



# Attorney General

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The Honorable Leslie Whiting Johnson  
State Capitol - House Wing  
1700 West Washington  
Phoenix, Arizona 85007

The Honorable Lela Steffey  
State Capitol - House Wing  
1700 West Washington  
Phoenix, Arizona 85007

Re: 185-043 (R84-134,  
R84-188)

Dear Representatives Johnson and Steffey:

This letter is in response to your requests for an opinion concerning the "compact" for education codified at A.R.S. § 15-1901. That compact authorizes the Governor of the State of Arizona to join with other states in a compact to encourage and promote local and state initiative in the development, maintenance, improvement and administration of educational systems and institutions. By its terms, the compact for education establishes an "education commission of the states" which has the following powers:

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 the public educational systems.

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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, utilizing 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 of public education, 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.

You have specifically asked whether the education commission would usurp local control over education and whether the compact for education violates either the state or federal constitution.

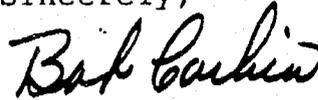
The particular terms of the compact at issue do not interfere with the state, county, or local school districts in exercising their statutory powers. By the terms of the compact, the Commission will function only as an information-gathering agency which would serve as a resource to the agencies represented by Commission members and to any other governmental agencies involved with public education. The legislature, a school district, or other local governmental unit may disregard the information provided by the Commission. The Commission would not usurp any local control over education.

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As to your second question concerning the constitutionality of the compact, we think that the contract, on its face, does not violate any provision of the United States or Arizona Constitutions. The United States Constitution provides that "no state shall, without the consent of congress . . . enter into any agreement or compact with another state." U.S. Const., art. I, § 10, cl. 3. However, this clause applies only to agreements or compacts that are political alliances tending to encroach upon the supremacy of the United States. See, e.g., United States Steel Corp. v. Multistate Tax Commission, 434 U.S. 452 (1978); Wharton v. Wise, 153 U.S. 155 (1894). The use of an interstate compact as a vehicle to organize a council of governments was upheld in Parker v. Riley, 113 P.2d 873, 18 Cal.2d App. 57 (1941). Likewise, the compact does not violate the Arizona Constitution.

We see no basis upon which to conclude that, on its face, the compact violates either the state or federal constitution.

Sincerely,



BOB CORBIN  
Attorney General

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