

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 1125 Interstate Education Compacts

SPONSOR(S): Education Quality Subcommittee, Smith, Hunschofsky and others

TIED BILLS: CS/HB 1127 **IDEN./SIM. BILLS:** SB 1446

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Education Quality Subcommittee	18 Y, 0 N, As CS	Wolff	Sanchez
2) PreK-12 Appropriations Subcommittee	14 Y, 0 N	Bailey	Potvin
3) Education & Employment Committee			

SUMMARY ANALYSIS

The Interstate Teacher Mobility Compact (ITMC) is an interstate occupational licensure compact. Interstate compacts are constitutionally authorized, legislatively enacted, legally binding agreements among states. The ITMC will allow teachers with an eligible license held in a compact member state to be granted an equivalent license in another compact member state; thereby, lowering barriers to teacher mobility.

Under the ITMC, a teacher certified in one member state is entitled to receive the closest equivalent certification in another member state simply by presenting their originating state's certification and passing any background screening requirement implemented by the receiving state. Member states are required to share necessary information, such as certification or discipline history, when certificate holders move between states. Given the sensitive nature of some of these documents, the ITMC requires that information related to individual teachers shared between member states remain confidential.

The Interstate Teacher Mobility Compact Commission (commission), made up of the primary administrative officer of the State Licensing Agency (for Florida, this is the Department of Education) or their designee is responsible for the administration of the ITMC.

The bill ratifies the ITMC by adopting the model legislation into Florida statute. Once the ITMC has been ratified by 10 states, it becomes effective; at which time the designated commissioner of each member state will coordinate implementation of the policies and procedures necessary to effectuate the ITMC.

The bill also updates citations to federal law in the Interstate Compact on Educational Opportunity for Military Children statute.

The bill has an indeterminate fiscal impact on state expenditures. See Fiscal Comments.

The bill has an effective date of July 1, 2023.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Interstate Licensure Compacts

Generally, interstate licensure compacts are designed to simplify and streamline the process for an individual licensed in one state to become licensed in another state, so long as both states are members of the compact. There are currently nine interstate licensure compacts. Florida is a member of two, specifically, the Nurse Licensure Compact and the Counseling Compact.¹

Interstate Teacher Mobility Compact

The Interstate Teacher Mobility Compact (ITMC or compact) is an interstate occupational licensure compact. The ITMC will allow teachers with an eligible license held in a compact member state to be granted an equivalent license in another compact member state; thereby, lowering barriers to teacher mobility.²

The ITMC utilizes a different model than other interstate occupational licensure compacts. Compact member states submit licenses that are eligible for the compact and meet a set of criteria outlined in the legislation. To be eligible, a license must require a bachelor's degree and completion of a state-approved program for teacher licensure like a teacher preparation program at a college or university. Furthermore, for a license to be eligible under the compact, it must be unencumbered (i.e., not restricted, probationary, provisional, substitute or temporary).³

Teachers holding a compact-eligible license can apply for licensure in another member state and receive the closest equivalent license without submitting additional materials, taking state-specific exams or completing additional coursework. Special carveouts are created for some populations in the compact to support equitable access. Due to the mobility patterns of military spouses, the barriers to receiving a license that would be considered unencumbered under the compact are much higher. Teachers meeting the definition of an eligible military spouse will be able to use a temporary or provisional license for the purposes of the compact. Career and technical education teaching licenses often do not require a bachelor's degree as a requirement for licensure, so the compact allows these licenses to be considered eligible without that requirement.⁴

The model legislation for the ITMC was finalized in the fall of 2022.⁵ The ITMC becomes effective once its model legislation is adopted by ten states.⁶ As of March 31, 2023, Colorado, Kentucky and Utah have ratified the ITMC while 14 additional states, to include Florida, have pending legislation to ratify the ITMC.⁷

The model legislation is comprised of 13 articles as set forth below:

¹ National Center for Interstate Compacts, State and U.S. Territory Membership in Interstate Licensure Compacts, *available at* <https://teachercompact.org/wp-content/uploads/sites/28/2023/01/State-Compact-Membership.pdf>; see ss. 464.0095 and 491.017, F.S.

² National Center for Interstate Compacts, *Interstate Teacher Mobility Compact*, *available at* <https://teachercompact.org/wp-content/uploads/sites/28/2022/11/ITMC-Overview.pdf>.

³ *Id.*

⁴ *Id.*

⁵ National Center for Interstate Compacts, *Interstate Teacher Mobility Compact*, *available at* <https://compacts.csg.org/compact-updates/teaching/> (last visited April 4, 2023).

⁶ Interstate Teaching Mobility Compact, *Interstate Teacher Mobility Compact Model Legislation*, p. 15, *available at* <https://teachercompact.org/wp-content/uploads/sites/28/2023/02/ITMC-Model-Legislation-Updated.pdf>.

⁷ Interstate Teaching Mobility Compact, *Compact Map*, <https://teachercompact.org/compact-map/> (last visited April 4, 2023).

Article I: Purpose

This article provides the purpose of the ITMC is to facilitate the mobility of teachers across the member states, with the goal of supporting teachers through a new pathway to licensure. The ITMC will:

- create a streamlined pathway to licensure mobility for teachers;
- support the relocation of Eligible Military Spouses;
- facilitate and enhance the exchange of licensure, investigative, and disciplinary information between the Member States;
- enhance 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;
- support the retention of teachers in the profession by removing barriers to relicensure in a new state; and
- maintain state sovereignty in the regulation of the teaching profession.

Article II: Definitions

This article establishes the definitions of key terms as used throughout the ITMC to alleviate confusion on the part of practitioners and jurisdictions.

Article III: Licensure Under the ITMC

This article describes the model of licensure reciprocity and the responsibilities of member states in effectuating the ITMC. It also highlights the upholding of state sovereignty and the narrow scope of the ITMC in its effect on state licensing policy. Member states must submit a list of eligible licenses that the state will grant in accordance with the ITMC to licensees coming from other ITMC member states.

The requirements for a license to be eligible are as follows:

- Requirements for licensure include a bachelor's degree;
- Requirements for licensure include a state-approved program for teacher licensure; and
- The license is not a restricted, probationary, provisional, substitute or temporary credential.

Teachers coming from one ITMC member state to another will be granted, upon their application, the closest equivalent eligible license to the one currently held. The receiving state may determine that there is no equivalent eligible license. This article also outlines population-specific carveouts as follows:

- Eligible military spouses may exchange licenses that are probationary or provisional; and
- Career and technical education teachers' licenses that do not require a bachelor's degree may be considered eligible.

Article IV: Licensure Not Under the ITMC

This article provides specific cases within the operation of the ITMC for which states maintain authority. Specifically, States may impose additional state-specific requirements at the point of renewal or may require additional documentation and information to place teachers on a state salary schedule. Additionally, states maintain ownership of licensee data and information and existing agreements between states that include licensure reciprocity or benefits to out-of-state teachers are not superseded by the ITMC.

Article V: Teacher Qualifications and Requirements for Licensure Under the ITMC

This article outlines requirements for a teacher to utilize the ITMC to receive an equivalent license in a member state. Those are as follows:

- Except as provided for eligible military spouses, a teacher may only be eligible to receive a license under this ITMC where that teacher holds a valid, unencumbered license in a member state.
- Upon their application to receive a license under this ITMC, a teacher must undergo a criminal background check in the receiving state in accordance with the laws and regulations of the receiving state; and

- A teacher must provide the receiving state with information in addition to the information required for licensure for the purpose of determining compensation, if applicable.

Article VI: Discipline or Adverse Actions

This article states that discipline authority remains with the member states and their respective practice laws. Member states are authorized and required to provide files and information regarding investigation and discipline of teachers. Member states are required to communicate the intention for disclosure and protect any shared information.

Article VII: Establishment of the ITMC Commission

This article outlines the composition and powers of the ITMC commission and executive committee. The ITMC is not a waiver of sovereign immunity. Under the terms of the ITMC, each member state is entitled to exactly one commissioner, who is the primary administrative officer of the state licensing authority or their designee, and each commissioner has one vote on commission rules and bylaws.

The commission has the following authority under the ITMC to:

- establish a term of office, code of ethics, bylaws, rules, a budget and financial records in order to carry out the ITMC; and
- elect an executive committee composed of eight delegates.

All commission meetings shall be open to the public unless confidential or privileged information must be discussed.

Article VIII: Rulemaking

Rules carry the force of law in all member states. A simple majority of member state legislatures may veto a rule of the commission. If the commission takes an action that is beyond the scope of the ITMC, the action is invalid and has no force and effect.

Article IX: Facilitating Information Exchange

This article requires the commission to facilitate the information exchange required for the administration of the ITMC and reiterates that the ITMC does not limit or inhibit a member state's ability to maintain ownership of its licensure data.

Article X: Oversight, Dispute Resolution, and Enforcement

This article ensures compliance with the ITMC by member states. The procedures to be followed in the event of a failure by a member state to comply with the ITMC include:

- A period of technical assistance in remedying the situation;
- Dispute resolution, including mediation and binding processes; and
- Termination from the ITMC if no other means of compliance is successful.

The commission shall attempt to resolve any ITMC-related disputes that may arise between states.

Article XI: Effectuation, Withdrawal, and Amendment

The ITMC takes effect on the date of enactment by the tenth state. States that join the ITMC before the first convening of the commission (charter member states) shall determine that states that join after this date are subject to the rules of the commission as they exist on the date when the ITMC becomes law in that state. Member states may enact a law to repeal their membership in the ITMC. A state's withdrawal takes effect 6 months after enactment of such law. The ITMC may be amended by every member state enacting the amendment into law.

Article XII: Construction and Severability

The ITMC is to be liberally construed to effectuate its purposes. The ITMC's provisions are severable, meaning that:

- If a provision is declared to conflict with the United States Constitution, all other provisions remain valid for all member states, and
- If a provision is held contrary to a member state's constitution, the ITMC retains its full force in all other states, and all other provisions remain valid in the affected state

Article XIII: Consistent Effect and Conflict with Other State Laws

This article reiterates that teachers are subject to the scope of practice of the state in which they are practicing. It also reiterates that rules and bylaws of the commission are binding on member states. According to legal precedent, if a conflict exists between a state law and the ITMC, the state law is superseded to the extent of the conflict.

Educator Certification in Florida

In order for a person to serve as an educator in a traditional public school, charter school, virtual school, or other publicly operated school, the person must hold a certificate issued by the Florida Department of Education (DOE).⁸ Persons seeking employment at a public school as a school supervisor, principal, teacher, library media specialist, counselor, athletic coach, or in another instructional capacity must be certified.⁹ The purpose of certification is to require school-based personnel to “possess the credentials, knowledge, and skills necessary to allow the opportunity for a high-quality education in the public schools.”¹⁰

The DOE issues three types of educator certificates:

- **Professional Certificate.** The professional certificate covers full-time educator certification.¹¹ The professional certificate is valid for five years and is renewable.¹²
- **Temporary Certificate.** The temporary certificate covers employment in full-time positions for which educator certification is required.¹³ Generally, a temporary certificate is valid for three years and is nonrenewable.¹⁴
- **Athletic Coaching Certificate.** The athletic coaching certificate covers full-time and part-time employment as a public school's athletic coach.¹⁵ The DOE issues two types of athletic coaching certificates – one is valid for five years and may be issued for subsequent five-year periods while the other is valid for three years and may be issued only once.¹⁶ The five-year certificate requires satisfaction of certain specialization requirements established in rule.¹⁷

⁸ Sections 1012.55(1) and 1002.33(12)(f), F.S.

⁹ Section 1002.33(12)(f), (charter school teachers) and s. 1012.55(1), (traditional public school-based personnel employed in an instructional capacity), F.S. District school boards and charter school governing boards are authorized to hire non-certified individuals who possess expertise in a given field to serve in an instructional capacity. Rule 6A-1.0502, F.A.C.; ss. 1002.33(12)(f) and 1012.55(1)(c), F.S.

¹⁰ Section 1012.54, F.S.; see Rule 6A-4.001(1), F.A.C.

¹¹ Rule 6A-4.004(3), F.A.C.

¹² Section 1012.56(7)(a), F.S.; see rule 6A-4.0051(3)(d), F.A.C. (validity period is expressed as five years from July 1 of the school fiscal year).

¹³ Rule 6A-4.004(1)(a)2., F.A.C.

¹⁴ Section 1012.56(7)(e), F.S. (flush-left provisions at end of subsection; validity period is expressed in school fiscal years); rule 6A-4.004(1)(a), F.A.C. The veteran's pathway to educator certification authorizes a give-year nonrenewable temporary certificate. Section 1012.56(7)(e)2., F.S. The DOE also issues a nonrenewable temporary certificate, which is valid for two years, in the area of speech-language impairment. Section 1012.56(7)(c), F.S.

¹⁵ Section 1012.55(2)(a), F.S.

¹⁶ Rule 6A-4.004(5), F.A.C. (validity periods expressed in school fiscal years).

¹⁷ See Rule 6A-4.0282, F.A.C.

In addition, school districts are authorized to issue adjunct teaching certificates to teachers who have expertise in the subject area to be taught. A school district may issue an adjunct teaching certificate for a part-time or full-time teaching position. An adjunct teaching certificate issued for a full-time teaching position is valid for no more than three years and is nonrenewable. An adjunct teaching certificate is valid through the term of the annual contract between the educator and the school district.¹⁸

To be eligible for an educator certificate, a person must:¹⁹

- be at least 18 years of age;
- sign an affidavit attesting that the applicant will uphold the U.S. and State Constitutions;
- earn a bachelor's or higher degree from an accredited institution of higher learning²⁰ or from a nonaccredited institution identified by the DOE as having a quality program resulting in a bachelor's or higher degree;²¹
- submit to fingerprinting and background screening and not have a criminal history that requires the applicant's disqualification from certification or employment;
- be of good moral character; and
- be competent and capable of performing the duties, functions, and responsibilities of a teacher.

In addition, each applicant must submit an application and the required fee to the DOE.²²

There are currently more than 50 certificate subject areas or coverages recognized by the DOE.²³

Reciprocity for Out-of-state Teacher Certification in Florida

Full reciprocity is granted to educators who hold a valid professional standard teaching certificate for a subject area issued by another state or the National Board for Professional Teaching Standards (NBPTS).²⁴ These individuals are deemed to have met the requirements for Florida professional certification, including mastery of general knowledge, subject area knowledge, and professional preparation and education competence.²⁵

Partial reciprocity is granted to educators who hold American Board for Certification of Teacher Excellence (ABCTE) certification. The ABCTE certification satisfies all requirements for a professional certificate, except the professional education competence demonstration requirement. Individuals who hold this certification must complete a professional education competence demonstration program.²⁶

Individuals who hold an out-of-state, NBPTS, or ABCTE certificate must apply for a Florida professional certificate. In each case, the certificate must be comparable to the Florida professional certificate and

¹⁸ Section 1012.57(1) and (4), F.S. An additional annual certification and an additional annual contract may be awarded by the district at its discretion only if the adjunct teacher is rated effective or highly effective during each year of teaching under the adjunct certification. Section 1012.57(4), F.S.

¹⁹ Section 1012.56(2)(a)-(f), F.S.

²⁰ Section 1012.56(2)(c), F.S.; rule 6A-4.003(1), F.A.C. (approved accrediting agencies); *see also* 34 C.F.R. ss. 602.1-602.50; U.S. Department of Education, *Institutional Accrediting Agencies, available at* https://www2.ed.gov/admins/finaid/accred/accreditation_pg3.html#RegionalInstitutional (last visited Mar. 13, 2023) (list of accrediting agencies approved by the U.S. Department of Education).

²¹ Section 1012.56(2)(c), F.S.; rule 6A-4.003(2), F.A.C. (criteria for approval of nonaccredited institutions of higher learning). For initial certification, an applicant must attain at least a 2.5 overall grade point average on a 4.0 scale in the applicant's major field of study. Section 1012.56(2)(c), F.S.

²² Section 1012.56(1), F.S.; *see s.* 1012.59, F.S. The fee for initial certification is \$75 per subject area. Rule 6A-4.0012(1)(a)1. and 2., F.A.C.

²³ *See* Florida Department of Education, *Florida Certificate Subjects, available at* <http://www.fldoe.org/teaching/certification/certificate-subjects/> (last visited Mar. 12, 2023).

²⁴ Section 1012.56(6)(c)-(d), F.S.; *see* rules 6A-4.002(1)(i)-(j) and 6A-4.003(2), F.A.C. (flush left provisions following paragraph (2)(e)); Florida Department of Education, *Reciprocity for Out-of-State Teachers and Administrators, available at* <http://www.fldoe.org/teaching/certification/pathways-routes/certified-teacher-or-administrator.shtml> (last visited Mar. 13, 2023). According to the DOE, 31 NBPTS certification subject area coverages currently align with Florida coverages.

²⁵ Section 1012.56(3)(b)-(c), (5)(e)-(f), and (6)(c)-(d), F.S.; rule 6A-4.002(1)(i)1. and (j), F.A.C.

²⁶ Section 1012.56(6)(f), F.S.

require the same or higher level of academic preparation as the Florida subject area certification requires.²⁷

Effect of Proposed Changes

The bill creates a new section of law to implement the ITMC model legislation.

The bill also updates citations to federal law within the Interstate Compact on Educational Opportunity for Military Children statute.

B. SECTION DIRECTORY:

Section 1: Creates s. 1012.993, F.S., creating the Interstate Teacher Mobility Compact; providing purpose and definitions for the compact; providing requirements for the licensure of teachers in member states who hold specified licenses in other member states; providing requirements for teachers who are licensed in one member state to become licensed in another member state, including career and technical education teachers; providing requirements for licensed teachers who are also eligible military spouses; providing requirements for the renewal of such licenses in the member state a teacher transferred his or her license to; providing applicability; authorizing member states to require additional information for the purpose of determining teacher compensation; providing construction; providing requirements a teacher must meet for licensure in a member state; providing requirements for the investigation or imposition of disciplinary measure and adverse actions for teachers; providing for the sharing and protection of certain information between member states; establishing the Interstate Teacher Mobility Compact Commission; providing purpose of the commission; providing requirements for the membership and meetings of the commission; providing for the removal or suspension of commissioners; providing requirements, powers, and duties of the commission; authorizing the commission to adopt bylaws and rules; establishing the executive committee of the commission; providing for the membership and meetings of the committee; providing the duties and responsibilities of the committee; providing meeting requirements for the commission; requiring the commission to keep specified records and minutes; requiring the commission to pay specified expenses; authorizing the commission to accept specified donations and grants; prohibiting the commission from incurring specified obligations; providing specified immunity to certain individuals; providing exceptions; requiring the commission to defend specified individuals under certain circumstances; requiring the commission to indemnify certain individuals; providing exceptions; providing requirements for the rules of the commission; providing requirements for the exchange of specified information between member states; providing requirements for the oversight of the commission and member states; providing for the resolution of disputes through specified means, including specified judicial proceedings; requiring courts and administrative agencies of member states to take specified actions; providing requirements for the commission and member states for member states that have defaulted in their performance of compact requirements; providing requirements for notifications to such member states; providing requirements for member states who fail to cure such defaults; providing requirements for the termination of the compact for such member states; providing requirements for member states whose participation in the compact is terminated; providing commission and member state requirements relating to the resolution of certain disputes; providing requirements for the compact to take effect; providing requirements for the effect of certain rules and bylaws on member states; providing requirements for member states to withdrawal from the compact; providing for construction and severability of the compact; providing for the consistent application of the compact in member states; providing that certain agreements are binding.

²⁷ See Rule 6A-4.002(1)(i) and (j), F.A.C.

Section 2: Amends s. 1000.36, F.S.; updating a cross-reference within the Interstate Compact on Educational Opportunity for Military Children.

Section 3: Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

Based upon the bill, when 10 states have ratified the model legislation, the ITMC becomes effective and the amount of the annual fee for participation in the ITMC will be determined. The Fiscal Year 2022-2023 General Appropriations Act provides \$45,187 to the DOE to pay the annual membership fee for the state's participation in the Interstate Commission on Educational Opportunity for Military Children. The DOE estimates that a similar amount would be the amount needed for the annual fee for the ITMC. This cost can be absorbed within existing departmental resources.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On March 22, 2023, the Education Quality Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment was a technical amendment to correct a misspelled word in the bill.

The bill analysis is drafted to the committee substitute adopted by the Education Quality Committee.