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STATE OF NEVADA
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING
401 S. CARSON STREET
CARSON CITY, NEVADA 89701-4747
Fax No.: (775) 684-6600



LEGISLATIVE COMMISSION (775) 684-6800
RICHARD D. PERKINS, *Assemblyman, Chairman*
Lorne J. Malkiewicz, *Director, Secretary*

INTERIM FINANCE COMMITTEE (775) 684-6821
WILLIAM J. RAGGIO, *Senator, Chairman*
Gary L. Ghiggeri, *Fiscal Analyst*
Mark W. Stevens, *Fiscal Analyst*

LORNE J. MALKIEWICH, *Director*
(775) 684-6800

PAUL V. TOWNSEND, *Legislative Auditor* (775) 684-6815
ROBERT E. ERICKSON, *Research Director* (775) 684-6825
BRENDA J. ERDOES, *Legislative Counsel* (775) 684-6830

MEMORANDUM

DATE: November 26, 2002
TO: Assemblywoman Chris Giunchigliani
FROM: Carol M. Stonefield, Senior Research Analyst
Research Division
SUBJECT: Governance of Higher Education in Other States

This memorandum is written in response to your request to provide information on the means employed by other states to select members for the statewide higher education governing boards. Further, you requested examples of the selection process whereby the appointing authority had to follow specific statutory guidelines.

The information in the attached table was obtained through a search of databases maintained on-line by the Education Commission of the State (ECS). You will also find attached to this memorandum the detailed ECS summaries of the structure and selection process used in each state. In addition, an ECS table with information on institutional governing boards is included.

HIGHER EDUCATION GOVERNANCE STRUCTURES

Source of the Authority

Thirty-one states have established their governance structure by statute. Sixteen states have provided for a governing structure in their constitutions. Because university systems have been separated from community college systems, two states establish their structures through a combination of constitutional provisions and statutes. One state, Vermont, does not have a statewide governance structure for higher education. With powerful institutional governing boards, Michigan provides very limited statewide coordination through its state board of education.

ASSEMBLY ELECTIONS, PROCEDURES, & ETHICS
DATE: 4-3-03 ROOM: 3138 EXHIBIT F
SUBMITTED BY: Chris Giunchigliani

Extent of the Authority

The 49 states that do provide for some form of statewide governance of public postsecondary education have erected a system either that governs the institutions or that serves as a coordinating and planning agency. Typically, those states that elect to coordinate postsecondary education are part of a structure that includes powerful institutional governing boards. In a structure with one statewide governing board, an institutional advisory board may exercise a limited role.

A statewide governing board has control and broad administrative powers over all state postsecondary public institutions. These powers typically include setting policy, developing budgets, approving academic programs, hiring and evaluating presidents of institutions, and planning and maintaining a statewide delivery system.

The authority of a coordinating board will depend upon the statutory provisions creating it. A coordinating board, however, is likely to hold some combination of the following responsibilities: developing comprehensive statewide plans for postsecondary education, which might include private institutions; approving new institutions or new academic programs; providing advice and consultation to the governor and legislature; reviewing the annual budgets of the state institutions; collecting data; conducting studies and recommending policies related to the conclusions of those studies; serving as an adjudicator in disputes among institutions, which may include articulation, for example; and administering federal and state financial aid programs.

Process of Selection

Most of the boards, whether constitutional or statutory, are appointed by the state's governor. Some states provide guidance through statute to ensure that the members thus appointed represent specific groups of people, geographic areas of the state, or elected officeholders. For example, a number of states include a student member. A few provide that a member of the faculty is appointed. Some specify that a member must be appointed from each congressional district or from each state-drawn district. Several states include ex officio members, such as the administrative head of the state department of elementary and secondary education, the chairs of certain legislative committees, or representatives of public and private higher education institutions.

The state Legislature plays a role in selecting members in some states. In California, for example, the governor, the Senate Rules Committee and the Speaker of the Assembly each appoint a designated number. Further, Minnesota, New York, and North Carolina provide that the state Legislature elects or appoints the members of those boards, rather than the respective governors of those states.

Although Michigan elects its state board of education, which has a very limited coordinating function in higher education, Nevada appears to be the only state where the voters elect members of the higher education governing board, according to the information from ECS.

SPECIFIC GUIDELINES FOR APPOINTMENTS

The ECS table of state-level coordinating and/or governing agencies sets out a number of examples of statutory provisions guiding or limiting the appointments of members to the various boards, commissions, or councils. Most states treat these appointments in the same manner as other gubernatorial appointments: the Governor sends the name of the prospective appointee to the Legislature, which has the authority to consent to the appointment. The terms of office are generally for a specified number of years and are staggered to ensure both turnover and continuity. Nevada does not have such an "advise and consent" appointment structure.

FLORIDA

The table, entitled "Postsecondary Education Governance or Coordination Structures," contains provisions relating to Florida that do not match those provided in the ECS tables, which are the source of data for all other states. In November 2002, voters in Florida approved a constitutional amendment to establish a board of governors. This board will have governing authority. Each state institution will retain a board of trustees that will exercise only those powers delegated to it by the board of governors. This vote of the electorate nullifies an act of the state Legislature two years ago that abolished the previous statewide higher education governing board. In its place the Legislature had put a governing board at each institution; overall policy had been assigned to a single board that was to oversee all levels of education from elementary and secondary education through higher education.

CONCLUDING REMARKS

The ECS table on state-level agencies summarizes the membership in each state. Since it is my understanding that you may be using this material for the drafting of legislation, I have provided a copy of this memorandum and attachments to the Assembly Bill Draft Advisor, Kimberly A. Morgan, Chief Deputy Legislative Counsel, Legal Division, Legislative Counsel Bureau.

I will be happy to obtain the statutes for any state whose membership composition or process of appointment interests you. In addition, please let me know if there is anything else that I can do for you on this issue. You can reach me by telephoning (775) 684-6825.

CMS/rd:W30184

Enc.

cc: Kimberly A. Morgan

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ROBERT E. ERICKSON, *Research Director* (775) 684-6825
BRENDA J. ERDOES, *Legislative Counsel* (775) 684-6830

MEMORANDUM

DATE: January 6, 2003
TO: Assemblywoman Chris Giunchigliani
FROM: Carol M. Stonefield, Senior Research Analyst
Research Division
SUBJECT: Number of Members of the Board of Regents

This memorandum is written in response to your request for the history of the number of members of the Board of Regents since its inception.

COMPOSITION OF THE BOARD OF REGENTS

Section 7 of Article 11 of the 1864 *Nevada Constitution* provides for the election of a Board of Regents. At statehood, a temporary board composed of the governor, secretary of state, and superintendent of public instruction was to govern for a minimum of four years to allow the Legislature to provide for the election of their successors, according the provisions of Article 11.

The establishment of a state university was influenced by the enactment of the Morrill Act by Congress in 1862. This act provided the grants of land in states that could be sold or leased to generate revenues to support public colleges and universities. The Morrill Act required a state to act within a specified number of years to establish an institution of higher learning. The Nevada Legislature petitioned Congress to grant extensions, which it did in 1866 and again in 1873. The state university was not established until 1874, when the Legislature opened the state university at Elko. Between 1864 and 1889, the governor, secretary of state, and superintendent of public instruction served as the Board.

In 1887, the Legislature provided for replacement of the state officers as the Board. Effective January 1, 1889, the Board would be constituted by three members, two to be elected for terms of four years and one to be elected for a term of two years. They were to be elected in the same manner as other statewide officers (Chapter 37, *Statutes of Nevada 1887*).

In 1905, the Legislature increased the number of Regents to five members, effective January 1, 1907. The Legislature provided for the election of "Long-Term Regents" who would be elected for four-year terms and "Short-Term Regents" who would be elected for two-year terms (Chapter 88, *Statutes of Nevada 1905*).

In 1917, while maintaining the number of members of the Board of Regents, the Legislature increased the terms of office to ten years, providing a staggered implementation of the increase in length of terms over the elections of 1918 and 1920 (Chapter 189, *Statutes of Nevada 1917*). In 1941, the Legislature reduced the term of office for the five Regents to four years. Those currently in office at the general election in 1942 were to continue in office until the expiration of their terms. Persons elected to fill those vacancies would serve four-year terms (Senate Bill 39 [Chapter 68, *Statutes of Nevada 1941*]).

In 1957, the Legislature increased the membership from five to nine members. It also established the seat of the university at the campus in Reno and authorized a regional branch campus in Clark County to be known as Nevada Southern. Assembly Bill 342 (Chapter 122, *Statutes of Nevada 1956-57*) of that legislative session contains the first election of Regents by district; Washoe County was to be District No. 1, Clark County became District No. 2, and the remainder of the state was designated as District No. 3. Each district was authorized to elect three members to the Board.

Other provisions of A.B. 342 are noteworthy. Subsection 1 of the act is provided below:

1. By the provisions of chapter 284, Statutes of Nevada 1955, on page 463, the legislative commission was authorized and instructed to engage the services of a firm of management consultants or other expert assistance for the purpose of making an investigation into the administration and academic operation of the University of Nevada and to report the results thereof and make recommendations in connection therewith to the legislative commission. As required by law, the report and the recommendations of the expert assistance engaged by the legislative commission have been transmitted to the 48th session of the legislature. The legislature specifically finds and declares, as a result of such investigation into the administrative and academic operations of the University of Nevada, that the emergency situation respecting the University of Nevada is a special occasion calling for extraordinary action on the part of the legislature and that an emergency exists now whereby it is necessary that the number of the board of regents of the University of Nevada be increased and that such increased number should be inducted into office prior to their election by the people.

Assembly Bill 342 further provided that the four vacancies created by the act would be filled by appointment by the Legislature in joint convention immediately after the effective date

of the act. The act was approved on March 21, 1957. Those appointed would serve until positions could be filled by election.

In 1967, the Legislature increased the Board membership to 11. The membership from Clark County grew from three to five Regents (Senate Bill 136 [Chapter 191, *Statutes of Nevada* 1967]). In 1971, however, the Legislature again reduced the size of the Board from 11 to nine members. The membership from the district consisting of Washoe County and from the district encompassing the remainder of the state was reduced from three to two Regents in each district, while the five members from Clark County was maintained (Assembly Bill 736 [Chapter 650, *Statutes of Nevada* 1971]).

In 1973, the Legislature established sub-districts within the districts, which were defined as encompassing specific Assembly districts and enumeration districts. All terms would be for the length of six years, beginning with the 1978 general election (Assembly Bill 18 [Chapter 247, *Statutes of Nevada* 1973]). In 1981, the Legislature further defined the number of Regents from specific districts (Senate Bill 707 [Chapter 730, *Statutes of Nevada* 1981]).

In 1991, the Legislature increased the membership from nine to 11 members. It further specified districts by census voting districts and added Lincoln County and portions of Nye County to District 2, which had been limited to Clark County until then (Assembly Bill 776 [Chapter 411, *Statutes of Nevada* 1991]).

Finally, Senate Bill 14 (Chapter 23, *Statutes of Nevada* 2001 Special Session) increased the number of Regents from 11 to 13. The districts were defined by census tracts.

CONCLUDING REMARKS

I trust this information will be useful to you. If you wish to receive copies of any of the legislative acts cited in this memorandum, please feel free to contact me. I can be reached at (775) 684-6825.

CMS/rd:W30640

Postsecondary Education Governance or Coordination Structures

State	Name	Authority	Source of Authority	Selection	Members
Alabama	Commission on Higher Education	Coordinating	Statute	Appointed by Governor	Public, No More Than Two from a Congressional District
Alaska	Board of Regents	Governing	Constitution	Appointed by Governor	Public, Student
Arizona	Board of Regents	Governing	Constitution	Appointed by Governor	Public, Student
University Community College	State Board of Directors for Community Colleges	Coordinating	Statute	Appointed by Governor	Public, Ex Office Office-holders
Arkansas	Higher Education Coordinating Board	Coordinating	Statute	Appointed by Governor	Public
California	Postsecondary Education Commission	Coordinating	Statute	Appointed by Governor, by Senate Rules Committee, by Speaker of Assembly, Ex Office by Statute	Public, Ex Office Representing Various Higher Education Governing Boards
Colorado	Commission on Higher Education	Coordinating	Statute	Appointed by Governor	Public
Connecticut	Board of Governors for Higher Education	Coordinating	Statute	Appointed by Governor, by Legislative Leadership	Public
Delaware	Higher Education Commission	Coordinating	Executive Order, Then Statute	Appointed by Governor	Public, Public and Private Institutions, State Departments
Florida	Board of Governors	Governing	Constitution	Appointed by Governor	Public, Student, Faculty, Commissioner of Education
Georgia	Board of Regents	Governing	Constitution	Appointed by Governor	Public At-large, Each Congressional District
Hawaii	Board of Regents	Governing	Constitution	Appointed by Governor	Public
Idaho	State Board of Education/Board of Regents	Governing	Constitution	Appointed by Governor, Ex Office by Statute	Public, State Superintendent of Public Instruction
Illinois	Board of Higher Education	Coordinating	Statute	Appointed by Governor, Ex Office by Statute	Public, Ex Office Representing Various Offices, Student

State	Name	Authority	Source of Authority	Selection	Members
Indiana	Commission of Higher Education	Coordinating	Statute	Appointed by Governor	Public, Student, Faculty
Iowa	State Board of Regents	Governing	Statute	Appointed by Governor	Public, Student
Kansas	State Board of Regents	Governing	Constitution	Appointed by Governor	Public
Kentucky	Council on Post-secondary Education	Coordinating	Statute	Appointed by Governor	Public, Faculty, Student, Commissioner of Education
Louisiana	Board of Regents	Coordinating	Constitution	Appointed by Governor	Public, Student
Maine	Board of Trustees of the University of Maine System	Governing	Statute	Appointed by Governor	Public
Maryland	Higher Education Commission	Coordinating	Statute	Appointed by Governor	Public, Student
Massachusetts	Board of Higher Education	Coordinating Plus Some Governing	Statute	Appointed by Governor, Ex Officio by Statute	Public, Student, Commissioner of Education
Michigan	State Board of Education	Coordinating (very limited)	Constitution	Elected	(According to Elections Laws of State)
Minnesota					
University	Board of Regents	Governing	Constitution	Appointed by Legislature	Public
State Colleges and Universities	Board of Trustees	Governing	Statute	Appointed by Governor	Public
Mississippi	Board of Trustees	Governing	Constitution	Appointed by Governor	Public
Missouri	Coordinating Board for Higher Education	Coordinating	Constitution	Appointed by Governor	Public
Montana	Board of Regents	Governing	Constitution	Appointed by Governor, Ex Officio by Statute	Public, Ex Officio Officeholders
Nebraska	Coordinating Commission for Post-secondary Education	Coordinating	Constitution	Appointed by Governor	Public At-Large, State Districts
Nevada	Board of Regents	Governing	Constitution	Elected	Public, State Districts
New Hampshire	Postsecondary Education Commission	Coordinating	Statute	Appointed by Governor, Ex Officio by Statute	Public, Public Institution Presidents, Students, Ex Officio Officeholders
New Jersey	Commission on Higher Education	Coordinating	Statute	Appointed by Governor	Public, Student, Faculty, Ex Officio Officeholders

State	Name	Authority	Source of Authority	Selection	Members
New Mexico	Commission on Higher Education	Coordinating	Statute	Appointed by Governor	Public, Student
New York	Board of Regents	Coordinating With Some Governing Through Policy	Constitution	Elected by Legislature	At-Large, Each District
North Carolina	Board of Governors	Coordinating With Some Governing Through Policy	Statute	Elected by Legislature	Public, Special Members as Ex Officio Former Office-holders
North Dakota	State Board of Higher Education	Governing	Constitution	Appointed by Governor	Public
Ohio	Board of Regents	Coordinating	Statute	Appointed by Governor	Public
Oklahoma	State Regents of Higher Education	Coordinating	Statute	Appointed by Governor	Public
Oregon					
University	State Board of Higher Education	Governing	Statute	Appointed by Governor	Public, Student, Faculty
Community College	State Board of Education	Governing	Statute	Appointed by Governor	Public
Pennsylvania	State Board of Education	Coordinating	Statute	Appointed by Governor	Public
Rhode Island	Board of Governors for Higher Education	Governing	Statute	Appointed by Governor, by Statute	Public, Ex Officio Chair of Elementary and Secondary Education, Chairs of Senate and House Finance Committees
South Carolina	Commission of Higher Education	Coordinating	Statute	Appointed by Governor	Public from Congressional Districts, Ex Officio Representatives of Public and Private Higher Education
South Dakota	Board of Regents	Governing	Constitution	Appointed by Governor	Public, Student
Tennessee	Higher Education Commission	Coordinating	Statute	Appointed by Governor, Ex Officio by Statute	Public, Ex Officio Office-holders, Student
Texas	Higher Education Coordinating Board	Coordinating	Statute	Appointed by Governor	Public

State	Name	Authority	Source of Authority	Selection	Members
Utah	State Board of Regents	Governing	Statute	Appointed by Governor, Ex Officio by Statute	Public, Student, Ex Officio State Board of Education
Vermont	NO STATEWIDE AGENCY				
Virginia	State Council of Higher Education	Coordinating	Statute	Appointed by Governor	Public
Washington	Higher Education Coordinating Board	Coordinating	Statute	Appointed by Governor	Public
West Virginia	Higher Education Policy Commission	Coordinating	Statute	Appointed by Governor, Ex Officio by Statute	Public, Ex Officio Secretary of Education, State Superinten- dent of Schools
Wisconsin	Board of Regents	Governing	Statute	Appointed by Governor, Ex Officio by Statute	Public, Ex Officio Superinten- dent of Public Instruction, Representative of Technical College System Board, Student
Wyoming	Education Planning and Coordinating Council	Coordinating	Statute	Ex Officio by Statute	Various Officeholders

Source: State Comparisons - Postsecondary Governance Structures, Education Commission of the States, http://www.ecs.org/dbsearches/scripts/SRCH_DB_Display.asp, accessed November 25, 2002; *Voters Approve Florida Governance Shift, Major Bond Measures in California and Virginia*, November 15, 2002, The Chronicle of Higher Education, http://chronicle.com/cgi2-bin/printable_verity.cgi, accessed November 25, 2002.

W3085-1

**State Comparisons - Postsecondary Governance Structures**
Wednesday April 2, 2003 2:13:33 PM

Details:

Alabama

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

The Commission on Higher Education, the statutory coordinating agency for public postsecondary education, was established in 1969. The commission is composed of 12 members, 10 appointed by the governor and 1 each by the lieutenant governor and speaker of the house. All are subject to confirmation by the Senate. No more than 2 members can be from any one congressional district and each is charged with representing the state as a whole. Commissioners serve 9-year terms. The statutory authority of the commission includes planning, coordination, budget review for individual institutions, recommendations of a consolidated budget and program review for the state's public senior and junior institutions. Program review involves new program approval authority for all public postsecondary institutions. The commission has advisory authority relative to the review of existing programs. The commission also has approval authority for off-campus instruction and programs offered in the state by out-of-state institutions. The State Board of Education is a constitutional entity with responsibility not only for K-12 but also for governing 1 upper-division college, 3 junior colleges, 18 community colleges and 7 technical colleges.

Alaska

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

The University of Alaska, established in 1917, is the single, multicampus public institution of postsecondary education in the state. The University is governed by the Board of Regents, which is constitutionally founded, and consists of 11 members appointed by the governor and approved by the legislature. Ten of the members serve 8-year terms and 1, a student, serves for 2 years. The board has statutory authority for all public postsecondary education, which includes three regional university campuses, community colleges and centers. A restructuring in the mid-1980's eliminated the position of college president and the separate community boards at 10 of the 11 community colleges. These colleges were grouped into 3 districts and now serve as branch institutions of the 3 campuses of the University of Alaska in Fairbanks, Anchorage and Juneau. The community of Valdez was able to retain independent status for its community college and its own governing board by agreeing to underwrite 30% of the school's cost. The Commission on Postsecondary Education, established by statute in 1974, is the coordinating agency for all postsecondary institutions and programs. There are 14 members of the commission: 2 members from the legislature, 2 members from the regents of the University of Alaska, 1 member of the governing body of a private institution, 1 member

representing proprietary institutions, 1 member representing the State Board of Education, 1 member representing the State Advisory Council on Community Colleges, 1 student member and 5 members broadly and equitably representative of the general public. Members of the Commission serve from 1- to 7-year terms depending on the sector they represent with a 3-year term being the average. The 5 general public members are appointed by the governor with approval of the legislature and the other 9 members are designated by their respective agencies. The Commission is a department within the Department of Education and Early Development for budgetary purposes only. The Commission's executive does not report to the Commissioner of Education nor to the State Board of Education. The commission's responsibilities include: (1) coordinating development of comprehensive plans for the orderly, systematic growth of public and private postsecondary education, including community colleges and occupational education, and submitting recommendations on the need for and location of new facilities and programs; (2) providing advisory services to the governor, the legislature, other state and federal officials and to the governing boards of public and private institutions of postsecondary education; (3) reviewing and commenting on the annual budgets and capital outlay requests of the public university and private colleges; (4) functioning as the state agency for appropriate sections and titles of the Federal Higher Education Act of 1965; and (5) serving as adjudicator when necessary in consortia agreements. The commission is not a cabinet department, and its executive director is appointed by and serves at the pleasure of the commission.

Arizona

State-Level Coordinating and/or Governing Agency

There are 2 statewide boards in Arizona for public-supported institutions: 1 for the universities and 1 for community colleges. The Arizona Board of Regents was created to govern the 3 universities in 1945. The board is composed of 12 members, 8 appointed by the governor with the consent of the state senate, who each serve for 8-year terms, and two students appointed by the governor with the consent of the senate, who each serve a 1-year term. The governor and state superintendent of public instruction serve as voting ex-officio members by the virtue of the office that he or she holds. The board has jurisdiction, control and broad general administrative powers as provided by the state constitution and statutes. Their responsibilities include coordination, planning, budget review and approval and program approval as well as other functions. Although the board is not a formal cabinet department, a close coordinating relationship between the governor's office and the major state government department head is maintained through frequent planning sessions. The executive director of the Board of Regents represents the universities at these meetings. The State Board of Directors for Community Colleges, authorized by the state legislature in 1960, coordinates 10 community college districts, which consist of 18 campuses. The board is composed of 17 members, 15 appointed by the governor for 7-year terms, and 2 serving as ex-officio members by the virtue of the office that he or she holds. The State Board of Directors for Community Colleges is responsible for providing governance, oversight, planning and coordination for Arizona's community college system, in order to provide an integrated statewide system of community colleges that satisfies the differing educational needs of the people of Arizona. The

Commission for Postsecondary Education was created by executive order to assume the planning responsibilities under Section 1202 and 1203 of the Federal Higher Education Act amendments of 1972 and to administer other assigned programs. The commission continues in existence and is composed of 13 members appointed by the governor for 3-year terms. Of these members, 1 represents the general public, 4 represent public institutions, 6 represent private/nonprofit and proprietary institutions, and 2 represent secondary education.

Arkansas

State-Level Coordinating and/or Governing Agency

The Arkansas Department of Higher Education, established in 1971, functions as a statutory cabinet department of the state government and is charged with the coordination of postsecondary education in Arkansas. The department administers the policies set by the Higher Education Coordinating Board, which replaced the State Board of Higher Education in 1997. Consisting of 12 members who are appointed to 6-year terms by the governor, the Higher Education Coordinating Board has statutory responsibility for the planning and coordination of public 4- and 2-year institutions. The Board also has statutory authority for budget review and recommendation, approval of institutions role and scope, and the review and approval of new or existing degree programs for public postsecondary institutions. The executive officer of the agency is appointed by the Higher Education Coordinating Board with substantial input from the Presidents Council and is confirmed and serves at the governor's pleasure.

California

State-Level Coordinating and/or Governing Agency

In 1974, the California Postsecondary Education Commission replaced the Coordinating Council for Higher Education, with duties and powers greater than those assigned to its predecessor. The commission is not a regulatory agency or governing board. Rather, it is an advisory group to the legislature, governor and postsecondary institutions regarding major education policies. It is required to establish a statewide database containing extensive information gathered from all institutions, public and private. The commission has statutory authority to review institutional budgets, to advise on the need for and location of new campuses, and to review all proposals for new academic programs in the public sector. The commission's primary purpose is to prevent unnecessary duplication and to coordinate efforts among the education segments. The commission's efforts are directed by its work plan, which sets out education goals and statewide issues, particularly those that concern large numbers of colleges, universities and proprietary schools. The commission is composed of 16 members. 9 members are appointed from the general public - 3 by the governor, 3 by the Senate Rules Committee and 3 by the California Assembly speaker. Five members represent various sectors of education 1 member from the Board of Regents of the University of California, 1 member from the Board of Trustees of the California State University, 1 member from the Board of Governors of the California Community College, 1 member from the State Board of Education, and 1 member appointed by the governor

to represent independent California colleges and universities. Length of service on the commission varies depending upon the appointing body: public members serve 6-year terms, education sector representatives serve at the pleasure of the appointing authority, the independent colleges representative serves 3 years, and the student representatives serve 2 years. The remaining 2 members are students, both appointed by the governor. The commission is not a cabinet department. The executive officer is appointed by the commission and serves at its pleasure.

Colorado

State-Level Coordinating and/or Governing Agency

The Commission on Higher Education is the statutory agency for planning and coordination of postsecondary education in Colorado. State responsibility for higher education coordination was established in 1965, with responsibilities amended formally 10 times since 1970. The most recent changes were made in 1995. Legislative desire for more centralized policy and coordination of the state's public postsecondary education reflects the 1985 legislature abolishing the existing commission and reestablishing a new commission consisting of 9 public members appointed by the governor with the consent of the senate, each serving 4-year terms. Among its responsibilities are: (1) developing percentages of total state allocation for each governing board of higher education and presenting its decisions to the governor and legislature; (2) reviewing and approving new academic and vocational program proposals; (3) defining geographic and programmatic service areas for extension offerings; (4) prescribing uniform standards for development of capital construction programs, reviewing and approving program plans for capital construction projects or property leasing, and recommending capital construction and funding priorities to the legislature and governor; (5) establishing enrollment policies and differentiated admission and program standards consistent with institutional roles and missions; (6) developing review criteria and distributing allocations for institutional quality incentive grants recognizing centers of excellence; (7) establishing and enforcing student transfer agreement, including those resulting from reciprocal interstate exchanges; (8) adopting and implementing affirmative action policies for the commission, governing boards and institutions; (9) undertaking statistical, programmatic and other higher education studies; (10) pursuing foundation and other grants for state programs; and (11) seeking cooperation and advice of public and private institutions and governing boards in the state. The executive director is appointed by the governor and approved by the legislature, serves as a member of the governor's cabinet, and is, by statute, the executive director of the Department of Higher Education. This department comprises the commission, the state's public institutions of higher education, the Colorado Historical Society, the Council for the Arts, the Colorado Student Loan Program, the Division of Private Occupational Schools and the Colorado Advance Technology Institute.

Connecticut

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.

Delaware

State-Level Coordinating and/or Governing Agency

The Delaware Higher Education Commission was established by executive order in 1974 and revised by executive order in 1977 and 1991. In June 2001, the General Assembly formalized the relationship between the Department of Education and the Higher Education Commission in statute. The law expanded on provisions of existing executive orders, added new responsibilities and reduced the number of members from 21 to 13. Five members represent the general public, 4 represent public institutions, 2 represent private institutions and 2 represent state departments. Members are appointed by the Governor to 3-year terms and legislative consent is not required. The executive director is appointed by and reports to the chairman of the Higher Education Commission and the secretary of education. The commission is responsible for student aid, data collection and reporting, and oversight of interstate agreements. While the commission is not a cabinet department, the commission is a division of the Department of Education, which is a cabinet department.

District of Columbia

State-Level Coordinating and/or Governing Agency

The University of the District of Columbia Board of Trustees governs the university. Of the 16 members on the board, 11 are appointed by the mayor with the advice and consent of the D.C. Council, 3 are alumni members chosen by the University of the District of Columbia Alumni Association, 1 is a student, and the president of the university serves as the ex-officio member by virtue of the elected office he or she holds. The term of the student members is 1 year, and the terms of the other members are 5 years, with initial terms staggered from 2 to 5 years. The Board of Governors of the District of Columbia School of Law consists of 7 members. Four are appointed by the mayor, with the advice and consent of the D.C. Council; 2 are appointed by the District of Columbia Bar; and 1 is elected by the alumni through a

postal-ballot election. The District of Columbia does not have a designated office of secretary of education, and the university's governing board does not serve as a cabinet department. The District has an Office of Postsecondary Education, Research and Assistance within the State Education Office, which serves as the state agency for postsecondary education. The Subcommittee on Postsecondary Education, D.C. Advisory Committee on Education, is the advisory body to the Office of Postsecondary Education, Research and Assistance required by the Higher Education Act of 1965, section 1203E, and also assists with policy matters pertaining to related programs. The Mayor's Office of Policy and Evaluation advises the mayor on education issues, and assists in performing statutory duties and responsibilities required by the D.C. Code, Municipal Regulations and Federal Laws.

Florida

State-Level Coordinating and/or Governing Agency

The chief governing body for public education in Florida is the State Board of Education, which has been in place since 1845. Effective January 2003, the State Board of Education will be replaced by a governor-appointed, 7-member Florida Board of Education. This change is the result of an amendment to the State Constitution adopted in 1998. The current State Board has 7 members, each of whom serves in an ex-officio capacity by virtue of the elected office he or she holds: the governor, secretary of state, state treasurer, attorney general, commissioner of agriculture, state comptroller and commissioner of education. In July 2001, the appointed Florida Board of Education began operation. Beginning in 2003, this new board will appoint the commissioner of education. In the interim, a governor-appointed secretary of education is overseeing the transition process in cooperation with the elected commissioner of education and both the elected and appointed boards. Legislation enacted in 2000 and 2001 has provided a framework for the implementation of this change. Effective July 1, 2001, existing statewide boards and commissioners related to postsecondary education, including the State University System Board of Regents (established in 1965), the State Board of Community Colleges (1983), the State Board of Independent Colleges and Universities (1974), the State Board of Non-Public Career Education (1974), and the Postsecondary Education Planning Commission (1980), were repealed and, in most cases, their duties transferred to the Florida Board of Education. The staff of the Postsecondary Education Planning Commission was assigned to a newly authorized Council for Education Policy Research and Improvement, which is administratively housed in the Office of Legislative Services. The council consists of 5 members appointed by the governor and two members each appointed by the president of the senate and the speaker of the house and shall conduct long-range planning and independent policy research and analysis.

Georgia

State-Level Coordinating and/or Governing Agency

The University System of Georgia's Board of Regents was created in 1931 as a part of the reorganization of Georgia's state government.

With this act, public postsecondary education in Georgia was unified for the first time under a single governing and management authority. The structure and the responsibility of the board was made constitutional in 1943. The governor appoints members to the board, with confirmation of the senate, for staggered 7-year terms. The Board of Regents is composed of 16 members, 5 of whom are appointed from the state-at-large, and 1 from each of the 11 congressional districts. It is anticipated that 2 new members will be added to the board from the 2 recently created congressional districts, due to reapportionment. The board has constitutional responsibility for planning and coordination, institutional budget review, including recommendations for a consolidated budget and program approval. The board elects a chancellor who serves as its chief executive officer and the chief administrative officer of the University System. The board oversees 34 institutions: 4 research universities, 2 regional universities, 13 state universities, 2 state colleges, and 13 2-year colleges. In 1983, the governor established by executive order a State Board of Technical and Adult Education, which was made statutory in 1986. This 15-member board is appointed by the governor with the consent of the senate. All members represent business, industry or economic development and serve 5-year terms. The board has statutory responsibility for leadership, management and operational control of 33 public postsecondary technical institutions.

Hawaii

State-Level Coordinating and/or Governing Agency

The Board of Regents of the University of Hawaii, established in 1907, serves as the constitutional governing board for the University of Hawaii, a statewide multicampus system of 7 community colleges, a complex land-grant university campus, a comprehensive undergraduate campus and an upper-division campus. The 12 members of the Board of Regents are appointed by the governor with consent of the senate and serve 4-year terms limited to 2 consecutive terms. The board has statutory authority in all areas of system policy, budgeting, programming, evaluating and governance.

Idaho

State-Level Coordinating and/or Governing Agency

The State Board of Education/Board of Regents of the University of Idaho serves as a single constitutional board for all public education, including elementary, secondary and postsecondary levels. First established in 1890, the board became 1 of 19 executive branch departments established through governmental reorganization in 1974. The board consists of 8 members 7 appointed by the governor and confirmed by the senate to 5-year terms and the superintendent of public instruction, elected to a 4-year term. All appointed members represent the general public. The board governs the State Department of Education, the 4 public senior institutions of postsecondary education, the Idaho School for the Deaf and the Blind, Professional-Technical Education, the Eastern Idaho Technical College, Vocational Rehabilitation, the Office of the State Board of Education and the statewide Educational/Public Broadcasting System. It also appoints members to the boards of the State Library

and the State Historical Society and has general supervision of the public school system and the state's 2 junior colleges. The board has responsibility in all areas of planning and coordination for all senior, junior and professional-technical public institutions and has statutory authority for program approval for junior and senior public institutions.

Illinois

State-Level Coordinating and/or Governing Agency

The Board of Higher Education functions as a coordinating agency for public and private postsecondary education in Illinois. The board was established in 1961 and its structure and responsibilities have been amended a number of times since then, most recently in 1995. The board consists of 15 members: 10 public members appointed by the governor with the consent of the senate for 6-year terms; a member representing public university governing boards and a member representing independent college and university trustees, both appointed by the governor for 1-year terms; the chair of the Illinois Community College Board and the chair of the Illinois Student Assistance Commission, both of whom serve as ex-officio voting members by virtue of the office that he or she holds and serve at the pleasure of the governor; and a student board member who serves a 1-year term. Legislation enacted in 1995 reduced the membership of the board from 17 to 15 members, eliminating the chairs of the then 4 public university governing boards and adding 2 members, 1 representing independent colleges and university boards of trustees. This same legislation abolished 2 of the 4 public university governing boards, the Board of Governors and the Board of Regents; transferred 1 of their campuses to the governance of the University of Illinois; and established individual institutional governing boards for the remaining 7 institutions, formerly governed by the Board of Governors and Board of Regents. The board has responsibility for planning and coordination of public universities, public community colleges, independent not-for-profit colleges and universities and degree-granting proprietary institutions. The board has statutory responsibilities for the state-level planning function, program review and approval, and development of budget recommendations for all public universities and community colleges. Also, the board has statutory authority to grant operating and degree-granting authority to independent and out-of-state institutions. The board is designated to administer a number of state and federal grant programs, and further, to establish and maintain a college and university information system. The Illinois Board of Higher Education is not a cabinet department, and Illinois does not have a secretary of education. The executive officer of the board is appointed by and serves at the board's pleasure. The Illinois Community College Board serves as the coordinating board for 39 public community college districts that have a combined total of 48 campuses. Each public community college district is governed by a locally elected board of trustees. There are 9 public university governing boards; 7 govern a single campus and 2 govern multiple campuses.

Indiana

State-Level Coordinating and/or

Established in 1971, the Commission of Higher Education functions

Governing Agency

as the statutory coordinating agency for postsecondary education in the state. The commission has 14 members—12 are appointed by the governor for four-year terms and represent the general public; one student and one faculty member serve two-year terms. The commission is charged with six responsibilities by statute: (1) long-range planning for postsecondary education in Indiana; (2) defining institutional roles; (3) approving new campuses or extension sites; (4) approving new program requests; (5) reviewing existing programs; (6) reviewing budget requests and recommending consolidated requests to the executive and legislative branches of state government. Indiana does not have an office of secretary of education and the coordinating agency is not a cabinet department. The executive officer of the commission is appointed by the commission and serves at its pleasure.

Iowa**State-Level Coordinating and/or Governing Agency**

The State Board of Regents, established in 1909, serves as the statutory governing body for all public senior postsecondary education in the state. The board is composed of 9 members appointed by the governor with the consent of the senate – eight represent the general public and there is one student representative with all serving 6-year terms. The board has statutory governing authority for 3 public senior institutions, including program approval, planning and coordination, review and approval of institutional budgets, and recommendations for a consolidated budget. The State Board of Education's Bureau of Community Colleges and Workforce Preparation has jurisdiction over the community colleges in Iowa. Community Colleges are governed by locally elected boards of directors. The State Board of Education, which has statutory oversight authority, is also made up of 9 members appointed by the governor and confirmed by the senate to serve 6-year terms. Iowa does not have an office of secretary of education, and the agency is not a cabinet department within the state. The executive officer of the Board of Regents is appointed by the board and serves at its pleasure. The state director of education serves at the governor's pleasure.

Kansas**State-Level Coordinating and/or Governing Agency**

The State Board of Regents, established in 1925, functions as the constitutional governing agency for six public universities in the state. The structure and responsibilities of the agency were amended in 1966, 1970, 1975, 1976, 1978 and 1991. The nine members of the board, appointed by the governor with the consent of the senate, represent the general public and serve four-year terms. Community colleges are under individual governing boards that are supervised by the State Board of Education. Designated postsecondary area vocational schools, which are not community colleges, also are supervised by the State Board of Education. One municipal university has its own governing board. The State Board of Regents, however, has coordinating responsibility for the municipal university in the areas of budget requests and academic program approval. The Board of Regents has statutory responsibility for planning and

coordination, program approval, and institutional budget review, including consolidated budget recommendations for all state senior institutions. The agency does not serve as a cabinet department, and the director of the Board of Regents is appointed by and serves at the board's pleasure. The Legislative Education Planning Committee (LEPC), created in 1974, is a joint committee of the house and senate. Its statutory charge is to "plan for postsecondary education in Kansas, including both public and private institutions and vocational education." The committee considers specific legislative proposals, oversees data collection activities and conducts studies of postsecondary education issues. Study topics also may be assigned to the committee by the Legislative Coordinating Council (LCC). The LCC appoints the committee's membership, which consists of six members from the House of Representatives and five from the Senate.

Kentucky

State-Level Coordinating and/or Governing Agency

The Council on Postsecondary Education was established in May 1997 by a legislative act replacing the Council on Higher Education. The original council was established in 1934 and amended in structure and function in 1966, 1972, 1982, 1994 and 1996. The council is the statutory coordinating agency for Kentucky's state-supported universities, and the new Kentucky Community and Technical College System is comprised of 13 community colleges and 15 postsecondary vocational-technical schools. The 1997 reform legislation gave the Council on Postsecondary Education new membership and stronger coordinating powers. The council consists of 16 members appointed by the governor, including 13 citizen members, 1 faculty member and 1 student member, and the state's commissioner of education as a nonvoting ex-officio member by virtue of the elected office he or she holds. All appointed members may vote. Citizen members serve 6-year terms; faculty members serve 4 years and the student serves a 1-year term. The restructured Council on Postsecondary Education has statutory authority to: develop and implement a strategic agenda for postsecondary education; revise and approve missions and plans for the state-supported universities and the Kentucky Community and Technical College System; ensure a system of accountability; protect against unnecessary duplication; establish standards for admission to state-supported institutions; determine tuition rates; approve, modify or eliminate academic programs; make biennial budget recommendations; approve capital construction projects over \$400,000; and ensure the transfer of credits and develop a financial reporting system. The state has a Secretary for the Education, Arts and Humanities Cabinet. The council, however, is an independent board reporting to the governor and is responsive to the legislature.

Louisiana

State-Level Coordinating and/or Governing Agency

The Board of Regents serves as the constitutional statewide coordinating and policymaking agency for public higher education. The board consists of 15 lay members appointed by the governor with the consent of the senate, and 1 student member elected by the