

LEGISLATURE OF NEBRASKA  
ONE HUNDRED EIGHTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 298**

FINAL READING  
(SECOND)

Introduced by Linehan, 39; DeBoer, 10; Conrad, 46.

Read first time January 11, 2023

Committee: Education

1 A BILL FOR AN ACT relating to education; to amend section 79-101, Revised  
2 Statutes Cumulative Supplement, 2022; to require each school  
3 district to collect and provide information regarding learning  
4 disabilities and the school board of each school district to adopt a  
5 written dress code and grooming policy as prescribed; to require the  
6 State Department of Education to provide a report and to develop a  
7 model dress code and grooming policy for schools as prescribed; to  
8 adopt the Interstate Teacher Mobility Compact; to provide a duty for  
9 the State Board of Education; to define and redefine terms; to  
10 harmonize provisions; and to repeal the original section.  
11 Be it enacted by the people of the State of Nebraska,

1           Section 1.   (1) On or before July 1 of each year, each school  
2 district shall provide to the State Department of Education, on forms  
3 prescribed by the department, information relating to dyslexia. Such  
4 information shall include, but not be limited to, the number of students  
5 in each public school in such district:

6           (a) Tested for a specific learning disability in the area of  
7 reading, including tests that identify characteristics of dyslexia and  
8 the results of such tests;

9           (b) Identified as having a reading issue, including dyslexia,  
10 pursuant to the assessment administered under the Nebraska Reading  
11 Improvement Act; and

12           (c) Identified as described in subdivision (b) of this subsection  
13 that have shown growth on the measure used to identify the reading issue.

14           (2) The State Department of Education shall annually compile the  
15 information received pursuant to subsection (1) of this section and  
16 provide a report on such information electronically to the Legislature on  
17 or before September 1 of each year.

18           (3) The State Board of Education may adopt and promulgate rules and  
19 regulations to carry out this section.

20           Sec. 2.   (1) On or before July 1, 2025, the school board of each  
21 school district shall adopt a written dress code and grooming policy to  
22 be implemented at the start of the 2025-26 school year that is consistent  
23 with the model policy developed by the State Department of Education in  
24 accordance with section 3 of this act and may include any other  
25 procedures and provisions the school board deems appropriate.

26           (2) Enforcement of violations of the written dress code and grooming  
27 policy shall:

28           (a) Be treated as minor on the continuum of school rule violations  
29 and shall not constitute student conduct subject to long-term suspension,  
30 expulsion, or mandatory reassignment as provided in section 79-267;

31           (b) Not require the student to miss substantial classroom time,

1 instruction time, or school activities; and

2 (c) Not, under any circumstance, allow an administrator, teacher,  
3 other member of the staff, or contractor to permanently or temporarily  
4 alter or cut a student's hair.

5 (3) No student shall be disproportionately affected by a dress code  
6 or grooming policy enforcement because of the student's gender, race,  
7 color, religion, disability, or national origin.

8 Sec. 3. (1) For purposes of this section:

9 (a) Department means the State Department of Education;

10 (b) National origin includes characteristics associated with actual  
11 or perceived place of birth, ancestry, or ethnicity including, but not  
12 limited to, skin color, natural and protective hairstyles, headdress,  
13 tribal regalia, and attire;

14 (c) Natural and protective hairstyles include, but are not limited  
15 to, braids, locks, twists, tight coils or curls, cornrows, bantu knots,  
16 afros, weaves, wigs, or head wraps;

17 (d) Race includes characteristics associated with actual or  
18 perceived race, ancestry, or ethnicity including, but not limited to,  
19 skin color, natural and protective hairstyles, tribal regalia, and  
20 attire;

21 (e) Religious attire and characteristics associated with religion  
22 includes, but is not limited to, natural and protective hairstyles,  
23 tribal regalia, burkas, hijabs, head wraps, or other headdress,  
24 adornments, and clothing garments used to express or observe one's  
25 religious beliefs; and

26 (f) Tribal regalia includes natural and protective hairstyles and  
27 traditional garments, jewelry, or other adornments or similar objects of  
28 cultural significance worn by members of an indigenous tribe of the  
29 United States or another country. Tribal regalia does not include any  
30 dangerous weapon or, except in compliance with an appropriate federal  
31 permit, any object that is otherwise prohibited by federal law.

1           (2) On or before December 1, 2024, the department shall develop and  
2 distribute a model dress code and grooming policy for schools that  
3 facilitates and encourages an inclusive and positive learning environment  
4 while complying with any applicable health or safety law, rule,  
5 regulation, ordinance, or resolution. Such model policy shall not:

6           (a) Target, disproportionately impact, discriminate, or be applied  
7 in a discriminatory manner against any students on the basis of race,  
8 religion, sex, disability, or national origin;

9           (b) Prohibit a student from wearing attire, including religious  
10 attire, natural and protective hairstyles, adornments or other  
11 characteristics associated with race, national origin, or religion; or

12           (c) Require a student's hair be permanently or temporarily altered.

13           (3) Such model policy shall include a statement that specifies that  
14 enforcement of a violation of such policy shall be done in a manner that  
15 is consistent with a school's overall discipline plan and in a consistent  
16 manner.

17           (4) The department may develop as part of the dress code and  
18 grooming policy a health and safety standard that allows for the  
19 regulation of characteristics associated with race, national origin, or  
20 religion in the dress code and grooming policy under certain  
21 circumstances. Such standard shall:

22           (a) Demonstrate that without the implementation of such standard, it  
23 is reasonably certain that the health and safety of the student or  
24 another individual will be impaired;

25           (b) Require adoption of the standard for nondiscriminatory reasons;

26           (c) Require that the standard be applied equally;

27           (d) Require that the school engage in a good faith effort to  
28 reasonably accommodate the student and notify the student's parent or  
29 guardian, in a language that such parent or guardian understands, of such  
30 an attempt to accommodate the student's appearance or any attire, tribal  
31 regalia, hairstyles, adornment, or other characteristic associated with

1 race, national origin, or religion;

2 (e) Provide a process to obtain consent from a student's parent or  
3 guardian prior to altering a student's appearance or removing or altering  
4 a student's attire, tribal regalia, hairstyle, adornment, or other  
5 characteristic associated with race, national origin, or religion; and

6 (f) Provide a process to ensure records are kept on each effort to  
7 reasonably accommodate a student's appearance, attire, hairstyle,  
8 adornment, or other characteristics associated with race, national  
9 origin, or religion occurring at school, on school grounds, or at a  
10 school-sponsored event and ensure that such records allow for analysis of  
11 related data and delineate:

12 (i) The reason for such student's referral relating to the dress  
13 code and grooming policy; and

14 (ii) Federally identified demographic characteristics of such  
15 student.

16 Sec. 4. INTERSTATE TEACHER MOBILITY COMPACT

17 ARTICLE I- PURPOSE

18 The purpose of this Compact is to facilitate the mobility of  
19 Teachers across the Member States, with the goal of supporting Teachers  
20 through a new pathway to licensure. Through this Compact, the Member  
21 States seek to establish a collective regulatory framework that expedites  
22 and enhances the ability of Teachers to move across State lines.

23 This Compact is intended to achieve the following objectives and  
24 should be interpreted accordingly. The Member States hereby ratify the  
25 same intentions by subscribing hereto.

26 A. Create a streamlined pathway to licensure mobility for Teachers;

27 B. Support the relocation of Eligible Military Spouses;

28 C. Facilitate and enhance the exchange of licensure, investigative,  
29 and disciplinary information between the Member States;

30 D. Enhance the power of State and district level education officials  
31 to hire qualified, competent Teachers by removing barriers to the

1 employment of out-of-state Teachers;

2 E. Support the retention of Teachers in the profession by removing  
3 barriers to relicensure in a new State; and

4 F. Maintain State sovereignty in the regulation of the teaching  
5 profession.

6 ARTICLE II- DEFINITIONS

7 As used in this Compact, and except as otherwise provided, the  
8 following definitions shall govern the terms herein:

9 A. "Active Military Member" - means any person with full-time duty  
10 status in the uniformed service of the United States, including members  
11 of the National Guard and Reserve.

12 B. "Adverse Action" - means any limitation or restriction imposed by  
13 a Member State's Licensing Authority, such as revocation, suspension,  
14 reprimand, probation, or limitation on the licensee's ability to work as  
15 a Teacher.

16 C. "Bylaws" - means those bylaws established by the Commission.

17 D. "Career and Technical Education License" - means a current, valid  
18 authorization issued by a Member State's Licensing Authority allowing an  
19 individual to serve as a Teacher in P-12 public educational settings in a  
20 specific career and technical education area.

21 E. "Charter Member States" - means a Member State that has enacted  
22 legislation to adopt this Compact where such legislation predates the  
23 initial meeting of the Commission after the effective date of the  
24 Compact.

25 F. "Commission" - means the interstate administrative body which  
26 membership consists of delegates of all States that have enacted this  
27 Compact, and which is known as the Interstate Teacher Mobility Compact  
28 Commission.

29 G. "Commissioner" - means the delegate of a Member State.

30 H. "Eligible License" - means a license to engage in the teaching  
31 profession which requires at least a bachelor's degree and the completion

1 of a state approved program for Teacher licensure.

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

9 J. "Executive Committee" - means a group of Commissioners elected or  
10 appointed to act on behalf of, and within the powers granted to them by,  
11 the Commission as provided for herein.

12 K. "Licensing Authority" - means an official, agency, board, or  
13 other entity of a State that is responsible for the licensing and  
14 regulation of Teachers authorized to teach in P-12 public educational  
15 settings.

16 L. "Member State" - means any State that has adopted this Compact,  
17 including all agencies and officials of such a State.

18 M. "Receiving State" - means any State where a Teacher has applied  
19 for licensure under this Compact.

20 N. "Rule" - means any regulation promulgated by the Commission under  
21 this Compact, which shall have the force of law in each Member State.

22 O. "State" - means a state, territory, or possession of the United  
23 States and the District of Columbia.

24 P. "State Practice Laws" - means a Member State's laws, rules, and  
25 regulations that govern the teaching profession, define the scope of such  
26 profession, and create the methods and grounds for imposing discipline.

27 Q. "State Specific Requirements" - means a requirement for licensure  
28 covered in coursework or examination that includes content of unique  
29 interest to the State.

30 R. "Teacher" - means an individual who currently holds an  
31 authorization from a Member State that forms the basis for employment in

1 the P-12 public schools of the State to provide instruction in a specific  
2 subject area, grade level, or student population.

3 S. "Unencumbered License" - means a current, valid authorization  
4 issued by a Member State's Licensing Authority allowing an individual to  
5 serve as a Teacher in P-12 public educational settings. An Unencumbered  
6 License is not a restricted, probationary, provisional, substitute, or  
7 temporary credential.

8 ARTICLE III- LICENSURE UNDER THE COMPACT

9 A. Licensure under this Compact pertains only to the initial grant  
10 of a license by the Receiving State. Nothing herein applies to any  
11 subsequent or ongoing compliance requirements that a Receiving State  
12 might require for Teachers.

13 B. Each Member State shall, in accordance with the Rules of the  
14 Commission, define, compile, and update as necessary, a list of Eligible  
15 Licenses and Career and Technical Education Licenses that the Member  
16 State is willing to consider for equivalency under this Compact and  
17 provide the list to the Commission. The list shall include those licenses  
18 that a Receiving State is willing to grant to Teachers from other Member  
19 States, pending a determination of equivalency by the Receiving State's  
20 Licensing Authority.

21 C. Upon the receipt of an application for licensure by a Teacher  
22 holding an Unencumbered Eligible License, the Receiving State shall  
23 determine which of the Receiving State's Eligible Licenses the Teacher is  
24 qualified to hold and shall grant such a license or licenses to the  
25 applicant. Such a determination shall be made in the sole discretion of  
26 the Receiving State's Licensing Authority and may include a determination  
27 that the applicant is not eligible for any of the Receiving State's  
28 Eligible Licenses. For all Teachers who hold an Unencumbered License, the  
29 Receiving State shall grant one or more Unencumbered License(s) that, in  
30 the Receiving State's sole discretion, are equivalent to the license(s)  
31 held by the Teacher in any other Member State.

1        D. For Active Military Members and Eligible Military Spouses who  
2 hold a license that is not Unencumbered, the Receiving State shall grant  
3 an equivalent license or licenses that, in the Receiving State's sole  
4 discretion, is equivalent to the license or licenses held by the Teacher  
5 in any other Member State, except where the Receiving State does not have  
6 an equivalent license.

7        E. For a Teacher holding an Unencumbered Career and Technical  
8 Education License, the Receiving State shall grant an Unencumbered  
9 License equivalent to the Career and Technical Education License held by  
10 the applying Teacher and issued by another Member State, as determined by  
11 the Receiving State in its sole discretion, except where a Career and  
12 Technical Education Teacher does not hold a bachelor's degree and the  
13 Receiving State requires a bachelor's degree for licenses to teach Career  
14 and Technical Education. A Receiving State may require Career and  
15 Technical Education Teachers to meet State industry recognized  
16 requirements, if required by law in the Receiving State.

17        ARTICLE IV- LICENSURE NOT UNDER THE COMPACT

18        A. Except as provided in Article III above, nothing in this Compact  
19 shall be construed to limit or inhibit the power of a Member State to  
20 regulate licensure or endorsements overseen by the Member State's  
21 Licensing Authority.

22        B. When a Teacher is required to renew a license received pursuant  
23 to this Compact, the State granting such a license may require the  
24 Teacher to complete State Specific Requirements as a condition of  
25 licensure renewal or advancement in that State.

26        C. For the purposes of determining compensation, a Receiving State  
27 may require additional information from Teachers receiving a license  
28 under the provisions of this Compact.

29        D. Nothing in this Compact shall be construed to limit the power of  
30 a Member State to control and maintain ownership of its information  
31 pertaining to Teachers, or limit the application of a Member State's laws

1 or regulations governing the ownership, use, or dissemination of  
2 information pertaining to Teachers.

3 E. Nothing in this Compact shall be construed to invalidate or alter  
4 any existing agreement or other cooperative arrangement which a Member  
5 State may already be a party to, or limit the ability of a Member State  
6 to participate in any future agreement or other cooperative arrangement  
7 to:

8 1. Award teaching licenses or other benefits based on additional  
9 professional credentials, including, but not limited to, National Board  
10 Certification;

11 2. Participate in the exchange of names of Teachers whose licenses  
12 have been subject to an Adverse Action by a Member State; or

13 3. Participate in any agreement or cooperative arrangement with a  
14 non-Member State.

15 ARTICLE V- TEACHER QUALIFICATIONS AND REQUIREMENTS FOR LICENSURE  
16 UNDER THE COMPACT

17 A. Except as provided for Active Military Members or Eligible  
18 Military Spouses in Article III.D above, a Teacher may only be eligible  
19 to receive a license under this Compact where that Teacher holds an  
20 Unencumbered License in a Member State.

21 B. A Teacher eligible to receive a license under this Compact shall,  
22 unless otherwise provided for herein:

23 1. Upon their application to receive a license under this Compact,  
24 undergo a criminal background check in the Receiving State in accordance  
25 with the laws and regulations of the Receiving State; and

26 2. Provide the Receiving State with information in addition to the  
27 information required for licensure for the purposes of determining  
28 compensation, if applicable.

29 ARTICLE VI- DISCIPLINE / ADVERSE ACTIONS

30 A. Nothing in this Compact shall be deemed or construed to limit the  
31 authority of a Member State to investigate or impose disciplinary

1 measures on Teachers according to the State Practice Laws thereof.

2 B. Member States shall be authorized to receive, and shall provide,  
3 files and information regarding the investigation and discipline, if any,  
4 of Teachers in other Member States upon request. Any Member State  
5 receiving such information or files shall protect and maintain the  
6 security and confidentiality thereof, in at least the same manner that it  
7 maintains its own investigatory or disciplinary files and information.  
8 Prior to disclosing any disciplinary or investigatory information  
9 received from another Member State, the disclosing state shall  
10 communicate its intention and purpose for such disclosure to the Member  
11 State which originally provided that information.

12 ARTICLE VII- ESTABLISHMENT OF THE INTERSTATE TEACHER MOBILITY  
13 COMPACT COMMISSION

14 A. The interstate compact Member States hereby create and establish  
15 a joint public agency known as the Interstate Teacher Mobility Compact  
16 Commission:

17 1. The Commission is a joint interstate governmental agency  
18 comprised of States that have enacted the Interstate Teacher Mobility  
19 Compact.

20 2. Nothing in this interstate compact shall be construed to be a  
21 waiver of sovereign immunity.

22 B. Membership, Voting, and Meetings

23 1. Each Member State shall have and be limited to one (1) delegate  
24 to the Commission, who shall be given the title of Commissioner.

25 2. The Commissioner shall be the primary administrative officer of  
26 the State Licensing Authority or their designee.

27 3. Any Commissioner may be removed or suspended from office as  
28 provided by the law of the state from which the Commissioner is  
29 appointed.

30 4. The Member State shall fill any vacancy occurring in the  
31 Commission within ninety (90) days.

1           5. Each Commissioner shall be entitled to one (1) vote about the  
2 promulgation of Rules and creation of Bylaws and shall otherwise have an  
3 opportunity to participate in the business and affairs of the Commission.  
4 A Commissioner shall vote in person or by such other means as provided in  
5 the Bylaws. The Bylaws may provide for Commissioners' participation in  
6 meetings by telephone or other means of communication.

7           6. The Commission shall meet at least once during each calendar  
8 year. Additional meetings shall be held as set forth in the Bylaws.

9           7. The Commission shall establish by Rule a term of office for  
10 Commissioners.

11           C. The Commission shall have the following powers and duties:

12           1. Establish a Code of Ethics for the Commission.

13           2. Establish the fiscal year of the Commission.

14           3. Establish Bylaws for the Commission.

15           4. Maintain its financial records in accordance with the Bylaws of  
16 the Commission.

17           5. Meet and take such actions as are consistent with the provisions  
18 of this interstate compact, the Bylaws, and Rules of the Commission.

19           6. Promulgate uniform Rules to implement and administer this  
20 interstate compact. The Rules shall have the force and effect of law and  
21 shall be binding in all Member States. In the event the Commission  
22 exercises its Rulemaking authority in a manner that is beyond the scope  
23 of the purposes of the compact, or the powers granted hereunder, then  
24 such an action by the Commission shall be invalid and have no force and  
25 effect of law.

26           7. Bring and prosecute legal proceedings or actions in the name of  
27 the Commission, provided that the standing of any Member State Licensing  
28 Authority to sue or be sued under applicable law shall not be affected.

29           8. Purchase and maintain insurance and bonds.

30           9. Borrow, accept, or contract for services of personnel, including,  
31 but not limited to, employees of a Member State, or an associated non-

1 governmental organization that is open to membership by all states.

2 10. Hire employees, elect, or appoint officers, fix compensation,  
3 define duties, grant such individuals appropriate authority to carry out  
4 the purposes of the compact, and establish the Commission's personnel  
5 policies and programs relating to conflicts of interest, qualifications  
6 of personnel, and other related personnel matters.

7 11. Lease, purchase, accept appropriate gifts or donations of, or  
8 otherwise own, hold, improve, or use, any property, real, personal or  
9 mixed, provided that at all times the Commission shall avoid any  
10 appearance of impropriety.

11 12. Sell, convey, mortgage, pledge, lease, exchange, abandon, or  
12 otherwise dispose of any property real, personal, or mixed.

13 13. Establish a budget and make expenditures.

14 14. Borrow money.

15 15. Appoint committees, including standing committees composed of  
16 members and such other interested persons as may be designated in this  
17 interstate compact, Rules, or Bylaws.

18 16. Provide and receive information from, and cooperate with, law  
19 enforcement agencies.

20 17. Establish and elect an Executive Committee.

21 18. Establish and develop a charter for an Executive Information  
22 Governance Committee to advise on facilitating exchange of information,  
23 use of information, data privacy, and technical support needs, and  
24 provide reports as needed.

25 19. Perform such other functions as may be necessary or appropriate  
26 to achieve the purposes of this interstate compact consistent with the  
27 State regulation of Teacher licensure.

28 20. Determine whether a State's adopted language is materially  
29 different from the model compact language such that the State would not  
30 qualify for participation in the Compact.

31 D. The Executive Committee of the Interstate Teacher Mobility

1 Compact Commission

2 1. The Executive Committee shall have the power to act on behalf of  
3 the Commission according to the terms of this interstate compact.

4 2. The Executive Committee shall be composed of eight voting  
5 members:

6 a. The Commission chair, vice chair, and treasurer; and

7 b. Five members who are elected by the Commission from the current  
8 membership:

9 i. Four voting members representing geographic regions in accordance  
10 with Commission Rules; and

11 ii. One at large voting member in accordance with Commission Rules.

12 3. The Commission may add or remove members of the Executive  
13 Committee as provided in Commission Rules.

14 4. The Executive Committee shall meet at least once annually.

15 5. The Executive Committee shall have the following duties and  
16 responsibilities:

17 a. Recommend to the entire Commission changes to the Rules or  
18 Bylaws, changes to the compact legislation, fees paid by interstate  
19 compact Member States such as annual dues, and any compact fee charged by  
20 the Member States on behalf of the Commission.

21 b. Ensure Commission administration services are appropriately  
22 provided, contractual or otherwise.

23 c. Prepare and recommend the budget.

24 d. Maintain financial records on behalf of the Commission.

25 e. Monitor compliance of Member States and provide reports to the  
26 Commission.

27 f. Perform other duties as provided in Rules or Bylaws.

28 6. Meetings of the Commission

29 a. All meetings shall be open to the public, and public notice of  
30 meetings shall be given in accordance with Commission Bylaws.

31 b. The Commission or the Executive Committee or other committees of

1 the Commission may convene in a closed, non-public meeting if the  
2 Commission or Executive Committee or other committees of the Commission  
3 must discuss:

4 i. Non-compliance of a Member State with its obligations under the  
5 compact.

6 ii. The employment, compensation, discipline, or other matters,  
7 practices or procedures related to specific employees or other matters  
8 related to the Commission's internal personnel practices and procedures.

9 iii. Current, threatened, or reasonably anticipated litigation.

10 iv. Negotiation of contracts for the purchase, lease, or sale of  
11 goods, services, or real estate.

12 v. Accusing any person of a crime or formally censuring any person.

13 vi. Disclosure of trade secrets or commercial or financial  
14 information that is privileged or confidential.

15 vii. Disclosure of information of a personal nature where disclosure  
16 would constitute a clearly unwarranted invasion of personal privacy.

17 viii. Disclosure of investigative records compiled for law  
18 enforcement purposes.

19 ix. Disclosure of information related to any investigative reports  
20 prepared by or on behalf of or for use of the Commission or other  
21 committee charged with responsibility of investigation or determination  
22 of compliance issues pursuant to the compact.

23 x. Matters specifically exempted from disclosure by federal or  
24 Member State statute.

25 xi. Others matters as set forth by Commission Bylaws and Rules.

26 c. If a meeting, or portion of a meeting, is closed pursuant to this  
27 provision, the Commission's legal counsel or designee shall certify that  
28 the meeting may be closed and shall reference each relevant exempting  
29 provision.

30 d. The Commission shall keep minutes of Commission meetings and  
31 shall provide a full and accurate summary of actions taken, and the

1 reasons therefore, including a description of the views expressed. All  
2 documents considered in connection with an action shall be identified in  
3 such minutes. All minutes and documents of a closed meeting shall remain  
4 under seal, subject to release by a majority vote of the Commission or  
5 order of a court of competent jurisdiction.

6 7. Financing of the Commission

7 a. The Commission shall pay, or provide for the payment of, the  
8 reasonable expenses of its establishment, organization, and ongoing  
9 activities.

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

15 c. The Commission may levy on and collect an annual assessment from  
16 each Member State or impose fees on other parties to cover the cost of  
17 the operations and activities of the Commission, in accordance with the  
18 Commission Rules.

19 d. The Commission shall not incur obligations of any kind prior to  
20 securing the funds adequate to meet the same; nor shall the Commission  
21 pledge the credit of any of the Member States, except by and with the  
22 authority of the Member State.

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

30 8. Qualified Immunity, Defense, and Indemnification

31 a. The members, officers, executive director, employees, and

1 representatives of the Commission shall be immune from suit and  
2 liability, either personally or in their official capacity, for any claim  
3 for damage to or loss of property or personal injury or other civil  
4 liability caused by or arising out of any actual or alleged act, error,  
5 or omission that occurred, or that the person against whom the claim is  
6 made had a reasonable basis for believing occurred within the scope of  
7 Commission employment, duties, or responsibilities; provided that nothing  
8 in this paragraph shall be construed to protect any such person from suit  
9 or liability for any damage, loss, injury, or liability caused by the  
10 intentional or willful or wanton misconduct of that person.

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

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

1           ARTICLE VIII- RULEMAKING

2           A. The Commission shall exercise its Rulemaking powers pursuant to  
3 the criteria set forth in this interstate compact and the Rules adopted  
4 thereunder. Rules and amendments shall become binding as of the date  
5 specified in each Rule or amendment.

6           B. The Commission shall promulgate reasonable Rules to achieve the  
7 intent and purpose of this interstate compact. In the event the  
8 Commission exercises its Rulemaking authority in a manner that is beyond  
9 purpose and intent of this interstate compact, or the powers granted  
10 hereunder, then such an action by the Commission shall be invalid and  
11 have no force and effect of law in the Member States.

12           C. If a majority of the legislatures of the Member States rejects a  
13 Rule, by enactment of a statute or resolution in the same manner used to  
14 adopt the compact within four (4) years of the date of adoption of the  
15 Rule, then such Rule shall have no further force and effect in any Member  
16 State.

17           D. Rules or amendments to the Rules shall be adopted or ratified at  
18 a regular or special meeting of the Commission in accordance with  
19 Commission Rules and Bylaws.

20           E. Upon determination that an emergency exists, the Commission may  
21 consider and adopt an emergency Rule with forty-eight (48) hours' notice,  
22 with opportunity to comment, provided that the usual Rulemaking  
23 procedures shall be retroactively applied to the Rule as soon as  
24 reasonably possible, in no event later than ninety (90) days after the  
25 effective date of the Rule. For the purposes of this provision, an  
26 emergency Rule is one that must be adopted immediately in order to:

- 27           1. Meet an imminent threat to public health, safety, or welfare;  
28           2. Prevent a loss of Commission or Member State funds;  
29           3. Meet a deadline for the promulgation of an administrative Rule  
30 that is established by federal law or Rule; or  
31           4. Protect public health and safety.

1           ARTICLE IX- FACILITATING INFORMATION EXCHANGE

2           A. The Commission shall provide for facilitating the exchange of  
3 information to administer and implement the provisions of this compact in  
4 accordance with the Rules of the Commission, consistent with generally  
5 accepted data protection principles.

6           B. Nothing in this compact shall be deemed or construed to alter,  
7 limit, or inhibit the power of a Member State to control and maintain  
8 ownership of its licensee information or alter, limit, or inhibit the  
9 laws or regulations governing licensee information in the Member State.

10          ARTICLE X- OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

11          A. Oversight

12          1. The executive and judicial branches of State government in each  
13 Member State shall enforce this Compact and take all actions necessary  
14 and appropriate to effectuate the Compact's purposes and intent. The  
15 provisions of this Compact shall have standing as statutory law.

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

24          3. All courts and all administrative agencies shall take judicial  
25 notice of the Compact, the Rules of the Commission, and any information  
26 provided to a Member State pursuant thereto in any judicial or quasi-  
27 judicial proceeding in a Member State pertaining to the subject matter of  
28 this Compact, or which may affect the powers, responsibilities, or  
29 actions of the Commission.

30          4. The Commission shall be entitled to receive service of process in  
31 any proceeding regarding the enforcement or interpretation of the Compact

1 and shall have standing to intervene in such a proceeding for all  
2 purposes. Failure to provide the Commission service of process shall  
3 render a judgment or order void as to the Commission, this Compact, or  
4 promulgated Rules.

5 B. Default, Technical Assistance, and Termination

6 1. If the Commission determines that a Member State has defaulted in  
7 the performance of its obligations or responsibilities under this Compact  
8 or the promulgated Rules, the Commission shall:

9 a. Provide written notice to the defaulting State and other Member  
10 States of the nature of the default, the proposed means of curing the  
11 default, or any other action to be taken by the Commission; and

12 b. Provide remedial training and specific technical assistance  
13 regarding the default.

14 C. If a State in default fails to cure the default, the defaulting  
15 State may be terminated from the Compact upon an affirmative vote of a  
16 majority of the Commissioners of the Member States, and all rights,  
17 privileges, and benefits conferred on that State by this Compact may be  
18 terminated on the effective date of termination. A cure of the default  
19 does not relieve the offending State of obligations or liabilities  
20 incurred during the period of default.

21 D. Termination of membership in the Compact shall be imposed only  
22 after all other means of securing compliance have been exhausted. Notice  
23 of intent to suspend or terminate shall be given by the Commission to the  
24 governor, the majority and minority leaders of the defaulting State's  
25 legislature, the State Licensing Authority, and each of the Member  
26 States.

27 E. A State that has been terminated is responsible for all  
28 assessments, obligations, and liabilities incurred through the effective  
29 date of termination, including obligations that extend beyond the  
30 effective date of termination.

31 F. The Commission shall not bear any costs related to a State that

1 is found to be in default or that has been terminated from the Compact,  
2 unless agreed upon in writing between the Commission and the defaulting  
3 State.

4 G. The defaulting State may appeal the action of the Commission by  
5 petitioning the United States District Court for the District of Columbia  
6 or the federal district where the Commission has its principal offices.  
7 The prevailing party shall be awarded all costs of such litigation,  
8 including reasonable attorney's fees.

9 H. Dispute Resolution

10 1. Upon request by a Member State, the Commission shall attempt to  
11 resolve disputes related to the Compact that arise among Member States  
12 and between Member and non-Member States.

13 2. The Commission shall promulgate a Rule providing for both binding  
14 and non-binding alternative dispute resolution for disputes as  
15 appropriate.

16 I. Enforcement

17 1. The Commission, in the reasonable exercise of its discretion,  
18 shall enforce the provisions and Rules of this Compact.

19 2. By majority vote, the Commission may initiate legal action in the  
20 United States District Court for the District of Columbia or the federal  
21 district where the Commission has its principal offices against a Member  
22 State in default to enforce compliance with the provisions of the Compact  
23 and its promulgated Rules and Bylaws. The relief sought may include both  
24 injunctive relief and damages. In the event judicial enforcement is  
25 necessary, the prevailing party shall be awarded all costs of such  
26 litigation, including reasonable attorney's fees. The remedies herein  
27 shall not be the exclusive remedies of the Commission. The Commission may  
28 pursue any other remedies available under federal or State law.

29 ARTICLE XI- EFFECTUATION, WITHDRAWAL, AND AMENDMENT

30 A. The Compact shall come into effect on the date on which the  
31 Compact statute is enacted into law in the tenth Member State.

1       1. On or after the effective date of the Compact, the Commission  
2 shall convene and review the enactment of each of the Charter Member  
3 States to determine if the statute enacted by each such Charter Member  
4 State is materially different from the model Compact statute.

5       2. A Charter Member State whose enactment is found to be materially  
6 different from the model Compact statute shall be entitled to the default  
7 process set forth in Article X.

8       3. Member States enacting the Compact subsequent to the Charter  
9 Member States shall be subject to the process set forth in Article  
10 VII.C.20 to determine if their enactments are materially different from  
11 the model Compact statute and whether they qualify for participation in  
12 the Compact.

13       B. If any Member State is later found to be in default, or is  
14 terminated or withdraws from the Compact, the Commission shall remain in  
15 existence and the Compact shall remain in effect even if the number of  
16 Member States should be less than ten.

17       C. Any State that joins the Compact after the Commission's initial  
18 adoption of the Rules and Bylaws shall be subject to the Rules and Bylaws  
19 as they exist on the date on which the Compact becomes law in that State.  
20 Any Rule that has been previously adopted by the Commission shall have  
21 the full force and effect of law on the day the Compact becomes law in  
22 that State, as the Rules and Bylaws may be amended as provided in this  
23 Compact.

24       D. Any Member State may withdraw from this Compact by enacting a  
25 statute repealing the same.

26       1. A Member State's withdrawal shall not take effect until six (6)  
27 months after enactment of the repealing statute.

28       2. Withdrawal shall not affect the continuing requirement of the  
29 withdrawing State's Licensing Authority to comply with the investigative  
30 and Adverse Action reporting requirements of this act prior to the  
31 effective date of withdrawal.

1           E. This Compact may be amended by the Member States. No amendment to  
2 this Compact shall become effective and binding upon any Member State  
3 until it is enacted into the laws of all Member States.

4           ARTICLE XII- CONSTRUCTION AND SEVERABILITY

5           This Compact shall be liberally construed to effectuate the purposes  
6 thereof. The provisions of this Compact shall be severable and if any  
7 phrase, clause, sentence, or provision of this Compact is declared to be  
8 contrary to the constitution of any Member State or a State seeking  
9 membership in the compact, or of the United States or the applicability  
10 thereof to any other government, agency, person, or circumstance is held  
11 invalid, the validity of the remainder of this Compact and the  
12 applicability thereof to any government, agency, person, or circumstance  
13 shall not be affected thereby. If this Compact shall be held contrary to  
14 the constitution of any Member State, the Compact shall remain in full  
15 force and effect as to the remaining Member States and in full force and  
16 effect as to the Member State affected as to all severable matters.

17           ARTICLE XIII- CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS

18           A. Nothing herein shall prevent or inhibit the enforcement of any  
19 other law of a Member State that is not inconsistent with the Compact.

20           B. Any laws, statutes, regulations, or other legal requirements in a  
21 Member State in conflict with the Compact are superseded to the extent of  
22 the conflict.

23           C. All permissible agreements between the Commission and the Member  
24 States are binding in accordance with their terms.

25           Sec. 5. Section 79-101, Revised Statutes Cumulative Supplement,  
26 2022, is amended to read:

27           79-101 For purposes of Chapter 79:

28           (1) School district means the territory under the jurisdiction of a  
29 single school board authorized by Chapter 79;

30           (2) School means a school under the jurisdiction of a school board  
31 authorized by Chapter 79;

1           (3) Legal voter means a registered voter as defined in section  
2 32-115 who is domiciled in a precinct or ward in which he or she is  
3 registered to vote and which precinct or ward lies in whole or in part  
4 within the boundaries of a school district for which the registered voter  
5 chooses to exercise his or her right to vote at a school district  
6 election;

7           (4) Prekindergarten programs means all early childhood programs  
8 provided for children who have not reached the age of five by the date  
9 provided in section 79-214 for kindergarten entrance;

10          (5) Elementary grades means grades kindergarten through eight,  
11 inclusive;

12          (6) High school grades means all grades above the eighth grade;

13          (7) School year means (a) for elementary grades other than  
14 kindergarten, the time equivalent to at least one thousand thirty-two  
15 instructional hours and (b) for high school grades, the time equivalent  
16 to at least one thousand eighty instructional hours;

17          (8) Instructional hour means a period of time, at least sixty  
18 minutes, which is actually used for the instruction of students;

19          (9) Teacher means any certified employee who is regularly employed  
20 for the instruction of pupils in the public schools;

21          (10) Administrator means any certified employee such as  
22 superintendent, assistant superintendent, principal, assistant principal,  
23 school nurse, or other supervisory or administrative personnel who do not  
24 have as a primary duty the instruction of pupils in the public schools;

25          (11) School board means the governing body of any school district.  
26 Board of education has the same meaning as school board;

27          (12) Teach means and includes, but is not limited to, the following  
28 responsibilities: (a) The organization and management of the classroom or  
29 the physical area in which the learning experiences of pupils take place;  
30 (b) the assessment and diagnosis of the individual educational needs of  
31 the pupils; (c) the planning, selecting, organizing, prescribing, and

1 directing of the learning experiences of pupils; (d) the planning of  
2 teaching strategies and the selection of available materials and  
3 equipment to be used; and (e) the evaluation and reporting of student  
4 progress;

5 (13) Permanent school fund means the fund described in section  
6 79-1035.01;

7 (14) Temporary school fund means the fund described in section  
8 79-1035.02;

9 (15) School lands means the lands described in section 79-1035.03.  
10 Educational lands has the same meaning as school lands;

11 (16) Community eligibility provision means the alternative to  
12 household applications for free and reduced-price meals in high-poverty  
13 schools enacted in section 104(a) of the federal Healthy, Hunger-Free  
14 Kids Act of 2010, section 11(a)(1) of the Richard B. Russell National  
15 School Lunch Act, 42 U.S.C. 1759a(a)(1), as such act and section existed  
16 on January 1, 2015, and administered by the United States Department of  
17 Agriculture; and

18 (17)(a) ~~(17)~~ Certificate, certificated, or certified, when referring  
19 to an individual holding a certificate to teach, administer, or provide  
20 special services, also includes an individual who holds a permit issued  
21 by the Commissioner of Education pursuant to sections 79-806 to 79-815.

22 (b) Certificate, certificated, or certified, when referring to an  
23 individual holding a certificate to teach, also includes an individual  
24 who is granted a certificate in accordance with the Interstate Teacher  
25 Mobility Compact and section 6 of this act.

26 The State Board of Education may adopt and promulgate rules and  
27 regulations to define school day and other appropriate units of the  
28 school calendar.

29 Sec. 6. The State Board of Education shall adopt and promulgate  
30 rules and regulations to provide for certification of teachers pursuant  
31 to the Interstate Teacher Mobility Compact.

1           Sec. 7.   Original section 79-101, Revised Statutes Cumulative  
2 Supplement, 2022, is repealed.