



Adopted

Rejected

COMMITTEE REPORT

YES: 13
NO: 0

MR. SPEAKER:

*Your Committee on Education, to which was referred Senate Bill 146, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 20-18-2-22, AS AMENDED BY P.L.246-2023,
- 4 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 2025]: Sec. 22. (a) "Teacher" means a professional person
- 6 whose position in a school corporation requires certain educational
- 7 preparation and licensing and whose primary responsibility is the
- 8 instruction of students.
- 9 (b) Except as provided in subsections (d) and (e), for purposes of
- 10 IC 20-28 **other than IC 20-28-13**, the term includes the following:
- 11 (1) A superintendent who holds a license under IC 20-28-5.
- 12 (2) A principal.
- 13 (3) A teacher.

- 1 (4) A librarian.
- 2 (5) A school counselor.
- 3 (6) A school psychologist.
- 4 (c) For purposes of IC 20-43-10-3.5, the term means a professional
- 5 person whose position with a:
- 6 (1) school corporation;
- 7 (2) special education cooperative established under IC 20-35-5;
- 8 (3) cooperative career and technical education program;
- 9 (4) special education program established by an interlocal
- 10 agreement under IC 36-1-7;
- 11 (5) joint program agreement established under IC 20-26-10; or
- 12 (6) charter school;
- 13 requires a license (as defined in IC 20-28-1-7) and whose primary
- 14 responsibility is the instruction of students in the classroom or virtual
- 15 classroom.
- 16 (d) "Teacher", for purposes of IC 20-28-9-26 and IC 20-28-9-27,
- 17 means a classroom teacher licensed under IC 20-28-5 who provides
- 18 instruction to students for at least fifty percent (50%) of the teacher's
- 19 work day.
- 20 (e) For purposes of IC 20-28-9-28, the term includes an adjunct
- 21 teacher, school counselor, and permanent substitute teacher employed
- 22 by a school corporation."
- 23 Page 2, line 11, delete "IC 20-20-50" and insert "IC 20-20-51".
- 24 Page 2, line 14, delete "50." and insert "**51.**".
- 25 Page 2, between lines 36 and 37, begin a new paragraph and insert:
- 26 **"(d) Money in the fund at the end of a state fiscal year does not**
- 27 **revert to the state general fund."**
- 28 Page 2, line 37, delete "(d)" and insert "(e)".
- 29 Page 6, delete lines 9 through 23, begin a new paragraph and insert:
- 30 "SECTION 5. IC 20-28-9-26, AS ADDED BY P.L.165-2021,
- 31 SECTION 154, IS AMENDED TO READ AS FOLLOWS
- 32 [EFFECTIVE JULY 1, 2025]: Sec. 26. (a) For each school year
- 33 beginning after ~~June 30, 2022~~, **June 30, 2025**, if a school corporation
- 34 determines that the school corporation cannot establish a minimum
- 35 salary of ~~forty-four thousand dollars (\$40,000)~~ **forty-five thousand dollars (\$45,000)** for each
- 36 full-time teacher, the school corporation **and the department shall**
- 37 **submit a report to the department explaining the school corporation's**
- 38 **inability to meet the minimum threshold requirement.**

(b) A report submitted under this section must include an explanation of the financial challenges, with detailed data, that preclude the school corporation from meeting the minimum salary threshold required under subsection (a). The report must also describe the cost saving measures taken by the school corporation in attempting to meet the minimum salary threshold required under subsection (a). must comply with the requirements of subsections (b) through (d).

(b) For each state fiscal year that a school corporation fails to meet the minimum salary requirements for full-time teachers under subsection (a), the department shall submit in both a written and an electronic format a notice to the school corporation's:

- (1) superintendent;
- (2) school business officer; and
- (3) governing body;

that the school corporation failed to meet the requirements set forth in subsection (a) for the applicable state fiscal year.

(c) If a school corporation's governing body receives a notice from the department under subsection (b), the school corporation shall do the following:

- (1) Publicly acknowledge receipt of the notice from the department at the governing body's next public meeting.
- (2) Enter into the governing body's official minutes for the meeting described in subdivision (1) acknowledgment of the notice.
- (3) Not later than thirty (30) days after the meeting described in subdivision (1), publish on the school corporation's website:
 - (A) the department's notice; and
 - (B) any relevant individual reports prepared by the department.

(d) If the department determines a school corporation that received one (1) or more notices from the department under subsection (b) has met the minimum salary requirements required under subsection (a) for a subsequent state fiscal year, the school corporation may remove from the school corporation's website any:

- (1) notices the school corporation received under subsection (b); and
- (2) relevant individual reports prepared by the department

1 **under subsection (c)(3)."**

2 Page 9, after line 4, begin a new paragraph and insert:

3 "SECTION 7. IC 20-28-10-1, AS AMENDED BY P.L.233-2015,
4 SECTION 219, IS AMENDED TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2025]: Sec. 1. (a) A school corporation may
6 grant a teacher a leave of absence not to exceed one (1) year for:

7 (1) a sabbatical;

8 (2) a disability leave; or

9 (3) a sick leave.

10 (b) The school corporation may grant consecutive leaves to a
11 teacher.

12 (c) **Except as provided under IC 20-28-13**, a school corporation
13 may grant partial compensation for a leave in an amount the school
14 corporation determines. However, if a teacher on a sabbatical serves an
15 employer that agrees to reimburse the school corporation in whole or
16 in part of the amount of the teacher's regular salary, the school
17 corporation may grant full or partial compensation.

18 (d) A teacher who is pregnant shall be granted a leave of absence for
19 the period provided in and subject to section 5 of this chapter.

20 (e) The teacher has the right to return to a teaching position for
21 which the teacher is certified or otherwise qualified under the rules of
22 the state board.

23 SECTION 8. IC 20-28-13 IS ADDED TO THE INDIANA CODE
24 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2025]:

26 **Chapter 13. Paid New Parent and Childbirth Recovery Leave**
27 **for Teachers**

28 **Sec. 1. As used in this chapter, "stillbirth" means a birth after**
29 **twenty (20) weeks of gestation that is not a live birth.**

30 **Sec. 2. As used in this chapter, "teacher" has the meaning set**
31 **forth in IC 20-18-2-22(a).**

32 **Sec. 3. (a) Subject to section 6 of this chapter, a full-time teacher**
33 **employed by a school corporation or charter school shall be**
34 **granted not less than one hundred fifty (150) hours of paid new**
35 **parent leave upon any of the following events:**

36 **(1) The birth of the teacher's child.**

37 **(2) The birth of a child to the teacher's spouse.**

38 **(3) The placement of a child for adoption with the teacher.**

(b) Subject to section 6 of this chapter, a part-time teacher employed by a school corporation or charter school shall be granted not less than seventy-five (75) hours of paid new parent leave upon any of the following events:

(1) The birth of the teacher's child.

(2) The birth of a child to the teacher's spouse.

(3) The placement of a child for adoption with the teacher.

Sec. 4. (a) Subject to section 6 of this chapter, all full-time and part-time teachers employed by a school corporation or charter school, regardless of the duration of the teacher's employment, shall be granted not less than:

(1) six (6) weeks of paid childbirth recovery leave beginning on the date of the teacher's vaginal delivery; or

(2) eight (8) weeks of paid childbirth recovery leave beginning on the date of the teacher's cesarean section delivery.

(b) Subject to section 6 of this chapter, the paid childbirth recovery leave under subsection (a) also applies in the event of a stillbirth of a full-time or part-time teacher's child.

Sec. 5. (a) A school corporation or charter school shall compensate a teacher granted leave under this chapter at the teacher's regular rate of pay for the regular work days during which the teacher is absent from work.

(b) A leave of absence granted to a teacher under this chapter is in addition to vacation days, sick days, personal days, and compensatory time that the teacher accrues.

Sec. 6. A full-time or part-time teacher who:

(1) has been employed by a school corporation or charter school for less than six (6) months; and

(2) takes paid leave under this chapter;

must agree to complete at least one (1) year of consecutive employment with the school corporation or charter school as a condition to taking the paid leave.

Sec. 7. (a) Paid new parent leave and paid childbirth recovery leave granted under this chapter may run consecutively with each other.

(b) If a teacher is eligible for leave under the federal Family Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.), the paid leave provided by this chapter runs concurrently with the amount of

1 leave available under the federal Family Medical Leave Act of 1993
2 (29 U.S.C. 2601 et seq.).

3 Sec. 8. Any paid new parent leave to which a teacher is entitled
4 under section 3 of this chapter that is not taken:

5 (1) within six (6) months after the birth of a child or
6 placement of a child for adoption with the teacher; or

7 (2) prior to the teacher's separation from employment with
8 the school corporation or charter school;

9 whichever is earlier, is forfeited.

10 Sec. 9. An employee's service shall be considered uninterrupted
11 by a leave of absence under this chapter for purposes of
12 determining the following:

13 (1) Seniority.

14 (2) Salary or salary advancement.

15 (3) Performance awards.

16 (4) The receipt of a benefit that may be affected by a leave of
17 absence.

18 SECTION 9. IC 20-38-4 IS ADDED TO THE INDIANA CODE AS
19 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
20 1, 2025]:

21 **Chapter 4. Interstate Teacher Mobility Compact**

22 Sec. 0.5. The following interstate teacher mobility compact
23 agreement is enacted into law and entered into by this state with all
24 other states legally joining the interstate agreement in substantially
25 the following form.

26 Sec. 1. Article I, purpose. The purpose of this compact is to
27 facilitate the mobility of teachers across the member states, with
28 the goal of supporting teachers through a new pathway to
29 licensure. Through this compact, the member states seek to
30 establish a collective regulatory framework that expedites and
31 enhances the ability of teachers to move across state lines. This
32 compact is intended to achieve the following objectives and should
33 be interpreted accordingly. The member states hereby ratify the
34 same intentions by subscribing to:

35 (1) Create a streamlined pathway to licensure mobility for
36 teachers.

37 (2) Support the relocation of eligible military spouses.

38 (3) Facilitate and enhance the exchange of licensure,

investigative, and disciplinary information between member states.

(4) 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.

(5) Support the retention of teachers in the profession by removing barriers to relicensure in a new state.

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

Sec. 2. Article II, definitions. As used in this compact, and except as otherwise provided, the following definitions shall govern the terms herein:

(1) "Active military member" means any person with full-time duty status in the armed forces of the United States, including members of the National Guard and Reserve.

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

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

(4) "Career and technical education license" means a current, valid authorization issued by a member state's licensing authority allowing an individual to serve as a teacher in P-12 public educational settings in a specific career and technical education area.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (19) "Unencumbered license" means a current, valid
37 authorization issued by a member state's licensing authority
38 allowing an individual to serve as a teacher in P-12 public

1 educational settings. A unencumbered license is not a
2 restricted, probationary, provisional, substitute, or temporary
3 credential.

4 **Sec. 3. Article III, licensure under the compact.**

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

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

19 (3) Upon the receipt of an application for licensure by a
20 teacher holding an unencumbered eligible license, the
21 receiving state shall determine which of the receiving state's
22 eligible licenses the teacher is qualified to hold and shall grant
23 such a license or licenses to the applicant. Such a
24 determination shall be made in the sole discretion of the
25 receiving state's licensing authority and may include a
26 determination that the applicant is not eligible for any of the
27 receiving state's eligible licenses. For all teachers who hold an
28 unencumbered license, the receiving state shall grant one (1)
29 or more unencumbered license(s) that, in the receiving state's
30 sole discretion, are equivalent to the license(s) held by the
31 teacher in any other member state.

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

38 (5) For a teacher holding an unencumbered career and

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

12 **Sec. 4. Article IV, licensure not under the compact.**

13 (1) Except as provided in Article III above, nothing in this
14 compact shall be construed to limit or inhibit the power of a
15 member state to regulate licensure or endorsements overseen
16 by the member state's licensing authority.

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

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

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

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

36 (A) award teaching licenses or other benefits based on
37 additional professional credentials, including, but not
38 limited to national board certification;

1 (B) participate in the exchange of names of teachers whose
2 license has been subject to an adverse action by a member
3 state; or

4 (C) participate in any agreement or cooperative
5 arrangement with a non-member state.

6 Sec. 5. Article V, teacher qualifications and requirements for
7 licensure under the compact.

8 (1) Except as provided for active military members or eligible
9 military spouses in Article III above, a teacher may only be
10 eligible to receive a license under this compact where that
11 teacher holds an unencumbered license in a member state.

12 (2) A teacher eligible to receive a license under this compact
13 shall, unless otherwise provided for herein:

14 (A) upon their application to receive a license under this
15 compact, undergo a criminal background check in the
16 receiving state in accordance with the laws and regulations
17 of the receiving state; and

18 (B) provide the receiving state with information in addition
19 to the information required for licensure for the purposes
20 of determining compensation, if applicable.

21 Sec. 6. Article VI, discipline and adverse actions.

22 (1) Nothing in this compact shall be deemed or construed to
23 limit the authority of a member state to investigate or impose
24 disciplinary measures on teachers according to the state
25 practice laws thereof.

26 (2) Member states shall be authorized to receive, and shall
27 provide, files and information regarding the investigation and
28 discipline, if any, of teachers in other member states upon
29 request. Any member state receiving such information or files
30 shall protect and maintain the security and confidentiality
31 thereof, in at least the same manner that it maintains its own
32 investigatory or disciplinary files and information. Prior to
33 disclosing any disciplinary or investigatory information
34 received from another member state, the disclosing state shall
35 communicate its intention and purpose for such disclosure to
36 the member state which originally provided that information.

37 Sec. 7. (a) Article VII, establishment of the interstate teacher
38 mobility compact commission.

1 (1) The interstate compact member states hereby create and
2 establish a joint public agency known as the interstate teacher
3 mobility compact commission:

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

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

9 (b) Membership, voting, and meetings.

10 (1) Each member state shall have and be limited to one (1)
11 delegate to the commission, who shall be given the title of
12 commissioner.

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

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

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

20 (5) Each commissioner shall be entitled to one (1) vote about
21 the promulgation of rules and creation of bylaws and shall
22 otherwise have an opportunity to participate in the business
23 and affairs of the commission. A commissioner shall vote in
24 person or by such other means as provided in the bylaws. The
25 bylaws may provide for commissioners' participation in
26 meetings by telephone or other means of communication.

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

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

32 (c) The commission shall have the following powers and duties:

33 (1) Establish the code of ethics for the commission.

34 (2) Establish the fiscal year of the commission.

35 (3) Establish bylaws for the commission.

36 (4) Maintain its financial records in accordance with the
37 bylaws of the commission.

38 (5) Meet and take such actions as are consistent with the

1 provisions of this interstate compact, the bylaws, and rules of
2 the commission.

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

11 (7) Bring and prosecute legal proceedings or actions in the
12 name of the commission, provided that the standing of any
13 member state licensing authority to sue or be sued under
14 applicable law shall not be affected.

15 (8) Purchase and maintain insurance and bonds.

16 (9) Borrow, accept, or contract for services of personnel,
17 including, but not limited to, employees of a member state, or
18 an associated nongovernmental organization that is open to
19 membership by all states.

20 (10) Hire employees, elect or appoint officers, fix
21 compensation, define duties, grant such individuals
22 appropriate authority to carry out the purposes of the
23 compact, and establish the commission's personnel policies
24 and programs relating to conflicts of interest, qualifications
25 of personnel, and other related personnel matters.

26 (11) Lease, purchase, accept appropriate gifts or donations of,
27 or otherwise own, hold, improve, or use, any property, real,
28 personal, or mixed, provided that at all times the commission
29 shall avoid any appearance of impropriety.

30 (12) Sell, convey, mortgage, pledge, lease, exchange, abandon,
31 or otherwise dispose of any property real, personal, or mixed.

32 (13) Establish a budget and make expenditures.

33 (14) Borrow money.

34 (15) Appoint committees, including standing committees
35 composed of members and such other interested persons as
36 may be designated in this interstate compact, rules, or bylaws.

37 (16) Provide and receive information from, and cooperate
38 with, law enforcement agencies.

1 (17) Establish and elect an executive committee.

2 (18) Establish and develop a charter for an executive
3 information governance committee to advise on facilitating
4 exchange of information; use of information, data privacy,
5 and technical support needs, and provide reports as needed.

6 (19) Perform such other functions as may be necessary or
7 appropriate to achieve the purposes of this interstate compact
8 consistent with the state regulation of teacher licensure.

9 (20) Determine whether a state's adopted language is
10 materially different from the model compact language such
11 that the state would not qualify for participation in the
12 compact.

13 (d) The executive committee of the interstate teacher mobility
14 compact commission.

15 (1) The executive committee shall have the power to act on
16 behalf of the commission according to the terms of this
17 interstate compact.

18 (2) The executive committee shall be composed of the
19 following eight (8) voting members:

20 (A) The commission chair, vice chair, and treasurer; and

21 (B) Five (5) members who are elected by the commission
22 from the current membership as follows:

23 (i) four (4) voting members representing geographic
24 regions in accordance with commission rules; and

25 (ii) one (1) at large voting member in accordance with
26 commission rules.

27 (3) The commission may add or remove members of the
28 executive committee as provided in commission rules.

29 (4) The executive committee shall meet at least once annually.

30 (5) The executive committee shall have the following duties
31 and responsibilities:

32 (A) Recommend to the entire commission changes to the
33 rules or bylaws, changes to the compact legislation, fees
34 paid by interstate compact member states such as annual
35 dues, and any compact fee charged by the member states
36 on behalf of the commission.

37 (B) Ensure commission administration services are
38 appropriately provided, contractual or otherwise.

- 1 (C) Prepare and recommend the budget.
- 2 (D) Maintain financial records on behalf of the
- 3 commission.
- 4 (E) Monitor compliance of member states and provide
- 5 reports to the commission.
- 6 (F) Perform other duties as provided in rules or bylaws.
- 7 (6) Meetings of the commission.
- 8 (A) All meetings shall be open to the public, and public
- 9 notice of meetings shall be given in accordance with
- 10 commission bylaws.
- 11 (B) The commission or the executive committee or other
- 12 committees of the commission may convene in a closed,
- 13 non-public meeting if the commission or executive
- 14 committee or other committees of the commission must
- 15 discuss:
- 16 (i) non-compliance of a member state with its obligations
- 17 under the compact;
- 18 (ii) the employment, compensation, discipline or other
- 19 matters, practices or procedures related to specific
- 20 employees, or other matters related to the commission's
- 21 internal personnel practices and procedures;
- 22 (iii) current, threatened, or reasonably anticipated
- 23 litigation;
- 24 (iv) negotiation of contracts for the purchase, lease, or
- 25 sale of goods, services, or real estate;
- 26 (v) accusing any person of a crime or formally censuring
- 27 any person;
- 28 (vi) disclosure of trade secrets or commercial or financial
- 29 information that is privileged or confidential;
- 30 (vii) disclosure of information of a personal nature
- 31 where disclosure would constitute a clearly unwarranted
- 32 invasion of personal privacy;
- 33 (viii) disclosure of investigative records compiled for law
- 34 enforcement purposes;
- 35 (ix) disclosure of information related to any investigative
- 36 reports prepared by or on behalf of or for use of the
- 37 commission or other committee charged with
- 38 responsibility of investigation or determination of

1 compliance issues pursuant to the compact;
2 (x) matters specifically exempted from disclosure by
3 federal or member state statute; or
4 (xi) others matters as set forth by commission bylaws
5 and rules.

6 (C) If a meeting, or portion of a meeting, is closed pursuant
7 to this provision, the commission's legal counsel or
8 designee shall certify that the meeting may be closed and
9 shall reference each relevant exempting provision.

10 (D) The commission shall keep minutes of commission
11 meetings and shall provide a full and accurate summary of
12 actions taken, and the reasons therefore, including a
13 description of the views expressed. All documents
14 considered in connection with an action shall be identified
15 in such minutes. All minutes and documents of a closed
16 meeting shall remain under seal, subject to release by a
17 majority vote of the commission or order of a court of
18 competent jurisdiction.

19 (7) Financing of the commission.

20 (A) The commission shall pay, or provide for the payment
21 of, the reasonable expenses of its establishment,
22 organization, and ongoing activities.

23 (B) The commission may accept all appropriate donations
24 and grants of money, equipment, supplies, materials, and
25 services, and receive, utilize, and dispose of the same,
26 provided that at all times the commission shall avoid any
27 appearance of impropriety or conflict of interest.

28 (C) The commission may levy on and collect an annual
29 assessment from each member state or impose fees on
30 other parties to cover the cost of the operations and
31 activities of the commission, in accordance with the
32 commission rules.

33 (D) The commission shall not incur obligations of any kind
34 prior to securing the funds adequate to meet the same; nor
35 shall the commission pledge the credit of any of the
36 member states, except by and with the authority of the
37 member state.

38 (E) The commission shall keep accurate accounts of all

1 receipts and disbursements. The receipts and
2 disbursements of the commission shall be subject to
3 accounting procedures established under commission
4 bylaws. All receipts and disbursements of funds of the
5 commission shall be reviewed annually in accordance with
6 commission bylaws, and a report of the review shall be
7 included in and become part of the annual report of the
8 commission.

9 **(8) Qualified immunity, defense, and indemnification.**

10 **(A) The members, officers, executive director, employees,**
11 **and representatives of the commission shall be immune**
12 **from suit and liability, either personally or in their official**
13 **capacity, for any claim for damage to or loss of property or**
14 **personal injury or other civil liability caused by or arising**
15 **out of any actual or alleged act, error, or omission that**
16 **occurred, or that the person against whom the claim is**
17 **made had a reasonable basis for believing occurred within**
18 **the scope of commission employment, duties, or**
19 **responsibilities; provided that nothing in this paragraph**
20 **shall be construed to protect any such person from suit or**
21 **liability for any damage, loss, injury, or liability caused by**
22 **the intentional or willful or wanton misconduct of that**
23 **person.**

24 **(B) The commission shall defend any member, officer,**
25 **executive director, employee, or representative of the**
26 **commission in any civil action seeking to impose liability**
27 **arising out of any actual or alleged act, error, or omission**
28 **that occurred within the scope of commission employment,**
29 **duties, or responsibilities, or that the person against whom**
30 **the claim is made had a reasonable basis for believing**
31 **occurred within the scope of commission employment,**
32 **duties, or responsibilities; provided that nothing herein**
33 **shall be construed to prohibit that person from retaining**
34 **his or her own counsel; and provided further, that the**
35 **actual or alleged act, error, or omission did not result from**
36 **that person's intentional or willful or wanton misconduct.**

37 **(C) The commission shall indemnify and hold harmless any**
38 **member, officer, executive director, employee, or**

1 representative of the commission for the amount of any
2 settlement or judgment obtained against that person
3 arising out of any actual or alleged act, error, or omission
4 that occurred within the scope of commission employment,
5 duties, or responsibilities, or that such person had a
6 reasonable basis for believing occurred within the scope of
7 commission employment, duties, or responsibilities,
8 provided that the actual or alleged act, error, or omission
9 did not result from the intentional or willful or wanton
10 misconduct of that person.

11 **Sec. 8. Article VIII, rulemaking.**

12 (1) The commission shall exercise its rulemaking powers
13 pursuant to the criteria set forth in this interstate compact
14 and the rules adopted thereunder. Rules and amendments
15 shall become binding as of the date specified in each rule or
16 amendment.

17 (2) The commission shall promulgate reasonable rules to
18 achieve the intent and purpose of this interstate compact. In
19 the event the commission exercises its rulemaking authority
20 in a manner that is beyond purpose and intent of this
21 interstate compact, or the powers granted hereunder, then
22 such an action by the commission shall be invalid and have no
23 force and effect of law in the member states.

24 (3) If a majority of the legislatures of the member states
25 rejects a rule, by enactment of a statute or resolution in the
26 same manner used to adopt the compact within four (4) years
27 of the date of adoption of the rule, then such rule shall have no
28 further force and effect in any member state.

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

32 (5) Upon determination that an emergency exists, the
33 commission may consider and adopt an emergency rule with
34 forty-eight (48) hours' notice, with opportunity to comment,
35 provided that the usual rulemaking procedures shall be
36 retroactively applied to the rule as soon as reasonably
37 possible, in no event later than ninety (90) days after the
38 effective date of the rule. For the purposes of this provision,

an emergency rule is one that must be adopted immediately in order to do the following:

(A) Meet an imminent threat to public health, safety, or welfare.

(B) Prevent a loss of commission or member state funds.

(C) Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule.

(D) Protect public health and safety.

Sec. 9. Article IX, facilitating information exchange.

(1) The commission shall provide for facilitating the exchange of information to administer and implement the provisions of this compact in accordance with the rules of the commission, consistent with generally accepted data protection principles.

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

Sec. 10. Article X, oversight, dispute resolution, and enforcement.

(1) Oversight.

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

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

1 (C) All courts and all administrative agencies shall take
2 judicial notice of the compact, the rules of the commission,
3 and any information provided to a member state pursuant
4 thereto in any judicial or quasi-judicial proceeding in a
5 member state pertaining to the subject matter of this
6 compact, or which may affect the powers, responsibilities,
7 or actions of the commission.

8 (D) The commission shall be entitled to receive service of
9 process in any proceeding regarding the enforcement or
10 interpretation of the compact and shall have standing to
11 intervene in such a proceeding for all purposes. Failure to
12 provide the commission service of process shall render a
13 judgment or order void as to the commission, this compact,
14 or promulgated rules.

15 (2) Default, technical assistance, and termination.

16 (A) If the commission determines that a member state has
17 defaulted in the performance of its obligations or
18 responsibilities under this compact or the promulgated
19 rules, the commission shall:

20 (i) provide written notice to the defaulting state and
21 other member states of the nature of the default, the
22 proposed means of curing the default or any other action
23 to be taken by the commission; and

24 (ii) provide remedial training and specific technical
25 assistance regarding the default.

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

34 (4) Termination of membership in the compact shall be
35 imposed only after all other means of securing compliance
36 have been exhausted. Notice of intent to suspend or terminate
37 shall be given by the commission to the governor, the majority
38 and minority leaders of the defaulting state's legislature, the

1 state licensing authority and each of the member states.

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

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

10 (7) The defaulting state may appeal the action of the
11 commission by petitioning the United States District Court for
12 the District of Columbia or the federal district where the
13 commission has its principal offices. The prevailing party
14 shall be awarded all costs of such litigation, including
15 reasonable attorney's fees.

16 (8) Dispute resolution.

17 (A) Upon request by a member state, the commission shall
18 attempt to resolve disputes related to the compact that
19 arise among member states and between member and
20 non-member states.

21 (B) The commission shall promulgate a rule providing for
22 both binding and nonbinding alternative dispute resolution
23 for disputes as appropriate.

24 (9) Enforcement.

25 (A) The commission, in the reasonable exercise of its
26 discretion, shall enforce the provisions and rules of this
27 compact.

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

1 commission may pursue any other remedies available
2 under federal or state law.

3 **Sec. 11. Article XI, effectuation, withdrawal, and amendment.**

4 **(1) The compact shall come into effect on the date on which**
5 **the compact statute is enacted into law in the tenth member**
6 **state.**

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

12 **(B) A charter member state whose enactment is found to**
13 **be materially different from the model compact statute**
14 **shall be entitled to the default process set forth in Article**
15 **X.**

16 **(C) Member states enacting the compact subsequent to the**
17 **charter member states shall be subject to the process set**
18 **forth in Article VII, section 7(c)(20) of this chapter to**
19 **determine if their enactments are materially different from**
20 **the model compact statute and whether they qualify for**
21 **participation in the compact.**

22 **(2) If any member state is later found to be in default, or is**
23 **terminated or withdraws from the compact, the commission**
24 **shall remain in existence and the compact shall remain in**
25 **effect even if the number of member states should be less than**
26 **ten (10).**

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

35 **(4) Any member state may withdraw from this compact by**
36 **enacting a statute repealing the same.**

37 **(A) A member state's withdrawal shall not take effect until**
38 **six (6) months after enactment of the repealing statute.**

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

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

Sec. 12. Article XII, construction and severability.

(1) This compact shall be liberally construed to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any member state or a state seeking membership in the compact, or of the United States or the applicability thereof to any other government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any member state, the compact shall remain in full force and effect as to the remaining member states and in full force and effect as to the member state affected as to all severable matters.

Sec. 13. Article XIII, consistent effect and conflict with other state laws.

(1) Nothing herein shall prevent or inhibit the enforcement of any other law of a member state that is not inconsistent with the compact.

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

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

Sec. 14. (a) The secretary of education, or a person authorized to act on behalf of the secretary of education, is the education official selected by this state to negotiate and enter into, on behalf of this state, contracts under the interstate agreement set forth in

1 **section 1 of this chapter.**

2 **(b) The designated education official, acting jointly with similar**
 3 **officers of other party states, may adopt rules to carry out more**
 4 **effectively the terms of the interstate agreement.**

5 **(c) The designated education official is authorized, empowered,**
 6 **and directed to cooperate with all departments, agencies, and**
 7 **officers of state government and its subdivisions in facilitating the**
 8 **proper administration of the following:**

9 **(1) The interstate agreement.**

10 **(2) A supplementary agreement entered into by this state**
 11 **under the interstate agreement.**

12 **SECTION 10. IC 34-30-2.1-287.2 IS ADDED TO THE INDIANA**
 13 **CODE AS A NEW SECTION TO READ AS FOLLOWS**
 14 **[EFFECTIVE JULY 1, 2025]: Sec. 287.2. IC 20-38-4-7 (Concerning**
 15 **members, officers, the executive director, employees, and**
 16 **representatives of the interstate teacher mobility compact**
 17 **commission).".**

18 **Renumber all SECTIONS consecutively.**

(Reference is to SB 146 as printed January 31, 2025.)

and when so amended that said bill do pass.

Representative Behning