
SENATE BILL 6079

State of Washington 55th Legislature 1997 Regular Session

By Senators McAuliffe, Spanel and Kohl; by request of Office of Financial Management

Read first time 03/15/97. Referred to Committee on Education.

1 AN ACT Relating to the compact for education; and adding a new
2 chapter to Title 28A RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The compact for education is hereby entered
5 into with all jurisdictions joining therein, in the form as follows:

COMPACT FOR EDUCATION

ARTICLE I--PURPOSE AND POLICY

8 A. It is the purpose of this compact to:

9 1. Establish and maintain close cooperation and
10 understanding among executive, legislative, professional
11 educational and lay leadership on a nationwide basis at the
12 State and local levels.

13 2. Provide a forum for the discussion, development,
14 crystallization and recommendation of public policy
15 alternatives in the field of education.

16 3. Provide a clearinghouse of information on matters
17 relating to educational problems and how they are being met in
18 different places throughout the Nation, so that the executive
19 and legislative branches of State Government and of local

1 communities may have ready access to the experience and record
2 of the entire country, and so that both lay and professional
3 groups in the field of education may have additional avenues
4 for the sharing of experience and the interchange of ideas in
5 the formation of public policy in education.

6 4. Facilitate the improvement of State and local
7 educational systems so that all of them will be able to meet
8 adequate and desirable goals in a society which requires
9 continuous qualitative and quantitative advance in educational
10 opportunities, methods and facilities.

11 B. It is the policy of this compact to encourage and promote local and
12 State initiative in the development, maintenance, improvement and
13 administration of educational systems and institutions in a manner
14 which will accord with the needs and advantages of diversity among
15 localities and States.

16 C. The party States recognize that each of them has an interest in the
17 quality and quantity of education furnished in each of the other
18 States, as well as in the excellence of its own educational systems
19 and institutions, because of the highly mobile character of
20 individuals within the Nation, and because the products and
21 services contributing to the health, welfare and economic
22 advancement of each State are supplied in significant part by
23 persons educated in other States.

24 ARTICLE II--STATE DEFINED

25 As used in this Compact, "State" means a State, territory, or
26 possession of the United States, the District of Columbia, or the
27 Commonwealth of Puerto Rico.

28 ARTICLE III--THE COMMISSION

29 A. The Education Commission of the States, hereinafter called "the
30 Commission", is hereby established. The Commission shall consist
31 of seven members representing each party State. One of such
32 members shall be the Governor; two shall be members of the State
33 legislature selected by its respective houses and serving in such
34 manner as the legislature may determine; and four shall be
35 appointed by and serve at the pleasure of the Governor, unless the
36 laws of the State otherwise provide. If the laws of a State
37 prevent legislators from serving on the Commission, six members
38 shall be appointed and serve at the pleasure of the Governor,
39 unless the laws of the State otherwise provide. In addition to any

1 other principles or requirements which a State may establish for
2 the appointment and service of its members of the Commission, the
3 guiding principle for the composition of the membership on the
4 Commission from each party State shall be that the members
5 representing such State, shall, by virtue of their training,
6 experience, knowledge or affiliations be in a position collectively
7 to reflect broadly the interests of the State Government, higher
8 education, the state education system, local education, lay and
9 professional, public and nonpublic educational leadership. Of
10 those appointees, one shall be the head of a state agency or
11 institution, designated by the Governor, having responsibility for
12 one or more programs of public education. In addition to the
13 members of the Commission representing the party States, there may
14 be not to exceed ten nonvoting Commissioners selected by the
15 steering committee for terms of one year. Such Commissioners shall
16 represent leading national organizations of professional educators
17 or persons concerned with educational administration.

18 B. The members of the Commission shall be entitled to one vote each on
19 the Commission. No action of the Commission shall be binding
20 unless taken at a meeting at which a majority of the total number
21 of votes on the Commission are cast in favor thereof. Action of
22 the Commission shall be only at a meeting at which a majority of
23 the Commissioners are present. The Commission shall meet at least
24 once a year. In its bylaws, and subject to such directions and
25 limitations as may be contained therein, the Commission may
26 delegate the exercise of any of its powers to the steering
27 committee or the Executive Director, except for the power to
28 approve budgets or requests for appropriations, the power to make
29 policy recommendations pursuant to Article IV and adoption of the
30 annual report pursuant to Article III(J).

31 C. The Commission shall have a seal.

32 D. The Commission shall elect annually, from among its members, a
33 chair, who shall be a Governor, a vice-chair and a treasurer. The
34 Commission shall provide for the appointment of an executive
35 director. Such executive director shall serve at the pleasure of
36 the Commission, and together with the treasurer and such other
37 personnel as the Commission may deem appropriate shall be bonded in
38 such amount as the Commission shall determine. The executive
39 director shall be secretary.

- 1 E. Irrespective of the civil service, personnel or other merit system
2 laws of any of the party States, the executive director subject to
3 the approval of the steering committee shall appoint, remove or
4 discharge such personnel as may be necessary for the performance of
5 the functions of the Commission, and shall fix the duties and
6 compensation of such personnel. The Commission in its bylaws shall
7 provide for the personnel policies and programs of the Commission.
- 8 F. The Commission may borrow, accept or contract for the services of
9 personnel from any party jurisdiction, the United States, or any
10 subdivision or agency of the aforementioned governments, or from
11 any agency of two or more of the party jurisdictions or their
12 subdivisions.
- 13 G. The Commission may accept for any of its purposes and functions
14 under this compact any and all donations, and grants of money,
15 equipment, supplies, materials and services, conditional or
16 otherwise, from any State, the United States, or any other
17 governmental agency, or from any person, firm, association,
18 foundation, or corporation, and may receive, utilize and dispose of
19 the same. Any donation or grant accepted by the Commission
20 pursuant to this paragraph or services borrowed pursuant to
21 paragraph (F) of this Article shall be reported in the annual
22 report of the Commission. Such report shall include the nature,
23 amount and conditions, if any, of the donation, grant, or services
24 borrowed, and the identity of the donor or lender.
- 25 H. The Commission may establish and maintain such facilities as may be
26 necessary for the transacting of its business. The Commission may
27 acquire, hold, and convey real and personal property and any
28 interest therein.
- 29 I. The Commission shall adopt bylaws for the conduct of its business
30 and shall have the power to amend and rescind these bylaws. The
31 Commission shall publish its bylaws in convenient form and shall
32 file a copy thereof and a copy of any amendment thereto, with the
33 appropriate agency or officer in each of the party States.
- 34 J. The Commission annually shall make to the Governor and legislature
35 of each party State a report covering the activities of the
36 Commission for the preceding year. The Commission may make such
37 additional reports as it may deem desirable.

38 ARTICLE IV--POWERS

1 In addition to authority conferred on the Commission by other
2 provisions of the compact, the Commission shall have authority to:

3 1. Collect, correlate, analyze and interpret information and data
4 concerning educational needs and resources.

5 2. Encourage and foster research in all aspects of education, but
6 with special reference to the desirable scope of instruction,
7 organization, administration, and instructional methods and standards
8 employed or suitable for employment in public educational systems.

9 3. Develop proposals for adequate financing of education as a whole
10 and at each of its many levels.

11 4. Conduct or participate in research of the types referred to in
12 this Article in any instance where the Commission finds that such
13 research is necessary for the advancement of the purposes and policies
14 of this compact, utilizing fully the resources of national
15 associations, regional compact organizations for higher education, and
16 other agencies and institutions, both public and private.

17 5. Formulate suggested policies and plans for the improvement of
18 public education as a whole, or for any segment thereof, and make
19 recommendations with respect thereto available to the appropriate
20 governmental units, agencies and public officials.

21 6. Do such other things as may be necessary or incidental to the
22 administration of any of its authority or functions pursuant to this
23 compact.

24 ARTICLE V--COOPERATION WITH FEDERAL GOVERNMENT

25 A. If the laws of the United States specifically so provide, or if
26 administrative provision is made therefor within the Federal
27 Government, the United States may be represented on the Commission
28 by not to exceed ten representatives. Any such representative or
29 representatives of the United States shall be appointed and serve
30 in such manner as may be provided by or pursuant to Federal law,
31 and may be drawn from any one or more branches of the Federal
32 Government, but no such representative shall have a vote on the
33 Commission.

34 B. The Commission may provide information and make recommendations to
35 any executive or legislative agency or officer of the Federal
36 Government concerning the common educational policies of the
37 States, and may advise with any such agencies or officers
38 concerning any matter of mutual interest.

ARTICLE VI--COMMITTEES

- 1
2 A. To assist in the expeditious conduct of its business when the full
3 Commission is not meeting, the Commission shall elect a steering
4 committee of thirty-two members which, subject to the provisions of
5 this compact and consistent with the policies of the Commission,
6 shall be constituted and function as provided in the bylaws of the
7 Commission. One-fourth of the voting membership of the steering
8 committee shall consist of Governors, one-fourth shall consist of
9 Legislators, and the remainder shall consist of other members of
10 the Commission. A Federal representative on the Commission may
11 serve with the steering committee, but without vote. The voting
12 members of the steering committee shall serve for terms of two
13 years, except that members elected to the first steering committee
14 of the Commission shall be elected as follows: Sixteen for one
15 year and sixteen for two years. The chair, vice-chair, and
16 treasurer of the Commission shall be members of the steering
17 committee and, anything in this paragraph to the contrary
18 notwithstanding, shall serve during their continuance in these
19 offices. Vacancies in the steering committee shall not affect its
20 authority to act, but the Commission at its next regularly ensuing
21 meeting following the occurrence of any vacancy shall fill it for
22 the unexpired term. No person shall serve more than two terms as
23 a member of the steering committee; provided that service for a
24 partial term of one year or less shall not be counted toward the
25 two term limitation.
- 26 B. The Commission may establish advisory and technical committees
27 composed of State, local, and Federal officials, and private
28 persons to advise it with respect to any one or more of its
29 functions. Any advisory or technical committee may, on request of
30 the States concerned, be established to consider any matter of
31 special concern to two or more of the party States. The Commission
32 may establish such additional committees as its bylaws may provide.
- 33 C. The Commission may establish such additional committees as its
34 bylaws may provide.

ARTICLE VII--FINANCE

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36 A. The Commission shall advise the Governor or designated officer or
37 officers of each party State of its budget and estimated
38 expenditures for such period as may be required by the laws of that
39 party State. Each of the Commission's budgets of estimated

1 expenditures shall contain specific recommendations of the amount
2 or amounts to be appropriated by each of the party States.

3 B. The total amount of appropriation requests under any budget shall
4 be apportioned among the party States. In making such
5 apportionment, the Commission shall devise and employ a formula
6 which takes equitable account of the populations and per capita
7 income levels of the party States.

8 C. The Commission shall not pledge the credit of any party States.
9 The Commission may meet any of its obligations in whole or in part
10 with funds available to it pursuant to Article III(G) of this
11 compact, provided that the Commission takes specific action setting
12 aside such funds prior to incurring an obligation to be met in
13 whole or in part in such manner. Except where the Commission makes
14 use of funds available to it pursuant to Article III(G) thereof,
15 the Commission shall not incur any obligation prior to the
16 allotment of funds by the party States adequate to meet the same.

17 D. The Commission shall keep accurate accounts of all receipts and
18 disbursements. The receipts and disbursements of the Commission
19 shall be subject to the audit and accounting procedures established
20 by its bylaws. However, all receipts and disbursements of funds
21 handled by the Commission shall be audited yearly by a qualified
22 public accountant, and the report of the audit shall be included in
23 and become part of the annual reports of the Commission.

24 E. The accounts of the Commission shall be open at any reasonable time
25 for inspection by duly constituted officers of the party States and
26 by any persons authorized by the Commission.

27 F. Nothing contained herein shall be construed to prevent Commission
28 compliance with laws relating to audit or inspection of accounts by
29 or on behalf of any government contributing to the support of the
30 Commission.

31 ARTICLE VIII--ELIGIBLE PARTIES; ENTRY INTO AND WITHDRAWAL

32 A. This compact shall have as eligible parties all States,
33 Territories, and Possessions of the United States, the District of
34 members of the Commission from his or her State, and shall provide
35 to the Commission an equitable share of the financial support of
36 the Commission from any source available to him or her.

37 B. Any state or other eligible jurisdiction may enter into this
38 compact and it shall become binding thereon when it has adopted the
39 same: Provided that in order to enter into initial effect,

1 adoption by at least ten eligible party jurisdictions shall be
2 required.

3 C. Adoption of the compact may be either by enactment thereof or by
4 adherence thereto by the Governor; provided that in the absence of
5 enactment, adherence by the Governor shall be sufficient to make
6 his State a party only until December 31, 1967. During any period
7 when a State is participating in this compact through gubernatorial
8 action, the Governor shall appoint those persons who, in addition
9 to himself, shall serve as the members of the Commission from his
10 or her State, and shall provide to the Commission an equitable
11 share of the financial support of the Commission from any source
12 available to him or her.

13 D. Except for a withdrawal effective on December 31, 1967, in
14 accordance with paragraph C of this Article, any party State may
15 withdraw from this compact by enacting a statute repealing the
16 same, but no such withdrawal shall take effect until one year after
17 the Governor of the withdrawing State has given notice in writing
18 of the withdrawal to the Governors of all other party States. No
19 withdrawal shall affect any liability already incurred by or
20 chargeable to a party State prior to the time of such withdrawal.

21 ARTICLE IX--CONSTRUCTION AND SEVERABILITY

22 This compact shall be liberally construed so as to effectuate the
23 purposes thereof. The provisions of this compact shall be severable
24 and if any phrase, clause, sentence or provision of this compact is
25 declared to be contrary to the constitution of any State or of the
26 United States, or the application thereof to any Government, agency,
27 person or circumstance is held invalid, the validity of the remainder
28 of this compact and the applicability thereof to any Government,
29 agency, person or circumstance shall not be affected thereby. If this
30 compact shall be held contrary to the constitution of any State
31 participating therein, the compact shall remain in full force and
32 effect as to the State affected as to all severable matters.

33 NEW SECTION. **Sec. 2.** The seven members of the education
34 commission of the states representing the state of Washington are
35 designated or shall be appointed as follows: (1) The governor; (2) a
36 member of the senate appointed by the president; (3) a member of the
37 house of representatives appointed by the speaker; and (4) four members

1 appointed by the governor. Appointments shall be made in accordance
2 with the guiding principles set forth in Article III(A) of the compact.

3 NEW SECTION. **Sec. 3.** The term of the members appointed by the
4 president and the speaker shall be dependent upon continued membership
5 in the house from which appointed and shall expire upon the adjournment
6 sine die of the regular session of the legislature during an odd-
7 numbered year next succeeding the appointment of such member.
8 Vacancies occurring during the term shall be filled for the unexpired
9 term by the appointment of a successor in the same manner as for the
10 vacating member. Members appointed by the governor shall serve at the
11 governor's pleasure.

12 NEW SECTION. **Sec. 4.** The governor or a member designated by the
13 governor shall be chair of the members of the commission representing
14 this state.

15 The commissioners shall cooperate with all public and private
16 entities having an interest in educational matters.

17 The commissioners may employ such professional, technical and
18 clerical assistance as may be required to aid them in carrying out
19 their functions in this chapter prescribed.

20 NEW SECTION. **Sec. 5.** Each member of the commission from the state
21 of Washington shall be paid, from funds appropriated by the legislature
22 of the state of Washington for that purpose, travel expenses in
23 accordance with RCW 43.03.050 and 43.03.060. Such member may,
24 regardless of any charter or statutory provision to the contrary, be an
25 officer or employee holding another public position.

26 NEW SECTION. **Sec. 6.** There is hereby granted to the commissioners
27 representing this state all the powers provided for in said compact and
28 all powers necessary or incidental to the carrying out of said compact
29 in every particular.

30 NEW SECTION. **Sec. 7.** All officers of this state are hereby
31 authorized and directed to do all things, falling within their
32 respective provinces and jurisdiction, necessary to or incidental to
33 the carrying out of the compact for education in every particular. All
34 officers, bureaus, departments and persons of and in the government or

1 administration of this state are hereby authorized and directed, at
2 convenient times and upon the request of the commissioners representing
3 this state, to furnish the education commission with information and
4 data possessed by them or any of them, and to aid the commission by any
5 means lying within their legal powers respectively.

6 NEW SECTION. **Sec. 8.** Pursuant to Article III(I) of the compact,
7 the commission shall file a copy of its bylaws and any amendment
8 thereto with the secretary of state.

9 NEW SECTION. **Sec. 9.** Sections 1 through 8 of this act constitute
10 a new chapter in Title 28A RCW.

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