

By: White of Tyler

H.B. No. 1065

A BILL TO BE ENTITLED

AN ACT

relating to the Interstate Primary and Secondary Public Education Compact.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 4, Education Code, is amended by adding Chapter 163 to read as follows:

CHAPTER 163. INTERSTATE PRIMARY AND SECONDARY PUBLIC  
EDUCATION COMPACT

Sec. 163.001. EXECUTION OF COMPACT. This state enacts the Interstate Primary and Secondary Public Education Compact and enters into the compact with all other states legally joining in the compact in substantially the following form:

Whereas, the separation of powers, both between the branches of the Federal government and between Federal and State authority, is essential to the preservation of individual liberty;

Whereas, the Constitution creates a Federal government of limited and enumerated powers, and reserves to the States or to the people those powers not granted to the Federal government;

Whereas, the Federal government has enacted many laws that have preempted State laws with respect to Primary and Secondary Public Education, and placed increasing strain on State budgets, impairing other responsibilities such as infrastructure and public safety;

Whereas, the Member States seek to protect local control over

1 Primary and Secondary Public Education decisions, and believe the  
2 best method to achieve that end is by vesting regulatory authority  
3 over Primary and Secondary Public Education in the States;

4 Whereas, by acting in concert, the Member States may express  
5 and inspire confidence in the ability of each Member State to govern  
6 Primary and Secondary Public Education effectively; and

7 Whereas, the Member States recognize that consent of Congress  
8 may be more easily secured if the Member States collectively seek  
9 consent through an interstate compact;

10 NOW, THEREFORE, the Member States hereto resolve, and by the  
11 adoption into law under their respective State Constitutions of  
12 this Primary and Secondary Public Education Compact, agree, as  
13 follows:

14 Sec. 1. Definitions. As used in this Compact, unless the  
15 context clearly indicates otherwise:

16 "Commission" means the Interstate Primary and Secondary  
17 Public Education Excellence Commission.

18 "Effective Date" means the date upon which this Compact shall  
19 become effective for purposes of the operation of State and Federal  
20 law in a Member State, which shall be the later of:

21 a) the date upon which this Compact shall be adopted  
22 under the laws of the Member State; and

23 b) the date upon which this Compact receives the  
24 consent of Congress pursuant to Article I, Section 10, of the United  
25 States Constitution, after at least two Member States adopt this  
26 Compact.

27 "Primary and Secondary Public Education" includes all

1 aspects of a public education system from kindergarten through  
2 grade twelve.

3 "Member State" means a State that is signatory to this  
4 Compact and has adopted it under the laws of that State.

5 "Member State Base Funding Level" means a number equal to the  
6 total Federal spending on Primary and Secondary Public Education in  
7 the Member State during Federal fiscal year 2014. On or before the  
8 Effective Date, each Member State shall determine the Member State  
9 Base Funding Level for its State, and that number shall be binding  
10 upon that Member State.

11 "Member State Current Year Funding Level" means the Member  
12 State Base Funding Level multiplied by the Member State Current  
13 Year Population Adjustment Factor multiplied by the Current Year  
14 Inflation Adjustment Factor.

15 "Member State Current Year Population Adjustment Factor"  
16 means the average population of the Member State in the current year  
17 less the average population of the Member State in Federal fiscal  
18 year 2014, divided by the average population of the Member State in  
19 Federal fiscal year 2014, plus 1. Average population in a Member  
20 State shall be determined by the United States Census Bureau.

21 "Current Year Inflation Adjustment Factor" means the Total  
22 Gross Domestic Product Deflator in the current year divided by the  
23 Total Gross Domestic Product Deflator in Federal fiscal year  
24 2014. Total Gross Domestic Product Deflator shall be determined by  
25 the Bureau of Economic Analysis of the United States Department of  
26 Commerce.

27 Sec. 2. Pledge. The Member States shall take joint and

1 separate action to secure the consent of the United States Congress  
2 to this Compact in order to return the authority to regulate Primary  
3 and Secondary Public Education to the Member States consistent with  
4 the goals and principles articulated in this Compact. The Member  
5 States shall improve Primary and Secondary Public Education policy  
6 within their respective jurisdictions and according to the judgment  
7 and discretion of each Member State.

8 Sec. 3. Legislative Power. The legislatures of the Member  
9 States have the primary responsibility to regulate Primary and  
10 Secondary Public Education in their respective States.

11 Sec. 4. State Control. Each Member State, within its  
12 State, may suspend by legislation the operation of all federal  
13 laws, rules, regulations, and orders regarding Primary and  
14 Secondary Public Education that are inconsistent with the laws and  
15 regulations adopted by the Member State pursuant to this  
16 Compact. Federal and State laws, rules, regulations, and orders  
17 regarding Primary and Secondary Public Education will remain in  
18 effect unless a Member State expressly suspends them pursuant to  
19 its authority under this Compact. For any federal law, rule,  
20 regulation, or order that remains in effect in a Member State after  
21 the Effective Date, that Member State shall be responsible for the  
22 associated funding obligations in its State.

23 Sec. 5. Funding.

24 (a) Each Federal fiscal year, each Member State shall have  
25 the right to Federal monies up to an amount equal to its Member  
26 State Current Year Funding Level for that Federal fiscal year,  
27 funded by Congress as mandatory spending and not subject to annual

1 appropriation, to support the exercise of Member State authority  
2 under this Compact. This funding shall not be conditional on any  
3 action of or regulation, policy, law, or rule being adopted by the  
4 Member State.

5 (b) By the start of each Federal fiscal year, Congress shall  
6 establish an initial Member State Current Year Funding Level for  
7 each Member State, based upon reasonable estimates. The final  
8 Member State Current Year Funding Level shall be calculated, and  
9 funding shall be reconciled by the United States Congress based  
10 upon information provided by each Member State and audited by the  
11 United States Government Accountability Office.

12 Sec. 6. Interstate Primary and Secondary Public Education  
13 Excellence Commission.

14 (a) The Interstate Primary and Secondary Public Education  
15 Excellence Commission is established. The Commission consists of  
16 members appointed by each Member State through a process to be  
17 determined by each Member State. A Member State may not appoint  
18 more than two members to the Commission and may withdraw membership  
19 from the Commission at any time. Each Commission member is  
20 entitled to one vote. The Commission shall not act unless a  
21 majority of the members are present, and no action shall be binding  
22 unless approved by a majority of the Commission's total membership.

23 (b) The Commission may elect from among its membership a  
24 Chairperson. The Commission may adopt and publish bylaws and  
25 policies that are not inconsistent with this Compact. The  
26 Commission shall meet at least once a year, and may meet more  
27 frequently.

1       (c) The Commission may study issues of Primary and Secondary  
2 Public Education regulation that are of particular concern to the  
3 Member States. The Commission may make non-binding  
4 recommendations to the Member States. The legislatures of the  
5 Member States may consider these recommendations in determining the  
6 appropriate Primary and Secondary Public Education policies in  
7 their respective States.

8       (d) The Commission shall collect information and data to  
9 assist the Member States in their regulation of Primary and  
10 Secondary Public Education, including assessing the performance of  
11 various State Primary and Secondary Public Education programs and  
12 compiling information on the cost of providing Primary and  
13 Secondary Public Education. The Commission shall make this  
14 information and data available to the legislatures of the Member  
15 States. Notwithstanding any other provision in this Compact, this  
16 Act does not authorize the disclosure of information, documents, or  
17 records that are not subject to disclosure under the Family  
18 Educational Rights and Privacy Act of 1974 (20 U.S.C. Section  
19 1232g).

20       (e) The Commission shall be funded by the Member States as  
21 agreed to by the Member States. The Commission shall have the  
22 responsibilities and duties as may be conferred upon it by  
23 subsequent action of the respective legislatures of the Member  
24 States in accordance with the terms of this Compact.

25       (f) The Commission shall not take any action within a Member  
26 State that contravenes any State law of that Member State.

27       Sec. 7. Congressional Consent. This Compact shall be

1 effective on its adoption by at least two Member States and consent  
2 of the United States Congress. This Compact shall be effective  
3 unless the United States Congress, in consenting to this Compact,  
4 alters the fundamental purposes of this Compact, which are:

5 (a) To secure the right of the Member States to regulate  
6 Primary and Secondary Public Education in their respective States  
7 pursuant to this Compact and to suspend the operation of any  
8 conflicting federal laws, rules, regulations, and orders within  
9 their States; and

10 (b) To secure Federal funding for Member States that choose  
11 to invoke their authority under this Compact, as prescribed by  
12 Section 5 above.

13 Sec. 8. Amendments. The Member States, by unanimous  
14 agreement, may amend this Compact from time to time without the  
15 prior consent or approval of Congress and any amendment shall be  
16 effective unless, within one year, the Congress disapproves that  
17 amendment. Any State may join this Compact after the date on which  
18 Congress consents to the Compact by adoption into law under its  
19 State Constitution.

20 Sec. 9. Withdrawal; Dissolution. Any Member State may  
21 withdraw from this Compact by adopting a law to that effect, but no  
22 such withdrawal shall take effect until six months after the  
23 Governor of the withdrawing Member State has given notice of the  
24 withdrawal to the other Member States. A withdrawing State shall  
25 be liable for any obligations that it may have incurred prior to the  
26 date on which its withdrawal becomes effective. This Compact shall  
27 be dissolved upon the withdrawal of all but one of the Member

1 States.

2           SECTION 2. This Act takes effect immediately if it receives  
3 a vote of two-thirds of all the members elected to each house, as  
4 provided by Section 39, Article III, Texas Constitution. If this  
5 Act does not receive the vote necessary for immediate effect, this  
6 Act takes effect September 1, 2015.