

# ACT No. 297

HOUSE BILL NO. 590

BY REPRESENTATIVES BARROW, ARMES, AUBERT, AUSTIN BADON, BALDONE, BARRAS, HENRY BURNS, BURRELL, CARMODY, CHAMPAGNE, DANAHAY, DIXON, GISCLAIR, MICKEY GUILLORY, HARDY, HENDERSON, HOFFMANN, KATZ, LANDRY, PERRY, GARY SMITH, JANE SMITH, PATRICIA SMITH, ST. GERMAIN, STIAES, TUCKER, AND WILLMOTT AND SENATORS APPEL, DORSEY, DUPLESSIS, GRAY EVANS, LONG, AND NEVERS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

1 AN ACT

2 To amend and reenact R.S. 17:238 and to enact Part III of Chapter 7 of Title 17 of the  
3 Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:1915, relative to the  
4 placement in school and education of certain children; to require the governing  
5 authority of each public elementary and secondary school to enact a policy ensuring  
6 that children in foster care may remain enrolled in certain schools; to require that  
7 such governing authorities and the Department of Social Services provide  
8 transportation to and from school for certain children in foster care under certain  
9 circumstances; to provide for the authorization of the state to join and ratify the  
10 Interstate Compact on Educational Opportunity for Military Children; to provide for  
11 an effective date; and to provide for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 17:238 is hereby amended and reenacted and Part III of Chapter 7  
14 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:1915 is hereby  
15 enacted to read as follows:

16 §238. Education of children having no permanent address, certain abandoned  
17 children, and children in foster care

18 A. Notwithstanding any provision of law or regulation to the contrary, the  
19 governing authority of each city and parish public elementary and secondary school  
20 ~~board~~ shall establish a policy to provide for the placement in school and for the  
21 education of any child temporarily residing within the jurisdiction of the board who

1 has no permanent address, who has been abandoned by his parents, or who is in  
2 foster care pursuant to placement through the Department of Social Services.

3 B. No governing authority of a public elementary or secondary school board  
4 shall deny enrollment in school to any child solely because the child has no  
5 permanent address, because the child has been abandoned by his parents, or because  
6 the child is in foster care pursuant to placement through the Department of Social  
7 Services; however, nothing in this Section shall require the enrollment of any child  
8 not permitted by another school system to attend school, either permanently or  
9 temporarily, as a result of disciplinary actions.

10 C. The governing authority of each public elementary and secondary school  
11 shall establish a policy to ensure that a child who is in foster care pursuant to  
12 placement through the Department of Social Services shall be allowed to remain  
13 enrolled in the public school in which the child was enrolled at the time he entered  
14 foster care if the Department of Social Services determines that remaining in such  
15 school is in the best interest of the child. If the foster care placement is outside the  
16 jurisdictional boundaries of the public school in which the child is enrolled, the  
17 governing authority of such school shall be responsible for providing free  
18 transportation for the child to and from a designated location which is within that  
19 school district and is located nearest to the child's residence and is determined to be  
20 appropriate by such governing authority and the Department of Social Services. The  
21 Department of Social Services shall be responsible for providing the child's  
22 transportation between that location and the child's residence.

23 \* \* \*

24 PART III. INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR  
25 MILITARY CHILDREN

26 §1915. Ratification; text of compact

27 The action of the governor of this state in entering into a compact on behalf  
28 of the State of Louisiana with the states joining therein for cooperative efforts for  
29 ensuring educational opportunity and access for children of military families is  
30 hereby authorized and ratified, which compact is substantially as follows:

**INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR  
MILITARY CHILDREN**

**ARTICLE I**

**PURPOSE**

It is the purpose of this compact to remove barriers to educational success imposed on children of military families because of frequent moves and deployment of their parents by:

A. Facilitating the timely enrollment of children of military families and ensuring that they are not placed at a disadvantage due to difficulty in the transfer of education records from the previous school district(s) or variations in entrance/age requirements.

B. Facilitating the student placement process through which children of military families are not disadvantaged by variations in attendance requirements, scheduling, sequencing, grading, course content or assessment.

C. Facilitating the qualification and eligibility for enrollment, educational programs, and participation in extracurricular academic, athletic, and social activities.

D. Facilitating the on-time graduation of children of military families.

E. Providing for the promulgation and enforcement of administrative rules implementing the provisions of this compact.

F. Providing for the uniform collection and sharing of information between and among member states, schools and military families under this compact.

G. Promoting coordination between this compact and other compacts affecting military children.

H. Promoting flexibility and cooperation between the educational system, parents and the student in order to achieve educational success for the student.

**ARTICLE II**

**DEFINITIONS**

As used in this compact, unless the context clearly requires a different construction:

1           A. "Active duty" means full-time duty status in the active uniformed service  
2           of the United States, including members of the National Guard and Reserve on active  
3           duty orders pursuant to 10 U.S.C. Section 1209 and 1211.

4           B. "Children of military families" means a school-aged child, enrolled in  
5           Kindergarten through Twelfth (12th) grade, in the household of an active duty  
6           member.

7           C. "Compact commissioner" means the voting representative of each  
8           compacting state appointed pursuant to Article VIII of this compact.

9           D. "Deployment" means the period one (1) month prior to the service  
10          members' departure from their home station on military orders though six (6) months  
11          after return to their home station.

12          E. "Educational records" means those official records, files, and data directly  
13          related to a student and maintained by the school or local education agency,  
14          including but not limited to records encompassing all the material kept in the  
15          student's cumulative folder such as general identifying data, records of attendance  
16          and of academic work completed, records of achievement and results of evaluative  
17          tests, health data, disciplinary status, test protocols, and individualized education  
18          programs.

19          F. "Extracurricular activities" means a voluntary activity sponsored by the  
20          school or local education agency or an organization sanctioned by the local education  
21          agency. Extracurricular activities include, but are not limited to, preparation for and  
22          involvement in public performances, contests, athletic competitions, demonstrations,  
23          displays, and club activities.

24          G. "Interstate Commission on Educational Opportunity for Military Children"  
25          means the commission that is created under Article IX of this compact, which is  
26          generally referred to as Interstate Commission.

27          H. "Local education agency" means a public authority legally constituted by  
28          the state as an administrative agency to provide control of and direction for  
29          Kindergarten through Twelfth (12th) grade public educational institutions.

30          I. "Member state" means a state that has enacted this compact.

1           J. "Military installation" means a base, camp, post, station, yard, center,  
2           homework facility for any ship, or other activity under the jurisdiction of the  
3           Department of Defense, including any leased facility, which is located within any of  
4           the several States, the District of Columbia, the Commonwealth of Puerto Rico, the  
5           U.S. Virgin Islands, Guam, American Samoa, the Northern Marianas Islands and any  
6           other U.S. Territory. Such term does not include any facility used primarily for civil  
7           works, rivers and harbors projects, or flood control projects.

8           K. "Non-member state" means a state that has not enacted this compact.

9           L. "Receiving state" means the state to which a child of a military family is  
10          sent, brought, or caused to be sent or brought.

11          M. "Rule" means a written statement by the Interstate Commission  
12          promulgated pursuant to Article XII of this compact that is of general applicability,  
13          implements, interprets or prescribes a policy or provision of the Compact, or an  
14          organizational, procedural, or practice requirement of the Interstate Commission, and  
15          has the force and effect of statutory law in a member state, and includes the  
16          amendment, repeal, or suspension of an existing rule.

17          N. "Sending state" means the state from which a child of a military family is  
18          sent, brought, or caused to be sent or brought.

19          O. "State" means a state of the United States, the District of Columbia, the  
20          Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa,  
21          the Northern Marianas Islands and any other U.S. Territory.

22          P. "Student" means the child of a military family for whom the local  
23          education agency receives public funding and who is formally enrolled in  
24          Kindergarten through Twelfth (12th) grade.

25          Q. "Transition" means (1) the formal and physical process of transferring  
26          from school to school or (2) the period of time in which a student moves from one  
27          school in the sending state to another school in the receiving state.

28          R. "Uniformed service" means the Army, Navy, Air Force, Marine Corps,  
29          Coast Guard as well as the Commissioned Corps of the National Oceanic and  
30          Atmospheric Administration, and Public Health Services.

1                   S. "Veteran" means a person who served in the uniformed services and who  
2                   was discharged or released there from under conditions other than dishonorable.

3                   **ARTICLE III**

4                   **APPLICABILITY**

5                   A. Except as otherwise provided in Section B, this compact shall apply to the  
6                   children of:

7                   1. Active duty members of the uniformed services as defined in this compact,  
8                   including members of the National Guard and Reserve on active duty orders pursuant  
9                   to 10 U.S.C. Section 1209 and 1211.

10                  2. Members or veterans of the uniformed services who are severely injured  
11                  and medically discharged or retired for a period of one (1) year after medical  
12                  discharge or retirement.

13                  3. Members of the uniformed services who die on active duty or as a result  
14                  of injuries sustained on active duty for a period of one (1) year after death.

15                  B. The provisions of this interstate compact shall only apply to local  
16                  education agencies as defined in this compact.

17                  C. The provisions of this compact shall not apply to the children of:

18                  1. Inactive members of the national guard and military reserves.

19                  2. Members of the uniformed services now retired, except as provided in  
20                  Section A.

21                  3. Veterans of the uniformed services, except as provided in Section A.

22                  4. Other U.S. Department of Defense personnel and other federal agency  
23                  civilian and contract employees not defined as active duty members of the uniformed  
24                  services.

25                  **ARTICLE IV**

26                  **EDUCATIONAL RECORDS & ENROLLMENT**

27                  A. Unofficial or "hand-carried" education records. In the event that official  
28                  education records cannot be released to the parents for the purpose of transfer, the  
29                  custodian of the records in the sending state shall prepare and furnish to the parent  
30                  a complete set of unofficial educational records containing uniform information as

1 determined by the Interstate Commission. Upon receipt of the unofficial education  
2 records by a school in the receiving state, the school shall enroll and appropriately  
3 place the student based on the information provided in the unofficial records pending  
4 validation by the official records, as quickly as possible.

5 B. Official education records/transcripts. Simultaneous with the enrollment  
6 and conditional placement of the student, the school in the receiving state shall  
7 request the student's official education record from the school in the sending state.  
8 Upon receipt of this request, the school in the sending state will process and furnish  
9 the official education records to the school in the receiving state within ten (10) days  
10 or within such time as is reasonably determined under the rules promulgated by the  
11 Interstate Commission.

12 C. Immunizations. Compacting states shall give thirty (30) days from the  
13 date of enrollment or within such time as is reasonably determined under the rules  
14 promulgated by the Interstate Commission, for students to obtain any  
15 immunization(s) required by the receiving state. For a series of immunizations, initial  
16 vaccinations must be obtained within thirty (30) days or within such time as is  
17 reasonably determined under the rules promulgated by the Interstate Commission.

18 D. Kindergarten and First grade entrance age. Students shall be allowed to  
19 continue their enrollment at the grade level in the receiving state commensurate with  
20 their grade level (including Kindergarten) from a local education agency in the  
21 sending state at the time of transition, regardless of age. A student that has  
22 satisfactorily completed the prerequisite grade level in the local education agency in  
23 the sending state shall be eligible for enrollment in the next highest grade level in the  
24 receiving state, regardless of age. A student transferring after the start of the school  
25 year in the receiving state shall enter the school in the receiving state on their  
26 validated level from an accredited school in the sending state.

## **ARTICLE V**

### **PLACEMENT & ATTENDANCE**

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29 A. Course placement. When the student transfers before or during the school  
30 year, the receiving state school shall initially honor placement of the student in

1 educational courses based on the student's enrollment in the sending state school  
2 and/or educational assessments conducted at the school in the sending state if the  
3 courses are offered. Course placement includes but is not limited to Honors,  
4 International Baccalaureate, Advanced Placement, vocational, technical and career  
5 pathways courses. Continuing the student's academic program from the previous  
6 school and promoting placement in academically and career challenging courses  
7 should be paramount when considering placement. This does not preclude the school  
8 in the receiving state from performing subsequent evaluations to ensure appropriate  
9 placement and continued enrollment of the student in the course(s).

10 B. Educational program placement. The receiving state school shall initially  
11 honor placement of the student in educational programs based on current educational  
12 assessments conducted at the school in the sending state or participation/placement  
13 in like programs in the sending state. Such programs include, but are not limited to  
14 gifted and talented programs and English as a second language (ESL). This does not  
15 preclude the school in the receiving state from performing subsequent evaluations  
16 to ensure appropriate placement of the student.

17 C. Special education services. In compliance with the federal requirements  
18 of the Individuals with Disabilities Education Act (IDEA), 20 U.S.C.A. Section 1400  
19 et seq, the receiving state shall initially provide comparable services to a student with  
20 disabilities based on his/her current Individualized Education Program (IEP). In  
21 compliance with the requirements of Section 504 of the Rehabilitation Act, 29  
22 U.S.C.A. Section 794, and with Title II of the Americans with Disabilities Act, 42  
23 U.S.C.A. Sections 12131-12165, the receiving state shall make reasonable  
24 accommodations and modifications to address the needs of incoming students with  
25 disabilities, subject to an existing 504 or Title II Plan, to provide the student with  
26 equal access to education. This does not preclude the school in the receiving state  
27 from performing subsequent evaluations to ensure appropriate placement of the  
28 student.

29 D. Placement flexibility. Local education agency administrative officials  
30 shall have flexibility in waiving course/program prerequisites, or other preconditions



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**ARTICLE VII**

**GRADUATION**

In order to facilitate the on-time graduation of children of military families, states and local education agencies shall incorporate the following procedures:

A. Waiver requirements. Local education agency administrative officials shall waive specific courses required for graduation if similar course work has been satisfactorily completed in another local education agency or shall provide reasonable justification for denial. Should a waiver not be granted to a student who would qualify to graduate from the sending school, the local education agency shall provide an alternative means of acquiring required coursework so that graduation may occur on time.

B. Exit exams. States shall accept exit or end-of-course exams required for graduation from the sending state, national norm referenced achievement tests, or alternative testing, in lieu of testing requirements for graduation in the receiving state. In the event the above alternatives cannot be accommodated by the receiving state for a student transferring in his or her Senior year, then the provisions of Article VII, Section C shall apply.

C. Transfers during senior year. Should a military student transferring at the beginning or during his or her senior year be ineligible to graduate from the receiving local education agency after all alternatives have been considered, the sending and receiving local education agencies shall ensure the receipt of a diploma from the sending local education agency, if the student meets the graduation requirements of the sending local education agency. In the event that one of the states in question is not a member of this compact, the member state shall use best efforts to facilitate the on-time graduation of the student in accordance with Sections A and B of this Article.

**ARTICLE VIII**

**STATE COORDINATION**

A. Each member state shall, through the creation of a State Council or use of an existing body or board, provide for the coordination among its agencies of

1           government, local education agencies, and military installations concerning the  
 2           state's participation in, and compliance with, this compact and Interstate Commission  
 3           activities. While each member state may determine the membership of its own State  
 4           Council, its membership must include at least: the state superintendent of education,  
 5           superintendent of a school district with a high concentration of military children,  
 6           representative from a military installation, one representative each from the  
 7           legislative and executive branches of government, and other offices and stakeholder  
 8           groups the State Council deems appropriate. A member state that does not have a  
 9           school district deemed to contain a high concentration of military children may  
 10          appoint a superintendent from another school district to represent local education  
 11          agencies on the State Council.

12                   B. The State Council of each member state shall appoint or designate a  
 13                   military family education liaison to assist military families and the state in  
 14                   facilitating the implementation of this compact.

15                   C. The compact commissioner responsible for the administration and  
 16                   management of the state's participation in the compact shall be appointed by the  
 17                   Governor or as otherwise determined by each member state.

18                   D. The compact commissioner and the military family education liaison  
 19                   designated herein shall be ex-officio members of the State Council, unless either is  
 20                   already a full voting member of the State Council.

21   **ARTICLE IX**

22   **INTERSTATE COMMISSION ON EDUCATIONAL**

23   **OPPORTUNITY FOR MILITARY CHILDREN**

24                   The member states hereby create the "Interstate Commission on Educational  
 25                   Opportunity for Military Children." The activities of the Interstate Commission are  
 26                   the formation of public policy and are a discretionary state function. The Interstate  
 27                   Commission shall:

28                                   A. Be a body corporate and joint agency of the member states and shall have  
 29                   all the responsibilities, powers and duties set forth herein, and such additional powers

1 as may be conferred upon it by a subsequent concurrent action of the respective  
2 legislatures of the member states in accordance with the terms of this compact.

3 B. Consist of one Interstate Commission voting representative from each  
4 member state who shall be that state's compact commissioner.

5 1. Each member state represented at a meeting of the Interstate Commission  
6 is entitled to one vote.

7 2. A majority of the total member states shall constitute a quorum for the  
8 transaction of business, unless a larger quorum is required by the bylaws of the  
9 Interstate Commission.

10 3. A representative shall not delegate a vote to another member state. In the  
11 event the compact commissioner is unable to attend a meeting of the Interstate  
12 Commission, the Governor or State Council may delegate voting authority to another  
13 person from their state for a specified meeting.

14 4. The bylaws may provide for meetings of the Interstate Commission to be  
15 conducted by telecommunication or electronic communication.

16 C. Consist of ex-officio, non-voting representatives who are members of  
17 interested organizations. Such ex-officio members, as defined in the bylaws, may  
18 include but not be limited to, members of the representative organizations of military  
19 family advocates, local education agency officials, parent and teacher groups, the  
20 United States Department of Defense, the Education Commission of the States, the  
21 Interstate Agreement on the Qualification of Educational Personnel and other  
22 interstate compacts affecting the education of children of military members.

23 D. Meet at least once each calendar year. The chairperson may call additional  
24 meetings and, upon the request of a simple majority of the member states, shall call  
25 additional meetings.

26 E. Establish an executive committee, whose members shall include the  
27 officers of the Interstate Commission and such other members of the Interstate  
28 Commission as determined by the bylaws. Members of the executive committee shall  
29 serve a one year term. Members of the executive committee shall be entitled to one  
30 vote each. The executive committee shall have the power to act on behalf of the

1 Interstate Commission, with the exception of rulemaking, during periods when the  
2 Interstate Commission is not in session. The executive committee shall oversee the  
3 day-to-day activities of the administration of the compact including enforcement and  
4 compliance with the provisions of the compact, its bylaws and rules, and other such  
5 duties as deemed necessary. The United States Department of Defense shall serve  
6 as an ex-officio, nonvoting member of the executive committee.

7 F. Establish bylaws and rules that provide for conditions and procedures  
8 under which the Interstate Commission shall make its information and official  
9 records available to the public for inspection or copying. The Interstate Commission  
10 may exempt from disclosure information or official records to the extent they would  
11 adversely affect personal privacy rights or proprietary interests.

12 G. Give public notice of all meetings and all meetings shall be open to the  
13 public, except as set forth in the rules or as otherwise provided in the compact. The  
14 Interstate Commission and its committees may close a meeting, or portion thereof,  
15 where it determines by two-thirds vote that an open meeting would be likely to:

16 1. Relate solely to the Interstate Commission's internal personnel practices  
17 and procedures.

18 2. Disclose matters specifically exempted from disclosure by federal and state  
19 statute.

20 3. Disclose trade secrets or commercial or financial information which is  
21 privileged or confidential.

22 4. Involve accusing a person of a crime, or formally censuring a person.

23 5. Disclose information of a personal nature where disclosure would  
24 constitute a clearly unwarranted invasion of personal privacy.

25 6. Disclose investigative records compiled for law enforcement purposes.

26 7. Specifically relate to the Interstate Commission's participation in a civil  
27 action or other legal proceeding.

28 H. Shall cause its legal counsel or designee to certify that a meeting may be  
29 closed and shall reference each relevant exemptible provision for any meeting, or  
30 portion of a meeting, which is closed pursuant to this provision. The Interstate



1                    D. To enforce compliance with the compact provisions, the rules promulgated  
2                    by the Interstate Commission, and the bylaws, using all necessary and proper means,  
3                    including but not limited to the use of judicial process.

4                    E. To establish and maintain offices which shall be located within one or  
5                    more of the member states.

6                    F. To purchase and maintain insurance and bonds.

7                    G. To borrow, accept, hire or contract for services of personnel.

8                    H. To establish and appoint committees including, but not limited to, an  
9                    executive committee as required by Article IX, Section E, which shall have the  
10                   power to act on behalf of the Interstate Commission in carrying out its powers and  
11                   duties hereunder.

12                   I. To elect or appoint such officers, attorneys, employees, agents, or  
13                   consultants, and to fix their compensation, define their duties and determine their  
14                   qualifications; and to establish the Interstate Commission's personnel policies and  
15                   programs relating to conflicts of interest, rates of compensation, and qualifications  
16                   of personnel.

17                   J. To accept any and all donations and grants of money, equipment, supplies,  
18                   materials, and services, and to receive, utilize, and dispose of it.

19                   K. To lease, purchase, accept contributions or donations of, or otherwise to  
20                   own, hold, improve or use any property, real, personal, or mixed.

21                   L. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise  
22                   dispose of any property, real, personal or mixed.

23                   M. To establish a budget and make expenditures.

24                   N. To adopt a seal and bylaws governing the management and operation of  
25                   the Interstate Commission.

26                   O. To report annually to the legislatures, governors, judiciary, and state  
27                   councils of the member states concerning the activities of the Interstate Commission  
28                   during the preceding year. Such reports shall also include any recommendations that  
29                   may have been adopted by the Interstate Commission.



1           B. The Interstate Commission shall, by a majority of the members, elect  
2           annually from among its members a chairperson, a vice-chairperson, and a treasurer,  
3           each of whom shall have such authority and duties as may be specified in the bylaws.  
4           The chairperson or, in the chairperson's absence or disability, the vice-chairperson,  
5           shall preside at all meetings of the Interstate Commission. The officers so elected  
6           shall serve without compensation or remuneration from the Interstate Commission;  
7           provided that, subject to the availability of budgeted funds, the officers shall be  
8           reimbursed for ordinary and necessary costs and expenses incurred by them in the  
9           performance of their responsibilities as officers of the Interstate Commission.

10           C. Executive Committee, Officers and Personnel.

11           1. The executive committee shall have such authority and duties as may be  
12           set forth in the bylaws, including but not limited to:

13           a. Managing the affairs of the Interstate Commission in a manner consistent  
14           with the bylaws and purposes of the Interstate Commission.

15           b. Overseeing an organizational structure within, and appropriate procedures  
16           for the Interstate Commission to provide for the creation of rules, operating  
17           procedures, and administrative and technical support functions.

18           c. Planning, implementing, and coordinating communications and activities  
19           with other state, federal and local government organizations in order to advance the  
20           goals of the Interstate Commission.

21           2. The executive committee may, subject to the approval of the Interstate  
22           Commission, appoint or retain an executive director for such period, upon such terms  
23           and conditions and for such compensation, as the Interstate Commission may deem  
24           appropriate. The executive director shall serve as secretary to the Interstate  
25           Commission, but shall not be a Member of the Interstate Commission. The executive  
26           director shall hire and supervise such other persons as may be authorized by the  
27           Interstate Commission.

28           D. The Interstate Commission's executive director and its employees shall be  
29           immune from suit and liability, either personally or in their official capacity, for a  
30           claim for damage to or loss of property or personal injury or other civil liability

1 caused or arising out of or relating to an actual or alleged act, error, or omission that  
2 occurred, or that such person had a reasonable basis for believing occurred, within  
3 the scope of Interstate Commission employment, duties, or responsibilities;  
4 provided, that such person shall not be protected from suit or liability for damage,  
5 loss, injury, or liability caused by the intentional or willful and wanton misconduct  
6 of such person.

7 1. The liability of the Interstate Commission's executive director and  
8 employees or Interstate Commission representatives, acting within the scope of such  
9 person's employment or duties for acts, errors, or omissions occurring within such  
10 person's state may not exceed the limits of liability set forth under the Constitution  
11 and laws of that state for state officials, employees, and agents. The Interstate  
12 Commission is considered to be an instrumentality of the states for the purposes of  
13 any such action. Nothing in this subsection shall be construed to protect such person  
14 from suit or liability for damage, loss, injury, or liability caused by the intentional  
15 or willful and wanton misconduct of such person.

16 2. The Interstate Commission shall defend the executive director and its  
17 employees and, subject to the approval of the Attorney General or other appropriate  
18 legal counsel of the member state represented by an Interstate Commission  
19 representative, shall defend such Interstate Commission representative in any civil  
20 action seeking to impose liability arising out of an actual or alleged act, error or  
21 omission that occurred within the scope of Interstate Commission employment,  
22 duties or responsibilities, or that the defendant had a reasonable basis for believing  
23 occurred within the scope of Interstate Commission employment, duties, or  
24 responsibilities, provided that the actual or alleged act, error, or omission did not  
25 result from intentional or willful and wanton misconduct on the part of such person.

26 3. To the extent not covered by the state involved, member state, or the  
27 Interstate Commission, the representatives or employees of the Interstate  
28 Commission shall be held harmless in the amount of a settlement or judgment,  
29 including attorney's fees and costs, obtained against such persons arising out of an  
30 actual or alleged act, error, or omission that occurred within the scope of Interstate



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**ARTICLE XIII**

**OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION**

A. Oversight.

1. The executive, legislative and judicial branches of state government in each member state shall enforce this compact and shall take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as statutory law.

2. All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact which may affect the powers, responsibilities or actions of the Interstate Commission.

3. The Interstate Commission shall be entitled to receive all service of process in any such proceeding, and shall have standing to intervene in the proceeding for all purposes. Failure to provide service of process to the Interstate Commission shall render a judgment or order void as to the Interstate Commission, this compact or promulgated rules.

B. Default, Technical Assistance, Suspension and Termination. If the Interstate Commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact, or the bylaws or promulgated rules, the Interstate Commission shall:

1. Provide written notice to the defaulting state and other member states, of the nature of the default, the means of curing the default and any action taken by the Interstate Commission. The Interstate Commission shall specify the conditions by which the defaulting state must cure its default.

2. Provide remedial training and specific technical assistance regarding the default.

3. If the defaulting state fails to cure the default, the defaulting state shall be terminated from the compact upon an affirmative vote of a majority of the member states and all rights, privileges and benefits conferred by this compact shall be terminated from the effective date of termination. A cure of the default does not

1 relieve the offending state of obligations or liabilities incurred during the period of  
2 the default.

3 4. Suspension or termination of membership in the compact shall be imposed  
4 only after all other means of securing compliance have been exhausted. Notice of  
5 intent to suspend or terminate shall be given by the Interstate Commission to the  
6 Governor, the majority and minority leaders of the defaulting state's legislature, and  
7 each of the member states.

8 5. The state which has been suspended or terminated is responsible for all  
9 assessments, obligations and liabilities incurred through the effective date of  
10 suspension or termination including obligations, the performance of which extends  
11 beyond the effective date of suspension or termination.

12 6. The Interstate Commission shall not bear any costs relating to any state  
13 that has been found to be in default or which has been suspended or terminated from  
14 the compact, unless otherwise mutually agreed upon in writing between the Interstate  
15 Commission and the defaulting state.

16 7. The defaulting state may appeal the action of the Interstate Commission  
17 by petitioning the U.S. District Court for the District of Columbia or the federal  
18 district where the Interstate Commission has its principal offices. The prevailing  
19 party shall be awarded all costs of such litigation including reasonable attorney's  
20 fees.

21 C. Dispute Resolution.

22 1. The Interstate Commission shall attempt, upon the request of a member  
23 state, to resolve disputes which are subject to the compact and which may arise  
24 among member states and between member and non-member states.

25 2. The Interstate Commission shall promulgate a rule providing for both  
26 mediation and binding dispute resolution for disputes as appropriate.

27 D. Enforcement.

28 1. The Interstate Commission, in the reasonable exercise of its discretion,  
29 shall enforce the provisions and rules of this compact.





1           compact in the withdrawing state. The Interstate Commission shall notify the other  
 2           member states of the withdrawing state's intent to withdraw within sixty (60) days  
 3           of its receipt thereof.

4                     4. The withdrawing state is responsible for all assessments, obligations and  
 5                     liabilities incurred through the effective date of withdrawal, including obligations,  
 6                     the performance of which extend beyond the effective date of withdrawal.

7                     5. Reinstatement following withdrawal of a member state shall occur upon  
 8                     the withdrawing state reenacting the compact or upon such later date as determined  
 9                     by the Interstate Commission.

10                    B. Dissolution of Compact

11                    1. This compact shall dissolve effective upon the date of the withdrawal or  
 12                    default of the member state which reduces the membership in the compact to one (1)  
 13                    member state.

14                    2. Upon the dissolution of this compact, the compact becomes null and void  
 15                    and shall be of no further force or effect, and the business and affairs of the Interstate  
 16                    Commission shall be concluded and surplus funds shall be distributed in accordance  
 17                    with the bylaws.

18                                    **ARTICLE XVII**

19                                    **SEVERABILITY AND CONSTRUCTION**

20                    A. The provisions of this compact shall be severable, and if any phrase,  
 21                    clause, sentence or provision is deemed unenforceable, the remaining provisions of  
 22                    the compact shall be enforceable.

23                    B. The provisions of this compact shall be liberally construed to effectuate  
 24                    its purposes.

25                    C. Nothing in this compact shall be construed to prohibit the applicability of  
 26                    other interstate compacts to which the states are members.

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ARTICLE XVIII

BINDING EFFECT OF COMPACT AND OTHER LAWS

A. Other Laws.

1. Nothing herein prevents the enforcement of any other law of a member state that is not inconsistent with this compact.

2. All member states' laws conflicting with this compact are superseded to the extent of the conflict.

B. Binding Effect of the Compact.

1. All lawful actions of the Interstate Commission, including all rules and bylaws promulgated by the Interstate Commission, are binding upon the member states.

2. All agreements between the Interstate Commission and the member states are binding in accordance with their terms.

3. In the event any provision of this compact exceeds the constitutional limits imposed on the legislature of any member state, such provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.

Section 2. This Act shall become effective on January 1, 2010.

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_