

**CONFERENCE COMMITTEE REPORT BRIEF
SENATE BILL NO. 66**

As Agreed to April 5, 2023

Brief*

SB 66, as amended, would enact the Interstate Teacher Mobility Compact (Compact). In addition, the bill would require state licensing bodies to provide paper-based and verified electronic credentials to all credential holders, and to also utilize a centralized electronic credential data management system.

Interstate Teacher Mobility Compact

The bill would enact the Compact, the provisions of which are outlined below.

Section 1: Purpose

The bill would state the purpose of this Compact is to facilitate the mobility of teachers across the member states with the goal of establishing a new and expedited pathway to licensure.

Section 2: Definitions

The Compact would define various terms used throughout the Compact.

Section 3: Licensure Under the Compact

The Compact would provide licensure requirements for states participating in the Compact. Member states would compile a list of licenses that it would be willing to consider for equivalency, including licenses that a state would be willing to grant to teachers from other member states. The receiving state would have the sole discretion of determining which license, if any, the teacher is eligible to hold. Receiving states would be required to grant an equivalent license to any active military member and eligible military spouse, as defined in the bill, who holds a license that is not unencumbered. Receiving states would not be required to grant an

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equivalent license to a career and technical education teacher who does not meet the receiving state's industry recognized requirements, including not holding a bachelor's degree.

Section 4: Licensure Not Under the Compact

The Compact would not limit the ability of a member state to regulate its licensing authority. Nor would the Compact impede member states' control of ownership or dissemination of teacher's information. In the event a teacher is required to renew a license received pursuant to the Compact, the receiving state could condition the renewal of the license on the teacher's completion of state-specific requirements.

Section 5: Teacher Qualifications and Requirements for Licensure Under the Compact

The Compact would require a teacher to hold an unencumbered license in a member state to be eligible to receive a license through the Compact. The unencumbered license requirement would not apply to active military members or eligible military spouses. If a teacher's license is accepted by the receiving state, the teacher would be required to then undergo a background check and provide other information as necessary to the receiving state.

Section 6: Discipline and Adverse Actions

The Compact would not limit a member state's authority to impose disciplinary actions. Upon request of a member state, other member states would be required to share information regarding investigations and discipline of teachers. The Compact would require member states to keep shared information secure. Prior to a state disclosing information it received, the state would be required to inform the original state of its intent to disclose the information received.

Section 7: Establishment of the Interstate Teacher Mobility Compact Commission

The Compact would create the Compact Commission and include provisions relating to the membership, voting, powers and duties, and financing of the Compact Commission and would also create an executive committee.

Section 8: Rulemaking

The Compact would authorize the Compact Commission to exercise rulemaking powers. Rules, or amendments to the rules, would be adopted or ratified at a regular or special meeting of the Compact Commission. If a majority of the legislatures of the member states reject a rule, the rule would have no further force nor effect. Additionally, if certain conditions are met, the Compact Commission would be required to grant the opportunity for a public hearing. In the event of an emergency, the Compact Commission could adopt emergency rules.

Section 9: Facilitating Information Exchange

The Compact Commission would be required to facilitate the exchange of information.

Section 10: Oversight, Dispute Resolution, and Enforcement

The Compact would provide for dispute resolution and appeals processes of member states. In addition, the Compact Commission would be authorized to enforce the legal action in federal court against a member state.

Section 11: Effectuation, Withdrawal, and Amendment

The Compact would be effective on the date on which the Compact statute is enacted into law in the tenth member state. Any member state would be allowed to withdraw from the Compact by enacting a statute that would repeal the Compact, but this would not take effect until six months after the enactment of the repealing statute. Member states could amend the Compact, but any amendment would not be effective until it is enacted by all member states.

Section 12: Construction and Severability

The Compact would state it must be required to be liberally construed. The provisions of the Compact would be severable.

Section 13: Consistent Effect and Conflict with Other State Laws

The Compact would not prevent the enforcement of any other law of a member state that is not inconsistent with the Compact. State laws that conflict with the Compact would be superseded, to the extent of the conflict. All lawful actions of the Compact Commission would be binding upon member states.

Verified Electronic Credentials

The bill would require licensing bodies to provide verified electronic credentials to persons regulated by the licensing body not later than January 1, 2025.

Paper-based and Verified Electronic License, Registration, or Certification

The bill would require licensing bodies, upon submission of a completed application, to issue a paper-based and verified electronic license, registration, or certification to an applicant so that the applicant may lawfully practice the person's occupation.

The bill would also require that an applicant who holds a valid current license, registration, or certification in another state, district, or territory of the United States receive a paper-based and verified electronic license, registration, or certification if certain conditions are met.

The bill would allow a licensing body to satisfy any requirement to provide a paper-based license, registration, certification, or permit by issuing an electronic credential to an applicant in a format that permits the applicant to print a paper copy of such electronic credential. Such paper copy would be considered a valid license, registration, certification, or permit.

Centralized Electronic Credential Data Management Systems

Subject to appropriations, the bill would require the Secretary of Administration (Secretary) to develop and implement a uniform or singular license verification portal for the purpose of verifying or reporting license statuses such as credentials issued, renewed, revoked, or suspended by licensing bodies or that have expired or otherwise changed in status on or before January 1, 2025. The Secretary would be permitted to utilize the services or facilities of a third party for the central electronic record system. The bill would also require the central electronic record system to comply with the requirements adopted by the Information Technology Executive Council.

The centralized electronic credential data management system would include an instantaneous verification system that is operated by the licensing body's respective secretary, the secretary's designee, or the Secretary's third party agent on behalf of the licensing body for the purpose of instantly verifying the authenticity and validity of electronic credentials issued by the licensing body. The bill would require the centralized electronic credential data management systems to maintain an auditable record of credentials issued by each licensing body.

The bill would require each licensing body, beginning January 1, 2025, to integrate with the uniform or singular license verification portal in the manner and format required by the Secretary indicating any issuance, renewal, revocation, suspension, expiration, or other change in status of an electronic credential.

The bill would state that no charge for the establishment or maintenance of the uniform or singular license verification portal shall be imposed on any licensing body or any person with a license, registration, certification, or permit issued by a licensing body.

The bill would also state that a licensing body would not be prohibited or prevented from developing, operating, maintaining, or using a separate electronic credential system of the licensing body or of a third party in addition to making reports to the central electronic record system or from participating in a multi-state compact or a reciprocal licensure, registration, or certification process as long as the separate electronic credential system of the licensing body integrates with the uniform or singular license verification portal.

Exception for Certification of Law Enforcement Officers

The bill would exempt the certification of law enforcement officers pursuant to the Kansas Law Enforcement Training Act from the credentialing provisions related to military servicemembers, military spouses, and individuals establishing residency in Kansas, including the electronic credentialing requirements.

Definitions

The bill would define the term "electronic credential" or "electronic certification, license or registration" to mean an electronic method by which a person may display or transmit to another person information that verifies the status of a person's certification, licensure, registration or permit as authorized by a licensing body and is equivalent to a paper-based certification, license, registration or permit.

The bill would define the term “person” to mean a natural person.

The bill would define the term “verification system” to mean an electronic method by which the authenticity and validity of electronic credentials are verified.

Conference Committee Action

The Conference Committee agreed to the provisions of SB 66, as amended by the House Committee on Education, and agreed to add the contents of HB 2388, as amended by the House Committee of the Whole.

Background

The Conference Committee added the contents of HB 2388, as amended by the House Committee of the Whole, to SB 66, as amended by the House Committee on Education.

SB 66 (Interstate Teacher Mobility Compact)

The bill was introduced by the Senate Committee on Education at the request of Senator Pettey.

Senate Committee on Education

In the Senate Committee hearing, Senator Pettey and representatives of the Kansas Association of School Boards and the United School Boards of America, Kansas testified as **proponents** of the bill. The proponents generally stated it would help reduce teacher vacancies and streamline the licensing process. Written-only proponent testimony was provided by a representative of the Office of the Assistant Secretary of Defense.

Representatives of the American Federation of Teachers-Kansas and the Kansas State Board of Education (Board) testified as **opponents** of the bill. The opponents generally testified that other options are available to fill teacher vacancies, and that potential member states may not have licensure requirements as stringent as those of Kansas. Written-only opponent testimony was provided by a representative of the Kansas National Education Association (KNEA) and a private citizen.

No other testimony was provided.

House Committee on Education

In the House Committee hearing, Senator Pettey provided **proponent** testimony noting the purpose of the Compact and that the Compact legislation has been introduced in 14 states and has passed both chambers in Utah. The Senator indicated technical amendments were needed to update references in the definitions section of the Compact. Written-only proponent testimony was submitted by representatives of the Greater Kansas City Chamber of Commerce and the Office of the Assistant Secretary of Defense.

Representatives of the Board and the KNEA provided **opponent** testimony. The Board representative addressed concerns regarding the Compact standards for teacher licensure and indicated the Board is continuing to study the Compact and Kansas' participation. It was noted that the Board was not yet ready to make a recommendation at its January meeting, but was scheduled to again review the matter at its March meeting. Written-only opponent testimony was provided by a representative of the American Federation of Teachers-Kansas.

No other testimony was provided.

The House Committee amended the bill to make technical amendments to conform with updated references to "armed forces" (instead of "uniformed services") in the underlying Compact model language. [*Note:* The Conference Committee retained these amendments.]

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the State Department of Education indicated that any possible fees associated with the Compact should be negligible and managed within the Department's existing resources.

HB 2388 (Electronic Credentials)

The bill was introduced by the House Committee on Commerce, Labor and Economic Development at the request of a representative of ASPIRE.

House Committee on Commerce, Labor and Economic Development

In the House Committee hearing, **proponent** testimony was provided by a representative of ASPIRE. The proponent stated the bill would provide a centralized digital infrastructure for license and credential reciprocity and would help support military spouses.

Neutral testimony was provided by a representative of the Kansas State Board of Nursing.

No other testimony was provided.

On February 20, 2023, the House Committee amended the bill to exempt the certification of law enforcement officers pursuant to the Kansas Law Enforcement Training Act.

On February 22, 2023, the bill, as amended by the House Committee, was withdrawn from the House Calendar and referred to the House Committee on Appropriations. On March 1, 2023, the bill was withdrawn from the House Committee on Appropriations and rereferred to the House Committee on Commerce, Labor and Economic Development.

On March 6, 2023, the House Committee further amended the bill to:

- Change the definition of "electronic credential" to include "electronic certification, license or registration" and mean an electronic method by which a person may display or transmit to another person information that verifies the status of a person's

certification, licensure, registration or permit as authorized by a licensing body and is equivalent to a paper-based certification, license, registration or permit;

- Define the term “person”;
- Allow for the paper credentialing requirement to be met if applicants can print a paper copy of their electronic credential;
- Require licensing bodies to provide verified electronic credentials to persons regulated by the licensing body not later than January 1, 2025;
- Require the Secretary to develop and implement a central electronic record system or utilize a third party’s services or facilities to maintain a central record of electronic credentials, on or before January 1, 2025, and subject to appropriations;
- Require licensing bodies to provide reports indicating any issuance, renewal, revocation, suspension, expiration, or other change in status of an electronic credential to the central electronic record system in the manner and format required by the Secretary beginning January 1, 2025;
- Prohibit licensing bodies and any person with a license, registration, certification, or permit issued by a licensing body from being charged for the establishment or maintenance of the central electronic record system; and
- Provide that a licensing body would not be prohibited or prevented from developing, operating, maintaining, or using a separate electronic credential system in addition to making reports to the Secretary or participating in a multi-state compact or a reciprocal licensure, registration, or certification process.

[*Note:* The Conference Committee retained these amendments.]

House Committee of the Whole

The House Committee of the Whole amended the bill to clarify the Secretary would develop and implement a uniform or singular license verification portal (in some instances, verification portal replaces prior reference to a central record system) and licensing bodies would integrate with such license verification portal for the purpose of verifying or reporting license statuses. [*Note:* The Conference Committee retained these amendments.]

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on HB 2388, as introduced, the Board of Barbering states the bill would require the agency to create and maintain a new database. The agency currently does not have the funds to create or support such a database. The agency cannot estimate the fiscal effect to purchase and maintain the database. The agency does state that revenues would be negligible because the agency does not charge a fee to send out electronic and paper licensure to reciprocal states.

The Office of the Attorney General states the bill’s provisions would require the agency to purchase additional software for its licensing and registration programs. The agency estimates it

would need \$532,275 from the State General Fund (SGF) in FY 2024 to purchase required software, hire a 0.50 FTE Administrative Specialist, and make related operating expenditures.

The Board of Veterinary Examiners states it would need to hire a vendor to create and maintain a database as required by the bill. In addition, the agency would need to increase fees to cover the additional expenditures for the database. The agency cannot estimate the cost of a new system and related maintenance costs.

The Kansas Real Estate Commission states that since the bill would require paper-based credentials to be provided, the agency's expenditures would increase by over \$10,000 from its fee fund for FY 2024 because the agency discontinued this practice in FY 2018. The agency did not mention whether it has an electronic system that would meet the requirements of the bill.

The Behavioral Sciences Regulatory Board states passage of the bill would increase expenditures by \$5,000 from its fee funds for FY 2024 to mail a paper license for renewals. The agency currently sends paper licenses when initially licensed. The agency did not mention whether it currently has an electronic system that would meet the requirements of the bill.

The Abstracters' Board of Examiners indicates it has one part-time employee and does not have a website; therefore, the bill would require additional unknown expenditures to implement the provisions of the bill. The agency does not have the funds available to purchase the required system and would require SGF moneys for the purchase and maintenance of the system.

The Board of Mortuary Arts, Board of Accountancy, Kansas Board of Examiners in Fitting and Dispensing of Hearing Instruments, and Board of Technical Professions currently do not have an electronic system as required by the bill. The agencies cannot estimate the cost to purchase and maintain such system. The agencies would either have to raise fees or request SGF moneys to purchase and maintain the required system.

The Board of Examiners in Optometry does not currently have an electronic system as required by the bill. The agency is in the process of acquiring a system for this purpose. The Governor's budget recommendation for FY 2024 did not include funding from its fee funds for this purpose, but the cost to acquire and maintain the entire system is unknown.

The Board of Healing Arts indicates that it is in the process of having all the professional licenses verified by a third party. Currently, 9 of the 16 professions are verified. The agency states that even though it is working towards having all licenses verified by a third party, not all would be converted to this process by July 1, 2023, and therefore would not meet the requirements of the bill.

The Kansas Dental Board states that it currently does not have a licensing system that would support the provisions of the bill. It would have to hire a vendor to create and maintain an electronic licensing system. The agency's budget submission requested \$130,000 for FY 2024 and \$135,000 for FY 2025 from its fee fund to create a system that should fit the requirements of the bill, and the Governor recommended the agency's request. The agency cannot estimate the ongoing yearly maintenance costs of the system.

The Insurance Department, Department of Education, Board of Cosmetology, Department for Aging and Disability Services, Board of Nursing, Department of Health and Environment, and Board of Pharmacy all state that the bill would not have a fiscal effect because the agencies already utilize a system that meets the requirements of the bill.

A revised fiscal note on the amended bill was not immediately available. Any fiscal effect associated with the bill is not reflected in *The FY 2024 Governor's Budget Report*.

Education; interstate compact; teacher licensure; occupational licenses; license verification; electronic credentials; electronic credential system; secretary of administration

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