

1 HOUSE BILL 110
2 57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

3 INTRODUCED BY
4 Debra M. Sariñana
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10 AN ACT
11 RELATING TO EDUCATION; ENACTING THE INTERSTATE TEACHER MOBILITY
12 COMPACT; PROVIDING FOR COMPACT ADMINISTRATION.
13

14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

15 SECTION 1. ~~[NEW MATERIAL]~~ SHORT TITLE.--This act may be
16 cited as the "Interstate Teacher Mobility Compact".

17 SECTION 2. ~~[NEW MATERIAL]~~ INTERSTATE TEACHER MOBILITY
18 COMPACT ENTERED INTO.--The "Interstate Teacher Mobility
19 Compact" is enacted into law and entered into on behalf of New
20 Mexico with any and all other states legally joining therein
21 in a form substantially as follows:

22 "INTERSTATE TEACHER MOBILITY COMPACT

23 ARTICLE 1 - PURPOSE

24 The purpose of the Interstate Teacher Mobility Compact is
25 to facilitate the mobility of teachers across the member

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1 states, with the goal of supporting teachers through a new
2 pathway to licensure. Through the compact, the member states
3 seek to establish a collective regulatory framework that
4 expedites and enhances the ability of teachers to move across
5 state lines. The compact is intended to achieve the following
6 objectives and should be interpreted accordingly, and the
7 member states hereby ratify the same intentions by subscribing
8 to the compact:

9 A. create a streamlined pathway to licensure
10 mobility for teachers;

11 B. support the relocation of eligible military
12 spouses;

13 C. facilitate and enhance the exchange of licensure
14 and investigative and disciplinary information between the
15 member states;

16 D. enhance the power of state- and school-district-
17 level education officials to hire qualified, competent teachers
18 by removing barriers to the employment of out-of-state
19 teachers;

20 E. support the retention of teachers in the
21 profession by removing barriers to relicensure in a new state;
22 and

23 F. maintain state sovereignty in the regulation of
24 the teaching profession.

25 ARTICLE 2 - DEFINITIONS

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1 As used in the Interstate Teacher Mobility Compact, and
2 except as otherwise provided, the following definitions govern
3 the terms in the compact:

4 A. "active military member" means a person with
5 full-time duty status in the armed forces of the United States,
6 including members of the national guard and reserve;

7 B. "adverse action" means any limitation or
8 restriction imposed by a member state's licensing authority,
9 such as revocation, suspension, reprimand, probation or
10 limitation on the licensee's ability to work as a teacher;

11 C. "bylaws" means the bylaws established by the
12 commission;

13 D. "career and technical education license" means a
14 current, valid authorization issued by a member state's
15 licensing authority allowing a person to serve as a teacher in
16 kindergarten through twelfth grade public educational settings
17 in a specific career and technical education area;

18 E. "charter member state" means a member state that
19 has enacted legislation to adopt the compact where such
20 legislation predates the initial meeting of the commission
21 after the effective date of the compact;

22 F. "commission" means the interstate administrative
23 body, which membership consists of delegates of all states that
24 have enacted the compact, and that is known as the Interstate
25 Teacher Mobility Compact commission;

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1 G. "commissioner" means the delegate of a member
2 state;

3 H. "eligible license" means a license to engage in
4 the teaching profession that requires at least a bachelor's
5 degree and the completion of a state-approved program for
6 teacher licensure;

7 I. "eligible military spouse" means the spouse of
8 an active military member who is moving as a result of a
9 military mission or military career progression requirements or
10 is on the military member's terminal move as a result of
11 separation or retirement, or a surviving spouse of a deceased
12 military member;

13 J. "executive committee" means a group of
14 commissioners elected or appointed to act on behalf of, and
15 within the powers granted to them by, the commission as
16 provided for in the compact;

17 K. "licensing authority" means an official, agency,
18 board or other entity of a state that is responsible for the
19 licensing and regulation of teachers authorized to teach
20 kindergarten through twelfth grade in public educational
21 settings;

22 L. "member state" means a state that has adopted
23 the compact, including all agencies and officials of such a
24 state;

25 M. "receiving state" means a member state where a

1 teacher has applied for licensure under the compact;

2 N. "rule" means any regulation promulgated by the
3 commission under the compact, and it shall have the force of
4 law in each member state;

5 O. "state" means a state, territory or possession
6 of the United States or the District of Columbia;

7 P. "state practice laws" means a member state's
8 laws, rules and regulations that govern the teaching
9 profession, define the scope of such profession and create the
10 methods and grounds for imposing discipline;

11 Q. "state-specific requirements" means requirements
12 for licensure covered in coursework or examination that
13 includes content of unique interest to the state;

14 R. "teacher" means a person who currently holds an
15 authorization from a member state that forms the basis for
16 employment in kindergarten through twelfth grade public schools
17 of the state to provide instruction in a specific subject area,
18 grade level or student population; and

19 S. "unencumbered license" means a current, valid
20 authorization issued by a member state's licensing authority
21 allowing a person to serve as a teacher in kindergarten through
22 twelfth grade public educational settings. An "unencumbered
23 license" is not a restricted, probationary, provisional,
24 substitute or temporary credential.

25 ARTICLE 3 - LICENSURE UNDER THE COMPACT

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1 A. Licensure under the Interstate Teacher Mobility
2 Compact pertains only to the initial grant of a license by the
3 receiving state. Nothing in the compact applies to any
4 subsequent or ongoing compliance requirements that a receiving
5 state might require for teachers.

6 B. Each member state shall, in accordance with the
7 rules of the commission, define, compile and update as
8 necessary a list of eligible licenses and career and technical
9 education licenses that the member state is willing to consider
10 for equivalency under the compact and provide the list to the
11 commission. The list shall include those licenses that a
12 receiving state is willing to grant to teachers from other
13 member states, pending a determination of equivalency by the
14 receiving state's licensing authority.

15 C. Upon the receipt of an application for licensure
16 by a teacher holding an unencumbered license, the receiving
17 state shall determine which of the receiving state's eligible
18 licenses the teacher is qualified to hold and shall grant the
19 license or licenses to the applicant. Such a determination
20 shall be made in the sole discretion of the receiving state's
21 licensing authority and may include a determination that the
22 applicant is not eligible for any of the receiving state's
23 eligible licenses. For all teachers who hold an unencumbered
24 license, the receiving state shall grant one or more
25 unencumbered licenses that, in the receiving state's sole

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1 discretion, are equivalent to the licenses held by the teacher
2 in any other member state.

3 D. For an active military member or eligible
4 military spouse who holds a license that is not unencumbered,
5 the receiving state shall grant an equivalent license or
6 licenses that, in the receiving state's sole discretion, is
7 equivalent to the license or licenses held by the teacher in
8 any other member state, except where the receiving state does
9 not have an equivalent license.

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

22 ARTICLE 4 - LICENSURE NOT UNDER THE COMPACT

23 A. Except as provided in Article 3 of the
24 Interstate Teacher Mobility Compact, nothing in the compact
25 shall be construed to limit or inhibit the power of a member

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1 state to regulate licensure or endorsements overseen by the
2 member state's licensing authority.

3 B. When a teacher is required to renew a license
4 received pursuant to the compact, the state granting the
5 license may require the teacher to complete state-specific
6 requirements as a condition of licensure renewal or advancement
7 in that state.

8 C. For the purposes of determining compensation, a
9 receiving state may require additional information from
10 teachers receiving a license under the provisions of the
11 compact.

12 D. Nothing in the compact shall be construed to
13 limit the power of a member state to control and maintain
14 ownership of the member state's information pertaining to
15 teachers or limit the application of a member state's laws or
16 regulations governing the ownership, use or dissemination of
17 information pertaining to teachers.

18 E. Nothing in the compact shall be construed to
19 invalidate or alter any existing agreement or other cooperative
20 arrangement that a member state may already be a party to or
21 limit the ability of a member state to participate in any
22 future agreement or other cooperative arrangement to:

23 (1) award teaching licenses or other benefits
24 based on additional professional credentials, including, but
25 not limited to, national board certification;

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1 (2) participate in the exchange of names of
2 teachers whose licenses have been subject to an adverse action
3 by a member state; or

4 (3) participate in any agreement or
5 cooperative arrangement with a nonmember state.

6 ARTICLE 5 - TEACHER QUALIFICATIONS AND REQUIREMENTS
7 FOR LICENSURE UNDER COMPACT

8 A. Except as provided for active military members
9 or eligible military spouses in Subsection D of Article 3 of
10 the Interstate Teacher Mobility Compact, a teacher may only be
11 eligible to receive a license under the compact where that
12 teacher holds an unencumbered license in a member state.

13 B. A teacher eligible to receive a license under
14 the compact shall, unless otherwise provided for in the
15 compact:

16 (1) upon the teacher's application to receive
17 a license, undergo a criminal background check in the receiving
18 state in accordance with the laws and regulations of the
19 receiving state; and

20 (2) provide the receiving state with
21 information in addition to the information required for
22 licensure for the purposes of determining compensation, if
23 applicable.

24 ARTICLE 6 - DISCIPLINE AND ADVERSE ACTIONS

25 A. Nothing in the Interstate Teacher Mobility

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1 Compact shall be deemed or construed to limit the authority of
2 a member state to investigate or impose disciplinary measures
3 on teachers according to its state practice laws.

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

16 ARTICLE 7 - ESTABLISHMENT OF THE INTERSTATE TEACHER
17 MOBILITY COMPACT COMMISSION

18 A. The member states hereby create and establish a
19 joint public agency known as the Interstate Teacher Mobility
20 Compact commission as follows:

21 (1) the commission is a joint interstate
22 governmental agency comprising states that have enacted the
23 Interstate Teacher Mobility Compact; and

24 (2) nothing in the compact shall be construed
25 to be a waiver of sovereign immunity.

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1 B. Membership, voting and meetings shall be as
2 follows:

3 (1) each member state shall have and be
4 limited to one delegate to the commission, who shall be given
5 the title of commissioner;

6 (2) the commissioner shall be the primary
7 administrative officer of the state licensing authority or the
8 officer's designee;

9 (3) a commissioner may be removed or suspended
10 from office as provided by the laws of the state from which the
11 commissioner is appointed;

12 (4) the member state shall fill any vacancy
13 occurring in the commission within ninety days;

14 (5) each commissioner shall be entitled to one
15 vote about the promulgation of rules and creation of bylaws and
16 shall otherwise have an opportunity to participate in the
17 business and affairs of the commission. A commissioner shall
18 vote in person or by such other means as provided in the
19 bylaws. The bylaws may provide for commissioners'
20 participation in meetings by telephone or other means of
21 communication;

22 (6) the commission shall meet at least once
23 during each calendar year. Additional meetings shall be held
24 as set forth in the bylaws; and

25 (7) the commission shall establish by rule a

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1 term of office for commissioners.

2 C. The commission shall have the following powers
3 and duties to:

4 (1) establish a code of ethics for the
5 commission;

6 (2) establish the fiscal year of the
7 commission;

8 (3) establish bylaws for the commission;

9 (4) maintain its financial records in
10 accordance with the bylaws of the commission;

11 (5) meet and take such actions as are
12 consistent with the provisions of the compact, the bylaws and
13 rules of the commission;

14 (6) promulgate uniform rules to implement and
15 administer the compact. The rules shall have the force and
16 effect of law and shall be binding in all member states. In
17 the event the commission exercises its rulemaking authority in
18 a manner that is beyond the scope of the purposes of the
19 compact or the powers granted pursuant to the compact, then
20 such an action by the commission shall be invalid and have no
21 force and effect of law;

22 (7) bring and prosecute legal proceedings or
23 actions in the name of the commission; provided that the
24 standing of any member state licensing authority to sue or be
25 sued under applicable law shall not be affected;

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1 (8) purchase and maintain insurance and bonds;

2 (9) borrow, accept or contract for services of
3 personnel, including employees of a member state or an
4 associated nongovernmental organization that is open to
5 membership by all states;

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

12 (11) lease, purchase, accept appropriate gifts
13 or donations of, or otherwise own, hold, improve or use, any
14 property, real, personal or mixed; provided that at all times,
15 the commission shall avoid any appearance of impropriety;

16 (12) sell, convey, mortgage, pledge, lease,
17 exchange, abandon or otherwise dispose of any property, real,
18 personal or mixed;

19 (13) establish a budget and make expenditures;

20 (14) borrow money;

21 (15) appoint committees, including standing
22 committees composed of members and such other interested
23 persons as may be designated in the compact, rules or bylaws;

24 (16) provide and receive information from and
25 cooperate with law enforcement agencies;

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1 (17) establish and elect an executive
2 committee;

3 (18) establish and develop a charter for an
4 executive information governance committee to advise on
5 facilitating exchange of information and use of information,
6 data privacy and technical support needs and provide reports as
7 needed;

8 (19) perform such other functions as may be
9 necessary or appropriate to achieve the purposes of the compact
10 consistent with the state regulation of teacher licensure; and

11 (20) determine whether a state's adopted
12 language is materially different from the model compact
13 language such that the state would not qualify for
14 participation in the compact.

15 D. The executive committee shall act on behalf of
16 the commission according to the terms of the compact. The
17 executive committee shall be composed of eight voting members
18 as follows:

19 (1) the commission chair, vice chair and
20 treasurer; and

21 (2) five members who are elected by the
22 commission from the current membership as follows:

23 (a) four voting members representing
24 geographic regions in accordance with commission rules; and

25 (b) one at-large voting member in

1 accordance with commission rules.

2 E. The commission may add or remove members of the
3 executive committee as provided in commission rules.

4 F. The executive committee shall meet at least once
5 annually.

6 G. The executive committee shall have the following
7 duties and responsibilities to:

8 (1) recommend to the commission changes to the
9 rules or bylaws, changes to the compact legislation, fees paid
10 by member states, such as annual dues and any compact fee
11 charged by the member states on behalf of the commission;

12 (2) ensure commission administration services
13 are appropriately provided, contractual or otherwise;

14 (3) prepare and recommend the commission's
15 budget;

16 (4) maintain financial records on behalf of
17 the commission;

18 (5) monitor compliance of member states and
19 provide reports to the commission; and

20 (6) perform other duties as provided in rules
21 or bylaws.

22 H. All meetings of the commission shall be open to
23 the public, and public notice of meetings shall be given in
24 accordance with commission bylaws.

25 I. The commission, executive committee or other

1 committees of the commission may convene in a closed, nonpublic
2 meeting if the commission, executive committee or other
3 committees of the commission must discuss:

4 (1) noncompliance of a member state with its
5 obligations under the compact;

6 (2) the employment, compensation, discipline
7 or other matters, practices or procedures related to specific
8 employees or other matters related to the commission's internal
9 personnel practices and procedures;

10 (3) current, threatened or reasonably
11 anticipated litigation;

12 (4) negotiation of contracts for the purchase,
13 lease or sale of goods, services or real estate;

14 (5) accusing any person of a crime or formally
15 censuring any person;

16 (6) disclosure of trade secrets or commercial
17 or financial information that is privileged or confidential;

18 (7) disclosure of information of a personal
19 nature of which disclosure would constitute a clearly
20 unwarranted invasion of personal privacy;

21 (8) disclosure of investigative records
22 compiled for law enforcement purposes;

23 (9) disclosure of information related to any
24 investigative reports prepared by or on behalf of or for use of
25 the commission or other committee charged with responsibility

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1 of investigation or determination of compliance issues pursuant
2 to the compact;

3 (10) matters specifically exempted from
4 disclosure by federal or member state statute; and

5 (11) other matters as set forth by commission
6 bylaws and rules.

7 J. If a meeting or portion of a meeting is closed
8 pursuant to Subsection I of this article, the commission's
9 legal counsel or designee shall certify that the meeting may be
10 closed and shall reference each relevant exempting provision.

11 K. The commission shall keep minutes of commission
12 meetings and shall provide a full and accurate summary of
13 actions taken and the reasons for the actions, including a
14 description of the views expressed. All documents considered
15 in connection with an action shall be identified in the
16 minutes. All minutes and documents of a closed meeting shall
17 remain under seal, subject to release by a majority vote of the
18 commission or order of a court of competent jurisdiction.

19 L. The commission shall pay or provide for the
20 payment of the reasonable expenses of its establishment,
21 organization and ongoing activities.

22 M. The commission may accept all appropriate
23 donations and grants of money, equipment, supplies, materials
24 and services and receive, use and dispose of the same; provided
25 that at all times, the commission shall avoid any appearance of

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1 impropriety or conflict of interest.

2 N. The commission may levy on and collect an annual
3 assessment from each member state or impose fees on other
4 parties to cover the cost of the operations and activities of
5 the commission in accordance with the commission rules.

6 O. The commission shall not incur obligations of
7 any kind prior to securing the funds adequate to meet the same;
8 nor shall the commission pledge the credit of any of the member
9 states, except by and with the authority of the member state.

10 P. The commission shall keep accurate accounts of
11 all receipts and disbursements. The receipts and disbursements
12 of the commission shall be subject to accounting procedures
13 established under commission bylaws. All receipts and
14 disbursements of funds of the commission shall be reviewed
15 annually in accordance with commission bylaws, and a report of
16 the review shall be included in and become part of the annual
17 report of the commission.

18 Q. The members, officers, executive director,
19 employees and representatives of the commission shall be immune
20 from suit and liability, either personally or in their official
21 capacity, for any claim for damage to or loss of property or
22 personal injury or other civil liability caused by or arising
23 out of an actual or alleged act, error or omission that
24 occurred or that the person against whom the claim is made had
25 a reasonable basis for believing occurred within the scope of

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1 commission employment, duties or responsibilities; provided
2 that nothing in this subsection shall be construed to protect
3 such person from suit or liability for any damage, loss, injury
4 or liability caused by the intentional or willful or wanton
5 misconduct of that person.

6 R. The commission shall defend any member, officer,
7 executive director, employee or representative of the
8 commission in a civil action seeking to impose liability
9 arising out of an actual or alleged act, error or omission that
10 occurred within the scope of commission employment, duties or
11 responsibilities or that the person against whom the claim is
12 made had a reasonable basis for believing occurred within the
13 scope of commission employment, duties or responsibilities;
14 provided that nothing in this subsection shall be construed to
15 prohibit that person from retaining the person's own counsel;
16 and provided further that the actual or alleged act, error or
17 omission did not result from that person's intentional or
18 willful or wanton misconduct.

19 S. The commission shall indemnify and hold harmless
20 any member, officer, executive director, employee or
21 representative of the commission for the amount of a settlement
22 or judgment obtained against that person arising out of an
23 actual or alleged act, error or omission that occurred within
24 the scope of commission employment, duties or responsibilities
25 or that such person had a reasonable basis for believing

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1 occurred within the scope of commission employment, duties or
2 responsibilities; provided that the actual or alleged act,
3 error or omission did not result from the intentional or
4 willful or wanton misconduct of that person.

5 ARTICLE 8 - RULEMAKING

6 A. The commission shall exercise its rulemaking
7 powers pursuant to the criteria set forth in the Interstate
8 Teacher Mobility Compact and the rules adopted pursuant to the
9 compact. Rules and amendments are binding as of the date
10 specified in each rule or amendment.

11 B. The commission shall promulgate reasonable rules
12 to achieve the intent and purpose of the compact. In the event
13 the commission exercises its rulemaking authority in a manner
14 that is beyond the purpose and intent of the compact or the
15 powers granted by the compact, such action by the commission
16 shall be invalid and have no force and effect of law in the
17 member states.

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

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

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1 E. Upon determination that an emergency exists, the
2 commission may consider and adopt an emergency rule with forty-
3 eight hours' notice with opportunity to comment; provided that
4 the usual rulemaking procedures shall be retroactively applied
5 to the emergency rule as soon as reasonably possible, but in no
6 event later than ninety days after the effective date of the
7 emergency rule. For the purposes of this provision, an
8 emergency rule is one that must be adopted immediately in order
9 to:

- 10 (1) meet an imminent threat to public health,
11 safety or welfare;
- 12 (2) prevent a loss of commission or member
13 state funds;
- 14 (3) meet a deadline for the promulgation of an
15 administrative rule that is established by federal law or
16 regulation; or
- 17 (4) protect public health and safety.

18 ARTICLE 9 - FACILITATING INFORMATION EXCHANGE

19 A. The commission shall provide for facilitating
20 the exchange of information to administer and implement the
21 provisions of the Interstate Teacher Mobility Compact in
22 accordance with the rules of the commission and consistent with
23 generally accepted data protection principles.

24 B. Nothing in the compact shall be deemed or
25 construed to alter, limit or inhibit the power of a member

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1 state to control and maintain ownership of its licensee
2 information or alter, limit or inhibit the laws or regulations
3 governing licensee information in the member state.

4 ARTICLE 10 - OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

5 A. The executive and judicial branches of state
6 government in each member state shall enforce the Interstate
7 Teacher Mobility Compact and take all actions necessary and
8 appropriate to effectuate the compact's purposes and intent.
9 The provisions of the compact shall have standing as statutory
10 law.

11 B. Venue is proper, and judicial proceedings by or
12 against the commission shall be brought solely and exclusively
13 in a court of competent jurisdiction where the principal office
14 of the commission is located. The commission may waive venue
15 and jurisdictional defenses to the extent it adopts or consents
16 to participate in alternative dispute resolution proceedings.
17 Nothing in the compact shall affect or limit the selection or
18 propriety of venue in any action against a licensee for
19 professional malpractice, misconduct or similar matter.

20 C. All courts and all administrative agencies shall
21 take judicial notice of the compact, the rules of the
22 commission and any information provided to a member state
23 pursuant to the compact or the rules of the commission in any
24 judicial or quasi-judicial proceeding in a member state
25 pertaining to the subject matter of the compact or that may

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1 affect the powers, responsibilities or actions of the
2 commission.

3 D. The commission is entitled to receive service of
4 process in any proceeding regarding the enforcement or
5 interpretation of the compact and shall have standing to
6 intervene in such a proceeding for all purposes. Failure to
7 provide the commission service of process shall render a
8 judgment or order void as to the commission, the compact or
9 promulgated rules.

10 E. If the commission determines that a member state
11 has defaulted in the performance of its obligations or
12 responsibilities under the compact or the promulgated rules,
13 the commission shall provide:

14 (1) written notice to the defaulting member
15 state and other member states of the nature of the default, the
16 proposed means of curing the default or any other action to be
17 taken by the commission; and

18 (2) remedial training and specific technical
19 assistance regarding the default.

20 F. If a member state in default fails to cure the
21 default, the defaulting member state may be terminated from the
22 compact upon an affirmative vote of a majority of the
23 commissioners of the member states, and all rights, privileges
24 and benefits conferred on that member state by the compact may
25 be terminated on the effective date of termination. A cure of

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1 the default does not relieve the offending member state of
2 obligations or liabilities incurred during the period of
3 default.

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

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

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

21 J. The defaulting member state may appeal the
22 action of the commission by petitioning the United States
23 district court for the District of Columbia or the federal
24 district where the commission has its principal offices. The
25 prevailing party shall be awarded all costs of such litigation,

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1 including reasonable attorney fees.

2 K. Upon request by a member state, the commission
3 shall attempt to resolve disputes related to the compact that
4 arise among member states and between member and nonmember
5 states.

6 L. The commission shall promulgate a rule providing
7 for both binding and nonbinding alternative dispute resolution
8 for disputes as appropriate.

9 M. The commission, in the reasonable exercise of
10 its discretion, shall enforce the provisions of the compact and
11 rules promulgated in accordance with the compact.

12 N. By majority vote, the commission may initiate
13 legal action in the United States district court for the
14 District of Columbia or the federal district where the
15 commission has its principal offices against a member state in
16 default to enforce compliance with the provisions of the
17 compact and its promulgated rules and bylaws. The relief
18 sought may include both injunctive relief and damages. In the
19 event judicial enforcement is necessary, the prevailing party
20 shall be awarded all costs of such litigation, including
21 reasonable attorney fees. The remedies herein shall not be the
22 exclusive remedies of the commission. The commission may
23 pursue any other remedies available under federal or state law.

24 ARTICLE 11 - EFFECTUATION, WITHDRAWAL AND AMENDMENT

25 A. The Interstate Teacher Mobility Compact shall

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1 come into effect on the date on which the compact statute is
2 enacted into law in the tenth member state.

3 B. On or after the effective date of the compact,
4 the commission shall convene and review the enactment of each
5 of the charter member states to determine if the statute
6 enacted by each such charter member state is materially
7 different from the model compact statute.

8 C. A charter member state whose enactment is found
9 to be materially different from the model compact statute shall
10 be entitled to the default process set forth in Article 10 of
11 the Interstate Teacher Mobility Compact.

12 D. Member states enacting the compact subsequent to
13 the charter member states shall be subject to the process set
14 forth in Paragraph (20) of Subsection C of Article 7 of the
15 Interstate Teacher Mobility Compact to determine if their
16 enactments are materially different from the model compact
17 statute and whether they qualify for participation in the
18 compact.

19 E. If a member state is later found to be in
20 default or is terminated or withdraws from the compact, the
21 commission shall remain in existence, and the compact shall
22 remain in effect even if the number of member states should be
23 fewer than ten.

24 F. A state that joins the compact after the
25 commission's initial adoption of the rules and bylaws shall be

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1 subject to the rules and bylaws as they exist on the date on
2 which the compact becomes law in that state. A rule that has
3 been previously adopted by the commission shall have the full
4 force and effect of law on the day the compact becomes law in
5 that state, as the rules and bylaws may be amended as provided
6 in the compact.

7 G. A member state may withdraw from the compact by
8 enacting a statute repealing the compact, and the following
9 provisions apply:

10 (1) a member state's withdrawal shall not take
11 effect until six months after enactment of the repealing
12 statute; and

13 (2) withdrawal shall not affect the continuing
14 requirement of the withdrawing state's licensing authority to
15 comply with the investigative and adverse action reporting
16 requirements of the compact prior to the effective date of
17 withdrawal.

18 H. The compact may be amended by the member states.
19 An amendment to the compact shall not become effective and
20 binding on a member state until it is enacted into the laws of
21 all member states.

22 ARTICLE 12 - CONSTRUCTION AND SEVERABILITY

23 The Interstate Teacher Mobility Compact shall be
24 liberally construed to effectuate the purposes of the compact.
25 The provisions of the compact shall be severable, and if any

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1 phrase, clause, sentence or provision of the compact is
2 declared to be contrary to the constitution of a member state
3 or a state seeking membership in the compact, or of the United
4 States constitution or the applicability of the compact to any
5 other government, agency, person or circumstance is held
6 invalid, the validity of the remainder of the compact and the
7 applicability to any government, agency, person or circumstance
8 shall not be affected. If the compact shall be held contrary
9 to the constitution of a member state, the compact shall remain
10 in full force and effect as to the remaining member states and
11 in full force and effect as to the member state affected as to
12 all severable matters.

13 ARTICLE 13 - CONSISTENT EFFECT AND CONFLICT WITH OTHER
14 STATE LAWS

15 A. Nothing in the Interstate Teacher Mobility
16 Compact shall prevent or inhibit the enforcement of other laws
17 of a member state that is not inconsistent with the compact.

18 B. Any laws, statutes, rules or other legal
19 requirements in a member state in conflict with the compact are
20 superseded to the extent of the conflict.

21 C. All permissible agreements between the
22 commission and the member state are binding in accordance with
23 the terms of the agreement."

24 SECTION 3. [NEW MATERIAL] NEW MEXICO COMMISSIONER.--The
25 secretary of public education or the secretary's designee shall
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1 be the New Mexico Interstate Teacher Mobility Compact
2 commissioner.

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