applicant is not eligible for any of the receiving state's eligible licenses. For
7 all teachers who hold an unencumbered license, the receiving state shall grant one
8 or more unencumbered licenses that, in the receiving state's sole discretion, are
9 equivalent to the licenses held by the teacher in any other member state.

10 D. For an active military member or eligible military spouse who holds a
11 license from a member state that is not unencumbered, the receiving state shall grant
12 an equivalent license or licenses that, in the receiving state's sole discretion, are
13 equivalent to the license or licenses held by the teacher unless the receiving state
14 does not have an equivalent license.

15 E. For a teacher holding an unencumbered career and technical education
16 license from a member state, the receiving state shall grant an unencumbered license
17 equivalent to the career and technical education license held by the applying teacher,
18 as determined by the receiving state in its sole discretion, unless the career and
19 technical education teacher does not hold a bachelor's degree and the receiving state
20 requires a bachelor's degree for licenses to teach career and technical education. A
21 receiving state may require career and technical education teachers to meet state
22 industry recognized requirements if required by law in the receiving state.

23 ARTICLE IV. LICENSURE NOT UNDER THE COMPACT

24 A. Except as provided in Article III of this compact, above, nothing in this
25 compact shall be construed to limit or inhibit the power of a member state to regulate
26 licensure or endorsements overseen by the member state's licensing authority.

27 B. When a teacher is required to renew a license received pursuant to this
28 compact, the state granting such a license may require the teacher to complete state-

1 specific requirements as a condition of licensure renewal or advancement in that
2 state.

3 C. For the purpose of determining compensation, a receiving state may
4 require additional information from a teacher who receives a license under the
5 provisions of this compact.

6 D. Nothing in this compact shall be construed to limit the power of a
7 member state to control and maintain ownership of its information pertaining to
8 teachers or limit the application of a member state's laws or regulations governing
9 the ownership, use, or dissemination of information pertaining to teachers.

10 E. Nothing in this compact shall be construed to invalidate or alter any
11 existing agreement or other cooperative arrangement which a member state may
12 already be a party to or limit the ability of a member state to participate in any future
13 agreement or other cooperative arrangement to:

14 (1) Award teaching licenses or other benefits based on additional
15 professional credentials including but not limited to national board certification.

16 (2) Participate in the exchange of names of teachers whose license has been
17 subject to an adverse action by a member state.

18 (3) Participate in any agreement or cooperative arrangement with a
19 nonmember state.

20 ARTICLE V. TEACHER QUALIFICATIONS AND REQUIREMENTS

21 FOR LICENSURE UNDER THE COMPACT

22 A. Except as provided for active military members or eligible military
23 spouses in Article III above, a teacher is eligible to receive a license under this
24 compact only if that teacher holds an unencumbered license in a member state.

25 B. A teacher eligible to receive a license under this compact shall, unless
26 otherwise provided for herein:

27 (1) Upon his application to receive a license under this compact, undergo a
28 criminal background check in the receiving state in accordance with the laws and
29 regulations of the receiving state.

1 (2) Provide the receiving state with information in addition to the
2 information required for licensure for the purposes of determining compensation, if
3 applicable.

4 ARTICLE VI. DISCIPLINE / ADVERSE ACTIONS

5 A. Nothing in this compact shall be deemed or construed to limit the
6 authority of a member state to investigate or impose disciplinary measures on
7 teachers according to the state's practice laws.

8 B. Member states may receive and shall provide files and information
9 regarding the investigation and discipline, if any, of teachers in other member states
10 upon request. Any member state receiving such information or files shall protect and
11 maintain the security and confidentiality thereof, in at least the same manner that it
12 maintains its own investigatory or disciplinary files and information. Prior to
13 disclosing any disciplinary or investigatory information received from another
14 member state, the disclosing state shall communicate its intention and purpose for
15 such disclosure to the member state which originally provided that information.

16 ARTICLE VII. ESTABLISHMENT OF THE INTERSTATE TEACHER

17 MOBILITY COMPACT COMMISSION

18 A.(1) The member states hereby create and establish a joint public agency
19 known as the Interstate Teacher Mobility Compact Commission.

20 (2) The commission is a joint interstate governmental agency comprised of
21 states that have enacted the interstate teacher mobility compact.

22 (3) Nothing in this interstate compact shall be construed to be a waiver of
23 sovereign immunity.

24 B.(1) Each member state shall have and be limited to one delegate to the
25 commission, who shall be given the title of commissioner.

26 (2) The commissioner shall be the primary administrative officer of the state
27 licensing authority or his designee.

28 (3) Any commissioner may be removed or suspended from office as
29 provided by the law of the state from which the commissioner is appointed.

1 (4) A member state shall fill a vacancy occurring in the commission within
2 ninety days.

3 (5) Each commissioner shall be entitled to one vote about the promulgation
4 of rules and creation of bylaws and shall otherwise have an opportunity to participate
5 in the business and affairs of the commission. A commissioner shall vote in person
6 or by such other means as provided in the bylaws. The bylaws may provide for
7 commissioners' participation in meetings by telephone or other means of
8 communication.

9 (6) The commission shall meet at least once during each calendar year.

10 (7) Additional meetings shall be held as set forth in the bylaws.

11 (8) The commission shall establish by rule a term of office for
12 commissioners.

13 C. The commission shall have the following powers and duties:

14 (1) Establish a code of ethics for the commission.

15 (2) Establish the fiscal year of the commission.

16 (3) Establish bylaws for the commission.

17 (4) Maintain its financial records in accordance with the bylaws of the
18 commission.

19 (5) Meet and take such actions as are consistent with the provisions of this
20 compact and the bylaws and rules of the commission.

21 (6) Promulgate uniform rules to implement and administer this compact. The
22 rules shall have the force and effect of law and shall be binding in all member states.
23 If the commission exercises its rulemaking authority in a manner that is beyond the
24 scope of the purposes of the compact, or the powers granted hereunder, then such an
25 action by the commission shall be invalid and have no force and effect of law.

26 (7) Bring and prosecute legal proceedings or actions in the name of the
27 commission; however, the standing of any member state licensing authority to sue
28 or be sued under applicable law is not affected.

29 (8) Purchase and maintain insurance and bonds.

1 (9) Borrow, accept, or contract for services of personnel, including but not
2 limited to employees of a member state or an associated nongovernmental
3 organization that is open to membership by all states.

4 (10) Hire employees, elect or appoint officers, fix compensation, define
5 duties, grant such individuals appropriate authority to carry out the purposes of the
6 compact, and establish the commission's personnel policies and programs relating
7 to conflicts of interest, qualifications of personnel, and other related personnel
8 matters.

9 (11) Lease, purchase, and accept appropriate gifts or donations of, or
10 otherwise own, hold, improve, or use any property, real, personal, movable,
11 immovable, or mixed, provided that at all times the commission shall avoid any
12 appearance of impropriety.

13 (12) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise
14 dispose of any property real, personal, movable, immovable, or mixed.

15 (13) Establish a budget and make expenditures.

16 (14) Borrow money.

17 (15) Appoint committees, including standing committees composed of
18 members and such other interested persons as may be designated in this compact,
19 rules, or bylaws.

20 (16) Provide and receive information from and cooperate with law
21 enforcement agencies.

22 (17) Establish and elect an executive committee.

23 (18) Establish and develop a charter for an executive information governance
24 committee to advise on facilitating exchange and use of information, data privacy,
25 and technical support needs and to provide reports as needed.

26 (19) Perform such other functions as may be necessary or appropriate to
27 achieve the purposes of this interstate compact consistent with the state regulation
28 of teacher licensure.

1 (20) Determine whether a state's adopted language is materially different
2 from the model compact language such that the state would not qualify for
3 participation in the compact.

4 D.(1) The executive committee shall have the power to act on behalf of the
5 commission according to the terms of this compact.

6 (2) The executive committee shall be composed of eight voting members:
7 the commission chair, vice chair, and treasurer and five members who are elected by
8 the commission from the current membership such that four members represent
9 geographic regions in accordance with commission rules and one is an at-large
10 member in accordance with commission rules.

11 (3) The commission may add or remove members of the executive
12 committee as provided in commission rules.

13 (4) The executive committee shall meet at least once annually.

14 (5) The executive committee has the following duties and responsibilities:

15 (a) Recommend to the entire commission changes to the rules or bylaws,
16 changes to the compact legislation, fees paid by interstate compact member states
17 such as annual dues, and any compact fee charged by the member states on behalf
18 of the commission.

19 (b) Ensure commission administration services are appropriately provided,
20 contractual or otherwise.

21 (c) Prepare and recommend the budget.

22 (d) Maintain financial records on behalf of the commission.

23 (e) Monitor compliance of member states and provide reports to the
24 commission.

25 (f) Perform other duties as provided in rules or bylaws.

26 (6)(a) All meetings shall be open to the public, and public notice of meetings
27 shall be given in accordance with commission bylaws.

28 (b) However, the commission or the executive committee or other
29 committees of the commission may convene in a closed, nonpublic meeting if the

- 1 commission or executive committee or other committees of the commission must
2 discuss:
- 3 (i) Noncompliance of a member state with its obligations under the compact.
4 (ii) The employment, compensation, discipline or other matters, practices,
5 or procedures related to specific employees or other matters related to the
6 commission's internal personnel practices and procedures.
- 7 (iii) Current, threatened, or reasonably anticipated litigation.
8 (iv) Negotiation of contracts for the purchase, lease, or sale of goods,
9 services, or real estate.
- 10 (v) Accusing any person of a crime or formally censuring any person.
11 (vi) Disclosure of trade secrets or commercial or financial information that
12 is privileged or confidential.
- 13 (vii) Disclosure of information of a personal nature where disclosure would
14 constitute a clearly unwarranted invasion of personal privacy.
- 15 (viii) Disclosure of investigative records compiled for law enforcement
16 purposes.
- 17 (ix) Disclosure of information related to any investigative reports prepared
18 by, on behalf of, or for use of the commission or other committee charged with
19 responsibility of investigation or determination of compliance issues pursuant to the
20 compact.
- 21 (x) Matters specifically exempted from disclosure by federal or member state
22 statute.
- 23 (xi) Other matters as set forth by commission bylaws and rules.
- 24 (c) If a meeting or portion of a meeting is closed pursuant to this provision,
25 the commission's legal counsel or designee shall certify that the meeting may be
26 closed and shall reference each relevant exempting provision.
- 27 (d) The commission shall keep minutes of commission meetings and shall
28 provide a full and accurate summary of actions taken and the reasons therefore
29 including a description of the views expressed. All documents considered in

1 connection with an action shall be identified in such minutes. All minutes and
2 documents of a closed meeting shall remain under seal, subject to release by a
3 majority vote of the commission or order of a court of competent jurisdiction.

4 (7)(a) The commission shall pay or provide for the payment of the
5 reasonable expenses of its establishment, organization, and ongoing activities.

6 (b) The commission may accept all appropriate donations and grants of
7 money, equipment, supplies, materials, and services and receive, utilize, and dispose
8 of the same. At all times the commission shall avoid any appearance of impropriety
9 or conflict of interest.

10 (c) The commission may levy and collect an annual assessment from each
11 member state or impose fees on other parties to cover the cost of the operations and
12 activities of the commission, in accordance with the commission rules.

13 (d) The commission shall not incur obligations of any kind prior to securing
14 the funds adequate to meet the same; nor shall the commission pledge the credit of
15 any member state, except by and with the authority of the member state.

16 (e) The commission shall keep accurate accounts of all receipts and
17 disbursements. The receipts and disbursements of the commission shall be subject
18 to accounting procedures established under commission bylaws. All receipts and
19 disbursements of funds of the commission shall be reviewed annually in accordance
20 with commission bylaws, and a report of the review shall be included in and become
21 part of the annual report of the commission.

22 (8)(a) The members, officers, executive director, employees, and
23 representatives of the commission shall be immune from suit and liability, either
24 personally or in their official capacity, for any claim for damage to or loss of
25 property or personal injury or other civil liability caused by or arising out of any
26 actual or alleged act, error, or omission that occurred, or that the person against
27 whom the claim is made had a reasonable basis for believing occurred within the
28 scope of commission employment, duties, or responsibilities; provided that nothing
29 in this Paragraph shall be construed to protect any such person from suit or liability

1 for any damage, loss, injury, or liability caused by the intentional, willful, or wanton
2 misconduct of that person.

3 (b) The commission shall defend any member, officer, executive director,
4 employee, or representative of the commission in any civil action seeking to impose
5 liability arising out of any actual or alleged act, error, or omission that occurred
6 within the scope of commission employment, duties, or responsibilities, or that the
7 person against whom the claim is made had a reasonable basis for believing occurred
8 within the scope of commission employment, duties, or responsibilities; provided
9 that nothing herein shall be construed to prohibit that person from retaining his or her
10 own counsel; and provided further, that the actual or alleged act, error, or omission
11 did not result from that person's intentional, willful, or wanton misconduct.

12 (c) The commission shall indemnify and hold harmless any member, officer,
13 executive director, employee, or representative of the commission for the amount of
14 any settlement or judgment obtained against that person arising out of any actual or
15 alleged act, error, or omission that occurred within the scope of commission
16 employment, duties, or responsibilities, or that such person had a reasonable basis
17 for believing occurred within the scope of commission employment, duties, or
18 responsibilities, provided that the actual or alleged act, error, or omission did not
19 result from the intentional or willful or wanton misconduct of that person.

20 ARTICLE VIII. RULEMAKING

21 A. The commission shall exercise its rulemaking powers pursuant to the
22 criteria set forth in this interstate compact and the rules adopted thereunder. Rules
23 and amendments shall become binding as of the date specified in each rule or
24 amendment.

25 B. The commission shall promulgate reasonable rules to achieve the intent
26 and purpose of this compact. If the commission exercises its rulemaking authority
27 in a manner that is beyond the purpose and intent of this compact or the powers
28 granted hereunder, such an action by the commission is invalid and has no force and
29 effect of law in the member states.

1 C. If a majority of the legislatures of the member states rejects a rule, by
2 enactment of a statute or resolution, in the same manner used to adopt the compact,
3 within four years of the date of adoption of the rule, then such rule shall have no
4 further force and effect in any member state.

5 D. Rules or amendments to the rules shall be adopted or ratified at a regular
6 or special meeting of the commission in accordance with commission rules and
7 bylaws.

8 E. Upon determination that an emergency exists, the commission may
9 consider and adopt an emergency rule with forty-eight-hours' notice, with
10 opportunity to comment, provided that the usual rulemaking procedures shall be
11 retroactively applied to the rule as soon as reasonably possible, in no event later than
12 ninety days after the effective date of the rule. For the purposes of this provision, an
13 emergency rule is one that must be adopted immediately in order to achieve one of
14 the following:

15 (1) Meet an imminent threat to public health, safety, or welfare.

16 (2) Prevent a loss of commission or member state funds.

17 (3) Meet a deadline for the promulgation of an administrative rule that is
18 established by federal law or rule.

19 (4) Protect public health and safety.

20 ARTICLE IX. FACILITATING INFORMATION EXCHANGE

21 A. The commission shall provide for facilitating the exchange of information
22 to administer and implement the provisions of this compact in accordance with the
23 rules of the commission, consistent with generally accepted data protection
24 principles.

25 B. Nothing in this compact shall be deemed or construed to alter, limit, or
26 inhibit the power of a member state to control and maintain ownership of its licensee
27 information or alter, limit, or inhibit the laws or regulations governing licensee
28 information in the member state.

1 ARTICLE X. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

2 A.(1) The executive and judicial branches of state government in each
3 member state shall enforce this compact and take all actions necessary and
4 appropriate to effectuate the compact's purposes and intent. The provisions of this
5 compact shall have standing as statutory law.

6 (2) Venue is proper and judicial proceedings by or against the commission
7 shall be brought solely and exclusively in a court of competent jurisdiction where the
8 principal office of the commission is located. The commission may waive venue and
9 jurisdictional defenses to the extent it adopts or consents to participate in alternative
10 dispute resolution proceedings. Nothing herein shall affect or limit the selection or
11 propriety of venue in any action against a licensee for professional malpractice,
12 misconduct, or any such similar matter.

13 (3) All courts and all administrative agencies shall take judicial notice of the
14 compact, the rules of the commission, and any information provided to a member
15 state pursuant thereto in any judicial or quasi-judicial proceeding in a member state
16 pertaining to the subject matter of this compact, or which may affect the powers,
17 responsibilities, or actions of the commission.

18 (4) The commission is entitled to receive service of process in any
19 proceeding regarding the enforcement or interpretation of the compact and has
20 standing to intervene in such a proceeding for all purposes. Failure to provide the
21 commission service of process shall render a judgment or order void as to the
22 commission, this compact, or promulgated rules.

23 B. If the commission determines that a member state has defaulted in the
24 performance of its obligations or responsibilities under this compact or the
25 promulgated rules, the commission shall:

26 (1) Provide written notice to the defaulting state and other member states of
27 the nature of the default, the proposed means of curing the default, or any other
28 action to be taken by the commission.

1 (2) Provide remedial training and specific technical assistance regarding the
2 default.

3 C. If a state in default fails to cure the default, the defaulting state may be
4 terminated from the compact upon an affirmative vote of a majority of the
5 commissioners of the member states, and all rights, privileges, and benefits conferred
6 on that state by this compact may be terminated on the effective date of termination.
7 A cure of the default does not relieve the offending state of obligations or liabilities
8 incurred during the period of default.

9 D. Termination of membership in the compact shall be imposed only after
10 all other means of securing compliance have been exhausted. Notice of intent to
11 suspend or terminate shall be given by the commission to the governor, the majority
12 and minority leaders of the defaulting state's legislature, the state licensing authority,
13 and each of the member states.

14 E. A state that has been terminated is responsible for all assessments,
15 obligations, and liabilities incurred through the effective date of termination
16 including obligations that extend beyond the effective date of termination.

17 F. The commission shall not bear any costs related to a state that is found to
18 be in default or that has been terminated from the compact, unless agreed upon in
19 writing between the commission and the defaulting state.

20 G. The defaulting state may appeal the action of the commission by
21 petitioning the United States District Court for the District of Columbia or the federal
22 district where the commission has its principal offices. The prevailing party shall be
23 awarded all costs of such litigation including reasonable attorney's fees.

24 H. Upon request by a member state, the commission shall attempt to resolve
25 disputes related to the compact that arise among member states and between member
26 and nonmember states. The commission shall promulgate a rule providing for both
27 binding and nonbinding alternative dispute resolution for disputes as appropriate.

28 I. The commission, in the reasonable exercise of its discretion, shall enforce
29 the provisions and rules of this compact. By majority vote, the commission may

1 initiate legal action in the United States District Court for the District of Columbia
2 or the federal district where the commission has its principal offices against a
3 member state in default to enforce compliance with the provisions of the compact
4 and its promulgated rules and bylaws. The relief sought may include both injunctive
5 relief and damages. In the event judicial enforcement is necessary, the prevailing
6 party shall be awarded all costs of such litigation including reasonable attorney's
7 fees. The remedies herein shall not be the exclusive remedies of the commission.
8 The commission may pursue any other remedies available under federal or state law.

9 ARTICLE XI. EFFECTUATION, WITHDRAWAL, AND AMENDMENT

10 A. The compact shall come into effect on the date on which the compact
11 statute is enacted into law in the tenth member state.

12 B. On or after the effective date of the compact, the commission shall
13 convene and review the enactment of each of the charter member states to determine
14 if the statute enacted by each such charter member state is materially different from
15 the model compact statute.

16 C. A charter member state whose enactment is found to be materially
17 different from the model compact statute is entitled to the default process set forth
18 in Article X.

19 D. A member state enacting the compact subsequent to the charter member
20 states shall be subject to the process set forth in Article VII(C) to determine if its
21 enactment is materially different from the model compact statute and whether it
22 qualifies for participation in the compact.

23 E. If any member state is later found to be in default, is terminated, or
24 withdraws from the compact, the commission shall remain in existence and the
25 compact shall remain in effect even if the number of member states should be less
26 than ten.

27 F. Any state that joins the compact after the commission's initial adoption
28 of the rules and bylaws shall be subject to the rules and bylaws as they exist on the
29 date on which the compact becomes law in that state. Any rule that has been

1 previously adopted by the commission shall have the full force and effect of law on
2 the day the compact becomes law in that state, as the rules and bylaws may be
3 amended as provided in this compact.

4 G.(1) Any member state may withdraw from this compact by enacting a
5 statute repealing the same.

6 (2) A member state's withdrawal shall not take effect until six months after
7 enactment of the repealing statute.

8 (3) Withdrawal shall not affect the continuing requirement of the
9 withdrawing state's licensing authority to comply with the investigative and adverse
10 action reporting requirements of this compact prior to the effective date of
11 withdrawal.

12 H. This compact may be amended by the member states. No amendment to
13 this compact shall become effective and binding upon any member state until it is
14 enacted into the law of each member state.

15 ARTICLE XII. CONSTRUCTION AND SEVERABILITY

16 This compact shall be liberally construed to effectuate the purposes thereof.
17 The provisions of this compact shall be severable and if any phrase, clause, sentence,
18 or provision of this compact is declared to be contrary to the constitution of any
19 member state or a state seeking membership in the compact, or of the United States
20 or the applicability thereof to any other government, agency, person, or circumstance
21 is held invalid, the validity of the remainder of this compact and the applicability
22 thereof to any government, agency, person, or circumstance shall not be affected
23 thereby. If this compact is held contrary to the constitution of any member state, the
24 compact shall remain in full force and effect as to the remaining member states and
25 in full force and effect as to the member state affected as to all severable matters.

26 ARTICLE XIII. CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE

27 LAWS

28 A. Nothing herein shall prevent or inhibit the enforcement of any other law
29 of a member state that is not inconsistent with the compact.

1 B. Any law, statute, regulation, or other legal requirements in a member state
2 in conflict with the compact is superseded to the extent of the conflict.

3 C. All permissible agreements between the commission and the member
4 states are binding in accordance with their terms.

5 §582. Criminal background checks

6 A.(1) The state Department of Education shall be entitled to the criminal
7 history record and identification files of the Louisiana Bureau of Criminal
8 Identification and Information, located within the Department of Public Safety and
9 Corrections, of any person who is required to be licensed as a teacher under this Part.
10 Fingerprints and other identifying information of the applicant shall be submitted to
11 the Louisiana Bureau of Criminal Identification and Information. The Louisiana
12 Bureau of Criminal Identification and Information shall, upon request of the state
13 Department of Education and after receipt of a fingerprint card and other identifying
14 information from the applicant, make available to the department all arrest and
15 conviction information contained in the Louisiana Bureau of Criminal Identification
16 and Information's criminal history record and identification files which pertain to the
17 applicant for licensure. In addition, the fingerprints shall be forwarded by the
18 Louisiana Bureau of Criminal Identification and Information to the Federal Bureau
19 of Investigation for a national criminal history record check.

20 (2) In accordance with the authority provided for in this Part, the costs of
21 providing the information required in accordance with this Section shall be charged
22 by the Louisiana Bureau of Criminal Identification and Information, as specified in
23 R.S. 15:587(B), to the state Department of Education for furnishing information
24 contained in the Louisiana Bureau of Criminal Identification and Information's
25 criminal history records and identification files, including any additional cost of
26 providing the national criminal history records check, which pertains to the
27 applicant.

28 (3) For the purposes of this Part, "criminal history record information"
29 means all state records of arrest, prosecution, and conviction, including those which

1 have been expunged or dismissed pursuant to Code of Criminal Procedure
 2 Article 893 or 894, and national records which shall include fingerprints of the
 3 applicant and other identifying information, if so requested by the state Department
 4 of Education.

5 B. Communication between the state Department of Education, the
 6 commission, and any other member state regarding the verification of eligibility for
 7 licensure through the compact shall not include any information received from the
 8 Federal Bureau of Investigation relating to a federal criminal records check
 9 performed under Public Law 92-544.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 472 Reengrossed

2023 Regular Session

Mincey

Abstract: Provides for state entry into the Interstate Teacher Mobility Compact, which provides for licensure of teachers who move between member states.

Proposed law provides for the state's entry into the Interstate Teacher Mobility Compact. The purpose of the compact is to facilitate the mobility of teachers across the member states by providing a pathway to licensure for teachers who move from one state to another.

Some major elements of the compact are:

- (1) The compact provides only for initial licensure of a teacher who moves from and to a member state.
- (2) Requires the receiving state to issue an equivalent license to a teacher who has an unencumbered license from another member state. An unencumbered license is one that is not restricted, probationary, provisional, substitute, or temporary. If the teacher is an active military member or eligible military spouse, this requirement applies even if the license from the other state is encumbered.
- (3) Requires member states to provide information regarding the investigation and discipline of teachers in other member states upon request. Requires maintenance of the confidentiality of such information.
- (4) Creates the Interstate Teacher Mobility Compact commission comprised of the primary administrative officer of each state's licensing authority or his designee. Authorizes the commission to adopt bylaws and administrative rules.
- (5) Provides for creation of an executive committee of the commission.
- (6) Authorizes the commission to levy an annual assessment on member states or impose fees on other parties.

- (7) Provides that the legislatures of a majority of member states may nullify a rule adopted by the commission.
- (8) Provides for effectiveness of the compact upon adoption by 10 states.

Proposed law provides relative to criminal background checks of teachers moving to La. under the compact. Requires that the Bureau of Criminal Identification and Information (BCII) provide to the Dept. of Education arrest and conviction information on any applicant for licensure for whom the department has submitted fingerprints and other identifying information. Requires that the BCII submit the fingerprints to the FBI for a national criminal history records check. Provides that the costs associated with the background check are charged to the department. Prohibits disclosure of information from the FBI to the compact commission or to any other member state.

(Adds R.S. 17:581 and 582)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Education to the original bill:

1. Add provisions relative to criminal history background checks of teachers applying under the compact to teach in La.