

Department of Legislative Services
Maryland General Assembly
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FISCAL AND POLICY NOTE
First Reader

House Bill 1191
Ways and Means

(Delegate Mireku-North)

Interstate Teacher Mobility Compact

This bill enters Maryland into the Interstate Teacher Mobility Compact contingent on adoption of the compact in 10 other states. To accommodate compact entry, the bill specifies that current law relating to teacher certification does not apply to a teacher who holds a professional license or certificate from a state for which the license or certificate is accepted in accordance with the compact. The Maryland State Department of Education (MSDE) must notify the Department of Legislative Services within 10 days after 10 states have enacted substantially similar legislation.

Fiscal Summary

State Effect: MSDE, the State Board of Education (SBE), and the Professional Standards and Teacher Evaluation Board can likely accommodate entry into the compact with existing resources, as discussed below. Any membership fees associated with membership in the compact are likely minimal and absorbable within existing resources, as discussed below. A reliable estimate of the bill's effect on enrollment in in-state teacher preparation programs is not feasible, as discussed below. Revenues are not meaningfully affected.

Local Effect: No direct effect on local finances; however, the bill may facilitate the recruitment of teachers from other states to fill teacher position vacancies.

Small Business Effect: None.

Analysis

Bill Summary:

Compact Purpose

The purpose of the compact is to facilitate the mobility of teachers across member states with the goal of supporting teachers through a new pathway to licensure. Through the compact, the member states seek to establish a collective regulatory framework that expedites and enhances the ability of teachers to move across state lines.

The compact specifies six goals and objectives that the member states ratify: (1) creating a streamlined pathway to licensure mobility for teachers; (2) supporting the relocation of eligible military spouses; (3) facilitating and enhancing the exchange of licensure, investigative, and disciplinary information between members states; (4) enhancing the power of state and district level education officials to hire qualified, competent teachers by removing barriers to the employment of out-of-state teachers; (5) supporting the retention of teachers in the profession by removing barriers to re-licensure in a new state; and (6) maintaining state sovereignty in the regulation of the teaching profession.

Interstate Teacher Mobility Compact Commission

The Interstate compact member states constitute a joint public agency known as the Interstate Teacher Mobility Compact Commission, which is a joint interstate governmental agency. Nothing in the compact must be construed to be a waiver of sovereign immunity.

The bill sets forth certain requirements regarding membership, voting, and meetings including that:

- each member state must have only one delegate to the commission (who must be known as a commissioner);
- the commissioner must be the primary administrative officer of the state licensing authority or designee;
- any commissioner may be removed or suspended from office as provided by the law of the state from which the commissioner is appointed;
- the member state must fill any vacancy occurring in the commission within 90 days;
- each commissioner is entitled to one vote about the promulgation of rules and creation of bylaws and must otherwise have an opportunity to participate in the business and affairs of the commission. Commissioners must vote in person or by other such means as provided in the bylaws. The bylaws may provide for meetings by telephone or other means of communication;

- the commission must meet at least once during each calendar year and additionally as must be set forth in bylaws; and
- the commission must establish by rule a term of office for commissioners.

The bill also enumerates the powers and duties of the commission, as specified. Meetings of the commission must be open to the public with notice given in accordance with commission bylaws. The bill establishes circumstances under which closed meetings may be held and the requirements for such closed meetings.

The commission must pay reasonable expenses of its establishment, organization, and ongoing activities. The commission may accept all appropriate donations and grants of money, equipment, supplies, materials, and services and receive, utilize, and dispose of such assets provided that the commission avoids the appearance of impropriety or a conflict of interest. The commission may also levy and collect an annual assessment from each member state or impose fees on other parties to cover the cost of its operations. As part of its financing, the commission must keep accurate accounts of all receipts and disbursements and review them annually with a report of finances included in the annual report to the commission.

Licensure under the Compact

Licensure under the compact pertains only to the initial license and not to any subsequent or ongoing compliance requirements. Generally, each member state must compile and update as necessary a list of licenses that the member state is willing to consider for equivalency and provide that list to the commission. Such a list must include those licenses a receiving state is willing to grant to teachers from other member states.

Generally, receiving states hold final determination over the equivalency of licenses and the qualifications of candidates for those licenses. For each teacher or career and technical education (CTE) teacher holding an unencumbered license (as defined by the bill), a receiving state must grant an unencumbered license equivalent to the license held by the applicant (again, as determined by the receiving state). For teachers holding an unencumbered eligible license, a receiving state may determine that the applicant is not eligible for any licenses. For teachers holding a CTE license, the receiving state may not award an equivalent CTE license where a CTE teacher does not hold a bachelor's degree and the receiving state requires a bachelor's degree for CTE licenses. Further, for CTE licenses receiving states may require applicants to meet industry recognized requirements if required by law in the receiving state.

For active military members and eligible military spouses who hold a license that is *not* unencumbered, the receiving state must also grant an equivalent license that, in the receiving state's sole discretion, is equivalent to the license or licenses held by the teacher

in any other member state, except where the receiving state does not have an equivalent license. An “unencumbered license” means a current, valid authorization issued by a member state’s licensing authority allowing an individual to serve as a teacher in preK-12 public education settings. An unencumbered license is not a restricted probationary, provisional, substitute, or temporary credential.

Licensure Not under the Compact

States granting renewal licenses may require teachers to complete state-specific requirements as a condition of renewal or advancement. Receiving states may require additional information to determine teacher compensation under the compact.

Nothing in the compact must be construed to limit (1) the power of a member state to regulate licensure by their respective licensing authority or (2) the power of a member state to control and maintain ownership of its information pertaining to teachers, or limit the application of a member state’s laws or regulations governing the ownership, use or dissemination of information pertaining to teachers. Further, nothing in the compact may be construed to invalidate or alter any existing agreement a member state may already be party to or limit the ability of a state to participate in future agreements or cooperative arrangements.

Teacher Qualifications and Requirements for Licensure under the Compact

Except for active military members or eligible military spouses, teachers must hold an unencumbered license in a member state to receive a license under the compact. Additionally, all teachers eligible to receive a license under the compact must undergo a criminal history background check in the receiving state in accordance with the laws and regulations of the receiving state and, if applicable, provide the receiving state with information for the purposes of determining compensation.

Discipline and Adverse Actions

Nothing in the compact must be deemed or construed to limit the authority of a member state to investigate or impose disciplinary measures on teachers according to its state practice laws. Member state must be authorized to receive and must provide information regarding the investigation and discipline of teachers in other member states upon request. States receiving such information must protect and maintain its security and confidentiality in at least the same manner that it maintains its own investigatory or disciplinary files and information. Prior to disclosure, the disclosing state must communicate its intention and purposes for such disclosure to the member state that originally provided the information.

Qualified Immunity, Defense and Indemnification

The bill generally provides for the qualified immunity of members, officers, the executive director, employees and representatives of the commission from suit and liability, either personally or in their official capacity as specified. The commission must defend any such individual in any civil action seeking to impose liability arising out of official acts as specified. Additionally, the commission must hold any such member harmless for the amount of any settlement or judgement obtained against such individuals in specified circumstances.

Rulemaking

Rules or amendments must be adopted or ratified at a regular or special meeting of the commission and become binding as of the date specified in each rule or amendment (unless such rules extend beyond the purpose and intent of the compact or the powers granted by its authorizing legislation. If a majority of legislatures of member states reject a rule by enactment of statute or resolution in the same manner used to adopt the compact within four years of the adoption of the rule, such rule must have no further force and effect in any member state. In certain specified situations, the commission may consider and adopt an emergency rule with 48 hours' notice in accordance with a specified process.

Facilitating Information Exchange

The commission must provide for facilitating the exchange of information to implement the compact in accordance with the rules of the commission and consistent with generally accepted data protection principles.

Oversight

The Executive and Judicial branches of state government in each member state must enforce the compact as specified. Judicial proceedings by or against the commission must be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located.

Default Technical Assistance and Termination

If the commission determines that a member state has fallen out of compliance with the compact (defaulted in the performance of its obligations or responsibilities under the compact or promulgated rules), the commission must (1) provide written notice to the defaulting state and other member states of the nature of default, the proposed means of curing the default, or any other action to be taken by the commission and (2) provide remedial training and specific technical assistance regarding the default. If a state fails to

cure the default, the state may be terminated from the compact upon an affirmative vote of a majority of the commissioners of the member states, as specified.

Dispute Resolution

Upon request by a member state, the commission must attempt to resolve disputes related to the compact that arise among member states and between member and nonmember states and promulgate rules for binding and nonbinding dispute resolution. The commission, in the reasonable exercise of its discretion must enforce the provisions and rules of the compact. By majority vote, the compact may initiate legal action against a member state in default to enforce compliance as specified.

Effectuation, Withdrawal, and Amendment

The compact comes into effect on the date on which the compact statute is enacted into law in the tenth member state. Upon the effective date of the compact (and for each subsequent member state that adopts compact legislation), the commission must review member state statutes for any material differences from the model compact state. Members with materially different statutes are entitled to specified default processes. If member states are found to be in default or withdraw from the compact, the compact must remain in effect, even if the number of member states is less than 10. For member states that join subsequent to the compact taking effect, rules and bylaws of the compact have the full force and effect of law on the day the compact becomes law in the state. The compact may be amended by member states. No amendment must become effective and binding upon any member state until it is enacted by all member states.

Member states may withdraw from the compact by enacting a statute repealing the compact. Withdrawal takes effect six months after repeal, and withdrawal may not affect the continuing requirement of the state's licensing authority to comply with the investigative and adverse action reporting requirements of the compact prior to the date of withdrawal.

Construction and Severability

The compact and the commission's rulemaking authority must be liberally construed to effectuate the purposes of the compact. The provisions of the compact must be severable.

Consistent Effect and Conflict with Other State Laws

Nothing in the compact may prevent or inhibit the enforcement of any other law of a member state that is not inconsistent with the compact. Any laws, statutes, regulations, or other legal requirements in a member state in conflict with the compact are superseded to

the extent of the conflict. All permissible agreements between the commission and the member states are binding in accordance with their terms.

Current Law: An individual must have a certificate issued by the State Superintendent to be employed in the State as a county superintendent, assistant superintendent, supervisor, principal, or teacher.

Beginning July 1, 2025, to qualify for an initial certificate, an individual must (1) pass a nationally recognized, portfolio-based assessment of teaching ability; (2) pass a rigorous State-specific examination focused on reading instruction and content for their teaching grade level; and (3) fulfill any other SBE requirements. An individual who previously passed a portfolio-based assessment as a graduation requirement from a State institution is exempt from retaking the assessment.

Additionally, teachers graduating from out-of-state institutions or holding licenses from other states must either pass a teaching ability examination within 18 months of local school system employment or hold an active national board certification.

Chapter 627 of 2023 established the Teacher Development and Retention Program as a six-year pilot program and made significant changes to the existing Teaching Fellows for Maryland Scholarship Program. Both programs provide financial support to candidates for teacher certification and require that participants fulfill a service obligation in a public school following certification.

Teacher Development and Retention Program

The stated purpose of the Teacher Development and Retention Program is to provide support to eligible individuals who ultimately pledge to fulfill a service obligation as a teacher employed full time in a high-needs school, grade level, or content area in the State in which there is a shortage of teachers, as identified by MSDE. More specifically, the program must provide financial support (*i.e.*, initial stipend and internship stipend) to eligible individuals interested in pursuing a career in the teaching profession, beginning by offering eligible individuals a one-time stipend for participation in an experiential learning opportunity in a classroom and concluding by placing those individuals in high-needs schools, grade levels, or content areas.

The Office of Student Financial Assistance (OSFA) in the Maryland Higher Education Commission must establish eligibility criteria for the program, including requirements for an applicant to (1) be enrolled in the first or second year at an institution of initial eligibility (where at least 40% of the attendees receive federal Pell Grants) in an associate or bachelor's degree program and (2) before receiving an educator internship stipend established by the bill, pledge to fulfill a service obligation as a teacher employed full-time

in a high-needs school, grade level, or content area in which there is a shortage of teachers, as identified by MSDE, for a minimum of two years.

OSFA must administer the program, including developing processes for eligible individuals to apply for the program and for awarding stipends to those who meet the eligibility criteria. OSFA must give preference to applicants who have been employed in a public school or a publicly funded prekindergarten program within the last five years.

Teaching Fellows for Maryland Scholarship Program

The Teaching Fellows for Maryland scholarship encompasses students who pledge to work as public school or public prekindergarten teachers in the State upon completion of their studies at (1) a high-needs school, as identified by MSDE or (2) in a grade level or content area in which there is a shortage of qualified educators, as identified by MSDE.

Chapter 627 modified the service obligation for undergraduate recipients from one year for every year of award to two years for everyone, regardless of how many years an award was received.

If a recipient is unable to perform the service obligation requirement because there are no available positions in a qualifying school, grade level, or content area, the recipient may work in any public school or public prekindergarten program in the State. If a recipient performs the service obligation by teaching at a school or in a grade level or content area previously identified as high needs that is no longer identified as such, the recipient may continue to teach in that school, grade level, or content area without being required to repay the scholarship funds.

In selecting awardees for a Teaching Fellows for Maryland scholarship, OSFA must give preference to applicants, as specified, who have been employed in a public school or a publicly funded prekindergarten within the last five years.

OSFA must focus on publicizing the scholarship (1) at historically Black colleges and universities in the State; (2) to teaching assistants and other educational support staff currently working in public schools and publicly funded prekindergarten programs; and (3) in a manner that promotes the program to students who are members of groups that are underrepresented in the teaching profession. OSFA must collaborate with MSDE in publicizing the scholarship.

National Association of State Directors of Teacher Education and Certification Interstate Agreement for Education Licensure

[All 50 states](#) currently participate in the National Association of State Directors of Teacher Education and Certification (NASDTEC) Interstate Agreement for Educator Licensure. The agreement is a collection of individual agreements outlining which other states' educator certificates will be accepted by the state. However, the interstate agreement is not a collection of two-way agreements of reciprocal acceptance. Participating jurisdictions may choose to have additional requirements for educators who are coming from another jurisdiction.

The NASDTEC Interstate Agreement for Educator Licensure is an instrument for member states to agree to adopt and enforce standards for educator preparation, publish a current list of state-approved educator preparation programs, and apply jurisdiction-specific requirements. Although it does not establish a pathway to reciprocity, it does provide prospective educators with the information needed to transfer educator credentials across North America. Additionally, school districts in member states can recruit from fellow member jurisdictions with advanced knowledge of what additional requirements an educator may need to be eligible for certification in the receiving state. Members of the agreement also have access to the NASDTEC Educator Identification Clearinghouse, which was created to facilitate the mobility of educators while protecting students from educators who have been found unfit to practice.

State Fiscal Effect: The bill specifies that the commission may levy and collect an annual assessment from each member state or impose fees on other parties to cover the cost of operations. Although an estimate of annual fees levied against members states is not available at this time, any impacts are assumed to be minimal. An estimate of the impact of the bill on teacher certification fee revenues to MSDE is not quantifiable at this time but is assumed to be minimal given the small \$10 processing fee required for initial certification and renewal/reinstatement fees imposed by MSDE, and the fact that licensure is provided at the receiving state's discretion under the compact.

Membership in the compact may mean that out-of-state teachers who have not completed a performance-based assessment of teaching ability would not have to do so, as required under current law. On a long-term basis, this could affect enrollment in State teacher preparation institutions, which must administer the assessment as a condition of graduation. Teacher candidates may elect to attend out-of-state institutions so they do not have to pass the performance-based assessment in order to get a Maryland license. Any such effect may be muted to the extent that MSDE requires teachers from out of State to pass the performance-based assessment when they renew their licenses, as allowed by the compact. Moreover, as the bill gives member states some discretion in what licenses they choose to grant, Maryland may choose to not grant a license to any out-of-state candidates who have

not passed the assessment. Therefore, a reliable assessment of the bill's effect on enrollment in in-state teacher preparation programs cannot be made.

According to the Interstate Teacher Mobility Compact's website, 11 states have already enacted compact legislation with legislation proposed in an additional 8 states. Of the states that border Maryland, only Pennsylvania has enacted compact legislation, while Virginia and Delaware have introduced compact legislation. Therefore, if the bill is enacted, membership in the compact would be effective as soon as notice is provided.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Maryland State Department of Education; Baltimore City Public Schools; Baltimore County Public Schools; Montgomery County Public Schools; Prince George's County Public Schools; Department of Legislative Services

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