

SENATE BILL REPORT

SB 5952

As of March 3, 1999

Title: An act relating to the compact for education.

Brief Description: Adopting the compact for education.

Sponsors: Senators Bauer and Winsley.

Brief History:

Committee Activity: Education: 3/3/99.

Brief Summary of Bill

- Enacts in statute a compact between Washington and the Education Commission of the States (ECS) providing for the organizational structure and powers of ECS.
- Specifies in statute the selection and compensation of the state delegation to ECS, in addition to describing their powers and terms of service.

SENATE COMMITTEE ON EDUCATION

Staff: William Bridges (786-7424)

Background: Formed in 1965, the Education Commission of the States (ECS) is a bipartisan, nonprofit, compact of 48 states, the District of Columbia, and several U.S. territories. Its purpose is to help state officials and education leaders develop education policies. Funding for fiscal year 1998 is about \$9 million, with 43 percent of that from state dues and the remainder from various contracts and grants. Washington was a member of ECS from 1967 to 1995. According to ECS, the estimated current dues for Washington would be \$70,500 per year.

Summary of Bill: A compact with ECS is enacted and a new chapter in Title 28A RCW is created.

Purpose of the ECS Compact. ECS members recognize that education is important in a nation where citizens move from state to state. Therefore, ECS is formed to do the following: foster cooperation and discussion among leaders in government, education, and the public on matters affecting education; provide a forum and clearinghouse of information for the improvement of state and local educational systems; and encourage state and local initiatives in improving education.

Membership of ECS. The Education Commission of the States (ECS) is established, consisting of seven commissioners for each state. The commissioners must collectively reflect the interests of their state government, their state's higher education system, their state's K-12 education system, and their state's lay and professional, public and nonpublic, educational leadership.

Each state must select the following persons as commissioners: (1) the governor; (2) two members of the legislature selected by their respective houses, to serve in the manner as the legislature may determine; and (3) four members appointed by and serving at the pleasure of the governor, unless the laws of the state provide otherwise. One of the governor's appointees must be the head of a state agency or institution that has responsibility for one or more programs of public education. If a state's laws prevent legislators from serving on ECS, six members must be appointed by and serve at the pleasure of the governor, unless the laws of the state provide otherwise.

In addition to the commissioners representing each state, the ECS steering committee may select up to ten nonvoting commissioners for one-year terms that represent leading national organizations of professional educators or persons concerned with educational administration. Furthermore, if permitted by federal law, the United States may be represented by up to ten nonvoting representatives. The representatives must be appointed and serve in the manner as may be provided by federal law.

Voting Rights in ECS. Each commissioner is entitled to one vote. All matters must be determined by a majority of the commissioners in ECS. The commission cannot take action without a majority of the commissioners present.

Meeting Times of ECS. The commission must meet at least once a year.

Selection of ECS Officers. Every year, ECS must elect, from among its members, a chair, a vice-chair, and a treasurer. The chair must be a state governor. ECS must provide for the appointment of an executive director. The executive director serves at the pleasure of the commission and, together with the treasurer and other personnel as the commission may deem appropriate, must be bonded in the amounts as ECS will determine.

The executive director is also the secretary of ECS. The director has the power to appoint or remove ECS personnel, subject to the approval of the steering committee, regardless of the civil service, personnel, or other merit system laws of any member state. The director must fix the duties and compensation of such personnel.

Selection of ECS Committees. In order to conduct business when the full commission is not meeting, ECS must elect a steering committee of 32 members. One-fourth of the voting membership of the steering committee must consist of governors, one-fourth must consist of legislators, and the remainder must consist of other members of the commission. A federal representative on the commission may serve with the steering committee, but without a vote. The voting members of the steering committee serve two-year terms. The chair, vice-chair, and treasurer of ECS must be members of the steering committee. No person must serve more than two terms, except that service for a partial term of one year or less is not counted toward the two-term limit. Vacancies are filled by ECS for an unexpired term. Vacancies in the steering committee do not affect its authority to act.

ECS may also establish advisory and technical committees of private persons and state, local, and federal officials. Any advisory or technical committee may, on request of a member state, be established to consider any matter of special concern to two or more member states. ECS may also establish additional committees as its bylaws may provide.

ECS Powers. ECS has the following powers: (1) to borrow or hire personnel from member states, the United States, or any other governmental subdivision or agency; (2) to accept donations and grants of services, money, equipment, and other materials; (3) to establish and maintain business facilities; (4) to acquire, hold, and convey any interest in real and personal property; (5) to collect and analyze information concerning educational needs and resources; (6) to foster research in all aspects of education, but with special reference to public educational systems; (7) to develop proposals for adequate financing of education; (8) to conduct or participate in educational research; (9) to formulate suggested policies and plans for the improvement of public education; and (10) to do other things as may be necessary or incidental to the administration of any ECS authority or functions under this compact

Delegation of Powers. ECS may provide in its bylaws the authority to delegate its powers to the steering committee or the executive director. The following powers cannot be delegated: (1) the power to approve budgets or requests for appropriations; (2) the power to make policy recommendations as specified in the compact; and (3) the power to adopt the annual report as specified in the compact.

Additional Duties of ECS. In addition to any other duties described in the compact, ECS must also do the following: (1) adopt and publish bylaws in a convenient form and to file the bylaws in each member state; (2) provide personnel policies and programs in its bylaws; (3) issue an annual report; and (4) report in its annual report any donations or grants it has accepted, including the nature, amount and conditions, if any, of the donation, grant, or services borrowed, and the identity of the donor or lender.

ECS Finances. ECS must advise the governor or designated officer or officers of each member state of its budget and estimated expenditures for the period as may be required by the laws of that member state. The commission's estimated expenditures must contain specific recommendations of the amount to be appropriated by each member state.

The total amount of appropriation requests under any budget must be apportioned among the member states. In making the apportionment, ECS must use a formula which takes equitable account of the populations and per capita income levels of the member states.

ECS must not pledge the credit of any member state. ECS may meet any of its obligations in whole or in part with grants or donations as described in the compact. Except where it makes use of grants or donations as described in the compact, ECS must not incur any obligation prior to the allotment of adequate funds by the member states.

ECS must keep accurate accounts of all receipts and disbursements and are subject to the audit and accounting procedures established in its bylaws. All receipts and disbursements of funds handled by ECS must be audited yearly by a qualified public accountant, and the report of the audit must be included in the annual report.

The accounts of ECS must be open at any reasonable time for inspection by duly constituted officers of the member states and by any persons authorized by ECS. Nothing in the compact can be construed to prevent ECS from complying with the audit or inspection laws of any government contributing to the support of the commission.

Adopting and Withdrawing From Compact. This compact may be adopted if enacted into laws. Any member state may withdraw from this compact by repealing its enacting legislation, but the withdrawal must not take effect until one year after the governor of the withdrawing state has given written notification of the withdrawal to the governors of the other member states. No withdrawal will affect any liability already incurred by or chargeable to a member state prior to the time of the withdrawal.

Rules of Construction. This compact must be liberally construed in light of its purposes. The valid provisions of this compact must be severed if any part is declared invalid or unconstitutional.

Selection of Washington's Commissioners. Washington State is represented in the ECS by seven commissioners: (1) the governor; (2) a member of the Senate appointed by the President; (3) a member of the House of Representatives appointed by the Speaker; and (4) four members appointed by the governor. Commissioners may be public officers or public employees, regardless of any contrary charter or law. The governor or the governor's designee is chair of the commissioners.

Terms of Service for Washington's Commissioners. The membership term of appointed legislators is conditioned upon their continued membership in the house that appointed them, and their memberships expire upon adjournment of the regular session in the first odd-numbered year after their appointment. Commissioners appointed by the governor serve at the governor's pleasure. Vacancies during a term are to be filled for the remaining term by a successor appointed in the same manner as the vacating commissioner.

Compensation and Expenses for Washington's Commissioners. Each commissioner is entitled to receive statutory travel expenses.

Powers and Duties of Washington's Commissioners. Commissioners have all the powers specified in the ECS compact and any incidental powers necessary to carry out their duties under the compact. The commissioners may employ professional, technical, and clerical assistance as may be required. The commissioners must cooperate with all public and private entities having an interest in educational matters.

Duties of Other State Government Entities. All state officers are directed to carry out the ECS compact within their respective jurisdictions. Upon the request of the state commissioners, all state government entities are directed to assist ECS at convenient times on matters within their jurisdiction.

ECS Bylaws. ECS must file a copy of its bylaws with the Secretary of State.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.