

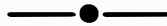
WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1969



ENROLLED

HOUSE BILL No. 780

(By Mr. Lohr)



PASSED March 5, 1969

In Effect Ninety days from Passage



FILED IN THE OFFICE
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE

THIS DATE 3-12-69

780

ENROLLED
House Bill No. 780

(By MR. LOHR)

[Passed March 5, 1969; in effect ninety days from passage.]

AN ACT to amend chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article ten-e, relating to an interstate compact on qualifications of education personnel.

Be it enacted by the Legislature of West Virginia:

That chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article ten-e, to read as follows:

ARTICLE 10E. INTERSTATE COMPACT ON QUALIFICATIONS OF EDUCATIONAL PERSONNEL.

§18-10E-1. Enactment of compact.

1 The interstate compact on qualifications of educational

2 personnel is hereby enacted into law and entered into
3 with all jurisdictions legally joining therein, in the form
4 substantially as follows:

5 **INTERSTATE COMPACT ON QUALIFICATIONS**
6 **OF EDUCATIONAL PERSONNEL**

7 **Article I. Purpose, Findings and Policy.**

8 1. The states party to this compact, desiring by com-
9 mon action to improve their respective school systems
10 by utilizing the teacher or other professional educational
11 person wherever educated, declare that it is the policy
12 of each of them, on the basis of cooperation with one
13 another to take advantage of the preparation and exper-
14 ience of such persons wherever gained, thereby serving
15 the best interests of society, of education, and of the
16 teaching profession. It is the purpose of this compact to
17 provide for the development and execution of such pro-
18 grams of cooperation as will facilitate the movement of
19 teachers and other professional educational personnel
20 among the states party to it, and to authorize specific
21 interstate educational personnel contracts to achieve that
22 end.

23 2. The party states find that included in the large
24 movement of population among all sections of the nation
25 are many qualified educational personnel who move for
26 family and other personal reasons but who are hindered
27 in using their professional skill and experience in their
28 new locations. Variations from state to state in require-
29 ments for qualifying educational personnel discourage
30 such personnel from taking the steps necessary to qualify
31 in other states. As a consequence, a significant number
32 of professionally prepared and experienced educators is
33 lost to our school systems. Facilitating the employment
34 of qualified educational personnel without reference to
35 their states of origin, can increase the available educa-
36 tional resources. Participation in this compact can in-
37 crease the availability of educational manpower.

38 **Article II. Definitions.**

39 As used in this compact and contracts made pursuant
40 to it, unless the context clearly requires otherwise:

41 1. "Educational personnel" means persons who must
42 meet requirements pursuant to state law as a condition of
43 employment in educational programs.

44 2. "Designated state official" means the education
45 official of a state selected by that state to negotiate and
46 enter into, on behalf of his state, contracts pursuant to
47 this compact.

48 3. "Accept", or any variant thereof, means to recog-
49 nize and give effect to one or more determinations of an-
50 other state relating to the qualifications of educational
51 personnel in lieu of making or requiring a like determina-
52 tion that would otherwise be required by or pursuant to
53 the laws of a receiving state.

54 4. "State" means a state, territory or possession of
55 the United States; the District of Columbia; or the Com-
56 monwealth of Puerto Rico.

57 5. "Originating state" means a state and the subdi-
58 vision thereof, if any, whose determination that certain
59 educational personnel are qualified to be employed for
60 specific duties in schools is acceptable in accordance with
61 the terms of a contract made pursuant to article III.

62 6. "Receiving state" means a state and the subdivisions
63 thereof which accept educational personnel in accord-
64 ance with the terms of a contract made pursuant to ar-
65 ticle III.

66 **Article III. Interstate Educational Personnel**

67 **Contracts.**

68 1. The designated state official of a party state may
69 make one or more contracts on behalf of his state with
70 one or more other party states providing for the accep-
71 tance of educational personnel. Any such contract for the
72 period of its duration shall be applicable to and binding
73 on the states whose designated state officials enter into
74 it, and the subdivisions of those states, with the same
75 force and effect as if incorporated in this agreement. A
76 designated state official may enter into a contract pur-
77 suant to this article only with states in which he finds
78 that there are programs of education, certification stan-
79 dards or other acceptable qualifications that assure prep-
80 aration or qualification of educational personnel on a
81 basis sufficiently comparable, even though not identical
82 to that prevailing in his own state.

83 2. Any such contract shall provide for:

84 (a) Its duration;

85 (b) The criteria to be applied by an originating
86 state in qualifying educational personnel for acceptance
87 by a receiving state;

88 (c) Such waivers, substitutions and conditional
89 acceptances as shall aid the practical effectuation of the
90 contract without sacrifice of basic educational standards;

91 (d) Any other necessary matters.

92 3. No contract made pursuant to this compact shall
93 be for a term longer than five years but any such contract
94 may be renewed for like or lesser periods.

95 4. Any contract dealing with acceptance of educa-
96 tional personnel on the basis of their having completed
97 an educational program shall specify the earliest date
98 or dates on which originating state approval of the pro-
99 gram or programs involved can have occurred. No con-
100 tract made pursuant to this compact shall require ac-
101 ceptance by a receiving state of any persons qualified
102 because of successful completion of a program prior to
103 January one, one thousand nine hundred fifty-four.

104 5. The certification or other acceptance of a person
105 who has been accepted pursuant to the terms of a con-
106 tract shall not be revoked or otherwise impaired because
107 the contract has expired or been terminated. However,
108 any certificate or other qualifying document may be re-

109 voked or suspended on any ground which would be suffi-
110 cient for revocation or suspension of a certificate or other
111 qualifying document initially granted or approved in the
112 receiving state.

113 6. A contract committee composed of the designated
114 state officials of the contracting states or their representa-
115 tives shall keep the contract under continuous review,
116 study means of improving its administration, and report
117 no less frequently than once a year to the heads of the
118 appropriate education agencies of the contracting states.

119 **Article IV. Approved and Accepted Programs.**

120 1. Nothing in this compact shall be construed to repeal
121 or otherwise modify any law or regulation of a party
122 state relating to the approval of programs of educational
123 preparation having effect solely on the qualification of
124 educational personnel within that state.

125 2. To the extent that contracts made pursuant to this
126 compact deal with the educational requirements for the
127 proper qualification of educational personnel, acceptance
128 of a program of educational preparation shall be in ac-
129 cordance with such procedures and requirements as may
130 be provided in the applicable contract.

131 **Article V. Interstate Cooperation.**

132 The party states agree that:

133 1. They will, so far as practicable, prefer the making
134 of multilateral contracts pursuant to article III of this
135 compact.

136 2. They will facilitate and strengthen cooperation in
137 interstate certification and other elements of educational
138 personnel qualification and for this purpose shall cooper-
139 ate with agencies, organizations, and associations in-
140 terested in certification and other elements of educational
141 personnel qualification.

142 **Article VI. Agreement Evaluation.**

143 The designated state officials of any party states may
144 meet from time to time as a group to evaluate progress
145 under the compact, and to formulate recommendations for
146 changes.

147 **Article VII. Other Arrangements.**

148 Nothing in this compact shall be construed to prevent
149 or inhibit other arrangements or practices of any party
150 state or states to facilitate the interchange of educational
151 personnel.

152 **Article VIII. Effect and Withdrawal.**

153 1. This compact shall become effective when enacted
154 into law by two states. Thereafter it shall become effec-
155 tive as to any state upon its enactment of this compact.

156 2. Any party state may withdraw from this compact
157 by enacting a statute repealing the same, but no such
158 withdrawal shall take effect until one year after the
159 governor of the withdrawing state has given notice in
160 writing of the withdrawal to the governors of all other
161 party states.

162 3. No withdrawal shall relieve the withdrawing state
163 of any obligation imposed upon it by a contract to which
164 it is a party. The duration of contracts and the methods
165 and conditions of withdrawal therefrom shall be those
166 specified in their terms.

167 **Article IX. Construction and Severability.**

168 This compact shall be liberally construed so as to effec-
169 tuate the purposes thereof. The provisions of this com-
170 pact shall be severable and if any phrase, clause, sen-
171 tence or provision of this compact is declared to be con-
172 trary to the constitution of any state or of the United

173 States, or the application thereof to any government,
174 agency, person or circumstances is held invalid, the
175 validity of the remainder of this compact and the ap-
176 plicability thereof to any government, agency, person or
177 circumstance shall not be affected thereby. If this com-
178 pact shall be held contrary to the constitution of any
179 state participating therein, the compact shall remain in
180 full force and effect as to the state affected as to all
181 severable matters.

182 The "designated state official" for this state shall be
183 the state superintendent of schools. He may enter into
184 contracts pursuant to article III of the compact only with
185 the approval of the specific text thereof by the state
186 board of education.

187 True copies of all contracts made on behalf of this
188 state pursuant to the compact shall be kept on file in
189 the office of the state superintendent of schools and in
190 the office of the secretary of state. The state superin-
191 tendent of schools shall publish all such contracts in con-
192 venient form.

§18-10E-2. Effective date.

1 The effective date of this bill shall be July one, one
2 thousand nine hundred sixty-nine.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

William Tompax
Chairman Senate Committee

Phyllis J. Ruetledge
Vice Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Howard Keyes
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Lloyd Garrison
President of the Senate

Over Y. Boiarok
Speaker House of Delegates

The within approved this the 14th
day of March, 1969.

Arch. A. Starnes Jr.
Governor



PRESENTED TO THE
GOVERNOR

Date 3/11/69

Time 2:00 p.m.

RECEIVED

MAR 17 9 11 PM '69

OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA