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**SUBSTITUTE HOUSE BILL 2182**

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**State of Washington                    56th Legislature                    2000 Regular Session**

**By** House Committee on Education (originally sponsored by Representatives Haigh, Quall, Carlson, Rockefeller, Eickmeyer, Miloscia, Kastama, Veloria and Romero)

Read first time 01/27/2000. Referred to Committee on .

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:

6    COMPACT FOR EDUCATION

7    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

- 35  
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) two  
36 members of the senate, one from each caucus appointed by the president;  
37 (3) two members of the house of representatives, one from each caucus  
38 appointed by the speaker; and (4) two members appointed by the



1 governor. One of the members appointed by the governor shall be a  
2 member of the academic achievement and accountability commission.  
3 Appointments shall be made in accordance with the guiding principles  
4 set forth in Article III(A) of the compact.

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

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

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

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

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

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

32 NEW SECTION. **Sec. 7.** All officers of this state are hereby  
33 authorized and directed to do all things, falling within their  
34 respective provinces and jurisdiction, necessary to or incidental to

1 the carrying out of the compact for education in every particular. All  
2 officers, bureaus, departments and persons of and in the government or  
3 administration of this state are hereby authorized and directed, at  
4 convenient times and upon the request of the commissioners representing  
5 this state, to furnish the education commission with information and  
6 data possessed by them or any of them, and to aid the commission by any  
7 means lying within their legal powers respectively.

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

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

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