

# MAINE STATE LEGISLATURE

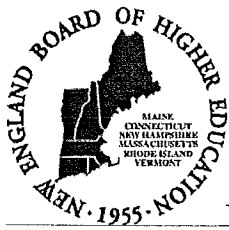
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Joint Standing Committee on Education and Cultural Affairs  
Maine State Legislature

November 10, 2005



New England Board of Higher Education



POSTSECONDARY GOVERNANCE

COMPARISON OF NEW ENGLAND STATES





## State Comparisons - Postsecondary Governance Structures Database

Education Commission  
of the States

	<b>State-Level Coordinating and/or Governing Agency</b>
<p>Connecticut : Postsecondary Governance Structures</p>	<p>The Board of Governors for Higher Education, staffed by the Department of Higher Education, was created March 1, 1983. The Board of Governors consists of 11 lay members 7 appointed by the governor and confirmed by the senate and 4 appointed by the leadership of the house and senate, each approving one member. The initial chairman was appointed by the governor for a 2-year term. Since then the board has elected its own chairman. Board members serve staggered 4-year terms. As the coordinating agency for the public higher education system, the Board of Governors is responsible for statewide planning, budget development and policymaking. It is charged with preparing criteria to govern the merger or closure of institutions; making decisions to merge or close institutions; providing for the initiation, consolidation or termination of programs; and evaluating institutional effectiveness. The board also is responsible for preparing annual consolidated operating and capital budgets and for maintaining academic quality through licensure and accreditation of programs and institutions, both public and independent. The Commissioner of Higher Education is appointed by the board and serves at its pleasure.</p>
<p>Maine : Postsecondary Governance Structures</p>	<p>The Board of Trustees of the University of Maine system, established in 1968 is the principal statutory governing agency for public postsecondary education in the state. The board consists of 16 members, appointed by the governor for a maximum of two five-year terms. The commissioner of education serves in an ex-officio capacity. There is also one student member who serves a two-year term.</p> <p>The Board of Trustees has statutory responsibility for planning and coordination, institutional budget review, and consolidated budget recommendations and program approval for all campuses of the university. As the governing and planning body of the University of Maine system, the board is responsible for developing and maintaining a cohesive structure of public postsecondary education in the state.</p>
<p>Massachusetts : Postsecondary Governance Structures</p>	<p>The Board of Higher Education, renamed in 1996, is the statewide coordinating agency responsible for overall coordination and broad policy development with respect to the University of Massachusetts and its 5 campuses, the 9 state colleges and 15 community colleges. Board responsibilities include statewide planning, mission definition, the transfer compact and approval of new academic programs. The board has authority to consolidate, discontinue or transfer programs, to approve campus mission statements and conduct programs for assessment of student learning. Its responsibilities include oversight of the state financial aid program, licensure of independent institutions, data collection and certain other "consumer protection" and regulatory functions. With respect to the state and community colleges, or the University of Massachusetts, the board receives and allocates appropriations to the institutions. The board has the authority to establish tuition charges for the University of Massachusetts and its five campuses, the 9 state colleges and 15 community colleges. It also has governance powers in such areas as compensation of presidents and collective bargaining for state and community colleges.</p> <p>The board includes 11 voting members and the commissioner of education, who serves as an ex-officio, nonvoting member by virtue of the office he or she holds. The members serve staggered 5-year terms, except for the student member, whose term is limited to 1 year. The chancellor of higher education is appointed by and serves at the board's pleasure.</p>

New Hampshire : Postsecondary



POSTSECONDARY GOVERNANCE

CONNECTICUT







## State Profiles - Postsecondary Governance Structures Database

Education Commission  
of the States

### Connecticut : Postsecondary Governance Structures

#### PS Governance

##### State-Level Coordinating and/or Governing Agency

The Board of Governors for Higher Education, staffed by the Department of Higher Education, was created March 1, 1983. The Board of Governors consists of 11 lay members 7 appointed by the governor and confirmed by the senate and 4 appointed by the leadership of the house and senate, each approving one member. The initial chairman was appointed by the governor for a 2-year term. Since then the board has elected its own chairman. Board members serve staggered 4-year terms. As the coordinating agency for the public higher education system, the Board of Governors is responsible for statewide planning, budget development and policymaking. It is charged with preparing criteria to govern the merger or closure of institutions; making decisions to merge or close institutions; providing for the initiation, consolidation or termination of programs; and evaluating institutional effectiveness. The board also is responsible for preparing annual consolidated operating and capital budgets and for maintaining academic quality through licensure and accreditation of programs and institutions, both public and independent. The Commissioner of Higher Education is appointed by the board and serves at its pleasure.

##### System/Institutional Governing Boards

There are 4 statutory governing boards in Connecticut: (1) the Board of Trustees of the University of Connecticut, which is comprised of 19 members and is responsible for the state's land-grant university, medical center, law school and 5 branch campuses; (2) the Board of Trustees of the Connecticut State University, which is comprised of 18 members and is responsible for 4 4-year state universities; (3) the Board of Trustees of the Community-Technical Colleges, which is comprised of 24 members and is responsible for 12 2-year colleges; and (4) the Board for State Academic Awards, which is comprised of 9 members and is responsible for a nonteaching institution, empowered to certify credits and grant degrees as Charter Oak State College. These 4 system/institutional governing boards were established simultaneous to the establishment of the Board of Governors in 1983.

Subject to the policies and guidelines of the Board of Governors, each board administers their systems; plans for expansion and development of its institutions and submits such plans to the Board of Governors for review and recommendation; appoints and/or removes its Chief Executive Officer and Institutional chief executive officers; determines the size of staff, their duties and conditions of employment (subject to Board of Governors guidelines); employs staff; fixes compensation; confers degrees; and makes rules for governance of institutions, admission of students and expenditure of funds.

##### State Student Assistance and Loan Agencies

The Board of Governors serves as the state's student financial assistance agency. The Connecticut Student Loan Foundation, is the state guarantee agency for the Guaranteed Student Loan Program.

##### Postsecondary Vocational-Technical Education

The State Board of Education serves as the State Board of Vocational Education. The Commissioner of Higher Education serves as an ex-officio member by virtue of the elected office he or she holds.

##### State-Level Organization of Independent (Not for Profit) Colleges and Universities

The Connecticut Conference of Independent Colleges is a voluntary association of 17 independent institutions for the purpose of advising on the interests and concerns of this sector and providing advocacy for these institutions.

##### Licensure/Approval Agencies

The Board of Governors for Higher Education has licensing and program approval authority for public and independent degree-granting institutions of postsecondary



	education, as well as for proprietary vocational or technical schools which qualify for degree-granting status. In July 1993, the department gained approval authority for all postsecondary private occupational schools, regardless of degree-granting status. The Connecticut Department of Higher Education has approval and licensing authority for for-profit/proprietary vocational-technical schools.
P-16 (K-16) Structures	While there is not a formal state-level organization charged with working across education sectors, the Commissioners of Education and Higher Education together developed a "common agenda" in 2000 that has expanded collaborative policy development, planning and initiatives.
Other Statewide Postsecondary Organizations	The Higher Education Coordinating Council was established in 1992 and is composed of the Chief Executive Officers of each of the public constituent units and their Board Chair, the Secretary of the Office of Policy and Management, and the Commissioners of Education and Higher Education.
Statutory Advisory Committee	The Standing Advisory Committee to the Board of Governors for Higher Education is a mandated 22-member advisory committee comprised of trustees, administrators, faculty and students from both public and independent institutions of postsecondary education. This committee meets at least twice annually with the board to discuss a mutually agreed upon agenda. Six individuals elected from its membership are able to participate in all board meetings, but are nonvoting members. The Board of Governors has statutory authority to establish advisory committees related to other responsibilities. Additional statutory advisory committees are located in the Additional Information section.
Special Features of State Since 1997	None.
Additional Information	<a href="http://www.ecs.org/html/educationIssues/Governance/linkdocs/CT.htm">http://www.ecs.org/html/educationIssues/Governance/linkdocs/CT.htm</a>

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**Board of Governors for Higher Education**  
**Department of Higher Education**  
**State of Connecticut**



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## Board Mission

. . . to promote a postsecondary system of distinctive strengths which, through overall coordination and focused investment, assures state citizens access to high quality educational opportunities, responsiveness to individual and State needs, and efficiency and effectiveness in the use of resources.

The Board of Governors for Higher Education is the statewide coordinating and planning authority for Connecticut's public and independent colleges and universities.

Created in 1983 by the Governor and General Assembly, the Board of Governors is charged by statute to:

- Maintain standards of quality
- Assure the fullest possible use of available resources
- Promote responsiveness to economic, societal and student needs
- Apply higher education's resources to the problems of society
- Offer learning and training opportunities keyed to the state's development
- Protect academic freedom
- Ensure educational opportunity

To fulfill its mission, the Board makes higher education policy, reviews public college and university missions and budgets, recommends system-wide budgets to the Governor and General Assembly, licenses and accredits academic programs and institutions (both public and independent), evaluates institutional effectiveness and coordinates programs and services between the public and independent sectors. Under the Board's leadership, the Department of Higher Education carries out Board policy, administers statewide student financial aid programs, oversees private occupational schools and conducts research and analysis on issues important to legislators and the public.

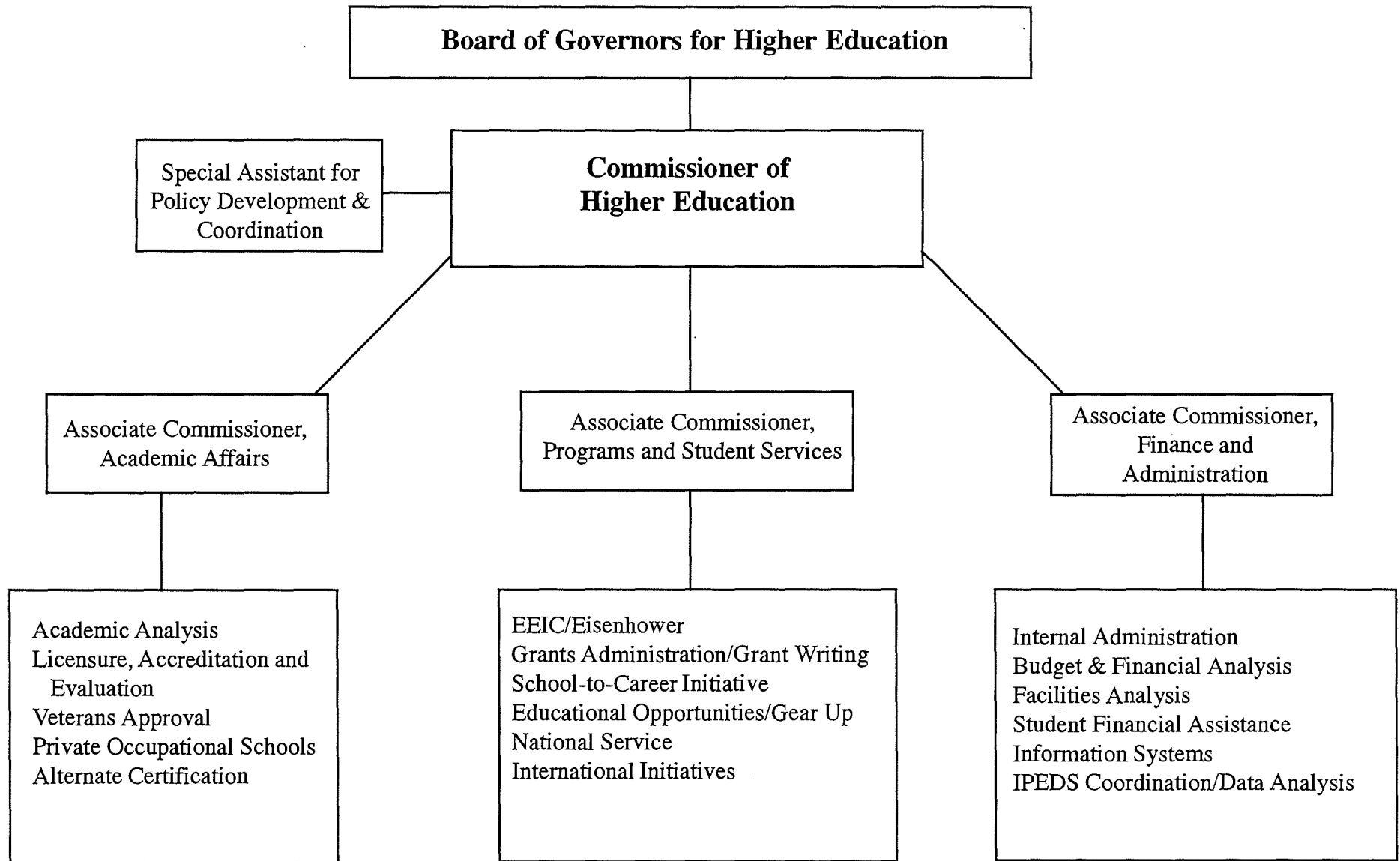
The Board of Governors has 11 members, seven of whom are appointed by the Governor, and four by the highest-ranked members of the General Assembly who are not members of the Governor's political party. Board members serve four-year terms. There is one vacancy on the Board at present.

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# Connecticut Department of Higher Education







POSTSECONDARY GOVERNANCE

MAINE





## State Profiles - Postsecondary Governance Structures Database

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### Maine : Postsecondary Governance Structures

#### PS Governance

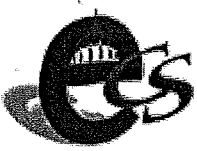
State-Level Coordinating and/or Governing Agency	<p>The Board of Trustees of the University of Maine system, established in 1968 is the principal statutory governing agency for public postsecondary education in the state. The board consists of 16 members, appointed by the governor for a maximum of two five-year terms. The commissioner of education serves in an ex-officio capacity. There is also one student member who serves a two-year term.</p> <p>The Board of Trustees has statutory responsibility for planning and coordination, institutional budget review, and consolidated budget recommendations and program approval for all campuses of the university. As the governing and planning body of the University of Maine system, the board is responsible for developing and maintaining a cohesive structure of public postsecondary education in the state.</p>
System/Institutional Governing Boards	The Board of Trustees of the University of Maine System is the system/institutional governing board in the state.
State Student Assistance and Loan Agencies	The Finance Authority of Maine serves as the state agency for student assistance, and Maine participates in the federal SSIG (State Student Incentive Grant) program.
Postsecondary Vocational-Technical Education	The Board of Trustees of the Technical College System of Maine is the governing body responsible for the governance of public postsecondary vocational-technical education.
State-Level Organization of Independent (Not for Profit) Colleges and Universities	Maine does not have a state-level organization for private colleges and universities.
Licensure/Approval Agencies	The State Board of Education and the State Department of Education are responsible for recommending to the legislature approval of degree-granting authority for postsecondary education institutions.
P-16 (K-16) Structures	None.
Other Statewide Postsecondary Organizations	None.
Statutory Advisory Committee	The Campus Boards of Visitors, established in 1997 under Charter Amended P&S Law 37, consists of up to twenty members each, reflecting the mission of the university and the region it serves. Members to the board are recommended by campus presidents and approved by the Board of Trustees. In addition to fundraising, these permanent boards serve as advocates and advisors to campus presidents on the specific needs in the community and region they serve.
Special Features of State Since 1997	Campus Boards of Visitors.
Additional Information	



POSTSECONDARY GOVERNANCE

MASSACHUSETTS





## State Profiles - Postsecondary Governance Structures Database

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### Massachusetts : Postsecondary Governance Structures

#### PS Governance

State-Level Coordinating and/or Governing Agency	<p>The Board of Higher Education, renamed in 1996, is the statewide coordinating agency responsible for overall coordination and broad policy development with respect to the University of Massachusetts and its 5 campuses, the 9 state colleges and 15 community colleges. Board responsibilities include statewide planning, mission definition, the transfer compact and approval of new academic programs. The board has authority to consolidate, discontinue or transfer programs, to approve campus mission statements and conduct programs for assessment of student learning. Its responsibilities include oversight of the state financial aid program, licensure of independent institutions, data collection and certain other "consumer protection" and regulatory functions. With respect to the state and community colleges, or the University of Massachusetts, the board receives and allocates appropriations to the institutions. The board has the authority to establish tuition charges for the University of Massachusetts and its five campuses, the 9 state colleges and 15 community colleges. It also has governance powers in such areas as compensation of presidents and collective bargaining for state and community colleges.</p> <p>The board includes 11 voting members and the commissioner of education, who serves as an ex-officio, nonvoting member by virtue of the office he or she holds. The members serve staggered 5-year terms, except for the student member, whose term is limited to 1 year. The chancellor of higher education is appointed by and serves at the board's pleasure.</p>
System/Institutional Governing Boards	<p>Massachusetts has 2 statewide boards with governing authority. The Board of Trustees of the University of Massachusetts is responsible for governing the 5-campus university system. The Board of Higher Education, in addition to its responsibility for overall coordination of all public postsecondary education, has residual governing authority with respect to the state and community colleges. Management responsibility, however, for each of these colleges is vested in institutional boards of trustees for each of these colleges. The state and community college boards of trustees appoint and remove presidents, subject to approval by the Board of Higher Education.</p>
State Student Assistance and Loan Agencies	<p>The Board of Higher Education administers the state-sponsored financial aid programs. The state has a state-guaranteed loan program under the federally insured loan program administered by the Massachusetts Higher Education Assistance Corporation.</p>
Postsecondary Vocational-Technical Education	<p>The Massachusetts Board of Education is the State Board of Vocational Education.</p>
State-Level Organization of Independent (Not for Profit) Colleges and Universities	<p>The Association of Independent Colleges and Universities in Massachusetts serves as the state-level organization for 60 private colleges and universities.</p>
Licensure/Approval Agencies	<p>The Board of Higher Education has licensing authority over the approval of charters and amendments for independent degree-granting institutions in the state, both proprietary and nonprofit.</p>
P-16 (K-16) Structures	<p>None.</p>
Other Statewide Postsecondary Organizations	<p>None.</p>





Statutory Advisory Committee	The Committee on Educational Policy consists of members of the State Board of Education and the Board of Higher Education. The committee serves as a public forum for discussion of general education goals for the commonwealth, develops goals and visions for a coordinated education system, and publishes studies and reports on issues common to K-12 and higher education.
Special Features of State Since 1997	None.
Additional Information	

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POSTSECONDARY GOVERNANCE

NEW HAMPSHIRE





## State Profiles - Postsecondary Governance Structures Database

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### New Hampshire : Postsecondary Governance Structures

#### PS Governance

State-Level Coordinating and/or Governing Agency

New Hampshire has 2 institutional governing boards with complete authority for governing and planning, budget review and recommendation, and program approval:

1) The Board of Trustees of the University of New Hampshire System, created in 1963, has statutory authority for 3 public senior colleges. The board is comprised of 27 members – 11 appointed by the governor and the executive council, 4 alumnae of the University of New Hampshire, 1 alumni each from Keene State College and Plymouth State College, 2 student trustees and 7 ex-officio.

2) The Community Technical College System, established in 1999, has statutory authority for 7 vocational institutions. Its 25 members include 12 governor and council appointees – 1 from law enforcement, 1 from the community services sector, 2 from the general public, 2 from the field of labor, 1 from the health services profession, 1 from the federal/technical field, 1 alumni, 1 high school vocational director, and 4 from the business and industry sectors. Members also include 2 students and 9 ex-officio.

The Postsecondary Education Commission, established in 1973, functions as the statutory coordinating agency for postsecondary education in the state. The commission is composed of 22 members – 3 state college presidents, the chancellor of the university system, the president of 1 of the colleges in the Community Technical College System, 2 full-time resident undergraduates appointed by the trustees of the university system, the Commissioner of Education, the Commissioner of the Community Technical College System and 12 others appointed by the governor. The commission's primary duties deal with licensure approval and student aid. The commission also provides support and coordination as needed by other organizations and agencies in the state who have a commitment to postsecondary organization.

System/Institutional Governing Boards

The Board of Trustees of the University of New Hampshire System and the Community Technical College System are responsible for postsecondary systems and institutions in the state.

State Student Assistance and Loan Agencies

The Postsecondary Education Commission administers student aid programs in New Hampshire.

Postsecondary Vocational-Technical Education

The Board of Trustees of the Community Technical College System is responsible for the governance of public postsecondary vocational-technical education.

State-Level Organization of Independent (Not for Profit) Colleges and Universities

New Hampshire does not have a state-level organization representing independent colleges and universities, but both the New Hampshire College and University Council and the Postsecondary Education Commission have a membership of public and private universities.

Licensure/Approval Agencies

The Postsecondary Education Commission has approval and licensing authority for private and public degree-granting institutions.

P-16 (K-16) Structures

None.

Other Statewide Postsecondary Organizations

The New Hampshire Forum for Higher Education, a cross-section of business, education and public policy partners, was created in 2000.



Statutory Advisory Committee	N.H. REV. STAT. ANN. §187-A:28-a created the Public Higher Education Study Committee in 1998. The committee is composed of 8 members and examines the goals, purposes, organization, and financing of public postsecondary education in New Hampshire. It also evaluates and makes recommendations on the university of New Hampshire, Plymouth State College, Keene State College, the College of Lifelong Learning and the regional community-technical college system.
Special Features of State Since 1997	None.
Additional Information	

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# *New Hampshire Postsecondary Education Commission*

**Dr. Kathryn G. Dodge, Executive Director**

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Postsecondary Education  
Commission

Financial Aid

Veterans State Approvals

Career School Licensing

Degree-Granting Approvals

Closed School Transcripts

Commission Members

Degree-Granting Institutions  
Approved to Operate in New  
Hampshire

Directory of  
Career Schools

Privacy Statement

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Concord, NH 03301-8543

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TDD Access Relay NH: 1-800-735-2964

Webster - New Hampshire State Government  
Online

The Postsecondary Education Commission is the state agency responsible for regulating postsecondary educational institutions in the state, establishing criteria for granting degrees and awarding grants, scholarships and loans to students. The Commission also acts as the repository of transcripts for New Hampshire colleges that have closed their doors, and operates the Veterans State Approvals under the authority of the U. S. Department of Veteran Affairs.

The Commission's mission has evolved to the point where its activities can be grouped into two areas. The first is to provide access to higher education and the second is to ensure educational quality.

The Commission administers various programs that affect higher education. These cover the broad areas of institutional oversight, degree approval, proprietary school licensing and access. In addition, there are programs dealing with access to higher education, including numerous financial aid programs which the Commission staff administers.





*New Hampshire Postsecondary Education Commission*

**Commission Members  
2005**

RSA 188-D:2

Postsecondary Education  
Commission

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# TITLE XV EDUCATION

## CHAPTER 188-D POSTSECONDARY EDUCATION COMMISSION

### Section 188-D:2

**188-D:2 Postsecondary Education Commission.** – There is hereby established a postsecondary education commission of 22 members with the following membership:

I. The president of the university of New Hampshire; the president of Keene state college; the president of Plymouth state university; the chancellor of the university system; a president of one of the institutions of the department of regional community-technical colleges, to be chosen by the board of trustees of that department;

II. Two members to be appointed by the trustees of the university system of New Hampshire, one of whom shall be a full-time undergraduate student who is a resident of the state, and whose term shall cease upon graduation or change of status as such undergraduate student;

III. The commissioner of education and the commissioner of regional community-technical colleges;

IV. One member to be appointed by the board of trustees of the department of regional community-technical colleges who shall be a representative of the regional community-technical institute and colleges who shall be a full-time student at one of these institutions and a resident of the state and whose term shall expire upon graduation or when the member is no longer a full-time student;

V. Six representatives of the private 4-year colleges in New Hampshire appointed by the governor and council on recommendation by the New Hampshire College and University Council, with no more than one representative from any one college;

VI. One full-time undergraduate student of a private 4 year college in the state of New Hampshire, to be appointed by the governor and council from a list of at least 5 students submitted by the New Hampshire College and University Council, who shall be a resident of New Hampshire and whose term shall expire upon graduation or change of status from a full-time student;

VII. One member to be appointed by the governor and council as a representative from the following type of college or school: junior college, proprietary school, junior or senior college and community college not a member of the New Hampshire College and University Council;

VIII. Four members to be appointed by the governor and council who shall be residents of the state and of the lay public, having no official connection with any postsecondary educational institution as an employee, trustee or member on a board of directors of any educational institution.

The terms of appointed members, except as indicated above, shall be for 5 years and until a successor is appointed and qualified. Vacancies shall be filled for the unexpired term.

**Source.** 1973, 533:1. 1983, 75:1, 2; 239:7. 1985, 233:1-3. 1989, 303:1. 1995, 182:22, 29, eff. Aug. 4, 1995. 1996, 110:1, eff. July 14, 1996. 1998, 272:33, 34, eff. Jan. 1, 1999. 2003, 159:1, eff. Aug. 16, 2003.





POSTSECONDARY GOVERNANCE

RHODE ISLAND





## State Profiles - Postsecondary Governance Structures Database

Education Commission  
of the States

### Rhode Island : Postsecondary Governance Structures

#### PS Governance

##### State-Level Coordinating and/or Governing Agency

The Board of Governors for Higher Education, established in 1981, serves as the statutory governing agency for the Community College of Rhode Island, Rhode Island College and the University of Rhode Island. The Board of Governors consists of 15 members: 12 appointed by the governor (including one student), the chairperson of the Board of Regents for Elementary and Secondary Education (also appointed by the governor), and the chairpersons of the Senate and House finance committees or their designees. Governor appointees require confirmation by the Senate. Public members serve a 3-year office term, and they may be reappointed to a total of 3 terms (except students who may serve only 1 2-year term). The powers and duties of the board include: developing a postsecondary education information system, state-level planning approving postsecondary institutions and programs, budget preparation and property management for public postsecondary education, and general oversight of public postsecondary education. The executive officer of the board is the commissioner of higher education, who is appointed by the board with the approval of the governor and serves at the board's pleasure. The board maintains an office of higher education. There is a Board of Regents for Elementary and Secondary Education and a Public Telecommunications Authority. Prior to 1981, the responsibilities of these 2 entities, together with those of the Board of Governors, were vested in a single Board of Regents for Education.

##### System/Institutional Governing Boards

The Board of Governors for Higher Education serves as the governing agency for the Community College of Rhode Island, Rhode Island College and the University of Rhode Island. See the State-Level Coordinating and or Governing Agency section for additional information.

##### State Student Assistance and Loan Agencies

Student assistance programs are administered by the Rhode Island Higher Education Assistance Authority and the Rhode Island Student Loan Authority.

##### Postsecondary Vocational-Technical Education

The Department of Elementary and Secondary Education serves as the State Board of Vocational Education. However, the Board of Governors for Higher Education has approval authority over all postsecondary for-profit/proprietary schools.

##### State-Level Organization of Independent (Not for Profit) Colleges and Universities

The Rhode Island Independent Higher Education Association is composed of the presidents of the independent institutions of higher education in Rhode Island. By statute, the chairperson of the group (or designee) serves on the board of directors of the Rhode Island Higher Education Assistance Authority.

##### Licensure/Approval Agencies

The Board of Governors for Higher Education has approval authority for private/nonprofit degree-granting institutions not specifically exempted by statute or legislative action and approval authority for proprietary schools. For-profit degree-granting institutions are prohibited from operating in the state by statute.

##### P-16 (K-16) Structures

In January 2000, a Teacher Preparation Policy Group was formed by the Rhode Island Office of Higher Education based on the recommendation of the Governor's Teacher Preparation Task Force. This high-level policy group is charged with addressing teacher preparation issues. Initial priorities for this group include examining ways of improving the preparation of new teachers in reading/language arts, and engaging arts and sciences faculty with teacher education faculty and practicing teachers to improve content knowledge and pedagogy.

##### Other Statewide Postsecondary Organizations

None.



Statutory Advisory Committee	None.
Special Features of State Since 1997	See the P-16 (K-16) Structures section.
Additional Information	

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# Office of Higher Education

Commissioner of Higher Education Jack R. Warner Ed.D.

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**Annual Budget: \$2,200,000**

**Total Personnel: 23**

The Office of Higher Education, which operates under the direction of the Commissioner of Higher Education, is the administrative and research arm of the Rhode Island Board of Governors for Higher Education. The Board of Governors is not a department of state government, but an independent public corporation vested with the responsibility of providing oversight for the system of public higher education in Rhode Island. This system consists of three institutions: the University of Rhode Island, Rhode Island College, and the Community College of Rhode Island.

## **Responsibilities:**

In fulfilling the state and federal statutory and regulatory responsibilities of the Board of Governors, the Office of Higher Education serves to avoid costly duplication of services by carrying out and coordinating certain functions on a systemwide basis. Examples of such functions include collective bargaining and administration of collective bargaining agreements, systemwide planning, legislative and executive relations, capital development, liaison with national and regional education agencies, data gathering and analysis, education policy development, facilities planning and oversight, the staffing of presidential searches, budgetary consolidation, and staff work for the Board of Governors and its subcommittees.





## **Powers and Duties of the Board of Governors**

The Board is the state's legal entity for public higher education. It has the capacity to sue and be sued, to employ personnel, to own real property, and to engage in collective bargaining. In addition, the Board is empowered to --

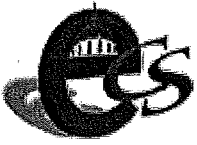
1. Approve a systematic program of information gathering and analysis to assist in meeting the current and future educational needs of the state.
2. Approve a master plan defining broad goals and objectives for the higher education system and use these continually to evaluate higher education.
3. Prepare and maintain a five-year funding plan for higher education.
4. Oversee independent institutions of higher education in Rhode Island and regulate proprietary schools.
5. Approve a budget for the three public institutions and for the Office of Higher Education.
6. Develop a comprehensive capital development program.
7. Appoint a Commissioner of Higher Education, who serves under contract at the pleasure of the Board of Governors.
8. Establish an Office of Higher Education; provide for its staffing and organization.
9. Appoint and dismiss presidents of the three institutions of higher education in conjunction with the Commissioner; approve or disapprove of vice-presidential appointments made by the presidents of the three institutions.
10. Establish other agencies or subcommittees necessary to help promote any aspect of higher education in Rhode Island.
11. Establish a clear, distinct mission statement for each of the three institutions with the goal of minimizing duplication and maximizing efficiency.
12. While the Board is prohibited from engaging in the operation or administration of any subordinate institution, it is empowered to adopt and submit a budget for public higher education and to allocate appropriations among its institutions; to approve tables of organization; to create, abolish, and consolidate departments, divisions, programs and courses of study; and to acquire, hold and dispose of property for the three institutions.



POSTSECONDARY GOVERNANCE

VERMONT





## State Profiles - Postsecondary Governance Structures Database

Education Commission  
of the States

### Vermont : Postsecondary Governance Structures

#### PS Governance

State-Level Coordinating and/or Governing Agency	There is no statutory or constitutional statewide postsecondary coordinating or planning agency in Vermont. The Vermont Higher Education Council is a voluntary body created for informal communication and planning. The Boards of Trustees for the University of Vermont, the State Agricultural College and the Vermont State Colleges govern the 2 institutional systems in the state.
System/Institutional Governing Boards	Vermont has 2 institutional governing agencies: (1) the Board of Trustees of the University of Vermont and State Agricultural College exercises statutory authority for that single institution; and (2) the Board of Trustees of the Vermont State Colleges exercises statutory authority for 3 senior colleges, a single technical college offering 2- and 4-year degrees and a statewide, open, noncampus community college. The Board of Trustees of Vermont State Colleges is comprised of 15 members -- 4 Legislative trustees who serve 4-year terms and are elected by the state legislature, 9 trustees appointed by the Governor who serve 6-year terms, 1 student trustee elected by the Vermont State Colleges Student Association who serves a 1-year term and the governor, who is an ex-officio member by virtue of the elected office that he or she holds. The Vermont State Colleges Board of Trustees was established along with the Vermont State College System in 1961. Each governing board submits its budget and a requested appropriation amount for the upcoming fiscal year to the governor. Recommendations regarding the annual appropriation amounts are submitted to the General Assembly, which makes appropriations for the support of the university and state colleges.
State Student Assistance and Loan Agencies	The Vermont Student Assistance Corporation is the state student assistance agency.
Postsecondary Vocational-Technical Education	The State Board of Education is the State Board of Vocational Education. All less-than-baccalaureate postsecondary occupational education programs fall under the 2 higher education governing boards. 3 schools of licensed practical nursing, which have been operated by the State Department of Education, were transferred to the Vermont State Colleges effective July 1, 1994.
State-Level Organization of Independent (Not for Profit) Colleges and Universities	Most private colleges and universities are members of the Association of Vermont Independent Colleges.
Licensure/Approval Agencies	The State Board of Education serves as the licensing and approval authority for private institutions and also authorizes the granting of degrees. There is no approval authority for private vocational-technical institutions that do not grant degrees. The State Department of Education assists the Veterans Administration in approving programs for veterans' education.
P-16 (K-16) Structures	<p>The Vermont Public Education Partnership (VPEP) was established in 2000 as a voluntary group made up of the state commissioner of education, the president of the University of Vermont and the chancellor of the Vermont State College system. VPEP's charge is to extend genuine education access to all Vermonters, to make real progress in addressing shared issues and to manage in a newly interactive way the transitions between secondary and higher education.</p> <p>There is also the Vermont Commission on Educator Quality, which was established by executive order. (The date of the commission and its mission were not given.)</p>



Other Statewide Postsecondary Organizations	<p>The Vermont Higher Education Council represents all accredited public and private institutions in the state and, by statute, advises the State Board of Education on the approval of private institutions and the authorization to grant degrees.</p> <p>Other statewide postsecondary organizations include the Vermont Higher Education Commission, the Commission on Higher Education Funding and the Vermont Council on Teacher Education.</p>
Statutory Advisory Committee	None.
Special Features of State Since 1997	See the P-16 (K-16) Structures section.
Additional Information	

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## RELATED PUBLICATIONS

Aims C. McGuinness  
Education Commission on the States

Guidelines for States Considering Reorganization

StateNotes  
Governance (Postsecondary)

Policy Brief, Governance (Postsecondary)  
Reflections on Postsecondary Governance Changes

Oregon University System

Review of Alternative State-level Higher Education  
Governance Structures



# Guidelines for States Considering Reorganization

Aims C. McGuinness

February 2002

In most states, leaders have made governance changes without first making a thorough evaluation of how well their existing policies and structures align with the state's agenda and the public interest. Consequently, one can find numerous examples of governance changes that failed to meet the expectations of the people who proposed them. Continuing changes in public expectations and new policy environments require changes in many existing structures. States that fail to assess these contextual factors risk seriously hampering the capacity of the state and its postsecondary education system to compete in the new environment.

States considering reorganization need to do the following:

- ***Focus first on ends, not means.*** Clear goals and objectives need to precede reorganization. Reorganization is a means to an end, not an end in itself. Reorganization without a sense of purpose or direction may be more damaging than maintaining the status quo. If reorganization debates are framed by good information about the state's demographic, economic and education trends, the debate is more likely to focus on the ends to be achieved than on arguments about means, turf and power.
- ***Be explicit about the specific problems that are the catalysts for the reorganization proposals.*** In governance debates, rationales for change can be expressed in lofty terms disconnected from the problems that led to the proposals. In some cases, the real issue is a specific concern, such as perceived inequities, other problems in financing policy or failure of an existing structure to curb institutional turf battles and unnecessary duplication of high-cost graduate and professional programs. In other cases, the issue may be state leaders' sense that the existing structure is inadequate to help the state confront major policy priorities, such as workforce development or P-16 reform. Whatever the issue, the problem may lie elsewhere (e.g., in the politics of the legislative process), and not in the postsecondary education structure itself.

■ ***Ask if reorganization is the only or the most effective means for addressing the identified problems.*** Reorganization is necessary at times and can be an effective way to signal new directions, assert new leadership and provide a framework for new policy initiatives. But other alternatives, such as strengthened leadership by boards and executive officers or new financing and accountability measures need to be considered carefully.

■ ***Weigh the costs of reorganization against the short- and long-term benefits.*** What short- and long-term damage will result if reorganization is pursued? It may take five to eight years for a newly organized system to begin to function effectively and to yield anticipated results. Major reorganization often is proposed to achieve efficiencies, but little account is taken of the extraordinary costs and reduced productivity stemming from the uncertainty and low morale of persons affected by the changes. Large-scale organizational change requires extensive consultation and rebuilding of the formal and informal networks essential for effectiveness. All these processes are the basic costs of change.

■ ***Recognize that a good system balances state and societal needs and the needs of colleges and universities.*** The assumption that one viewpoint must rule is dangerous. Some officials argue that institutional autonomy is an absolute good and that state involvement on behalf of the public interest must be kept at a minimum. Others believe state priorities must rule and that they need to constrain institutional autonomy. The challenge for states is to develop structures and policies that foster appropriate institutional autonomy, as well as institutional responsiveness to public priorities.

■ ***Distinguish between state coordination and institutional governance.*** Coordination is concerned primarily with the state and system perspective – the framework within which governance takes place. Governance, on the other hand, relates to the direction, by boards of trustees and presidents, of individual colleges and universities or systems of institutions. This distinction is important because states often try to solve coordination problems with governance alternatives or vice versa.

■ ***Examine the total policy structure and process, including the roles of the governor, executive branch agencies and the legislature, rather than only the formal postsecondary education structure.*** States often will change the postsecondary education structure (e.g., abolish or restructure a state coordinating board) when, in reality, the source of the problem lies elsewhere (e.g., the state civil service requirements or the

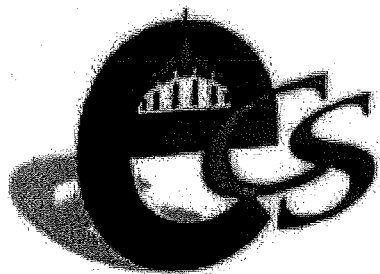
enactment of inappropriately detailed mandates by the state legislature). State coordination of postsecondary education is one of the most complex, difficult balancing acts in state government. There are no simple answers, no absolutes. While lessons can be drawn from other states, there is no perfect model. Conflicts are the reality. The challenge is to resolve those conflicts as close to the operating level (e.g., at the campus or through cooperation among campuses) and as close to the real problems as possible. Once issues rise to the level of the governor and legislature, political, as opposed to education values, tend to dominate the debate. Finally, what worked at one point, with one set of actors, may not work at another point. State leaders need to periodically evaluate the adequacy of their systems and undertake carefully considered changes when necessary.

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# StateNotes

## Governance (Postsecondary)

Education Commission of the States 700 Broadway, Suite 1200 Denver, CO 80203-3460 303.299.3600 Fax: 303.296.8332 www.ecs.org

### The Authority of State Boards of Postsecondary Education

Aims C. McGuinness

November 2002

This document contains information about the authority of state boards of postsecondary education. It provides a summary of the status of the authority of state boards of postsecondary education, discusses the changes that were made in their status between 1997 and 2002 and contains a table that displays all states according to three broad categories: consolidated governing boards, coordinating boards and planning/service agencies.

#### Summary of Status in 2002

- ⊙ Twenty-two states plus the District of Columbia and Puerto Rico are consolidated governing board states. These states organize all public postsecondary education under one or two statewide governing boards. None of these states has established a statewide coordinating agency with significant academic policy or budgetary authority between the governing board and state government. Nine of these states organize all public postsecondary education under a single governing board. The other 14 states have two boards: most often a board for universities and a board for community colleges and/or technical colleges. In several of these states, the second board is a coordinating board for community and/or technical colleges.
- ⊙ Twenty-five states are coordinating board states.
  - ⊙ Twenty-one of these states have regulatory coordinating boards with academic program approval authority. Sixteen of these boards have significant budgetary authority, three have limited budget authority, and one has no role in the budgetary process.
  - ⊙ Two states have advisory boards with no program approval authority and only authority to review and recommend budgets.
  - ⊙ One consolidated governing board state (Alaska) has an advisory board with limited authority to review and make recommendations on budgets.
- ⊙ Three states (Delaware, Michigan and Pennsylvania) have planning/service agencies but no other boards between the governing boards for each institution and state governments. Three other states plus District of Columbia and Puerto Rico have planning/service agencies between their consolidated governing boards and state government. In Minnesota, New Hampshire and Oregon, these agencies perform functions such as administration of student aid and institutional licensure and authorization. In Vermont, the Vermont Higher Education Council is a non-statutory voluntary planning entity.
- ⊙ Five states (Florida, Idaho, Michigan, New York and Pennsylvania) have state boards with formal legal authority for all levels of education (Pre-K-16/20). Nevertheless, as illustrated in the table, the formal authority of these boards for postsecondary education varies significantly. Only in Idaho and New York does the state board have significant program and/or budgetary authority related to all postsecondary education. A constitutional amendment approved by Florida voters in November 2002 removes the responsibility for universities from the previous P-20 state board of education and creates a new board of governors with governing responsibility for the state universities. The state universities continue to have local boards. The P-20 state board of education continues to have responsibility for coordinating the locally governed community colleges.

#### Changes Since 1997

This same classification was included in the 1997 *State Postsecondary Structures Sourcebook*. The most significant change since 1997 was a decrease in the number of states with consolidated governing boards from 24 to 22. Florida and West Virginia were reclassified as states with regulatory coordinating boards. The number of states with coordinating boards increased from 24 to 25 with the addition of Florida and West Virginia and the reclassification of Pennsylvania as a planning/service agency state. With the reclassification of Pennsylvania, the number of states classified as planning/service agency states increased from two to three.

#### Explanation and Summary of Table on Authority of State Boards of Postsecondary Education, 2002

The following table displays all states according to three broad categories: consolidated governing boards, coordinating boards and planning/service agencies. The table organizes states according to the extent of the boards' formal authority for academic policy and budget. Reading from left to right, the boards in the states on the left have more formal authority in these policy domains than those to the right. Consolidated governing boards have broad authority for both academic policy and budget related to the institutions under their authority. The states with coordinating boards are divided according to regulatory boards with program approval authority and advisory boards with only program review authority. Within these two categories, the states are grouped according to the boards' authority in the budget process.

#### *Authority of State Boards of Postsecondary Education, 2002*



Consolidated Governing Boards		Coordinating Boards					Planning/Service Agencies
		Regulatory Coordinating Boards Boards with Program Approval Authority			Advisory Boards Boards with No Program Approval Authority – Only Authority to Review and Recommend		(Three states plus Washington DC and Puerto Rico have agencies in addition to governing boards)
<i>One Board for All Public Institutions</i>	<i>Two Boards Encompassing All Public Institutions</i>	<i>Consolidated or Aggregated Budget</i>	<i>Budget Review and Recommendation</i>	<i>No Statutory Budget Role</i>	<i>Consolidated or Aggregated Budget</i>	<i>Budget Review and Recommendation</i>	<i>No Statutory Budget or Program Approval Roles</i>
Alaska (b) Hawaii Idaho (a) Kansas (d) Montana Nevada North Dakota Rhode Island South Dakota DC (b) Puerto Rico (b)	Arizona Georgia (c) Iowa (c) Maine (c) (e) Minnesota (g) Mississippi (c) New Hampshire (c) North Carolina Oregon (c) (j) Utah Vermont (l) Wisconsin Wyoming	Alabama Arkansas Colorado (f) Florida (a) Illinois Kentucky Louisiana Maryland Massachusetts (k) Missouri Ohio Oklahoma South Carolina Tennessee West Virginia	Connecticut Nebraska New Jersey Texas (f) Virginia (f) Washington	New York (a)		Alaska (b)* California New Mexico (h)	Delaware Michigan (a) Minnesota (g)* New Hampshire (c)* Pennsylvania (a) (i) Vermont (l)* DC (b)* Puerto Rico (b)*
States = 9, plus DC and PR	States = 13	States = 15	States = 6	States = 1	States = 0	States = 2, plus (1)	States = 3, plus DC and Puerto Rico

NOTES: States listed in more than one column are noted with an asterisk "\*" with the total number of duplicates at the bottom of the column.

- (a) State board/agency responsible for all levels of education (Pre-K-16/20).
- (b) State has both consolidated governing board(s) and coordinating or planning/service agency.
- (c) One of the two boards is a statewide coordinating or governing body for community colleges and/or postsecondary technical institutions.
- (d) Kansas Board of Regents is a consolidated governing board for universities and coordinating board for locally governed community colleges and Washburn University.
- (e) Maine Maritime Academy is the only public institution with its own governing board outside a system.
- (f) Coordinating board develops the formula that is the basis for institutional allocations.
- (g) Minnesota Higher Education Service Corporation has no statutory planning authority.
- (h) New Mexico Commission's program approval authority is limited to graduate programs.
- (i) Pennsylvania State Board of Education's program approval authority is limited to specific areas (e.g., teacher education). Board also must approve new campuses or sites. Department of Education has budget responsibility for community colleges and regulatory responsibilities regarding for-profit institutions.
- (j) Oregon's agency is within the Office of the Governor
- (k) Massachusetts Board of Higher Education is coordinating board for public system and governing board for community colleges and state colleges.
- (l) Vermont has no statutory planning/coordinating entity. Vermont Higher Education Council is voluntary.

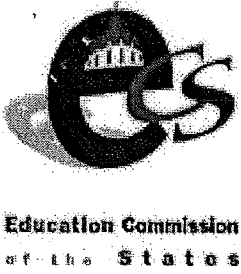
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# Policy Brief

## Governance (Postsecondary)

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### Reflections on Postsecondary Governance Changes

Aims C. McGuinness

July 2002

#### Viewing Changes from a Long-Term Perspective

The last 25 years of the 20th century witnessed fundamental changes in state postsecondary education structures. These changes reflect broader societal trends, including shifting economic conditions, as well as movements in the prevailing views about the role of government in domestic policy. Notwithstanding these changes, though, certain policy issues appeared consistently in the debates about governance throughout this period.

#### *Changes Reflecting Broader Societal Trends*

A few states established statewide governing or coordinating structures in the first half of the 20th century, but the most dramatic increase in states with these structures occurred in the 1960s. Two forces spurred these changes:

- Pressures to manage proliferation of institutions and programs, and to curb unnecessary duplication as states responded to dramatic enrollment increases
- The prevailing public management approaches of the time emphasizing rational planning and quantitative analysis.

By 1971, all but four states (Delaware, Michigan, Nebraska and Vermont) had established either statewide governing boards encompassing most, if not all, their public institutions or statewide coordinating boards.

A requirement in the federal Education Amendments of 1972 that states establish postsecondary education planning commissions in order to be eligible for planning and other categorical grants spurred a number of states to revise their structures. Later in the 1970s, severe economic conditions led states to turn more to regulatory policies such as mission definition and program review in efforts to get institutions to contain costs and eliminate unnecessary duplication.

As the economy improved in the early 1980s, a shift occurred in the prevailing views about the role of government in not only postsecondary education but also other dimensions of state responsibility. Reflecting what later became known as the neo-liberal approach to public policy, political leaders began advocating decentralization, deregulation and privatization balanced by increased reliance on performance measures and incentive funding to ensure responsiveness of institutions to public purposes. These trends were reflected in changes in the statutory mandates of state higher education agencies as illustrated in Figure 1.

**A SHIFT FROM:**

Rational planning for static institutional models

Focus on providers, primarily public institutions

Service areas defined by geographic boundaries and monopolistic markets

Tendency toward centralized control and regulation through tightly defined institutional missions, financial accountability and retrospective reporting

Policies and regulation to limit competition and unnecessary duplication

Quality defined primarily in terms of resources (inputs such as faculty credentials or library resources) as established within postsecondary education

Policies and services developed and carried out primarily through public agencies and public institutions

**TO:**

Strategic planning for dynamic market models

Focus on clients, students/learners, employers and governments

Service areas defined by the needs of clients served by multiple providers

More decentralized management using policy tools to stimulate desired response (e.g., incentives, performance funding, consumer information)

Policies to “enter the market on behalf of the public” and to channel competitive forces toward public purposes

Quality defined in terms of outcomes and performance as defined by multiple clients (students/learners, employers, government)

Increased use of nongovernmental organizations and mixed public/private providers to meet public/client needs (e.g., developing curricula and learning modules, providing student services, assessing competencies, providing quality assurance)

During the recession of the late 1980s and early 1990s, some states reverted to the more regulatory approaches reminiscent of the recession in the 1970s, but as the economy recovered, the basic trends begun in the 1980s reemerged.

### ***Recurring Policy Issues***

Governance changes often occur because of – or are heavily influenced by – societal trends, as summarized above. But throughout the past half-century, remarkably similar policy issues have triggered most significant reorganizations.

#### **Changes in Political Leadership**

Newly elected governors often propose state government reorganization for both substantive and symbolic reasons. Since the mid-1980s, governors have played an increasingly aggressive role in shaping postsecondary education policy and reorganization to improve public accountability and efficiency. Less frequently, reorganizations are triggered by changes in party control in the state legislature or at the initiative of legislative leaders.

#### **Long-standing “Irritants” in the Politics of the State Postsecondary Education System**

These irritants tend to be long-standing problems that may fester for years but then, especially at points of changes in political leadership or severe economic downturns, they trigger debates, lead to special study commissions and often eventually result in full-scale reorganization. Examples of several of the most

common issues are:

- **Access to high-cost graduate and professional programs.** In most states, regional economic, political and cultural differences present serious challenges to state policymakers. These regional stresses are amplified and played out in conflicts within the states' postsecondary education systems. A common scenario begins with pressure from a growing urban area to have accessible graduate and professional programs. Subsequent local campaigns and state lobbying efforts to expand these initiatives from a few courses to full-scale programs and then new campuses lead to opposition from existing universities and other regions. The same scenario often plays out when isolated rural areas struggle to gain access to programs for place-bound adults. Local and regional end-runs to the governor or legislature to get special attention either to advance or block such initiatives usually spark political struggles that inevitably lead to major restructuring proposals.
- **Conflict between the aspirations of two institutions (often under separate governing boards) in the same geographic area.** Again, conflicts tend to be over which institution should offer high-cost graduate and professional programs. Major reorganization proposals, usually mergers or consolidations, frequently occur after years of other efforts to achieve improved cooperation and coordination.
- **Political reaction to institutional lobbying.** As governors and legislators face politically difficult and unattractive choices to curtail rather than expand programs, intense lobbying by narrow, competing institutional interests can spark demands for restructuring. Political leaders seek to push such battles away from the immediate political process by increasing the authority of a state board, with the hope that the board will be able to resolve the conflicts before they get to the legislature. The reverse situation also occurs frequently. A state board will act to curtail an institutional end-run and then face a legislative proposal, frequently stimulated by the offending institution, to abolish the board. Short-term victories gained through end-running the established coordinating structures usually lead to greater centralization.
- **Frustrations with barriers to student transfer and articulation.** Cumulative evidence that student transfer between institutions is difficult, or the number of credits limited, often leads to proposals to create a "seamless" system. Before the mid-1990s, most of the reorganization proposals were limited to postsecondary education (e.g., consolidating institutions under a single governing board), but an increasing number of states are debating proposals to create P-16 (primary through postsecondary education) structures.
- **Concerns about too many institutions with ill-defined or overlapping missions.** At issue may be small, isolated rural institutions or institutions with similar missions in close proximity to one another. The governance debates often emerge from proposals to merge, consolidate or close institutions or to make radical changes in institutional missions. The intense lobbying and publicity by persons who oppose the changes often lead to proposals for governance changes. In some cases, the proposals are to abolish the board that proposed the changes. In other cases, just the opposite is proposed – to increase the board's authority out of frustration with its inability to carry out a recommended closure or merger.
- **Lack of regional coordination among institutions (e.g., community colleges, technical colleges, branch campuses) offering one- and two-year vocational, technical, occupational and transfer programs.** Many states have regions or communities where two or more public institutions, each responsible to a different state board or agency, are competing to offer similar one- and two-year programs. In the worst situations, this may involve a postsecondary technical institute, a community college and two-year lower-division university branches competing for an overlapping market in the same region.
- **Concerns about the current state board's effectiveness or continuing relevance to state priorities.** Reorganizations often result from efforts to change leaders or leadership styles. As illustrated by the

brief summary of changes over the past 25 years, state leaders tend to see the importance of statewide coordination in times of severe fiscal constraints, but when the economy is strong and these leaders face fewer difficult choices among competing priorities, the relevance of state agencies is less evident.

Common triggers for change include:

- A sense that a board, or its staff, is ineffective or lacks the political influence or judgment to address critical issues facing the state, which are often one or more of the other perennial issues. They may be perceived as unable to resolve problems before they become major political controversies, or they may have handled difficult issues poorly in the past.
- A desire to change leadership style or underlying philosophy of the state role. This may be a reaction to aggressive, centralized leadership and an effort to shift to a more passive, consultative leadership approach – or the reverse. The change may be to move from a focus on administrative, regulatory or management issues internal to postsecondary education to a focus on policy leadership relative to a broader public agenda.
- State leaders also may propose reorganization not because the structure has problems but simply to change the leadership or personalities involved in the process.

## **Recent Significant Changes in State Structure**

In the five-year period from 1997 to 2002, eight states enacted significant changes in state-level postsecondary education structure, with “significant” defined as eliminating, establishing or changing the authority of state-level boards. These states were Arkansas, Colorado, Florida, Kansas, Kentucky, Louisiana, Utah and West Virginia.

Several other states made less far-reaching but nonetheless important changes in governance or the roles of state-level boards or systems. These included Hawaii, Maine, Maryland, North Dakota and Texas. In the previous five-year period, roughly from 1992 to 1996, four states enacted significant changes. These states were Illinois, Minnesota, Nebraska and New Jersey.<sup>[1]</sup>

Four major categories of change occurred in the 1997-2002 period:

- Comprehensive reforms linked to a public agenda for the future of the state
- Establishment of K-16/K-20 structures
- State structures for community and technical colleges
- Decentralization and deregulation.

### ***Comprehensive Reforms Linked to a Public Agenda for the Future of the State***

The governance changes in Kentucky and West Virginia were elements of comprehensive reforms intended to achieve long-term improvements in the state’s economic competitiveness and quality of life. In both cases, changes in state financing policy were as important as governance changes. The changes in structure were seen as essential to put in place the capacity to lead and sustain the reforms.

- **Kentucky.** Legislation in 1997 replaced the Council on Higher Education with the Council on Postsecondary Education. The new entity has broader authority to lead the reform agenda and to affect change through financing policy. The regulatory emphasis of the previous entity was replaced by a new emphasis on policy leadership. The reforms also created a new statewide governing board – the Kentucky Community and Technical College System – to oversee the community and technical colleges.
- **West Virginia.** Legislation in 2000 established a new policy leadership/coordinating board – the Higher Education Policy Commission – to replace the two previous state-level governing boards – the Board of Trustees for the West Virginia Universities and the Board of Directors for the West Virginia State

Colleges. At the same time, the legislation created governing boards for each of the public institutions and established a step-by-step process for establishing independently accredited community and technical colleges separated from sponsoring four-year institutions.

- **Arkansas.** The changes in Arkansas focused more narrowly on the role of the Department of Higher Education and the state-level board. In 1997, the Higher Education Coordinating Board replaced the Board of Higher Education.

### ***Establishment of K-16/K-20 State Structures***

Several states established state-level structures for K-16/K-20 policy coordination between 1997 and 2002, but most of these structures were established not through formal new legislation but by Governors' Executive Orders or other means. With the exception of Florida, no state established a new K-16/K-20 structure that merged, consolidated or eliminated separate K-12 or postsecondary education state structures. Examples of new statutory structures that emphasize coordination rather than consolidation include:

- Georgia's A-Plus Education Reform Act of 2000 created an independent Office of Educational Accountability and a new coordinating council for education to strengthen accountability data and cooperation across educational sectors and to oversee the new accountability office.
- Indiana's Education Roundtable, chaired by the governor, was established to coordinate education policy across the education sectors.

The most far-reaching reorganization took place in Florida through the 1998 constitutional amendment that replaced the State Board of Education previously composed of the state's constitutional officers with a new State Board of Education appointed by the governor. Sweeping reforms enacted in the Education Governance Reorganization Act of 2000 defined the responsibilities of the new state board. In 2001, the legislature enacted the Education Reorganization Implementation Act that further defined the organizational structure. Among other points, the legislation abolished the Board of Regents for the state universities and created separate governing boards for each university within the overall policy framework of the State Board of Education.

While the scope of the changes in Florida cannot be denied, it is important to recognize certain aspects of the state's context that are unique to that state and not necessarily applicable to other states:

- The formal jurisdiction of the previous Florida State Board of Education encompassed the whole Florida education system, including the state universities, community colleges and the K-12 system. Therefore, the concept of a unified K-20 system was not new to Florida. The new structure gives that concept greater focus and coherence.
- The driving force behind key elements of the reform, especially the abolition of the Board of Regents and the creation of governing boards for each state university, was the political controversies related to the Board of Regents' approval – or disapproval – of new graduate and professional programs. These issues were unrelated to the theme of creating a K-20 state structure.

### ***State Structures for Community and Technical Colleges***

Six states made significant changes in state structure related to community and technical colleges. These changes reflected the intersection of two pressures: (1) the drive to create a capacity to improve the competitiveness of the states' workforce and (2) the frustration with long-standing policy disputes about responsibility for states' two-year institutions.

- **Kentucky.** As described above, a major element of the 1997 reform legislation was the Kentucky Community and Technical College System, which includes the community colleges formerly under the University of Kentucky and the technical institutions formerly under the state Cabinet for Workforce Development.



- **Louisiana.** Legislation and a subsequent constitutional amendment in 1998 created the Louisiana Community and Technical College System, which includes the technical colleges formerly controlled by the Board of Elementary and Secondary Education, and community colleges governed by other public governing boards.
- **Indiana.** Legislation in 1999 created the Community College of Indiana, a joint undertaking of Vincennes University and the Indiana Technical Colleges (Ivy Tech).
- **West Virginia.** As described above, the comprehensive reform legislation in 2000 (and further refinements in 2001) advanced a decade-long process of creating a community and technical college system by establishing a timeline for further separation of the community and technical colleges from sponsoring four-year institutions.
- **Kansas.** Legislation in 2000 reconstituted the Board of Regents and transferred to the new board the responsibility for coordinating the locally governed community colleges.
- **Utah.** Legislation in 2001 resolved a 30-year battle over the governance of the state's applied technology centers. The act reconstituted the five applied technology centers and four regional programs previously overseen by the State Board of Education as 10 regional applied technology colleges within the new Utah College of Applied Technology.

### ***Decentralization and Deregulation***

Several states enacted changes that decentralized governance and deregulated the relationship between the state and postsecondary education. In all these cases, the changes included provisions for increased public accountability in exchange for decentralization and deregulation. For example:

- As described above, the major reform legislation in Florida in 2001 and West Virginia in 2000 established governing boards for each of the states' public institutions (in Florida, each community college already had a governing board). Each public institution in West Virginia must enter into a compact with the Higher Education Policy Commission specifying performance goals to be achieved over a multi-year period.
- North Dakota enacted legislation in 2000 significantly changing the state's budgetary process to emphasize state priorities and granting the institutions increased flexibility on matters of fiscal and personnel policy.
- Maine enacted legislation in 2000 creating boards of visitors for each campus within the University of Maine System.
- Maryland enacted changes in 1999 granting the institutions within the University System of Maryland increased fiscal and procedural flexibility.
- Colorado enacted legislation in 2001 authorizing the Colorado School of Mines to negotiate a performance agreement with the Colorado Commission on Higher Education in exchange for increased independence from state oversight. Further statutory changes in 2002 separated two Colorado public institutions – Metropolitan State College of Education and Fort Lewis College – from their systems and established separate governing boards for each institution.
- Voters in Hawaii approved a constitutional amendment in 2000 to allow the University of Hawaii to formulate policy and exercise control over its internal operations without prior legislative approval.

### **“Public Interest” States vs. “Regulatory” States**

Based upon the formal changes in state structure summarized above, as well as other more subtle changes in the authority and influence of state postsecondary education boards taking place, what is increasingly

evident is the distinction between two kinds of states:

- States in which the state board has made the transition from the regulatory coordination of the past to a new role of policy leadership in the public interest – a transition that is recognized and supported by both policy and postsecondary education leaders.
- States in which the state board remains mired in the policies and regulatory practices of the past, and there is little current demand from the state's policy leaders for an independent state agency focused on policy leadership in the public interest. Consequently, these state boards are increasingly irrelevant to state postsecondary education policy.

States that have successfully made the transition from regulatory coordination to policy leadership in the public interest share certain characteristics:

- Policy leaders (the governor and state legislative leaders) recognize the fundamental distinction between the public interest in higher education and the interests of the postsecondary education institutions and sectors. It is not that these leaders see the public interest and institutional (provider) interests as necessarily in conflict; in contrast, they recognize the need for an independent state board focused on ensuring an *alignment* of the institutional interests with the public interest.
- State board members insist on a consistent board focus on the public interest, and understand the distinction between the public interest and institutional perspectives.
- Institutional leaders recognize the value of advocacy of the public interest in postsecondary education as a complement to institutional advocacy. While not always supporting the actions of the state board, these leaders recognize that effective policy leadership in the public interest is in the long-term interest of the institutions.
- The public agenda is focused on the link between postsecondary education and the needs of the state's population, and the state's economy and quality of life. The state boards most often lead in shaping these agendas, using information to define the major demographic, education and economic challenges, and building consensus among the state's policy, business and education leaders around a set of long-term goals.
- Willingness to reach beyond the state's public institutions to draw on multiple and often unconventional providers, as well as new modes of provision to ensure the state's postsecondary education needs are met.
- Links between financing policy and other market-oriented incentives and the public agenda. State boards in these states play central roles in ensuring links between the budget and the priorities defined in the public agenda.
- Use of information not only to shape the public agenda, but also to monitor and report to the public on progress toward goals.
- Consistent attention to the public agenda over a multi-year period spanning two or more election cycles. In each of these states, the board has played a role in shaping an agenda with wide, bipartisan support thereby ensuring leaders from both parties will sustain the focus on key priorities.
- Partnerships linking postsecondary education policy to K-12 through K-16/K-20 leadership groups and networks, as well as ones linking postsecondary education and economic development/workforce development.

In contrast, in those states that have failed to make the transition, there is little current demand for postsecondary education policy in the public interest. The state boards, whether coordinating or governing, remain bound by statutory mandates and modes of operation defined as long as 25 years ago. In addition:

- Coordinating boards in these states remain focused primarily on *coordinating public institutions* and core staff capacity is focused on the regulatory tasks of program approval and review, budget analysis and on administration of state and federal categorical grant programs. Little attention is given to shaping and building consensus around a public agenda, few connections are made between public priorities and budget/resource allocation, and links with K-12 and workforce development are driven more by externally funded initiatives than by the board's leadership and priorities.
- State-level governing boards in these states remain focused primarily on *internal system and institutional issues*. Institutional advocacy more than advocacy of the public interest is the highest priority – especially when the board perceives a threat to institutional interests. The boards responsible for systemwide collective bargaining find themselves deeply involved in issues of human resource policy. The weight of policies and practices built up over many years severely limits the capacity of these boards to shift to the broader role of policy leadership in the public interest.

As emphasized by the foregoing summary, the capacity of a state to make the transition to a state-level structure focused on policy leadership in the public interest depends fundamentally on the demand for such a transition by the state's leaders. A number of trends, however, are working against this demand, including:

- **Growing perception that postsecondary education is a private good.** This perception is reinforced by the increasing evidence of the individual benefits in terms of increased lifetime earnings of those with postsecondary education coupled with the increasingly independent, "private" behavior of public institutions. States are moving away from their traditional roles as "owner-operators" of public institutions and, for pragmatic as much as ideological reasons, are moving to selective subsidy of either institutions or students. This selective subsidy is linked to a narrower definition of how postsecondary education contributes to the public good. Examples include subsidy of students for access or performance or targeted subsidies related to workforce development, regional economic development, and applied research and technology linked to the state's economy.

These changes call for an entirely different approach to the state role in postsecondary education than the one prevailing at the time when most state coordinating and governing boards were established. Rather than overseeing a set of public institutions that were perceived as critical to the public interest, state boards are being called upon to oversee initiatives to ensure an increasingly "private" system responds to a more sharply defined set of public priorities.

- **Turnover in state government leadership.** State coordination as it evolved in the mid-1900s presumed a degree of stability in the structure and leadership of state government. A small number of key leaders in each state were responsible for shaping the structures established in the 1960s and 1970s. The continuing success of the structures they shaped depended, at least partially, on the ability of these people to remind each generation of political leaders about why the structure was formed and the basic values that should guide state-institutional relationships. Today, few of the people who shaped the current structures are still in positions of influence. The influx of many new players makes it difficult to sustain mandates over time as new players ignore or seek to change their predecessors' actions.

The turnover in legislators, accelerated in many states by term limits, has increased the focus on short-term issues and the influence of interest groups with the political and financial clout to shape legislative agendas. There are few demands for a long-term agenda spanning more than one election cycle. In this environment, lobbying by individual institutions for support from local legislators – always a reality of state postsecondary education politics – can have far greater impact than an effort by a state board to advance a long-term agenda for the public interest. In short, there is no audience for the broader public agenda.

- **Development of alternative sources of analysis.** In the 1960s and 1970s when many of the state postsecondary education agencies were first established, governors and legislators turned to these entities as sources of independent, objective analysis and advice. There was a clear understanding

among policy leaders that the unique culture and complexity of postsecondary education required a capacity for analysis that was unobtainable through executive branch or legislative staff.

Now, the situation has changed dramatically. Governors' budget staffs have specialized competence to review and analyze postsecondary education issues and legislative staff competence also has increased. Legislative turnover has strengthened the influence of legislative staff agencies as the tenure of staff members is often far longer than the elected members. State postsecondary education boards, especially boards that have not made the transition to a public interest focus, are often perceived as "just another interest group," rather than as sources of objective analysis and recommendations. Policy leaders are more inclined to turn to their own staffs or to external consultants than to the state board.

- **Increasing challenge of finding and retaining competent professional leadership for state coordination.** A state board's strength depends, in part, on its ability to develop and sustain a long-term agenda over several political cycles and to build a continuing consensus around the agenda among the state's leadership. The board's ability to conduct objective, independent policy analysis and policymaking is a key tool in this process. The skills needed to lead a state board today from the perspective of *policy leadership in the public interest* are fundamentally different from those of the past when the task was primary *coordination of institutions* and regulatory oversight.

Yet the capacity of state boards to attract and retain these leaders is increasingly problematic. In the period from 1998 to mid-2002, the state higher education executive officers changed in 29 states. While frequent turnover has always been a characteristic of these difficult positions, the pace of change has clearly increased. In some cases, this instability can be attributed to the increased political involvement in the appointment process. In the 1990s, several states modified their structures to give governors a more direct role in appointing either the state board chairmen or the executive officers. The price for increased responsiveness to public priorities in the short term, however, may be a high degree of instability as political leaders and priorities change.

A more fundamental problem is the limited opportunities for a new generation to develop skills necessary for these positions. Experience at a junior level at a state board still focused on the coordinating and governing tasks of an earlier time is unlikely to develop the skills needed for leadership in the new environment. At the same time, neither experience as an institutional president nor as a political leader or staff member likely to provide the skills and substantive background for policy leadership in the public interest.

- **Increasing difficulty in obtaining board members with sufficient influence and background to lead from a public interest perspective.** As emphasized above, those states that have made the transition to policy leadership in the public interest are characterized by strong policy leaders (governors and state legislators) who are committed to change and by strong effective board members who understand the difference between public interest advocacy as opposed to institutional advocacy. Lacking a clear demand for the public interest perspective, however, governors tend to make their strongest appointments to the more prestigious institutional boards.

## Conclusion

Viewed from a long-term perspective, changes in state postsecondary education structures reflect changes in the prevailing views about changes in the economy, the role of government and the unique political issues facing each state. The most significant trend over the past 25 years has been a shift in the basic assumptions about the state role in postsecondary education – from a focus on oversight and control of public institutions to the use of financing policy and incentives to meet the needs of the state's population through multiple institutions and modes of provision.

The extent to which states have made the transition from *coordination of institutions* to *policy leadership in the public interest* varies significantly across the country. Many states remain mired in the regulatory and governance modes of the past. The extent to which states make the transition will depend greatly on the

demand from the public and policy leaders for such a change, and on the development of a new generation of board members and professionals with the knowledge, skills and commitment to lead in the new policy environment.

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[1] For detailed information on recent governance changes, see Association of Governing Boards, Center for Public Higher Education Trusteeship and Governance, *State Governance Action Report*, available at [www.agb.org](http://www.agb.org).







Oregon  
University  
System

Academic Affairs - Reports

## **Review of Alternative State-level Higher Education Governance Structures**

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### **Executive Summary**

#### ***Foreword***

As state policy leaders, members of the Oregon State Board of Higher Education routinely face difficult decisions about their universities. Concerned first and foremost with access for students to high-quality learning opportunities and career preparation, the Board is currently dealing with the challenges of success. Enrollment is at an all-time high, while funding is constrained. Societal expectations are also high. They include access but also go well beyond it to research that drives the economic engine of the state, and to public services that extend faculty expertise to solving problems and improving the quality of citizens' lives. These are responsibilities public higher education shares with its partners in other sectors. At the same time, unprecedented challenges to higher education are emerging from enormous demographic, technological, economic, and political changes occurring around the world and here in Oregon. These transformations create tensions and raise questions about whether the way our enterprise is organized to fulfill important goals and purposes is the "right" way for Oregon. Is there policy consensus on the balance between continuity and change in the Oregon University System design for the structure, governance, finance, and accountability that will facilitate adaptation to our new environment and its expectations?

In July 2001 and again in September 2001, the Board met with an Association of Governing Boards' facilitator, Dr. Terrence MacTaggart, to discuss Board functioning and its strategic planning agenda for the coming year. One of the consistent themes of these discussions centered around balancing continuity in the governance arrangements for public higher education that Oregon has evolved over many decades, with the appropriate decentralization of responsibility to universities that enables adaptation to a dynamic future. It should be noted that these general concerns have been seriously deliberated by the Board's committees in recent years and a number of changes, both incremental and substantial, have been made.

Dr. MacTaggart suggested that it would be useful for the Board to review alternative system models to establish a common framework from which discussion might proceed. To that end, in the report that follows, staff has synthesized existing literature on the rich variety of American public higher education governance structures, including newer models (i.e., the public corporation), and described other recent developments. Although it is a truism, it must be said that while familiar patterns of governance repeat themselves across the 50 states, each state's history, culture, and politics have imprinted a highly individualized design on the governance models that have evolved.

#### **Review Summary: Alternative State-level Higher Education Governance Structures**



Statewide governance of public higher education began just after the start of the 20<sup>th</sup> century and flourished after World War II, in large part because the GI Bill greatly broadened access to college. Early in the century, most colleges and universities had individual institutional governing boards; however, by the 1970s, that changed. The complexity of the postsecondary institutions and the society being served resulted in most states deciding to implement multicampus or system boards.

### **Governance Structures**

Higher education analysts have developed a common taxonomy regarding state-level boards. Consolidated governing boards generally have the broadest range of authority over their constituent institutions. Responsibilities typically include:

- budget development and recommendation to the legislature,
- academic program review and approval,
- appointment, evaluation, and removal of system and institution heads,
- resource allocation,
- mission determination,
- auditing/assessment,
- coordination of centralized services,
- advocacy at the institution, state, and federal levels, and
- policy analysis and strategic planning.

Currently, 23 states (including Oregon) have consolidated governing boards.

Twenty-five states have coordinating boards, which have more limited authority than consolidated governing boards. In general, states with coordinating boards rely on institutional boards for governance activities while their coordinating boards focus on broader, statewide policy and system issues. There are two types of coordinating boards: regulatory and advisory. Regulatory boards generally have authority to approve academic programs whereas advisory boards usually make recommendations only. Some advisory boards also have other administrative responsibilities in such areas as student financial aid. Typical responsibilities for regulatory coordinating boards include:

- mission approval,
- academic program review or approval/recommendation
- budget development,
- statewide planning, and
- providing advice to governor/legislature on higher education issues.

Advisory coordinating boards participate only in the planning and advising parts of those responsibilities. Their role is quite similar to planning agencies. Only two states have planning agencies, whose job it is to conduct statewide master planning and advise the legislature and/or governor on issues relating to higher education.

The structures/models become somewhat mixed, because higher education governance and advisory activities also occur below the state level, especially in those states with coordinating boards. Twenty-six states have individual university/college boards, with responsibilities along a continuum from serving as goodwill ambassadors to providing significant governance to the institution. Twenty-four states have at least one multicampus board, ranging in size from two campuses (University of Virginia) to the State University of New York (64 postsecondary institutions). Like the institutional boards, the extent of the

board responsibilities varies widely. Finally, the reader should note that 15 of these states have both multicampus boards and individual institutional boards.

### **State Examples of Governance**

Seven states were selected to illuminate in greater detail the various ways in which governance responsibilities are delegated.

#### ***Idaho***

Idaho's eight-member consolidated governing board is what many refer to as a "superboard," governing kindergarten through graduate school. Part of what enables this structure to work is the small size of the state's population. Their fall 2001 postsecondary headcount enrollment, which includes high school vocational as well as two-year and four-year institutions, was 56,854.

#### ***Georgia***

Georgia's University System is governed by a 16-member consolidated governing board, appointed by the governor, whose members serve seven-year terms. The board has authority over four-year universities and colleges and community colleges. The University System is composed of 34 institutions: 4 research universities, 2 regional universities, 13 state universities, 2 state colleges, and 13 two-year colleges.

#### ***Maine***

The Board of Trustees of the University of Maine System is a consolidated governing board. Fifteen of the 16 members are appointed by the governor for five-year terms. The board has authority over the four-year universities and colleges. In addition, each institution has its own board of visitors, which has limited authority.

#### ***Nevada***

The 11 members of the Board of Regents of the University and Community College System of Nevada are elected by the public to serve six-year terms. Like other consolidated governing boards, they have significant authority over the campuses they serve.

#### ***New Jersey***

New Jersey has three distinct statutory bodies assigned to oversee postsecondary education in the state. The New Jersey Commission on Higher Education is a regulatory coordinating board with authority over the four-year public universities and colleges, community colleges, private institutions, as well as three degree-granting proprietary schools. A second layer of authority consists of the individual public university boards. A third layer is the Presidents' Council, with responsibilities such as reviewing and commenting on new academic programs and recommending new postsecondary institutions.

#### ***Washington***

A regulatory coordinating board closer to home, Washington's nine members are appointed by the governor for four-year terms. The board oversees the state's four-year institutions and community colleges. In addition, the community and technical colleges also have a nine-member state board. The four-year institutions each have their own board with

specific institutional authority.

### **Wisconsin**

The 17-member Board of Regents of the University of Wisconsin System is a consolidated governing board with authority over 26 institutions (13 four-year and 13 two-year). The Regents serve seven-year terms and are appointed by the governor. There are no institutional boards.

### **Strengths and Weaknesses of Two Major Governance Structures**

As some states seek to address their educational problems through decentralization (e.g., Florida), others have sought solutions through unification (e.g., Texas, Minnesota). Understanding strengths and weaknesses of enduring models, as well as emergent ones, may lead toward reforming them without decimating stable structures.

<b>Consolidated Governing Board</b>	
<b>Strengths</b>	<b>Weaknesses</b>
board has comprehensive authority	presidents' powers to lead institutions are circumscribed by powers of board/ Chancellor
balance needs of state and institutions	difficult to balance needs of state and institutions fairly
board can muster synergy/resources of multiple institutions to solve problems, meet state needs	board may be unduly influenced politically
board can ensure overall accountability for the sector's performance	difficult for board to gain depth/ breadth of knowledge to make the many complex decisions required of it

<b>Coordinating Boards</b>	
<b>Strengths</b>	<b>Weaknesses</b>
scope of authority usually includes two-year colleges, thus better opportunity for seamless education	no authority to ensure board's master/ strategic planning is implemented
incorporation of institutional governance provides system of checks and balances	two levels of boards may be costly, redundant, create conflict
distance from institutions allows board credible level of objectivity for planning/ policy development	no natural constituencies or political power base

### **Public Corporation Model**

The public corporation model, the subject of much recent attention in its pure and partial forms, has been implemented both here in Oregon by a public higher education institution

(Oregon Health & Science University) and in a few other states by higher education systems (Maryland, New Hampshire, Georgia, Maine).

### ***Maryland***

In 1988, the organization of public higher education in Maryland underwent major changes. Its four governing boards were replaced by a Board of Regents to oversee the newly formed University System of Maryland (USM); a statewide coordinating agency (Maryland Higher Education Commission, MHEC) was established; and a statewide vision for higher education (Maryland Charter for Higher Education) was established, which included a high level of coordination, mission specificity, and performance accountability.

In 1998, a task force assessed the reorganization. It found that, although progress had been made, presidents felt considerable dissatisfaction about the regulatory functions of the centralized administration, the inadequate funding levels, and the redundant authority patterns of MHEC and the USM administration. The task force made a number of recommendations including MHEC performing more of a planning role, the institution presidents being more active in advising the Board of Regents, and transforming USM into a public corporation. The task force also argued for state commitment to increased long-term funding of higher education.

In 1999, the governor and Maryland's General Assembly passed SB 682, which encompassed the recommendations of the task force. Legislators embraced the idea of USM as a public corporation in its business operations. Institutions would be developed in a differentiated manner. Presidents would have greater management responsibilities while meeting specific performance objectives. The regulatory scope of MHEC would be reduced, and its energy redirected toward statewide planning. And the legislation requested increased base budgets of certain institutions.

### ***Oregon Health & Science University***

OHSU was a member of Oregon's public higher education system from 1974 to 1995. However, numerous factors in the late '80s and '90s (e.g., managed care, Measure 5, changes in Medicare/ Medicaid reimbursement practices) made it increasingly difficult for OHSU operations to remain viable. After several years of exploring various options, SB 2 was passed in 1995, transforming OHSU into a public corporation with a more streamlined governance structure. In 2001, SB 511 expanded OHSU's mission, changed its name, and expanded its board of directors from seven to ten members upon OHSU's merger with Oregon Graduate Institute.

Key provisions of OHSU's public corporation status follow.

- The university is an independent public corporation created to carry out public missions and services.
- Directors, or university officials acting under them, exercise all the power of OHSU and govern the university related to university organization and administration, physical plant development, personnel arrangements, purchasing and procurement, property, gifts, investments, revenue sources, revenue bonds, insurance, campus security, contractual agreements, and all other fiscal and business matters.
- The university or the board sets and collects tuition and fees and establishes admission, academic progress, and student conduct policies.

- The university or the board creates, controls, set standards for, and adopts academic programs and awards degrees. (As a matter of long-standing practice and toward the goal of close academic collaboration and operation with Oregon University System institutions, OHSU has continued to present new programs for review by the OUS Academic Council and the State Board of Higher Education.)

As a public corporation, OHSU retains responsibility for carrying out its public missions, including training nurses, dentists, and physicians. The state retains a corresponding responsibility to help support the costs of providing these and other public services.

### **Recent State-level Governance Changes**

In the last couple of years, two states – Florida and West Virginia – have made major changes in their higher education governance structures. Following are the highlights of those changes.

#### ***Florida***

Effective July 2001, Florida's educational governance structure was dismantled and a new superboard (Board of Education) was installed to oversee public education, kindergarten through graduate school. In addition, each of the ten public universities has a gubernatorially appointed board of trustees responsible for appointing presidents, approving undergraduate and master's programs, and submitting budgets to the Board of Education, among other things. Some believe the reorganization was the legislature's retribution for the former Board of Regents voting their conscience rather than returning political favors. In the years prior to the restructuring, the Regents had halted legislators' attempts to establish new campuses and law schools in their own districts. Nor were the Regents willing to make high-level institutional appointments to some legislators.

Proponents of the governance change perceived the Board of Regents to be rigid and insensitive to the needs of the institution, nor was it developing as seamless an educational system as the state leaders desired. Proponents argued the new Board of Education would smooth the educational relationships among the sectors as well as provide the flexibility the institutions would need as enrollments grew.

The Board of Education will, among other things, prepare a coordinated budget, allocate resources, recommend missions of the postsecondary institutions, approve/terminate doctoral/professional academic programs, and develop a performance-based funding system and accountability standards for all public education in the state.

#### ***West Virginia***

Prior to July 2000, West Virginia had two state higher education governing boards – one with authority over West Virginia University, Marshall University, and the branch campuses; and one with authority over the state colleges and three community colleges. That all changed with the passage of SB 653. The two state higher education governing boards were replaced with an interim board for one year. Then, as of July 1, 2001, each institutional advisory board became that institution's governing board, and a new nine-member Higher Education Policy Commission was appointed. A list of peer institutions was developed for each institution, and the legislature allocated some monies accordingly (\$9.2 million in peer equity and sustained quality). Overall, higher education received an additional \$17.2 million. Analysts believe that if the peer equity funding continues over four years, the institutions will meet their peer levels.

Responsibilities for the new Commission include: statewide planning and policy development and implementation, setting tuition/fee goals based on peer data, and developing guidelines for high-demand graduate-level programs. The other major governance responsibilities will be shouldered by the institutional boards.

## **Considerations Preceding Reorganization and Restructuring of State Higher Education Governance Structures: Advice From Experts**

### ***Experiences from Other States***

Before changing state higher education governance structures, policy analysts Schick, Novak, Norton, and Elam (1992) suggest there is wisdom to be gained from the experiences of other states, as follows:

- No single structure or organization is best.
- Demonstrable improvements after reorganization may be delayed or barely tangible.
- The new structure must transcend the talents of particular leaders.
- The number and types of institutions need to be factored into decisions about the new structure.
- Structures should grant as much autonomy and fiscal flexibility as possible while clearly expecting accountability.

McGuinness (1997) cautions against uncritically copying other states' systems and structures, stating that there are no simple answers, no perfect models, and no end to conflicts (no matter what structure is in place). His oft-quoted guidelines are:

- Be explicit about the problems that were the catalysts for the reorganization proposal.
- Clear goals and objectives should precede reorganization.
- Weigh the costs of reorganization against the short- and long-term benefits.
- Remember to balance institutional autonomy with public priorities (i.e., state and societal needs).
- Distinguish between state coordination and institutional governance.
- Examine the total policy structure/process, including the roles of the governor, legislature.

### ***Lessons for Policymakers***

MacTaggart (1996) offers a set of guidelines for policymakers to bear in mind when considering restructuring.

- By itself, governance restructuring doesn't improve anything.
- Cheaper, less dramatic alternatives should be considered first.
- Restructuring will dominate the landscape, be highly stressful, and drive out other worthwhile initiatives for a period of time.
- Higher, not lower, costs are likely, at least in the short run.
- Lessons from corporate restructuring and private college mergers apply only partially in the public sector.
- There is no "one size fits all" model for a restructured system; each must be uniquely designed.
- Dramatic results from restructuring may be a long time coming.
- Governance restructuring can bring about positive change over the long run;

however, it is a radical approach to change.

### ***Lessons for Executives***

MacTaggart (1996) also offers lessons for executives when the decision to restructure has been made.

- Crisis creates opportunities.
- Analysis, principles, and vision must come together; otherwise, the opportunity for real change may be lost.
- Leaders must take on different roles.
- Constituent participation is essential.
- A restructuring team is indispensable and the senior staff to leaders needs to be in place for a number of years as the implementation agenda is carried out.
- Leaders must develop organizational virtues: honesty about what works, trust, rigor and faith in actions that will lead to successful outcomes. Restructuring failures in specific organizations have included leadership instability, public expectations for immediate results, failure to plan carefully, and lack of resources with which to implement the change process all the way to a successful conclusion.

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