

CERTIFICATION OF ENROLLMENT

SENATE BILL 5180

68th Legislature
2024 Regular Session

Passed by the Senate March 7, 2024
Yeas 41 Nays 6

President of the Senate

Passed by the House March 7, 2024
Yeas 96 Nays 1

**Speaker of the House of
Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5180** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SENATE BILL 5180

AS RECOMMENDED BY THE CONFERENCE COMMITTEE

Passed Legislature - 2024 Regular Session

State of Washington

68th Legislature

2023 Regular Session

By Senators Hunt, Hawkins, and Mullet

Prefiled 01/05/23. Read first time 01/09/23. Referred to Committee on Early Learning & K-12 Education.

1 AN ACT Relating to the licensure and employment of out-of-state
2 teachers; amending RCW 28A.405.220; and adding a new chapter to Title
3 28A RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **ARTICLE I**

6 **PURPOSE**

7 NEW SECTION. **Sec. 1.** The purpose of this compact is to
8 facilitate the mobility of teachers across the member states, with
9 the goal of supporting teachers through a new pathway to licensure.
10 Through this compact, the member states seek to establish a
11 collective regulatory framework that expedites and enhances the
12 ability of teachers to move across state lines. This compact is
13 intended to achieve the following objectives and should be
14 interpreted accordingly. The member states hereby ratify the same
15 intentions by subscribing hereto:

16 (1) Create a streamlined pathway to licensure mobility for
17 teachers;

18 (2) Support the relocation of eligible military spouses;

1 (3) Facilitate and enhance the exchange of licensure,
2 investigative, and disciplinary information between the member
3 states;

4 (4) Enhance the power of state and district level education
5 officials to hire qualified, competent teachers by removing barriers
6 to the employment of out-of-state teachers;

7 (5) Support the retention of teachers in the profession by
8 removing barriers to relicensure in a new state; and

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

11 **ARTICLE II**
12 **DEFINITIONS**

13 NEW SECTION. **Sec. 2.** As used in this compact, and except as
14 otherwise provided, the following definitions shall govern the terms
15 herein:

16 (1) "Active military member" means any person with full-time duty
17 status in the armed forces of the United States, including members of
18 the national guard and reserve.

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

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

24 (4) "Career and technical education license" means a current,
25 valid authorization issued by a member state's licensing authority
26 allowing an individual to serve as a teacher in prekindergarten
27 through grade 12 public educational settings in a specific career and
28 technical education area.

29 (5) "Charter member states" means a member state that has enacted
30 legislation to adopt this compact where such legislation predates the
31 initial meeting of the commission after the effective date of the
32 compact.

33 (6) "Commission" means the interstate administrative body which
34 membership consists of delegates of all states that have enacted this
35 compact, and which is known as the interstate teacher mobility
36 compact commission.

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

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

4 (9) "Eligible military spouse" means the spouse of any individual
5 in full-time duty status in the active armed forces of the United
6 States, including members of the national guard and reserve on active
7 duty moving as a result of a military mission or military career
8 progression requirements or are on their terminal move as a result of
9 separation or retirement (to include surviving spouses of deceased
10 military members).

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

14 (11) "Licensing authority" means an official, agency, board, or
15 other entity of a state that is responsible for the licensing and
16 regulation of teachers authorized to teach in prekindergarten through
17 grade 12 public educational settings.

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

20 (13) "Receiving state" means any state where a teacher has
21 applied for licensure under this compact.

22 (14) "Rule" means any regulation promulgated by the commission
23 under this compact, which shall have the force of law in each member
24 state.

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

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

31 (17) "State specific requirements" means a requirement for
32 licensure covered in coursework or examination that includes content
33 of unique interest to the state.

34 (18) "Teacher" means an individual who currently holds an
35 authorization from a member state that forms the basis for employment
36 in the prekindergarten through grade 12 public schools of the state
37 to provide instruction in a specific subject area, grade level, or
38 student population.

39 (19) "Unencumbered license" means a current, valid authorization
40 issued by a member state's licensing authority allowing an individual

1 to serve as a teacher in prekindergarten through grade 12 public
2 educational settings. An unencumbered license is not a restricted,
3 probationary, provisional, substitute, or temporary credential.

4 **ARTICLE III**

5 **LICENSURE UNDER THE COMPACT**

6 NEW SECTION. **Sec. 3.** (1) Licensure under this compact pertains
7 only to the initial grant of a license by the receiving state.
8 Nothing herein applies to any subsequent or ongoing compliance
9 requirements that a receiving state might require for teachers.

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

18 (3) Upon the receipt of an application for licensure by a teacher
19 holding an unencumbered eligible license, the receiving state shall
20 determine which of the receiving state's eligible licenses the
21 teacher is qualified to hold and shall grant such a license or
22 licenses to the applicant. Such a determination shall be made in the
23 sole discretion of the receiving state's licensing authority and may
24 include a determination that the applicant is not eligible for any of
25 the receiving state's eligible licenses. For all teachers who hold an
26 unencumbered license, the receiving state shall grant one or more
27 unencumbered license(s) that, in the receiving state's sole
28 discretion, are equivalent to the license(s) held by the teacher in
29 any other member state.

30 (4) For active military members and eligible military spouses who
31 hold a license that is not unencumbered, the receiving state shall
32 grant an equivalent license or licenses that, in the receiving
33 state's sole discretion, is equivalent to the license or licenses
34 held by the teacher in any other member state, except where the
35 receiving state does not have an equivalent license.

36 (5) For a teacher holding an unencumbered career and technical
37 education license, the receiving state shall grant an unencumbered
38 license equivalent to the career and technical education license held

1 by the applying teacher and issued by another member state, as
2 determined by the receiving state in its sole discretion, except
3 where a career and technical education teacher does not hold a
4 bachelor's degree and the receiving state requires a bachelor's
5 degree for licenses to teach career and technical education. A
6 receiving state may require career and technical education teachers
7 to meet state industry recognized requirements, if required by law in
8 the receiving state.

9 **ARTICLE IV**

10 **LICENSURE NOT UNDER THE COMPACT**

11 NEW SECTION. **Sec. 4.** (1) Except as provided in section 3 of
12 this act, nothing in this compact shall be construed to limit or
13 inhibit the power of a member state to regulate licensure or
14 endorsements overseen by the member state's licensing authority.

15 (2) When a teacher is required to renew a license received
16 pursuant to this compact, the state granting such a license may
17 require the teacher to complete state specific requirements as a
18 condition of licensure renewal or advancement in that state.

19 (3) For the purposes of determining compensation, a receiving
20 state may require additional information from teachers receiving a
21 license under the provisions of this compact.

22 (4) Nothing in this compact shall be construed to limit the power
23 of a member state to control and maintain ownership of its
24 information pertaining to teachers, or limit the application of a
25 member state's laws or regulations governing the ownership, use, or
26 dissemination of information pertaining to teachers.

27 (5) Nothing in this compact shall be construed to invalidate or
28 alter any existing agreement or other cooperative arrangement which a
29 member state may already be a party to, or limit the ability of a
30 member state to participate in any future agreement or other
31 cooperative arrangement to:

32 (a) Award teaching licenses or other benefits based on additional
33 professional credentials including, but not limited to, national
34 board certification;

35 (b) Participate in the exchange of names of teachers whose
36 license has been subject to an adverse action by a member state; or

37 (c) Participate in any agreement or cooperative arrangement with
38 a nonmember state.

1 **COMPACT COMMISSION**

2 NEW SECTION. **Sec. 7.** (1) The interstate compact member states
3 hereby create and establish a joint public agency known as the
4 interstate teacher mobility compact commission:

5 (a) The commission is a joint interstate governmental agency
6 comprised of states that have enacted the interstate teacher mobility
7 compact.

8 (b) Nothing in this interstate compact shall be construed to be a
9 waiver of sovereign immunity.

10 (2) Membership, voting, and meetings.

11 (a) Each member state shall have and be limited to one delegate
12 to the commission, who shall be given the title of commissioner.

13 (b) The commissioner shall be the primary administrative officer
14 of the state licensing authority or their designee.

15 (c) Any commissioner may be removed or suspended from office as
16 provided by the law of the state from which the commissioner is
17 appointed.

18 (d) The member state shall fill any vacancy occurring in the
19 commission within 90 days.

20 (e) Each commissioner shall be entitled to one vote about the
21 promulgation of rules and creation of bylaws and shall otherwise have
22 an opportunity to participate in the business and affairs of the
23 commission. A commissioner shall vote in person or by such other
24 means as provided in the bylaws. The bylaws may provide for
25 commissioners' participation in meetings by telephone or other means
26 of communication.

27 (f) The commission shall meet at least once during each calendar
28 year. Additional meetings shall be held as set forth in the bylaws.

29 (g) The commission shall establish by rule a term of office for
30 commissioners.

31 (3) The commission shall have the following powers and duties:

32 (a) Establish a code of ethics for the commission;

33 (b) Establish the fiscal year of the commission;

34 (c) Establish bylaws for the commission;

35 (d) Maintain its financial records in accordance with the bylaws
36 of the commission;

37 (e) Meet and take such actions as are consistent with the
38 provisions of this interstate compact, the bylaws, and rules of the
39 commission;

1 (f) Promulgate uniform rules to implement and administer this
2 interstate compact. The rules shall have the force and effect of law
3 and shall be binding in all member states. In the event the
4 commission exercises its rule-making authority in a manner that is
5 beyond the scope of the purposes of the compact, or the powers
6 granted hereunder, then such an action by the commission shall be
7 invalid and have no force and effect of law;

8 (g) Bring and prosecute legal proceedings or actions in the name
9 of the commission, provided that the standing of any member state
10 licensing authority to sue or be sued under applicable law shall not
11 be affected;

12 (h) Purchase and maintain insurance and bonds;

13 (i) Borrow, accept, or contract for services of personnel
14 including, but not limited to, employees of a member state, or an
15 associated nongovernmental organization that is open to membership by
16 all states;

17 (j) Hire employees, elect or appoint officers, fix compensation,
18 define duties, grant such individuals appropriate authority to carry
19 out the purposes of the compact, and establish the commission's
20 personnel policies and programs relating to conflicts of interest,
21 qualifications of personnel, and other related personnel matters;

22 (k) Lease, purchase, accept appropriate gifts or donations of, or
23 otherwise own, hold, improve, or use, any property, real, personal,
24 or mixed, provided that at all times the commission shall avoid any
25 appearance of impropriety;

26 (l) Sell, convey, mortgage, pledge, lease, exchange, abandon, or
27 otherwise dispose of any property real, personal, or mixed;

28 (m) Establish a budget and make expenditures;

29 (n) Borrow money;

30 (o) Appoint committees, including standing committees composed of
31 members and such other interested persons as may be designated in
32 this interstate compact, rules, or bylaws;

33 (p) Provide and receive information from, and cooperate with, law
34 enforcement agencies;

35 (q) Establish and elect an executive committee;

36 (r) Establish and develop a charter for an executive information
37 governance committee to advise on facilitating exchange of
38 information, use of information, data privacy, and technical support
39 needs, and provide reports as needed;

1 (s) Perform such other functions as may be necessary or
2 appropriate to achieve the purposes of this interstate compact
3 consistent with the state regulation of teacher licensure; and

4 (t) Determine whether a state's adopted language is materially
5 different from the model compact language such that the state would
6 not qualify for participation in the compact.

7 (4) The executive committee of the interstate teacher mobility
8 compact commission.

9 (a) The executive committee shall have the power to act on behalf
10 of the commission according to the terms of this interstate compact.

11 (b) The executive committee shall be composed of eight voting
12 members: The commission chair, vice chair, and treasurer; and five
13 members who are elected by the commission from the current
14 membership:

15 (i) Four voting members representing geographic regions in
16 accordance with commission rules; and

17 (ii) One at large voting member in accordance with commission
18 rules.

19 (c) The commission may add or remove members of the executive
20 committee as provided in commission rules.

21 (d) The executive committee shall meet at least once annually.

22 (e) The executive committee shall have the following duties and
23 responsibilities:

24 (i) Recommend to the entire commission changes to the rules or
25 bylaws, changes to the compact legislation, fees paid by interstate
26 compact member states such as annual dues, and any compact fee
27 charged by the member states on behalf of the commission;

28 (ii) Ensure commission administration services are appropriately
29 provided, contractual or otherwise;

30 (iii) Prepare and recommend the budget;

31 (iv) Maintain financial records on behalf of the commission;

32 (v) Monitor compliance of member states and provide reports to
33 the commission; and

34 (vi) Perform other duties as provided in rules or bylaws.

35 (f) Meetings of the commission.

36 (i) All meetings shall be open to the public, and public notice
37 of meetings shall be given in accordance with commission bylaws.

38 (ii) The commission or the executive committee or other
39 committees of the commission may convene in a closed, nonpublic

1 meeting if the commission or executive committee or other committees
2 of the commission must discuss:

3 (A) Noncompliance of a member state with its obligations under
4 the compact;

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

9 (C) Current, threatened, or reasonably anticipated litigation;

10 (D) Negotiation of contracts for the purchase, lease, or sale of
11 goods, services, or real estate;

12 (E) Accusing any person of a crime or formally censuring any
13 person;

14 (F) Disclosure of trade secrets or commercial or financial
15 information that is privileged or confidential;

16 (G) Disclosure of information of a personal nature where
17 disclosure would constitute a clearly unwarranted invasion of
18 personal privacy;

19 (H) Disclosure of investigative records compiled for law
20 enforcement purposes;

21 (I) Disclosure of information related to any investigative
22 reports prepared by or on behalf of or for use of the commission or
23 other committee charged with responsibility of investigation or
24 determination of compliance issues pursuant to the compact;

25 (J) Matters specifically exempted from disclosure by federal or
26 member state statutes; and

27 (K) Other matters as set forth by commission bylaws and rules.

28 (iii) If a meeting, or portion of a meeting, is closed pursuant
29 to this provision, the commission's legal counsel or designee shall
30 certify that the meeting may be closed and shall reference each
31 relevant exempting provision.

32 (iv) The commission shall keep minutes of commission meetings and
33 shall provide a full and accurate summary of actions taken, and the
34 reasons therefore, including a description of the views expressed.
35 All documents considered in connection with an action shall be
36 identified in such minutes. All minutes and documents of a closed
37 meeting shall remain under seal, subject to release by a majority
38 vote of the commission or order of a court of competent jurisdiction.

39 (g) Financing of the commission.

1 (i) The commission shall pay, or provide for the payment of, the
2 reasonable expenses of its establishment, organization, and ongoing
3 activities.

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

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

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

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

24 (h) Qualified immunity, defense, and indemnification.

25 (i) The members, officers, executive director, employees, and
26 representatives of the commission shall be immune from suit and
27 liability, either personally or in their official capacity, for any
28 claim for damage to or loss of property or personal injury or other
29 civil liability caused by or arising out of any actual or alleged
30 act, error or omission that occurred, or that the person against whom
31 the claim is made had a reasonable basis for believing occurred
32 within the scope of commission employment, duties, or
33 responsibilities; provided, that nothing in this subsection (4)(h)(i)
34 shall be construed to protect any such person from suit or liability
35 for any damage, loss, injury, or liability caused by the intentional
36 or willful or wanton misconduct of that person.

37 (ii) The commission shall defend any member, officer, executive
38 director, employee, or representative of the commission in any civil
39 action seeking to impose liability arising out of any actual or
40 alleged act, error, or omission that occurred within the scope of

1 commission employment, duties, or responsibilities, or that the
2 person against whom the claim is made had a reasonable basis for
3 believing occurred within the scope of commission employment, duties,
4 or responsibilities; provided, that nothing herein shall be construed
5 to prohibit that person from retaining his or her own counsel; and
6 provided further, that the actual or alleged act, error, or omission
7 did not result from that person's intentional or willful or wanton
8 misconduct.

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

19 **ARTICLE VIII**
20 **RULE-MAKING**

21 NEW SECTION. **Sec. 8.** (1) The commission shall exercise its
22 rule-making powers pursuant to the criteria set forth in this
23 interstate compact and the rules adopted thereunder. Rules and
24 amendments shall become binding as of the date specified in each rule
25 or amendment.

26 (2) The commission shall promulgate reasonable rules to achieve
27 the intent and purpose of this interstate compact. In the event the
28 commission exercises its rule-making authority in a manner that is
29 beyond purpose and intent of this interstate compact, or the powers
30 granted hereunder, then such an action by the commission shall be
31 invalid and have no force and effect of law in the member states.

32 (3) If a majority of the legislatures of the member states
33 rejects a rule, by enactment of a statute or resolution in the same
34 manner used to adopt the compact within four years of the date of
35 adoption of the rule, then such rule shall have no further force and
36 effect in any member state.

1 (4) Rules or amendments to the rules shall be adopted or ratified
2 at a regular or special meeting of the commission in accordance with
3 commission rules and bylaws.

4 (5) Upon determination that an emergency exists, the commission
5 may consider and adopt an emergency rule with 48 hours' notice, with
6 opportunity to comment, provided that the usual rule-making
7 procedures shall be retroactively applied to the rule as soon as
8 reasonably possible, in no event later than 90 days after the
9 effective date of the rule. For the purposes of this provision, an
10 emergency rule is one that must be adopted immediately in order to:

- 11 (a) Meet an imminent threat to public health, safety, or welfare;
- 12 (b) Prevent a loss of commission or member state funds;
- 13 (c) Meet a deadline for the promulgation of an administrative
14 rule that is established by federal law or rule of the commission; or
- 15 (d) Protect public health and safety.

16 **ARTICLE IX**

17 **FACILITATING INFORMATION EXCHANGE**

18 NEW SECTION. **Sec. 9.** (1) The commission shall provide for
19 facilitating the exchange of information to administer and implement
20 the provisions of this compact in accordance with the rules of the
21 commission, consistent with generally accepted data protection
22 principles.

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

28 **ARTICLE X**

29 **OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT**

30 NEW SECTION. **Sec. 10.** (1) Oversight.

31 (a) The executive and judicial branches of state government in
32 each member state shall enforce this compact and take all actions
33 necessary and appropriate to effectuate the compact's purposes and
34 intent. The provisions of this compact shall have standing as
35 statutory law.

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

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

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

22 (2) Default, technical assistance, and termination. If the
23 commission determines that a member state has defaulted in the
24 performance of its obligations or responsibilities under this compact
25 or the promulgated rules, the commission shall:

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

30 (b) Provide remedial training and specific technical assistance
31 regarding the default.

32 (3) If a state in default fails to cure the default, the
33 defaulting state may be terminated from the compact upon an
34 affirmative vote of a majority of the commissioners of the member
35 states, and all rights, privileges, and benefits conferred on that
36 state by this compact may be terminated on the effective date of
37 termination. A cure of the default does not relieve the offending
38 state of obligations or liabilities incurred during the period of
39 default.

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

7 (5) A state that has been terminated is responsible for all
8 assessments, obligations, and liabilities incurred through the
9 effective date of termination, including obligations that extend
10 beyond the effective date of termination.

11 (6) The commission shall not bear any costs related to a state
12 that is found to be in default or that has been terminated from the
13 compact, unless agreed upon in writing between the commission and the
14 defaulting state.

15 (7) The defaulting state may appeal the action of the commission
16 by petitioning the United States district court for the District of
17 Columbia or the federal district where the commission has its
18 principal offices. The prevailing party shall be awarded all costs of
19 such litigation, including reasonable attorneys' fees.

20 (8) Dispute resolution.

21 (a) Upon request by a member state, the commission shall attempt
22 to resolve disputes related to the compact that arise among member
23 states and between member and nonmember states.

24 (b) The commission shall promulgate a rule providing for both
25 binding and nonbinding alternative dispute resolution for disputes as
26 appropriate.

27 (9) Enforcement.

28 (a) The commission, in the reasonable exercise of its discretion,
29 shall enforce the provisions and rules of this compact.

30 (b) By majority vote, the commission may initiate legal action in
31 the United States district court for the District of Columbia or the
32 federal district where the commission has its principal offices
33 against a member state in default to enforce compliance with the
34 provisions of the compact and its promulgated rules and bylaws. The
35 relief sought may include both injunctive relief and damages. In the
36 event judicial enforcement is necessary, the prevailing party shall
37 be awarded all costs of such litigation, including reasonable
38 attorneys' fees. The remedies herein shall not be the exclusive
39 remedies of the commission. The commission may pursue any other
40 remedies available under federal or state law.

1 **ARTICLE XI**

2 **EFFECTUATION, WITHDRAWAL, AND AMENDMENT**

3 NEW SECTION. **Sec. 11.** (1) The compact shall come into effect on
4 the date on which the compact statute is enacted into law in the 10th
5 member state.

6 (a) On or after the effective date of the compact, the commission
7 shall convene and review the enactment of each of the charter member
8 states to determine if the statute enacted by each such charter
9 member state is materially different from the model compact statute.

10 (b) A charter member state whose enactment is found to be
11 materially different from the model compact statute shall be entitled
12 to the default process set forth in section 10 of this act.

13 (c) Member states enacting the compact subsequent to the charter
14 member states shall be subject to the process set forth in section
15 7(3)(t) of this act to determine if their enactments are materially
16 different from the model compact statute and whether they qualify for
17 participation in the compact.

18 (2) If any member state is later found to be in default, or is
19 terminated or withdraws from the compact, the commission shall remain
20 in existence and the compact shall remain in effect even if the
21 number of member states should be less than 10.

22 (3) Any state that joins the compact after the commission's
23 initial adoption of the rules and bylaws shall be subject to the
24 rules and bylaws as they exist on the date on which the compact
25 becomes law in that state. Any rule that has been previously adopted
26 by the commission shall have the full force and effect of law on the
27 day the compact becomes law in that state, as the rules and bylaws
28 may be amended as provided in this compact.

29 (4) Any member state may withdraw from this compact by enacting a
30 statute repealing the same.

31 (a) A member state's withdrawal shall not take effect until six
32 months after enactment of the repealing statute.

33 (b) Withdrawal shall not affect the continuing requirement of the
34 withdrawing state's licensing authority to comply with the
35 investigative and adverse action reporting requirements of this act
36 prior to the effective date of withdrawal.

37 (5) This compact may be amended by the member states. No
38 amendment to this compact shall become effective and binding upon any
39 member state until it is enacted into the laws of all member states.

1 **ARTICLE XII**

2 **CONSTRUCTION AND SEVERABILITY**

3 NEW SECTION. **Sec. 12.** This compact shall be liberally construed
4 to effectuate the purposes thereof. The provisions of this compact
5 shall be severable and if any phrase, clause, sentence, or provision
6 of this compact is declared to be contrary to the Constitution of any
7 member state or a state seeking membership in the compact, or of the
8 United States or the applicability thereof to any other government,
9 agency, person, or circumstance is held invalid, the validity of the
10 remainder of this compact and the applicability thereof to any
11 government, agency, person, or circumstance shall not be affected
12 thereby. If this compact shall be held contrary to the Constitution
13 of any member state, the compact shall remain in full force and
14 effect as to the remaining member states and in full force and effect
15 as to the member state affected as to all severable matters.

16 **ARTICLE XIII**

17 **CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS**

18 NEW SECTION. **Sec. 13.** (1) Nothing herein shall prevent or
19 inhibit the enforcement of any other law of a member state that is
20 not inconsistent with the compact.

21 (2) Any laws, statutes, regulations, or other legal requirements
22 in a member state in conflict with the compact are superseded to the
23 extent of the conflict.

24 (3) All permissible agreements between the commission and the
25 member states are binding in accordance with their terms.

26 **Sec. 14.** RCW 28A.405.220 and 2016 c 85 s 2 are each amended to
27 read as follows:

28 (1) Notwithstanding the provisions of RCW 28A.405.210, every
29 person employed by a school district in a teaching or other
30 nonsupervisory certificated position shall be subject to nonrenewal
31 of employment contract as provided in this section during the first
32 three years of employment by such district, unless: (a) The employee
33 has previously completed at least two years of certificated
34 employment in another school district in the state of Washington, in
35 which case the employee shall be subject to nonrenewal of employment
36 contract pursuant to this section during the first year of employment

1 with the new district; or (b) the employee has received an evaluation
2 rating below level 2 on the four-level rating system established
3 under RCW 28A.405.100 during the third year of employment, in which
4 case the employee shall remain subject to the nonrenewal of the
5 employment contract until the employee receives a level 2 rating; or
6 (c) the school district superintendent may make a determination to
7 remove an employee from provisional status if the employee has
8 received one of the top two evaluation ratings during the second year
9 of employment by the district. Employees as defined in this section
10 shall hereinafter be referred to as "provisional employees."

11 (2) The superintendent of the school district may not renew the
12 employment contract of a provisional employee licensed under the
13 interstate teacher mobility compact in chapter 28A.--- RCW (the new
14 chapter created in section 15 of this act) for a third year if the
15 provisional employee has not yet completed both the issues of abuse
16 course described in RCW 28A.410.035 and the equity-based school
17 practices requirements under RCW 28A.410.277.

18 (3) In the event the superintendent of the school district
19 determines that the employment contract of any provisional employee
20 should not be renewed by the district for the next ensuing term such
21 provisional employee shall be notified thereof in writing on or
22 before May 15th preceding the commencement of such school term, or if
23 the omnibus appropriations act has not passed the legislature by the
24 end of the regular legislative session for that year, then
25 notification shall be no later than June 15th, which notification
26 shall state the reason or reasons for such determination. Such notice
27 shall be served upon the provisional employee personally, or by
28 certified or registered mail, or by leaving a copy of the notice at
29 the place of his or her usual abode with some person of suitable age
30 and discretion then resident therein. The determination of the
31 superintendent shall be subject to the evaluation requirements of RCW
32 28A.405.100.

33 ~~((3))~~ (4) Every such provisional employee so notified, at his
34 or her request made in writing and filed with the superintendent of
35 the district within ten days after receiving such notice, shall be
36 given the opportunity to meet informally with the superintendent for
37 the purpose of requesting the superintendent to reconsider his or her
38 decision. Such meeting shall be held no later than ten days following
39 the receipt of such request, and the provisional employee shall be
40 given written notice of the date, time and place of meeting at least

1 three days prior thereto. At such meeting the provisional employee
2 shall be given the opportunity to refute any facts upon which the
3 superintendent's determination was based and to make any argument in
4 support of his or her request for reconsideration.

5 ~~((4))~~ (5) Within ten days following the meeting with the
6 provisional employee, the superintendent shall either reinstate the
7 provisional employee or shall submit to the school district board of
8 directors for consideration at its next regular meeting a written
9 report recommending that the employment contract of the provisional
10 employee be nonrenewed and stating the reason or reasons therefor. A
11 copy of such report shall be delivered to the provisional employee at
12 least three days prior to the scheduled meeting of the board of
13 directors. In taking action upon the recommendation of the
14 superintendent, the board of directors shall consider any written
15 communication which the provisional employee may file with the
16 secretary of the board at any time prior to that meeting.

17 ~~((5))~~ (6) The board of directors shall notify the provisional
18 employee in writing of its final decision within ten days following
19 the meeting at which the superintendent's recommendation was
20 considered. The decision of the board of directors to nonrenew the
21 contract of a provisional employee shall be final and not subject to
22 appeal.

23 ~~((6))~~ (7) This section applies to any person employed by a
24 school district in a teaching or other nonsupervisory certificated
25 position after June 25, 1976. This section provides the exclusive
26 means for nonrenewing the employment contract of a provisional
27 employee and no other provision of law shall be applicable thereto,
28 including, without limitation, RCW 28A.405.210 and chapter 28A.645
29 RCW.

30 NEW SECTION. **Sec. 15.** Sections 1 through 13 of this act
31 constitute a new chapter in Title 28A RCW.

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