

CHAPTER 194

EDUCATION COMPACT

H. F. 774

AN ACT to enact the compact for education, to establish the education commission of the states for this state, and to make an appropriation.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. NEW SECTION. Compact for education. The com-
2 pact for education is hereby entered into and enacted into law with
3 all jurisdictions legally joining therein, in the form substantially as
4 follows:

ARTICLE I.—PURPOSE AND POLICY.

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

6 1. Establish and maintain close cooperation and understanding
7 among executive, legislative, professional educational and lay lead-
8 ership on a nationwide basis at the state and local levels.

9 2. Provide a forum for the discussion, development, crystalization*
10 and recommendation of public policy alternatives in the field of edu-
11 cation.

12 3. Provide a clearing house of information on matters relating to
13 educational problems and how they are being met in different places
14 throughout the nation, so that the executive and legislative branches
15 of state government and of local communities may have ready ac-
16 cess to the experience and record of the entire country, and so that
17 both lay and professional groups in the field of education may have
18 additional avenues for the sharing of experience and the inter-
19 change of ideas in the formation of public policy in education.

20 4. Facilitate the improvement of state and local educational sys-
21 tems so that all of them will be able to meet adequate and desirable
22 goals in a society which requires continuous qualitative and quanti-
23 tative advance in educational opportunities, methods and facilities.

24 B. It is the policy of this compact to encourage and promote local
25 and state initiative in the development, maintenance, improvement
26 and administration of educational systems and institutions in a man-
27 ner which will accord with the needs and advantages of diversity
28 among localities and states.

29 C. The party states recognize that each of them has an interest in
30 the quality and quantity of education furnished in each of the other
31 states, as well as in the excellence of its own educational systems
32 and institutions, because of the highly mobile character of individ-
33 uals within the nation, and because the products and services con-
34 tributing to the health, welfare and economic advancement of each
35 state are supplied in significant part by persons educated in other
36 states.

ARTICLE II.—STATE DEFINED.

37 As used in this compact, "state" means a state, territory or pos-
38 session of the United States, the District of Columbia, or the com-
39 monwealth of Puerto Rico.

ARTICLE III.—THE COMMISSION.

40 A. The education commission of the states, hereinafter called "the
41 commission", is hereby established. The commission shall consist of
42

*According to enrolled Act.

45 seven members representing each party state. One of such members
46 shall be the governor; two shall be members of the state legislature
47 selected by its respective houses and serving in such manner as the
48 legislature may determine; and four shall be appointed by and serve
49 at the pleasure of the governor, unless the laws of the state other-
50 wise provide. If the laws of a state prevent legislators from serving
51 on the commission, six members shall be appointed and serve at the
52 pleasure of the governor, unless the laws of the state otherwise pro-
53 vide. In addition to any other principles or requirements which a
54 state may establish for the appointment and service of its members
55 of the commission, the guiding principle for the composition of the
56 membership on the commission from each party state shall be that
57 the members representing such state shall, by virtue of their train-
58 ing, experience, knowledge or affiliations be in a position collectively
59 to reflect broadly the interests of the state government, higher edu-
60 cation, the state education system, local education, lay and profes-
61 sional, public and nonpublic educational leadership. Of those ap-
62 pointees, one shall be the head of a state agency or institution, des-
63 ignated by the governor, having responsibility for one or more
64 programs of public education. In addition to the members of the
65 commission representing the party states, there may be not to ex-
66 ceed ten nonvoting commissioners selected by the steering committee
67 for terms of one year. Such commissioners shall represent leading
68 national organizations or professional educators or persons con-
69 cerned with educational administration.

70 B. The members of the commission shall be entitled to one vote
71 each on the commission. No action of the commission shall be bind-
72 ing unless taken at a meeting at which a majority of the total num-
73 ber of votes on the commission are cast in favor thereof. Action
74 of the commission shall be only at a meeting at which a majority
75 of the commissioners are present. The commission shall meet at
76 least once a year. In its bylaws, and subject to such directions and
77 limitations as may be contained therein, the commission may dele-
78 gate the exercise of any of its powers to the steering committee or
79 the executive director, except for the power to approve budgets or
80 requests for appropriations, the power to make policy recommenda-
81 tions pursuant to article four (IV) and adoption of the annual re-
82 port pursuant to article three (III) (j).

83 C. The commission shall have a seal.

84 D. The commission shall elect annually, from among its members,
85 a chairman, who shall be a governor, a vice chairman and a treas-
86 urer. The commission shall provide for the appointment of an exec-
87 utive director. Such executive director shall serve at the pleasure
88 of the commission, and together with the treasurer and such other
89 personnel as the commission may deem appropriate shall be bonded
90 in such amount as the commission shall determine. The executive
91 director shall be secretary.

92 E. Irrespective of the civil service, personnel or other merit sys-
93 tem laws of any of the party states, the executive director subject
94 to the approval of the steering committee shall appoint, remove or
95 discharge such personnel as may be necessary for the performance
96 of the functions of the commission, and shall fix the duties and
97 compensation of such personnel. The commission in its bylaws shall

98 provide for the personnel policies and programs of the commission.

99 F. The commission may borrow, accept or contract for the serv-
100 ices of personnel from any party jurisdiction, the United States, or
101 any subdivision or agency of the aforementioned governments, or
102 from any agency of two or more of the party jurisdictions or their
103 subdivisions.

104 G. The commission may accept for any of its purposes and func-
105 tions under this compact any and all donations, and grants of money,
106 equipment, supplies, materials and services, conditional or other-
107 wise, from any state, the United States, or any other governmental
108 agency, or from any person, firm, association, foundation, or corpo-
109 ration, and may receive, utilize and dispose of the same. Any dona-
110 tion or grant accepted by the commission pursuant to this paragraph
111 or services borrowed pursuant to paragraph (f) of this article
112 shall be reported in the annual report of the commission. Such re-
113 port shall include the nature, amount and conditions, if any, of the
114 donation, grant, or services borrowed, and the identity of the donor
115 or lender.

116 H. The commission may establish and maintain such facilities as
117 may be necessary for the transacting of its business. The commis-
118 sion may acquire, hold, and convey real and personal property and
119 any interest therein.

120 I. The commission shall adopt bylaws for the conduct of its busi-
121 ness and shall have the power to amend and rescind these bylaws.
122 The commission shall publish its bylaws in convenient form and
123 shall file a copy thereof and a copy of any amendment thereto, with
124 the appropriate agency or officer in each of the party states.

125 J. The commission annually shall make to the governor and leg-
126 islature of each party state a report covering the activities of the
127 commission for the preceding year. The commission may make such
128 additional reports as it may deem desirable.

129 ARTICLE IV.—POWERS.

130 In addition to authority conferred on the commission by other
131 provisions of the compact, the commission shall have authority to:

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

134 2. Encourage and foster research in all aspects of education, but
135 with special reference to the desirable scope of instruction, organi-
136 zation, administration, and instructional methods and standards
137 employed or suitable for employment in public educational systems.

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

140 4. Conduct or participate in research of the types referred to in
141 this article in any instance where the commission finds that such
142 research is necessary for the advancement of the purposes and
143 policies of this compact, utilizing fully the resources of national
144 associations, regional compact organizations for higher education,
145 and other agencies and institutions, both public and private.

146 5. Formulate suggested policies and plans for the improvement
147 of public education as a whole, or for any segment thereof, and
148 make recommendations with respect thereto available to the ap-
149 propriate governmental units, agencies and public officials.

150 6. Do such other things as may be necessary or incidental to the
 151 administration of any of its authority or functions pursuant to this
 152 compact.

153 ARTICLE V.—COOPERATION WITH FEDERAL GOVERNMENT.

154 A. If the laws of the United States specifically so provide, or if
 155 administrative provision is made therefor within the federal gov-
 156 ernment, the United States may be represented on the commission
 157 by not to exceed ten representatives. Any such representative or
 158 representatives of the United States shall be appointed and serve in
 159 such manner as may be provided by or pursuant to federal law, and
 160 may be drawn from any one or more branches of the federal govern-
 161 ment, but no such representative shall have a vote on the commis-
 162 sion.

163 B. The commission may provide information and make recom-
 164 mendations to any executive or legislative agency or officer of the
 165 federal government concerning the common educational policies of
 166 the states, and may advise with any such agencies or officers concern-
 167 ing any matter of mutual interest.

168 ARTICLE VI.—COMMITTEES.

169 A. To assist in the expeditious conduct of its business when the
 170 full commission is not meeting, the commission shall elect a steer-
 171 ing committee of thirty-two members which, subject to the provi-
 172 sions of this compact and consistent with the policies of the commis-
 173 sion, shall be constituted and function as provided in the bylaws of
 174 the commission. One-fourth of the voting membership of the steer-
 175 ing committee shall consist of governors, one-fourth shall consist of
 176 legislators, and the remainder shall consist of other members of the
 177 commission. A federal representative on the commission may serve
 178 with the steering committee, but without vote. The voting members
 179 of the steering committee shall serve for terms of two years, ex-
 180 cept that members elected to the first steering committee of the
 181 commission shall be elected as follows: sixteen for one year and
 182 sixteen for two years. The chairman, vice chairman, and treasurer
 183 of the commission shall be members of the steering committee and,
 184 anything in this paragraph to the contrary notwithstanding, shall
 185 serve during their continuance in these offices. Vacancies in the
 186 steering committee shall not affect its authority to act, but the com-
 187 mission at its next regular ensuing meeting following the occur-
 188 rence of any vacancy shall fill it for the unexpired term. No person
 189 shall serve more than two terms as a member of the steering com-
 190 mittee; provided that service for a partial term of one year or less
 191 shall not be counted toward the two term limitation.

192 B. The commission may establish advisory and technical commit-
 193 tees composed of state, local, and federal officials, and private per-
 194 sons to advise it with respect to any one or more of its functions.
 195 Any advisory or technical committee may, on request of the states
 196 concerned, be established to consider any matter of special concern
 197 to two or more of the party states.

198 C. The commission may establish such additional committees as
 199 its bylaws may provide.

200 ARTICLE VII.—FINANCE.

201 A. The commission shall advise the governor or designated officer
 202 or officers of each party state of its budget and estimated expendi-

203 tures for such period as may be required by the laws of that party
204 state. Each of the commission's budgets of estimated expenditures
205 shall contain specific recommendations of the amount or amounts
206 to be appropriated by each of the party states.

207 B. The total amount of appropriation requests under any budget
208 shall be apportioned among the party states. In making such ap-
209 portionment, the commission shall devise and employ a formula
210 which takes equitable account of the populations and per capita in-
211 come levels of the party states.

212 C. The commission shall not pledge the credit of any party states.
213 The commission may meet any of its obligations in whole or in part
214 with funds available to it pursuant to article three (III) (g) of
215 this compact, provided that the commission takes specific action set-
216 ting aside such funds prior to incurring an obligation to be met in
217 whole or in part in such manner. Except where the commission
218 makes use of funds available to it pursuant to article three (III)
219 (g) thereof, the commission shall not incur any obligation prior to
220 the allotment of funds by the party states adequate to meet the
221 same.

222 D. The commission shall keep accurate accounts of all receipts and
223 disbursements. The receipts and disbursements of the commission
224 shall be subject to the audit and accounting procedures established
225 by its bylaws. However, all receipts and disbursements of funds
226 handled by the commission shall be audited yearly by a qualified
227 public accountant, and the report of the audit shall be included in
228 and become part of the annual reports of the commission.

229 E. The accounts of the commission shall be open at any reason-
230 able time for inspection by duly constituted officers of the party
231 states and by any persons authorized by the commission.

232 F. Nothing contained herein shall be construed to prevent com-
233 mission compliance with laws relating to audit or inspection of
234 accounts by or on behalf of any government contributing to the
235 support of the commission.

236 ARTICLE VIII.—ELIGIBLE PARTIES; ENTRY INTO AND WITHDRAWAL.

237 A. This compact shall have as eligible parties all states, terri-
238 tories, and possessions of the United States, the District of Colum-
239 bia, and the commonwealth of Puerto Rico. In respect of any such
240 jurisdiction not having a governor, the term "governor", as used in
241 this compact, shall mean the closest equivalent official of such juris-
242 diction.

243 B. Any state or other eligible jurisdiction may enter into this
244 compact and it shall become binding thereon when it has adopted the
245 same: Provided that in order to enter into initial effect, adoption by
246 at least ten eligible party jurisdictions shall be required.

247 C. Adoption of the compact may be either by enactment thereof
248 or by adherence thereto by the governor; provided that in the ab-
249 sence of enactment, adherence by the governor shall be sufficient to
250 make his state a party only until December 31, 1967. During any
251 period when a state is participating in this compact through guber-
252 natorial action, the governor shall appoint those persons who, in ad-
253 dition to himself, shall serve as the members of the commission from
254 his state, and shall provide to the commission an equitable share of

255 the financial support of the commission from any source available
256 to him.

257 D. Except for a withdrawal effective on December 31, 1967 in
258 accordance with paragraph (c) of this article, any party state may
259 withdraw from this compact by enacting a statute repealing the
260 same, but no such withdrawal shall take effect until one year after
261 the governor of the withdrawing state has given notice in writing
262 of the withdrawal to the governors of all other party states. No
263 withdrawal shall affect any liability already incurred by or charge-
264 able to a party state prior to the time of such withdrawal.

265 ARTICLE IX.—CONSTRUCTION AND SEVERABILITY.

266 This compact shall be liberally construed so as to effectuate the
267 purposes thereof. The provisions of this compact shall be severable
268 and if any phrase, clause, sentence or provision of this compact is
269 declared to be contrary to the constitution of any state or of the
270 United States, or the application thereof to any government, agency,
271 person or circumstance is held invalid, the validity of the remain-
272 der of this compact and the applicability thereof to any govern-
273 ment, agency, person or circumstance shall not be affected thereby.
274 If this compact shall be held contrary to the constitution of any
275 state participating therein, the compact shall remain in full force
276 and effect as to the state affected as to all severable matters.

1 SEC. 2. NEW SECTION. **Education commission of the states.** The
2 provisions of article three (III), paragraph (a), of the compact
3 notwithstanding, the members of the education commission of the
4 states representing this state shall consist of the governor, two mem-
5 bers appointed by the governor, two members of the senate ap-
6 pointed by the president of the senate, and two members of the
7 house of representatives appointed by the speaker of the house of
8 representatives. The members shall serve four-year terms and for
9 the initial appointments, half of the membership shall be appointed
10 to two-year terms and half shall be appointed to four-year terms.
11 Members shall serve on the education commission of the states with-
12 out compensation, but shall receive their actual and necessary ex-
13 penses and travel. Vacancies on the commission shall be filled for
14 the unexpired portion of the term in the same manner as the origi-
15 nal appointment. If a member ceases to be a member of the general
16 assembly, he shall no longer serve as a member of the education com-
17 mission of the states.

1 SEC. 3. NEW SECTION. **Filing bylaws.** Pursuant to article three
2 (III), paragraph (i), of the compact, the commission shall file a
3 copy of its bylaws and any amendment thereto with the governor.

1 SEC. 4. There is appropriated from the general fund of the state
2 for each fiscal year of the biennium beginning July 1, 1973 and end-
3 ing June 30, 1975, to the governor of the state of Iowa the sum of
4 ten thousand five hundred (10,500) dollars, or so much thereof as
5 may be necessary, to be used for membership fees for Iowa to be-
6 come a member of the education commission of the states.

Approved June 29, 1973.