

18A:26-11

to

18A:26-23

August 1969

Legislative Notes on R.S. 18A:26-11 to 18A:26-23
(Interstate Transfer of Teacher Credentials)

L. 1969, Chapter 114 - 1962
Introduced April 28, 1969 by McDonough and others.
Statement was made. (Copy enclosed)
Not amended during passage.

No hearings or reports were issued.

The following newspaper articles deal with this act: (Cop enc)

- 3/17/69 "For More Teachers" - Newark Evening News.
- 4/29/69 "Hughes Asks Reciprocal Teacher Law" - Newark Evening News.
- 4/29/69 "Out-of-State Teachers OK Under New Bill" - Trenton Evening Times.

PROPERTY OF
NEW JERSEY STATE LIBRARY

JH/fb

185 W. State Street
Trenton, N.J.

DEPOSITORY COPY

Do Not Remove From Library

DEPOSITORY COPY
Do Not Remove From Library

ASSEMBLY, No. 962

STATE OF NEW JERSEY

INTRODUCED APRIL 28, 1969

By Assemblymen McDONOUGH, WILENTZ, FAY, TODD, EWING,
KEAN, KALTENBACHER, WOODSON, HORN, MERLINO,
VOHDIN, FEKETY, DODD and PFALTZ

(Without Reference)

AN ACT providing for an interstate agreement on qualifications of educational personnel between the State of New Jersey and other States and supplementing chapter 26 of Title 18A of the New Jersey Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. The interstate agreement on qualification of educational per-
2 sonnel contained herein is hereby enacted into law and entered into
3 with all other jurisdictions legally joining therein in substantially
4 the same form, to apply to all teaching staff members who must
5 meet requirements of certification pursuant to section 1 of chapter
6 1 and sections 1 and 2 of chapter 26 of Title 18A of the New Jersey
7 Statutes.

ARTICLE I

PURPOSE, FINDINGS AND POLICY

1 1. The States party to this agreement, desiring by common action
2 to improve their respective school systems by utilizing the teacher
3 or other professional educational person wherever educated, de-
4 clare that it is the policy of each of them, on the basis of co-opera-
5 tion with one another, to take advantage of the preparation and
6 experience of such persons wherever gained, thereby serving the
7 best interests of society, of education, and of the teaching profes-
8 sion. It is the purpose of this agreement to provide for the de-
9 velopment and execution of such programs of co-operation as will
10 facilitate the movement of teachers and other professional edu-
11 cational personnel among the States party to it, and to authorize
12 specific interstate educational personnel contracts to achieve that
13 end.

1 2. The party States find that included in the large movement of
 2 population among all sections of the Nation are many qualified
 3 educational personnel who move for family and other personal
 4 reasons but who are hindered in using their professional skill and
 5 experience in their new locations. Variations from State to State
 6 in requirements for qualifying educational personnel discourage
 7 such personnel from taking the steps necessary to qualify in other
 8 States. As a consequence, a significant number of professionally
 9 prepared and experienced educators is lost to our school systems.
 10 Facilitating the employment of qualified educational personnel,
 11 without reference to their States of origin, can increase the avail-
 12 able educational resources. Participation in this compact can in-
 13 crease the availability of educational manpower.

ARTICLE II

DEFINITIONS

1 1. As used in this agreement and contracts made pursuant to it,
 2 unless the context clearly requires otherwise:

3 (a) "Educational personnel" means persons who must meet re-
 4 quirements pursuant to State law as condition of employment in
 5 educational programs.

6 (b) "Designated State official" means the education official of
 7 a State selected by that State to negotiate and enter into, on behalf
 8 of his State, contracts pursuant to this agreement.

9 (c) "Accept," or any variant thereof, means to recognize and
 10 give effect to one or more determinations of another State relating
 11 to the qualifications of educational personnel in lieu of making or
 12 requiring a like determination that would otherwise be required
 13 by or pursuant to the laws of a receiving State.

14 (d) "State" means a State, territory, or possession of the
 15 United States; the District of Columbia; or the Commonwealth of
 16 Puerto Rico.

17 (e) "Originating State" means a State (and the subdivision
 18 thereof, if any) whose determination that certain educational per-
 19 sonnel are qualified to be employed for specific duties in schools
 20 is acceptable in accordance with the terms of a contract made pur-
 21 suant to Article III.

22 (f) "Receiving State" means a State (and the subdivisions
 23 thereof) which accept educational personnel in accordance with
 24 the terms of a contract made pursuant to Article III.

ARTICLE III

INTERSTATE EDUCATIONAL PERSONNEL CONTRACTS

1 1. The designated State official of a party State may make one
2 or more contracts on behalf of his State with one or more other
3 party States providing for the acceptance of educational person-
4 nel. Any such contract for the period of its duration shall be
5 applicable to and binding on the States whose designated State
6 officials enter into it, and the subdivisions of those States, with the
7 same force and effect as if incorporated in this agreement. A des-
8 ignated State official may enter into a contract pursuant to this
9 article only with States in which he finds that there are programs
10 of education, certification standards or other acceptable qualifica-
11 tions that assure preparation or qualification of educational per-
12 sonnel on a basis sufficiently comparable, even though not identical
13 to that prevailing in his own State.

1 2. Any such contract shall provide for:

2 (a) Its duration.

3 (b) The criteria to be applied by an originating State in qualify-
4 ing educational personnel for acceptance by a receiving State.

5 (c) Such waiver, substitutions, and conditional acceptances as
6 shall aid the practical effectuation of the contract without sacrifice
7 of basic educational standards.

8 (d) Any other necessary matters.

1 3. No contract made pursuant to this agreement shall be for a
2 term longer than 5 years but any such contract may be renewed for
3 like or lesser periods.

1 4. Any contract acceptance by a receiving State of educational
2 personnel on the basis of the completion by educational personnel
3 of a program of educational preparation shall specify the earliest
4 date or dates on which originating State approval of the program
5 or programs involved can have occurred. No contract made pur-
6 suant to this agreement shall require acceptance by a receiving
7 State of any persons qualified because of successful completion of
8 a program prior to January 1, 1954.

1 5. The certification or other acceptance of a person who has been
2 accepted pursuant to the terms of a contract entered into pursuant
3 to this agreement shall not be revoked or otherwise impaired
4 because the contract has expired or been terminated; provided,
5 however, that any receiving State may revoke or suspend any cer-
6 tificate or other qualifying document on any ground which would be
7 sufficient for revocation or suspension of a certificate or other
8 qualifying document initially granted or approved in the receiving
9 State.

1 6. A contract committee composed of the designated State of-
 2 ficials of the contracting States or their representatives shall keep
 3 the contract under continuous review, study means of improving
 4 its administration, and report no less frequently than once a year
 5 to the appropriate education agencies of the contracting States.

ARTICLE IV

APPROVED AND ACCEPTED PROGRAMS

1 1. Nothing contained in this agreement shall be construed to
 2 repeal or otherwise modify any law or regulation of a party State
 3 relating to the approval of programs of educational preparation
 4 having effect solely on the qualification of educational personnel
 5 within that State.

1 2. To the extent that contracts made pursuant to this agreement
 2 deal with the educational requirements for the proper qualification
 3 of educational personnel, acceptance of a program of educational
 4 preparation shall be in accordance with such procedures and re-
 5 quirements as may be provided in the applicable contract.

ARTICLE V

INTERSTATE CO-OPERATION

1 1. The party States agree that they will, so far as practicable,
 2 prefer the making of multilateral contracts pursuant to Article III
 3 of this agreement.

1 2. The party States agree that they will facilitate and strengthen
 2 co-operation in interstate certification and other elements of educa-
 3 tional personnel qualification and for this purpose shall co-operate
 4 with agencies, organizations, and associations interested in cer-
 5 tification and other factors relevant to the qualifications of educa-
 6 tional personnel.

ARTICLE VI

AGREEMENT EVALUATION

1 1. The designated State officials of any party States may meet
 2 from time to time as a group to evaluate progress under the agree-
 3 ment, and to formulate recommendations for changes.

ARTICLE VII

OTHER ARRANGEMENTS

1 1. Nothing contained in this agreement shall be construed to
 2 prevent or inhibit other arrangements or practices of any party
 3 State or States to facilitate the interchange of educational per-
 4 sonnel.

ARTICLE VIII
EFFECT AND WITHDRAWAL

1 1. This agreement shall become effective when enacted into law
2 by 2 States. Thereafter it shall become effective as to any State
3 upon its enactment of this agreement.

1 2. Any party State may withdraw from this agreement by enact-
2 ing a statute repealing the same, but no such withdrawal shall take
3 effect until 1 year after the Governor of the withdrawing State has
4 given notice in writing of the withdrawal to the Governors of all
5 other party States.

1 3. No withdrawal shall relieve the withdrawing State of any
2 obligation imposed upon it by a contract to which it is a party.
3 The duration of contracts and the methods and conditions of with-
4 drawal therefrom shall be those specified in their terms.

ARTICLE IX
CONSTRUCTION AND SEVERABILITY

1 1. This agreement shall be liberally construed so as to effectuate
2 the purposes thereof. The provisions of this agreement shall be
3 severable and if any phrase, clause, sentence, or provision of this
4 agreement is declared to be contrary to the constitution of any
5 State or of the United States, or the application thereof to any
6 government, agency, person, or circumstance is held invalid, the
7 validity of the remainder of this agreement and the applicability
8 thereof to any government, agency, person, or circumstance shall
9 not be affected thereby. If this agreement or any provision
10 thereof shall be held contrary to the constitution of any State par-
11 ticipating therein, the agreement shall remain in full force and
12 effect with respect to the State affected as to all severable matters.

1 2. The "designated State official" for this State shall be the Sec-
2 retary of the State Board of Examiners. The designated State
3 official shall enter into contracts pursuant to Article III of the
4 agreement only with the approval of the specific text thereof by
5 the State Board of Education upon recommendation by the State
6 Board of Examiners and the Commissioner of Education.

1 3. True copies of all contracts made on behalf of this State pur-
2 suant to the agreement shall be kept on file in the office of the
3 Secretary of the State Board of Examiners and in the office of the
4 Secretary of State. The State Department of Education shall pub-
5 licize all such contracts in the New Jersey Register.

1 4. This act shall be known and may be cited as the Interstate
2 Transfer of Teacher Credentials Act.

1 5. This act shall take effect immediately.

STATEMENT

The effect of this interstate agreement is to permit appropriate officials in the State Department of Education to agree with other States to allow automatic transfer of teachers' credentials between those States. It also provides for continuing interstate review of teachers' credentials requirements so as to achieve the highest uniform standards possible. This bill takes another step towards facilitating the interstate movement of qualified teaching personnel begun by the "portable pension" provisions of section 13 of chapter 66 of Title 18A, adopted in 1955.

The initial interstate certification project which led to this uniform enabling legislation, was developed with initial co-operation of 10 States, including the State of New Jersey. This legislation has already been adopted by numerous States, including California, Idaho, Indiana, Maine, Maryland, Massachusetts, Minnesota, New Hampshire, New York, Vermont and West Virginia, and is pending before the State Legislatures of various other jurisdictions.