

# THE COMPACT FOR EDUCATION

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## COMPACT FOR EDUCATION

### Preamble

WHEREAS, the proper education of all citizens is one of the most important responsibilities of the States to preserve a free and open society in the United States; and

WHEREAS, the increasing demands of our whole national life for improving and expanding educational services require a broad exchange of research data and information concerning the problems and practices of education; and

WHEREAS, there is a vital need for strengthening the voices of the States in the formulation of alternative nationwide educational policies,

THE STATES AFFIRM the need for close and continuing consultation among our several States on all matters of education, and do hereby establish this Compact for Education.

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### *A brief summary of* **THE COMPACT FOR EDUCATION**

The Compact for Education consists of a Preamble, the compact itself, which must be passed in an identical form by every state which joins; and an enabling act which can be varied from state to state and therefore is presented here as a "Suggested Act." To put it another way, the Compact is the agreement between the states and the enabling act is the instrument by which each state puts the agreement into effect.

An article-by-article description of the compact follows:

# Preamble

**Article I.** Purposes and Policy.

Broad statement of purposes and policy.

**Article II.** State Defined.

The states, the territories of American Samoa, Guam and the Virgin Islands, the Commonwealth of Puerto Rico and the District of Columbia are defined as state.

**Article III.** The Commission.

Sets up an Education Commission of the States which will be the governing body of the compact organization. Membership will consist of seven representatives from each state: The governor, two legislators (one from each house), and four others from all levels of education. In addition, provides for ten non-voting commissioners to represent national education organizations.

Also provides for an Executive Director, officers, annual meetings, bylaws, power to receive funds, and maintain facilities.

**Article IV.** Powers.

Generally gives the Commission authority to conduct studies and make recommendations.

**Article V.** Cooperation with the Federal Government.

Provides for ten representatives on the Commission which may come from all branches of the federal government, to serve without vote.

**Article VI.** Committees.

Provides for a Steering Committee of thirty-two members selected from the entire Commission, eight of whom will be Governors and eight of whom will be Legislators. Also a federal member serving without vote. All will serve staggered terms, to assure continuity. Provides, also for other advisory or technical committees.

**Article VII.** Finance.

Provides for a budget, the allocation of expenses among the party states, and a yearly audit.

**Article VIII.** Eligible Parties: Entry Into and Withdrawal.

Provides for an Executive Compact for two years, allowing time for states to gain legislative enactment of the Compact.

**Article IX.** Construction and Severability.

Is a routine provision in most compacts.

The Suggested Enabling Act recommends the establishment of a *[Name of State] Educational Council*. This Council could be made up of the seven representatives to the Commission plus anyone else the Governor feels ought to be consulted on questions before the Commission. Of course, the states may adopt any kind of enabling act they wish.

## Compact for Education

## Article 1.

### **Purpose and Policy.**

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

1. Establish and maintain close cooperation and understanding among executive, legislative, professional educational and lay leadership on a nationwide basis at the state and local levels.
2. Provide a forum for the discussion, development, crystallization and recommendation of public policy alternatives in the field of education.
3. Provide a clearinghouse of information on matters relating to education problems and how they are being met in different places throughout the nation, so that the executive and legislative branches of state government and of local communities may have ready access to the experience and record of the entire country, and so that both lay and professional groups in the field of education may have additional avenues for the sharing of experience and the interchange of ideas in the formation of public policy in education.
4. Facilitate the improvement of state and local education systems so that all of them will be able to meet adequate and desirable goals in a society that requires continuous qualitative and quantitative advance in educational opportunities, methods and facilities.

B. It is the policy of this compact to encourage and promote local and state initiative in the development, maintenance, improvement and administration of education systems and institutions in a manner that will accord with the needs and advantages of diversity among localities and states.

C. The party states recognize that each of them has an interest in the quality and quantity of education furnished in each of the other states, as well as in the excellence of its own education systems and institutions, because of the highly mobile character of individuals within the nation, and because the products and services contributing to the health, welfare and economic advancement of each state are supplied in significant part by persons educated in other states.

## Article II.

### **State Defined.**

As used in this compact, "state" means a state, territory or possession of the United States, the District of Columbia or the Commonwealth of Puerto Rico.

## Article III.

### **The Commission.**

A. The Education Commission of the States, hereinafter called "the Commission," is hereby established. The Commission shall consist of seven members representing each party state. One of such members shall be the Governor; two shall be members of the state legislature selected by its respective houses and serving in such manner as the legislature may determine; and four shall be appointed by and serve at the pleasure of the Governor, unless the laws of the state otherwise provide. If the laws of a state prevent legislators from serving on the Commission, six members shall be appointed and serve at the pleasure of the Governor, unless the laws of the state otherwise provide. In addition to any other principles or requirements which a state may establish for the appointment and service of its members of the Commission, the guiding principle for the composition of the membership on the Commission from each party state shall be that the members representing such state shall, by virtue of their training, experience, knowledge or affiliations, be in a position collectively to reflect broadly the interests of the state government, higher education, the state education system, local education, lay and professional, public and nonpublic educational leadership. Of those appointees, one shall be the head of a state agency or institution, designated by the Governor, having responsibility for one or more programs of public

education. In addition to the members of the Commission representing the party states, there may be not to exceed 10 nonvoting commissioners selected by the Steering Committee for terms of one year. Such commissioners shall represent leading national organizations of professional educators or persons concerned with educational administration.

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

C. The Commission shall have a seal.

D. The Commission shall elect annually, from among its members, a Chairman, who shall be a Governor; a Vice Chairman; and a Treasurer. The Commission shall provide for the appointment of an Executive Director. Such Executive Director shall serve at the pleasure of the Commission, and together with the Treasurer and such other personnel as the Commission may deem appropriate shall be bonded in such amount as the Commission shall determine. The Executive Director shall be Secretary.

E. Irrespective of the civil service, personnel or other merit system laws of any of the party states, the Executive Director, subject to the approval of the Steering Committee, shall appoint, remove or discharge such personnel as may be necessary for the performance of the functions of the Commission, and shall fix the duties and compensation of such personnel. The Commission in its bylaws shall provide for the personnel policies and programs of the Commission.

F. The Commission may borrow, accept or contract for the services of personnel from any party jurisdiction, the United States or any subdivision or agency of the aforementioned governments, or from any agency of two or more of the party jurisdictions or their subdivisions.

G. The Commission may accept for any of its purposes and functions under this compact any and all donations and grants of money, equipment, supplies, materials and services, conditional or otherwise, from any state, the United States or any other governmental agency, or from any person, firm, association, foundation or corporation, and may receive, utilize and dispose of the same. Any donation or grant accepted by the Commission pursuant to this paragraph or services borrowed pursuant to paragraph (f) of this Article shall be reported in the annual report of the Commission. Such report shall include the nature, amount and conditions, if any, of the donation, grant or services borrowed, and the identity of the donor or lender.

H. The Commission may establish and maintain such facilities as may be necessary for the transacting of its business. The Commission may acquire, hold and convey real and personal property and any interest therein.

I. The Commission shall adopt bylaws for the conduct of its business and shall have the power to amend and rescind these bylaws. The Commission shall publish its bylaws in convenient form and shall file a copy thereof and a copy of any amendment thereto with the appropriate agency or officer in each of the party states.

J. The Commission annually shall make to the Governor and legislature of each party state a report covering the activities of the Commission for the preceding year. The Commission may make such additional reports as it may deem desirable.

## Article IV.

### **Powers.**

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

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

2. Encourage and foster research in all aspects of education, but with special reference to the desirable scope of instruction, organization, administration and instructional methods and standards employed or suitable for employment in public education systems.
3. Develop proposals for adequate financing of education as a whole and at each of its many levels.
4. Conduct or participate in research of the types referred to in this Article in any instance where the Commission finds that such research is necessary for the advancement of the purposes and policies of this Compact, using fully the resources of national associations, regional compact organizations for higher education, and other agencies and institutions, both public and private.
5. Formulate suggested policies and plans for the improvement of public education as a whole, or for any segment thereof, and make recommendations with respect thereto available to the appropriate governmental units, agencies and public officials.
6. Do such other things as may be necessary or incidental to the administration of any of its authority or functions pursuant to this Compact.

#### Article V.

##### **Cooperation with Federal Government.**

- A. If the laws of the United States specifically so provide, or if administrative provision is made therefor within the federal government, the United States may be represented on the Commission by not to exceed 10 representatives. Any such representative or representatives of the United States shall be appointed and serve in such manner as may be provided by or pursuant to federal law, and may be drawn from any one or more branches of the federal government, but no such representative shall have a vote on the Commission.
- B. The Commission may provide information and make recommendations to any executive or legislative agency or officer of the federal government concerning the common education policies of the states, and may advise with any such agencies or officers concerning any matter of mutual interest.

#### Article VI.

##### **Committees.**

- A. To assist in the expeditious conduct of its business when the full Commission is not meeting, the Commission shall elect a Steering Committee of 32 members which, subject to the provisions of this Compact and consistent with the policies of the Commission, shall be constituted and function as provided in the bylaws of the Commission. One-fourth of the voting membership of the Steering Committee shall consist of Governors, one-fourth shall consist of Legislators, and the remainder shall consist of other members of the Commission. A federal representative on the Commission may serve with the Steering Committee, but without vote. The voting members of the Steering Committee shall serve for terms of two years, except that members elected to the first Steering Committee of the Commission shall be elected as follows: 16 for one year and 16 for two years. The Chairman, Vice Chairman and Treasurer of the Commission shall be members of the Steering Committee and, anything in this paragraph to the contrary notwithstanding, shall serve during their continuance in these offices. Vacancies in the Steering Committee shall not affect its authority to act, but the Commission at its next regularly ensuing meeting following the occurrence of any vacancy shall fill it for the unexpired term. No person shall serve more than two terms as a member of the Steering Committee, provided that service for a partial term of one year or less shall not be counted toward the two-term limitation.
- B. The Commission may establish advisory and technical committees composed of state, local and federal officials, and private persons to advise it with respect to any one or more of its functions. Any advisory or technical committee may, on request of the states concerned, be established to consider any matter of special concern to two or more of the party states.
- C. The Commission may establish such additional committees as its bylaws may provide.

## Article VII.

**Finance.**

- A. The Commission shall advise the Governor or designated officer or officers of each party state of its budget and estimated expenditures for such period as may be required by the laws of that party state. Each of the Commission's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states.
- B. The total amount of appropriation requests under any budget shall be apportioned among the party states. In making such apportionment, the Commission shall devise and employ a formula which takes equitable account of the populations and per-capita income levels of the party states.
- C. The Commission shall not pledge the credit of any party states. The Commission may meet any of its obligations in whole or in part with funds available to it pursuant to Article 111(g) of this compact, provided that the Commission takes specific action setting aside such funds prior to incurring an obligation to be met in whole or in part in such manner. Except where the Commission makes funds available to it pursuant to Article 111(g) thereof, the Commission shall not incur any obligation prior to the allotment of funds by the party states adequate to meet the same.
- D. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established by its bylaws. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a qualified public accountant, and the report of the audit shall be included in and become part of the annual reports of the Commission.
- E. The accounts of the Commission shall be open at any reasonable time for inspection by duly constituted officers of the party states and by any persons authorized by the Commission.
- F. Nothing contained herein shall be construed to prevent Commission compliance with laws relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the Commission.

## Article VIII.

**Eligible Parties; Entry Into and Withdrawal.**

- A. This Compact shall have as eligible parties all states, territories and possessions of the United States, the District of Columbia and the Commonwealth of Puerto Rico. In respect of any such jurisdiction not having a Governor, the term "Governor," as used in this Compact, shall mean the closest equivalent official of such jurisdiction.
- B. Any state or other eligible jurisdiction may enter into this Compact, and it shall become binding thereon when it has adopted the same, provided that in order to enter into initial effect, adoption by at least 10 eligible party jurisdictions shall be required.
- C. Adoption of the Compact may be either by enactment thereof or by adherence thereto by the Governor; provided that in the absence of enactment, adherence by the Governor shall be sufficient to make his state a party only until December 31, 1967. During any period when a state is participating in this Compact through gubernatorial action, the Governor shall appoint those persons who, in addition to himself, shall serve as the members of the Commission from his state, and shall provide to the Commission an equitable share of the financial support of the Commission from any source available to him.
- D. Except for a withdrawal effective on December 31, 1967, in accordance with paragraph C of this Article, any party state may withdraw from this Compact by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the Governor of the withdrawing state has given notice in writing of the withdrawal to the Governors of all other party states. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal.

## Article IX.

**Amendments to the Compact.**

This Compact may be amended by a vote of two-thirds of the members of the Commission present and voting when ratified by the legislatures of two-thirds of the party states.

Article X.

**Construction and Severability.**

This Compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this Compact shall be severable and if any phrase, clause, sentence or provision of this Compact is declared to be contrary to the constitution of any state or of the United States, or the application thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this Compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this Compact shall be held contrary to the constitution of any state participating therein, the Compact shall remain in full force and effect as to the state affected as to all severable matters.

Suggested Enabling Act

*This act is simply suggested as an aid to the states. A state may ignore it, alter it or include it in any form it desires.*

**COMPACT FOR EDUCATION**

**Section 1.**

The Compact for Education is hereby entered into and enacted into law with all jurisdictions legally joining therein, in the form substantially as follows:

*[INSERT EXACT TEXT OF COMPACT HERE]*

**Section 2.**

There is hereby established the (Name of State) Education Council composed of the members of the Education Commission of the States representing this state and \_\_\_\_\_ other persons appointed by the Governor for terms of (three) years. Such other persons shall be selected so as to be broadly representative of professional and lay interest within this state having the responsibilities for, knowledge with respect to, and interest in educational matters. The Chairman shall be designated by the Governor from among its members. The Council shall meet on the call of its Chairman or at the request of a majority of its members, but in any event the Council shall meet not less than three times in each year. The Council may consider any and all matters relating to recommendations of the Education Commission of the States and the activities of the members in representing this state thereon.

**Section 3.**

Pursuant to Article III(I) of the Compact, the Commission shall file a copy of its bylaws and any amendment thereto with the [insert designation of appropriate state agency or official].

**Section 4.**

(Insert effective date.)

## Members of the Steering Committee

Chairman: GOVERNOR CHARLES L. TERRY JR., *of Delaware*

Vice-Chairman: DR. FRED H. HARRINGTON, *President of the University of Wisconsin*

Treasurer: MR. JOHN DRISCOLL, *Chairman of the State Board of Education in New Hampshire*

## Governors

THE HON. JOHN LOVE, *Governor of Colorado, State Capitol, Denver, Colorado*

THE HON. EDWARD T. BREATHITT, *Governor of Kentucky, State Capitol, Frankfort, Kentucky*

THE HON. OTTO KERNER, *Governor of Illinois, State Capitol, Springfield, Illinois*

THE HON. RICHARD HUGHES, *Governor of New Jersey, State Capitol, Trenton, New Jersey*

THE HON. JOHN CHAFES, *Governor of Rhode Island, State Capitol, Providence, Rhode Island*

THE HON. ROBERT MCNAIR, *Governor of South Carolina, State Capitol, Columbia, South Carolina*

THE HON. CALVIN RAMPTON, *Governor of Utah, State Capitol, Salt Lake City, Utah*

## Legislators

THE HON. LUCILLE PINKERTON, *State Representative, Box 901, Ketchikan, Alaska*

THE HON. CLARENCE BELL, *State Senator, Parkin, Arkansas*

THE HON. DAVID TRASK, *State Senator, 128 West Kane St., Kahului, Maui, Hawaii*

THE HON. MARY NOOK, *State Senator, 914 Camden Ave., Salisbury, Md.*

THE HON. KARL GRITTNER, *State Senator, SIG Earl Street, St. Paul, Minnesota*

THE HON. RICHARD M. WEBSTER, *State Senator, 204 South Garrison, Carthage, Missouri*

THE HON. J. D. MCCARTY, *Speaker of the House of Rep., State Capitol, Oklahoma City, Oklahoma*

THE HON. ALLEN R. FOLEY, *State Representative, McKenno Road, Norwich, Vermont*

## Other Commissioners

DR. JAMES ALLEN, *Commissioner of Education, State Capitol, Albany, New York*

DR. RODNEY BERG, *President, Everett Junior College, Everett, Washington*

MR. JOHN GRAY, *Chairman, Coordinating Board, Texas College & University System, P. O. Box 3391, Beaumont, Texas*

DR. ANDREW HOLT, *President, University of Tenn., Knoxville, Tennessee*



MRS. ELDRA SHULTERBRANDT, *Chairman, Board Of Education, P. O. Box 544, St. Thomas, Virgin Islands*

MRS. RICHARD B. KADING JR., *Chairman, PTA Legislative Committee, 9510 Sunflower Lane, Boise, Idaho*

DR. Wm. J. L. WALLACE, *President, West Virginia State College, Institute, West Virginia*

DR. WALTER MCKEE, *Superintendent, City•County Schools, P. O. Box 991, Montgomery, Alabama*

MR. HAROLD F. NEWTON, *President, University of Wyoming, Board of Trustees, SSO South Jefferson, Sheridan, Wyoming*

DR. LEON MINEAR, *Superintendent of Public Instruction, 318 Public Service Building, Salem, Oregon*

REV. ALBERT A. SCHNEIDER, *Superintendent, Archdiocese of Sante Fe, 321 Washington SE, Albuquerque, New Mexico*

DR. HAROLD EIBLING, *Superintendent of Schools, 270 E. State St., Columbus, Ohio*

MRS. SARAH FOLSOM, *State Superintendent of Public Instruction, Phoenix, Arizona*

MRS. GEORGIA NYE, *President, Iowa School Boards Association, 1823 Fifth Ave., SE, Cedar Rapids, Iowa*

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## **Bylaws for the Education Commission of the States**

September 1965

### **1. OFFICERS**

- (a) The officers of the Commission shall be a chairman, vice chairman, secretary and treasurer.
- (b) The chairman shall preside at all meetings of the Commission and Steering Committee. Subject to any applicable provisions of the Compact and any directions or instructions given by the Commission or the Steering Committee, he may appoint the members of committees authorized by the Commission or the Steering Committee, and designate the chairman of any such committee.
- (c) The vice chairman shall perform the duties of the chairman whenever the chairman is unable, by reason of illness, absence, or other disability to perform them.
- (d) The secretary, who shall be the Executive Director of the Commission, shall keep the records of the Commission, and prepare and distribute minutes and summaries of meetings of the Commission, the Steering Committee, the Executive Committee.
- (e) The treasurer shall have general responsibility for the funds of the Commission.

### **2. EXECUTIVE DIRECTOR AND STAFF**

- (a) The Steering Committee shall select and fix the salary of the Executive Director of the Commission, and he shall serve at its pleasure.
- (b) The Executive Director, subject to the approval of the Steering Committee, may employ such staff as may be necessary to assist him in performing the work of the Commission.

(c) The Executive Director shall be in general administrative charge of the work of the Commission. He shall maintain all records of the Commission and its meetings, and shall prepare a draft of the annual report for consideration by the Steering Committee.

### **3. BUDGETS AND FINANCE**

(a) The Executive Director shall prepare a draft budget, from time to time, in order to meet the requirements of the Compact, and shall submit such draft for consideration by the Steering Committee.

(b) The Executive Director shall assist the Treasurer in the performance of his duties. Subject to the supervision of the Treasurer, the Executive Director shall receive and deposit funds in the name of the Commission. If authorized by the Treasurer, the Executive Director shall make final certification for payment of all duly authorized items of expenditure to be paid out of the funds of the Commission.

(c) The Steering Committee shall determine the amount of the bond to be required of the Executive Director and the Treasurer, and shall also designate which, if any, of the other employees of the Commission shall be bonded, and in what amounts.

### **4. STEERING COMMITTEE**

(a) In the intervals between meetings of the Commission, and within the policy and other directions supplied by the Commission, the Steering Committee shall act for the Commission in all matters except those which the Compact prohibits the Commission from delegating to the Steering Committee or Executive Director, but nothing contained herein shall be construed to prevent the Executive Director from exercising authority and discharging his responsibilities pursuant to these bylaws.

(b) The Steering Committee shall meet quarterly: one of such meetings shall be in conjunction with the annual meeting of the Commission, and the others shall be approximately at three month intervals. On call of the Chairman, the Steering Committee may hold such additional meetings as are appropriate. Within thirty days after the close of each quarterly meeting, the date for the subsequent meeting shall be fixed and notice immediately given to all members of the Steering Committee by mail. Notice of other meetings of the Steering Committee shall be sent to all members thereof by whatever means is best calculated to give them actual notice thereof at least forty-eight hours in advance.

(c) Ten members of the Steering Committee shall constitute a quorum.

### **5. EXECUTIVE COMMITTEE**

The Steering Committee shall select an Executive Committee, which shall be composed of three of its members broadly representative of the Commission. The Executive Committee may give the Executive Director approval for such matters as would require the approval of the Commission or Steering Committee, if either were meeting; provided that the authority of the Executive Committee shall extend only to matters of administration and not of Commission policy; and provided further that any action of the Executive Committee shall be reported to and subject to ratification or disallowance at the next meeting of the Steering Committee.

### **6. MEETINGS OF THE COMMISSION**

The regular meeting of the Commission shall be held during the second quarter of each year at a time and place determined by the Steering Committee. Such other meetings as may be required to transact the business of the Commission may be held on call of the Chairman or the Steering Committee. Every member of the Commission shall be notified of the time and place of each Commission meeting by mail at least sixty days in advance thereof.

No business shall be in order at a meeting unless the requirement of notice has been met fully.

## **7. RECORD VOTE**

Upon demand of any member of the Steering Committee in attendance at a meeting thereof, and after due debate, the roll shall be called and a vote recorded on any motion, resolution or amendment thereto. At any meeting of the Commission, such record vote shall be taken upon demand of any fifteen voting members of the Commission.

## **8. AMENDMENT**

These bylaws, or any portion thereof, may be amended, revised, or repealed at any meeting of the Commission, provided that notice in writing of the proposed amendment, revision, or repeal shall have been mailed to each member of the Commission at least thirty days prior to the meeting, and that the notice of such meeting shall contain a copy of the proposed amendment, revision, or appeal.

## **9. PROCEDURE**

Any manner of procedure not covered by these bylaws shall be governed by *Roberts" Rules of Order*.

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