

HOUSE BILL No. 1444

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-28-5-12; IC 20-38-4; IC 34-30-2.1-287.1.

Synopsis: Interstate teacher mobility compact. Adopts the interstate teacher mobility compact. Sets forth the requirements of a compact state. Sets forth the duties of the interstate teacher mobility compact commission. Provides that a receiving state determines equivalency standards. Amends the definition of "unencumbered license" in the compact. Removes certain provisions concerning compensation from the compact. Makes conforming changes.

Effective: July 1, 2023.

Errington

January 17, 2023, read first time and referred to Committee on Education.



First Regular Session of the 123rd General Assembly (2023)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2022 Regular Session of the General Assembly.

HOUSE BILL No. 1444

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 20-28-5-12, AS AMENDED BY P.L.96-2021,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2023]: Sec. 12. (a) Subsection (b) does not apply to an
4 individual who:
5 (1) held an Indiana limited, reciprocal, or standard teaching
6 license on June 30, 1985; or
7 (2) is granted a license under section 12.5 or 18 of this chapter **or**
8 **IC 20-38-4.**
9 (b) Except as provided in section 12.5 of this chapter, the
10 department may not grant an initial practitioner license to an individual
11 unless the individual has demonstrated proficiency in the following
12 areas on a written examination or through other procedures prescribed
13 by the department:
14 (1) Pedagogy.
15 (2) Knowledge of the areas in which the individual is required to
16 have a license to teach.
17 (3) If the individual is seeking to be licensed as an elementary



1 school teacher, comprehensive scientifically based reading
2 instruction skills, including:

- 3 (A) phonemic awareness;
- 4 (B) phonics instruction;
- 5 (C) fluency;
- 6 (D) vocabulary; and
- 7 (E) comprehension.

8 (c) An individual's license examination score may not be disclosed
9 by the department without the individual's consent unless specifically
10 required by state or federal statute or court order.

11 (d) Subject to section 22 of this chapter, the state board shall adopt
12 rules under IC 4-22-2 to do the following:

- 13 (1) Adopt, validate, and implement the examination or other
14 procedures required by subsection (b).
- 15 (2) Establish examination scores indicating proficiency.
- 16 (3) Otherwise carry out the purposes of this section.

17 (e) Subject to section 18 of this chapter **and IC 20-38-4**, the state
18 board shall adopt rules under IC 4-22-2 establishing the conditions
19 under which the requirements of this section may be waived for an
20 individual holding a valid teacher's license issued by another state.

21 SECTION 2. IC 20-38-4 IS ADDED TO THE INDIANA CODE AS
22 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
23 1, 2023]:

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

25 **Sec. 1. (a) The purpose of this compact is to facilitate the**
26 **mobility of teachers across the member states, with the goal of**
27 **supporting teachers through a new pathway to licensure. Through**
28 **this compact, the member states seek to establish a collective**
29 **regulatory framework that expedites and enhances the ability of**
30 **teachers to move across state lines.**

31 **(b) This compact is intended to achieve the following objectives:**

- 32 **(1) Create a streamlined pathway to licensure mobility for**
33 **teachers.**
- 34 **(2) Support the relocation of eligible military spouses.**
- 35 **(3) Facilitate and enhance the exchange of licensure,**
36 **investigative, and disciplinary information between the**
37 **member states.**
- 38 **(4) Enhance the power of state and district level education**
39 **officials to hire qualified, competent teachers by removing**
40 **barriers to the employment of out-of-state teachers.**
- 41 **(5) Support the retention of teachers in the profession by**
42 **removing barriers to relicensure in a new state.**



- 1 (6) Maintain state sovereignty in the regulation of the
2 teaching profession.
- 3 **Sec. 2. As used in this compact, and except as otherwise**
4 **provided, the following definitions apply throughout this chapter:**
- 5 (1) "Active military member" means any person with
6 full-time duty status in the uniformed service of the United
7 States, including a member of the National Guard and
8 Reserve.
- 9 (2) "Adverse action" means a limitation or restriction
10 imposed by a member state's licensing authority, including:
11 (A) revocation;
12 (B) suspension;
13 (C) reprimand;
14 (D) probation; or
15 (E) limitation on the licensee's ability to work as a teacher.
- 16 (3) "Bylaws" refers to the bylaws established by the
17 commission.
- 18 (4) "Career and technical education license" means a current,
19 valid authorization issued by a member state's licensing
20 authority allowing an individual to serve as a teacher in P-12
21 public educational settings in a specific career and technical
22 education area.
- 23 (5) "Charter member state" means a member state that has
24 enacted legislation to adopt this compact before the initial
25 meeting of the commission after the effective date of the
26 compact.
- 27 (6) "Commission" means the interstate teacher mobility
28 compact commission, the interstate administrative body
29 which membership consists of delegates of all states that have
30 enacted this compact, that is established under section 7 of
31 this chapter.
- 32 (7) "Commissioner" means the delegate of a member state.
- 33 (8) "Eligible license" means a license to engage in the teaching
34 profession which requires:
35 (A) at least a bachelor's degree; and
36 (B) the completion of a state approved program for teacher
37 licensure.
- 38 (9) "Eligible military spouse" means the spouse of an active
39 military member moving as a result of:
40 (A) a military mission or military career progression
41 requirements; or
42 (B) a terminal move as a result of separation or retirement.



- 1 **The term includes a surviving spouse of a deceased military**
 2 **member.**
- 3 **(10) "Executive committee" means a group of commissioners**
 4 **elected or appointed to act on behalf of, and within the powers**
 5 **granted to them by, the commission.**
- 6 **(11) "Licensing authority" means an official, agency, board,**
 7 **or other entity of a state that is responsible for the licensing**
 8 **and regulation of teachers authorized to teach in P-12 public**
 9 **educational settings.**
- 10 **(12) "Member state" refers to a state that has adopted this**
 11 **compact, including all agencies and officials of the state.**
- 12 **(13) "Receiving state" refers to a state where a teacher has**
 13 **applied for licensure under this compact.**
- 14 **(14) "Rule" means a regulation promulgated by the**
 15 **commission under this compact that has the force of law in**
 16 **each member state.**
- 17 **(15) "State" refers to a state, territory, or possession of the**
 18 **United States, including the District of Columbia.**
- 19 **(16) "State practice laws" means a member state's laws, rules,**
 20 **and regulations that:**
- 21 **(A) govern the teaching profession;**
 22 **(B) define the scope of the profession; and**
 23 **(C) create the methods and grounds for imposing**
 24 **discipline.**
- 25 **(17) "State specific requirement" refers to a requirement for**
 26 **licensure covered in coursework or examination that includes**
 27 **content of unique interest to the state.**
- 28 **(18) "Teacher" means an individual who currently holds an**
 29 **authorization from a member state that forms the basis for**
 30 **employment in the P-12 public schools of the state to provide**
 31 **instruction in a specific subject area, grade level, or student**
 32 **population.**
- 33 **(19) "Unencumbered license" means a current, valid**
 34 **authorization issued by a member state's licensing authority**
 35 **allowing an individual to serve as a teacher in P-12 public**
 36 **educational settings. The term does not include a restricted,**
 37 **probationary, provisional, substitute, emergency or**
 38 **temporary credential.**
- 39 **Sec. 3. (a) Licensure under this compact pertains only to the**
 40 **initial grant of a license by the receiving state. Nothing in this**
 41 **compact applies to subsequent or ongoing compliance**
 42 **requirements that a receiving state may have for teachers.**



1 **(b) In accordance with the rules of the commission, each**
 2 **member state shall:**

3 **(1) define, compile, and update (as necessary), a list of eligible**
 4 **licenses and career and technical education licenses that the**
 5 **member state is willing to consider for equivalency under this**
 6 **compact; and**

7 **(2) provide the list to the commission.**

8 **The list must include the licenses that a receiving state is willing to**
 9 **grant to teachers from other member states, pending a**
 10 **determination of equivalency by the receiving state's licensing**
 11 **authority.**

12 **(c) Upon the receipt of an application for licensure by a teacher**
 13 **who holds an unencumbered eligible license, the receiving state**
 14 **shall determine, in the receiving state's sole discretion, which of the**
 15 **receiving state's eligible licenses the teacher is qualified to hold and**
 16 **grant the eligible license to the applicant. The receiving state may**
 17 **determine that the applicant is not eligible for any of the receiving**
 18 **state's eligible licenses. For a teacher who holds an unencumbered**
 19 **license, the receiving state shall grant at least one (1)**
 20 **unencumbered license that, in the receiving state's sole discretion,**
 21 **is equivalent to the license held by the teacher in any other member**
 22 **state.**

23 **(d) For an active military member or eligible military spouse**
 24 **who holds a license that is not unencumbered, the receiving state**
 25 **shall grant an equivalent license that, in the receiving state's sole**
 26 **discretion, is equivalent to a license held by the teacher in any**
 27 **other member state, except where the receiving state does not have**
 28 **an equivalent license.**

29 **(e) For a teacher who holds an unencumbered career and**
 30 **technical education license, the receiving state shall grant the**
 31 **teacher an unencumbered license that, in the receiving state's sole**
 32 **discretion, is equivalent to the career and technical education**
 33 **license issued by another member state unless the:**

34 **(1) receiving state requires a bachelor's degree for licenses to**
 35 **teach career and technical education; and**

36 **(2) career and technical education teacher does not hold a**
 37 **bachelor's degree.**

38 **A receiving state may require a career and technical education**
 39 **teacher to meet state industry recognized requirements, if required**
 40 **by law in the receiving state.**

41 **(f) A receiving state determines equivalency standards under**
 42 **this section.**



1 **Sec. 4. (a) Except as provided in section 3 of this chapter,**
 2 **nothing in this compact limits or inhibits the member state's power**
 3 **to regulate licensure or endorsements overseen by the member**
 4 **state's licensing authority.**

5 **(b) When a teacher is required to renew a license received under**
 6 **this compact, the state granting the license may require the teacher**
 7 **to complete state specific requirements as a condition of licensure**
 8 **renewal or advancement in that state.**

9 **(c) Nothing in this compact may be construed to:**

10 **(1) limit the:**

11 **(A) power of a member state to control and maintain**
 12 **ownership of its information pertaining to teachers; or**

13 **(B) application of a member state's laws or regulations**
 14 **governing the ownership, use, or dissemination of**
 15 **information pertaining to teachers;**

16 **(2) invalidate or alter an existing agreement or other**
 17 **cooperative arrangement that a member state may already be**
 18 **a party to; or**

19 **(3) limit the ability of a member state to participate in a**
 20 **future agreement to:**

21 **(A) award teaching licenses or other benefits based on**
 22 **additional professional credentials, including, but not**
 23 **limited to National Board Certification;**

24 **(B) participate in the exchange of names of teachers whose**
 25 **license has been subject to an adverse action by a member**
 26 **state; or**

27 **(C) participate in an agreement or cooperative**
 28 **arrangement with a nonmember state.**

29 **Sec. 5. (a) Except as provided in section 3(d) of this chapter, a**
 30 **teacher may only be eligible to receive a license under this compact**
 31 **where the teacher holds an unencumbered license in a member**
 32 **state.**

33 **(b) Unless otherwise provided, a teacher that is eligible to**
 34 **receive a license under this compact shall, upon the teacher's**
 35 **application to receive a license under this compact, undergo a**
 36 **criminal background check in the receiving state in accordance**
 37 **with the laws and regulations of the receiving state.**

38 **Sec. 6. (a) Nothing in this compact may be construed to limit the**
 39 **member state's authority to investigate or impose disciplinary**
 40 **measures on teachers according to the state practice laws.**

41 **(b) Subject to subsections (c) and (d), a member state is**
 42 **authorized to receive, and shall provide upon request, files and**



1 information regarding the investigation and discipline, if any, of
2 teachers in other member states.

3 (c) A member state receiving information or files described in
4 subsection (b) shall protect and maintain the security and
5 confidentiality in at least the same manner that it maintains the
6 member state's own investigatory or disciplinary files and
7 information.

8 (d) Before disclosing any disciplinary or investigatory
9 information received from another member state, the disclosing
10 state shall communicate the disclosing state's intention and
11 purpose for the disclosure to the member state that originally
12 provided the information.

13 **Sec. 7. (a) The interstate teacher mobility compact commission**
14 **is established. The following apply to the commission:**

15 (1) The commission is a joint interstate governmental agency
16 comprised of states that have enacted the interstate teacher
17 mobility compact.

18 (2) Nothing in this interstate compact shall be construed to be
19 a waiver of sovereign immunity.

20 (b) The following apply to the membership, voting, and meetings
21 of the commission:

22 (1) Each member state shall have and be limited to one (1)
23 delegate to the commission, who is given the title of
24 commissioner.

25 (2) The commissioner must be the primary administrative
26 officer of the state licensing authority or their designee.

27 (3) A commissioner may be removed or suspended from office
28 as provided by the law of the state from which the
29 commissioner is appointed.

30 (4) The member state shall fill a vacancy occurring in the
31 commission within ninety (90) days.

32 (5) Each commissioner shall be entitled to one (1) vote about
33 the promulgation of rules and creation of bylaws and shall
34 otherwise have an opportunity to participate in the business
35 and affairs of the commission. A commissioner shall vote in
36 person or by such other means as provided in the bylaws. The
37 bylaws may provide for commissioners' participation in
38 meetings by telephone or other means of communication.

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

42 (7) The commission shall establish by rule a term of office for



- 1 **commissioners.**
- 2 **(c) The commission shall have the following powers and duties:**
- 3 **(1) Establish a code of ethics for the commission.**
- 4 **(2) Establish the fiscal year of the commission.**
- 5 **(3) Establish bylaws for the commission.**
- 6 **(4) Maintain its financial records in accordance with the**
- 7 **bylaws of the commission.**
- 8 **(5) Meet and take such actions as are consistent this compact,**
- 9 **the bylaws, and rules of the commission.**
- 10 **(6) Promulgate uniform rules to implement and administer**
- 11 **this interstate compact. The rules have the force and effect of**
- 12 **law and are binding in all member states, unless the**
- 13 **commission exercises its rulemaking authority in a manner**
- 14 **that is beyond the scope of this compact.**
- 15 **(7) Bring and prosecute legal proceedings or actions in the**
- 16 **name of the commission. However, the standing of a member**
- 17 **state's licensing authority to sue or be sued under applicable**
- 18 **law is not affected.**
- 19 **(8) Purchase and maintain insurance and bonds.**
- 20 **(9) Borrow, accept, or contract for services of personnel,**
- 21 **including, employees of a member state, or an associated**
- 22 **nongovernmental organization that is open to membership by**
- 23 **all states.**
- 24 **(10) Hire employees, elect, or appoint officers, fix**
- 25 **compensation, define duties, grant the individuals appropriate**
- 26 **authority to carry out the purposes of the compact, and**
- 27 **establish the commission's personnel policies and programs**
- 28 **relating to conflicts of interest, qualifications of personnel,**
- 29 **and other related personnel matters.**
- 30 **(11) Lease, purchase, accept appropriate gifts or donations of,**
- 31 **or otherwise own, hold, improve, or use, any property, real,**
- 32 **personal or mixed, provided that the commission at all times**
- 33 **shall avoid any appearance of impropriety.**
- 34 **(12) Sell, convey, mortgage, pledge, lease, exchange, abandon,**
- 35 **or otherwise dispose of any property real, personal, or mixed.**
- 36 **(13) Establish a budget and make expenditures.**
- 37 **(14) Borrow money.**
- 38 **(15) Appoint committees, including standing committees**
- 39 **composed of members and other interested persons as may be**
- 40 **designated in this interstate compact, rules, or bylaws.**
- 41 **(16) Provide and receive information from, and cooperate**
- 42 **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 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 shall have the power to act on
14 behalf of the commission according to the terms of this interstate
15 compact. The executive committee is composed of eight (8) voting
16 members as follows:

17 (1) The commission chair, vice chair, and treasurer.

18 (2) Five (5) members who are elected by the commission from
19 the current membership as follows:

20 (A) Four (4) voting members representing geographic
21 regions in accordance with commission rules.

22 (B) One (1) at-large voting member in accordance with
23 commission rules.

24 (e) The commission may add or remove members of the
25 executive committee as provided in commission rules.

26 (f) The executive committee shall meet at least once annually.

27 (g) The executive committee has the following duties and
28 responsibilities:

29 (1) Recommend to the entire commission:

30 (A) changes to the rules or bylaws;

31 (B) changes to the compact legislation;

32 (C) fees paid by interstate compact member states such as
33 annual dues; and

34 (D) any compact fee charged by the member states on
35 behalf of the commission.

36 (2) Ensure commission administration services are
37 appropriately provided, contractual or otherwise.

38 (3) Prepare and recommend the budget.

39 (4) Maintain financial records on behalf of the commission.

40 (5) Monitor compliance of member states and provide reports
41 to the commission.

42 (6) Perform other duties as provided in rules or bylaws.



1 **(h) All meetings of the commission must be open to the public,**
 2 **and public notice of meetings must be given in accordance with**
 3 **commission bylaws.**

4 **(i) The commission, the executive committee, or other**
 5 **committees of the commission may convene in a closed, nonpublic**
 6 **meeting if the commission or executive committee or other**
 7 **committees of the commission must discuss:**

8 **(1) noncompliance of a member state with its obligations**
 9 **under this compact;**

10 **(2) the employment, compensation, discipline, or other**
 11 **matters, practices, or procedures related to specific employees**
 12 **or other matters related to the commission's internal**
 13 **personnel practices and procedures;**

14 **(3) current, threatened, or reasonably anticipated litigation;**

15 **(4) negotiation of contracts for the purchase, lease, or sale of**
 16 **goods, services, or real estate;**

17 **(5) accusing any person of a crime or formally censuring any**
 18 **person;**

19 **(6) disclosure of trade secrets or commercial or financial**
 20 **information that is privileged or confidential;**

21 **(7) disclosure of information of a personal nature where**
 22 **disclosure would constitute a clearly unwarranted invasion of**
 23 **personal privacy;**

24 **(8) disclosure of investigative records compiled for law**
 25 **enforcement purposes;**

26 **(9) disclosure of information related to any investigative**
 27 **reports prepared by or on behalf of or for use of the**
 28 **commission or other committee charged with responsibility of**
 29 **investigation or determination of compliance issues pursuant**
 30 **to this compact;**

31 **(10) matters specifically exempted from disclosure by federal**
 32 **or member state statute; or**

33 **(11) other matters as set forth by commission bylaws and**
 34 **rules.**

35 **If a meeting, or portion of a meeting, is closed pursuant to this**
 36 **provision, the commission's legal counsel or designee shall certify**
 37 **that the meeting may be closed and shall reference each relevant**
 38 **exempting provision.**

39 **(j) The commission shall keep minutes of commission meetings**
 40 **and shall provide a full and accurate summary of actions taken,**
 41 **and the reasons therefore, including a description of the views**
 42 **expressed. All documents considered in connection with an action**



1 must be identified in such minutes. All minutes and documents of
2 a closed meeting must remain under seal, subject to release by a
3 majority vote of the commission or order of a court of competent
4 jurisdiction.

5 (k) The following apply concerning the financing of the
6 commission:

7 (1) The commission shall pay, or provide for the payment of,
8 the reasonable expenses of its establishment, organization,
9 and ongoing activities.

10 (2) The commission may accept all appropriate donations and
11 grants of money, equipment, supplies, materials, and services,
12 and receive, utilize, and dispose of the same, provided that at
13 all times the commission shall avoid any appearance of
14 impropriety or conflict of interest.

15 (3) The commission may levy on and collect an annual
16 assessment from each member state or impose fees on other
17 parties to cover the cost of the operations and activities of the
18 commission, in accordance with the commission rules.

19 (4) The commission shall not incur obligations of any kind
20 prior to securing the funds adequate to meet the same, nor
21 shall the commission pledge the credit of any of the member
22 states, except by and with the authority of the member state.

23 (5) The commission shall keep accurate accounts of all
24 receipts and disbursements. The receipts and disbursements
25 of the commission shall be subject to accounting procedures
26 established under commission bylaws. All receipts and
27 disbursements of funds of the commission shall be reviewed
28 annually in accordance with commission bylaws, and a report
29 of the review shall be included in and become part of the
30 annual report of the commission.

31 (l) Concerning issues of qualified immunity, defense, and
32 indemnification, the following apply:

33 (1) The members, officers, executive director, employees, and
34 representatives of the commission are immune from suit and
35 liability, either personally or in their official capacity, for any
36 claim for damage to or loss of property or personal injury or
37 other civil liability caused by or arising out of any actual or
38 alleged act, error, or omission that occurred, or that the
39 person against whom the claim is made had a reasonable basis
40 for believing occurred within the scope of commission
41 employment, duties, or responsibilities, provided that nothing
42 in this subdivision may be construed to protect the person



1 from suit or liability for any damage, loss, injury, or liability
2 caused by the intentional or willful or wanton misconduct of
3 that person.

4 (2) The commission shall defend any member, officer,
5 executive director, employee, or representative of the
6 commission in any civil action seeking to impose liability
7 arising out of any actual or alleged act, error, or omission that
8 occurred within the scope of commission employment, duties,
9 or responsibilities, or that the person against whom the claim
10 is made had a reasonable basis for believing occurred within
11 the scope of commission employment, duties, or
12 responsibilities, provided that nothing herein shall be
13 construed to prohibit that person from retaining his or her
14 own counsel, and provided further, that the actual or alleged
15 act, error, or omission did not result from that person's
16 intentional or willful or wanton misconduct.

17 (3) The commission shall indemnify and hold harmless any
18 member, officer, executive director, employee, or
19 representative of the commission for the amount of any
20 settlement or judgment obtained against that person arising
21 out of any actual or alleged act, error, or omission that
22 occurred within the scope of commission employment, duties,
23 or responsibilities, or that such person had a reasonable basis
24 for believing occurred within the scope of commission
25 employment, duties, or responsibilities, provided that the
26 actual or alleged act, error, or omission did not result from
27 the intentional or willful or wanton misconduct of that person.

28 **Sec. 8. (a) The commission shall exercise its rulemaking powers**
29 **pursuant to this compact. Rules and amendments adopted by the**
30 **commission under this compact are binding as of the date specified**
31 **in each rule or amendment.**

32 (b) The commission shall promulgate reasonable rules to
33 achieve the intent and purpose of this interstate compact. In the
34 event the commission exercises its rulemaking authority in a
35 manner beyond the purpose and intent of this interstate compact,
36 or the powers granted in this compact, then the action by the
37 commission is invalid and does not have further force and effect of
38 law in the member states.

39 (c) If a majority of the legislatures of the member states rejects
40 a rule, by enactment of a statute or resolution in the same manner
41 used to adopt the compact within four (4) years of the date of
42 adoption of the rule, then the rule does not have force and effect in



1 any member state.

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

5 (e) Upon determination that an emergency exists, the
6 commission may consider and adopt an emergency rule with
7 forty-eight (48) hours notice, with opportunity to comment,
8 provided that the usual rulemaking procedures are retroactively
9 applied to the rule as soon as reasonably possible, not later than
10 ninety (90) days after the effective date of the rule. For the
11 purposes of this provision, an emergency rule must be adopted
12 immediately in order to:

13 (1) meet an imminent threat to public health, safety, or
14 welfare;

15 (2) prevent a loss of commission or member state funds;

16 (3) meet a deadline for the promulgation of an administrative
17 rule that is established by federal law or rule; or

18 (4) protect public health and safety.

19 Sec. 9. (a) The commission shall facilitate the exchange of
20 information to administer and implement the provisions of this
21 compact in accordance with the rules of the commission, consistent
22 with generally accepted data protection principles.

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

28 Sec. 10. (a) The executive and judicial branches of state
29 government in each member state shall enforce this compact and
30 take all actions necessary and appropriate to effectuate this
31 compact's purposes and intent. The provisions of this compact shall
32 have standing as statutory law.

33 (b) Venue is proper and judicial proceedings by or against the
34 commission shall be brought solely and exclusively in a court of
35 competent jurisdiction where the principal office of the commission
36 is located. The commission may waive venue and jurisdictional
37 defenses to the extent it adopts or consents to participate in
38 alternative dispute resolution proceedings. Nothing in this compact
39 affects or limits the selection or propriety of venue in any action
40 against a licensee for professional malpractice, misconduct, or a
41 similar matter.

42 (c) All courts and all administrative agencies shall take judicial



1 notice of this compact, the rules of the commission, and any
2 information provided to a member state pursuant thereto in any
3 judicial or quasi-judicial proceeding in a member state pertaining
4 to the subject matter of this compact, or which may affect the
5 powers, responsibilities, or actions of the commission.

6 (d) The commission is entitled to receive service of process in
7 any proceeding regarding the enforcement or interpretation of this
8 compact and has standing to intervene in the proceeding for all
9 purposes. Failure to provide the commission service of process
10 renders a judgment or order void as to the commission, this
11 compact, or promulgated rules.

12 (e) If the commission determines that a member state has
13 defaulted in the performance of its obligations or responsibilities
14 under this compact or the promulgated rules, the commission shall
15 provide:

16 (1) written notice to the defaulting state and other member
17 states of the nature of the default, the proposed means of
18 curing the default or any other action to be taken by the
19 commission; and

20 (2) remedial training and specific technical assistance
21 regarding the default.

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

29 (g) Termination of membership in this compact may be imposed
30 only after all other means of securing compliance have been
31 exhausted. Notice of intent to suspend or terminate must be given
32 by the commission to the governor, the majority and minority
33 leaders of the defaulting state's legislature, the state licensing
34 authority, and each of the member states.

35 (h) A state that has been terminated is responsible for all
36 assessments, obligations, and liabilities incurred through the
37 effective date of termination, including obligations that extend
38 beyond the effective date of termination.

39 (i) The commission shall not bear any costs related to a state
40 that is found to be in default or that has been terminated from this
41 compact, unless agreed upon in writing between the commission
42 and the defaulting state.



1 (j) The defaulting state may appeal the action of the commission
2 by petitioning the United States District Court for the District of
3 Columbia or the federal district where the commission has its
4 principal offices. The prevailing party must be awarded all costs of
5 the litigation, including reasonable attorney's fees.

6 (k) Upon request by a member state, the commission shall
7 attempt to resolve disputes related to this compact that arise
8 among member states and between member and nonmember
9 states.

10 (l) The commission shall promulgate a rule providing for both
11 binding and nonbinding alternative dispute resolution for disputes
12 as appropriate.

13 (m) The commission, in the reasonable exercise of its discretion,
14 shall enforce the provisions and rules of this compact.

15 (n) By majority vote, the commission may initiate legal action
16 in the United States District Court for the District of Columbia or
17 the federal district where the commission has its principal offices
18 against a member state in default to enforce compliance with the
19 provisions of the compact and its promulgated rules and bylaws.
20 The relief sought may include both injunctive relief and damages.
21 In the event judicial enforcement is necessary, the prevailing party
22 must be awarded all costs of the litigation, including reasonable
23 attorney's fees. The remedies in this compact must not be the
24 exclusive remedies of the commission. The commission may pursue
25 any other remedies available under federal or state law.

26 Sec. 11. (a) The compact shall come into effect on the date on
27 which the compact statute is enacted into law in the tenth member
28 state.

29 (b) On or after the effective date of the compact, the commission
30 shall convene and review the enactment of each of the charter
31 member states to determine if the statute enacted by each such
32 charter member state is materially different from the model
33 compact statute.

34 (c) A charter member state whose enactment is found to be
35 materially different from the model compact statute is entitled to
36 the default process set forth in section 10 of this chapter.

37 (d) Member states enacting the compact subsequent to the
38 charter member states are subject to the process set forth in
39 section 7(c)(20) of this chapter to determine if their enactments are
40 materially different from the model compact statute and whether
41 they qualify for participation in the compact.

42 (e) If any member state is later found to be in default, or is



1 terminated or withdraws from the compact, the commission shall
 2 remain in existence and the compact shall remain in effect even if
 3 the number of member states should be less than ten (10).

4 (f) Any state that joins the compact after the commission's
 5 initial adoption of the rules and bylaws shall be subject to the rules
 6 and bylaws as they exist on the date on which the compact becomes
 7 law in that state. Any rule that has been previously adopted by the
 8 commission shall have the full force and effect of law on the day the
 9 compact becomes law in that state, as the rules and bylaws may be
 10 amended as provided in this compact.

11 (g) Any member state may withdraw from this compact by
 12 enacting a statute repealing the same. The following apply to the
 13 withdrawal of a member state:

14 (1) A member state's withdrawal shall not take effect until six
 15 (6) months after enactment of the repealing statute.

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

20 (h) This compact may be amended by the member states. No
 21 amendment to this compact becomes effective and binding upon
 22 any member state until it is enacted into the laws of all member
 23 states.

24 **Sec. 12.** This compact must be liberally construed to effectuate
 25 the purposes of the compact. The provisions of this compact are
 26 severable and if any phrase, clause, sentence, or provision of this
 27 compact is declared to be contrary to the constitution of any
 28 member state or a state seeking membership in the compact, or of
 29 the United States or the applicability of this compact to any other
 30 government, agency, person, or circumstance is held invalid, the
 31 validity of the remainder of the compact and the applicability of
 32 the compact to any government, agency, person, or circumstance
 33 shall not be affected as a result. If this compact is held contrary to
 34 the constitution of any member state, the compact remains in full
 35 force and effect as to the remaining member states and in full force
 36 and effect as to the member state affected as to all severable
 37 matters.

38 **Sec. 13. (a)** Nothing in this compact prevents or inhibits the
 39 enforcement of any other law of a member state that is not
 40 inconsistent with the compact.

41 (b) Any laws, statutes, regulations, or other legal requirements
 42 in a member state in conflict with the compact are superseded to



1 **the extent of the conflict.**
2 **(c) All permissible agreements between the commission and the**
3 **member states are binding in accordance with their terms.**
4 SECTION 3. IC 34-30-2.1-287.1 IS ADDED TO THE INDIANA
5 CODE AS A NEW SECTION TO READ AS FOLLOWS
6 [EFFECTIVE JULY 1, 2023]: **Sec. 287.1. IC 20-38-4-7 (Concerning**
7 **the members, officers, executive director, employees, and**
8 **representatives of the interstate teacher mobility compact**
9 **commission).**

