

Approved 3-13-90
Date

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION

The meeting was called to order by Chairman Don E. Crumbaker
Chairperson

3:30 ~~am~~ p.m. on February 27, 1990 in room 519-S of the Capit

All members were present except:

Representative David Miller and Representative R. D. Miller, excused

Committee staff present:

Avis Swartzman, Revisor of Statutes Office
Ben Barrett, Legislative Research
Thelma Canaday, Secretary to the Committee

Conferees appearing before the committee:

Representative Bowden
Dr. Phillip Sirotkin, former director of WICHE (Western Interstate Commission on Higher Education)
Ms. Laura Foster, Policy analyst for the Midwestern office of Council of State Governments

The meeting was opened by Chairman Crumbaker.

The chairman opened hearings on HB 2811, concerning Midwestern higher education compact and recognized Representative Bowden to explain the bill.

Representative Bowden drew attention to information supplied by Representative Grotewiel concerning the fiscal note for HB 2813. (Attachment 1)

Representative Bowden said he was a member of a steering committee for the Midwest Area of Council of State Government for Postsecondary Education. Representative Bowden said a model compact was drafted at one of the meetings of the steering committee and the decision was made to return to the respective states and try to get a compact passed to become law. HB 2811 is the outcome of the efforts of the steering committee to establish a Midwestern higher education compact.

Dr. Sirotkin testified in support of HB 2811. Dr. Sirotkin said the midwest is the only major region of the country that is not involved in the interstate compact higher education plan. Dr. Sirotkin said the three regional compacts now in existence engage in a common core of activities. Dr. Sirotkin pointed out some functions of the compact are: 1) the exchange reciprocity that maximizes educational opportunities for students, 2) preparation of comparative studies for analyses on public policy issues, 3) provision of a neutral convener that brings together those constituents that are concerned about higher education in a neutral setting. Dr. Sirotkin emphasized the degree of participation in any part of the compact program is up to the state. (Attachment 2)

Ms. Foster spoke in support of HB 2811. Ms. Foster encouraged the committee to make it possible for Kansas to become an initial member of the Midwestern compact and continue its leadership role in education. (Attachment 3)

After a period of discussion the hearings on HB 2811 were closed by the chairman. The chairman announced the bills that would be considered at the next meeting: HB 2727 and HB 2883.

The meeting was adjourned by the chairman at 4:26 p.m.

The next meeting will be February 28, 1990 in Room 519-S at 3:30 p.m.

STATE OF KANSAS



TOPEKA

HOUSE OF
REPRESENTATIVES

KEN GROTEWIEL

REPRESENTATIVE, NINETY-SECOND DISTRICT

1425 W. MURDOCK

WICHITA, KANSAS 67203-3178

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COMMITTEE ASSIGNMENTS

MEMBER: ENERGY AND NATURAL RESOURCES
TAXATION
LEGISLATIVE, JUDICIAL AND
CONGRESSIONAL APPORTIONMENT

February 27, 1990

TO: House Education Committee
FROM: Rep. Ken Grotewiel
RE: Fiscal note HB 2813, Kindergarten and Pre-School
Education

Attached is the above referenced fiscal note.

If you have any questions, please contact me.

*Attachment 1
House Education
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KANSAS LEGISLATIVE RESEARCH DEPARTMENT

Room 545-N - Statehouse

Phone 296-3181

February 1, 1990

TO: Representative Ken Grotewiel

Office No. 281-W

RE: Selected Education Cost Estimates

You asked for an estimate of the incremental costs of a three stage implementation of a plan to require school districts to offer six hour day preschool programs for three year-olds and four year-olds, a full six hour kindergarten program, and provide transportation for children who live more than 2.5 miles from school. Based upon the schedule you outlined, the following estimates have been prepared for your consideration:

<u>Phase 1 - 1990-91 School Year</u>	<u>No. of Pupils</u>	<u>Avg. Cost Per Pupil</u>	<u>In Millions</u>		<u>In Millions</u>
			<u>Subtotal Program</u>	<u>Total Program and Transportation</u>	<u>Exhibit State Aid at 44.5% of Program Costs, Plus Transportation</u>
Implement full day kindergarten program	17,522	\$ 4,000	\$70.1	\$70.1	\$31.2
 <u>Phase 2 - 1992-93 School Year</u>					
Implement full day program for 4 year-olds					
A. At 90% participation rate	30,264	\$ 4,326	\$130.9	\$134.4	\$61.8
B. At 80% participation rate	26,846	4,326	116.1	119.2	54.8
 <u>Phase 3 - 1994-95 School Year</u>					
Implement full day program for 3 year-olds					
A. At 80% participation rate	26,498	\$ 4,679	\$124.0	\$127.3	\$58.5
B. At 75% participation rate	24,811	4,679	116.1	119.2	54.8

Note: Average per pupil program costs and state transportation aid are based on a 4 percent annual increase assumption.

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Representative Grotewiel

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Please be aware that estimates such as these are based on some rather tenuous assumptions.

As you know, these data do not take into account staffing or physical capacity problems school districts might face as they endeavor to implement these programs.

I hope this information will be helpful to you. Please do not hesitate to contact me if I can be of further service.



Ben F. Barrett
Associate Director

90-155/BFB/bd

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Questions and Answers Concerning a
Midwestern Higher Education Compact

What kind of control would this interstate compact have over individual states' higher education decisions?

A higher education compact, and any agency created as a result of the compact's provisions, would not have any authority or control over the educational policies of individual states or institutions. The compact would provide for building consensus among member states, research on regional higher education issues, and seeking agreement among states and institutions on mutually advantageous projects.

What type of programs and information could be made available through the compact?

Undergraduate, graduate or professional student exchanges have been successfully implemented by other regions' commissions. The Midwestern Higher Education Compact provides for studying the need for such programs in the Midwest. If a need for exchange in a field is apparent, the Commission may enter into contractual agreements in order to meet those needs. (see Article IV, Section C of the Compact)

The Compact also establishes an information system which would help each state's compilation of higher education information. The Commission created by the Midwestern Higher Education Compact would serve as a clearinghouse on information regarding higher education activities among institutions and agencies. (see Article IV, section D of the Compact)

Furthermore, the Compact enables the Commission to provide research and services in any other area in which a regional approach to higher education may be appropriate. This would allow the Commission to initiate programs suited to the unique needs and innovations of the Midwestern region, such as rural concerns and technology sharing.

The Midwest is a varied region. Would only some states benefit from joining this compact?

By providing a regional approach to higher education, the Commission that carries out the Compact could provide comparative research which individual states may find time- or cost-prohibitive. One example in the Compact's provisions, as noted above, is the establishment of an information clearinghouse on higher education, which all compacting states could utilize.

Also, within any of the potential programs, some states would naturally tend to be "sending" states, and others "receiving" states, to the mutual advantage of both.

In all, by providing a variety of higher education services to the region, all the participating states and institutions would benefit.

(over)

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What would be the cost to participating states?

The Compact provides for appropriations to be equally apportioned among the compacting states. Initial annual appropriations would be \$58,000.

For what type of representation from each state does the compact provide?

The Compact provides for the establishment of a Commission, which shall consist of five resident members of each state:

- 1) the governor or the governor's designee
- 2) one legislator from the House of Representatives
- 3) one legislator from the Senate
- 4) one at-large member from the field of education
- 5) one additional at-large member

(see Article II, section B of the Compact)

How many states need to join in order to activate the compact?

The Compact would become effective when enacted into law by *five* states prior to the 31st of December 1995.

Would the Compact provide advantages for both public and private institutions?

There are some differences, but private institutions have been very active in several of the programs offered by the other regions' higher education commissions/boards.

A Report of the
Midwestern Legislative Conference

**Strengthening Higher
Education in the Midwest:
The Course of
Interstate Cooperation**

Prepared by:
Laura Kliewer Foster

November 1989

Price: \$4.00

*Attachment 3
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Why a Midwestern Higher Education Compact?

The Midwestern states have been striving to ensure the outstanding quality of higher education institutions for which the region is renowned, while realizing that budget restrictions and other factors are severely limiting that goal. In our fast-changing, world-wide community, it is becoming increasingly evident that few, if any, of the states can provide *all* of the educational opportunities and resources their residents require. Several states have established bilateral cooperation agreements, usually allowing for student exchange between the states in fields that are not offered in both states. On a more comprehensive level, *regional* voluntary cooperation in higher education has proved advantageous in the Southern, New England and Western states. This cooperation has taken many forms, from student exchange programs to telecommunications cooperatives.

The Midwestern states have made two previous attempts to establish a higher education compact. The first occurred in the mid-60s. In 1976 the Education Committee of the Midwestern Conference (now the Midwestern Legislative Conference) of CSG began working on a compact with input from the Midwestern Governors' Conference. The compact was endorsed by the Executive Committee of the Midwestern Conference in 1977, and action on it by the states began. The compact stipulated that six states join by the end of 1981 in order for it to become operational. By this deadline date, only four states (Ohio, Minnesota, Nebraska and South Dakota) had passed enabling legislation to activate the compact.

Since that time, cutbacks in federal aid in many areas, economic problems in agriculture and manufacturing industries as well as other factors specific to each state have forced the states to reapportion the shrinking pie of state appropriations. All the states save one in the Midwest appropriated less for higher education in 1988 than in 1978, when adjusted for inflation.

The Midwestern Legislative Conference, under the direction of the Higher Education Issue Conference Steering Committee, is again exploring the possibility of pursuing regional cooperation in higher education through a higher education compact. This report seeks to facilitate the decision-making process by providing background information on compacts, other regions' higher education cooperation experience, and the state of higher education in the Midwest.

TABLE 1

Number of Institutions in the Midwest, by State: Fall 1987

	<u>Public 4-year</u>	<u>Public 2-year</u>	<u>Private 4-year</u>	<u>Private 2-year</u>	<u>Vocational</u>
Illinois	12	47	91	16	443
Indiana	14	15	38	11	168
Iowa	3	20	36	6	96
Kansas	8	21	21	4	91
Michigan	15	31	49	8	356
Minnesota	10	23	33	11	138
Missouri	13	14	54	12	239
Nebraska	7	13	13	2	58
North Dakota	6	8	3	1	28
Ohio	22	39	65	29	345
South Dakota	7	0	9	3	24
Wisconsin	<u>13</u>	<u>18</u>	<u>30</u>	<u>3</u>	<u>129</u>
Total	130	249	442	106	2,115

Source: *The Chronicle of Higher Education Almanac*, September 6, 1989

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I. Case Study: WICHE

Should the Midwestern states decide to band together to assist the region through cooperation, other regions' successes will be very helpful as examples. Higher education compacts have facilitated unique bases for cooperation among the states within the Western, Southern and New England regions. The endeavors of the Western Interstate Commission for Higher Education (WICHE), the interstate agency created by the Western Regional Education Compact, serves as a good case study of regional cooperation strengthening higher education.

The Western Regional Education Compact, organized in 1951, was adopted by 13 Western states and has two affiliate states (see Appendix for the Compact's text).

The Western states' original purpose in adopting a regional compact was the provision of professional student exchange. WICHE's **Professional Student Exchange Program (PSEP)** has saved sending states uncountable millions of dollars otherwise needed to provide their own programs in a variety of fields, most of which are in health-related areas. Students pay resident tuition and the sending states pay an additional "support fee" established by WICHE and appropriated by state legislatures. As a result of this arrangement, the West has only three schools of veterinary medicine. Through a unique arrangement, one of these veterinary schools trains veterinarians for 10 states in the West, saving the sending states the cost and competition of maintaining their own program. This same region has only 16 medical schools and eight dental schools to serve students from 15 states.

TABLE 2

Midwestern States' Schools for the Health Professions

State	Medical		Dental		Veterinary		Optometry	
	Pub.	Priv.	Pub.	Priv.	Pub.	Priv.	Pub.	Priv.
Illinois	2	6	2	2	1	0	0	1
Indiana	1	0	1	0	1	0	1	0
Iowa	1	0	1	0	1	0	0	0
Kansas	1	0	0	0	1	0	0	0
Michigan	3	0	1	1	1	0	1	0
Minnesota	1	0	1	0	1	0	0	0
Missouri	2	2	1	0	1	0	1	0
Nebraska	1	1	1	1	0	0	0	0
North Dakota	1	0	0	0	0	0	0	0
Ohio	6	1	1	1	1	0	1	0
South Dakota	1	0	0	0	0	0	0	0
Wisconsin	1	0	0	1	1	0	0	0
Total	21	10	9	6	9	0	4	1

Source: Midwestern Legislative Conference reporting, from Midwestern states' higher education coordinating boards

For graduate students, the **Western Regional Graduate Programs (WRGP)** extends full tuition reciprocity in certain specialized graduate programs. The programs are nominated by institutions and chosen by a regional committee through a review process intended to assure that the programs are distinctive.

WICHE's newest student exchange program is the **Western Undergraduate Exchange (WUE)**. Initiated in Fall 1988, WUE allows nonresident students to pay 50 percent more than the school's standard state resident tuition, a considerable savings over most nonresidents' tuition. Currently, 74 institutions participate.

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In addition to its strong student exchange programs, WICHE has strengthened the link between higher education and economic development. The Commission has established a regional supercomputer network to link research institutions in the Northwest with the National Science Foundation's supercomputer network.

This summer, WICHE also established a cooperative to facilitate the sharing of telecommunications technologies, programs and resources on an interstate basis for educational and other purposes. This dues-paying membership organization is open to Western public and private higher education institutions, state government agencies and nonprofit organizations.

To aid in the international education needed for the shift to more international competitiveness, WICHE compiled, published and is updating information about 180 academic centers of international expertise in the West. The Commission has also identified "intensive" language programs and other international programs in the region, to assist planning for programs in which teachers and others in government and business can enroll.

Another area of concern to WICHE is the changing demography of the Southwest, and specifically the need for educational systems to be more responsive to minority students. The WICHE Regional Policy Committee on Minorities in Higher Education has widely distributed a report and recommendations which have received widespread endorsement from education, government and the media. In a similar vein, WICHE held a regional Legislative Workshop on this issue and has identified several models of effective institutional practice throughout the region and nationally. WICHE has published descriptive summaries of these programs.

WICHE also is pursuing regional collaboration on issues surrounding higher education's role in rural development. The Commission has organized meetings on the subject, as well as a workshop on higher education and rural development.

The **WICHE Mental Health Program** provides a mental health information clearinghouse and technical assistance center for the region, conducts workshops and conferences, and coordinates multistate studies and demonstration projects on mental health issues of common concern to the Western states.

As these efforts indicate, WICHE has, over the years, successfully initiated a variety of methods to help strengthen higher education in the Western states through cooperation.

The Southern and the New England states also have longstanding experience in higher education cooperation. The Southern Regional Education Compact, composed in 1949, established the first regional board to foster development and joint use of higher education facilities throughout the region. In 1955, the New England Higher Education Compact created the New England Board of Higher Education. Both of these compacts' provisions vary slightly from the West's, and differences in these compacts can be explored in the creation of a Midwestern higher education compact.

Some of these deviations include:

Funding -- Under the Western region's compact, dues are apportioned equally among member states and total approximately 36 percent of WICHE's budget. The Southern states also contribute equally to the SREB, with the determined amount reviewed no less than every five years. Basic funding to support NEBHE's programs is provided by the six New England states which make annual assessments according to a regional population formula.

Representation -- The governor of each state appoints three Commissioners to govern WICHE. The NEBHE consists of eight members from each of the six states, appointed variously by the governor, speaker of the house, or president of the senate. The Southern Regional Education Board is comprised of the governor of each state and four persons appointed by each governor, one being a legislator and at least one from the field of education.

Number of states needed to ratify the Compact -- Each regional higher education compact has stipulated how many states must ratify the compact by a certain date. As the number of states in each region vary, so do the number stipulated to ratify the compact. The Western Regional Education Compact, having had the possibility of 13 member states, made the compact operational upon five states' adoption.

Provisions of the compact -- Each compact details the creation of a board or commission, and the duties of this interstate agency.

II. Interstate Compacts

Use of compacts has been a longstanding method of solving joint problems among two or more states¹. They have dealt with such diverse problems as corrections and crime control, transportation, water apportionment, pest control, nuclear energy and **the expansion and improvement of higher education**. Nearly half of these compacts have provided for the establishment of interstate administrative agencies.

A compact has the force of statutory law. All legal principles applicable to the interpretation of statutes is also applicable to the interpretation of compacts. Interstate compacts are also contracts, and as such are subject to contract law.

In offering and accepting a compact, the almost universal method has been to enact the verbatim compact text as the body of a statute, declaring the state's adherence to it. Identical texts in the laws of all compacting jurisdictions guarantees that the agreement accepted is the same as that offered. After enactment into law by the legislatures of the participating states, the compact would include gubernatorial consent to the same extent as ordinary bills.

The Scope of a Higher Education Compact

Stating that compacts have the force of statutory law and of contracts does not translate into allowing the compact's enforcers to coerce member states into a given action. Speaking at the Midwestern Legislative Conference annual meeting in August, Dr. Phillip Sirotkin, executive director of WICHE, emphasized this point:

It is important to take note that regional higher education agencies do not infringe on the powers of the individual states to control higher education or in any way limit the flexibility of actions by the states or their institutions of higher education. Cooperation and collaboration are our bywords, not coercion or legal mandate. **We do not represent another bureaucratic, regional level of government imposed on either the states or on higher education. We do not have any power over states or institutions.**
[emphasis his]

As stated above, none of the agencies created by higher education compacts has any authority or control over the educational policy of individual states or institutions. They work by building consensus among member states, seeking to secure agreement among states and institutions on mutually advantageous projects.

¹ Although the United States Constitution provides that "No State shall, without the consent of Congress . . . enter in agreement or compact with another State or with a foreign power . . .", only certain types of compacts need Congressional consent. The U.S. Supreme Court ruled in *Virginia v. Tennessee* that only compacts which affect a power delegated to the national government or which affect the "political balance" of the federal system need Congress' consent.

In considering a Midwestern higher education compact, the states involved can look to the Southern Regional Education Compact's history as assurance that Congressional consent is not necessary:

The Southern Regional Education Compact has been in operation for a number of years without specific consent of Congress. In this case, legislative intent may be inferred from the action of the Senate in sending a House-passed joint resolution back to committee, from which it never emerged, to determine whether it needed Congressional consent. This followed debate on the floor in which it was widely contended that the agreement was not of such character as to require Congressional consent since the states are constitutionally in possession of power over education and the agreement would not affect the balance of power within the federal system.

The Law and Use of Interstate Compacts, 21

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III. The State of Higher Education in the Midwest

Many different considerations loom large in the financing of higher education. Some of these are common to all the Midwestern states, while others tend to be confined to a few, depending on the geography, population and economic development of each state. All states have been hit one way or another by economic woes, especially the agriculture states.

Midwestern states appropriated up to 18% more for higher education in 1988/89 than in 1986/87. Yet, with the purchasing power of dollars declining, only Ohio in the Midwest has increased appropriations for higher education in real dollars over the last ten years (see Table 3). Minnesota is currently the only Midwestern state that appropriates more than the national average per student.

TABLE 3

State Spending on Higher Education

<u>State</u>	<u>State Appropriations 1988-89¹</u>	<u>State Spending on Student Aid 1988-89¹</u>	<u>Percent Change in Appropriations: 1986/87 - 1988/89¹</u>
Illinois	\$1,399,444,000	\$159,436,000	+ 1%
Indiana	755,614,000	52,062,000	+ 14%
Iowa	478,991,000	52,916,000	+ 18%
Kansas	382,326,000	6,031,000	+ 17%
Michigan	1,338,033,000	74,409,000	+ 9%
Minnesota	861,462,000	64,640,000	+ 10%
Missouri	550,609,000	14,595,000	+ 16%
Nebraska	253,431,000	1,793,000	+ 18%
North Dakota	118,072,000	1,118,000	- 2%
Ohio	1,320,460,000	72,862,000	+ 9%
South Dakota	77,369,000	596,000	+ 7%
Wisconsin	738,670,000	38,061,000	+ 11%

<u>State</u>	<u>Amount Appropriated per Student 1987-88²</u>	<u>Percent Change in Appropriations 1978-88 Adjusted for Inflation²</u>
Illinois	\$3,486	- 7.3
Indiana	3,723	- 6.3
Iowa	3,903	- 9.3
Kansas	3,486	- 5.1
Michigan	3,684	- 4.5
Minnesota	4,080	- 11.4
Missouri	3,652	- 9.0
Nebraska	2,955	- 21.0
North Dakota	3,016	- 20.2
Ohio	3,324	+ 5.7
South Dakota	2,705	- 24.5
Wisconsin	3,796	- 13.4
National Average.....	\$4,053	N.A.

Sources:

¹ *The Chronicle of Higher Education Almanac*; September 6, 1989

² *State Profiles: Financing Public Higher Education 1978 to 1988*, Research Associates of Washington

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Some states are looking into comprehensive changes. In Missouri, for example, outgoing Commissioner of Higher Education Shalla Aery recommended sweeping changes for Missouri institutions to make them cost-efficient. University of Missouri officials are trying to stir public interest in a tax increase proposal to aid higher education next year, while others have suggested discontinuing certain programs or even closing some schools. A consulting firm hired by the Iowa Board of Regents to study duplication at Iowa's three state universities recommended large-scale restructuring, including the elimination of several longstanding programs.

Skyrocketing tuition has plagued higher education institutions. Resident tuition at public 4-year universities in the Midwest went up an average of roughly 7.85% between the 1987/88 and 1988/89 school years, and an overall average of roughly another 6.25% this year (see Table 4).

TABLE 4

Midwestern Public Four-Year Universities' Undergraduate Tuitions¹

	Resident Tuition <u>1989/90</u>	Nonresident Tuition <u>1989/90</u>	Percentage Tuition Increase <u>1987/88-1988/89</u>	Percentage Tuition Increase <u>1988/89 - 1989/90</u>
Illinois	\$2,103 ²	*	24.2%	5.9%
Indiana	\$1,738	*	5.8%	5.8%
Iowa	\$1,818	\$5,316	7.0%	7.0%
Kansas	\$1,072	\$3,418	3.0%	5.0%
Michigan	\$2,107	N/A	10.0%	8.7%
Minnesota	\$1,820 ³	\$3,863 ³	4.4%	7.4%
Missouri	\$1,382 ⁴	\$3,083 ⁴	4.8%	N/A
Nebraska	\$1,251	\$2,544	9.5%	4.5%
North Dakota	\$1,182	\$2,952	5.3%	5.3%
Ohio	\$2,446 ⁵	\$5,467 ⁵	9.6%	7.3%
South Dakota	\$1,781	\$2,976	5.0%	5.0%
Wisconsin	\$1,625	\$5,372	5.7%	6.8%

¹ Unweighted averages, unless otherwise noted

² Mean

³ Based on 16 credits per quarter, 3 quarters per year

⁴ 1989/90 figures are not available. Figures shown are for 1988/89.

⁵ Does not include Shawnee University

* Nonresident tuition is generally 3 times that of resident tuition in these states

Source: Midwestern Legislative Conference reporting, from Midwestern states' higher education coordinating boards

Some states are steadily increasing the percentage that resident undergraduates pay toward the cost of their education. In Wisconsin, for example, the students' percentage increased from 27% in 1983/84 to 31.6% this school year.

Maintaining competitive salaries for faculty is a constant issue. Three-fourths of the Midwestern states fall below the national average in their average pay to full-time faculty members of public 4-year institutions. South Dakota's is the lowest in the country, a fact which has recently resulted in proposals by the state's Board of Regents for boosting faculty salaries. During the last two years, the University of Wisconsin system has requested and received appropriations from the legislature for "catch-up" pay raises seeking to bring faculty salaries in line with those of comparable universities. Although lawmakers say this should be the last round, the system's president has warned he may request catch-up pay raises for another year.

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Of course the state of higher education in the Midwest is not all negative. Many schools are experiencing record enrollments. States are initiating varying forms of prepaid tuition plans. Yet each region except the Midwest has initiated higher education compacts and, through their interstate agency, is exploring areas of prospective co-operation and successfully implementing programs that have saved states millions of dollars over the years.

Conclusion

Cooperation in technology, programs, information and/or any other mutually beneficial area: this is the opportunity the Midwestern states will consider. The Midwest does have a history of cooperation in higher education. Most states have established some type of reciprocity agreement with another state or states. They are usually program- or institution-specific. Two Midwestern states, North Dakota and South Dakota, have affiliated with WICHE. Other Midwestern states are currently considering affiliating with another region's higher education compact. Yet in order to strengthen this region -- economically as well as educationally -- legislators and educators may want to stay in their own back yard and consider forming a higher education compact of the Midwestern states.

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