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Oliver, Dorothy McMichael

THE NEW STATE BOARD OF COMMUNITY COLLEGES OF NORTH
CAROLINA: 1981 DECISIONS AND THE GOVERNANCE QUESTION

The University of North Carolina at Greensboro

Ed.D. 1983

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THE NEW STATE BOARD OF COMMUNITY COLLEGES
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THE GOVERNANCE QUESTION

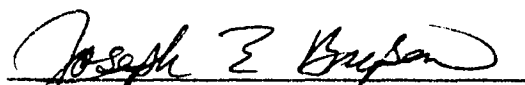
by

Dorothy M. Oliver

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The University of North Carolina at Greensboro
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of the Requirements for the Degree
Doctor of Education

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1983

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APPROVAL PAGE

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The purpose of this case study was to determine the workable and legitimate means the North Carolina Community College system has for making governance decisions. Four questions were formed to determine (1) the formal distribution of authority on January 1, 1981; (2) the same approximately a year later; (3) the input and influence of the North Carolina Association of Public Community College Presidents (NCAPCCP) and the North Carolina Trustees' Association of Community Education Institutions, Inc. (NCTACEI); and (4) their impact on the decision-making process.

Data were collected from the researcher's observation of and notes on the State Board of Community Colleges' 1981 and 1982 decision making; agendas and minutes of the State Board, the two associations, and state legislative committees; and interviews. Frederick Wirt's Authority Centralization Scale was used to analyze and compare the system's laws and codes. Four governance decisions, which challenged the distribution of authority, were chosen for further analysis.

It was concluded that the following are workable and legitimate means for making its governance decisions: (1) groups representing major policy participants and subsegments of the community college system which study, formulate, present, and support their perceived policy needs; (2) recognition of the decision authority and policy role of the

major participants (NCAPCCP, NCTACEI, Department of Community Colleges, and the State Board of Community Colleges) in the system's laws, codes, and traditional practices; (3) protected avenues of input, influence and appeal; (4) a preponderance of the subsegments in the activities of defining the problem and of reconciling the ideal alternative to that which is possible; (5) a consensus regarding the decision subject and a willingness to act on the elements which can be agreed upon; (6) previous governance decisions which provide justification for decisions made under their stipulations; and (7) decision endorsements from the political and administrative hierarchy, the importance of which, however, is reduced by a pervasive consensus in the system regarding the subject of the decision.

ACKNOWLEDGEMENTS

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CHAPTER I
INTRODUCTION

This is a case study of governance decisions made by North Carolina's new State Board of Community Colleges during its first year, 1981. In this study the governance question of "Who decides?" has two parts. One part asks, "In which functions will the center decide and in which functions will the local institutions decide?" The second part asks "Which avenues are open and are used by the local institutions to influence these governance decisions?"

Edmund J. Gleazer, Jr., who was the Executive Director of the American Association of Junior Colleges for many years, explained the community college system in 1968 and evaluated it in 1980 as he was preparing to turn over the directorship to another leader. Speaking of governance in 1968 Gleazer stated that community colleges in the United States had developed to the stage that a state-level agency was becoming necessary for accountability and coordination purposes.¹ By 1980, most states had developed some form of state-level governing or coordinating body for their community colleges. Prior to writing his 1980 book, Gleazer visited community

¹Edmund J. Gleazer, Jr., This is the Community College (New York: Houghton Mifflin Company, 1968), p. 31.

colleges throughout the states. He concluded from these visits that:

No issue generates more heat in discussion at this time than that of the control of community colleges and questions of who makes decisions. Who has authority?

He continued:

There will be a need for clear understanding of who will assess need, who sets political priorities, who pays the bill, who provides learning services, and who measures results. Such responsibilities must be spelled out in the new policy framework. . . . [This policy framework would encourage] diversity and institutional initiatives and adaptability. . . . devising accountability measures that free the institution for its most effective performance. . . .2

Governance questions concerned with functional decision authority have been studied and discussed to a greater extent than those concerned with local institutions' input and influence in these decisions. Harman suggested this phase of policy making as a potential research topic. Several questions which he posed underlie this study of the new State Board's decisions.

We must ask where the really important decisions about education are made (or supposed to be made), who participates in decision-making processes at high levels on particular matters and what relative influence do particular participants command, and what kinds of pressures and constraints operate on decision-makers? We must ask to what extent constitutional and legal rules are effective in

²Edmund J. Gleazer, Jr., The Community College: Values, Vision & Vitality (Washington, D. C.: American Association of Community and Junior Colleges, 1980), pp. 138, 151, 156.

assigning policy-making responsibilities to various officials, and try to assess to what extent information and analysis really count in particular cases of policy-making.³

Odegaard also stressed the importance of the second part of the governance question of "Who decides?" He suggested that the policy-making role which the local institutions play should be part of any evaluation of the central coordinating or governing body.⁴

This case study provides a close look at high-level decision making within a community college system. It examines, analyzes, and describes both parts of the governance question as it is discussed within the system and then decided by the State Board. The emphasis, however, is on the second part of the question: "Which avenues are open and are used by the local institutions to influence these governance decisions?"

Statement of the Problem

After the 1950s, the variety and the increasing numbers of public, postsecondary, two-year educational institutions (referred to hereafter as community colleges) prompted state

³Grant Harman, "Continuities and Research Gaps in the Politics of Education" Social Science Quarterly 55 (September 1974): 276.

⁴Charles E. Odegaard, "Statewide Coordination: a Personal Comment," in Evaluating Statewide Boards by Robert O. Berdahl (San Francisco, California: Jossey-Bass Inc., Publishers, 1974), p. 87.

legislatures to place these institutions under some form of state-level coordinating or governing board. The states exhibited a variety of boards.

Even after a state made an initial commitment to one form of governance for its community college system, changing circumstances and needs within and without the system kept the governance question alive and eventually led to changes.

Changing circumstances and the impermanence of a governance settlement require workable and legitimate means for making governance decisions within the system. If such means do not exist, governance decisions will be made outside the system.

Statement of the Purpose

The purpose of the study was to determine North Carolina Community College system's workable and legitimate means for making the state-level governance decisions which distribute authority. The major questions which the study sought to answer and which provided a framework for the discussion in Chapters III, IV, and V were as follows:

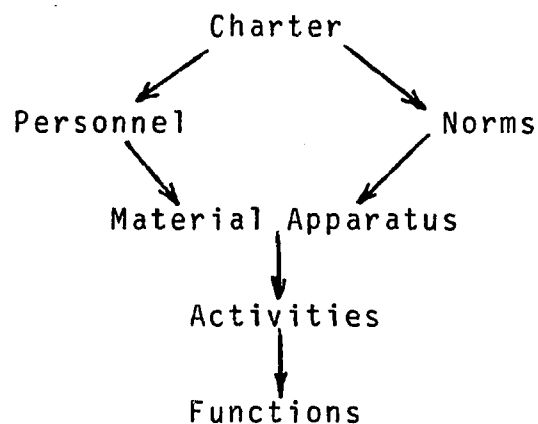
1. In which functions was decision making centralized and in which was it decentralized when the new State Board assumed its governance role on January 1, 1981?
2. To what extent were these areas of functional authority changed during the first year?

3. What avenues of input and influence were open and used by the representatives of the local institutions, the North Carolina Association of Public Community College Presidents (the Presidents' Association) and the North Carolina Trustees Association of Community Education Institutions, Inc. (the Trustees' Association), in the decision-making process?

4. What was the impact and influence of the Presidents' Association and the Trustees' Association in the decision-making process?

Methods, Procedures, and Sources of Data

Malinowski's model of a culture, reproduced below, provided the researcher with a framework for observing the activity of state-level policy making within the North Carolina Community College system.



Bronislaw Malinowski's Culture Model
 SOURCE: "Anomie and Culture Structure in School Systems," in William H. Monahan, Theoretical Dimensions of Educational Administration (New York: Macmillan, 1975), p. 302.

The culture of the North Carolina community college system reflects values from the superordinate culture, the educational institution of North Carolina. The community college system's role in this institution is expressed in values which are, in turn, stated in the system's charter as goals. The norms of the system, which are found in the General Statutes, Administrative Code, and other regulations, set out objectives and how they should be achieved. The personnel of the system are chosen with the expectation that they will carry out the goals and objectives as specified in the charter and the norms. The material apparatus, which includes the resources and the structure of the system, provides the means for achieving the goals through the norms. The charter and the norms, according to Malinowski, express what is desired, the "ideal" or what should happen, the "ought". The activities represent what actually occurs or the "reality" or "is" rather than what "ought" to be. The function is the output of these activities.⁵

In observing the state-level policy-making process of the North Carolina Community College system, the researcher emphasized the perspectives of the Presidents' Association and the Trustees' Association. The reason for this decision

⁵William G. Monahan, Theoretical Dimensions of Educational Administration (New York: Macmillan Publishing Co., Inc., 1975), pp. 301-303.

was that these associations are the two oldest participants in the present state-level policy process. They were, therefore, expected to be more representative of the culture being studied. The state president and the state board were both new to the system and were having to react and adapt to a policy-making process which had been developed over a period of two decades.

The answers to the four questions of the study reveal the tension between the "ought" and the "is" and the workable and legitimate means the system has for making the governance decisions regarding this tension. The answers to question one reveal the "ought" expressed in the system's culture by its charter and norms. The answers to question two reveal the tension areas between the "ought" and the "reality" or "is". The answers to questions three and four show the actual policy-making process from the perspective of the Presidents' Association and the Trustees' Association and reveal what the system considers workable and legitimate means for making its governance decisions regarding the tension between the "ought" and the "is".

Wirt's Authority Centralization Scale was used to determine the answers to questions one and two regarding the distribution of authority existing when the state board assumed its governance role on January 1, 1981, and approximately a year later. Wirt's Authority Centralization Scale is based

on three dimensions:

- (1) . . . the binding nature of the center's authority, issued as required goals for peripheral [local] units. . .
- (2) The degree of specification of that authority by the center. . . regarding the goal . . .
- (3) . . . the presence and specificity of implementation requirements from the center. . . the center's administrative oversight. 6

Wirt's Scale was applied to thirty-six policy areas which he considered applicable to the educational institution.⁷ Only two of the policy areas were changed to adapt them to the North Carolina Community College system. The data pertaining to the policy areas came from the North Carolina General Statutes, Chapter 115D-Community Colleges and Technical Institutes; Chapter 150A-Administrative Procedure Act; Chapter 143-Executive Budget Act; and North Carolina Administrative Code, Title 16, Chapter 4-Community Colleges (1981), and Administrative Code, Title 22, Chapter 2-Community Colleges (1982). The changes made in these laws and rules as a result of governance decisions made during the state board's first year constituted the sources of data for comparing functional authority and for determining the extent of the changes.

⁶Frederick Wirt, "Does Control Follow the Dollar? School Policy, State-Local Linkages, and Political Culture," Publius (Spring 1980): 71.

⁷See Appendix A for Wirt's Authority Centralization Scale and for Wirt's Thirty-Six Policy Areas.

Four governance decisions were chosen for closer study of the state-level policy-making process with emphasis on the Presidents' Association and the Trustees' Association. One was the supreme governance decision which created the separate state board, and three came from the 1981 decisions of the new state board.

The input and influence of the Presidents' and Trustees' Associations were determined by observing the state board's committee of the whole meetings, board meetings, and by listening to tapes of these meetings and tapes of public hearings regarding rule changes.⁸ The minutes and the agendas with attachments of the State Board of Community Colleges and the minutes of the Presidents' Association and of the Trustees' Association, from the inception of the two associations, were examined for data and for confirmation of observations and interviews. In addition, these minutes were used to determine what neither observation nor interviews revealed. Interviews were held with the major decision-making participants. Membership lists and recommendations from task forces, commissions, and committees were also examined to determine

⁸The researcher attended nine state board committee of the whole meetings and board meetings in 1981, and heard the tapes of the three meetings she was unable to attend. The researcher also attended the discussions on state planning and articulation which followed two dinner meetings and attended the 1981 Retreat meeting. Five committee of the whole meetings and board meetings were also attended in 1982. In addition, the researcher heard the tapes of two public hearings held in 1981 regarding rule making, and attended one public hearing held in 1982.

participants and their input. The North Carolina House and Senate Journals and the House and Senate committee journals were sources for tracing laws and for determining the participants and their input. Newspaper articles were used to determine primary sources, participants, and their input. Newspapers also provided an overview of issues tangential to the separate state board decision, the governance decision which was the background for the study.

The local level's influence in state-level decision-making was gauged by the congruence between the Presidents' Association's and the Trustees' Association's input and the final decision of the state board. To arrive at this estimation, it was also necessary to compare the local level's recommendations to those of the state president and his staff; to compare the recommendations of the local level and the state president-staff to the state board's decision inclinations; and to note and question the absence of input and recommendations by the local level in governance decisions.

Definition of Terms

Some of the terms used in this study and by authors in the review of literature require explanation.

Authority: Wirt's Centralization of Authority Scale, the tool used in this study to analyze the General Statutes and the Administrative Code (the "oughts" of the North Carolina community college system) was based on a definition

of authority Wirt attributed to Easton. The tables which present the results of these analyses must be understood to represent this definition of authority.

Authority is a special power relationship based on the expectation that if A sends a message to B -which may be called a wish, suggestion, regulation, law, command, order, or the like - B will adopt it as the premise of his own behavior . . . (A)s long as the probability is high that, under the circumstances B will comply, he is subject to the authority of another.⁹

Central agency or state board: (used interchangeably) the organization which consists of the board members and the staff, or the state president and his staff.

Coordination: "(t)he securing of smooth, concerted action through effective interrelationships and recognition of common goals."¹⁰

Decision making or policy making: (used interchangeably) the comprehensive and reflexive process of defining a problem or issue, analyzing its elements and the factors related to the elements, deriving and evaluating alternative solutions, deciding between the alternatives, implementing the chosen alternative, and evaluating its results.

Governance: the exercise of authority to gain management control.

⁹Wirt., p. 71.

¹⁰U.S. Department of Health, Education, and Welfare, Office of Education, Statewide Planning in Higher Education, by D. Kent Halstead (Washington, D.C.: Government Printing Office, 1974), p. 3.

Governance decision: a decision which determines explicitly or implicitly, how authority is or will be exercised to gain management control.

Influence: "the actual exercise of power."¹¹

Input: the result of participation shaped by philosophy, values, opinion, knowledge, resources, criteria, standards. . .

Output: a decision which results either in the determination and content of action or of inaction.

Planning: "the prearrangement of policy and methods to guide work toward given objectives."¹²

Power: "the actor's capacity or potential to select, modify, or achieve outputs of a system."¹³

Workable and legitimate means: the means by which the North Carolina Community College system's policy-making activities are actually achieved. They represent the "reality" or "is" of Malinowski's culture model. The purpose of the study was to determine what these means were in the 1981 governance decisions.

¹¹Roald F. Campbell and Tim L. Mazzoni, State Policy Making for the Public Schools (Berkeley, Cal.: McCutchan, 1976), p. 8.

¹²USDHEW, p. 3.

¹³Campbell and Mazzoni, p. 8.

Limitations and Delimitation of the Study

Any decision-making study wholly or partially based on retrospection suffers from the selective and deficient recall of the participants. The minutes of an organization which record the formal decisions made by a group do not record the entire progression of formal and informal decisions leading to those recorded, formal decisions. Observation of the final decision process and interviews of the participants remove some but not all of these limitations.

Decisions are frequently arrived at on an informal basis, off the record intentionally, between officials and between associations. For several reasons this informal chain of communication is protected. First the major decision makers protect those who provide information. Secondly, unless officially and specifically requested, it is generally considered unacceptable for professionals in the pay of the public to influence a public decision related to their organization. An example of the latter occurred in the 1950s when a professional in the Department of Public Instruction openly opposed establishing industrial education centers. The Chairman of the State Board of Education, W. Dallas Herring, expressed why such an act was unacceptable.

The state board was deeply concerned that state people in the public pay who were professionally trained would deliberately put themselves in a position to block something that the public needs

and is willing to pay for and is authorized to have through democratic procedures. ¹⁴

Because this code of conduct existed and apparently still exists in the North Carolina Community College system, professionals without strong political connections guard their conversations and contacts.

The delimitation of any case study is the uniqueness of the elements examined and analyzed and of the time element. Replication of the study is difficult because of the above mentioned limitations regarding the participants' recall and of the inability of the researchers who follow to observe the final decision-making process.

Significance of the Study

State governance arrangements for community college systems tend to change over time according to the needs and maturity of the system. For example, the origin of the North Carolina Community College system extends back to two separate systems established in 1957, a fledgling junior college system and a system of area vocational schools called industrial educational centers. Under the early governance structures, some of the junior colleges were under the State Board of Higher Education and the industrial educational centers

¹⁴Larry Howard Penley, "The Functioning Community College System in North Carolina" (Ed. D. dissertation, Luther Rice Seminary, Jacksonville, Florida, 1969), p. 62.

were under the State Board of Education.¹⁵ In 1963, the two maturing systems were combined and placed under the direction of the State Board of Education. The community college system remained under the direction of the State Board of Education until 1981 when it, as a developed system, was separated and given its own independent state board.

Although the new state board has all the necessary authority to govern the community colleges, it must do so in a policy-making framework and environment which has been developing and maturing over several decades. It was inevitable, therefore, that the system would experience some tension, if not conflict, as it adjusted to its own state board. Any state which is considering changing the governance form of its established community college system should benefit from knowing the areas of conflict experienced between the local level and the central agency of the North Carolina Community College system which resulted from their expectations of and adjustments to each other.

If all modern states are highly centralized, as Douglas E. Ashford asserted, it is important to know the extent to which those who are subject to this highly centralized authority are allowed to and, in fact, do shape the rules, laws,

¹⁵Kenyon Bertel Segner III, A History of the Community College Movement in North Carolina 1927-1963 (Kenansville, N.C.: James Sprunt Press, 1974), p. 84.

and issues in the system.¹⁶ The comparison between the distribution of authority in thirty-six policy areas in January, 1981, and again approximately a year later provides a broad analysis of changes and attempted changes in these rules and laws. An analysis of four governance decisions shows in more detail the input and influence of the local level's representatives in governance decisions at the state level. Both analyses indicate the means which the participants consider workable and legitimate for arriving at governance decisions. Both analyses also indicate the areas of agreement, tension, and conflict in the decision-making process and in the distribution of authority.

If a community college system cannot adjust to changing circumstances and demands, the answers to its governance questions will be imposed from the outside. For this reason, it is important for state boards and the participants in the policy-making process to learn from the successful and unsuccessful experiences of other policymakers. This study adds to the relatively small collection of state board studies which deals with the two elements of the question of "Who decides?":

In which functions will the center decide and in which functions will the local institutions decide?

¹⁶Douglas E. Ashford, ed. Comparing Public Policies: New Concepts and Methods (Beverly Hills, Cal.: Sage Publications, 1978), p. 7.

Which avenues are open and are used by the local institutions to influence these governance decisions?

Presentation of the Study

The introduction of this study established that the governance question of "Who decides?" encompasses more than the distribution of functional authority. The question of how the distribution of functional authority is decided is also germane.

Chapter II, a review of related literature, is divided into the following parts: State-Level Educational Boards; Factors Contributing to State-Level Governance of Education; Evaluation of State-Level Governance of Education; and Recommendations for State-Level Governance of Education.

Chapter III provides background materials which are considered important to an understanding of the study. These materials are a brief history of the issue of the separate board for the community college system and the input and influence of the Presidents' Association and the Trustees' Association in the governance decision to establish the board. The background materials also include an explanation of the predominance of the Presidents' Association as the institutional representative in state-level decision making. Over the years the Presidents' Association developed the means to arrive at a consensus and to provide input on issues. These are presented in Chapter III. The Trustees' Association

represents the local level in the community college system. A brief history of the association and the means it developed to arrive at a consensus and to provide input on issues are also presented. Chapter III, therefore, forms a partial answer to questions three and four of the study.

Chapter IV is an explanation of the answers to the four questions of the study. It contains the comparison of the distribution of authority in thirty-six policy areas at two points of time and an explanation of the changes and attempted changes in these policy areas. The analyses and explanations of the Presidents' and Trustees' Associations' input and influence in these policy changes and in the three governance decisions are also part of Chapter IV.

Chapter V concludes the study with a summary, conclusions, and recommendations.

CHAPTER II

REVIEW OF LITERATURE

A typical pattern of state-level community college governance does not exist. Community colleges, along with the other educational systems in a state, may be under one superordinate board. They may be under a state board of education, a state board of higher education, their own state board, or combinations of these boards. This governance may be total or shared with local boards. In some states which have a state-level board, the local boards, in fact, have final authority.¹ For these reasons the review of literature includes selected works on state level governance of public education regardless of the form of governance. Major divisions in the review of literature include the following: State-Level Educational Boards, Factors Contributing to Increased State-Level Governance of Education, Evaluation of State-Level Governance of Education, and Recommendations for State-Level Governance of Education.

State-Level Educational Boards

A 1933 study of state systems of higher education by Kelly and McNeely found that fourteen states had some form

¹Sandra L. Drake, A Study of Community and Junior College Boards of Trustees (Washington, D. C.: American Association of Community and Junior Colleges, 1977), p. 46.

of state-level board to unify or partially unify their public higher-education institutions. North Carolina was one of these states. The authors established that there were three stages in the development of state-level governance: (1) a separate board for each institution, (2) a single state board of some form, and (3) the introduction of the professional state official.²

Twenty-six years later, in 1959, Glenny reported that seventeen states had either a governing or a coordinating agency over their higher-education institutions. He identified three forms of governance: (1) a single board over all higher education, (2) a single board with limited governance activities, and (3) a voluntary system of coordination, formed of representatives from each institution, for carrying out certain activities.³

In 1972 Wattenbarger described three types of state-level agencies which controlled community colleges: (1) a state board of community colleges having an executive officer and having direct operational control over the community colleges, (2) a state board with both operating and coordinating

²Fred J. Kelly and John H. McNeely, The State and Higher Education: Phases of Their Relationships (New York: Carnegie Foundation for the Advancement of Teaching, 1933), pp. 15-17.

³Lyman A. Glenny, Autonomy of Public Colleges: The Challenge of Coordination (New York: McGraw-Hill Book Co., 1959), pp. 2, 52.

functions but delegating some functions to its local institutions which had local advisory committees, and (3) a coordinating board which set policy within which the local boards operated.⁴

By 1975 only three states were without either a governing board or a coordinating board for public postsecondary education. In the same year a trend leading away from a loose or no arrangement of governance and toward those which are more defined and formal was noticed.⁵

Factors Contributing to State-Level Governance of Education

As far back as 1898 coordination, standards, and articulation were seen as desirable results of more centralized governance of higher education.⁶ These and other factors such as increased state legislative role and federal and state influence continue to stimulate the process of centralization.

Increased State Legislative Role

Martorana and Smutz attribute increased centralization to the broader and more general reform movement in government,

⁴James L. Wattenbarger, "Statewide Planning and Local Autonomy," in The Two-Year College Trustee: National Issues and Perspectives by Edmund J. Gleazer (Washington, D. C.: Association of Community and Junior Colleges, ED 073 757, 1972), pp. 18, 19.

⁵Robert O. Berdahl, ed., Evaluating Statewide Boards (San Francisco: Jossey-Bass, 1975), pp. 2, 3, 28.

⁶State Aid to Higher Education (Baltimore: Johns Hopkins Press, 1898), pp. 10, 11.

which left state legislatures weak in relation to the increased powers of the governor. They identified the mid-sixties as the turning point when the legislatures began to build their research and information capabilities and to improve their working structures in order to regain their status. Increased legislative activity resulted in more control over all state agencies, including educational agencies.⁷

In surveys on state legislation throughout the fifty states, Martorana and his colleagues found a decided increase in laws related to education. In 1973-75, 394 bills were reported.⁸ In 1976, 237 pieces of legislation were reported; in 1977, 428 were reported; and by 1978, 450 pieces were reported.⁹

Federal and State Influence

Factors contributing to increased state governance of educational systems can be related to economic and social objectives of both the federal and state levels. Reduced or over-extended fiscal resources make it necessary to extract

⁷S. V. Martorana and Wayne D. Smutz, "State Legislation, Politics, and Community Colleges," Community College Review 7 (Winter 1980): 8

⁸S. V. Martorana and Wayne D. Smutz, State Legislation Affecting Community and Junior Colleges, 1977 (University Park: Pennsylvania State University, 1978), p. 43.

⁹Martorana and Smutz, "State Legislation, Politics," p. 8.

the optimal use from available human and other resources. Efficiency and effectiveness, therefore, are twin objectives brought on by economic considerations. Other factors leading to more state governance of education are the now familiar social causes of desegregation, civil rights, equal education and employment opportunities, all of which are protected by federal and state laws. Federal and state influence in curriculum, in equality, efficiency, effectiveness, and in planning have increased state level governance of education.

In curriculum

Kelly and McNeely found that a motivating factor around 1933 for creating state-level boards was to "build a state-centered program of higher education to replace the uncoordinated development of separate institutions."¹⁰

Whoever determines curriculum policy determines what schools will be doing. W. L. Boyd, in 1978, reviewed two decades of research on curriculum reform and change. From this review he concluded:

To achieve quality and efficiency in the educational treatment of all children, control over the curriculum is being stripped away from school boards and parents and increasingly centralized in the hands of bureaucrats and agencies at higher levels. ¹¹

¹⁰Kelly and McNeely, p. 179

¹¹William Lowe Boyd, "The Changing Politics of Curriculum Policy-Making for American Schools," Review of Educational Research 48 (Fall 1978): 622.

Tyll Van Geel was also interested in governance as expressed through control over curriculum. Curriculum for Van Geel, however, included "purpose, intended outcomes, methods of instruction, the courses and programs offered, books, materials, content and themes, process and experiences children are exposed to." His 1976 study of state and federal educational policies led him to believe that "there is almost no role in the policymaking process that state and federal agencies as well as courts do not share with local districts." The consequence of this activity is that boards and educational agencies become conduits for and administrators of policies which they did not form, and parental and local control of education is further removed.¹²

In equality, efficiency, effectiveness

Glenny concluded from his study of state coordinating and governing agencies that the "immediate reasons" for these state agencies were "economy and efficiency."¹³ Wattenbarger also identified economic reasons and social causes for the trend toward more "state level coordination and often control" of community colleges.¹⁴

¹²Tyll Van Geel, Authority to Control the School Program (Lexington, Mass.: D.C. Heath & Co., 1976), pp. ix, 171-174.

¹³Glenny, p. 17.

¹⁴Wattenbarger, p. 16.

Leister's 1975 study established that federal and state social goals were contributing factors to the centralization of the community college system in the state of Washington. Consolidation of authority at the new state board level was also brought about by actions of the board itself. The state board expanded the programs under its direction and introduced at the local level efficiency models which resulted from a cost study.¹⁵

Wise's 1979 study of state and federal educational policies and their consequences established the goals of equality, efficiency, and effectiveness as the factors which are bureaucratizing the educational institution. Wise, however, found the benefits of equality to outbalance the liabilities caused by the centralization necessary to achieve it. The centralization caused by the irrational idea that educational problems have technical solutions which can be legislated has, according to Wise, increased the bureaucratization and power of the central educational agency.¹⁶ Wise made a plea for rational centralization which involves all three levels of government in the governance process, which acknowledges

¹⁵Terry Gene Leister, "An Analysis of the Centralization of Community College Authority in Washington State from 1917-1973," (Ph.D. dissertation, University of Washington, 1975), pp. 139, 151, 176.

¹⁶Arthur E. Wise, Legislated Learning: The Bureaucratization of the American Classroom (Berkeley, Cal.: University of California Press, 1979), pp. xi, 54.

the importance and necessity of equality, but which questions the idea that educational institutions have the ability or knowledge to solve all problems.¹⁷

In planning

"Planning is the prearrangement of policy and methods to guide work toward given objectives." Halstead's definition of planning clearly identifies it as long-range policy making.¹⁸ The Education Commission of the States' Task Force on Coordination and Governance recognized that "Planning and its effective implementation are the key to effective coordination and governance."¹⁹

Glenny's 1959 evaluation of coordinating and governing agencies found their capabilities in planning to be inadequate. Most of the planning was in long-range campus development. Glenny gave several explanations for poor planning. The central agencies did not have the staff, tools, or knowledge necessary for planning. In addition, state-level planning was considered an infringement on local autonomy.²⁰

¹⁷ Ibid., 207, 208.

¹⁸ U.S. Department of Health, Education, and Welfare, Office of Education, Statewide Planning in Higher Education, by D. Kent Halstead (Washington, D.C.: Government Printing Office, 1974), p. 3.

¹⁹ Task Force on Coordination, Governance & Structure of Postsecondary Education, Coordination or Chaos? Report No. 43 (Denver, Colo.: Education Commission of the States, 1973), p. x.

²⁰ Glenny, pp. 77-79.

Halstead attributed the "tripling of public enrollments . . ." from 1960 to 1972 as the main reason for the emphasis on state planning.²¹ There were, however, other stimuli which contributed to the increasing emphasis on planning. The federal government's role in encouraging state educational planning has been of considerable importance.

The Federal Education Facilities Act of 1963 was a recognition of the need for planning. It encouraged state commissions for the purpose of planning facility needs. An amendment to this act funded commissions to plan for construction needs. The 1972 Higher Education Amendments Act made receipt of federal funds contingent upon the establishment of 1202 Commissions for statewide planning in postsecondary education.²² Similar stimulation of the planning potential of each state agency for public elementary and secondary education was part of the Federal Elementary and Secondary Education Act, 1965.²³

Evaluation of State-Level Governance of Education

Evaluations may be made from many points of view. The researcher may be concerned with ascertaining the limitations

²¹USDHEW, p. 5. ²²Ibid., pp. 4, 5.

²³Robert E. Jennings, Alternative Roles and Interagency Relationships of State Education Agencies in Comprehensive Statewide Planning (Washington, D.C.: Office of Education, ED 057 451, 1971), p. 6.

of and best use of governance forms under particular circumstances. Activities, problems, and issues may be the focus of an evaluation. The policy-making process may also be the subject for the evaluation of any central coordinating or governing educational body. The latter, of necessity, would analyze the relationship between the state level and the local level of the system.

Limitations, Best Form, and Activities of State-Level Governance

Glenny's comparative and evaluative analysis revealed several limitations of the different forms of state-level governance of higher education. His main criterion for the evaluation was how well the form of governance could enhance the diversity found in American higher education by the wise allocation of functions and resources.

Glenny distinguished three methods of allocating functions:

1. reduce duplication by recognizing and maintaining uniqueness of each type of institution.
2. maintain quality of uniqueness by checking spread of programs.
3. prevent each institution from unnecessary increase in new "courses, services, and programs. . ."24

Several factors can place limitations on these methods. If change is necessary to obtain effective allocation of

²⁴Glenny, p. 91.

functions, Glenny suggested, the coordinating agency must accomplish this quickly before the individual institutions and legislators can block the action. Also, coordinating agencies may be handicapped if they feel that their role does not include such authority without first gaining legislative approval. Glenny did not find this reticence in governing agencies because their authority was clearer. Regardless of this authority, Glenny found that only two states had made attempts to reallocate functions, whereas allocation of new programs was more often accomplished.²⁵ Kelly and McNeely had found in 1933 this same lack of authority and reluctance by coordinating agencies to reallocate programs which Glenny referred to in 1959.²⁶

Central agencies' flexibility in allocating fiscal resources was also found to have limitations. Glenny found that state legislatures made lump-sum appropriations directly to the central agency in only a few of the states studied.²⁷ He concluded that all appropriations from the state should be received directly and in lump sum by the central agencies. This arrangement provides the system more flexibility in responding to demands. Reserve funds also provide a certain amount of flexibility for the institutions or the central

²⁵Ibid., pp. 102-108. ²⁶Kelly and McNeely, pp. viii, ix.

²⁷Glenny, p. 131.

agency in that all contingencies cannot be anticipated. Institutional reserve funds were common to most of the states, but only three states had a reserve fund for the central agency.²⁸ Glenny found that funds were allocated to institutions on the basis of formulas.²⁹ Although formulas provide equity, Glenny concluded that they must be based on sound research and must be changed when new demands require a different distribution of resources. In most states, the institutions rather than the central agency decided how the appropriated funds were to be used.³⁰

Glenny concluded from his analysis that the governing agency is best for a small system, one with "seven or eight institutions and one or two complex institutions. . ." In this case he found that institutional freedom and operational effectiveness were similar to that under a coordinating agency but that the benefits were better unity and coordination. In state systems which were larger, Glenny could not find any appreciable difference in operational effectiveness between the governing agency and the coordinating agency. The coordinating agencies had the advantage of leaving the institutional boards in place, whereas the installation of governing agencies usually meant removing these boards.³¹ His

²⁸Ibid., p. 125.

²⁹Ibid., p. 118.

³⁰Ibid., p. 149.

³¹Ibid., pp. 242-243.

evaluation of formal versus voluntary coordinating agencies showed one major advantage for the voluntary form. Under this form institutional autonomy was not disturbed. The voluntary form, however, tended to preserve the status quo, to be dominated by the major institution, to inadequately represent the public interest, and to be inadequate for coordinating a large system.³²

Wattenbarger's 1972 evaluation of state-level agencies of community colleges led him to conclude that

The most effective community college organizational structure as we observe it is one maintaining a relatively small staff but which draws heavily on the colleges for ad hoc jobs, using the facilities and the personnel of the colleges. 33

In 1973, the Education Commission of the States' Task Force on Coordination, Governance, and Structure of Post-secondary Education made the following statement:

In light of the diversity of the states in tradition, political arrangements, state organization and other factors, there is no one best formula or approach for planning, program review or budget review at the state level. Nor is there one best approach in terms of statewide coordinating or governing structure for implementing those responsibilities.³⁴

³²Ibid., pp. 247-249.

³³Wattengarger, p. 20.

³⁴Education Commission of the States, p. vi.

Oastler analyzed the 1969-1975 activities of the Illinois Community College Board and its parent board, the Illinois Board of Higher Education. He determined that they spent "About twice as much time and effort . . . to control as to coordinate." He defined control as pertaining to the "exercise of power," and coordination as the "interdependence of the units" in contributing to the goals of the system.³⁵

Hall's 1974 national study of community college state boards' activities obtained information from twenty states. He found that they spent most of their time with financial, facility, and curriculum matters. Their other major activities included "personnel, policy matters and students."³⁶

Problems and Issues of State-Level Governance

Because studies seldom define "problem" and "issue" and frequently use the terms synonymously, this section will not try to distinguish between the two but will use the term as it is utilized in a particular study.

The Education Commission of the States' 1973 task force on postsecondary education identified the following authority problems as being the issues which must be resolved:

³⁵ John Oastler, "The Activities of Community College Governing Boards: Illinois, 1969-1975," Community/Junior College Research Quarterly 1 (April-June 1977): 241-243.

³⁶ George L. Hall, State Boards for Community Colleges: An Analysis of Concepts and Practices. (Gainesville: University of Florida, ED 089 804, 1974), p. 2.

"(1) control versus autonomy; (2) centralization versus decentralization; (3) policy direction versus control of operation; and, (4) clarification of levels of administrative responsibility."³⁷

Millett, in 1975, found that lack of authority was at the center of coordinating boards' inability to act in problem areas.

Unless its powers are securely anchored in law, political agreements, and respected past performance, the state board of higher education may well be entirely bypassed on any important issue or may find itself confronted on some issues by an overwhelming coalition against whose members it has little or no power of relation. 38

Hall's 1974 study of state boards of community colleges determined board members' perceptions of problems. They perceived "financial matters, curricula and articulation-coordination. . ." to be the problems which they faced. Sixty percent of the state board members felt these problems could be handled with the cooperation of local college trustees. Thirty percent felt these were problems best handled by the board.³⁹

Sturtz's 1974 study asked questions regarding the division of authority and the division between policy making

³⁷ Education Commission of the States, p. 71.

³⁸ John D. Millett, "State Coordinating Board and State-wide Governing Boards," in Evaluating Statewide Boards, ed. Robert O. Berdahl (San Francisco, Cal.: Jossey-Bass, 1975), p. 76.

³⁹ Hall, pp. 13-18.

and administrative functions. He asked six state directors of community colleges and selected college presidents about past and future conflict in the four policy areas of fiscal, personnel, curriculum, and facilities. He found that the latter two were sources of conflict in the past; fiscal policy was next in order, with personnel policy showing no past conflict but potential for future conflict. Curriculum was seen as the area most likely to produce future conflict.⁴⁰

Instead of asking, as did Hall, where conflicts could best be settled, Sturtz asked the respondents to identify "the locus of settlement." Out of fifty-nine incidents of conflict, twenty-six "were settled by either the state board or local board, or by both boards acting together." In ten other conflicts where outside agencies were also involved, the state board singly or both boards settled the issue. Analyzing the results of the conflict settlements, Sturtz concluded that the state agency and the local boards try to find solutions "within the existing legal framework." Twenty-three solutions were made within the existing framework, whereas four required new laws and nine required new policy.⁴¹

⁴⁰Alan J. Sturtz and S. V. Martorana, "State Coordination and Local Control: The Community College Experience in Striking a Balance," Community/Junior College Research Quarterly 3 (January-March 1979): 158.

⁴¹Ibid., pp. 161-163.

Sturtz found that fiscal authority was divided, that personnel authority rested mainly with the local boards, and that the greatest degree of conflict was in curriculum and facilities where authority was not specifically assigned. From interviews Sturtz learned that "Conflicts occurred when state board operations began to hamper institutional operations and development."⁴² According to Sturtz, the state's role in fiscal accountability could pose a threat to institutional programs and development when limited resources force prioritizing. He concluded:

Rules and regulations that constrict institutional operations and confine them to paths intended to make all institutions virtually identical in operations and programs not only reduces autonomy but also destroys individuality and vitality. ⁴³

From his 1977 study of the two state-level boards responsible for community colleges in Illinois, Oastler identified five issues: "(1) community college financing, (2) local college autonomy, (3) duplication of programs, (4) fragmentation of the system, and (5) articulation." He concluded that the issues dealing with goals rather than means have the potential for becoming problems.⁴⁴

Drake's 1977 survey of state boards "having complete legal responsibility for governing two-year public colleges,"

⁴²Ibid., pp. 164-166. ⁴³Ibid., p. 167

⁴⁴Oastler, p. 246.

asked the respondents to rank a list of issues. The result of this request was as follows:

Funding formulas	Long-range planning
Capital planning and construction	Collective bargaining
Program cutback	Tuition and fees
Enrollment projections	Government reporting. ⁴⁵

The question regarding the division of functional authority, pointed to by Sturtz, Millett, and the Education Commission of the States, was not asked of the state board members. Drake did, however, ask some local-level board chairmen and presidents in both public and independent colleges to respond to a statement: "There is little confusion among governing boards concerning their role in setting policy as distinct from administration." A simple majority of the public and independent college presidents and the chairmen of independent colleges agreed with the statement, but the public chairmen overwhelmingly (ninety-five percent) agreed. Drake noted, however, that "25 percent of the independent college presidents and 21 percent of public college presidents, . . . 11 percent of public college board chairmen and 7 percent of the independent college chairmen . . ." considered defining the division of authority to be a problem.⁴⁶

Lounsbury, Young, and Peters surveyed the major community college policy-making bodies in Tennessee in 1978 to

⁴⁵Drake, p. 47. ⁴⁶Ibid., p. 50.

determine whether a consensus existed on the importance of certain issues. It was felt that such a consensus was a prerequisite to planning. The groups participating in the survey included "the Tennessee General Assembly; the Tennessee Higher Education Commission (the coordinating body); and community college personnel represented by the Presidents' Council and Sub-Councils." One of the interesting findings of this study was that student and governance issues were not seen as critical.⁴⁷ An unexpected finding, according to the researchers, was the existence of "a general consensus among the four policy-making groups. . ." This consensus was particularly noticeable among the top three items: "improving instruction, developing more effective means of evaluating faculty performance, and assessing instructional effectiveness. . ." Of the top twelve critical issues, accountability was related to three: accountability in services, funds, and program evaluation. Four were indirectly related to students: community college and four-year institution articulation, student interests versus society's need for a skilled labor force, and implementing lifelong learning. The energy crisis was also seen as a critical issue.⁴⁸

⁴⁷ John W. Lounsbury, Donna Young, and John M. Peters, "Critical Issues Facing Community Colleges," Community/Junior College Research Quarterly 3 (April-June 1979): 270.

⁴⁸ Ibid., 276-279.

In his 1980 work, Gleazer identified the question of "Who has authority?" as being the most controversial issue.⁴⁹ In 1980 Martorana and Smutz also found that the governance question predominated in three issues which they felt needed attention. They arrived at this conclusion after evaluating their six years of analyzing state educational legislation. The first issue concerned the distribution of authority and responsibility among "the state legislatures, state boards, and local institutions. . ." They described the present distribution as one of "complexity, ambiguity, and tension." The second issue was concerned with "what happens to the local mission as centralization increases." The outcome of the third issue, according to Martorana and Smutz, will determine the outcomes of the first two issues. The third issue deals with community college leaders' abilities to perform in the political realm where the first two issues will be decided.⁵⁰

Policy-Making Relationships in State-Level Governance

The governance question of "Who decides?" or "Who has authority?" is deliberated in a state's educational policy-making process. The result of this deliberation is influenced by the history and traditions which characterize the policy

⁴⁹Gleazer, The Community College, p. 139.

⁵⁰Martorana and Smutz, "State Legislation, Politics. . ." p. 12.

process. This has been acknowledged by several researchers and authors, for example, Glenny, Miller, and Wirt. Glenny concluded from his comparative study of central agencies in higher education that:

Both the laws establishing coordinating agencies and the actual operation of them depend on a variety of factors in the historical development of the state . . . Certainly the values and goals of the people of a state will be major determinants of its higher education and the methods for controlling it. The history of higher educational development in each state will itself bear upon the powers and organization of a central agency and, indeed, upon the emergency of the need for such an agency. . . As this study shows, there is often little relationship between the legal provisions binding the agency and its actual undertaking. 51

The disparity between the legal provisions and what actually happens within the system is found in the policy-making framework and environment. Miller states that "any major change in the structure of the decision-making apparatus is likely to affect the operation of the process itself. . ." In turn, "any new apparatus is affected by the environment into which it is introduced." The "fit" of the new apparatus and the policy-making environment is important to the effectiveness of its operation.⁵²

⁵¹Glenny, p. 61.

⁵²James L. Miller, Jr. "Evaluation and Political Reality," in Evaluating Statewide Boards, ed. Robert O. Berdahl (San Francisco, Cal.: Jossey-Bass, 1975), pp. 52, 53.

Wirt describes the states' policy-making frameworks and environments as "policy cultures" which reflect "a related set of beliefs that produce authorizations embodied in public law."⁵³ This is assuming a fit between the agency and the environment which Glenny and Miller have acknowledged is not always present. Wirt detected regional policy cultures when he analyzed state educational laws, in 1972-73, as they applied to thirty-six policy areas in each of the fifty states. Wirt found that the regions of the South, Southwest, and Hawaii exhibited a centralized policy-making process. New England and the Mountain States showed a decentralized decision authority. The middle states, between the Appalachians and the Rockies, were moderately centralized or decentralized. Wirt felt that the consequence of these regional policy cultures was educational systems "shaped by history and by an ongoing state structure of policy."⁵⁴

Glenny's comparative study of central agencies in higher education was also a comprehensive analysis of governance and policy-making interrelationships. Glenny found that the pivotal role in the higher education policy process was the system's state president or chief executive officer with his staff.

⁵³Frederick M. Wirt, "School Policy Culture and State Decentralization," in The Politics of Education ed. Jay Scribner (Chicago, Ill.: University of Chicago Press, 1977), p. 175.

⁵⁴Ibid., pp. 181-186.

The state president formulated the agenda and information presented to the governing or coordinating agency and interpreted and carried out the decisions of the agency. This was not unbounded power. The institutional presidents were an integral part of the policy process in six of the states Glenny studied.⁵⁵ Glenny also found that "executives rarely proceed with recommendations to the agency without the knowledge and usually the consent of the presidents of the institutions." The formal contact which the institutional presidents had with the agency members, however, was controlled. Any appearance of a president before the agency or any issue which a president wished presented must first be submitted to the chief executive officer or the president of the system.⁵⁶

Generally, Glenny learned that reports or recommendations solicited by the chief executive from the institutional presidents were considered in forming a policy position. The presidents were usually given an additional opportunity to provide input before the state executive officer and his staff presented recommendations to the agency for action.⁵⁷

Faculty input into the policy process was not apparent. Glenny determined that "with few exceptions" faculty members were not part of the state-level policy-making process.⁵⁸

⁵⁵Glenny, p. 71. ⁵⁶Ibid., pp. 52-53.

⁵⁷Ibid., p. 72. ⁵⁸Ibid., p. 71.

The central agency itself played a pivotal role as it often had to place itself between the professional staff and the institutions or between the system and outside influences. Glenny criticized the central agencies for being passive rather than aggressive in issues.⁵⁹ They often waited for orders from the legislatures before taking action.⁶⁰

From his study of policy-making interrelationships, Glenny concluded that system unity and support in policy making and planning are determined by

The amount and quality of participation by presidents and faculty. . . [and by the] informal association among officers of various institutions or among these officers and members of the central agency. 61

Local boards of trustees are the policy-making body at the institutional level, but Glenny found that they were essentially bypassed by the central agency. The central boards in their state-level policy-making role and in their relationships with the institutional presidents circumvented the local boards. He also determined that the local boards were not used in an advisory capacity by the state boards. These local boards, however, are very important in issues needing "public support and understanding."⁶² They can, however, be a deterrent to coordination if they offer support

⁵⁹Ibid., p. 203.

⁶⁰Ibid., p. 208.

⁶¹Ibid., p. 72.

⁶²Ibid., pp. 236-237.

for "parochial views. . ." at the local level.⁶³ On the other hand, governing agencies can be detrimental to local institutions if they ignore institutional problems in preference to system needs. Glenny learned that in spite of the hazard of having their problems ignored by a governing board, the institutional presidents preferred operating under the central agency only instead of two boards, for it gave a "high degree of administrative independence." Glenny predicted that central coordinating and governing agencies will mean a reduced role for the local institutional boards.⁶⁴

Institutional advisory groups often performed as substitutes for these local boards which were lacking in some governance systems. Advisory groups, whether state or local level, reported directly to the agency in only two states. In the other states they reported directly to the executive officer who presented recommendations to the agency.⁶⁵ Glenny ascertained that advisory groups as lay groups assisted the central agency in two ways. They provided an "outside perspective on the state system and recommendations which a central agency frequently cannot make for itself, whether for political reasons or for reasons of self-preservation."⁶⁶

⁶³ Ibid., p. 240.

⁶⁴ Ibid., pp. 235-237.

⁶⁵ Ibid., p. 46.

⁶⁶ Ibid., p. 70.

Glenny detected two weaknesses in policy making by central agencies in higher education. The first was the central agencies' over-reliance on institutional presidents in policy formation. The second was the lack of faculty input into the process. The first weakness, according to Glenny, increased "logrolling" among the institutional presidents to the detriment of state needs. The second weakness produced a lack of cooperation when policies were implemented.⁶⁷

Insight into an individual state's policy-making process is provided by a case study. Leister's study of the centralization of authority in the state of Washington's community college system revealed weaknesses in its original governance framework. These weaknesses led to more centralized control. When the State Board of Education failed to act as an advocate for the community college system which was under its authority, the institutional presidents developed their own contacts in the state legislature. The governor reprimanded the State Board of Education for its failure to act as an advocate, and the legislature required that it make a study of the community college system and make recommendations for its governance. The study, made by an outside consulting firm, recommended that the community college system be separated from the State Board of Education and be given its own board.⁶⁸

⁶⁷Ibid., pp. 83-84.

⁶⁸Leister, pp. 77-80.

Although the new board was empowered to make policy in areas which had been previously left to the local institutions, it opted to be "coordinative rather than directive."⁶⁹ In order to develop a system and unity among its institutions, the board introduced a widespread and formal advisory system. This System Advisory Council consisted of four parts: the Advisory Council of Presidents, the Faculty Advisory Council, the Washington Association of Community College Student Governments, and the Trustees' Association of Community Colleges. With this assistance, the board developed its master plan, "Design for Excellence."⁷⁰

Leister's study was intended as an examination of the factors which led to the centralization of authority in the Washington Community College System and not as an examination of the policy-making relationships within the system. It did, however, provide some insight into the subject. The above components of the System Advisory Council furnished the structure from which to draw members for task forces needed to provide information and recommendations on particular topics under consideration. For example, when the governor ordered a budget cutback, a task force composed of one representative from each of the components was asked to make recommendations regarding this order.⁷¹ The System Advisory Council was

⁶⁹Ibid., p. 104, 115.

⁷⁰Ibid., pp. 117, 119, 122.

⁷¹Ibid., pp. 129-130.

not the only source for advice and recommendations. If the required advice was technical, the experts within the community colleges would be formed into a task force. This was the case when the legislature directed the community college system to develop a computer utilization plan.⁷²

"Design for Excellence," the master plan for Washington's community college system, stipulated the use of participative decision-making on all levels. Goal Seven stated that the system is "To increase group participative management both inside and outside the system."⁷³ The three objectives of Goal Seven were:

- a. To involve business, industry, labor, government, and the community in the identification of needs and in their solution.
- b. To evaluate the distribution of responsibilities and functions of the State Board and the local district boards of trustees, establishing policies which clearly define their relative roles.
- c. To develop effective means and methods for regional cooperation among the districts and between them and other agencies.⁷⁴

There are twenty-two college districts in Washington's community college system each of which has a five-member board of trustees appointed by the governor for five years.⁷⁵ Leister stated that these boards "were given an opportunity to exercise their hand in determining the direction of the

⁷²Ibid., p. 160.

⁷³Ibid., p. 122.

⁷⁴Ibid., p. 128.

⁷⁵Ibid., p. 97.

community college system."⁷⁶ In reality, participative management reduced the district boards' autonomy by requiring local input. Their authority was further reduced from the top when the central board began to consolidate its authority as a result of the legislative demands placed upon it.⁷⁷

Keating's study of the affects of reform legislation in elementary and secondary education in Florida and California showed two state educational systems which had their traditional decision-making framework disrupted. Common elements of both these reforms were attempts to make the local institutions more accountable for the results of educational programs and to enlarge citizen input in the decision process at the local level. These reforms disrupted traditional patterns of relationships between the local institution and the county or district and substituted a more direct linkage between the local institutions and the state level.

The superintendents in Florida became more organized and politically active when they were bypassed by the reform state-site linkage.⁷⁸ Their vulnerability was noted by Keating. "(I)n the fall of 1976, . . . about 3/5 of the elected superintendents were voted out of office. . ."⁷⁹ California's

⁷⁶ Ibid., p. 129. ⁷⁷ Ibid., p. 230.

⁷⁸ Thomas E. Keating, "Political Linkages and State Educational Reform," (Ph.D. dissertation, Claremont Graduate School, California, 1977), p. 78.

⁷⁹ Ibid., p. 60.

district administrators saw the reform as bypassing them, but they were obliged to do the paper work of the reform in order to gain funding. Keating noted that in California the state associations of school boards and administrators did not align themselves with the state department of education in this reform effort which gave more power to parents. In Florida, however, "a group of district and site-level 'movers and shakers'" had been included in the formulation of the reform legislation.⁸⁰

Keating was also interested in determining how the teachers fit into the decision process after the decision power of the principals was increased and the citizen advisory groups were implemented. Keating evaluated the site situation in the following manner:

It seems accurate to say that while some principals have taken the risk of sharing their possible new power with teachers most are reluctant to do so. Principals stand to gain markedly from school-site committees, and certainly could use them to crush teacher organization power. ⁸¹

On the state level, Keating noted that in Florida, the teacher organization had political strength and state recognition in the urban areas. In California, the teachers' association made its position known by lobbying during the state-level policy-making process.⁸²

⁸⁰ Ibid., pp. 77-81. ⁸¹ Ibid., p. 82.

⁸² Ibid., pp. 74, 76.

The policy-making respondents in Keating's study perceived that the reform had increased the state department of education's control in California but had lessened it in Florida. The reforms in California were categorical which allowed the distribution of funds to attach with it a great amount of control.⁸³ Florida's state board was composed of ex-officio members of "constitutional-ranking cabinet members."⁸⁴ Their political orientation made them less reluctant to shift accountability to the local level.⁸⁵

Keating's appraisal of the reform legislation in California and Florida was that "a multi-dimensional governance relationship has replaced the top-to-bottom, hierarchical approach." The introduction of additional groups, especially the teachers, into the policy process ended in conflict, according to Keating. He concluded that the conflict was really "between conflicting philosophies over control of education in Florida and California. . ."⁸⁶

Recommendations for State-Level Governance of Education

Some of the above studies presented recommendations for the improvement of state-level coordination and governance of education. The recommendations were concerned with the two parts of the governance question of "Who decides?" They

⁸³Ibid., pp. 83, 86.

⁸⁴Ibid., p. 39

⁸⁵Ibid., p. 86.

⁸⁶Ibid., pp. 96-99

made suggestions regarding the division of authority and functions and discussed means to provide more avenues of influence into the policy process.

Avenues of Influence

Glenny's recommendations for coordinating and governing agencies were directed toward gaining more lay input into the policy process. In coordinating agencies where local boards exist, Glenny suggested establishing "more formalized methods of coordination and communication between the two layers of boards."⁸⁷ For governing agencies having no local boards, Glenny suggested establishing "advisory councils for each institution. . ."⁸⁸ He believed that the voluntary form of coordination suffered from the lack of a lay board. To compensate for the lack of a lay board, Glenny suggested adding a professional staff "not associated with any institution or board. . ."⁸⁹ The professional staff would increase the objectivity of the agenda for action by these voluntary organizations.⁹⁰ To overcome the lack of faculty input, Glenny recommended increasing faculty participation on committees and councils in areas of their concern.⁹¹

From the review of literature it was learned that the local boards are frequently circumvented in the state-level

⁸⁷Glenny, p. 242.

⁸⁸Ibid.

⁸⁹Ibid., p. 261.

⁹⁰Ibid.

⁹¹Ibid., p. 84.

relationships with the local level. The presidents of institutions are the point of the state-site relationship. Increasing the role of the local board and of local input was the concern of several recommendations. At the local level, Gleazer felt that the boards must make their presence more obvious. He suggested two ways to accomplish this. Local boards can insist on being presented meaningful agendas. They can also insist on the type of leadership they believe the institution needs.⁹² Gleazer also made the point that community development implies more than opportunity to participate in course work at the institution. Community development and education also mean developing citizenship through active participation in the decision process at the community level.⁹³

The educational reform legislation of Florida and California which Keating studied was an attempt to gain more community input into the decision process. According to Keating, the legislation increased local advisory groups but failed to support them. He recommended "increased statewide structures and financial support for the growing number of citizens and patrons involved in the reforms. . ."⁹⁴

⁹²Gleazer, The Community College, p. 174.

⁹³Ibid., 141. ⁹⁴Keating, p. 100.

The potential for local and institutional input in the policy-making process must not only be present, but it must be utilized. Sturtz and Martorana, 1979, recommended that:

State coordinating boards and institutional governing boards maintain open communications, continue to solve problems by joint action, and if necessary, establish procedures whereby cooperative, bipartisan action is assured. 95

If input does not come from the local and institutional level, for whatever reason, Sturtz and Martorana recommended implementing a formal process which will make it available.

Input from the local and institutional level must pass to the state level agency in order for it to influence the decision process. In turn, the state level agency must use this knowledge to influence the state legislature, the body making an increasing number of governance decisions in education. Gleazer attributed the increased educational role in the state legislature to the habit of the local level using the legislature as an appeals court for their grievances.⁹⁶ In addition to being used as an appeals court by those on the lower level, the state legislature, through its own reform movements, has become more active in all state agency decisions, including education. Martorana and Smutz concluded from their six years of analyzing state educational legislation that "higher education has become a more integral part

⁹⁵Sturtz and Martorana, p. 167.

⁹⁶Gleazer, The Community College, p. 147.

of state government than in the past. . ."⁹⁷ The fact that higher education has been brought into the state political arena places a responsibility on the educational leaders to become politically sophisticated in their actions and thinking with regard to the function and resource distribution made by the state legislature.⁹⁸

Division of Functions

Sturtz and Martorana recommended a division which will recognize the state's role in developing and coordinating a statewide system but which will leave the institutions the necessary flexibility to respond to community educational needs in a manner which they determine will best achieve the goals.⁹⁹ They also recommended that

[a] periodic reexamination of the legislative statutes relating to the power and duties of state coordinating boards for community colleges and local institutional boards of trustees be implemented to clarify any vagueness of intent of shared authority in policy areas.¹⁰⁰

According to Sturtz and Martorana, there are areas in which the local boards must assert their authority:

⁹⁷Martorana and Smutz, "State Legislation, Politics," p. 11.

⁹⁸Ibid., pp. 12, 13.

⁹⁹Sturtz and Martorana, pp. 167, 168.

¹⁰⁰Ibid., p. 167.

The local board must assert itself in making the decisions that directly affect the course of the institution in meeting local needs and maintaining autonomy to the extent of deciding how that task can best be accomplished through selection of personnel, programs, and facilities. 101

Halstead made recommendations for improving the planning process which also apply to the governance issue. He called for clear lines of authority. He recommended that "A scheme of statutory coordination should be established to serve as a protector of the substantive autonomy of institutions."¹⁰² Although he did not recommend certain functions for the state level as opposed to the local level, he did make the recommendation that, whatever the division, it be made explicit:

A coordinating agency will function more effectively if the particular role and distinguishing functions of the various institutions or institutional systems are clearly defined, if adherence to these definitions is enforceable, and if provision is made for future innovative change and modification of the definition. 103

This distinction in functions should also be drawn in planning for the state system and in planning for institutional development.¹⁰⁴

Where should the real decision power be? Harclerod provided the following recommendation:

¹⁰¹Ibid., p. 168.

¹⁰²USDHEW, p. 15.

¹⁰³Ibid., p. 16.

¹⁰⁴Ibid.

It is critical that people in the institutions involved continue to supply the value judgments which are a necessary prior determinant in the final analysis of the available data and selection of the most promising option or alternative.¹⁰⁵

Harcleroad is a proponent of educational institutions using business models. He stated that educational institutions can learn much from the "decentralized multi-companies model" where there is "strong decentralization of day-to-day operations and very strong controls over goals, planning, and capital expenditures."¹⁰⁶ He offered the following model for statewide coordination:

A MODEL FOR A STATEWIDE COORDINATING BOARD OR COMMISSION

1. Leadership and coordination in
 - a) formulation of statewide needs and policies
 - b) long-range and short-range planning
 - c) program development with statewide implications
 - d) establishment of statewide and institutional master plans for the development of programs and physical facilities at individual institutions. This includes the development of guidelines, standards and, occasionally, basic procedures to guide the operations of individual institutions.

2. Approval of institutional objectives on which to base yearly institutional budget requests, consistent with statewide planning, guidelines, and previously approved college master plans. Recommendation of the agreed upon budget to the statewide board and organization of the presentations and support of the budget request to the executive and legislative branches of government.

¹⁰⁵Fred F. Harcleroad, "State Coordination: Promise or Peril?" (Speech given at Summer Seminar for Community College Presidents, ED 093 395, 1974), p. 8.

¹⁰⁶Ibid., pp. 12, 13.

3. Appraisal and evaluation of institutional achievement of approved objectives, including fiscal postaudit and analysis of institutional application of statewide policies and guidelines. This includes a periodic review of institutional progress in achieving agreed-upon objectives and in solving problems inherent in the local situation.
4. Advice to individual institutions, as needed and requested on operational matters. Responsibility and authority for operational decisions necessary for institutional implementation of system-wide policies and programs, as well as institutional policies and programs, should be located at each campus. Statewide officers have an obligation to restrict their role to statewide activities. 107

The Education Commission of the States presented the following recommendations regarding division of functions and authority:

1. The agency should be accountable to the state government for planning, review and related procedures and for recommendations requiring legislative and executive action.
2. If the postsecondary institutions are to be held responsible for achieving mutually agreed-upon program and policy objectives, the states and their agencies must delegate to governing boards the management of all operating funds within agreed to broad areas of expenditure authorization, free of pre-audits by any state agency but subject to appropriate post-audits to determine that institutional and program objectives and proper fiscal management have been achieved.
3. The state agency should be a primary, comprehensive and objective source of information and recommendations for the executive and legislative branches of government. The agency is

¹⁰⁷Ibid., p. 14.

responsible for working with the institutions, and in the process the agency and institutions are strengthened. It is in the interest of the public, the students, the institutions and state government to encourage full and effective cooperation with the state educational agency. 108

The Education Commission of the States also set out the following as institutional decision areas which should not be violated by the state coordinating or governing boards:

1. student affairs, except general admissions standards, enrollment ceilings, and enrollment mixes applicable to the various systems and subsystems of institutions;
2. faculty affairs (hiring, promotion, tenure, dismissal, salaries) except general guidelines applicable to salaries;
3. selection and appointment of any person at the institutional or agency level, including the president or chief executive and board members.
4. approval of travel, in-state or out-of-state, for staff of any institution;
5. planning of courses or programs, including their content, and selecting subjects of research.
6. presenting of arguments and supporting material for institutional operating or capital budgets, except that the board should present and support its own recommendations on budgets;
7. contractual relationships for construction, land acquisition, equipment, and services;
8. general policing or maintenance of civil order on campus and

¹⁰⁸ Education Commission of the States, p. xi.

9. negotiations and contractual relationships with unions representing institutional personnel, except that such negotiations may be conducted within guidelines and/or budgetary parameters set by the state or board.¹⁰⁹

The final recommendation of the Education Commission of the States was that "once policies, plans, guidelines and programs are agreed upon and funds appropriated, the authority to operate the programs must be delegated to the institutions."¹¹⁰

¹⁰⁹Ibid., p. 85.

¹¹⁰Ibid., p. 88.

CHAPTER III
NORTH CAROLINA STATE BOARD
OF COMMUNITY COLLEGES

Background

The decisions and the influences which led to the creation and development of the North Carolina Community College (NCCC) system are traced in the Penley (1969), Mayberry (1972), Segner (1974), and Lochra (1978) dissertations.¹ Past governance structures and the traditional ways in which they were utilized provided the background for the governance decision to create a new and separate state board of the community college system.

¹Penley's dissertation (1969) recorded the history of the N. C. Community College system from the points of view of Dallas Herring, Chairman of the State Board of Education; Dr. I. Epps Ready, the first Director of the State Department of Community Colleges; and Dr. Gerald James, the Associate Director of the State Department of Community Colleges during Dr. Ready's administration. Dr. James was concerned mainly with the industrial education centers and vocational and technical programs in the system and in the state. Mayberry (1972) presented a history from the perspective of five decisions, some of which concerned the NCCC system, made by Dallas Herring, Chairman of the State Board of Education. Segner (1974) produced a history of the NCCC system from its earliest origins to 1963 when it was established as a system. Segner's dissertation was published under the title A History of the Community College Movement in North Carolina 1926-1963 (Kenansville, N.C.: James Sprunt Press, 1974). Lochra (1978) consolidated the history of the NCCC system from the above dissertations, presented the issues and growth of the system during the administrations of Dr. I. E. Ready and Dr. Benjamin E. Fountain, Jr., and explained the legal framework of the NCCC system under the N. C. General Statutes, Chapter 115A.

Supreme Governance Decision

The act of creating a state educational organization is the supreme governance decision and is a decision within the authority of the state legislature only. The supreme governance decision has been made several times during the history of the institutions which later became the North Carolina Community College system.

The NCCC system was established by combining two of the five existing public junior colleges and the twenty industrial education centers in the state.² There was no common pattern of governance for the five public junior colleges. Three began as college centers under the administration of the University of North Carolina Extension Division with the Annual N. C. College Conference making policy decisions. One began as a local college under the county board of education, and the fifth began under the Community College Act of 1957, and was governed by the Board of Higher Education.³ The twenty industrial education centers were under the local boards of education and the State Department of Public Instruction, all of which were governed by the State Board of Education.⁴ The idea of a separate board to combine these institutions was

²North Carolina, Department of Community Colleges, Progress Report, The Comprehensive Community College System North Carolina: First Five Years 1963-1968 (Raleigh: State Board of Education), p. 2.

³Ibid., pp. 2-8. ⁴Ibid.

considered when the community college system was established in 1963. Instead of a separate board, the system was placed under the governance of the State Board of Education (SBE).

Dr. Gerald B. James explained the reasoning behind this decision.⁵ The "nature of the system," and "what was taught" greatly influenced the decision. Most of the institutions were industrial education centers already under the SBE and the emphasis of the community college system was to be vocational and technical education. It was, therefore, considered best to keep the new system under the SBE, the agency which was responsible for vocational education in the state. Another consideration for placing the system under the SBE, according to Dr. James, was the fact that a separate board for the developing community college system would be at a disadvantage when competing in the legislature with the other two systems for funding and other considerations. Dr. James pointed out that the university system has always had its graduates in the legislature to watch over its interests and that the statewide local public school systems' influence

⁵Dr. Gerald B. James, President of Rockingham Community College, Wentworth, N. C. 1964 to present (1982); Chairman of N.C. Association of Public Community College Presidents, 1982-1983; Associate Director of Department of Community Colleges, Director of Industrial Education Centers, 1963-1964; State Director of Vocational Education 1960-1964; Associate Director of Department of Curriculum & Research, Department of Public Instruction, N. C. 1958-1960; Professor of Occupational Education, N. C. State University, Raleigh, N.C. 1952-1960.

with local legislators has been and continues to be "pervasive." To "survive and develop," Dr. James stated, the community college system needed the continued political protection of the SBE and the strong leadership of its chairman, Dallas Herring.⁶

Dr. I. Epps Ready, who became the first Director of the Department of Community Colleges, expressed the same reasons for the decision to place the community college system under the SBE. He also stated that the Carlyle Commission, appointed by Governor Terry Sanford on September 15, 1961, had recommended this form of governance.⁷

The Carlyle Commission, the Governor's Commission on Education Beyond High School (1962), was the combined wish of Dallas Herring, Chairman of the SBE and member of the Board of Higher Education, and Governor Sanford, who campaigned for the improvement of North Carolina's educational systems. Herring had been interested in a comprehensive community college system from the middle 1950s and was still trying to get the industrial education centers and public junior colleges

⁶Interview with Dr. Gerald B. James at Rockingham Community College, Wentworth, 17 June 1982.

⁷Albert Pultz Lochra, "The North Carolina Community College System: Its Inception--Its Growth--Its Legal Framework." (Ed. D. dissertation, University of North Carolina at Greensboro, 1978), p. 125.

combined.⁸ Governor Sanford wanted to provide future direction for higher education and in the process clarify the industrial education centers' and public junior colleges' role in the system.⁹

The Commission recommended that the community college system be comprehensive, that it "offer college parallel, technical-vocational terminal, and adult educational instruction tailored to area needs," and that it be under the SBE.¹⁰ It further recommended a "professional Department of Community Colleges" to carry out the "statutory duties" and policies of the SBE.¹¹ Both John Sanders, the Commission's Secretary, and William Archie, the Commission's consultant, gave Chairman Herring credit for influencing the decision to put the community college system under the SBE.¹² Chairman Herring was a member of the twenty-five member Carlyle Commission.

The issue of a separate board, however, did not die with the 1963 Higher Education Omnibus Act which enacted the recommendations of the Carlyle Commission and created the community college system. The issue surfaced several times between 1963 and 1979, the year the N. C. General Assembly enacted Senate Bill 266 giving the community college system its own separate board.

⁸Kenyon Bertel Segner, A History of the Community College Movement in North Carolina 1927-1963 (Kenansville, N.C.: James Sprunt Press, 1974), p. 63.

⁹Ibid., p. 88. ¹⁰Ibid., p. 124.

¹¹Ibid., p. 124. ¹²Ibid., p. 105.

In this study, the issue of a separate state board and the governance decisions of the State Board are viewed from the perspective of the Presidents' Association and the Trustees' Association for the reason that these are the institutional associations which actively participate in the state-level decision-making or policy-making process. The Presidents' Association speaks for the local institutional personnel and the Trustees' Association speaks for the public at the local level in policy matters considered at the state level.

Predominance of the Presidents' Association
as Institutional Representative
in State-Level Policy Making

The predominance of the North Carolina Association of Public Community College Presidents, otherwise known as the Presidents' Association, as institutional representative in the state-level policy-making process was established after many years of consideration within the institutions of the system. The Presidents' Association began expressing its opinions regarding policy and the policy process early in the history of the community college system. In August 1965, the Council of Community College Presidents, a forerunner of the Presidents' Association, decided to express its displeasure to the Director of the Department of Community Colleges over the fact that neither the "Presidents nor representatives. . ." were part of the policy process at the state

level. It also expressed its displeasure over the fact that decisions were being made at the state level which should be made at the local level.¹³ By its April 6-7, 1966, meeting, the Presidents' Association was expressing concern over the fact that the Department of Community Colleges was inviting faculty members to Raleigh for meetings and over the fact that some of these specialized employees were "organizing for action independent from their respective institutions and the Presidents' Council."¹⁴

At this same meeting the Presidents' Association drew up and approved the following concept of the community college system and forwarded it to all the "institutional trustees and presidents, to the Department of Community Colleges and to the State Board of Education members":¹⁵

Consistent with the intent of the General Assembly and the State Board of Education to provide educational services to the citizens of North Carolina, a statewide system of comprehensive community colleges, technical institutes, and industrial education centers is being developed. The term "system" implies a group of institutions with a common philosophy of education, each designed to meet the educational needs of its own commuting area, and designed collectively to help meet the total educational needs beyond high school for the State. Cooperative and coordinated effort is the distinguishing feature of a "system", however, because of the variability of local needs, each institution within the "system"

¹³North Carolina Council of Community College Presidents, Minutes, Pinehurst, 3-4 August 1965, p. 1.

¹⁴North Carolina Council of Community College Presidents, Minutes, Rougemont, 6-7 April 1966, p. 6.

¹⁵Ibid., p. 4.

must develop an individual character and must have freedom in the development and implementation of programs to meet local educational needs. Coordination among the individual institutions can be fostered through carefully developed guidelines and criteria. This approach, as against that of providing rules and regulations governing each phase of institutional operation, will nurture rather than stifle maturation. Provision of guidelines and criteria is a function which can be performed by the Department of Community Colleges Staff, working in conjunction with the State Board of Education policy. In order to assure individuality and freedom for each institution, implementation of guidelines and criteria should be the sole responsibility of the Trustees and their duly appointed college officials. 16

The Presidents' Association membership grew in 1967 when it invited the director of any technical institute satellite unit having its own board of trustees to join the association.¹⁷ Over a period of years, this enlarged Presidents' Association carefully considered what its position with the teachers' associations should be in seeking help with its educational programs and funding needs in the legislature.

Considering an alliance
with teachers' associations

There were several reactions to the idea of an alliance with teachers' associations. One reaction expressed within the Presidents' Association in 1967 was that it should be careful of alliances with a teachers' association such as the

¹⁶Ibid., pp. 4-5.

¹⁷N. C. Association of Public Community College Presidents, Minutes, Jamestown, 1 November 1967, p. 3.

N. C. Association of Educators (NCAE). Several reasons were given for this caution. The teachers' associations would be put in the position of defending the budgets of two educational systems- the public school system and the community college system. There was also the danger that the community college system would be required to hire only certified teachers. Rumors were also circulating that local superintendents were trying to get the community college system's institutions back under the local boards of education.¹⁸ An alliance with public school associations, therefore, was viewed with caution.

In 1969, this caution was still being expressed. It was reported that five legislators advised the presidents to organize their own system's association, for the NCAE "had done little for us."¹⁹ The issue took a more definite turn in 1970 due to a letter to community college personnel by Helen Marvin, Chairman of the Division of Community Colleges of the NCAE.

The letter, which drew the attention of the Presidents' Association, announced a meeting on July 30th at Fayetteville, N. C. Marvin's letter stated that the agenda of the meeting would be concerned with "our Legislative Program in the

¹⁸NCAPCCP, Minutes, Winston-Salem, 2 February 1968, p. 2.

¹⁹NCAPCCP, Minutes of Called Meeting, 7 November 1969, pp. 1, 3.

General Assembly next Spring" and making recommendations to Governor R. W. Scott regarding the community college system's place in higher education. The alternatives to be considered were that it should be "with Higher Education, with the State Board of Education--as we are now--, or as our own separate branch of Community Colleges and Technical Institutes."²⁰

The Presidents' Association's response to the letter was to request Marvin to postpone the decision of the Community College Division of the NCAE regarding Governor Scott's request until the Presidents' Association and the Trustees' Association had made their recommendations.²¹

The NCAE represents certified teachers. The community college system, however, employs both certified teachers and noncertified teachers. John Wilson, President of the NCAE (1981-1982) estimated that there are only about 200-300 members of the NCAE in higher education at the present time.²²

Because the NCAE represented such a small number of the community college system's faculty, Doris Tucker and Elisa Yount of Vance-Granville Community College, with the help of Robert Young of Western Piedmont Community College, organized

²⁰NCAPCCP, Minutes of Called Meeting, Charlotte, 29 July 1970, p. 1.

²¹Ibid.

²²Interview with John Wilson, President, NCAE, Raleigh, 28 April 1982.

a new faculty organization in 1976. Tucker and Yount sought and obtained the approval of the SBE to organize the Faculty Association of the N. C. Community College System (FANCCCS).²³

For organizational purposes, the association divided the state into four districts: Mountain, Piedmont, Wake County Area, and Eastern. Each district had a representative who met with the institutional representatives twice a month. A legislative committee, made up of a representative from each district, attempted to attend important legislative committee meetings, to push for standard pay similar to that of the public schools, and to gain faculty representation on the institutional boards.²⁴ The organization was reported to have a representative in a majority of the system's institutions.²⁵

Tucker stated that when the association became vocal, the reaction of some individual presidents was to fight it. Other presidents supported the faculty association.²⁶

The above pattern of reaction was supported by statements of Dr. Charles Poindexter, Chairman of the Presidents' Association for the year 1980-1981. The amount of participation

²³Interviews with Doris Tucker, 5 July 1982; and Elisa Yount, 13 July 1982.

²⁴Interview with Doris Tucker, 5 July 1982.

²⁵"Vance-Granville Dismisses 5 Critical Teachers," The News and Observer, (Raleigh, N.C.), 29 May 1977, p. 6.

²⁶Interview with Doris Tucker, 5 July 1982.

teachers exhibit at the local level, according to Dr. Poindexter, is a function of the history of the institution, the wishes of the board of trustees, the administrative style of the institutional president, and the traditions of the area. He also stated that it varies among the fifty-eight institutions. Dr. Poindexter explained that the lack of teacher representation on the state level is due to the fact that teachers are considered employees of local institutions and not employees of the state.²⁷ Carl Horn, Chairman of the new State Board of Community Colleges, expressed his position regarding faculty input. He stated that the board looks to the presidents for input and expects faculty input to be at the institutional level although there is no policy which requires it.²⁸

Doris Tucker, Elisa Yount, and three other teachers from Vance-Granville Technical Institute were dismissed in May, 1977.²⁹ The teachers sued and won an out-of-court settlement with Doris Tucker and several other teachers being reinstated in their jobs.³⁰ In 1979 Tucker presented a statement for the FANCCCS at the Senate Education Committee hearing regarding legislation for a separate state board.

²⁷ Interview with Dr. Charles Poindexter, 25 August 1981.

²⁸ Interview with Carl Horn, Chairman of the State Board of Community Colleges, 16 September 1981.

²⁹ "Vance-Granville Dismisses"

³⁰ Interview with Elisa Yount, 13 July 1982.

Considering an "umbrella" association

In August 1970, the increased number of organizations representing various segments of the community college system, caused the Presidents' Association to request its Chairman "to appoint an ad-hoc committee to study the desirability of one organization representing the entire system."³¹ The Presidents' Association also received and discussed a resolution from the Occupational Directors and Deans of Instruction in the community college system endorsing the formation of an "Association of N. C. Community Colleges and Technical Institutions at the earliest possible date. . ." This new association was "to provide unity. . . and to be a collective voice of all personnel. . ."³² At its July, 1971, meeting, the Presidents' Association decided to pursue plans for such an "umbrella" organization.³³ By October, 1971, it requested that a constitution and by-laws be drawn up for consideration.³⁴

Dr. Raymond Stone, who was chairman of the ad hoc committee appointed to study the umbrella organization, explained the concept behind it. Each association within the system--presidents', trustees', deans', faculty--was to become a

³¹NCAPCCP, Minutes of Called Meeting, Southern Pines, 24-25 August 1970, p. 4.

³²NCAPCCP, Minutes of Called Meeting, Lenoir, 7 October 1970, p. 2.

³³NCAPCCP, Minutes, Wentworth, 6 May 1971, p. 4.

³⁴NCAPCCP, Minutes, Charlotte, 28 July 1971, p. 2.

division of a state umbrella organization having its office in Raleigh. The purpose of the organization would be to support the aims of the Department of Community Colleges and the community college system in Raleigh. Dr. Stone stated that after working on the idea for two or three years, the Presidents' Association finally voted it down.³⁵

Dr. Stone described the position of the Presidents' Association and the Trustees' Association in the state-level policy-making process as "inherent" in the organization of the system. The Deans, he explained, are more concerned with academic matters than administrative matters. Dr. Stone judged that the faculty association had never been a continuing, functional force. Its force, according to Dr. Stone, depends upon its leadership at a particular time.

Combining with other institutional, professional associations to form an umbrella organization was considered over a period of years and rejected. The Presidents' Association, however, considered another source of support for its efforts on the state level.

Presidents' Association's alliance with the Trustees' Association

The Presidents' Association recognized early that it needed help in presenting the system's local needs to the

³⁵Interview with Dr. Raymond Stone, President of Sandhills Community College, 22 July 1982.

legislature and in following through to secure the means to meet those needs. On November 19, 1965, the Council of Community College Presidents, the forerunner of the Presidents' Association, requested its first Chairman, Dr. Raymond Stone, President of Sandhills Community College, to explore the idea of a trustees' association.³⁶ Each member of the committee was requested to bring a trustee from his board of trustees to a meeting to discuss the idea.³⁷ A nine-member board of directors, including Paul H. Thompson, H. Clifton Blue, James W. Pierce, and Fred Easton, as chairman, was established. It was decided that each chairman of an institutional board of trustees would appoint a trustee to represent its board at a delegate assembly on March 10, 1966.³⁸ It appears that attempts to organize an association extended to May, 1966. The trustees met at High Point, N. C. on May 11, 1966, and were addressed by Chairman of the SBE, Dallas Herring. Herring's remarks indicate the input anticipated from the trustees:

The State Board of Education invites you as trustees, as it has invited the presidents of the institutions, to bring your ideas and your grievances to us, so that we may sit down around the conference table and learn from each other how we may best work and best agree toward these ends. 39

³⁶NCAPCCP, Minutes, Dallas, 19 November 1965, p. 2.

³⁷Ibid.

³⁸Fred J. Eason Letter 18 February 1966.

³⁹Dallas Herring Remarks, 11 May 1966, p. 4.

At this same May 11, 1966, meeting, the temporary President of the Trustees, W. Stanley Moore, appointed a committee to complete a plan to organize the trustees.⁴⁰ On October 26, 1967, forty-five trustees, representing approximately one-third of the institutions, met at Burlington, N. C. Pending final approval by a delegate assembly, to meet no later than December 31, 1967, the trustees tentatively adopted a constitution, by-laws, and its first slate of officers: President, Paul H. Thompson of Fayetteville Community College; Vice-President, Dr. Robert Lee Humber of Pitt Technical Institute; and Secretary-Treasurer, James W. Pierce of the Technical Institute of Alamance.⁴¹ The delegate assembly was held December 6, 1967, at the Sir Walter Hotel, Raleigh, N. C., with one hundred and eighteen trustees present.⁴² The association was incorporated on February 13, 1968, as the North

⁴⁰N. C. Association of Community College Trustees, Minutes, High Point, 11 May 1966. The following trustees made up the committee: James Pierce- Chairman, Technical Institute of Alamance; Welsford Bishopric, Rockingham Community College; H. Clifton Blue, Sandhills Community College; Felix Gee, Davidson County Community College; Edgar Terrell, Jr., Central Piedmont Community College; Dr. Robert Pittillo, W. W. Holding Technical Institute; and Carroll Overton, Rowan Technical Institute.

⁴¹N. C. Trustees Association of Community Education Institutions, Minutes, Burlington, 26 October 1967, p. 1.

⁴²N. C. Trustees Association of Community Education Institutions, Minutes of 1967 Annual Meeting of Delegate Assembly, Raleigh, 6 December 1967, p. 1.

Carolina Trustees Association of Community Education Institutions, Inc. (NCTACEI).⁴³

According to the association's constitution, the president, vice-president, and secretary-treasurer, serve a two-year, nonsuccessive term.⁴⁴ The Executive Committee, which also serves a two-year, nonsuccessive term, includes the association's officers and six members elected by the delegate assembly.⁴⁵ The delegate assembly also designates the authority of the Executive Committee.⁴⁶

Once organized, the NCTACEI, otherwise known as the Trustees' Association, looked to the NCAPCCP, otherwise known as the Presidents' Association, to inform it of areas where its services could best be utilized.⁴⁷ Paul Thompson, the first President of the Trustees' Association, met with the Presidents' Association on March 10-12, 1968. Thompson informed the group that he had been told the community college system lacked an "effective outside organization to support the system." He saw the Trustees' Association as a "unified, powerful and interested group" which could "assist the

⁴³NCTACEI, Inc., Articles of Incorporation, 13 February 1968.

⁴⁴NCTACEI, Minutes of 1967 Annual Meeting of Delegate Assembly, Raleigh, 6 December 1967, p. 2.

⁴⁵Ibid., p. 3. ⁴⁶Ibid.

⁴⁷NCAPCCP, Minutes, Fayetteville, 11 January 1968.

Presidents and institutions in the objectives which all would like to reach." He expressed the opinion that the Presidents' Association must "take the lead but the Trustees' Association can carry the desires through the appropriate channels with a large degree of success."⁴⁸

Utilizing the Trustees' Association effectively did not occur quickly. One of the presidents complained at the Presidents' Association meeting on November 7, 1969, that "the trustees were being systematically excluded and the statutes were being ignored in forming platforms for approval of the State Board."⁴⁹ At this same meeting, the Director of the Department of Community Colleges, Dr. I. Epps Ready, stated that the newness of the Trustees' Association had prevented its proper use in the past, but now that the "channels had been established to include the Trustees' Association their services could be utilized for a unified program."⁵⁰ By May 1971, the Trustees' Association was alerting the Presidents' Association to legislation which it perceived to be a threat to the community college system.⁵¹

The members of the 58 local boards of trustees are involved in the system's activities only part-time even though

⁴⁸NCAPCCP, Minutes, Durham, 10-12 March 1968, p. 2.

⁴⁹NCAPCCP, Minutes of Called Meeting, 7 November 1969, p. 2.

⁵⁰Ibid.

⁵¹NCAPCCP, Minutes, Wentworth, 6 May 1971, p. 1.

the responsibility at the local level of the system rests with them. The local board members must depend upon the institutional president they have chosen for a large amount of the information they receive. The role of the presidents with regard to their relationships with the trustees is to "educate and convince them of issues."⁵² The trustees, however, sometimes learn about a matter only after it has become an issue.⁵³

The following is a summary of Dr. Charles Poindexter's explanation of the trustees' role in state-level policy making:

The role of local trustees in state-level policy making is minimal. Most of their concerns regarding state issues are stated by the Presidents' Association which tries to get their input. The local trustees can be activated easily in issues which involve their authority or local issues. The Trustees' Association is not as active in state issues as it is in local needs and in protecting local authority. The influence of the Trustees' Association in the legislature depends upon the influence of individual trustees.⁵⁴

There is a recognized, basic difference between the role of the Presidents' Association and that of the Trustees' Association. Dr. Gerald James expressed this difference when

⁵²Interview with Representative Bertha Holt, 22nd District (Alamance), 6 July 1982.

⁵³Interview with George Morgan, President of Trustees' Association, N. C. Community College Retreat, September, 1981.

⁵⁴Interview with Dr. Charles Poindexter, 25 August 1981.

he said that the Trustees' Association is more political in its relationships with persons outside the system than the Presidents' Association. The Presidents' Association "by the nature of its position and professional stance operates more through proper channels."⁵⁵ State Senator W. D. (Billy) Mills affirmed this evaluation of the Presidents' Association's political influence. Mills felt that the Presidents' Association does not have political influence, only individual presidents have important connections in the legislature which they use.⁵⁶ According to Dr. Charles Poindexter, the political influence of individual presidents comes from support provided in the election campaigns. He added, however, that presidents do not often actively support candidates for obvious reasons.⁵⁷ The fact that the Governor does not use presidents on boards or commissions as often as the Presidents' Association would like is an indication of its lack of political influence, in Poindexter's opinion. According to Poindexter, there are, however, individual presidents who have regular access to the Governor due to the fact that they supported his election.⁵⁸ State Representative Bertha Holt made a distinction in the political role of the

⁵⁵ Interview with Dr. Gerald James, 17 June 1982.

⁵⁶ Interview with Senator Billy Mills, District 3, 22 June, 1982.

⁵⁷ Interview with Dr. Charles Poindexter, 25 August 1981.

⁵⁸ Ibid.

President's Association. While she did not see influencing the legislature in the separate board issue as a proper role for the Presidents' Association, she acknowledged that the association's political influence can be very powerful in the legislature when it is combined with that of the Department of Community Colleges and the Trustees' Association.⁵⁹

Methods of the Presidents' Association
for Cooperative and Coordinated Efforts

An inspection of the Minutes of the Presidents' Association revealed that the formal means for cooperative and coordinated effort with the Trustees' Association, the Department of Community Colleges, and the State Board were developed over a period of years.

Legislative Committee

The Minutes of April 6-7, 1966, show that the Presidents' Association was questioning what was "the best way for the interests of the community colleges to be placed before the Legislature."⁶⁰ Part of the format suggested to the Association's Legislative Committee was for it to "work closely with the State Board, the Department of Community Colleges,

⁵⁹ Interview with Representative Bertha Holt, 6 July 1982.

⁶⁰ NCAPCCP, Minutes, Rougemont, 6-7 April 1966, p. 1.

and the Trustees' Association. . ."61 The two major purposes of the Legislative Committee are to sit in legislative committee meetings having to do with topics relevant to the community college system and to provide information to clarify matters at hand.62

Although the Chairman and the members of the Legislative Committee represent the Presidents' Association in the legislature, they work closely with the President of the Department of Community Colleges. Dr. Woodrow B. Sugg, who was chairman of the association's Legislative Committee for seven years, stated that it "played on top of the table" with the State President, Dr. Benjamin E. Fountain, Jr. According to Dr. Sugg, there were times when it was better for the state president to speak for the system and there were times when it was better for the Presidents' Association to speak.63 The Presidents' Association was seldom at odds with the state president and the Department of Community Colleges.64 This was due to the fact that the problems were usually worked out before reaching the legislature.65 In order to reach

⁶¹NCAPCCP , Minutes of Meeting, Jamestown, 1 November 1967, p. 1.

⁶²Interview with Dr. Woodrow B. Sugg, retired, former president of Gaston College, Dallas, and of Guilford Technical Institute, Jamestown, 5 July 1982.

⁶³Ibid. ⁶⁴Ibid.

⁶⁵Interview with Kay Barker, Assistant to the President for Legislative Affairs, North Carolina Department of Community Colleges, 27 August 1981.

this level of cooperative and coordinated effort, the Presidents' Association had to develop methods of communicating, of clarifying issues, and of arriving at a position.

Methods of communicating

The need for a rapid system of communication between the institutions of the system was recognized at the March 19, 1971, meeting. An ad hoc committee consisting of two members of the Presidents' Association and the State President and Staff of the Department of Community Colleges devised the system.⁶⁶ Starting with a few calls, the telephone network allowed the system to quickly cover the state in order to dispatch or collect information. In September, 1973, the committees of the association were requested to keep agendas and minutes of their meetings. These materials were to be given to the Secretary of the association who in turn forwarded them to the members to better inform them of what was under consideration.⁶⁷ At this same time, a motion was adopted that the presidents cannot officially speak for the Presidents' Association unless they are appointed by the Chairman of the association to do so.⁶⁸

⁶⁶NCAPCCP, Minutes, Rocky Mount, 29 March 1971, p. 1.

⁶⁷NCAPCCP, Minutes of Executive Committee Meeting, 19 September 1973, p. 2.

⁶⁸Ibid.

The association was also interested in developing links between the trustees and local legislators. One method to accomplish this was to arrange breakfast meetings between the two groups.⁶⁹ The presidents, themselves, were expected to keep in contact with their local legislators in order to be able to gauge their support for community college legislation and programs.⁷⁰

Developing consensus to arrive at a position

Formal positions on an issue were usually decided at the association's meetings, by using the telephone network devised for quick contact with the presidents in the system, or by the Executive Committee in emergency conditions after a quick reading of the presidents' feelings.⁷¹

Developing a consensus to arrive at a position on an issue or a piece of legislation was accomplished through several techniques. The links established by the presidents and the trustees with their legislators provided the association with the means to gauge consensus in the General Assembly on an issue, program, or piece of legislation. A survey to the presidents was one means to determine the consensus.⁷²

⁶⁹NCAPCCP, Minutes, Rocky Mount, 19 March 1971, p. 1.

⁷⁰NCAPCCP, Minutes, Wentworth, 6 May 1971, p. 1.

⁷¹Interview with Dr. Charles Poindexter, 25 August 1981.

⁷²NCAPCCP, Minutes, Wentworth, 6 May 1971, p. 1.

Consensus within the association was developed through input from the institutional presidents. The presidents were supposed to arrive at an institutional consensus by analyzing the issue or legislation in question with the "trustees and the relevant institutional personnel."⁷³

Consensus at the association level was developed by several means. The Legislative Committee of the Presidents' Association would meet periodically with the Trustees' Association.⁷⁴ Another method of developing consensus was through a meeting between the Executive Committees of the Presidents' Association and the Trustees' Association. The latter method was used to develop input for state-level, policy-making processes.⁷⁵

Acting on the consensus, developed by whatever method, could take several forms. If it pertained to an issue within the system only, at least for the present, the Chairman of the Presidents' Association would submit a position paper or communication to the President of the Department of Community Colleges. If there was agreement, these two elements of the

⁷³NCAPCCP, Minutes of Legislative Committee Meeting, Nags Head, 15 October 1979; Memorandum from Gerald B. James, Chairman of Legislative Committee to the Presidents of the N.C.C.T.C.&T.I., 30 October 1979.

⁷⁴NCAPCCP, Minutes, Fayetteville, 11 January 1968, p. 1.

⁷⁵NCAPCCP and NCTACEI, Report of Joint Executive Committee, 17 January 1980, p. 2; Minutes, Business Session Presidents' Meeting, Burlington, 18 January 1980.

system would support each other's position and actions in the issue. If agreement was not reached between these two, the Presidents' Association could request to present its case before the board.⁷⁶ Dr. Poindexter explained that the association's willingness to pursue its position after being turned down by the President of the Department of Community Colleges would depend upon the importance of the issue being considered. He also stated that before presenting its position to the board, the association would get a reading of the available support on the board. This would be accomplished through the influence individual presidents have with individual board members.⁷⁷ Dr. Poindexter pointed out that if the issue is something which will eventually be handled by the legislature, the association could also use the individual president's access to legislators and various committee members to check the feeling of the legislature regarding the issue. Individual presidents could also consult with the governor. Persons who have an historical stake in the system

⁷⁶Interview with Dr. Charles Poindexter, 25 August 1981.

⁷⁷The 58 institutions in the community college system provide fairly broad coverage of the 100 counties in N. C. The members of the State Board of Community Colleges, with the exception of the four at-large members appointed by the Governor, come from Trustee Regions comprised of counties. Among the 58 presidents may be some who have available contacts on the board either because the board member was a former trustee of an institution of the community college system, or a legislator, or an outstanding and well-known business leader from their areas.

could also influence issues related to the system. Dr. Poindexter cautioned, however, that the latter varies with time and the issue. There are also individuals who are willing to act if the issue involves an injustice in process.⁷⁸

Depending upon the nature of the issue, the Presidents' Association could also enlist institutional and local level support. If the issue were generated outside the system or if it would be decided outside the system, the same panoply of alternatives would exist for the Presidents' Association.

Formal input from the Presidents' Association, according to Dr. Poindexter, most often results from the rule-making process required by the Administrative Procedure Act, General Statute 150A.⁷⁹ Certain notification procedures and hearing procedures are required of the Department of Community Colleges before it can bring a final rule change before the state board for approval. These procedures afford interested persons an opportunity to present their input before the final rule change is submitted for approval. The hearing is not for discussion purposes but for submitting input. Discussion at the institutional level and between the institutions and the Department of Community Colleges usually precedes the public hearing on the rule change.

⁷⁸Interview with Dr. Charles Poindexter, 25 August 1981.

⁷⁹Ibid.

The discussion at the institutional level is usually based on a report submitted by a committee appointed to analyze the matter and to make recommendations for the association's consideration. This discussion may also be based on a draft report submitted by the President of the Department of Community Colleges for input from the association and institutions. The report is circulated to the presidents and then discussed and decided upon at a regular meeting of the association. If time is short and discussion at a regular meeting is precluded, the presidents are requested to provide input prior to a certain date. This input is used by the person or committee who or which has been given the authority to use his or its discretion to arrive at a desired, prescribed result.⁸⁰ The person might be the Chairman of the Presidents' Association or the chairman of an appointed or standing committee.⁸¹ The constitution of the Presidents' Association gives the Executive Committee the authority to act when the association is not in session, but it must act in conformity with the "general policies of the Association. . ."⁸² In addition to the authority from this provision, the Executive Committee is often instructed to

⁸⁰NCAPCCP, Minutes, Wilmington, 17 May 1982, p. 1.

⁸¹The four standing committees of the Presidents' Association are Personnel, Finance, Program, and Legislative. (Constitution of the NCAPCCP revised October 16, 1979.)

⁸²Ibid., p. 1.

act for the association. The constitutional provisions relating to the Executive Committee state that it:

shall consist of a minimum of ten members: namely Chairman, Vice-Chairman, Secretary, Treasurer, the immediate Past Chairman, and five or more members to be elected by the membership. 83

Rules and rule changes are not always initiated by the Department of Community Colleges. They may be initiated in the field at the institutional level, or as a result of a legislative study, or as a result of changes in state law or federal law related to rules shared with other state and federal agencies. They may also result from a request of the State Board of Community Colleges, or as a result of the provision under the Administrative Procedure Act which provides the opportunity for any interested party to request that the rule-making process be initiated. Regardless of who initiates the rule-making process, the formal procedures for carrying out the process are stipulated in the Administrative Procedure Act, General Statute 150A.

Methods of the Trustees' Association for Cooperative and Coordinated Efforts

Over a period of years, the Trustees' Association developed committees and systems of communication to better serve its goals and objectives. The standing committees in 1968 were Constitution and By-Laws; Annual Meeting--a) Program, b) Arrangements; Resolutions; and Budget and Audit

⁸³Ibid.

Committee.⁸⁴ By 1969 the association had a Legislative Committee.

Legislative Committee

The Chairman of the 1969 Legislative Committee, H. Clifton Blue, reported eight meetings with legislators during the 1969 Legislative Session. He also reported that thirty legislators attended one of the association's breakfasts. When Blue became President of the Trustees' Association in 1971, the Legislative Committee was restructured to include a chairman and one member of each of the then fifty-four institutional boards.⁸⁵ By August, 1972, this structure was altered to provide for a Legislative Steering Committee of five to ten members and a general committee composed of one member from each board. The Steering Committee was to present a program and a plan for lobbying with recommendations for a lobbyist for the association.⁸⁶

In 1971 the Community College system included fifty-six institutions, of which fifty-five belonged to the NCTACEI. This fact increased the necessity for closer and more structured forms of communication among the trustees and with the

⁸⁴NCTACEI, Minutes of Executive Committee Meeting, Raleigh, 11 July 1968, p. 2.

⁸⁵NCTACEI, Minutes of Executive Committee Meeting, 24 January 1971, p. 1.

⁸⁶NCTACEI, Minutes of Executive Committee Meeting, 10 August 1972, p. 1.

other elements of the community college system.

Methods of communicating

On September 24, 1971, the Trustees' Executive Committee voted to hold five regional meetings for trustees and presidents. The purpose of these regional meetings was "to bring the trustees into full participation in behalf of these institutions."⁸⁷ A report of each of these regional meetings was to be made at the annual delegate assembly in order to bring "to the state level grass roots thinking concerning our community colleges and technical institutions."⁸⁸ At a 1972 Executive Committee meeting a motion was approved to make the regional meetings a permanent procedure.⁸⁹ By 1975 the association was holding six regional meetings, one for each of the six Trustee Regions.⁹⁰

At the Executive Committee Meeting held March, 1972, Dr. Herring, Chairman of the State Board of Education, invited the trustees to attend all meetings of the SBE. Edward Stowe expressed the feeling at this meeting that the Trustees' Association was "seeking closer working relations with the SBE

⁸⁷NCTACEI, Minutes of Executive Committee Meeting, Raleigh, 24 September 1971, p. 1.

⁸⁸Ibid., p. 2.

⁸⁹NCTACEI, Minutes of Executive Committee Meeting, 23 March 1972, p. 2.

⁹⁰NCTACEI, Minutes of Executive Committee Meeting, Raleigh, 4 September 1975, p. 2.

for the benefit of the Community College System."⁹¹ In August, 1972, the Trustees' Association began to assert its predominance as the representative organization for the trustees. In a letter to President Fountain, it requested "that any matters pertaining to trustees' committees be formulated in consultation with the Executive Committee of the N. C. Trustees' Association."⁹² The following suggestions for closer relations between the SBE and the Trustees' Executive Committee were submitted to Chairman Herring by the association in April, 1974:

1. Meetings would be held at least once a quarter,
2. The Board of Education would mail to each committee member copies of the agenda of upcoming meetings.
3. Notification of any significant policy changes pertaining to the Community Colleges and Technical Institutes would be promptly supplied to committee members.
4. Minutes of Board of Education Meetings would be supplied to committee members. ⁹³

The Trustees' Association amended its by-laws over the years in the following manner to provide for more effective

⁹¹NCTACEI, Minutes of Executive Committee Meeting, 23 March 1972, p. 1.

⁹²NCTACEI, Minutes of Executive Committee Meeting, 10 August 1972, p. 2.

⁹³NCTACEI, Inc. letter 10 April 1974, to Chairman Dallas Herring.

communication and organization:

November 16, 1972, voted to stagger terms of the six members of the Executive Committee, three on odd years and three on even years.

November 15, 1973, voted to allow the Executive Committee to temporarily appoint its members in interim of Annual and Delegate Meeting.

November 21, 1974, voted to make past president a member of the Executive Committee to provide continuity. 94

Communication within the Trustees' Association improved when an Executive Director was appointed by the association in July, 1977. The necessity of and the qualifications of an executive director had been discussed by the association since 1972, and dues had been increased in 1976 to cover the salary payment. The Executive Director provided the association with a permanent contact with the legislature and the Department of Community Colleges' legislative staff. Communication within the association was improved with the initiation of a newsletter which also provided a means to develop a consensus and position within the association.

Developing consensus to arrive at a position

The Trustees' Association becomes aware of developing issues concerning the community college system through its periodic, state-level, formal contacts with the Presidents'

⁹⁴By-Law Changes That Have Been Properly Passed in Annual Meetings, But Not Recorded on Printed Sheets of the By-Laws, Recorded Only in Minutes of the Association. undated.

Association, the State President and Department of Community Colleges, and the State Board. The Executive Director also keeps the association informed at its quarterly and annual meetings and through the Executive Committee, the President of the association, and the newsletter. Once informed, the association has an opportunity to become involved, to provide input, and to influence the issue. An issue may also be brought up and developed by the Trustees' Association.

According to George Morgan, the President of the Trustees' Association in 1981 and 1982, ninety percent of the association's input is provided through informal relations rather than formal arrangements.⁹⁵ An explanation for this lack of formal input lies in the fact that the Trustees' Association often becomes merged with the consensus forming process of the Presidents' Association. The main reason for this is that the consensus of the Presidents' Association is expected to reflect that of the local institutions which include the local boards of trustees, the membership of the Trustees' Association.

The stated purposes of the Trustees' Association indicate the issue areas it is likely to become involved. Its interests are in promoting the post-high school educational opportunities of the citizens of the state, and, with other

⁹⁵ Interview with George Morgan, President of the Trustees' Association, 5 October 1982.

agencies, in informing, discussing, and shaping the needed changes in the community college system which will enhance these opportunities.⁹⁶ The Trustees' Association also wishes to protect its local authority. Another major interest and purpose of the association is to instruct and inform the trustees regarding their "legal responsibilities toward their institutions and the system as a whole."⁹⁷ This is done through workshops held at annual and regional meetings. The issues which Morgan sees as drawing the association's response are mainly concerned with the internal affairs of the institutions, such as the budgeting process, the securing of funds, and the in-service training of the trustees.⁹⁸ If an issue is one in which the association believes it should become involved and present a formal position, the process of developing a consensus could take several forms, depending upon the time element.

If the issue is subject to an immediate decision by the state board or other state-level decision authority, a rapid reading of the trustees' opinions might be undertaken in order to provide the Executive Committee and the association's President with direction. This reading could be

⁹⁶Articles of Incorporation of N. C. Trustees' Association of Community Education Institutions, Inc., Recorded in Book 017 p. 88, Filed February 13, 9:27 a.m. 1968, Thad Eure, Secretary of State, N. C. 133113.

⁹⁷NCTACEI, Copy of Form 1024, 5 March 1975.

⁹⁸Interview with George Morgan, 5 October 1982.

undertaken in conjunction with the Presidents' Association and its communication network. Lacking the time necessary for this process, the Executive Committee of the Trustees' Association or the Executive Committee of the two associations could produce formal input to influence the imminent decision.

A slowly developing issue which is not subject to an immediate decision provides the Trustees' Association with the opportunity to furnish input which has been fully discussed and voted upon by the association's delegate assembly or annual meeting. As previously stated, the use of regional meetings was initiated for the purpose of increasing the discussion of issues and enhancing the possibility of arriving at a consensus at the association's annual meeting.

Summary of Background

The supreme governance decision to create a community college system was influenced by practical and political considerations. The predominant purpose of the system, technical education, made it practical to maintain governance under the State Board of Education. The industrial education centers, which comprised most of the institutions being incorporated into the new system, had been under the SBE. To continue under the protection of the SBE in its relations with the legislature was also of practical and political significance for the fledgling system. As a member of the governor's

Commission for the Study of Education Beyond High School (The Carlyle Commission, 1961), the Chairman of the State Board of Education was able to influence the above decisions regarding the proposed community college system.

Policy making in the new community college system became a source of concern for the association representing the community college presidents of the system. Proliferation of educational associations representing the professionals at the institutions endangered the local level's potential for influencing the state-level policy process. There was no major spokesman to represent the local level. This concern led the Presidents' Association to consider alliances with teachers and with other administrators, separately or in an umbrella organization, for the purpose of increasing the influence of the local level in the policy process.

The original argument against an alliance with teachers was that the state association of teachers also represented the public school system. This fact would place the teacher association in the position of defending two educational systems. When an association for community college teachers was created and became active, the Presidents' Association still sought the predominant policy role. This indicates that the real issue was establishing a predominant institutional spokesman in order to concentrate the potential for influencing the state-level policy-making process. The same reason is also an explanation for the Presidents' Association's

rejection of an umbrella association to represent all the professionals of the system.

Sharing the state-level policy role with teachers and other administrators would have meant a diluted influence for the local level. What the Presidents' Association sought was an alliance with an association which would complement its role, not decrease or weaken it. By helping to initiate the creation of a state level association for institutional trustees, the Presidents' Association created a policy-making partnership. The Trustees' Association, through its membership, provided the professionals, the presidents and their association, multiple conduits through which political positions could be expressed without being criticized for unprofessionalism. The membership of the Trustees' Association is comprised of the local institutional trustees who are appointed by the local boards of education, the local county commissioners, and the governor. These appointees are expected to express, at the local and state levels, positions of a political nature.

As early as 1965 the Presidents' Association expressed its concern over the lack of local-level input into the state-level policy process and state influence in the local level's policy matters. Several actions of the Presidents' Association led to the eventual establishment of traditional policy working arrangements between the local level and the

State President, the Department, and the State Board of Education. The association developed its concept of a system as being a cooperative and coordinated effort. This concept appears to have guided its actions in its persistence to establish itself as the predominant institution-level spokesman in the state-level policy-making process. It also developed the committee structure and communication channels necessary to study, formulate, and support institutional and system policy needs. In addition, it helped establish the Trustees' Association to provide a political complement to its policy role in decisions of an administrative nature.

The fact that trustees are active in the system on a part-time basis reduces their ability to be alert to developing issues. Their awareness of issues largely depends upon the information which they receive from the institutional presidents and the Presidents' Association. A consensus in the Trustees' Association regarding an issue is often merged with that of the Presidents' Association. There are reasons for this. The institutional presidents are expected to form a consensus regarding an issue through discussions with local trustees and local politicians. The institutions forward this consensus to the Presidents' Association in order to form a system-wide consensus. The Presidents' Association's consensus, therefore, includes that of the membership of the Trustees' Association, the institutional trustees.

By the early 1970s both the Presidents' Association and the Trustees' Association began tightening their state-level positions as spokesmen for the local level. Each association expected the Department of Community Colleges and the State President to recognize its policy role by consulting with it regarding assignment of individual presidents and trustees to state-level policy committees. Individual presidents and trustees were told that without permission their statements could not be taken as representing those of the two associations. Attempts were made by each association to improve policy information reaching its membership and to improve its communication system in order to more quickly and efficiently form a consensus regarding an issue.

During the early 1970s, the Trustees' Association's dissatisfaction with its policy role also led it to make demands on the State Board of Education for improved policy-making relations. This continued dissatisfaction led the Trustees' Association and the Presidents' Association to consider legislation to establish a separate state board for the community college system.

Separate Board Issue

The issue of a separate state board for the community college system surfaced several times between 1963, when the system was established, and 1979, when the N.C. General Assembly passed Senate Bill 266 giving the system its

separate board.

Efforts of the Presidents' Association
and of the Trustees' Association

Dr. Gerald James chaired a committee in the Presidents' Association around 1966 regarding the community college system's role in the economic development of the state. The idea of a separate board was brought up because of the "felt need for a board more oriented toward economic growth than toward general education."⁹⁹ The Presidents' Association took a strong stand against the idea. It felt that the idea was likely to displease the SBE and that, as employees, this was an improper position for the members of the association to take. This was considered the role of the Trustees' Association, not that of the Presidents' Association.¹⁰⁰

Dr. Raymond Stone was also an early advocate of a separate board. He spoke about a separate board in his inaugural speech as president of Sandhills Community College in 1966.¹⁰¹

The 1968 report of Governor Moore's Commission on Public Schools recommended that the community college system become a division under the Department of Public Instruction rather

⁹⁹ Interview with Dr. Gerald James, 17 June 1982.

¹⁰⁰ Ibid.

¹⁰¹ Interview with Dr. Raymond Stone, 22 July 1982.

than an equal department reporting directly to the SBE.¹⁰² The report also stated that the SBE had not been using its most powerful role, that of leadership, "for the benefit of the children of the State." This role was to "identify, analyze, and recommend solutions to State and local concerns."¹⁰³ It also recommended that the State Superintendent of Public Instruction be appointed by the SBE rather than being elected.¹⁰⁴ Both the Presidents' Association and the Trustees' Association reacted to the Moore Report.

The Presidents' Association felt that the criticism of the SBE's leadership was unwarranted. One member suggested that "a resolution should be written expressing appreciation for the State Board's efforts in bringing about the present level of the Community College System."¹⁰⁵ An ad hoc committee regarding the Commission's recommendations submitted nine "thoughts and questions" to the Presidents' Association on June 18, 1968. Number 4 and 8 suggested that the change in structure would further isolate the system from the "will of the legislature and would disturb the working relationship which had developed between the Department of Community

¹⁰²NCAPCCP, Report to Committee on Organization and Administrative Structure, 22 March 1968, p. 2.

¹⁰³Ibid., p. 1. ¹⁰⁴Ibid., Recommendation B-2, p. 2.

¹⁰⁵NCAPCCP, Minutes, 18 June 1968, p. 1.

Colleges and the State Board of Education."¹⁰⁶ Number 7 asked the question:

Since this proposal would put the State staff of the Department of Community Colleges under the direction of the Superintendent of Public Instruction, would the next logical step be to put the local institutions under the local boards of education? What then would be the role of the trustees? ¹⁰⁷

Number 2 brought out the point that no community college personnel had served on the Commission.¹⁰⁸

At this same June 18, 1968, meeting, Dr. Gerald James, who was then the President of Rockingham Community College, presented a memorandum setting out his reaction to the recommended governance changes. Dr. James objected to the community college system being absorbed by the Department of Public Instruction, because it would limit the system's freedom "to be innovative." He also objected to the prospects of the system's institutions being placed under local boards of education. If the present governance structure could not be maintained, Dr. James stated that he would prefer a separate board for the community college system rather than a merger with the Department of Public Instruction.¹⁰⁹

¹⁰⁶NCAPCCP, Report of an ad hoc committee, The Commissions Report: Some Thoughts and Questions, 18 June 1968.

¹⁰⁷Ibid. ¹⁰⁸Ibid.

¹⁰⁹Gerald B. James, Memorandum to Presidents attending NCAPCCP Meeting, 17 June 1968, p. 1.

The Presidents' Association adopted a motion that the ad hoc committee present the Commission on Public Schools with a position paper containing the following three points:

1. That we commend the State Board of Education on the role which it has played in organization and leadership of the Community College System.
2. That the structure of the Community College System is good and should be maintained.
3. That a committee of the Presidents' Association be granted permission to meet with the Commission to state facts. 110

The Presidents' Association's request to appear before the Commission was denied, but the Commission did accept the position paper. Dr. Herring reported to the ad hoc committee chairman that the position paper of the Presidents' Association "might be resolved in maintaining the present Community College System."¹¹¹ Information received by Dr. Raymond Stone of Sandhills Community College indicated that the issue was "dead."¹¹²

The records of the Trustees' Association show that on November 7, 1969, at its Delegate Assembly, the rumors that separate boards might be established for the public schools, the Community Colleges, and higher education were discussed. It was recommended that the association study the recommen-

¹¹⁰NCAPCCP, Minutes, 18 June 1968, p. 2.

¹¹¹NCAPCCP, Minutes, 24 July 1968, p. 1.

¹¹²Ibid.

dations of the several agencies presently studying the issue before it decided its position.¹¹³ At a January 21, 1971, meeting the Trustees' Association issued a resolution of support for the SBE.¹¹⁴

January, 1971, was the month Dr. Benjamin E. Fountain, Jr., assumed the leadership of the Department of Community Colleges from Dr. I. E. Ready, its first director. Dr. Fountain had been president of the system's Lenoir Community College and was Chairman of the Presidents' Association from January 9, 1967, to January 11, 1968. Before attempting a reorganization of the Department, Dr. Fountain undertook an extensive study of the system's needs. In Reorganizing For the Second Decade, he summarized the governance needs of the system during its first decade and the resulting prevailing mood within the system regarding governance:

In the early years of the system [public junior colleges and industrial education centers were begun in 1957] the department practically operated as well as founded institutions. As many of the original institutions developed and matured into stable organizations with competent and experienced trustees and personnel, the need for state-level control and close supervision began to lessen.

¹¹³NCTACEI, Minutes of Delegate Assembly, Raleigh, 7 November 1969, p. 4.

¹¹⁴NCTACEI, News Bulletin (1 February 1971): 11.

. . .the department's role gradually began to move away from curriculum production and other operations approaches for the technical institutes and community colleges. . . to consultative services along with a general lessening of day-to-day supervision and control of the institutions. . . Strong and successful efforts were made by the presidents to "loosen the apron strings" between the state and local institutions in the mid-1960's. . . The Presidents' Association became an effective forum for consideration of policy matters. An association of local trustees was founded. 115

Fountain's study pointed out that the system badly needed building funds.¹¹⁶ He also found that the presidents and trustees and their personnel "desired improved means for systemwide participation in curriculum development, state appropriations requests, and policy-making by the State Board of Education."¹¹⁷ Fountain expressed the intention that the major role of the Department would be . . ."state-level system leadership founded on the consensus developed by the institutions."¹¹⁸ His intention was to build a "'team' of local trustees and presidents to support effectively a legislative program."¹¹⁹

To accomplish the above goals, Dr. Fountain made the Presidents' Association and the Trustees' Association official advisory groups to the State Board. These two advisory

¹¹⁵ Benjamin E. Fountain, Jr. Reorganizing for the Second Decade. (Raleigh, N.C.: Department of Community Colleges of the State Board of Education of N.C., 1972) ED 062 969, pp. 5, 6.

¹¹⁶ Ibid., p. 9. ¹¹⁷ Ibid., p. 10. ¹¹⁸ Ibid., p. 13.

¹¹⁹ Ibid., p. 10.

groups were in addition to the Advisory Council which the State Board of Education was required by law to appoint.¹²⁰ Each president and trustee chairman had been on the Advisory Council since 1968.¹²¹ By 1971, the Advisory Council increased to 159 members when the officers of the N. C. Comprehensive Community Colleges Student Government Association were added.¹²² The trustees and presidents did not consider membership in this large council an effective means for exerting influence on the system's policy-making process.¹²³

In 1972, the Presidents' Association showed its concern for the governance of the community college system when it questioned gubernatorial candidate James Eubert Holshouser, Jr., who later became governor of N. C. from 1973-1977. Prior to becoming governor he appeared at the Presidents' Association meeting held on March 22, 1972, at Raleigh, for the purpose of answering questions about his intentions in the field of education if elected. Dr. Luther Medlin, who was president of Guilford Technical Institute and Chairman

¹²⁰Ibid., p. 18.

¹²¹Albert Pultz Lochra, "The North Carolina Community College System: Its Inception--Its Growth--Its Legal Framework: (Ed.D. dissertation, University of N. C. at Greensboro, 1978), p. 75.

¹²²Ibid.

¹²³This opinion was expressed by Dr. Gerald James; Charles McIntyre, president of Edgecombe community College and Chairman of the Presidents' Association August 1981-July 1982; and Michael S. Olson, Executive Director of Trustees' Association.

of the Presidents' Association, asked Holshouser the following question:

Mr. Holshouser, you have made several references to possible reorganization and I would like to ask, assuming that you are governor of this state, do you contemplate any changes in reorganization that might have direct effect upon us?

Mr. Holshouser's answer was:

Not right now. I am not certain it would not be appropriate, but right now we have got all we can handle with the new restructure of higher education . . . I am not disinterested in hearing your input about how you would feel about being, in effect, a separate agency or a part of being under the Board of Governors for Higher Education. I can see some advantages going both ways and you know, frankly, I am not committed to anything right now. 124

The Presidents' Association asked to be included in the process of developing any plans which include the community college system.¹²⁵

The Trustees' Association was also concerned about the future governance of the system in 1972. J. Edward Stowe, Chairman of the Board of Trustees of Gaston College in 1972, and who as President of the Trustees' Association in 1976 appointed the "Structure Review" committee to write legislation for a separate board, brought up the question of

¹²⁴James E. Holshouser, Jr., Remarks at Meeting of NCAPCCP, Raleigh, 22 March 1972, p. 23.

¹²⁵Ibid., p. 24.

governance in a speech at the Trustees' Association on November 16, 1972:

I think a great deal of the success of this system of community colleges and technical institutes certainly can be placed on the doorsteps of Dr. Dallas Herring. He has understood the system, he has nourished the system, he has given loving and dedicated leadership at the same time he has served as Chairman of the Board of Education. That boards have a way of changing, their make-up has a way of changing, and, I believe, that perhaps looking toward that day when some of these changes may occur, it is time that we began a very in-depth study of our own as to what type of governing set-up we believe will best serve the interest of the system of community colleges and technical institutes. 126

On April 10, 1974, the Trustees' Association again sent a letter to Chairman Herring suggesting ways to achieve closer relations between its Executive Committee and the SBE and seeking direction for the separate state board issue.¹²⁷ A resolution to the SBE seeking a) relief from the recently imposed State Personnel Act on the legal decision authority of the local boards of trustees under G.S. 115A; b) clarification of this authority by the General Assembly; and c) creation of a separate board of the community college system, was considered by the Delegate Assembly on November 19, 1975. The association voted to pass the resolution

¹²⁶Speech by J. Edward Stowe, Chairman of the Board of Trustees, Gaston College, NCTACEI, Minutes, 16 November 1972, p. 6.

¹²⁷NCTACEI, Minutes, 10 April 1974.

after it deleted section c), the request for a separate board.¹²⁸

In 1975, then Lt. Governor James B. Hunt, Jr., who was also ex-officio member of the State Board of Education, succeeded in getting a resolution passed to appoint a commission to study the community college system's "role in the total educational picture for approximately the next two decades." The "Blueprint" Commission's report of March, 1977, recommended that the system continue to be governed by the SBE. It gave the following reasons to support this recommendation:

The strength of the Community College System has always been occupational education and program comprehensiveness. It has been the leadership of the State Board which has assured and safeguarded the philosophy and the actual practice of total education. . . The single board for both the public schools and the community college system is conducive to foster efficiency, articulation of programs, and cooperation. . . None of the 57 institutions have been elevated to senior college status since the System was begun in 1963. 129

On November 10, 1976, the Executive Committee of the Trustees' Association gave its support to legislation authorizing "'full review' of the system and its governance. . ." ¹³⁰

¹²⁸NCTACEI, Minutes of Delegate Assembly, Raleigh, 19 November 1975, p. 2.

¹²⁹Commission on Goals for the North Carolina Community College System, Total Education: The Duty of the State (Raleigh: State Board of Education, 19 March 1977), p. 41.

¹³⁰NCTACEI, Minutes, 10 November 1976.

On the same date, J. Edward Stowe, President of the Trustees' Association, created a "Structure Review Committee" to draw up legislation for a separate board.¹³¹

The Presidents' Association also considered reviewing Chapter 115A. Dr. Swanson Richards, Chairman of the Presidents' Association in 1976, talked with Edward Stowe, President of the Trustees' Association, and concluded that the Trustees' Association preferred to assume the task.¹³² Dr. Richards expressed his willingness, if asked by the Trustees' Association, to form a committee "to assist the trustees in this endeavor."¹³³ A November 16, 1976, report to the Presidents' Association about the meeting of the Executive Committees of the Presidents' and Trustees' Associations stated that the "Trustees' Executive Committee had strong feelings favoring a separate board. . . and the rewriting of Chapter 115A."¹³⁴ This Executive Committee was said to be concerned about "the State Board's involvement in personnel policies and the moving of fiscal affairs out of the Department of Community Colleges."¹³⁵

¹³¹Ibid.

¹³²Swanson Richards, Letter to Dr. Gordon Blank, 14 October 1976.

¹³³Ibid.

¹³⁴NCAPCCP, Minutes, 16 November 1976.

¹³⁵Ibid.

Need for a separate board

Through the years, leaders in the Trustees' Association felt the need for a separate board. Edward Stowe, Wallace Gee, and Mike Olson, Executive Director of the Trustees' Association since 1977, expressed some of the concerns.

Edward Stowe personally felt there was a conflict of interest present with the SBE representing two systems. He stated that the trustees felt that public schools came first with the Board and that it did not give the community college system open, public support. The trustees also felt that the system needed a board of businessmen who were knowledgeable about vocational education and who could provide ideas regarding the system's administration and programs.¹³⁶

Wallace Gee, who finished Edward Stowe's term as President of the Trustees' Association and then was elected President, also mentioned the need for one voice to speak for the system. He stated that trustees have a long history of being dissatisfied with the appropriations for the system. They were particularly disappointed with the budgets of 1973-74-75. The trustees felt a number of bills introduced in 1975 were to curb or restrict the system. According to Wallace Gee, this was an indication to the trustees that the system was losing public and legislative favor. Gee

¹³⁶Interview with J. Edward Stowe, 19 May 1982.

stated that cost effectiveness and the quality of the system were also concerns. There was also a desire on the trustees' part to increase their power, for the legal responsibility of the individual institutions rests with them.¹³⁷

Michael Olson, the Executive Director, expressed the feeling of the trustees succinctly when he stated that they felt like the "red-headed stepchild" after the State Board of Education's one-day meeting devoted only one hour to community college affairs.¹³⁸

Because of all these dissatisfactions, the Trustees' Association decided to act, and a "Structure Review Committee" was appointed on November 10, 1976.

Structure Review Committee

The membership of the Structure Review Committee (SRC) included C. Edwin Allman, Chairman; W. Clary Holt, Vice-Chairman; I. J. Williams; Tom Burwell; William H. Britt; Frank Comer; and Edgar Terrell. Allman and Clary, being attorneys, were primarily responsible for the final task of the committee, which was the actual drafting of the legislation for a separate board and the rewriting of Chapter 115A.

¹³⁷ Interview with Wallace Gee, 9 March 1982.

¹³⁸ Interview with Michael S. Olson, Executive Director, Trustees' Association, 3 June 1982.

A joint meeting between the Executive Committee of the Trustees' Association and the Structure Review Committee on December 8, 1976, decided that the Executive Committee would send a letter to the membership giving the intent of the SRC and asking for suggestions.¹³⁹

The SRC met on the same day. Its work was to be completed by March 31, 1977. The committee decided that it would discuss the procedures for appointing local trustees and state governing boards and the authority and responsibility of each of the groups.¹⁴⁰ The Executive Committee directed the SRC on February 16, 1977, to draft a bill for a separate board for the community college system.¹⁴¹

The Trustees' Association's Executive Committee and Legislative Committee received the drafted bill on April 13, 1977.¹⁴² A joint committee meeting between the Executive

¹³⁹NCTACEI, Minutes of Joint Meeting of Executive Committee and Special Task Force, Winston-Salem, 8 December 1976.

¹⁴⁰NCTACEI, Minutes of Structure Review Committee, 8 December 1976.

¹⁴¹NCTACEI, Minutes of Meeting, Structure Review Committee and Executive Committee, Winston-Salem, 16 February 1977. The SRC held open meetings and received advice from those present. The committee also consulted with the Institute of Government by written correspondence and telephone regarding technical matters related to the legislation. Clyde Ball of the Legislative Staff assisted with the technical language of the legislation. Interview with Representative Bertha Holt of Alamance County, 2 July 1982.

¹⁴²NCTACEI, Minutes of Meeting of Executive and Legislative Committees, 13 April 1977.

Committee, the Legislative Committee, and the SRC was held on April 21, 1977. The bill was unanimously adopted, and it was agreed that the President of the association, Edward Stowe, would proceed to enlist the aid of the General Assembly leadership to get the bill introduced and passed.¹⁴³

Representative Bertha Holt, her husband Clary Holt, Edward Stowe, and Wallace Gee took the legislation to Raleigh and discussed it with Speaker of the House Carl Stewart and other legislators.¹⁴⁴ Representative Parks Helms of Charlotte was asked to be the primary sponsor and to introduce the bill in the House.¹⁴⁵ Senator Robert W. Wynne of Raleigh was asked to introduce the bill in the Senate. Representative Parks Helms was an attorney and known as a good organizer. Senator Wynne, being from Raleigh, knew many people who could be of assistance. When Helms' role was altered due to his son's illness, Senator Wynne assumed the

¹⁴³NCTACEI, Minutes of Joint Committee Meeting, 21 April 1977.

¹⁴⁴Carl Stewart's support for a separate board can be traced back to 1971 when he spoke at the Presidents' Association's meeting at Pamlico. Stewart's mention of a separate board, however, did not draw the applause of the presidents. Interview with Dr. Woodrow B. Sugg, 5 July 1982.

¹⁴⁵The committee originally suggested that Rep. Bertha Holt introduce the bill and be the primary sponsor. Rep. Holt was appointed to the House after the General Assembly's long session in 1975 and had only attended the short session in 1976. She knew that organization for a successful bill required experience which she had not yet acquired.

role of primary sponsor.¹⁴⁶ Another strong proponent of the separate board was lost in the House when Representative W. D. (Billy) Mills, a former trustee and former President of the Trustees' Association in 1974 and 1975, was not re-elected in 1975.¹⁴⁷

Senate Bill 667 and House Bill 1190

With what Edward Stowe perceived to be encouragement from Governor Hunt to proceed, the legislation for a separate board, Senate Bill 667, An Act to Revise the Provisions Relating to the Administration of the Community Colleges and Technical Institutes in North Carolina, was introduced by Senator Wynne on May 10, 1977. The names of Senators Marvin, Renfrow, Totherow, Webster, Childers, and Sharpe also appeared on the bill. The names of twenty representatives were listed on House Bill 1190, a companion bill to S.B. 667, which was introduced on May 16, 1977.

When Senator Wynne introduced the legislation, he stated that the late introduction did not give the bill much chance to be ratified in that session. He also stated that he was prepared to introduce another bill to set up a study commission regarding the community college system. Senator Wynne's statement "I'm basically putting it on the table for

¹⁴⁶Interview with Representative Bertha Holt, District 22 (Alamance), 2 July 1982.

¹⁴⁷Interview with Wallace Gee, 9 March 1982.

discussion," indicated his estimation of its possibility for enactment.¹⁴⁸ The lateness of the bill, according to Clary Holt, was due to the fact that the committee simply did not have it completed.¹⁴⁹ Rep. Bertha Holt stated that getting the bill in the technical language and form required of legislation also took unexpected time.¹⁵⁰

One event which contributed to the gloomy outlook for the passage of the bill during that session was the fact that Governor Hunt decided in April not to reappoint W. Dallas Herring as Chairman of the SBE.¹⁵¹ Herring, who had been Chairman of the SBE for twenty years, resigned on April 5, 1977.¹⁵²

Governor Hunt gave two reasons for not reappointing Herring. The board had been split by "philosophical and personal" conflict between the Chairman and the elected State Superintendent of Public Instruction, A. Craig Phillips.¹⁵³ The governor also wanted a unified board in order to carry out his public school reform programs in

¹⁴⁸Rob Christensen, "New Oversight Sought for Community Schools," Raleigh (N.C.) News and Observer, 10 May 1977, p.18.

¹⁴⁹Interview with Clary Holt, 1 July 1982.

¹⁵⁰Interview with Rep. Bertha Holt, 2 July 1982.

¹⁵¹Rob Christensen, "Education Board Joined by Four Hunt Appointees," News and Observer, 6 May 1977, p. 35.

¹⁵²NCSBE, Minutes, Book 13, p. 571.

¹⁵³Rob Christensen, "Education Board Joined by Four Hunt Appointees," p. 35.

testing, reading, and community participation.¹⁵⁴ To this end, he wanted Dr. David Bruton, a pediatrician and one of Hunt's four new board members, to be the new chairman of the SBE.¹⁵⁵ Governor Hunt's decision to remove Chairman Herring was not well accepted by the majority of the board members. This was reflected in their nomination of Lt. Governor James C. Green, considered Governor Hunt's "political rival," as interim SBE Chairman.¹⁵⁶

Control of the State Board of Education

Rather than a separate board for the community college system, the paramount educational issue and the center of two months of political maneuvering by Governor Hunt and Lt. Governor Green became control of the SBE. Tangential to this governance issue were three interconnected issues: 1) a separate State Board of Community Colleges, 2) the appointment rather than the election of the State Superintendent, and 3) the placement of the Controller's office.

One of the purposes of this study was to recreate the issue of a separate State Board of Community Colleges in order to determine the influence of the Presidents' and Trustees' Associations. Other educational issues are

¹⁵⁴"Education Nominee Bruton Traditional, Yet Innovative," News and Observer, 1 May 1977, p. 10-I.

¹⁵⁵Ibid. ¹⁵⁶Ibid.

briefly traced chronologically through use of the Raleigh (N.C.) News and Observer, in order to show their interrelatedness and to establish that the major educational issue in the 1977 Session of the N. C. General Assembly was the control of the State Board of Education and not a separate state board for the community college system.

May 1, 1977. Governor Hunt was confident that his four new appointments to the SBE would give him the votes necessary to make Dr. H. David Bruton the next chairman. The Chairman of the SBE is elected every other year in June. Therefore, Governor Hunt needed to secure the necessary support for this election.¹⁵⁷

May 6, 1977. Governor Hunt spoke at the annual meeting of the N. C. Comprehensive Community College Student Government Association at the Royal Villa in Greensboro, N. C. He was reported to say that he was opposed to and would fight a separate board for the community college system. The Controller of the SBE, A. C. Davis, resigned and Lt. Governor Green appointed a search committee to fill the position.¹⁵⁸

May 10, 1977. Senator Robert W. Wynne introduced Senate Bill 667 to create a new and separate State Board of

¹⁵⁷ Ibid.

¹⁵⁸ Winston Craven, "Community College Aid Asked by Hunt," Greensboro Daily News, 6 May 1977, p. C-2.

Community Colleges.¹⁵⁹

May 11, 1977. An editorial in the News and Observer expressed the opinion that the existing governance structure of the State Board of Education, the Department of Community Colleges, the county commissioners, and the local boards of trustees of the community college system were sufficient for the purpose of governing the public schools and community colleges; if the authority vested in these agencies is exercised.¹⁶⁰

May 12, 1977. Governor Hunt stated that the final responsibility for fiscal affairs in the institutions of the community college system rests with the local board of trustees. Two local institutions of the system were under state scrutiny for questionable use of funds. Governor Hunt expressed the opinion that Dr. Ben Fountain, Jr., President of the Department of Community Colleges, should be more "involved" in fiscal control.¹⁶¹

May 13, 1977. The Senate and House received bills to make the lieutenant governor the permanent chairman of the

¹⁵⁹Rob Christensen, "New Oversight Sought for Community Schools."

¹⁶⁰"New College Board Not Needed," News and Observer, 11 May 1977, p. 5.

¹⁶¹"Technical School Control is Urged," News and Observer, 12 May 1977, p. 37.

SBE. The bill was sponsored by friends of Lt. Governor Green in the Senate.¹⁶²

May 15, 1977. Governor Hunt initiated action for state-wide testing program legislation.¹⁶³ Rumors began to appear that Dr. Benjamin Fountain, Jr., was leaving for another educational position.¹⁶⁴

May 16, 1977. House Bill 1190, to create a separate State Board of Community Colleges, was introduced and referred to the House Committee on Higher Education.¹⁶⁵

May 17, 1977. Senator Wynne held a one-hour Senate hearing where the following proponents of the S.B. 667 spoke: Edward Stowe, President of the N. C. Association of Community Education Institutions (Trustees' Association); Robert LeMay, president of Wake Technical Institute [one of the community college institutions criticized for questionable handling of funds]; and Edgar Terrell, a trustee of Central Piedmont Community College.¹⁶⁶

¹⁶²Rob Christensen, "Assembly Gets Bill for Green," News and Observer, 13 May 1977, p. 23.

¹⁶³"Educational Testing: Criterion-Reference," News and Observer, 15 May 1977, p. 3 IV.

¹⁶⁴"Under the Dome," News and Observer, 5 May 1977, p. 9 I.

¹⁶⁵North Carolina, General Assembly, House Journal, 1st Sess., 1977, p. 670.

¹⁶⁶North Carolina, Senate, Minutes of the Higher Education Committee, 7 May 1977.

May 18, 1977. The constitutional amendment to make the State Superintendent appointed rather than elected and to change the method of appointing the SBE members, and the legislation for Governor Hunt's testing and community participation programs were sent to the Senate Appropriations Committee. The bill to make the lieutenant governor the permanent chairman of the SBE was "overwhelmingly recommended" by the Senate State Government Committee.¹⁶⁷

May 21, 1977. The Senate gave tentative approval to the bill to make the lieutenant governor the permanent SBE chairman. Governor Hunt felt he would be supported by the House.¹⁶⁸

May 22, 1977. Dr. John Tart, one of the recent SBE appointees of Governor Hunt and the president of Johnston Technical Institute, criticized the practice of playing politics with the community college system and the public school system. "We ought to ignore their ploy and plow steadfastly ahead in doing the job we were set up to do."¹⁶⁹

¹⁶⁷Rob Christensen, "Assembly '77: Lt. Governor Urged as Chairman," News and Observer, 19 May 1977, p. 17.

¹⁶⁸"Tentative Nod in Senate: Senate Supports Green," News and Observer, 21 May 1977, p. 19.

¹⁶⁹"More Right Than Wrong-Community Colleges Seen on Course," News and Observer, 22 May 1977, p. 5.

May 24, 1977. The Senate approved 31 to 18 the bill making the lieutenant governor the permanent chairman of the SBE. Governor Hunt's supporters carried out a lobbying campaign over the weekend to kill the bill in the House.¹⁷⁰ Senator Wynne held a one-hour Senate hearing where Dr. Benjamin Fountain, Jr., President of the Department of Community Colleges and eight others presented statements opposed to the separate board. Included in the eight were a former legislator, the Executive Director of the N. C. School Board Association, a Guilford College student, an individual from Durham Technical Institute, and an editor from the Hickory (N.C.) News Herald who was also Chairman of the Board of Trustees of Western Piedmont Community College.¹⁷¹

May 25, 1977. Speaker of the House, Carl J. Stewart, Jr., sought a compromise between Governor Hunt and Lt. Governor Green, suggesting that the Lt. Governor head a new state board for the community college system. Lt. Governor Green opposed the idea, but Governor Hunt said he could "live with it."¹⁷² A News and Observer editorial said that Hunt was elected on an educational reform platform and had a mandate to carry it out. The editorial attacked the bill

¹⁷⁰"Hunt's Senate Backers Lose School Board Fight to Green," News and Observer, 24 May 1977, p. 6-A.

¹⁷¹North Carolina, Senate, Minutes of Meeting of the Higher Education Committee, 24 May 1977.

¹⁷²"Compromise Offered on Schools Post," News and Observer, 25 May 1977, p. 1, 12.

the Senate passed to make the lieutenant governor the permanent chairman of the SBE by calling it "politically tainted and poisonous to the state's system of public education."¹⁷³ The bill to amend the constitution to allow an appointed state superintendent and to change the method of appointing the SBE was given tentative approval by the Senate. Last February the SBE was against the amendment change.¹⁷⁴

May 26, 1977. Senators expressed the effects of the Hunt-Green power struggle on their legislative roles. "(I)t makes you hesitant to stake yourself out [on an issue]," one was quoted as saying.¹⁷⁵

May 27, 1977. State Superintendent A. Craig Phillips said he supported Governor Hunt's educational programs and his right to name the Chairman of the SBE.¹⁷⁶ Lt. Governor Green said he was not attempting to get House support for his chairmanship of the SBE. Green denied he was feuding with Governor Hunt.¹⁷⁷

¹⁷³"Hunt Has Education Mandate," News and Observer, 25 May 1977, p. 3.

¹⁷⁴Rob Christensen, "Public Schools' Superintendent Bill Advances," News and Observer, 25 May 1977, p. 25.

¹⁷⁵"Senate Loyalties Split as Green, Hunt Feud," News and Observer, 27 May 1977, p. 6.

¹⁷⁶"Hunt Supported on School Issue," News and Observer, 27 May 1977, p. 12.

¹⁷⁷"Green Says 'I See No Fight' With Hunt," News and Observer, 27 May 1977, p. 12.

June 1, 1977. The House Education Committee, by 18-9, killed the bill to make the lieutenant governor permanent chairman of the SBE.¹⁷⁸ Lt. Governor Green withdrew from the contest for the chairmanship of the SBE.¹⁷⁹

June 2, 1977. Dr. H. David Bruton was elected Chairman of the SBE.¹⁸⁰

June 7, 1977. By 37 to 11, the Senate killed the bill for an appointed state superintendent.¹⁸¹ State Superintendent Phillips said he worked against it.¹⁸²

June 9, 1977. Governor Hunt's testing program became law.¹⁸³

June 10, 1977. Superintendent Phillips' "key supporters in the General Assembly" introduced bills in the Senate and House to give the Superintendent and the Director of the Department of Community Colleges "direct control over public

¹⁷⁸"Hunt Allies Bury Education Board Bill," News and Observer, 1 June 1977, p. 1.

¹⁷⁹"Green Drops Bid for School Post," News and Observer, 2 June 1977, p. 6.

¹⁸⁰"Bruton Gets School Post, Wants Unity," News and Observer, 3 June 1977, p. 1.

¹⁸¹"Senate Kills Bill Asking Appointed School Chief," News and Observer, 7 June 1977, p. 1, 22.

¹⁸²"Under the Dome," News and Observer, 13 June 1977, p. 7.

¹⁸³Rob Christensen, "Assembly Compromise: School Testing Approved," News and Observer, 10 June 1977, p. 31.

school budgeting and spending."¹⁸⁴ State Board Chairman Bruton said he supported the bills. The SBE in March said it favored an independent controller. Governor Hunt was undecided.¹⁸⁵ A News and Observer editorial criticized the bills: "The Controller serves at the pleasure of the Board, the superintendent does not."¹⁸⁶

June 18, 1977. Chairman Bruton reversed his stand, and the SBE unanimously opposed placing the Controller under the Superintendent and the President of the Department of Community Colleges.¹⁸⁷

June 19, 1977. The House sent the Controller bill to the Education Committee for further study.¹⁸⁸

The above chronological review of events in the last two months of the N. C. 1977 Legislative Session shows that the predominant educational issue was who was to control the SBE through the methods of acquiring the members, the chairman, and the state superintendent. The idea of a separate state board for the community college system entered the

¹⁸⁴Martin Donsky, "Supt. Eyes Fund Power," News and Observer, 15 June 1977, p. 1.

¹⁸⁵Ibid., p. 10.

¹⁸⁶"School Fund Control Threat," News and Observer, 15 June 1977, p. 4.

¹⁸⁷Rob Christensen, "School Measure Opposed," News and Observer, 18 June 1977, p. 1.

¹⁸⁸Rob Christensen, "Board's Opposition Blocks School Fund Control Bill," News and Observer, 19 June 1977, p. 1.

issue only when the Speaker of the House, Carl Stewart, suggested it as a compromise to settle the struggle between Governor Hunt and Lt. Governor Green over the chairmanship of the SBE.

In the middle of the above events, companion bills for a separate State Board of Community Colleges, S.B. 667 and H.B. 1190, were introduced by Senator Wynne and Representative Parks Helms. The Senate Higher Education Committee, chaired by Senator Wynne, held two, one-hour hearings to allow the proponents and opponents of the separate board to make their statements.

J. Edward Stowe, President of the Trustees' Association, and President Robert LeMay of Wake Technical Institute presented their statements in support of the separate board on May 17, 1977. Stowe stated that:

They [the board members] simply do not have the time or inclination to get to the particular problems of our institutions. . . This system is governed by crisis. 189

Le May criticized what he felt to be an unwarranted large staff for the Department of Community Colleges and stated that a separate board would be necessary to fill the goals of the system.¹⁹⁰

¹⁸⁹"LeMay: Cut Systems Staff," News and Observer, 18 May 1977, p. 27, 28.

¹⁹⁰Ibid.

Ten persons presented statements against the separate board on May 24, 1977. The major speaker was Dr. Benjamin Fountain, Jr., the President of the Department of Community Colleges. Along with his own statement, Dr. Fountain presented statements from Governor Hunt; Dr. Herring, the former Chairman of the SBE; Lt. Governor James C. Green; and State Treasurer Harlan Boyles. He also presented statements from past studies which were related to the governance of the community college system.

Governor Hunt's statement was taken from the speech he made on May 5th in Greensboro:

I believe it is important that we keep the community colleges and the public schools under the same board of education. Not only will that foster greater coordination of programs, but it will keep the unity of spirit that is so important in education today. 191

Herring's statement was not quoted but was given as expressing his opinion:

Dallas Herring, former member and Chairman of the State Board of Education, has notified me that I can state to you his continued belief that the community college system should remain with the State Board of Education in the best interest of the state and the people served by the community college system. 192

State Treasurer, Harlan Boyles, who was also an ex-officio member of the SBE, spoke of the need for efficiency

¹⁹¹North Carolina Senate, Minutes of Meeting of Committee on Higher Education, 24 May 1977, p. 5.

¹⁹²Ibid., p. 6.

due to limited state resources. His statement ended:

I strongly oppose a separate governing board for the community college system at this time. 193

Lt. Governor Green, who was Interim Chairman of the SBE at the time, was quoted as saying:

In no uncertain terms, I oppose a separate Board for Community Colleges and Technical Institutes at this time. 194

Dr. Fountain's statement was given as an expression of "personal and professional" belief:

A glance at the record will show that the subject of establishing a separate state board for community colleges and technical institutes has received considerable study in the past few years, and that in almost every case the idea has been rejected by knowledgeable persons and groups. . . (E)nactment of a separation bill at this time would not serve the best interests of the citizens of North Carolina.195

Several of the trustees who were leaders in the movement to gain a separate board considered President Fountain's statement to be the result of pressure from the top. From the beginning, the trustees had attempted to keep the Presidents' Association and the professional employees publicly removed from the issue.¹⁹⁶ President Fountain's statements were, however, his own personal and professional beliefs, as he claimed. While he did feel that he owed his employer, the SBE, his loyalty as long as it was paying his salary,

¹⁹³Ibid., pp. 5, 6. ¹⁹⁴Ibid., p. 5. ¹⁹⁵Ibid., p. 1.

¹⁹⁶Interviews with J. Edward Stowe, 19 May 1982, Clary Holt, 1 July 1982, and Wallace Gee, 9 March 1982.

there were other considerations which led him to oppose the separate board. President Fountain felt that a separate board would reduce the system's coordination with the public schools and just create another bureaucracy for the legislature to deal with. Another consideration was the fact that the separate board was not to be created by a constitutional amendment but rather by state law.¹⁹⁷ President Fountain felt this would leave the new board open to political pressures and structural changes instigated by the legislature. A final consideration was the fact that separate boards tend to lead to the need for an additional board to coordinate the separate boards.¹⁹⁸

Failure of Senate Bill 667

The trustees most closely related to and interested in the passage of S.B. 667 made their own assessments of its failure. J. Edward Stowe stated that he proceeded with the legislation perceiving that Governor Hunt had encouraged such action.¹⁹⁹ Clary Holt's assessment was that the top power structure did not support it; Governor Hunt and the

¹⁹⁷As far as Dr. Fountain knows, there has not been a movement for a constitutional amendment regarding the new State Board of Community Colleges.

¹⁹⁸Interview with Dr. Benjamin Fountain, Jr., 8 June 1982.

¹⁹⁹Interview with J. Edward Stowe, 19 May 1982.

State Board of Education members opposed it.²⁰⁰ Representative Bertha Holt heard that Governor Hunt wanted his new SBE to be given a chance. Representative Holt felt that the general feeling in the legislature was that Governor Hunt was still in the process of getting his Administration organized and that his new SBE under a new chairman should be given a chance.²⁰¹ Senator Billy Mills, who later carried S. B. 266 creating a separate board to a successful conclusion, attributed the failure of the first bill to several factors. The Trustees' Association was splintered on the issue; therefore, there was a lack of continuity and effort on the part of the association. There were differences of opinion between Governor Hunt and Chairman Herring regarding educational reform legislation. Also, the bill was introduced late in the session which made it impossible to generate the necessary support for a bill of this magnitude.²⁰²

Success of Senate Bill 266

Early in the 1979 Session of the General Assembly, on February 13, 1979, Senator Billy Mills introduced the second bill seeking a separate state board for the community college system. The legislation was the same as S.B. 667 which failed in 1977. Senator Mills knew there would be changes and

²⁰⁰ Interview with Clary Holt, 1 July 1982.

²⁰¹ Interview with Representative Bertha Holt, 2 July 1982.

²⁰² Interview with Senator Billy Mills, 22 June 1982.

did not see the advantage of spending the time required to rewrite it before introducing the legislation. On the very last day of the 1979 Session, June 8, 1979, S.B. 266, An Act to Revise the Provisions Relating to the Administration of the Community Colleges and Technical Institutes in North Carolina, was ratified. Although some state leaders spoke against the separate board, the bill did not encounter serious opposition.²⁰³

Favorable factors for passage of S.B. 266

Several factors were felt to contribute to the success of S. B. 266: time, success of H.B. 132, and the endorsement by Bruton and other state leaders.²⁰⁴

Time. The question was never whether there should be a separate board but when.²⁰⁵ The congruence of the departure of the community college system's state-level leadership and a consensus for a separate board in the Trustees' Association and the legislature indicated that the time had arrived.

Dr. Herring's efforts in establishing and developing the community college system earned for him the loyalty and appreciation of many of the presidents and trustees. For this reason the majority of the presidents and trustees

²⁰³ Ibid.

²⁰⁴ Interviews with Senator Billy Mills, 22 June 1982; Dr. Gerald James, 17 June 1982; and Michael Olson, 3 June 1982.

²⁰⁵ Interview with Dr. Gerald James, 17 June 1982.

could not separate consideration for a separate board from consideration of Chairman Herring.²⁰⁶ By the time S.B. 266 was introduced, Herring had been out of the system for approximately a year and eight months. The President of the Department of Community Colleges, Dr. Benjamin E. Fountain, Jr., had resigned and had been president of the system's Isothermal Community College for approximately nine months.²⁰⁷ The SBE, now chaired by Dr. David Bruton, appointed Dr. Larry J. Blake from British Columbia as the new President of the Department of Community Colleges on February 2, 1979.²⁰⁸

²⁰⁶Interviews with Dr. Gerald James, 17 June 1982; Dr. Woodrow Sugg, 5 July 1982; and Michael Olson, 3 June 1982.

²⁰⁷"Fountain to Resign Education Post," News and Observer, 30 May 1978, p. 1.

²⁰⁸"Scott Raps Hunt's Role in Filling College Post," News and Observer, 2 February 1979, p. 1. The search committee for the new president included Wallace Gee, President of the N. C. Trustees' Association; Stacy Budd, Chairman of the Community College Advisory Council; Board members J. A. Pritchett, R. Prezell Robinson, Larry Harding, R. R. Manz; and Board Chairman David Bruton. (SBE Minutes, Book 14, p. 159) The fact that the appointment of an out-of-state person as President appeared imminent caused several pieces of legislation to be introduced in the Senate and House. Senate Joint Resolution 273, urging consideration of North Carolinians in filling high State positions, was introduced January 25, 1979, and approved on January 31, 1979. It was sent to the House and referred to the Committee on State Government where it was never reported (N.C. Senate Journal, Session 1979, pp. 52, 59, 66 and House Journal, Session 1979, p. 95). House Bill 255, requiring General Assembly confirmation of the appointment of Community College Presidents was introduced January 31, 1979, and referred to the Committee on State Government where a report was indefinitely postponed May 31, 1979 (House Journal, Session 1979, pp. 94 and 900).

This complete change in the community college system's leadership presented the opportunity which the proponents of a separate board needed. The climate for the bill was expressed by Dr. Woodrow Sugg: "When Herring left there was no strong leadership in place to block the bill. There were just many state leaders."²⁰⁹

Another element of the time factor concerned the development of a consensus within the Trustees' Association. It has been shown that the efforts to gain a separate board came from a small minority of trustees and presidents who consistently failed to get official approval from their organizations for the idea. Between 1977 and 1979, Wallace Gee, President of the Trustees' Association (1978-1980), used the association's annual, six regional conferences as a forum to develop a consensus for the separate board.²¹⁰ Senator Billy Mills used this period of time to send personal letters to some 500 trustees soliciting support for the separate board.²¹¹

Still another dimension of the time factor was related to fiscal control in the community college system. There was a history of the legislature's concern over the full-time equivalent (FTE) formula for funding the community college

²⁰⁹Interview with Dr. Woodrow B. Sugg, 5 July 1982.

²¹⁰Interview with Michael Olson, 3 June 1982.

²¹¹Interview with Senator Billy Mills, 22 June 1982.

system. In 1976, the legislature asked Hilda Highfill of its fiscal research staff to carry out a study "to gather information and frame questions about the operation of the community college system."²¹² There was also concern over incidences of slack fiscal control within the system. Two such incidents and suggested remedies were publicly discussed during 1977 when the first bill for a separate board was presented.²¹³ The SBE itself responded to these incidents. State Treasurer Harlan Boyles, ex-officio member of the SBE, submitted a resolution which resulted in an eight-member study committee being formed to make recommendations on fiscal control in the community college system. The committee was to report by June, 1977. Its members included Boyles, State Budget Officer Marvin Dorfman, President Fountain, SBE Controller, President of the Trustees' Association, Chairman of the Presidents' Association, President of

²¹²Lochra, p. 131.

²¹³See the following articles in the (Raleigh) News and Observer:

"Technical School Control is Urged," 12 May 1977, p. 37.

"Officials Reverse Position," 13 May 1977, p. 20.

"Violation by School Ruled," 15 May 1977, p. 5 I.

"Sandhill's Episode Teaches Lessons," 18 May 1977, p. 19.

"Fountain Argues He Lacks Power to Control Schools," 30 May 1977, p. 19.

Martin Donsky, "Supt. Eyes Fund Power," 15 June 1977, p. 1.

"School Fund Control Threat," editorial, 15 June 1977, p. 4.

"Phillips Making a Power Grab," 16 June 1977, p. 5.

Martin Donsky, "Hunt Favoring School Change," 16 June 1977, p. 45.

Rob Christensen, "School Measure Opposed," 18 June 1977, p.1.

Rob Christensen, "Board Opposition Blocks School Fund Control Bill," 22 June 1977, p. 1.

"Fountain to Resign" Education Post," 30 May 1978, p. 1.

the County Commissioners' Association, and a representative from the State Attorney General's Office.²¹⁴ The recommendations of the study committee resulted in S.B. 789, known as "Boyles' Bill," which was introduced May 3, 1979.²¹⁵

In 1977, when Senator Wynne introduced S.B. 667, the separate board bill, he stated that he would introduce another bill if the legislature seemed hesitant to approve the separate board. The bill, Senate Joint Resolution 813, which was introduced June 3, 1977, created a study committee under the Legislative Research Commission "to study the revision and recodification of Chapter 115A (Community Colleges) of the General Statutes. . ." which was to report to the 1979

²¹⁴Rob Christensen, "Education Board Joined by Four Hunt Appointees," News and Observer, 6 May 1977, pp. 35,37.

²¹⁵N.C. Senate Journal, Session 1978, p. 522. The Presidents' Association opposed this bill. It was sent from the Senate to the House Committee on Finance where it was reported favorably and immediately placed on the calendar. The bill was recommitted to the Committee on Higher Education on a motion of Representative Messer on June 5, 1979 (House Journal, Session 1979, p. 957). S.B. 789 was held over for the 1980 Session by the House Higher Education Committee. On June 17, 1980, this committee held a public hearing where Dr. Gerald James, Presidents' Association's Chairman of the Legislative Committee; Wallace Gee, and George Morgan, the outgoing and incoming Presidents of the Trustees' Association, spoke against the bill. Their objections were that the bill was not needed and was untimely. Wallace Gee contended: "We cannot erode the authority and responsibility of our new board before they have their first meeting." (Minutes, House Committee on Higher Education, 17 June 1980).

Legislative Session.²¹⁶ The committee dealt with the following nine issues, many of which pertained to fiscal and governance matters:

1. funding and local support
2. accountability and auditing
3. course offerings
4. state vs. local support
5. fiscal authority
6. composition of local boards of trustees
7. role, scope and mission of the community college system
8. separate board of governance
9. pay schedule of staff 217

The study committee was co-chaired by Senator Jack Childers of Lexington and Representative H. Parks Helms of Charlotte. The conclusions and recommendations regarding governance of the community college system included the following:

It [the State Board of Education] has a new chairman; has reorganized and revitalized the Community College Advisory Council; has increased emphasis and responsibility of its community college committee; and, is in the process of selecting a new State President for the Department of Community Colleges.

²¹⁶ Legislative Research Commission, Community Colleges Chapter 115A (Raleigh, N.C., 1979), p. 2. The study committee was co-chaired by Senator Jack Childers and Representative H. Parks Helms. Helms and Senator Robert Wynne, who were also members of the study committee, were the sponsors of the 1977 legislation for a separate board. Other members of the study committee who signed the 1977 legislation were Senator Childers, Senator Helen R. Marvin (Dallas); Senator Edward Renfrow (Smithfield); and Senator Carl D. Tothrow (Winston-Salem). The total committee consisted of seven Senators and five Representatives.

²¹⁷ Ibid., p. 3.

While there was some sentiment for establishment of a separate board of governance, the Committee does not recommend establishment of a separate board at this time. . .218

"Childers' Bill," S.B. 46, and H.B. 132, sponsored by Parks Helms, came from the recommendations of this study committee.

Success of H.B. 132. The success of S.B. 266 (H.B. 751) was closely related to the success of H.B. 132 (S.B. 46), "An Act to Revise and Recodify Community Colleges, Technical Institutes, and Industrial Education Centers Laws of the State." The progression of the four bills, as seen in Table 1, indicates the following interrelatedness.

²¹⁸Ibid., p. 12. The study committee based its conclusions and recommendations on statements presented by the following speakers: Phyllis E. Allran, President TICC of NCAE; C. Ronald Aycok, N.C. Association of County Commissioners; Henry L. Bridges, State Auditor; Dr. David Bruton, Chairman, State Board of Education; Stacy Budd, Community College Advisory Council; Sherman Cook, President, Alumni Association N.C. Community College Government Association; Dr. Ben. E. Fountain, Past President of the Department of Community Colleges; Wallace W. Gee, President of N. C. Trustees' Association; Dr. Richard Hagemeyer, President of Central Piedmont Community College; Jim Helvey, NCAE-TICC; Hilda Highfill, Division of Fiscal Research, Legislative Services Office of the General Assembly; Dr. Jeff Hockaday, Chairman of the Presidents' Association; Horace Liles, State Auditor's Office; Rep. Ernest Messer, Funding Formula and Budget Preparation Committee, Community College Advisory Council; John B. Thomas, Learning Resources Association, N.C. Community Colleges; J. A. Porter, Jr., Controller, State Board of Education; Dr. Raymond A. Stone, Funding Formula and Budget Preparation Committee, Community College Advisory Council; Dr. Charles R. Holloman, Acting President, Department of Community Colleges (Appendix D).

TABLE 1

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SENATE EDUCATION COM. S.B. 46 and S.B. 266 →	HOUSE HIGHER EDUCATION COM. H.B. 132 and H.B. 751 - →
1/16 46 introduced	1/17 132 introduced
2/13 266 introduced	3/12 751 introduced
3/15 266 Sen. hearing	3/27 132 Com.Sub.fav.rpt.
3/29 Sub-Com. aptd. for 266 to rpt. 4/26	3/29 132 Com.Sub.Amend 1 & 2nd reading
	4/2 132 Com.Sub.Amends. 3,4,5,6 & 3rd reading
4/4 H.Com.Sub.132	
4/12 Sen.Children: info. on 46 & 132 and 266 & 751	
4/19 H.Com.Sub. 132 fav.rpt. as amended	
4/23 H.Com.Sub 132 as amend- ed, 3rd reading, 48-0 To House for concurrence - →	
	4/24 H.Com.Sub. 132 as amend- ed by Sen. ratified 96-0
4/26 H.Com.Sub. 132 as amend- ed, ratified. 266 Com. Sub.(Mills' amend. Art. I of 132) fav.rpt.	
5/1 266 Com.Sub.adopted. To Approp. Com.	
5/15 266 Com.Sub.fav.rpt. as amended	5/15 266 (Mills' amend.) adopted, amend. as Com.Sub. for 751
5/16 266 Com.Sub.Amends 1,2 & 2nd reading	
5/17 266 Com.Sub.Amend. 1,2, 3,4. 2nd & 3rd reading. To House →	5/17 Unfav. rpt 751, Fav.rpt. H.Com.Sub.as amended for Sen.Com.Sub. 266
	5/24 266 & 751 recommited Hi.Edu.Com.
	5/29 Unfav.rpt. Sen.Com.Sub. 266. Fav.rpt. H.Com. Sub. for Sen.Com.Sub.266
	6/1 H.Com.Sub. for Sen.Com. Sub. 266 amend., 3rd reading 91-2, 3 absences To Senate ←
6/5 H.Com.Sub. for Sen.Com. Sub. 266 adopted	
6/7 H.Com.Sub. for Sen.Com. Sub. 266 ratified 40-0.	

Compiled from Minutes of Senate Education Committee and Minutes of House Higher Education Committee, Legislative Session 1979, and Senate and House Journals, Legislative Session 1979.

The pieces of legislation for recodification and revision, S.B. 46 and H.B. 132, were introduced almost a month earlier than S.B. 266 and almost two months earlier than H.B. 751, which was introduced by Representative Bertha Holt. While the Senate Education Committee was holding a public hearing regarding the separate board legislation, the House Higher Education Committee was proceeding with H.B. 132, the rewrite of Chapter 115A. The need to coordinate the Senate Education Committee's recodification and revision legislation, S.B. 46, with its separate board legislation, S.B. 266, was recognized by the end of March, 1979. The Senate Education Committee set up a sub-committee for S.B. 266 which was to report by April 26, 1979.

By April 2nd, the House Higher Education Committee amended and approved its committee substitute for H.B. 132 and sent it to the Senate. The Senate Education Committee amended and approved the House Committee Substitute for H.B. 132 on April 23rd and returned it to the House for concurrence. The House concurred on April 24, 1979.

On April 26th, Senator Billy Mills, sponsor and introducer of S.B. 266 and a vice-chairman of the Senate Education Committee, submitted the subcommittee's substitute for the bill. The committee's substitute was basically an amendment of Article I of the just ratified H.B. 132. This particular form for the separate board legislation had been suggested by Chairman Bruton at the public hearing on S.B. 266. On

May 15th the House adopted Senator Mills' substitute for S.B. 266 as its Committee Substitute for H.B. 751. The Senate approved its Committee Substitute for S.B. 266 on May 17th and sent it to the House. The House adopted its own Committee Substitute for the Senate Committee Substitute of S.B. 266. On June 1st the House version of the Senate Committee Substitute was amended and ratified, 91-2 with 3 absences. The bill was then returned to the Senate for concurrence. The Senate adopted the House version of S.B. 266 on June 6th, 40-0.

Timing and the success of H.B. 132 were not the only factors which contributed to the success of S.B. 266. The bill was endorsed by Chairman Bruton and other state leaders, and opposition to the bill was weakened by Senator Mills' substitute for S.B. 266.

Endorsement by Bruton and other state leaders. Chairman Bruton endorsed the idea of a separate board at the Senate Education Committee's hearing on S.B. 266 held March 15, 1979. Dr. Bruton's endorsement was considered a crucial factor in the success of the separate board legislation:

I am not speaking to you as Chairman of the State Board of Education. . . I am speaking to you as Dave Bruton, who has observed this problem over a two-year period. As Dave Bruton who has talked with the Governor repeatedly as late as this morning about this problem. I personally believe that

we need a separate board of governors for the community college system down the road. 219

When asked to explain "down the road," Dr. Bruton replied, "(M)y view is probably the beginning of the next session of this General Assembly [1981]." Dr. Bruton commended the Senate Education Committee on its legislation to revise and recodify Chapter 115A [S.B. 46 and H.B. 132] and suggested that legislation for a separate board might be presented as an amendment to that legislation.²²⁰ This was the suggestion later followed by the subcommittee for S.B. 266.

Dr. Raymond Stone, president of Sandhills Community College and the 1978-1979 Chairman of the Legislative Committee of the Presidents' Association, spoke of the need for a "single advocacy" for the community college system, an institution of "1/2 million adults, . . . [a] \$165 million budget. . . [and] 57 institutions." He continued:

There are details in the bill [S.B. 266] that I would take issue with but these can be worked out. Let's take the bill. . . let's put a time out there -- 12 months, 18 months, 24 months and say, from this day forward we are going to have a separate community college board. 221

Stacy Budd, Chairman of the community college Advisory Board, SBE, advised:

. . . I think that you will miss an opportunity if you do not cooperate with the State Board of Education in bringing about this thing that most of us

²¹⁹North Carolina Senate, Minutes of the Education Committee, 15 March 1979.

²²⁰Ibid. ²²¹Ibid.

agree is coming, should come and would be for the benefit of the system and the State. ²²²

Others who spoke in favor of the separate board at the Senate hearing were Senator Billy Mills, sponsor of the bill, a Vice-Chairman of the Senate Education Committee, and a member of the Community College Advisory Council; Clifton H. Blue, former Speaker of the House; I. J. Williams, Chairman of the Board of Trustees of Robeson Technical Institute; Welsford Bishopric, Chairman of the Board of Trustees of Rockingham Community College, and Robert Foeller from Rockingham Community College who was the Chairman of the Legislative Committee of the Faculty Association of the North Carolina Community College System.²²³

No one spoke for the Governor at the Senate hearing. Governor Hunt was the only political candidate meeting with the Trustees' and Presidents' Association in Raleigh prior to the 1976 primary who did not endorse a separate board.²²⁴ His position regarding the separate board legislation of 1979 was made public indirectly through his press secretary, Gary Pearce, to The News and Observer:

This [bill] may be the best solution in the long run to provide strong leadership to the community college system. But I don't believe this is the best time. . .

²²²Ibid.

²²³North Carolina Senate, Minutes of the Education Committee, 15 March 1979.

²²⁴NCTACEI, Minutes, 29 April 1976.

with a new community college president coming in, this is no time to change the present system. 225

On April 15, 1979, The News and Observer quoted Chairman Bruton as saying that the Governor's eventual endorsement of the separate board had come at his "urging."²²⁶ The Governor made his endorsement at the Trustees' Association's luncheon meeting in Raleigh on May 16, 1979. Lt. Governor Green endorsed the separate board in his dinner speech to the trustees and presidents on the same day.²²⁷ Governor Hunt expressed the feeling that the new board could provide the "leadership the community college system as a whole needs," and that it could "do a better job of educating and training our people for industrial jobs that require skilled workers." The statements by Governor Hunt and Lt. Governor Green were described as "ringing endorsements."²²⁸

Balancing the opinion that the endorsement of Governor Hunt and Dr. Bruton were crucial to the passage of the separate board legislation are the opinions of the legislators. Representative Bertha Holt said the legislative network to

²²⁵Roger Thompson, "Assembly '79: Community College Board Debated," News and Observer, 16 March 1979, p. 15.

²²⁶Rob Christensen, "Bill Would Alter College Control," News and Observer, 15 April 1979, p. 21 I.

²²⁷Interview with Wallace Gee, 9 July 1982.

²²⁸Rob Christensen, "Senate Supports New School Panel," News and Observer, 17 May 1979, p. 16.

gauge the prospects of the bill showed that the consensus and backing were there. No count was made but a "feeling" was established by consulting with those in the legislature. This feeling said "go." She stated that it was a "case of Hunt being part of something that was going to happen."²²⁹ Chairman of the House Higher Education Committee, Representative Lura Tally, was quoted on March 29, 1979, as saying, "I think the consensus has been pretty much for a separate board."²³⁰ Senator Billy Mills stated that three factors accounted for the General Assembly's support for the separate board: "fiscal, size, and time." There was a need for more fiscal accountability, the system had grown to include 57 institutions, and the timing was correct. Senator Mills' explanation for the Governor's endorsement was that, "Governor Hunt is like any leader--he looks for what is wanted by his supporters."²³¹

The legislators did, however, encounter objections to parts of the legislation and some opposition to the separate board. The major objections to the legislation were overcome.

²²⁹Interview with Rep. Bertha Holt, 2 July 1982.

²³⁰"Assembly '79: Community College Change Eyed," News and Observer, 29 March 1979, p. 30.

²³¹Interview with Senator Billy Mills, 22 June 1982.

Objections and opposition to S.B. 266

The major objections to the separate board legislation were related to power, the haste of the change, and the Governor's appointments to the board. Opposition to the legislation was expressed in the form of other legislation, statements by Terry Sanford and the SBE, and editorials.

Power and responsibility of the board

S.B. 266, which ended as an amendment of Article I of the ratified H.B. 132, began as legislation designed by the Structure Review Committee of the Trustees' Association to give more power to the local boards of trustees. This was to be accomplished by creating a state-level board whose purpose was to "encourage the concepts of local control. . . with State assistance and coordination. . ." The board was to "confine State-level regulation to matters of general policy." State-level board members were to be appointed from Trustee Regions for a limit of two, four-year terms. The four members previously appointed by the local boards of education to the local boards of trustees were to be appointed by the local trustees themselves. The members of the local boards of trustees were limited to two, eight-year terms.²³²

The only person at the Senate hearing for S.B. 266 who spoke directly against the increased power of the local

²³²North Carolina General Assembly, S.B. 667, 10 May 1977.

trustees was Doris Tucker, one of the founders of the Faculty Association of the N. C. Community College System.²³³ Objections to the power of the new state board were removed by investing the same power and responsibilities in that board which the State Board of Education had exercised.

Haste of the change

Another objection to the legislation was that it did not allow for a transitional period. This objection was met by changing the effective date of the board from July 1, 1979, to January 1, 1981. In addition Senator Billy Mills suggested establishing an Interim Planning Commission to "coordinate the reorganization and report back to the General Assembly in January 1980."²³⁴

Governor's control of the board

The biggest issue was generated over the Governor's control of the board. When it was decided to keep the Lt. Governor and State Treasurer on the new board, the Governor lost his control over the board. The General Assembly was represented by seven appointments plus the Lt. Governor. The Governor had one appointment from each of the six Trustee Association Regions and two from the state at large.

²³³North Carolina Senate, Minutes of the Education Committee, 15 March 1979.

²³⁴Rob Christensen, "Community College Bill Approved by Committee, " News and Observer, 27 April 1979, p. 16.

Governor Hunt, through his spokesman, Jack Stevens, and his contacts with Senator Mills, requested that he be allowed to appoint ten members--six from the Trustees' Association Regions and four at large. Representative Bertha Holt said this issue was worked on down to the last minute of the legislative session. Governor Hunt's suggestion regarding his control over the new board was later incorporated in S.B. 1023, sponsored by Senator Mills, which was ratified in the 1980 Legislative Session. Senate Bill 1023 amended S.B. 266, Chapter 896 of Session Laws 1979.

This was an important issue with the Presidents' Association also. Dr. Raymond Stone was called to the Senate Education Committee two or three times regarding the size and membership of the new board.²³⁵ Dr. Gerald James, president of Rockingham Community College, along with the chairman of that institution's board of trustees, met with Governor Hunt on the day the reception was held for the new President, Dr. Larry J. Blake. The purpose of the meeting was to impress upon Governor Hunt that the new board should be made up of the state's most outstanding businessmen.²³⁶

²³⁵Interview with Dr. Raymond Stone, 22 July 1982.

²³⁶Interview with Dr. Gerald James, 17 June 1982.

Legislative, State Board of Education,
and other opposition

Two events caused concern during the passage of S.B. 266. A Senate Joint Resolution was introduced for another study committee on the administrative structure of the community college system. This bill, according to Senator Mills, was introduced by the "friends" of higher education in the legislature. S.J.R. 221, to set up the study committee, was introduced by Senator Lawing on February 2, 1979, and referred to the Rules and Operation Committee. It was approved in the Senate on February 13th, but it failed the second reading in the House Rule and Operation Committee on May 9, 1979.²³⁷

Another setback came on May 3, 1979, when the State Board of Education voted unanimously on a resolution which opposed the formation of the separate state board. Senator Mills was "shocked" by the SBE's resolution, for he felt S.B. 266 had the support of Governor Hunt and Chairman Bruton. Mills met with the Governor on the same day. The Governor "denied having anything to do with the board's vote." Chairman Bruton was reported to have said that he still favored the separate board but voted with the board because there were "valid arguments on both sides."²³⁸

²³⁷North Carolina Senate Journal (1979), pp. 77, 99, 105, 113; House Journal (1979), pp. 161, 683, 711.

²³⁸Rob Christensen, "Education Panel Hits College Proposal," News and Observer, 4 May 1979, p. 33.

Other opposition which was voiced publicly came from Terry Sanford, who was governor when the community college system was created and was now the President of Duke University. Sanford felt that the community college system should stay under the SBE, "because it provides coordination between vocational and technical programs in the public schools and community colleges."²³⁹

Two editorials in The News and Observer expressed the following criticism of the legislation:

On April 19th

Legislation is afoot in the General Assembly that would have the paradoxical effect of setting up a separate board for the state's community college system while lodging most of the power in the local boards of trustees. Such legislation would be unwise. . . Now that the State Board of Education has recruited a highly paid president, Dr. Larry J. Blake, to come on board July 1, the Legislature shouldn't make the system an entirely different creature before he arrives. 240

On April 29th

North Carolina does not need another full-fledged education board that will become an antagonist of both the State Board of Education and the Board of Governors of the University of North Carolina system in the fight for education dollars. This drive is led by the presidents and trustees of the local institutions including legislators who serve as trustees. 241

²³⁹"Consider Old Organization, Terry Sanford Advises UNC," News and Observer, 15 April 1979, p. 22.

²⁴⁰"Beware Empire Builders," News and Observer, 19 April 1979, p. 4.

²⁴¹Editorial, News and Observer, 29 April 1979, p. 4

The above stated objections, criticisms, and setbacks were not sufficient to stop the legislation for a separate board. The major objections were removed when the power and responsibilities of the SBE and the local boards of trustees were transferred to the new board and local boards in toto. The abruptness of the change was diminished by keeping the community college system under the SBE for another year and a half during a transitional period and by establishing an Interim Planning Commission, chaired by President Terry Sanford, to provide recommendations for the transition.

Interim Planning Commission

Senator Billy Mills' suggestion on March 29, 1979, for an Interim Planning Commission was made after hearing the objections presented at the Senate hearing for S.B. 266 on March 25, 1979.²⁴² Being a member of the Board of Governors of the University of North Carolina, Mills was aware of the role an interim planning commission played in the transfer of authority from the State Board of Higher Education to the Board of Governors.²⁴³

The legislation for the Planning Commission, S.B. 722 and H.B. 1321, was introduced in the Senate April 20, 1979. S. B. 722 was approved on June 8, 1979, in the Senate and

²⁴²North Carolina Senate, Minutes of the Education Committee, 29 March 1979.

²⁴³Interview with Senator Billy Mills, 22 June 1982.

sent to the House where it was ratified on the same date.

Mills originally suggested that the Governor, the Speaker of the House, and the Lt. Governor each appoint three members of the Commission. The final legislation set up a thirteen-member Commission with three members appointed by the Speaker of the House, three by the President of the Senate, and seven by the Governor. The first meeting was on July 15, 1979.²⁴⁴ The Commission was asked to:

. . . explore ways and recommend a plan for the orderly transfer of the governance and administration of the Department of Community Colleges. . .
[to] evaluate and make recommendations on the following matters:

- (a) the impact of a separate board of governance for community colleges and technical institutes in Chapter 115D of the General Statutes;
- (b) the current method of funding and other methods of funding community colleges and technical institutes (including course offerings), and
- (c) the classification and salary scale of employees of community colleges and technical institutes. ²⁴⁵

²⁴⁴Terry Sanford, Chairman, Report of the Community College and Technical Institute Planning Commission (Raleigh, Community College and Technical Institute Planning Commission: 1980), Appendix 1. The commission was composed of trustees and administrators of the community college system, representatives of industry, and others "who have demonstrated interest in the community college system" (p. 18). The Commission included Terry Sanford, Chairman; W.D. (Billy) Mills, Vice-Chairman; Members: Stacy O. Budd; Fred A. Coe, Jr.; David E. Daniel; William J. DeBrule; C.R. Edwards; R. Barton Hayes; J.P. Huskins; Jesse L. McDaniel; John L. Sanders; Carl D. Totherow; and Norma B. Turnage. (Terry Sanford, Letter, 16 May 1980).

²⁴⁵Ibid.

The Commission held six hearings, two in Raleigh and four at institutions of the community college system located in different regions of the state. The Commission welcomed input from anyone and sent invitations to

. . . community college and technical institute presidents and board members, educational organizations, business and industry representatives, the State President of the Community College System, the Superintendent of Public Instruction and Other State officials, members of the General Assembly, and elected officials of local governments. 246

Dr. Daniel, a member of the Planning Commission and a president in the community college system, reported to the Presidents' Association at its July 26-27, 1979, meeting that he was "pleased" with the work of the Commission and that he would continue to represent the system in the Commission's work.²⁴⁷ On October 15, 1979, the Presidents' Association arrived at a consensus that "the institutions should feel free to respond to Interim Commission Chairman Terry Sanford's request for input for Commission consideration."²⁴⁸ The following day, the Executive Committee of the Presidents' Association took the position that "the president of each institution should be directly involved in the hearings and

²⁴⁶ Ibid., p. 19.

²⁴⁷ NCAPCCP, Minutes, 26-27 July 1979, p. 2.

²⁴⁸ NCAPCCP, Minutes of Executive Committee Meeting, Nags Head, 15-16 October 1979.

and the responses to the North Carolina Community College and Technical Institute Planning Commission."²⁴⁹

The Commission made several recommendations and suggestions which were concerned with governance. It suggested that concern over the direction of the system could be cleared up if the new board "on its own account" would reaffirm the long-standing policy that the major purpose of the community college system was vocational and technical education.²⁵⁰

The Commission also recommended a revision of the recently recodified and revised Chapter 115D for the 1981 Session which would

. . . describe the System as it now exists and operates, specify more clearly the authority of the various policy-making and administrative elements in the System, and lay down those policies appropriate for legislative determination with respect to the System. ²⁵¹

The most immediate effects of the new separate board, according to the Commission were

(T)he potential for making conflict among elements of the two systems more difficult and enduring, having removed the only agency [the SBE] with the authority to resolve such conflicts short of the General Assembly. ²⁵²

²⁴⁹Ibid.

²⁵⁰Sanford, pp. 26, 27. ²⁵¹Ibid., p. 29

²⁵²Ibid., p. 35.

It is at the boundary between the public school and the community institutions that serious competitive problems between the systems are most likely to arise. . . . (T)he two systems should give attention to the definition of presumptive boundaries between the two systems in terms of their educational responsibilities. 253

It was also recommended that the community college system be recognized as having authority in post-secondary vocational education.²⁵⁴

Cooperation between the community colleges and public schools was encouraged "to reduce duplication of courses and to offer alternatives to students." The Commission suggested that the General Assembly remove the local board of education's four appointments to local boards of trustees of community colleges and increase the appointments of the county commissioners or the governor, if the two institutions do not develop this cooperation.²⁵⁵

The Commission did not make any recommendations for change of authority between the State Board of Community Colleges and the local boards of trustees.

Summary of Separate Board Issue

As early as 1966 the idea of a separate board for the community college system was brought up in the Presidents' Association but was rejected. The minutes of the Presidents' Association and the Trustees' Association show that several

²⁵³Ibid., pp. 38, 39. ²⁵⁴Ibid., p. 29.

²⁵⁵Ibid., p. 31.

individual presidents and trustees were responsible for keeping the issue of a separate board alive in these two associations. It was the Trustees' Association's continued dissatisfaction with its state-level policy role and its recognition that the legislature was becoming more concerned with problems in the community college system which led it to make a definite commitment to obtaining a separate board. A decision between the two associations agreed that this was a political decision better suited for the policy role of the Trustees' Association.

The Trustees' Association's failure to develop a consensus regarding the separate board issue made it possible for the governor to decide what the educational issue of the 1977 General Assembly would be. The governance decision which occupied the legislature was the removal of the long-time Chairman of the State Board of Education and who, the governor or the lieutenant governor, was to control the State Board of Education.

The Trustees' Association's position of having one of its former Presidents in the State Senate as the primary sponsor for the 1979 separate board legislation was a unique advantage. In addition, the Trustees' and the Presidents' Associations played a role in developing the 1979 consensus regarding the separate board through their discussion of the issue at the institutional level and at regional conferences. Each also helped develop the consensus in the

legislature by providing information and opinions regarding problems of the community college system and the separate state board issue. This information was given at public hearings and to legislative study commissions.

The distribution of authority under the new board had to be decided before the legislation could be ratified. This difficulty was overcome when the same governing powers and structure existing under the State Board of Education were transferred to the new board. The issue of the governor's control or the legislature's control of the board also came up but did not hold up the approval of the separate board. The objection to the abruptness of removing governance powers from the State Board of Education was mitigated by the inclusion of a transitional period of a year and a half. An Interim Planning Commission was also set up to make recommendations for the transition. One of its recommendations was for the new board to make clear the areas of decision authority among the elements of the system. The idea of the commission was from previous legislation and experience during the transition from one board to another in higher education. In addition, the governor's new Chairman of the State Board of Education openly supported the separate board, in opposition to other board members, and took credit for convincing the governor to endorse the separate board.

Given in the order of their importance, some of the factors which appeared to be decisive in the 1979 separate

board decision include the following: a pervasive consensus regarding the subject arrived at through a reasoned process over a period of time considered to be of sufficient duration, a willingness to act on the areas of agreement rather than to wait for complete agreement in all details, the influence of previous governance decisions, and the endorsements of the governor and other political officials.

CHAPTER IV
COMPARISON OF AUTHORITY DISTRIBUTION, ANALYSIS OF
THREE GOVERNANCE DECISIONS, AND ANSWERS TO FOUR
MAJOR QUESTIONS

The first section of this chapter contains concepts relevant to the state-level decision-making and policy-making processes of the North Carolina Community College system. The chapter continues with a comparison of authority distribution at two points of time: when the new State Board of Community Colleges (State Board or Board) assumed its governance role, and approximately a year later. An explanation of the changes in authority distribution and of the input and influence of the Presidents' Association and the Trustees' Association on these changes is then presented. An analysis of three governance decisions made by the new State Board during its first year is presented. The chapter concludes with the answers to the four major questions of the study.

The concepts applicable to this chapter are presented in two parts. The first part presents concepts of the "why" of authority from several early and several contemporary writers. This is necessary because Easton's definition of authority, used to gauge the formal distribution of authority, or the "oughts", may not explain the authority actually functioning in the policy-making process. The second part

presents two complementary concepts of the decision-making and policy-making process.

"Why" of Authority

Traditionally, any discussion of authority begins with an interpretation of the words and actions of Socrates in Plato's "Apology: and "Crito." Socrates believed that man lives under a hierarchy of laws, authority, and obedience. The highest law, and, therefore, man's first obligation, is never to do anything unjust or wrong.¹ Even though Socrates was not judged according to the law but according to the prejudices of his accusers, he accepted the authority of his sentence believing that unjust treatment does not justify evil actions. He also believed that destroying the authority of the laws of his chosen city would be evil. His alternatives were either to leave Athens and its laws or to convince those in charge of carrying out the laws of his position. He could not remove the prejudices of those who judged him, and he rejected the alternative of leaving Athens. For Socrates, the remaining alternative was to obey the instruction of his sentence.²

According to Locke, man is obedient to authority in order to escape the State of Nature where "everyone has the

¹W. H. D. Rouse, trans. Great Dialogues of Plato, eds. Eric H. Warmington and Philip G. Rouse, (New York: American Library, Inc., 1956), pp. 436-439.

²Ibid., pp. 454-458.

Executive Power of the Law of Nature," and where "Partiality, Ill Nature, Passions, and Revenge will carry. . .too far in punishing others."³ Man escapes this condition by agreeing, mutually, to be a member of a community and to "make one Body Politics. . ." ⁴ The agreement in this community is "for a limited Power on one side, and Obedience on the other, . . ." ⁵ There is agreement "to have a standing Rule to live by, common to every one of that Society, and made by the Legislative Power erected in it; . . ." ⁶

Rousseau, like Locke, believed that man obeys authority because he has consented to be a member of a community for certain benefits. The social contract, which binds the members of the community, provides the benefit of increasing, rather than diminishing, man's liberty and property rights because it provides for their defense. This defense is derived from the power generated from the general will of the community.⁷ According to Rousseau, "The engagements which bind us to the social body are obligatory only because they are mutual. . . [and because of the notion of] equality of

³John Locke, Two Treatises of Government, A critical edition with an Introduction and Apparatus Criticus by Peter Lanslett, Revised Edition (New York: The New American Library, 1960), p. 316.

⁴Ibid., p. 317. ⁵Ibid., p. 326. ⁶Ibid., p. 324.

⁷Famous Utopias: (New York: Tudor Publishing Co., 1937), p. 13.

rights and the notion of justice that it produces. . ."⁸

Modern man lives in a complex society composed of many associations and organizations which are created to carry out the various objectives of the society. Max Weber described the functions and structure of one such organization, the bureaucracy. Weber's ideal bureaucracy assumed an established social consensus regarding the role of the bureaucracy in the order of the society. The authority of the bureaucracy, therefore, is not in question. Its legitimacy is based upon and maintained through the structure of the organization which distributes authority according to hierarchical position and professional competency. The exercise of authority is kept within its legitimate role and bounds through established policy, a written code or rules of behavior, and by the requirement that records be kept of the organization's activities. The latter provides a means for post-audit, accountability, and information for future decisions.⁹ The authority of the bureaucracy's messages commands compliance because of the competence of its office holders and the rational nature of the organization's structure and procedures.

⁸ Ibid., p. 15.

⁹ William G. Monahan, Theoretical Dimensions of Educational Administration (New York: Macmillan, 1975), p. 149.

Chester Barnard continued and enlarged upon this line of thinking regarding the legitimacy of the messages and an underlying consensus for obedience to authority. Barnard stipulated four conditions which are all necessary before a subject will consider a message authoritative and, therefore, deserving of his obedience:

1. he can and does understand the communication;
2. at the time of his decision, he believes that it is not inconsistent with the purposes of the organization;
3. at the time of his decision, he believes it to be compatible with his personal interest as a whole, and
4. he is able mentally and physically to comply with it. ¹⁰

Barnard recognized that all potential messages do not meet the above conditions; nevertheless, the authority of an organization is generally maintained. An important means for maintaining the authority of the organization's messages lies in the executive's ability to recognize potential messages which cannot or will not be obeyed.

Barnard maintained that if messages could be arranged in an order according to how they are accepted, the result would be a group which is "unquestionably acceptable". This

¹⁰Chester I. Barnard, Functions of an Executive (Cambridge, Mass.: Harvard University Press, 1968), p. 165.

group would lie within a "zone of indifference." Within this zone are the messages which are accepted as being within the "anticipated realm" of the organization by its members or constituents. At the other extreme are messages which are totally unacceptable and do not possess authority. Between the two zones are messages which solicit a neutral response from the receiver.¹¹ According to Barnard, it is the function of the informal organization to maintain the zone of indifference. If the organization is hindered in carrying out the role society assigned it, the benefits of the organization are reduced for the society as well as for the individuals associated with the organization.¹² The authority of an organization cannot, however, consistently meet the personal needs of each of its members. There are, therefore, other forces at work which secure obedience.

Bierstedt suggested that special power relationships and the sanctions at the disposal of the bearer of authority explain obedience to authority. In fact, Bierstedt defined authority in formal organizations as institutionalized power. He stated that the "formal organization transforms social power into authority."¹³ Power, according to Bierstedt,

¹¹Ibid., p. 168-169. ¹²Ibid., p. 169.

¹³Robert Bierstedt, "An Analysis of Social Power," American Sociological Review 15, (December 1950): 178.

appears in two forms: institutionalized as authority in formal organizations, and uninstitutionalized as power itself in the informal organization. Bierstedt believed that "power provides the impetus behind the organization of every association, and supplies the stability of maintaining it."¹⁴ In addition, authority cannot exist without the immediate support of power and the ultimate sanction of force.¹⁵ Power can be in one direction, unilateral, or it may be shared. Shared power produces bargaining or bilateral action.¹⁶

In contrast, Bachrach believed that the concept of authority as power understates the power of those who receive the messages issued by those in authority. Bachrach saw authority as the basis for decision making and the means for providing people of a democracy a role in the decision-making process. The fact that the decision maker occupies a position of authority does not determine the obedience the decision obtains. Bachrach maintained that obedience depends upon the reasonableness, in terms of the value of those affected, of the decision.¹⁷ The receiver of the message is the judge of its authority and is the one who decides the right to obedience and compliance it obtains.

¹⁴Ibid., pp. 180-181. ¹⁵Ibid., p. 181. ¹⁶Ibid., p.185.

¹⁷Peter Bachrach, *Theory of Democratic Elitism: A Critique* (Boston: Little, Brown and Co., 1967), pp. 70-79.

Flathman's concept of the "why" of authority elaborated on the ideas presented by Bachrach and others. Flathman's concept incorporated a concept of individual agency or "autonomy". According to Flathman, ". . . authority is a moral practice and autonomous agents are a necessary condition of morality and moral actions. . . ." ¹⁸

The agent must not only think but must act. The agent "must direct concern to the content of the rules to be followed, the actions to be taken, and so forth." ¹⁹ In addition, the practice of authority must consider the person subject to the authority "as an appropriate source of ideas for and initiatives concerning rules and plans of action." ²⁰ The practice of authority must also build into the practice the protection of the "agency" of the individual. ²¹

Participation, however, is only one element of Flathman's concept of authority. There must also be values and beliefs which have authority because they have been accepted as such by most of the members of the association or organization. ²² These values and beliefs, however, are not static or universal. They have "varied substantially through historical

¹⁸Richard E. Flathman, The Practice of Political Authority: Authority and the Authoritative (Chicago: The University of Chicago Press, 1980), P. 187.

¹⁹Ibid., p. 190. ²⁰Ibid., p. 18. ²¹Ibid., p. 188.

²²Ibid., p. 7.

time and across social and political space."²³ Flathman explained why such a moving consensus could produce an authoritative message and obedience. A person, as an agent, may obey a message even if he disagrees with its substance if he believes that it has resulted from reasoned judgment and has conformed to certain practices.

The authoritative beliefs and values in which the practice is grounded provide the comparatively stable and widely accepted criteria which are conditions of reasoned judgement. . . . The availability of these criteria, together with the established rules, procedures, and offices that make up authority, creates the possibility. . . .that day-to-day issues can be raised, controverted, and decided in a manner that serves to be called reasoned in character. . . .²⁴

It is also possible for the person, as an agent, to decide to disobey and "overturn" the message of the organization, provided it is done in a manner which does not seek to overthrow the authority upon which the message is based.²⁵ In Flathman's concept "the authoritative standing of the value of human agency provides a criterion for assessing authority," and an understanding of the "why" of obedience or disobedience.²⁶

Two Complementary Concepts of Decision Making and Policy Making

The decision-making and policy-making concepts of Quade and Dror are complementary. Quade's contribution centers around the five activities which he found constitute

²³Ibid., p. 8. ²⁴Ibid., p. 239. ²⁵Ibid. ²⁶Ibid.

the process. Dror's contribution is related to three stages of decision making and policy making.

Quade stated that there are five activities involved in analysis for decision making and policy making: Formulation, Search, Comparison, Interpretation, and Verification.²⁷

These appear to be successive steps of the analysis, but according to Quade, in reality "they may soon have to be carried out simultaneously as the iterative nature of the analytic process forces us to reconsider what we have done before."²⁸

The activities of Formulation are directed toward defining the problem and the elements related to it. The issue paper is one of the formal means of defining the problem and its elements.²⁹ An issue paper is concerned with the background and importance of the problem, the desired goals, a framework for analysis, alternatives, and recommendations.³⁰

The Search is concerned with gathering information and facts upon which to base the available alternatives open to the decision makers. Information and facts are scattered

²⁷E. S. Quade, Analysis for Public Decisions (New York: American Elsevier Publishing Co., 1975), p. 50.

²⁸Ibid.

²⁹Ibid., pp. 54-55. A task force is a formal means frequently used by the community college system in the Formulation activity. The report of the task force is in essence an issue paper.

³⁰Ibid.

and often require the efforts of specialists.³¹ This poses a process problem which Dror's complementary concept answers.

The Comparison involves the use of some standard or criteria by which to evaluate the alternatives. It may also involve the use of models as a means to evaluate the alternatives and their impact.³²

The Interpretation activity is concentrated after the Comparison activity; but ideally, Quade stated, it should be carried on during each of the activities of analysis. This is the activity which requires that the ideal, the desired, be reckoned with reality, the possible. With these considerations in mind, recommendations are formed.³³

The activities of Verification are not always available before the decision is made. If time and resources permit, the alternatives may be carried out in order to make a choice. All circumstances, however, are not under control. For this reason, even a choice based upon the results of an experiment or model can be changed in the reality of the unpredictable world.³⁴

Dror conceptualized the decision-making and policy-making process as involving three stages: 1) metapolicy-

³¹Ibid., pp. 55, 56. ³²Ibid., pp. 58, 59.

³³Ibid., pp. 62, 63. ³⁴Ibid.

making: policymaking regarding how to make policy; 2) policymaking: making policy on substantive issues; and 3) re-policymaking or post-policymaking: motivating, executing and changing policy on the basis of feedback.³⁵

Metapolicymaking is concerned with improving the policymaking system and the strategies employed in identifying and analyzing the problem. This stage includes Quade's Formulation activities, but it also emphasizes refining the policymaking process itself for the problem at hand. This stage not only discovers the values and resources within the problem but identifies those which will be utilized in handling the problem.³⁶

The policymaking stage includes Quade's Search, Comparison, Interpretation, and Verification activities. Dror's policymaking stage surmounts the problem discussed by Quade, that of obtaining information and facts which are scattered and specialized. Dror's concept of suboptimization, which accomplishes this, is based upon specialization of function. The policymaking process is divided into parts which are allocated to different specialized sections of the organization for the purpose of obtaining expert input. Suboptimization, however, necessitates providing a time

³⁵Yehezkel Dror, Public Policymaking Reexamined (San Francisco: Chandler Publishing Co. 1968), p. 160. Dror's spelling of metapolicymaking, policymaking and re-policymaking are used in the explanation of his concept.

³⁶Ibid.

framework in order to allow the reintegration of the policy process.³⁷

Re-policymaking or post-policymaking is basically concerned with feedback in order to sustain a coalition for the policy and to maintain the intended policy. Evaluation, which is part of this stage, also provides feedback upon which to correct policy.³⁸

To secure optimal policymaking, Dror stated, the various units of the organization must be a part of the process. In addition, a built-in redundancy reduces risks of mistakes.

Units that may be in the coalition whose power will motivate the executing of the policy must be included in the policymaking structure. . . .

Some units that execute policy must be closely tied into the policymaking structure, in order to minimize the danger of an executing that distorts the policy and of policymaking that leads to infeasible policies. . . .

For optimal policymaking, the contributions must be combined optimally into the phases, and the phases into a policymaking process, by complex hierarchic and polycentric relations among various units. This integration may also require special integration units, predetermined communication channels, exchange mechanisms, integrated information stages, and so on. 39

³⁷ Ibid.. ³⁸ Ibid., pp. 188, 189. ³⁹ Ibid., p. 212.

Summary of "Why" of Authority and
Two Complementary Concepts of
Decision Making and Policy Making

There are common, interrelated elements, explicitly stated or implied, in the above concepts of obedience to authority--a consensus regarding a paramount value or a set of values and beliefs, consent, power, and benefits.

Underlying authority is a relatively stable consensus in the society and, thus, among its members regarding a paramount value or set of values and beliefs. From the consensus, boundaries and limits which will defend and maintain these values can be defined, delineated, and formalized in a distribution of authority based upon position, competency, and procedures.

Consent to authority, which is based upon shared values, a resulting consensus, and anticipated benefits, is a voluntary act. The commitment of a voluntary act implies a decision arrived at through a deliberative process where consent is based upon some minimum standards which must be met and maintained. Instances lacking these minimum standards do not have authority and are subject to disobedience. Consent further implies that human agency or autonomy must be one of the values if not the paramount value, constituting the set of values or beliefs of the system. Because human agency is a value, the organization's code of behavior would provide a means for it to operate without destroying the authority of the system. Disobedience outside this framework

would not be part of the organization's set of values. Acts of consent and disobedience stemming from human agency imply the existence of power.

Power is derived from the shared values, the resulting consensus, and consent. This power and its sanctions sustain the values and benefits by maintaining obedience to authority.

The benefits which accrue to the society and its individual members by consenting to authority are: equality, justice, and defense of liberty and property, which includes individual agency or "autonomy".

Quade's and Dror's concept of decision making and policy making complement each other. Quade is concerned with the product or outcome of the individual steps of the process: Formulation, Search, Comparison, Interpretation, and Verification. Dror is more concerned with deriving, implementing, and improving the process in order to improve the product. Together the two concepts provide an integrated understanding of the total process.

The remainder of Chapter IV contains the comparison of authority distribution, an explanation of the changes in this distribution, the input and influence of the Presidents' Association and the Trustees' Association on these changes, the analysis of three governance decisions, and the answers to the four questions of the study.

Comparison of Authority Distribution

The comparison of authority distribution is based upon the North Carolina Administrative Code, the General Statutes, and the Administrative Procedure Act which pertain to the North Carolina Community College system and the changes which occurred in them. Old Title 16 (Department of Public Instruction), Chapter 4 (Community Colleges), of the North Carolina Administrative Code, was reviewed by the Board for necessary changes. The new Administrative Code for the community college system is Title 23, Chapter 2. Eight rules of the old code were considered in Subchapter 4C (Institutions, organization and operations), and four rules were reviewed in Subchapter 4E (Educational programs). The complete Subchapter 4D (Institutions' fiscal affairs), was reviewed for change. Approximately fifty-five percent of the eighty-eight rules in the Administrative Code were reviewed. Three new rules were introduced.

North Carolina General Statutes Chapter 115D (Community Colleges and Technical Institutes), Article 3 (Financial support), and Article 4 (Budgeting, accounting, and fiscal management) were also reviewed in 1981. In total, nine sections each were reviewed for change in Article 3 and 4; therefore, approximately forty-two percent of the forty-three sections of the General Statutes pertaining to the

community college system were reviewed.⁴⁰ In addition, the community college system requested an exemption from the Administrative Procedure Act, General Statutes Chapter 150A. This exemption request is one of the three governance decisions analyzed in Chapter IV.

The comparative analysis of the distribution of authority presented in Table 2 on page 174 shows small change between 1981 and 1982. The apparent lack of change is explained by the fact that the changes increasing local autonomy or centralization tended to balance each other. An example of this is found in Administrative Code rule 4E .0303 General Educational Development (GED) Testing Program. The community college institutions were granted more autonomy by the removal of the requirement that local superintendents "must" sign applications for testing. Additional changes in this rule, however, strengthened the center's authority by requiring questions regarding retesting to be decided by the State President or his designee rather than by the State GED Administrator as in the past.

⁴⁰Matching the new and old sections of Chapter 115D Article 4 is difficult. The revised Article 4 contains seventeen sections rather than nine. Some of the sections are new, others are the result of consolidation and of restructuring of the old sections. House Bill 77 of the N. C. 1981 Legislative Session, which revised Chapter 115D, Articles 3 and 4, was compared to the old sections of Articles 3 and 4.

TABLE 2

A COMPARISON OF AUTHORITY DISTRIBUTION IN
THIRTY-SIX POLICY AREAS USING WIRT'S
AUTHORITY CENTRALIZATION SCALE

Policy Number and Area	Average Score 1981	Average Score 1982	Policy Number
1. Accreditation	5.5	5.0	1
2. School Calendar	4.0	4.0	2
3. Certification	5.0	5.0	3
4. In-Service Training	4.0	3.5	4
5. Salary Schedule	4.3	3.0	5
6. Personnel Policies	3.0	3.0	6
7. School Plant	4.0	4.0	7
8. School Const. and Equip.	4.8	4.9	8
9. Safety, Health Standards	4.0	4.0	9
10. Institutional Organization	4.2	4.2	10
11. Promotion Requirements	0.0	0.0	11
12. Course or Credit Load	5.0	5.0	12
13. Pupil Records	4.5	4.5	13
14. Textbooks	0.0	0.0	14
15. Curriculum	4.2	4.2	15
16. Extra-Curricular Activities	0.0	0.0	16
17. Library	4.0	4.0	17
18. Guidance and Counseling	0.0	0.0	18
19. Vocational Education	5.0	5.0	19
20. Adult Education	4.0	4.0	20
21. Special Education	0.0	0.0	21
22. Experimental Programs	6.0	6.0	22
23. Pupil-Teacher Ratio	4.0	4.0	23
24. Attendance Requirements	5.0	5.0	24
25. Admission Requirements	4.0	4.0	25
26. Graduation Requirements	4.9	4.9	26
27. System Organization	4.9	5.0	27
28. Equal Education Opportunity	4.0	4.0	28
29. Objectives	4.5	4.5	29
30. Rule Making Procedures	6.0	6.0	30
31. Financial Records	4.5	4.6	31
32. Accountability	5.2	5.2	32
33. Evaluation	0.0	0.0	33
34. Per Pupil Expenditure	0.0	0.0	34
35. Bonds	3.0	3.0	35
36. Revenue	4.3	4.2	36
Average Authority Centralization Score	3.6	3.5	

In general, the rule changes in the first year strengthened the decision authority already posited at the local or central levels. The attempt was to make governance and decision authority clearer and more defined. The average Authority Centralization Score of 3.6 for 1981 and 3.5 for 1982 reflects the lack of change in the distribution of authority between the local and central levels.

The policy areas which did reflect a strengthening of decision authority at the local level, as shown by Table 2, were (4) In-Service Training, (5) Salary Schedule, (1) Accreditation, and (36) Revenue. The policy areas in which the center's decision authority was strengthened were (31) Financial Records and (8) School Construction and Equipment. In particular, under the Administrative Code, the state salary schedule was deleted and a minimum and maximum range for all institutional salaries, except for the presidents, was stipulated (4D .0102 Salary Schedules and 2D .0101 Establishing Pay Rates). 2D .0304 (Expenditure of State Funds; Accreditation Expenses and Dues) increased the options of local trustees regarding institutional membership in associations other than the Southern Association of Colleges and Schools. Local institutions' options for in-service training were increased when educational leave time and criteria were made more flexible under 2D .0103 (Educational Leave With Pay). Under 2D .0313 (Acquisition of Automated Computer Data Processing (ADP) Resources), the State Presidents' approval is now

required for certain rentals and purchases. 2D .0604 (Life-Cycle Cost Analysis) reflects centralization by outside agencies. Plans for facilities must now include a "life-cycle cost and energy consumption analysis" whose procedures are prescribed by the Division of State Construction.

The rewriting of Articles 3 and 4 of Chapter 115D increased the authority of the center by requiring local institutions to adopt accounting systems and procedures prescribed by the State Board (115D 58.5 Accounting system). Under 115D 58.1 (Federal contracts and grants), local institutions must now make their federal contracts and grants under State Board guidelines. 115D 58.6 (Investment of idle cash), gave local institutions more options, under guidelines, in the use of idle cash for investment purposes.

Table 3, on pages 177 and 178, shows the policy areas placed in rank order in one of the seven levels of Wirts' Authority Centralization Scale. The policy areas which moved to another level are marked (*) in the left-hand column and are shown in the new authority level in the right-hand margin under the year 1982.

Only two policy areas experienced change sufficient to be moved to another authority level. Local authority was appreciably increased in the policy areas of (4) In-Service Training and (5) Salary Schedules. Although there were changes in many of the other policy areas, the result was

TABLE 3
DISTRIBUTION OF AUTHORITY IN THIRTY-SIX POLICY AREAS

1981 Policy Number	Authority Centralization Scale	1982 Policy Number
0 -Periphery (local) Autonomy		
(11)	promotion requirements	same
(13)	pupil records	
(14)	textbooks	as
(16)	extra-curricular activities	
(18)	guidance and counseling	1981
(21)	special education	
(33)	evaluation	
(34)	per pupil expenditure	
3- Extensive Periphery Option		
(6)	personnel policies	(6)
(35)	bonds	(35)
		(4)
		(5)
4- Limited Periphery Option		
(2)	school calendar	same
* (4)	in-service training	
(7)	school plant	as
(9)	safety & health standards	
(20)	adult education	1981
(23)	pupil-teacher ratio	
(25)	admission requirements	except
(28)	equal education opportunity	
(10)	institutional organization	for
(15)	curriculum	
* (5)	salary schedule	(4)
(17)	library	
(36)	revenue	&
(29)	objectives	
(31)	financial records	(5)
(8)	school construction & equipment	
(26)	graduation requirements	
(27)	system organization	

Table 3 continued

1981 Policy Number	Authority Centralization Scale Policy Area	1982 Policy Number
5- No Periphery Option		
(3)	certification	same
(12)	course or credit load	
(19)	vocational education	as
(24)	attendance requirements	
(32)	accountability	1981
(1)	accreditation	
6- Center Assumption		
(22)	experimental programs	same
(3)	rule-making procedures	as 1981

not a shift to another level in the direction of local autonomy or centralization.

Two Administrative Code rules which were perceived as attempting radical change were defeated. One was a new rule, 4E .0105 (Physical Education Courses for Credit), which attempted to standardize the use of recreational courses in community colleges and technical institutes. The other change, 4D .0315 (Full-Time Equivalent Student and Student Hour Reporting), was an attempt by the Department of Community Colleges to clarify the manner in which FTEs were calculated. The rule regarding physical education was rejected, and the attempt to change rule 4D .0315 regarding FTE procedures was postponed due to the need for further study and agreement on needed change. Two new rules which were approved, 2B .0204 (State Planning) and 2B .0205 (Institutional Planning), required local level planning to be individualized but within the framework of the state-level plan.

Table 3 shows that the local level has varying degrees of authority in many policy areas. It has complete decision authority, 0- Periphery (local) Autonomy, in eight policy areas. Once students are admitted, the institutions have complete authority in their processing, evaluation, promotion, and student records. The institutions also have complete authority in the choice of textbooks and extra curricular activities. The local level has 3- Extensive Periphery

Option in personnel policies and in the issuance of bonds.

The center's authority is greatest in category 6- Center Assumption. There are two policy areas in this category: rule-making process and initiation of experimental programs. There are six policy areas in category 5- No Periphery Option, most of which are concerned with minimum standards to assure delivery of quality education and other means of accountability.

Half of the policy areas fall into category 4- Limited Periphery Option. In this category the center's goals are required and specified. Implementation is also specified, but there are some options and decision authority which remain at the local level. The policy areas under this category can be classified in three broad topics: students, institutions, and system organization. The policy areas concerned with students define who will be admitted and graduated, and what constitutes the programs and their duration. The policy areas which apply to the organization of the system set out its objectives and the structure of the system. The policy areas concerned with the institutions are related to their management: housing--school construction and equipment, school plant; safety and health standards; revenue; fiscal accounting; in-service training; and salaries. Only the last two policy areas were in a different category in 1982. Local authority was increased to the extent that they could be classified under category 3- Extensive Periphery

Option.

The apparent lack of drastic change in the distribution of authority in face of a major revision of the system's Administrative Code and General Statutes required further examination and explanation. Several assumptions were made regarding the means of change and types of changes which occurred. It was assumed that incremental change of authority in existing rules and sections of the law were easier to make than definite or drastic changes through new rules and new section of the law. The works of several authors support this assumption.⁴¹ The second assumption was that a relative counterbalance in the distribution and types of changes in centralization and local autonomy would also provide some explanation for an apparent lack of change in the distribution of authority.

In order to categorize the types of changes in the General Statutes and the Administrative Code, the system of measurement, as shown in Table 4, on page 181, was developed.

⁴¹Herbert Kaufman, The Limits of Organizational Change (Univeristy, Alabama: The University of Alabama Press, 1971), p. 96; George C. Edwards III and Ira Sharkansky, The Policy Predicament: Making and Implementing Public Policy (San Francisco: W. H. Freeman and Co., 1978), pp. 265-267, 275; David Braybrooke and Charles E. Lindblom, A Strategy of Decision: Policy Evaluation as a Social Process (London: The Free Press of Glencoe Collier-Macmillan Limited, 1963), pp. 64, 100, 116.

TABLE 4
TYPES OF CHANGE IN AUTHORITY DISTRIBUTION

Type	Description
No Change (NC)	Same authority and same guidelines (Changes are editorial or to clarify)
Centralization	
Slightly Increased	Same authority but guidelines increased
Moderately Increased	Initiation of required procedures, or the President of the Department of Com- munity Colleges decides contested questions or grants a waiver
Greatly Increased	Center takes over implementation
Local Autonomy	
Slightly Increased	More options but under guidelines
Moderately Increased	More options and fewer guidelines
Greatly Increased	Removal of Center's requirements or guidelines

Using the above criteria, the Administrative Codes and General Statutes which were considered for change by the State Board were analyzed for the type of change which occurred. How change was achieved was considered first. Whether change was through the revision of existing rules or existing sections of the law, or whether it was through new rules or new sections of the law. The second consideration was the distribution and types of change which occurred. Table 5, on page 183, reveals the findings of this further analysis of the changes.

TABLE 5
 TYPES AND MEANS OF CHANGE
 IN THE
 DISTRIBUTION OF AUTHORITY

Means of Change	Types of Change															
	Centralization					Local Autonomy					Total Change		No Change		Grand Total	
	S	M	G	#	%	S	M	G	#	%	#	%	#	%	#	%
A.C. Old	4	6	0	10	14	3	4	3	10	14	20	27	29	41	49	68
G.S. Old	3	2	0	5	7	1	1	0	2	3	7	10	6	9	13	18
Total	7	8	0	15	21	4	5	3	12	17	27	37	35	49	62	86
A.C. New	0	1	1	2	3	0	0	0	0	0	2	3	1	1	3	4
G.S. New	0	2	1	3	4	4	0	0	4	6	7	10	0	0	7	10
Total	0	3	2	5	7	4	0	0	4	6	9	13	1	1	10	14
Grand Total	7	11	2	20	28	8	5	3	16	22	36	50	36	50	72	100
Total %	10	15	3			11	7	4			50		50		100	

The majority of change was made through the revision of existing rules of the Administrative Code and existing sections of the General Statutes. Eighty-six percent of the changes were accomplished through this means. Comprising this eighty-six percent were forty-nine percent reflecting no change in authority (NC), where only editorial and clarification changes were made, and thirty-seven percent reflecting change through types (S), (M), and (G). Sixty-eight percent of this change was made through the revision of existing Administrative Code rules and eighteen percent was through the revision of existing sections of the General Statutes 115D.

Only fourteen percent of the changes were accomplished through new or attempted rule changes and new sections of the law. Three percent of this change was through new rules of the Administrative Code and ten percent was through new sections of the law. One percent was accounted for by a new Administrative Code rule which was defeated and was, therefore, recorded under type (NC) change.

Changes in local autonomy were achieved differently under the Administrative Code and General Statutes. Under the Administrative Code, the means of change for increasing local autonomy was achieved through the revision of existing rules rather than new rules. In fact, sixty-two percent of the change in local autonomy was brought about through a revision of the Administrative Code.

All four means of change were utilized to increase authority at the center. Exactly half of the changes in centralization, however, were achieved through a revision of existing Administrative Code rules. Also changes through a revision of the old or existing sections of the law, equaled those brought about through both new Administrative Code rules and new sections of the law.

The major means for increasing local autonomy and centralization was through the revision of the Administrative Code rules. In descending order, the other means for increasing centralization were a revision of the General Statutes, new sections of the General Statutes, and new Administrative Code rules. Only two other means were used to increase local autonomy. In the order of their use, they were: new sections of the General Statutes and a revision of the existing sections of the General Statutes.

Change in local autonomy through a revision of the Administrative Code rules was spread fairly evenly between the three types of changes: S, M, and G. Change in centralization through a revision of the Administrative Code rules was concentrated in M and S changes.

Change in centralization through new rules or sections of the law was brought about through M and G changes. There was no change in local autonomy through new Administrative Code rules. Four S changes were accomplished under new

sections of the law.

Only three G changes were found under local autonomy, and these were the result of revisions in Administrative Code rules. There were only two G changes under centralization. One was accomplished by a new rule, and the other was accomplished by a new section of the law.

Table 5 also shows a relatively close counterbalance in number and percentage between the total changes in centralization and local autonomy. There were twenty changes in the degree of centralization and sixteen in local autonomy. Twenty-eight percent of the changes reflecting a different distribution of authority were in centralization and twenty-two percent were in local autonomy. This counterbalance remained in the comparison of S and G changes in centralization and local autonomy. There were, however, more M changes under centralization than under local autonomy. M changes in centralization require the initiation of a procedure at the local level or require the President of the Department of Community Colleges to decide contested questions or require that the President grant a waiver.

Local-Level Representatives' Input and Influence on Rule and Law Changes

In order to judge the impact of the input and influence of the Presidents' Association and the Trustees' Association on the rule and law changes at the State Board level, certain assumptions were made. It was assumed that the rules

and laws not opposed were agreed upon by the Department and the two associations before they reached the State Board. If this was not the case, it was assumed that the associations felt their input and influence either would not have an impact or were inappropriate to offer. Table 6, on pages 188, 189, 190, and 191, shows the rules over which the Department and the associations disagreed. The input and influence of the two associations are shown either as a success or a failure. The success or failure of the local-level representatives is based upon the congruence between their stated position and the State Board's decision regarding the rule. The two associations' influence on the revision of the General Statutes is considered separately.

Revision of the Administrative Code

When it sought to exert its influence in opposition to that of the State President and the Department of Community Colleges, the local level experienced more successes than failures. There were nine successful attempts to three failures. The information presented in Table 6 also shows that the Presidents' Association was more active than the Trustees' Association in exerting its input and influence on rule changes. The Presidents' Association and the presidents perceived that many of the rule changes were threats to the institutions' decision authority and their ability to carry out their functional responsibility to meet local

TABLE 6

LOCAL LEVEL'S REPRESENTATIVES' INPUT AND INFLUENCE⁴²
ON STATE BOARD'S DECISIONS REGARDING RULE CHANGES

SUCCESS	FAILURE
<u>Rule 4D .0101 Establishing Pay Rates</u>	
Public Hearing held 3/10/81. State Board postponed action on 4/9/81 with request for more input from institutions and interested parties. Presidents' Association complained that rule change did not reflect hearing and task force recommendations. Rule change approved 5/14/81 showing following influences.	
Presidents' Association's Chairman and individual presidents objected to "cost-of-living" wording stating that there never has been a cost-of-living clause.	Presidents' Association's Chairman, individual presidents and chairmen of local boards of trustees objected to state-level setting of minimum-maximum salary range for institutions. This was considered a local responsibility. [There was complete agreement between the Presidents' Association and the Department of Community Colleges in abolishing the state pay scale for institutional personnel. The only disagreement was over the remaining vestige of center control--the minimum-maximum salary range.]
Individual presidents and chairmen of local boards of trustees objected to fact that presidential "out-of-state" experience was not equal to in-state experience.	
Presidents' Association's Chairman and individual Board Members objected to "superintendent" being removed from same placement as institutional presidents regarding year for year experience.	
<u>Rule 4D .0103 Educational Leave with Pay⁴³</u>	
Presidents' Association and individual presidents objected to limit of 12 consecutive weeks for educational leave with pay. They wanted wording to be, "limit not to exceed 60 working days."	Task force on Staff Development objected to repayment requirement for educational leave if employee failed to fulfill contract.

TABLE 6 Continued

SUCCESS

FAILURE

Rule 4D .0304 Expenditure of State Funds: Accreditation Expense & Dues.⁴³

Executive Committee of Presidents' Association and individual presidents requested, at 6/19/81 meeting with President Blake, that local trustees have discretion regarding organizational membership dues payments.

Rule 4D .0315 Full-Time Equivalent and Student Hour Reporting⁴³

Presidents' Association and individual presidents opposed Department's attempt to clarify means of calculating FTE. Institutions felt clarification would change intent and interpretation of the rule. At the request of the presidents, President Blake made a statement that intent and interpretation would remain the same.

Presidents' Association and individual presidents objected to Department's attempt to bring equity to funding by deleting 60/40 funding; state pays 60 percent of instructional salaries in certain program areas which can be counted for budget purposes.

TABLE 6 Continued

SUCCESS	FAILURE
Rule 4D .0322 Expenditure of State Funds:	Extension Travel, Allowances ⁴³
	Presidents' Association objected to deletion of this rule which allowed travel reimbursement for part-time extension instructors. It contended that eliminating travel expenses would handicap institutions in providing instruction, not available locally, to industry.
Rule 4E .0101 Program Classification ⁴³	
Presidents' Association, individual presidents, and N. C. Community College Adult Education Association opposed definitions presented in rule change. They contended they were not those recommended by the task force appointed by President Blake.	
Rule 4E .0105 Physical Education Courses for Credit ⁴³	
Presidents' Association, individual presidents, and individual Board members objected to rule for a particular course. Presidents felt rule was to correct abuse of physical education courses by an individual institution. They felt the Department should correct the abuse, but not impose new rule on institutions. Institutions saw rule as an undesirable and unnecessary centralization of curriculum.	

TABLE 6 Continued

⁴²Input was from public hearings, Board Meetings, task forces, contacts with the Department of Community Colleges and the State President, and contacts with State Board members.

⁴³The State Board approved initiation of rule-change process on 4/9/81. The public hearing was held 5/19/81. The State Board postponed action on these rule changes on 6/11/81. The postponement occurred after the Presidents' Association submitted to the Board a position paper expressing its dissatisfaction with the Department's rule recommendations and the process by which the recommendations were derived. The Presidents' Association set out its objections to individual rules and requested more time to consider and study the changes (Memorandum, NCAPCCP to Presidents, Community Colleges and Technical Institutes from Charles C. Poindexter, Chairman NCAPCCP, Re: Position Paper on Proposed Rule Change in Subsections 4C, 4D, and 4E of the Administrative Code, 3 June 1981). The State Board directed the State President to meet with the Presidents' Association, Trustees' Association, and interested parties to iron out existing differences regarding rule changes. President Blake met with fifteen presidents, including members of the Executive Committee of the Presidents' Association on June 19, 1981. The success or failure of the local-level representatives' input is indicated above.

[It will be noticed that all the Presidents' Association's and Trustees' Association's challenges to the rule recommendations were to protect their decision authority in what they considered their policy zones of influence. All the challenges were important in that they helped establish a pattern in the State Board to be receptive to the input of the two associations.

The successes which the two associations probably considered the least important were the cost-of-living clause, educational leave with pay, organizational membership dues, and program classification. The failure of the least importance was minimum-maximum salary range for institutional personnel.

The successes which the two associations probably considered the most important were the 60/40 funding rule, the Physical Education course for credit, the "out-of-state" experience for presidents, and placement of "superintendents" on the pay scale. The failure which was probably considered the most important in protecting local policy zones of influence was the travel reimbursement of part-time extension instructors. The success in the FTE rule was, in reality, a postponement, which the two associations sought, of the decision.]

educational needs.

Input and influences were exerted at public hearings, board meetings, task forces, contacts with the Department of Community Colleges and the State President, and contacts with the State Board members. The State Board postponed making decisions on rules recommended by the Department of Community Colleges in April and in June, 1981. On each occasion the Presidents' Association had complained that the recommended rules did not reflect input from the institutions and the task forces. The association's complaint in June was in the form of a position paper setting out its objections to the recommended rules and to the rule process which produced them. At each postponement the State President was instructed to gain more input from interested parties.

Revision of General Statutes Chapter 115D

Input from the Presidents' Association and the Trustees' Association in the revision of Chapter 115D, Article 3 (Financial Support), and Article 4 (Budgeting, Accounting and Fiscal Management), was officially given through the Fiscal Advisory Committee which was formed by President Blake to rewrite the law. The ten-member committee included the Chairman of the Presidents' Association, Dr. Charles Poindexter, and the Secretary-Treasurer of the Trustees' Association, Mary Gentry. The State President and two staff members of the Department of Community Colleges, an institutional Dean of

Administration; the Deputy State Treasurer; the State Director of Audits; a member of the Legislative Fiscal Research Division; and the Executive Director of the N. C. Association of County Commissioners were also on the committee.

House Bill 77, An Act to Rewrite Article 4 and Certain Sections of Article 3 of Chapter 115D of the General Statutes, Community College Laws, of the 1981 Legislative Session, was the result of the work and recommendations of the Fiscal Advisory Committee. The bill was a continuation of the effort for increased fiscal accountability in the community college system begun in 1979 with Senate Bill 789, which was not ratified.

Chairman Poindexter reviewed a draft of the Fiscal Advisory Committee's revision of General Statutes 115D, Articles 3 and 4, with the Presidents' Association on October 24, 1980, and asked that comments be sent to him and Department Staff member Thomas King, Vice President of Financial and Administrative Services. He reported that the committee would make its recommendations to President Blake by November 15, 1980, who, in turn, would present the proposed legislation to the State Board.⁴⁴

The Trustees' Association and the trustees were kept informed of the committee's work. The Executive Director of the Trustees' Association kept it informed through the

⁴⁴North Carolina Association of Public Community College Presidents, Minutes, Fayetteville, 24 October 1980.

monthly newsletter and through letters which forwarded the Executive Committee's recommendations regarding the proposed legislation to the chairmen of the local boards. The Executive Committee went over the legislation, "item for item," before approving it.⁴⁵ The trustees discussed the legislation at the institutional level. Comments from these discussions returned piecemeal to the Executive Director, Michael Olson, and were then relayed to the association's representative on the committee, Mary Gentry.⁴⁶

The State Board of Community Colleges considered the proposed revision of Chapter 115D, Articles 3 and 4, at its first meeting on January 8, 1981. One board member wanted to postpone the vote on the legislation until he could discuss it with his people. Other board members expressed a desire for a discussion. President Blake presented background information to the board members. He also explained that the institutions were concerned that the county commissioners might reduce the institutional budgets if they became aware of foundation funds which some institutions had attracted.⁴⁷

⁴⁵ Interview with Mary Gentry, Secretary-Treasurer of North Carolina Trustees Association of Community Education Institutions, Inc., 5 October 1982.

⁴⁶ Ibid.

⁴⁷ Researcher's notes from State Board of Community Colleges Meeting, Raleigh, N. C., 8 January 1981.

Dr. Poindexter, Chairman of the Presidents' Association, was asked to make an explanation of the proposed legislation to the Board. Poindexter stated that he had participated in the formulation of the legislation, that he realized it would not please all fifty-eight institutional presidents, but that the legislation was needed now. The proposed legislation, according to Poindexter, protected the autonomy of the local boards of trustees and their relations with county commissioners. He also stated that criticism of the community college system kept the legislature occupied when it should be concerned with the system's request for \$34 million for needed equipment.⁴⁸ The board members did not direct questions to Dr. Poindexter following his statements. The State Board did, however, approve the proposed legislation.⁴⁹

The Minutes of the Senate Committee on Higher Education, March 24, 1981, show that a representative of the County Commissioners Association "assured the Committee that they do support the legislation."⁵⁰ Mr. Richard Daugherty, member of the State Board, appeared before the House Committee on Higher Education on February 10, 1981, to convey the Board's approval of the legislation.⁵¹

⁴⁸ Ibid. ⁴⁹ Ibid.

⁵⁰ North Carolina, Senate, Minutes of Committee on Higher Education, 24 March 1981.

⁵¹ North Carolina, House, Minutes of Committee on Higher Education, 10 February 1981.

Representative Parks Helms, who introduced the legislation, House Bill 77, informed the Senate Committee that the bill was supported by the President of the Trustees' Association.⁵² The minutes of these two committees do not show that the Presidents' Association appeared before them or indirectly presented its position on the legislation.

Summary of Comparison of Authority Distribution

The comparison of the distribution of authority, made by applying Wirt's Authority Centralization Scale to the community college system's rules and laws at the beginning of 1981 and approximately a year later, reflected very little change. When the changes in the Administrative Code and General Statutes are combined, fifty percent resulted in no change of authority (NC), one percent of which reflected a defeated new rule. Fifty percent showed various degrees of changes. The majority of change in local autonomy and centralization came about through a revision of the Administrative Code rules.

The analyses of the data revealed that the changes which increased decision authority at the center were basically balanced by those which increased local decision authority.

⁵²North Carolina, Senate, Minutes of Committee on Higher Education, 24 March 1981.

In general, the rule changes in the first year strengthened the decision authority already posited at the local and central levels by making governance and decision authority clearer and more defined. This fact tends to support the existence of recognized policy zones of influence. Only two policy areas, (4) In-Service Training and (5) Salary Schedules, changed sufficiently to be moved to another level of decision authority. These two policy areas reflected an increase in decision authority at the local level. Eighteen or half of the policy areas analyzed showed the local level to have only limited decision authority. This fact increases the importance of the local level's input and influence in the state-level policy-making process.

The Presidents' Association was more active than the Trustees' Association in exerting its input and influence in the Administrative Code rule changes. When the Presidents' Association chose to oppose the State President and the Department of Community Colleges in their recommendations to the State Board, it experienced more successes than failures. The opposed rule changes were perceived to be a threat to local decision authority and the institutions' ability to meet their functional responsibility to fulfill local educational needs. The opposed rules were also perceived to have been made with a disregard for the input provided by appointed task forces and a disregard for the traditional policy-making process.

Both the Presidents' Association and the Trustees' Association participated on the committee charged with the re-writing of the General Statutes of the community college system. The associations used their communication systems to develop a consensus and to provide input to their representatives on this committee. While the approval of the Trustees' Association seemed important to the legislature in its consideration of this bill, the State Board sought the opinion of the Presidents' Association in deciding its support of the proposed legislation. Neither the Trustees' Association nor the Presidents' Association appeared at the legislative public hearing regarding this legislation. A member of the State Board, however, did appear to endorse the legislation.

The Presidents' Association and the Trustees' Association openly opposed similar legislation in 1979 in which the State Board of Education rewrote the financial management section of the General Statutes pertaining to the community college system. This rewriting was done by a committee whose membership, although including the Chairman of the Presidents' Association and the President of the Trustees' Association, was not dominated by community college personnel. At the legislative public hearing, the two associations strongly objected to this legislation as an usurpation of the authority of the newly created State Board of Community Colleges which was yet to assume its governance role. This is an example of the type of issue, protection of the system's

decision authority, which compels the complementary action of the Presidents' Association and the Trustees' Association.

Three Governance Decisions

If laws, rules and their interpretations are not uniformly accepted and uniformly acted upon, the result amounts to a challenge to decision authority. The following is a discussion and analysis of three challenges to decision authority and the resulting decisions made by the State Board regarding these challenges. In the Central Piedmont Community College audit decision, an institution challenged the conclusions of the Department of Community Colleges' audit and the department's interpretation of several rules. In the One Percent Allotment Reserve Fund decision, the State Board itself challenged the interpretation and use of a rule. The new rule regarding the rule-making process was a challenge to the established process of rule and policy making.

The criteria for selecting the decisions were that they involved conflict or the potential for conflict which the State Board had to resolve, they involved several meetings of the State Board, and they involved several issues or problems which constantly confronted the State Board. These issues were (1) adequate funding for the institutions and programs, especially state-priority programs; (2) fiscal accountability throughout the system, which requires laws and rules definitely and clearly designating responsibility,

authority, and procedures; and (3) the working relationships within the system necessary to accomplish the above through the decision and policy-making process. The basic framework for the discussion of each decision includes background materials, input, and the decision.

Central Piedmont Community College Audit

Central Piedmont Community College was audited in July, 1980, by Department of Community College auditors. The purpose of this scheduled audit was to check the manner in which the institution accounted for its student membership or full-time equivalent enrollment (FTE), as defined in the Administrative Code. The auditors' findings concerned the following three exceptions:

- (1) . . . the reporting of certain classes as "clinical practice" rather than "cooperative education" classes;
- (2) . . . the identification and reporting of certain courses as health courses rather than recreation courses;
- (3) . . . the number of minutes which comprise a membership hour of instruction in extension courses. 53

The Department of Community Colleges contended that the community college's interpretation of the law and rules led to an inflated count of FTE and, therefore, an inflated

⁵³North Carolina State Board of Community Colleges, Declaratory Ruling In Re Audit of Central Piedmont Community College, (Raleigh, N. C., 9 April 1981), p. 4.

allocation of funds from the state. The institution was required to revert approximately \$485,000 to the State Board.⁵⁴

Central Piedmont Community College and the Department of Community Colleges discussed the exceptions on July 29, November 13, and December 22, 1980, but the community college failed to agree with the findings. The president of the institution received the final audit report on January 26, 1981.⁵⁵ The chairman of the board of trustees of Central Piedmont Community College requested and received permission for a hearing to appeal the audit decision before the regular State Board meeting on March 12, 1981.

The appeal took the form of a declaratory ruling; however, the State Board used the procedures for an Administrative Hearing under General Statutes Chapter 150A, The Administrative Procedure Act.⁵⁶ The Administrative Procedure Act stipulated the type of input which could be considered by the State Board in making its decision. The following subsections of Chapter 150A were pertinent to defining the procedures and input in this decision:

150A-17 Declaratory ruling

On request of a person aggrieved, an agency shall issue a declaratory ruling as to the validity of a rule or as to the applicability to a given state of facts of a statute administered by the agency or of a rule or order of the agency, except when the agency for good cause finds issuance of a

⁵⁴ Ibid., p. 18.

⁵⁵ Ibid., pp. 4, 5.

⁵⁶ Ibid., p. 1.

ruling undesirable. . . . A declaratory ruling is binding on the agency and the person requesting it unless it is altered or set aside by the court. . . .

150A-23 Hearing required: notice; intervention:

(a) The parties in a contested case shall be given an opportunity for a hearing without undue delay. . . .

(d) Any person may petition to become a party by filing a motion to intervene as provided in G.S. 1A-1, Rule 24. In addition, any person interested in an agency proceeding may intervene and participate in that proceeding to the extent deemed appropriate by the hearing agency.

150A-29 Rule of evidence

(a) In all contested cases, irrelevant, immaterial, and unduly repetitious evidence shall be excluded.

. . . (T)he rules of evidence as applied in the trial division of the General Court of Justice shall be followed:

(b) Evidence in a contested case, including records and documents, shall be offered and made a part of the record. Other factual information or evidence shall not be considered in determination of the case, except as permitted under G.S. 150A-30.

150A-30 Official notice

Official notice may be taken of all facts of which judicial notice may be taken and of other facts within the specialized knowledge of the agency. The noticed fact and its source shall be stated and made known to affected parties at the earliest practicable time, and any party shall on timely request be afforded an opportunity to dispute the noticed fact through submission of evidence and argument. An agency may use its experience, technical competence, and specialized knowledge in the evaluation of evidence presented to it.

150A-31 Stipulation

(b) Except as otherwise provided by law, disposition may be made of a contested case by stipulation, agreed settlement, consent order, waiver, default, or other method agreed upon by the parties.

150A-34 Proposal for decision

(b) The proposal for decision shall contain proposed findings of fact and proposed conclusion of law. This proposal for decision shall be prepared by a person who conducted the hearing unless he becomes unavailable to the agency. If no such person is available, the findings may be prepared by one who has read the record, . . .

At the hearing, the Board of Trustees of Central Piedmont Community College assumed the responsibility for presenting the college's case. Although the President of the Trustees' Association was also the chairman of this institution's board of trustees, the other trustees dominated the presentation. A trustee, who was also a lawyer, claimed that the community college's interpretation of "modified clinical practice", exception number one, did not include full-time instruction but did include all the planning and supervision involved in the course. The trustee also asserted that the community college had attempted seven times since August, 1979, to get a ruling on "modified clinical practice" but had received only opinion and no definitive answer. For this reason, the community college considered the retroactive penalty to be unfair.⁵⁷

Central Piedmont Community College also claimed that it considered the guidelines regarding health vs. recreational courses, exception number two, to be vague. The community

⁵⁷ Researcher's notes, Administrative Hearing on Central Piedmont Community College, 12 March 1981.

college considered obesity to be a problem equivalent to alcoholism and, therefore was correctly classified as a health course. By law, recreational extension courses had to be self-supporting. Health classes, however, were state-supported and generated Full-time Equivalent student hours. FTEs constitute the basis upon which funds are allocated to an institution.⁵⁸

Central Piedmont Community College determined its membership hour of instruction by dividing by 50 minutes rather than by 60 minutes, exception number three. This method produced an inflated membership hour of instruction. The community college's defense of this interpretation rested on the claim that in contrast to the old rule regarding membership hour instruction, the new rule was vague. It also contended that it did not consider a question-and-answer sheet sent out by the Department of Community Colleges as an authoritative source for determining a definition for membership hour instruction. It regarded the Administrative Code as the authoritative source but found that it was inadequately stated.⁵⁹

The Department of Community Colleges' position was presented chiefly by the State President, Dr. Larry J. Blake. He stated that the audit was not opinion but legal interpretation. Title 16, N. C. Administrative Code, Section

⁵⁸Ibid.

⁵⁹Ibid.

4D .0315 (d) (3) (A) defines "clinical practice," he continued, and nothing in the Code discusses "modified clinical practice." The means for determining FTE is a comparison between student contact hours and instructional hours, according to Dr. Blake. As far as Dr. Blake knew, the March 17th letter was the only request from the community college for clarification. Regarding the health versus recreation course-classification issue, the criterion for the decision was whether the course was primarily recreational. Dr. Blake stated that the Board sent its decision regarding the 50-minute issue to the community college on December 8, 1978, that the Board had been consistent in this policy, and that a recent survey showed no other institution interpreted the rule as Central Piedmont Community College had.⁶⁰

The Chairman of the State Board, Carl Horn, assumed the role of hearing officer. An executive session was scheduled for April 9th at which time a decision was to be rendered on the audit appeal. Because Chairman Horn was out of town on business the week prior to this session, he requested, under the authority of the Administrative Procedure Act 150A-3-, a Special Deputy of the Attorney General's Office, Edwin M. Speas, Jr., to draft a proposed Findings of Fact and Conclusions of Law upon which to base the decision.⁶¹

⁶⁰Ibid.

⁶¹Carl Horn to members of the State Board of Community Colleges, 3 April 1981.

Findings of Fact had to be based entirely on the documents and evidence which constituted the record, as set out in APA 150A-37, Official record. The Chairman of the State Board requested the department and the community college to agree upon what constituted the record which was to be submitted for the board's consideration. It was their decision that the record should include certain correspondence between the community college and the department regarding the audit dated in January and February and a chronology of events and documents of the department's audit and of the community college's written and documented support of its position.⁶² According to the APA 150A-37, the record also had to include briefs submitted after the hearing of which the State Board took "official notice," and evidence presented at the hearing. The proposed findings and the decision of the hearing officer and the State Board were also part of the record.

The board's decision was based upon thirty-eight findings of fact. The board found that there was a rule which defined "clinical practice," 16 N.C. Administrative Code 4D .0315 (d) (3) (A), and that the Department of Community Colleges had been consistent in its interpretation of this definition.⁶³

⁶²Researcher's notes, Administrative Hearing, 12 March 1981.

⁶³NCSBCC, Declaratory Ruling, pp. 8, 9.

Regarding the interpretation of health versus recreational courses, the State Board found that under 16 N. C. Administrative Code 4D .0315 (d) (4) (C) recreational classes are classified as self-supporting, and that Administrative Memorandum 7-6 from the Department of Community Colleges on March 1, 1974, specified courses which were to be considered recreational. A course for "body exercise and weight control methods" was classified as recreational.⁶⁴ According to testimony taken from the instructor, the majority of the class time was spent in exercising. The State Board also found that the department had been consistent in its interpretation of this regulation.⁶⁵

In the issue regarding minutes of instruction, the State Board found that prior to 1978 student membership hour was accounted for in the manner employed by Central Piedmont Community College. A new regulation, however, was issued on December 8, 1978. The minutes of the State Board, which the institutions receive, stated that the change was intended to prevent "dividing the scheduled minutes for a class by 50 rather than 60."⁶⁶

The State Board decided, therefore, that the community college had violated State Board regulations N.C. Administrative Code Title 16, Chapter 4, 4D .0315 (d) (3) (A); 4D .0315

⁶⁴Ibid., p. 10. ⁶⁵Ibid., p. 11. ⁶⁶Ibid., pp. 11-14.

(b) (4) (C); and 4D .0315 (d) (4) (B). Accordingly, the institution was ordered to reimburse approximately \$485,000 within thirty days. It was also ordered to correct its reports, following the summer quarter of 1980, to reflect the proper interpretation of the rules.⁶⁷

Thirteen State Board members unconditionally made the above decision. Two other Board members dissented in issue number one; the Chairman of the State Board dissented on all three issues. The chairman, a lawyer by profession who resided in Charlotte where the community college was located, found no evidence in the regulation regarding clinical practice which required "that the college instructor be physically present and in charge during all periods of clinical instruction by nurses or technicians from the allied institution. . ."⁶⁸ With regard to the "50 minute rule," the chairman found "confusion, contradiction, and a lack of clarity in the past administration of this rule."⁶⁹ The chairman also found a lack of definitions in the department's regulations regarding the third exception which was concerned with health versus recreational courses.⁷⁰

⁶⁷Ibid., pp. 15-18.

⁶⁸Ibid., Attachment, Dissenting Opinion of Carl Horn, Jr., p. 2.

⁶⁹Ibid., p. 3. ⁷⁰Ibid., p. 4.

The chairman also stated in his dissenting opinion that the State Board voted at its April 9, 1981, monthly meeting to initiate rule-making procedures "to clarify, to insert specific definitions, to revise the FTE funding formula and its application, and to deal with the issues raised on this appeal."⁷¹

The Presidents' Association had already voted in January, 1981, to act on a recommendation of its Executive Committee to request the State President "to establish a task force to study the Administrative Code, to clarify those sections dealing with FTE and budget audits, and to establish written procedures for FTE audits."⁷²

In the Central Piedmont Community College Audit decision, the State Board upheld the authority of the President and the Department of Community Colleges under the Code. In particular it upheld the authority of the State President under N. C. Administrative Code 2B .0303--Administrative memorandum:

The state president is authorized by the State Board of Community Colleges to issue administrative memoranda specifying the manner in which technical institutions and community colleges, as well as staff members of the Department of Community Colleges, are required to carry out policies of the State Board.

⁷¹Ibid., p. 5.

⁷²NCAPCCP, Minutes, Raleigh, 30 January 1981, p. 1.

The Administrative Code states, however, in 2A .0001-- Responsibilities of the Department of Community Colleges, that:

The Department of Community Colleges' responsibilities include but are not limited to the following: . . . (4) development of recommended changes in and additions to state board policies for the Community College System, with assistance from institutions: . . .

This provision was not in the old Policy Manual which was in effect until 1976.

The Presidents' Association discussed policy interpretations with President Blake at its Executive Committee meeting on October 9, 1981. "It was the consensus of those attending that interpretations should be made more in keeping with the intent of the policy and in keeping with the needs of the institutions."⁷³ This position was first stated by the Executive Committee of the Presidents' Association in August, 1981, as one of the six concerns it forwarded to the State President regarding the association's relations with the Department of Community Colleges.⁷⁴

The above discussion shows that input and influence from the Presidents' Association and the Trustees' Association were lacking in the State Board's declaratory ruling in the

⁷³NCAPCCP, Executive Committee Meeting, Emerald Isle, 9 October 1981, p. 3.

⁷⁴NCAPCCP, Executive Committee Meeting, Foxfire Village, 31 August 1 September 1981.

Central Piedmont Community College Audit Decision. Neither Dr. Charles Poindexter, the Chairman of the Presidents' Association nor George Morgan, President of the Trustees' Association considered this an appropriate issue for their associations' participation.⁷⁵ The fact that neither of the two associations chose to intervene in the decision process as an interested party under the provisions of the Administrative Procedure Act 150A-23 (d) lends support to this position. Dr. Poindexter stated that the Presidents' Association exerted its input and influence only in the resulting rule-change process.⁷⁶ The above facts show, however, that the Presidents' Association requested a study to clarify the FTE and audit procedures prior to the hearing. It also continued to show its traditional interest in improving the relationship between the Department of Community Colleges and the associations in the decision and policy-making process.

Central Piedmont Community College appealed the State Board's declaratory ruling decision to the Wake County Superior Court in "Trustees of Central Piedmont Community College vs. North Carolina State Board of Community Colleges CVS 3475".⁷⁷ An out-of-court settlement, dated December 23,

⁷⁵ Interview with Dr. Charles Poindexter, 25 August 1981; Interview with George Morgan, 5 October 1982.

⁷⁶ Interview with Dr. Charles Poindexter, 25 August 1981.

⁷⁷ Settlement Agreement, 23 December 1981, p. 1.

1981, which was considered "in the best interests of the Community College System and of CPCC," reduced by one-half the amount Central Piedmont Community College was required to reimburse to the State Board.⁷⁸

Distribution of the One Percent Allotment.
Reserve Fund

In 1978 the State Board of Education set aside one percent of the allocation of funds for curriculum and extension programs for later disbursement. The authority for this action is found in the Administrative Code 2D .0301--Operating Budget Requests: Distribution of Funds (d) Allotment Reserve. The Administrative Code also states, under 2D .0302--General Provisions; Formula Allotment of Operating Funds (f), that the "one percent FTE reserve, voluntarily reverted funds, and other funds which may be available to the State Board" may be used by the board to meet documented emergency or special needs of individual institutions.

There are stipulations regarding the distribution of the one percent allotment reserve. The Department of Community Colleges recommended to the State Board of Education on August 28, 1980, that institutions whose FTE growth exceeded three percent of that budgeted for the fall quarter receive a pro rata share of the one percent allotment reserve.⁷⁹ At its July 1, 1981, meeting the new State Board

⁷⁸Ibid., p. 2.

⁷⁹Thomas C. King to Charles B. McIntyre, 26 August 1981.

approved a revision of 2D .0301--Operating Budget Requests, Distribution of Funds, to establish priorities in the distribution of operating funds and to change the method of determining growth FTE. Under 2D .0301 (D), growth FTE is measured by the increase "in the latest 3 quarters for curriculum and 4 quarters for extension."

On August 13, 1981, the Department of Community Colleges requested the State Board to approve the distribution of the one percent allotment reserve fund. Previously, this was a routine decision. The decision was routine in that the department applied established criteria to arrive at the distribution of the funds which it then presented for the State Board's approval. The decision became an issue, because board members wished to find funds over which they had discretion in order to fulfill certain board priorities. At the time the board assumed its governance responsibilities, the Chairman, Carl Horn, expressed the State Board's three concerns regarding its work for the community college system. The State Board's three priorities for the community college system were new equipment, fiscal accountability, and high-technology courses.⁸⁰ These three concerns, in addition to peripheral issues related to them, became focused with the department's routine request for permission to distribute

⁸⁰Sharon Bond, "Board Ready to Take Over College Units," Greensboro Daily News, 3 January 1981, pp. B-1, B-5.

the one percent allotment reserve fund and with the State Board's desire to find discretionary funds to fulfill the special equipment needs of a particular technical institute.

The State Board's opportunity for securing a \$34 million appropriation for equipment from the 1981 Legislative Session was restricted. Governor James B. Hunt, Jr. had two other priorities which would deplete state funds: money for the state highway system and money to begin the governor's micro-electronic center.⁸¹ On February 12, 1981, in order to show the legislature that the system and the State Board had done all it could to deal with the equipment problem, the State Board set up an ad hoc committee to study and make recommendations on a Proposal for Equipment Acquisition which had been presented by State Board member, Harlan Boyles, the State Treasurer.⁸² The committee recommended that the board request an enabling act to allow it to carry out Boyles' proposal. The proposal was to sell tax-exempt revenue bonds in the amount of \$35 million. From this revenue the State Board would acquire and then lease equipment to the institutions. It was thought that this method of funding would answer immediate equipment needs and the legislature would

⁸¹ Ibid., p. B-1.

⁸² NCSBCC, Minutes, Raleigh, 12 February 1981; Researcher's notes of same meeting.

then be asked to fulfill the remaining needs. Without taking a vote, the State Board decided on March 12, 1981, to pursue this concept.⁸³ Stacy Budd, the chairman of the ad hoc committee, was granted authority to use his discretion regarding the proper time to introduce the legislation.

Mr. Budd postponed the request for an enabling act because there was still hope for the equipment appropriation from the legislature.⁸⁴ On September 18, 1981, however, Chairman Horn reported to the State Board that he, President Blake, and George Morgan, the President of the Trustees' Association, had met with Governor Hunt and the Director of the Budget, J. A. Williams, regarding equipment funds. They also later met with the Lieutenant Governor and the Speaker of the House. The answer they got to their request for equipment funds was that the money was not available.⁸⁵

The State Board adopted another approach to secure equipment for the community college system. The chairman and other board members used their membership on state-level councils, committees, and associations to solicit donations of equipment for the system. In order to make the requests statewide, the State President and the State Board members,

⁸³Researcher's notes, State Board of Community Colleges Meeting, Sanford, 12 March 1981.

⁸⁴Researcher's notes, State Board of Community Colleges Meeting, Raleigh, 9 April 1981.

⁸⁵Researcher's notes, State Board of Community Colleges Meeting, Wrightsville Beach, 18-19 September 1981.

from different parts of the state, held meetings with newspaper editors. These meetings were for the purpose of educating the public to the system's needs and to solicit donations of equipment.⁸⁶ The chairman was successful in gaining the governor's endorsement of the program to solicit donations of equipment. A poster was to be sent to companies employing twenty or more people carrying the request of the chairman and the governor for equipment or loans of equipment for the community college system.⁸⁷ Meeting institutional equipment needs was still an unfulfilled priority as far as the State Board was concerned.

The priority of fiscal responsibility was also relevant to the issue of the distribution of the one percent allotment reserve, particularly as it concerned the needs of institutions which were carrying out programs to fulfill a statewide need. The State Board's fiscal responsibility is related to its three charges under General Statutes 115D (a):

. . .to insure the quality of educational programs, to promote the systematic meeting of educational needs of the State, and to provide for the equitable distribution of State and federal funds to the several institutions.

⁸⁶Researcher's notes, State Board of Community Colleges Meeting, Raleigh, 13 August 1981.

⁸⁷Researcher's notes, State Board of Community Colleges Meeting, Wrightsville Beach, 18-19 September 1981.

Because of the above requirements, the Department of Community Colleges and the Presidents' Association have, during the past nineteen years, developed agreements, formulas, and procedures whereby these objectives can be achieved. As early as 1965 the problem of equitable distribution of federal funds arose with the Higher Education Facilities Act. Even though the State Board of Education did not distribute these federal funds, it requested the Presidents' Association to arrive at a method for their equitable distribution among the developing community colleges.⁸⁸ Accordingly, the Presidents' Association developed a "Gentlemen's Agreement" between the presidents of the existing community colleges. Under this Gentlemen's Agreement, the priority of a community college's needs under the Higher Education Facilities Act was considered and decided in the forum comprised of the community colleges of the system rather than by the department and the State Board of Education. The basic intent of the original Gentlemen's Agreement of 1965 was:

. . . to get everyone moving and provide funds as needed, rather than one or two institutions coming in to take all the funds while others waited and received nothing. ⁸⁹

⁸⁸NCAPCCP, Resolution, Wrightsville Beach, 19 September 1981.

⁸⁹North Carolina Council of Community College Presidents, Rougemont, 6-7 April 1966, p. 3.

The Gentlemen's Agreement was later expanded to encompass all the institutions of the system and the formulas arrived at jointly by the department and the Presidents' Association for distribution of funds from other sources, such as the Vocational Education Act Construction funds, regional commission funds, and state funds for construction, equipment, and library books.⁹⁰

The existence of such agreements and formulas did not preclude exceptions and changes. The Gentlemen's Agreement has been set aside and has been adjusted according to changing circumstances. These exceptions and changes, however, have usually been discussed and agreed upon within the Presidents' Association and between the association and the department and the State Board.⁹¹

In addition to the above, the Gentlemen's Agreement included the consensus that the institutions would present a unified program and budget to each General Assembly, and that local legislators would be discouraged from submitting special appropriation bills for their area community colleges.⁹²

The fact that there were exceptions to the Gentlemen's Agreement in the form of legislators asking for special appropriations for their local community college, especially

⁹⁰NCAPCCP, Resolution, pp. 1,2. ⁹¹Ibid., p. 2.

⁹²Ibid.

those offering training programs to meet statewide labor needs, prompted the members of the 1981 Legislative Session to include in Senate Bill 29, Section 33.1, 1981-83 Current Operations Appropriations, a demand that the State Board of Community Colleges carry out the following instructions:

The State Board of Community Colleges shall study the high-cost specialized program of (1) Heavy Equipment Operators Program at Wilson County Technical Institute, (2) Marine Technology Program at Cape Fear Technical Institute, (3) Wood Products Program at Haywood Technical Institute and (4) Truck Driver Training Program at Johnston Technical Institute, to determine a method of non-formula funding sufficient to meet total direct operating costs. The results of this study shall be reported to the Joint Appropriations Committee in the 1982 Session of the General Assembly and, if approved, shall be used by the Department of Community Colleges in formulating the 1983-85 budget requests.

This study was in the process when the department requested permission from the State Board to distribute the one percent allotment reserve fund.

Of the four institutions mentioned above, only Wilson County Technical Institute was requesting an additional appropriation in 1981. The institution brought its request for additional funds directly to the State Board rather than carrying it to the legislature. The necessity of this strategy, understood under the Gentlemen's Agreement, had been reaffirmed at the July, 1981, meeting of the State Board.

At this July, 1981, meeting, the State Board was asked to approve the distribution of \$500,000 which the General Assembly had approved, at the last minutes of the 1981

Session, for a particular community college to initiate a cooperative program with nearby public high schools in industrial maintenance, electronic technology, and electronic data processing. Several members of the State Board considered this special allocation by the legislature to be a usurpation of the State Board's authority and insisted that the board not only disapprove the special appropriation but also that it inform the legislature of the board's feeling regarding special appropriations of which the board was uninformed and unaware. Other board members prevailed. These board members had previous experience in the legislature and with the community college system which made them more knowledgeable of past exceptions to the Gentlemen's Agreement. The appropriation was approved for distribution, but the State President was instructed to inform the legislature and the institutions that all future appropriations requests must come through the State Board of Community Colleges.⁹³

Because of the above incident, Wilson County Technical Institute brought its request for special appropriations to the department and to the State Board of Community Colleges.

⁹³Researcher's notes, State Board of Community Colleges Meeting, New Bern, 9 July 1981. It was interesting to note that at no point in the discussion of this matter, at this board meeting, was the opinion or input of the Chairman of the Presidents' Association solicited by the board members.

A board member, who had experience as a member and as chairman of the Board of Trustees of Wilson County Technical Institute, reminded the board that the institution had brought the matter of its equipment needs to the attention of the board instead of the legislature. This board member and the staff pointed out to the other board members some of the major problems an institution has when it undertakes a high-cost state priority program.

According to Thomas King, Vice President of Financial and Administrative Services of the Department of Community Colleges, although Wilson County Technical Institute was fulfilling an unmet state need for skilled labor, the program generated only about 400 FTEs.⁹⁴ The institution, according to the board member, felt, therefore, that the funding generated by the program was inadequate for purchasing and maintaining the necessary equipment to reach the desired level of efficiency for the program. The institution also felt that since it was a program serving state needs rather than just local needs, the state should be willing to provide more financial support.⁹⁵

The department brought out several facts which weakened Wilson County Technical Institute's argument for immediate

⁹⁴Researcher's notes, State Board of Community Colleges Meeting, Raleigh, 31 August 1981.

⁹⁵Ibid.

assistance. During the regular budget process, the institution had not submitted a request for special appropriations. In addition, for the short run, the department was in the process of making a study of the institution's special needs which would be completed in September. For the long run, the department had initiated a system-wide process to obtain accurate costs through its cost centers, which would provide the needed information within a year or two to better determine the funding needs in the system.⁹⁶

The State Board members stated that they wished to save the heavy equipment program at Wilson. The chairman of the board asked the State President and the staff for the alternatives available to the board. President Blake and Vice President King stated that before the board could use the one percent allotment reserve at its discretion, it must first change the priorities stipulated for its use under the N. C. Administrative Code.⁹⁷ Vice President King reported that the other three institutions with special state programs were not in need of special financial assistance. He suggested that these institutions might be willing to give up or revert some of their funds in order to assist Wilson. If these institutions did not have funds which they can revert to the department, King suggested, the other institutions of the system could be asked for reversions. The board

⁹⁶ Ibid. ⁹⁷ Ibid.

members were informed that some reversions can be used only for extension programs, other reversions can be used at the discretion of the board for special institutional needs. They were also informed that operating funds not used in the system, must be returned to the General Fund. In addition, they were told that persons using funds in a manner contrary to that stipulated by the Administrative Code are held personally liable under the Executive Budget Act.⁹⁸

Because the one percent allotment reserve funds were not to be distributed until December, and because a report of the study of Wilson County Technical Institute's heavy equipment program was due by September, the State Board voted to postpone the decision until that time. The request for permission to distribute the one percent allotment reserve fund was brought to the State Board again at its September, 1981, meeting. The State Board, however, asked to hear the report on Wilson County Technical Institute first.⁹⁹

There was disagreement between several members of the board and Vice President King regarding the nature of the report. The board member who previously spoke on Wilson's behalf felt that the report reflected only current expenditure and was not, therefore, a true picture of needs or what should have been done in the program. Two other board

⁹⁸Ibid.

⁹⁹Researcher's notes, State Board of Community Colleges Meeting, Wrightsville Beach, 18 September 1981.

members also felt that the report was a cash-flow report and did not reflect an accurate picture of need.¹⁰⁰ Vice President King continued the discussion by stating that the actual drain on the other programs at Wilson because of the heavy equipment program was \$2,345. A board member who was critical of the report argued that the legislature would be less inclined toward categorical programs for the community college system if the State Board would use its discretion and judgment regarding special needs of the individual institutions.¹⁰¹

The State Board asked the Chairman of the Presidents' Association, who at that time was Charles McIntyre, President of Edgecombe Community College, to provide input. McIntyre reported that the Executive Committee of the association, which had met August 31 and September 1, 1981, was unanimously opposed to special funding for one institution from the one percent allotment reserve, because each institution has problems with equipment for technical programs. Chairman McIntyre suggested that the real fiscal problem in the system was underfunding of FTE by the legislature.¹⁰²

At this point of the discussion, a board member, who had been on the Advisory Committee for the community college system when it was under the State Board of Education, suggested that the July, 1981, change in 4D .0301 regarding a

¹⁰⁰ Ibid. ¹⁰¹ Ibid. ¹⁰² Ibid.

guaranteed funding base for each institution might have eliminated the need for the one percent allotment reserve. He also suggested that this money should not be held back as a reserve but should be allocated in the beginning. Another member claimed that the board was sticking its head in the sand regarding Wilson County Technical Institute's need for equipment funds and the use of the one percent allotment reserve fund. President Blake again reminded the board members that a rule change would be needed to use the fund in a different manner than stipulated by the Administrative Code. The Chairman of the State Board stated that elimination of the one percent allotment reserve fund was not on the agenda, but that the question was whether it should be distributed. It was suggested by another member that the board needed to think about an intelligent distribution of the reserve fund. Following this, the Chairman of the State Board suggested that they vote on the issue the next morning.¹⁰³

The next morning, September 19, 1981, the Chairman of the State Board reminded the members that the Presidents' Association wanted the one percent allotment reserve fund distributed as in the past. A board member still contended that the board should have discretionary funds available for special needs. Another board member asked how the funds would be distributed. After this question, the State Board then approved the distribution according to the Code.¹⁰⁴

¹⁰³Ibid. ¹⁰⁴Ibid.

The board members had asked the Chairman of the Presidents' Association the night before of the association's position in this matter. Chairman McIntyre explained to the board members that these were funds earned by the FTEs of all the institutions and should not be taken away from them for the special needs of any one institution. He also informed the board members that the institutions agreed to give up these funds in order to establish the one percent allotment reserve fund in the beginning, and that this should not be forgotten.¹⁰⁵

The President of the Trustees' Association was not afforded the opportunity to provide formal input in the discussion of this decision. At dinner the night before the decision, however, he informally stated to many of the board members that the Trustees' Association supported the distribution of the fund as it had been done in the past, to all the qualifying institutions and not for the benefit of any one institution.¹⁰⁶

New Rule on Rule Making

Under North Carolina General Statutes Chapter 115D--80, Rule-making procedure, the State Board of Community Colleges is required to adhere to the North Carolina Administrative

¹⁰⁵Interview with Charles McIntyre, 19 September 1981.

¹⁰⁶Interview with George Morgan, 5 October 1982.

Procedure Act (APA), General Statutes 150A-1 through 150A-64. The Administrative Procedure Act was enacted in 1974 and became effective on February 1, 1976.¹⁰⁷ The purpose of the law was "to establish as nearly as possible a uniform system of administrative procedure for State agencies."¹⁰⁸ The APA had five Articles: Article 1, General Provisions; Article 2, Rule Making; Article 3, Administrative Hearings; Article 4, Judicial Review; and Article 5, Publication of Administrative Rules. Unless exempted, all state agencies are subject to the APA.

The APA provided that agency rules adopted prior to January 31, 1976, must be filed in the form prescribed by the act in order to be effective.¹⁰⁹ The community college system published a policy manual early in its history, February, 1967; according to the Log of Policy Manual Changes, this was in effect and amended through December, 1974.¹¹⁰ The passage of the APA meant that the old policy manual would have to be rewritten. This task was accomplished by the Presidents' Association with the assistance of a staff

¹⁰⁷ Charles E. Daye, "North Carolina's New Administrative Procedure Act: An Interpretive Analysis," The North Carolina Law Review 53 (June 1975): 835.

¹⁰⁸ North Carolina Administrative Procedure Act, General Statutes, Chap. 150A, Art. 1, Sec. 1 (b).

¹⁰⁹ Ibid., Art. 5, Sec. 59.

¹¹⁰ Department of Community Colleges, Policy Manual for the North Carolina System of Community Colleges (Raleigh: State Board of Education, 1967).

member during 1975.¹¹¹ The new manual was entitled North Carolina Administrative Code (Title 16, Department of Public Education, Chapter 5 --Community Colleges), and became effective February 1, 1976, the same date the N. C. Administrative Procedure Act became effective.

On December 3, 1980, the Department of Community Colleges gained approval from the State Board of Education and the tacit consent of the new State Board to request the General Assembly to exempt the State Board of Community Colleges from the APA.¹¹² The department's request became part of Senate Bill 305, An Act to Provide a More Efficient and Effective Administrative Rule-Making System and to Establish a State Register, during the 1980 Session of the N. C. General Assembly.

Under S. B. 305, as it was introduced, the exemption request was stated as follows:

150A-1 Policy and scope

(b) This Chapter shall apply to all agencies of the State except in the following particulars: . . .

(2) Except for Article 4, This Chapter shall not apply to the Board of Community Colleges.

¹¹¹ Interview with Helen Dowdy, Staff Assistant for Board Affairs, 1 October 1982. 1963 Secretary to Dr. I.E. Ready, State Director of Department of Community Colleges; 1964 Administrative Assistant to State Director; 1971 Administrative Assistant to Dr. Benjamin E. Fountain, Jr., State President, Department of Community Colleges; 1977 Assistant to President; 1979 Assistant to State President (Dr. Larry J. Blake) for Board Affairs.

¹¹² North Carolina State Board of Education, Minutes, Raleigh, 3 December 1980, p. 5.

The above is the exemption granted to the University of North Carolina and "its constituent or affiliated boards, agencies, and institutions. . ." under the same section of the Administrative Procedure Act presently in effect.

President Blake used the above fact as one of his arguments in presenting the exemption request to the Legislative Study Commission. He also argued that institutions, not individuals, constitute the community college system and that State Board rule-making is directed mainly toward these institutions. The cost of formal hearings for the rule-making process, approximately \$4,000-\$5,000, was another reason for the exemption request.¹¹³

Senate Bill 305 was introduced on March 25, 1981, and referred to the Committee on State Government. A subcommittee was formed on April 22, 1981, to study the legislation.¹¹⁴ The subcommittee reported on May 27, 1981. The Senate State Government Committee gave the bill a favorable report but recommended a fiscal report on the costs if the bill was ratified. The fiscal report was received and a committee substitute bill was favorably reported on June 10, 1981.¹¹⁵

¹¹³Interview with Dr. Larry J. Blake, 1 October 1982.

¹¹⁴North Carolina, Senate, Minutes, Committee on State Government, 2 February 1981--5 May 1981.

¹¹⁵North Carolina, Senate, Minutes, Committee on State Government, 13 May 1981- 22 June 1981.

The bill was placed on the calendar for June 25, 1981. At that time it was amended twice and then re-referred to the Committee on Appropriations where it was not reported, which, in effect, killed the bill.¹¹⁶ If the legislation, in some form, is not re-introduced in the next legislative session, President Blake intends to submit a separate bill requesting exemption from the APA for the State Board of Community Colleges.¹¹⁷

The procedures for rule making under the Administrative Procedure Act are the minimum requirements expected of State agencies, and "nothing in . . . [the] Article repeals or diminishes additional requirements imposed by law or any summary power granted by law to the State or any agency thereof."¹¹⁸ An agency may impose requirements which supersede the Administrative Procedure Act in that they include these minimum requirements and more. In anticipation of having the exemption request granted, and possibly, in light of the above power of the agency to write its own rule-making procedures, President Blake initiated a new rule on rule making.

¹¹⁶North Carolina General Assembly, Computer Terminal #2 printout, 2 June 1982.

¹¹⁷Interview with Dr. Larry J. Blake, 1 October 1982.

¹¹⁸North Carolina, Administrative Procedure Act, General Statutes, Chap. 150A, Art. 2, Sec. 9.

President Blake began consultations by mailing a draft of the rule, dated July 27, 1981, to the Presidents' Association and the Trustees' Association. President Blake and the presidents discussed the rule at the July meeting of the Presidents' Association. Although the Trustees' Association was also given a draft of the new rule, it neither returned a revision of the draft nor submitted other input to the rule-making process.¹¹⁹

The Executive Committee of the Presidents' Association considered the new rule again at its August 31-September 1, 1981, meeting and returned a revised draft of the new rule to President Blake.¹²⁰ In response, President Blake returned another revised draft of the new rule, dated October 23, 1981, to the Presidents' Association. It was this draft which the Executive Committee of the Presidents' Association approved on November 16, 1981.¹²¹ This action was reported to the Presidents' Association on November 18, 1981.¹²²

When new rules or changes in rules are proposed, the APA requires the initiation of the rule-making process as set out in Article 2, Sections 9-17. Although the President

¹¹⁹ Interview with Dr. Larry J. Blake, 1 October 1982.

¹²⁰ NCAPCCP, Minutes of Executive Committee Meeting, Foxfire Village, 31 August - 1 September 1981, p. 4.

¹²¹ NCAPCCP, Minutes of Executive Committee Meeting, Fayetteville, 16 November 1981.

¹²² NCAPCCP, Minutes, Fayetteville, 18 November 1981.

and the Presidents' Association had already consulted and agreed upon a new rule on rule making in late 1981, the Department did not request the State Board to approve the initiation of the rule-making process until May 13, 1982. The public hearing, required in the rule-making process, was held June 16, 1982.

Four written statements were submitted by presidents prior to the public hearing, but there were no oral statements made at the hearing regarding the rule 2A .0005- Rule Making. With this input, the hearing officer and the State President submitted a recommended rule for the State Board's approval on July 8, 1981. The new rule was approved by the State Board without any questions or discussion taking place at the meeting.¹²³

The input and the influence of the Presidents' Association on this new rule can be determined by comparing the contents of the drafts of the rule and the input of the public hearing to the final rule approved by the State Board. The first draft submitted by President Blake to the Presidents' Association and the Trustees' Association did not specify any consultative process with the presidents or chairmen of the local boards prior to informing the State Board of the need for a rule or rule change. In other words, the informal

¹²³Researcher's notes, State Board of Community Colleges Meeting, Raleigh, 8 July 1982.

consultative process upon which the new rule was formed was not formalized in the new rule itself. The Presidents' Association's revised draft of the new rule stipulated that the presidents and chairmen be allowed to study, at the institutional level, the "perceived" need for the rule. Using this information gathered at the institutional level, the Trustees' Association and the Presidents' Association would then study the matter further before making their recommendations. The President of the Trustees' Association would present his recommendations to the State Board, and the Chairman of the Presidents' Association would present his recommendations to the State President.¹²⁴

The State President and the Presidents' Association also disagreed over what the procedure would be after the rule had been submitted to the State Board as information. The President's draft stated that the rule would be submitted to the local board chairmen and presidents and that a minimum of thirty days would be allowed for submitting comments. Gaining additional input from "conferences, workshops, or hearings" would be at the discretion of the President.¹²⁵ The Presidents' Association's revised draft of the rule stated that "others upon request," should also be informed

¹²⁴NCAPCCP, Minutes of Executive Committee Meeting, 31 August - 1 September 1981.

¹²⁵Ibid.

and included in the minimum thirty day opportunity for comment. The association's draft also stated that the President "shall" gain additional input through "conferences, workshops, or hearings. . ."¹²⁶

The State President's draft and the Presidents' Association's draft were in agreement regarding the methods of submitting the recommended rule, the forms of State Board approval, and the emergency rule procedures.

The State President's revised draft, dated October 23, 1981, included the Presidents' Association's recommendation that a consultative process occur between the State President and the institutions prior to submitting the proposed rule to the State Board as information. At a minimum the consultative process would include "the executive committees of the Trustees' Association and the Presidents' Association or an advisory group nominated by these Associations. . ."¹²⁷ In addition, but not in response to the Presidents' Association's revised draft of the rule, the State President's revised draft included a stipulation that:

(g) Nothing in this policy revision process shall supercede the requirements of the Administrative Procedures Act, as revised. 128

¹²⁶ Ibid.

¹²⁷ Revised Draft, Subchapter 4F-Miscellaneous, .0101 Policy Revision, 23 October 1981.

¹²⁸ Ibid.

The input from individual presidents at the public hearing reflected a desire for a required rather than a discretionary "conference, workshop, or hearing," for additional input. One president suggested that a minimum of sixty days be allowed for comment, another president felt ninety days should be the minimum. Still another president requested that the regular rule-making process be begun within sixty days after an emergency rule is made.¹²⁹

The State President's response to this input was to accept the sixty day requirement for initiating the rule-making process after the approval of an emergency rule. The State President, however, continued to reject the recommendation that conferences, workshops, or hearings be required for additional input. According to President Blake, the need for a hearing would depend upon the broadness of the issue, disagreement, and the need for additional input.¹³⁰

Input at the public hearing by Dr. Charles Poindexter, who was Chairman of the Presidents' Association at that time, set forth a major concern of the presidents:

. . .if the System is excluded from the Administrative Procedures Act, the State Board has sufficient authority to use any procedure it wishes to

¹²⁹Roger G. Worthington, Public Hearing Report, North Carolina Administrative Code (Raleigh: Department of Community Colleges, 16 June 1982), pp. 33, 35, 60.

¹³⁰Interview with Larry J. Blake, 1 October 1982.

obtain information for making rules or changing policies. On that basis there would seem to be little worth in this proposal and the critical element in the matter remains essential, that is, an effective working relationship between the State Board, the Institutions, and the State staff. 131

Charles E. Daye's 1975 interpretative analysis of the North Carolina Administrative Procedure Act spoke to effective working relations when it attempted to provide an understanding of the intent of the act as well as its application in informal as well as formal actions. This understanding is important because "eighty to ninety percent of all administrative action is 'informal' in the sense that it is neither accompanied by a hearing nor subject to judicial review."¹³² Daye argued that the capabilities of an agency to be flexible and to act expeditiously, and therefore, to be efficient, depend upon a "degree of informality,"¹³³ He further suggested that adherence to the "essential purposes" rather than to "literal compliance" of the act, is a more constructive interpretation to achieve the administrative efficiency intended by the act.¹³⁴ The essential purposes of the act, according to Daye, are:

... fundamental fairness by the agency to persons whose interests are affected, reasoned decisions and actions, and creation of an adequate basis to permit the courts to ascertain the propriety of the decision or action. 135

¹³¹Wortington, Public Hearing Report, p. 40.

¹³²Daye, p. 847. ¹³³Ibid. ¹³⁴Ibid., p. 848.

¹³⁵Ibid.

Daye asserted that these standards are applicable to both informal and formal actions "where any exercise of discretion is involved."¹³⁶

Informal relationships were the point of interest for the Presidents' Association and the presidents in the new rule 2A .0005 Rule Making. This concern was reflected in the Presidents' Association's request to formalize what it believed traditionally was, in the community college system, the first step in the rule-making process; that is, informal consultation between the department and institutions and their representatives, the Presidents' Association and the Trustees' Association.

The expectations of the Presidents' Association regarding its formal and informal relationships with the state level in the rule-making and policy-making process were recorded as early as 1965. It is the association's expectation that its resolutions and recommendations will be transmitted to the State Board by the President of the Department of Community Colleges.¹³⁷ It is also the expectation of the Presidents' Association that its Executive Committee will be given the opportunity to meet often enough with the

¹³⁶Ibid.

¹³⁷NCCCCP, Minutes, Charlotte, 5 November 1965, p. 2; see also NCAPCCP, Minutes of Executive Committee Meeting 31 August -1 September 1981, p. 4.

State Board and President to develop a rapport.¹³⁸ It is the Executive Committee which provides the decisions and directions upon which the Chairman of the Presidents' Association bases his input and influence at the State Board meetings. The Presidents' Association also expects the State Board's decisions to be made within the framework of a state philosophy and that the association will be included in any consideration of change in the philosophy.¹³⁹ Since 1976 and the rule Administrative Code 2A .0001, the State President and the Department of Community Colleges are required to develop policy changes and additions with the assistance of the institutions. The interpretations of policies issued by the department are also expected to be made after input is received from the institutions and the Presidents' Association.¹⁴⁰

Remarks made at the public hearings during 1981 regarding changes in the Administrative Code for the community college system indicate expectations of the presidents relative to the intent and procedure of rule making. A rationale for a rule change or a new rule should be circulated within the

¹³⁸NCCCCP, Minutes, Pinehurst, 3-4 August 1965; see also NCAPCCP, Minutes of Executive Committee Meeting, 31 August-1 September 1981, p. 4.

¹³⁹Ibid., p. 3.

¹⁴⁰NCAPCCP, Minutes, Fayetteville, 11 January 1968, p.2.

system, preferably allowing ninety days for study and discussion. Before a rule is initiated, the effect should be known. Rules should not be in conflict with the stated philosophy of the system or the General Statutes pertaining to the system. There are some policy areas--for example, curriculum and personnel--which are within the decision authority of the local level and should not be interfered with by the state level. Unnecessary, "patch-work" and political rule making are undesirable; however, rules should be made within the system rather than being imposed by the legislature.¹⁴¹

The President of the Trustees' Association, George Morgan, expressed the association's expectation regarding rule-making and policy-making relationships in the system. The Trustees' Association expects issues to be exhausted at the professional staff level first. Morgan also stated that the role of the President of the Department of Community Colleges in this process is to bridge the institutions at the

¹⁴¹ Researcher's notes from tapes of Public Hearing to Amend the North Carolina Administrative Code (Raleigh: Department of Community Colleges, 19 May 1981); see also NCACCP, Minutes, Burlington, 18 January 1980, p. 2. The Presidents' Association expressed an adverse reaction to the haste of rule changes preceeding the transfer of governing authority from the SBE to the new State Board. The Chairman of the association was to inform the State President of this concern.

local level and the State Board. Morgan felt that the role of the trustees is to know the local needs.¹⁴²

At the State Board level there is some question regarding its relationship with the Trustees' Association and the Presidents' Association. Pertinent questions were brought up when one board member asked whether the State Board's relations should be more with the trustees or the presidents, and to what extent should the Presidents' Association proceed without going to the Trustees' Association.¹⁴³ These remarks were countered when the Chairman of the State Board reminded the members that the President of the Trustees' Association had pointed out that the trustees function in the system only on a part-time basis.¹⁴⁴

Regarding the rule-making requirements under the Administrative Procedure Act, Carl Horn, the Chairman of the State Board, stated that, as a lawyer, he found nothing wrong with them other than they are costly and time-consuming. He felt that an exemption from the APA would require some arrangements for input. He saw this as being evident from the objections the presidents were voicing over their perception that they were not getting enough forewarning and chance to help write the rules. He explained the rapidity and the

¹⁴²Researcher's notes, Retreat, 19 September 1981.

¹⁴³Ibid. ¹⁴⁴Ibid.

amount of rule making during the first months of the new State Board as a result of the feeling by some board members that the legislature would make the rules if the board was hesitant to do so. Chairman Horn stated that he would have preferred to revise the rules after the State Board had been operating for a few years.¹⁴⁵

The above expectations regarding the content and process of rule and policy making help explain why the request for the State Board's exemption from the Administrative Procedure Act had the basic approval of the presidents and the State Board members. Dr. Raymond Stone, President of Sandhills Community College, who was the first Chairman of the Presidents' Association, expressed the belief that the Presidents' Association supported the exemption request and the new rule in an effort to "get rid of the excessive paper work" and the "layered bureaucratic approach" in the rule-making process.¹⁴⁶

Summary of Three Governance Decisions

The three governance decisions were challenges to established decision authority. With reference to Malinowski's culture model, this authority was the "ought," or what should be, as prescribed by the system's General Statutes,

¹⁴⁵Interview with Carl Horn, 16 September 1981.

¹⁴⁶Interview with Dr. Raymond Stone, 22 July 1982.

Administrative Code, and by the Administrative Procedure Act. Each challenge was an expression that something was amiss in the "ought" behavior. There were perceptions that these prescribed behaviors were not serving the needs of the system.

In the Central Piedmont Community College audit decision, the institution had applied a more liberal or a broader interpretation of the prescribed rules for the purpose of providing flexibility in meeting its local educational needs. The Department of Community Colleges found that the institution had misapplied three rules causing it to be overfunded. The institution was being asked to correct its use of the rules and to make restitution. The institution appealed the audit decision of the department to the State Board of Community colleges and requested an administrative hearing.

The State Board sympathized with the institution in its efforts to meet the educational needs of its area under the restrictions of the rules. In carrying out the hearing under the rules of the Administrative Procedure Act, the State Board, nevertheless, chose to bring the activities of the institution in line with the "oughts" of the system. It upheld the decision authority of the State President and the Department of Community Colleges. The institution appealed the State Board's ruling to the court system. An out-of-court settlement, considered in the interest of the system

and the institution, was made which required only one-half the restitution but required the institution to correct its use of the rules in question.

Neither the Presidents' Association nor the Trustees' Association chose to formally participate in the audit appeal decision process. It was the expressed opinion of the Presidents' Association, however, that the department should be more concerned with the needs of the system in its interpretation of the rules. This in effect was saying that the association did not contest the department's authority to make audit decisions but that it did question the department's process, procedures, and interpretations of rules used in auditing the institutions.

In the One Percent Allotment Reserve Fund decision the State Board's position was similar to that of Central Piedmont Community College in that it professed to be trying to respond to the needs of an institution, Wilson County Technical Institute. This institution was one of the four carrying state-wide programs considered to be priority programs. The State Board was seeking to use the reserve fund as a discretionary fund to aid this institution.

The State Board was in a particularly embarrassing position. Several months prior to this, it had responded to an institution's receiving special funds from the legislature, without the board's foreknowledge, as a usurpation of the board's authority. Institutions were instructed to bring

all special fund requests to the State Board first. The board was now confronted with such an institutional request. In addition, in the last appropriation bill to the system, the legislature instructed the department to make a study to find a method to fund the four institutions with special state-wide programs.

Like Central Piedmont Community College, the State Board was reminded of the power of previous governance decisions to shape future decisions. Governance decisions are reaffirmed and become more pronounced through use. In addition, they have added strength in that they are an expression of the decision authority of those who shaped the decision. The decision to produce the one percent allotment reserve fund had to be made with the consent of the institutions. The institutions had to give up one percent of their allocated funds to create the reserve. The original purpose of the fund was no longer binding. New purposes and guidelines for the distribution of the fund had been developed and approved. In fact, the State Board itself had recently approved some of these changes.

There was some question regarding the need for the special allocation. This question was not necessarily resolved by the study produced by the department. In seeking alternatives and advice, the State Board found strong opposition to its inclination to use the one percent reserve fund at its discretion. The authority of the rule regarding

the distribution of the fund was proclaimed and reinforced by the statements and recommendations of the State President, the Department of Community Colleges, the Presidents' Association, and the Trustees' Association. The fund was intended for the use of all the institutions which could qualify under the decision criteria and was not intended for the benefit of only one institution. The State Board learned that its flexibility in the use of the system's funds was limited.

The decision regarding the new rule on rule and policy making did not produce open conflict. This rule was being made in anticipation that the State Board would be exempted from the rule-making requirements of the Administrative Procedure Act. These formal rule-making requirements were considered an unnecessary redundancy of the traditional practices of the system. Under the traditional practices, the State President and the Department of Community Colleges consulted with the institutions prior to making rule and policy recommendations to the State Board.

The major question which needed to be resolved in the formation of the new rule was the placement of the traditional consultation between the segments of the system. The State President's draft of the rule placed the consultation after the State Board's approval of the initiation of the rule-making process. The Presidents' Association sought and obtained the placement of the consultation prior to

submitting the request for rule initiation to the State Board. The Presidents' Association, however, was not successful in making a public hearing a requirement rather than a decision at the discretion of the State President.

The new rule on rule-making, considered in the perspective of the history of the Presidents' Association and Trustees' Association can be considered the capstone in their efforts to establish their positions as the predominant institutional and local level participants in the state-level rule-making and policy-making process. The new rule, Administrative Code 2A .0005 Rule-Making, states:

(a) Prior to recommending rule-making, the State President shall cause a consultative process to take place involving, as a minimum, the executive committees of the Trustees' Association and the Presidents' Association or an advisory group nominated by these Associations in order to assure reliable, equitable, auditable, fair and effective proposals.

Input from individual institutional presidents and chairmen, however, is also provided for.

(c) The State President shall circulate such proposed changes to the Board Chairmen and Presidents of the institutions allowing a minimum of 30 days for comment. He may, at his discretion, schedule conferences or workshops or hearings to receive comment, in addition to such circulation.

The question which was not discussed openly among the state-level policy participants was the necessity for the additional protection the Administrative Procedure Act provided the system's institutions and personnel. The lack of necessity for the act's provisions--for notice of hearing;

petition for adoption of rules; declaratory rulings on the validity of a rule; and finally, the necessity, if requested, to provide reasons why a rule was or was not adopted--seemed to have already been decided.

Answers to the Four Questions of the Study

The purpose of the study, to determine the North Carolina Community College system's workable and legitimate means for making state-level governance decisions, is revealed in the answers to the four major questions of the study.

Question One

1. In which functions was decision making centralized and in which was it decentralized when the new State Board assumed its governance role on January 1, 1981?

The answers to question one are found in Table 3, Distribution of Authority in Thirty-Six Policy Areas, pages 177 and 178, which sorts the information by categories of Wirt's Authority Centralization Scale.

According to an analysis of the General Statutes and Administrative Code of the community college system, the local level has been given varying degrees of decision authority in many policy areas. It has complete decision authority--0 Periphery (local) Autonomy--in eight policy areas. Once students are admitted, the institutions have complete authority in their processing, evaluation, promotion, and

their student records. The institutions also have complete authority in the choice of textbooks and extra curricular activities. The local level has category 3, Extensive Periphery Option, in personnel policies and in the issuance of bonds.

The center's authority is greatest in category 6, Center Assumption. There are two policy areas in this category: rule-making process and initiation of experimental programs. There are six policy areas in category 5, No Periphery Option, most of which are concerned with minimum standards to assure delivery of quality education and with other means of accountability.

Half of the policy areas fall into category 4, Limited Periphery Option. In this category the center's goals are required and specified. Implementation is also specified, but there are some options and decision authority which remain at the local level. The policy areas under this category can be classified in three broad topics: students, institutions, and system organization. The policy areas concerned with students define who will be admitted and graduated, and what constitutes the programs and their duration. The policy areas which apply to the organization of the system set out its objectives and the structure of the system. The policy areas concerned with the institutions are related to their management: housing--school construction and equipment, school plant; safety and health standards; revenue;

fiscal accounting; in-service training; and salaries.

Question Two

(2) To what extent were these areas of functional authority changed during the first year?

Table 2, A Comparison of Authority Distribution in Thirty-Six Policy Areas Using Wirt's Authority Centralization Scale, page 174, shows that relatively little change occurred in the distribution of authority during the first year of the new State Board. Generally, the changes were not an effort to remove authority from the center or local levels but to strengthen the existing distribution of authority by making it clearer and more distinct. There were some policy areas, however, which did reflect a noticeable strengthening of decision authority. At the local level, these policy areas were: (4) In-Service Training, (5) Salary Schedule, (1) Accreditation, and (36) Revenue. The policy areas in which the center's decision authority was noticeably strengthened were (31) Financial Records, and (8) School Construction and Equipment.

Only two of the above policy areas, however, reflected enough change to be placed in a different level of authority: (4) In-Service Training and (5) Salary Schedule. Table 3, Distribution of Authority in Thirty-Six Policy Areas, shows these two policy areas moving from category 4, Limited Periphery Option, to category 3, Extensive Periphery Option.

In spite of a major review of the General Statutes and Administrative Code of the community college system, drastic change in the distribution of authority did not occur. Two assumptions were made to explain this finding. It was assumed that incremental changes in authority were easier to make than definite or drastic changes made through new rules and new sections of the General Statutes, Chapter 115D. The second assumption was that a counterbalance in the distribution and types of changes would also help to explain this apparent lack of change in authority. The criteria were established for four types of change in centralization and local authority: (S) slightly increased, (M) moderately increased, (G) greatly increased, and (NC) no change in authority. An examination of the means of change and types of change (Table 5, page 183) gave support to the above assumptions.

Eighty-six percent of the changes, (S), (M), (G), and (NC), were achieved through the revision of existing Administrative Code rules (68%) and existing sections of the General Statutes, Chapter 115D (18%). Forty-nine percent of these revisions resulted in editorial and clarification changes but no change (NC) in authority. Over half of the change in local autonomy and one-half the change in centralization were accomplished through the revision of the Administrative Code rules and new sections of the General

Statutes. The only type of change local autonomy experienced through this means was type (S). New rules and new sections of the General Statutes were the means of change used to moderately increase (M) and greatly increase (G) the center's authority.

A re-examination of Table 5, Types and Means of Change in the Distribution of Authority, showed that centralization and local autonomy achieved a relative counterbalance in the number and percentage of changes, and in types (S) and (G) changes. There were, however, twice as many type (M) changes in centralization than in local autonomy. Type (M) change in centralization requires that a procedure be initiated or that the President decide disputed questions or that he grant a waiver. Type (M) change in local autonomy allows more options and fewer guidelines in a policy area.

Question Three and Question Four

(3) What avenues of input and influence were open and used by the representatives of the local institutions, the Presidents' Association and the Trustees' Association, in the decision-making process?

(4) What was the impact of the input and influence of the Presidents' Association and the Trustees' Association in the decision-making process?

The answers to questions three and four are found in Chapter III, which contains the Background and the Separate Board Issue, and Chapter IV, which contains the Comparison of Authority Distribution and the Three Governance Decisions.

The above materials suggest that the Presidents' Association's and the Trustees' Association's input and influence in the state-level policy-making process are concerned with two general factors: the content of and the process for making decisions. Concern with the process, especially in formal actions, ensures the existence of avenues for input and influence on the content of the decision.

The above materials also suggest that there is not an open role in all state-level decisions for either the Presidents' Association or the Trustees' Association. There are, therefore, conscious decisions made at the association and the state level as to "Who decides?", or what is the decision authority appropriate for a particular case. The first consideration in answering this question appears to be the functional authority involved in the decision. Having identified the functional authority, the nature or the type of decision involved, administrative or political, becomes more apparent. The type of decision involved is a major consideration of the Presidents' Association and the Trustees' Association in deciding whether one, both, or neither of the associations' input and influence should have a bearing on the decision.

The type of decision also indicates the avenues of input and influence which are available.

Visualizing a continuum polarized by an administrative decision and a political decision facilitates the explanation of "Who decides?" and of the avenues for participation in the state-level policy and decision-making process. When the decision can be placed at the political end of the continuum, where the final decision will be made outside the system by the legislature or by the governor, the likelihood of the Presidents' Association's involvement becomes less certain. The other extreme of the continuum represents an administrative decision made at the center in which neither the Presidents' Association nor the Trustees' Association feels its involvement is appropriate.

The decision regarding "Who decides?" may produce agreement or conflict. Where there is agreement between the state and local levels, the avenues for input and influence are frequently already prescribed by traditional practices or are designated by formal procedures set out in the laws and rules pertaining to the community college system. This study indicates that process and procedure are often the focus of disagreement between the participants in the state-level policy process. Disagreement between the associations and the Department regarding the appropriate decision authority in administrative decisions is decided by the State Board.

The ability to exercise decision authority in cases considered outside an accepted role for the associations depends upon the extent of the administrative and political aspects in the decision, as decided by the state-level decisionmakers who precede the presidents and trustees in the administrative and political hierarchical structure.

The impact of the actual use of the avenues of input and influence is found in the decisions of the State Board and/or other agencies and officials whose decision authority supersedes that of the State Board. A review of the decisions discussed provides additional answers to questions three and four and to what constitutes workable and legitimate means of making governance decisions.

Predominance of the Presidents'
Association as Institutional
Representative in State-Level Policy Making

In 1965, when the North Carolina community college system was only two years old, the association became concerned with the two parts of the question of "Who decides?": the allocation of decision authority between the two levels of the system, and the process through which the input and influence were shaping the policy under which its members, the institutional presidents, had to function. Actions which the Presidents' Association undertook to improve its policy participation position were based on its concept of the characteristics which constitute a system, "cooperative and

coordinated," and on its hierarchical position in the system. It protested the department's undermining its hierarchical position by consulting with institutional personnel directly. Over a period of years it considered but rejected the idea of becoming an "umbrella" organization for institutional personnel, and it established its position as the institutional representative in state-level policy making.

The Presidents' Association realized early that its role in the policy process outside the system would be limited by the professional status of its members. Its inability to function effectively in a political role on the state-level was alleviated by the initiation of the Trustees' Association. The two associations are complementary in the policy-making role they play at the state level. The Presidents' Association continues to play the predominant role in decisions having an administrative nature and the Trustees' Association continues to predominate in decisions having a political nature.

These materials further indicate that the Presidents' Association and the Trustees' Association had to exert themselves over a period of years in order to establish their position as participants in the state-level policy-making process. To become effective participants, the two associations also had to develop communication systems, committees, and relationships which functioned in a cooperative and

coordinated manner with the state-level policymakers. The materials also show that the Presidents' Association had to remain vigilant to the policy needs of the institutions and the system, to study and to form positions regarding these needs, to forward its positions to the Department of Community Colleges, and to insist upon a response. Administrative Code 2A .0001 (1976), which requires the department to recommend changes and additions to policies "with the assistance of the institutions," attests to the success of the Presidents' Association's strategy.

The short range impact of the Presidents' Association's input and influence to establish its predominant position was, at the least, the passive approval of the State President, the Department of Community Colleges, the Chairman and the State Board of Education. The eventual impact was the establishment of traditional working arrangements between the institutional level and department level for the purpose of making state-level policy. Generally, these were the working arrangements formalized by the new rule on rule making in 1982.

The supportive nature of the Trustees' Association's role with the Presidents' Association led to its desire for closer working arrangements with the Chairman and the State Board of Education. The decision to pursue these arrangements had both administrative and political dimensions.

The administrative nature of the decision stems from the trustees' responsibility for the effectiveness of its policies and the state's policies at the local and institutional level. The political nature of the decision related to its role as local-level policymaker and as protector, within and outside the system, of the local level's decision authority.

In 1972 and 1974 the Trustees' Association's input to the state level conveyed its desire to have close working relations with the State Board of Education. In 1972, it also requested the State President of the Department of Community Colleges to consult with the association's Executive Committee in forming any trustees' committees. Its 1974 request carried with it explicit suggestions for accomplishing closer working relations. This communication was in written and oral form.

At its formation in 1968, the Trustees' Association was invited by Chairman Dallas Herring to bring its ideas and grievances to the State Board of Education. Each institutional president and trustee chairman was placed on the Advisory Council of the Community Colleges in 1968. When Dr. Benjamin Fountain became President of the Department of Community Colleges in 1971, the Trustees' Association and the Presidents' Association became the second and third advisory groups added to the organization chart of the community college system. Neither of the two associations,

however, considered membership on the Advisory Council an adequate means to have an impact on the state-level policy-making process. In 1972, Chairman Herring invited the trustees to attend all meetings of the State Board of Education. Dissatisfaction with its policy role, along with other factors, led the Trustees' Association to seek a separate state board for the community college system in 1976.

The above information indicates several characteristics of workable and legitimate means of making state-level governance decisions in the North Carolina community college system. Basic to the workable and legitimate means is the existence of major subsections of the system which are willing to insist on the recognition of their agency or autonomy. These subsections must also have highly organized and effectively functioning representative associations which are willing to devote the time and energy necessary to study, formulate, present, and support their policy needs. This intensity is necessary for their input and influence to bear credence.

Separate Board Issue

The continued dissatisfaction of the Presidents' Association and the Trustees' Association with the level of their participation in the state-level policy process was one of the factors which led to their decision to seek a separate State Board. The separate State Board decision was concerned

with a new governance structure and consequently the hierarchical authority within the system. This was a political decision which ultimately had to be made by the legislature and which required a rewriting of the General Statutes pertaining to the community college system. Because any discussion of changing the governance structure of the community college system ultimately involved a political decision, the Presidents' Association, as an association for professional employees, withheld its support. Through the years there were a few presidents who suggested the need for a separate state board. The Presidents' Association's reaction to these suggestions and to outside criticisms of the governance role of the State Board of Education was to issue a position paper or a resolution in support of the State Board of Education.

As with the Presidents' Association, the issue of a separate state board in the Trustees' Association was kept alive by a small number of trustees. In October, 1976, an informal decision made between several of the top elected officers of the Trustees' Association and the Presidents' Association settled the question of which association would openly pursue the separate state board issue. It was decided that this was an issue better suited for the input and influence of the Trustees' Association, which was comprised of the appointed officials rather than the professional employees of the institutions. In November, 1976, J. Edward

Stowe, President of the Trustees' Association, was able to gain sufficient support from the Executive Committee to appoint a Structure Review Committee, composed of trustees, to prepare legislation for the separate state board.

The major input of the Trustees' Association in the 1977 separate state board decision was the drafted bill itself. Its further input was in the form of contacts with legislators regarding the introduction and ratification of the bill, Senate Bill 667. General trustee membership support of the legislation was not evident at the public hearing held by the Senate Higher Education Committee. Only Stowe, another trustee, and one institutional president spoke in support of the legislation. The further events of the 1977 separate state board decision reveal other inputs and influence which reduced the importance of those of the Trustees' Association.

The President of the Trustees' Association, J. Edward Stowe, an appointed official, perceived that Governor James B. Hunt, Jr., an elected official, supported his decision to initiate legislation for a separate board in 1977. Governor Hunt, however, reduced the influence of Stowe's decision when he made the chairmanship of the State Board of Education, rather than the separate state board, the major educational issue in the 1977 Legislative Session. Governor Hunt's influence was crucial to the outcome of the 1977 try for a separate state board. The public hearing for the

opponents of the bill also showed a substantial lack of support in the hierarchy of the State Board of Education and the community college system for the separate board. Findings from past studies which also advised against a change in governance were submitted as evidence. The above-mentioned opposing inputs and influences were successful in stopping the Trustees' Association's 1977 attempt for a separate board.

The 1979 bill for a separate state board for the community college system was sponsored by Senator Billy Mills. The fact that Senator Billy Mills' decision authority spanned two agencies placed him in an advantageous position to make the initial decision to revive the separate state board issue and to influence the decisions which followed. Senator Mills was a past trustee of a community college, the President of the Trustees' Association for 1974 and 1975, a former North Carolina State Representative and, at that time, a North Carolina State Senator and Vice-Chairman of the Senate Education Committee.

As a trustee and past President of the Trustees' Association, Mills knew the problems of the community college system and the State Board of Education's response to these needs. During his presidency and later, he helped shape the readiness of the association's membership to support the legislation in 1979. As a member of the legislature, he was

aware that it had studied the community college system's problems during the interim of the 1977 and 1979 Legislative Session and was ready to consider the separate state board. As Vice Chairman of the Senate Education Committee, he was in an opportune position to introduce legislation and influence its outcome.

Due to Senator Mills' dual role as trustee and legislator, the Trustees' Association can receive credit for his input and influence in the 1979 decision for a separate state board. His acceptance and support for the subcommittee's substitute for his bill, S.B. 266, and his suggestion for an Interim Planning Commission were important concessions which helped overcome several objections to the bill. The Interim Planning Commission was Mills' response to criticisms voiced by Dr. Bruton and others that the change in governance was too rapid and unplanned. The subcommittee's recommendation for a substitute bill was based upon the suggestion of the Chairman of the State Board of Education, Dr. David Bruton. The suggestion was to submit the bill for a separate board as an amendment to Article 1 of the General Statutes of the community college system, Chapter 115D, which was being revised by House Bill 132. House Bill 132 was the outcome of the Legislative Research Commission which studied the need to revise the General Statutes of the community college system. Both the Chairman of

the Presidents' Association and the President of the Trustees' Association had provided input to the Legislative Research Commission.

There were additional inputs and influence on the separate state board decision. Wallace Gee, the President of the Trustees' Association between 1978 and 1980, developed support in the association for the board through the association's annual, six regional conferences. Senator Mills and three other chairmen of local boards of trustees endorsed the separate board at the public hearing on the bill. The Chairman of the Legislative Committee of the Presidents' Association, Dr. Raymond Stone, also appeared at the public hearing and endorsed the separate state board. Dr. Stone also provided input on several occasions to the Senate Education Committee regarding the control of the state board. Another institutional president, Dr. Gerald James, and the Chairman of his local board of trustees provided input, through an appointment with Governor Hunt, regarding the composition of the new board.

The materials of the separate board issue tend to affirm the importance of hierarchical position endorsement as a characteristic of workable and legitimate means of making state-level governance decisions, especially the supreme governance decision to create an agency or board. It also points to a ranking of the hierarchical positions among the

administrative and political participants. Where a pervasive consensus is the result of a long educational and consensus-forming process, an endorsement from the highest hierarchical position becomes less important. In the first (1977) attempt to secure a separate state board, the absence of the endorsement of Governor Hunt and the leaders of the community college system and the State Board of Education was crucial. By 1979 the legislature and the Trustees' Association had developed a consensus in favor of the board. The importance of the Governor's endorsement was reduced by this fact and by the fact that the new Chairman of the State Board of Education endorsed the separate board. From the above it appears that an opportune timing element and a slowly developed and pervasive consensus are also important characteristics of a workable and legitimate means to make state-level governance decisions.

Decision authority which spanned two systems, was a unique characteristic of the workable and legitimate means of arriving at the separate state board decision. Willingness to base action on the elements of the decision which can be agreed upon, rather than holding out for complete agreement in all aspects of the issue, is also another characteristic. This was the successful strategy adopted by the major and long-time proponents of the separate board. The incremental approach prevents a stalemate and provides

movement toward a desired goal.

The avenues open and used by the Presidents' Association and the Trustees' Association for input and influence after the new State Board of Community Colleges came into existence are revealed in a review of the State Board's decisions chosen for this study. The review includes the two associations' input and influence in the law and rule changes approved by the State Board, and in the Central Piedmont Community College Audit decision, the Distribution of the One Percent Allotment Reserve Fund, and the New Rule on Rule Making.

Rewriting of Chapter 115D,
Articles 3 and 4

The legislature makes the final decision which distributes functional authority and responsibility for the community college system's fiscal affairs. During 1977-1979, fiscal accountability in the system was a political issue and a prominent concern of the legislature. The State Board of Education tried to address this legislative concern with a study suggested by one of its members, State Treasurer, Harlan Boyles. The study resulted in Senate Bill 789, a rewriting of General Statute 115A, which was introduced in the 1979 Legislative Session. At the public hearing regarding the bill, Dr. Gerald James, Chairman of the Legislative Committee of the Presidents' Association, and Wallace Gee

and George Morgan, the outgoing and incoming Presidents of the Trustees' Association, spoke against the legislation. Their objections were that the bill was not needed, was untimely, and that it eroded the authority and responsibility of the new board before its first meeting. This opposition was in spite of the fact that the President of the Trustees' Association and the Chairman of the Presidents' Association had been members of the eight-member study committee which recommended the legislation. The bill was held over from the 1979 Legislative Session, but it was never reported by the House Higher Education Committee in the 1980 Session.

One of the last acts of the State Board of Education as governing authority of the community college system was to approve a proposed rewriting of Article 3 (Financial Support) and Article 4 (Budgeting, Accounting, and Fiscal Management) of Chapter 115D. This approval was reiterated by the new State Board at its first meeting, January 8, 1981, after hearing the opinion of the Presidents' Association.

The Fiscal Advisory Committee, which produced this proposed legislation, was appointed by the new State President, Dr. Larry J. Blake. Unlike the committee which recommended S. B. 789, this ten-member committee was dominated by persons from the community college system. It included the State President, five community college administrators, one of whom was the Chairman of the Presidents' Association, and it

included the Secretary-Treasurer of the Trustees' Association.

The Trustees' Association and the Presidents' Association had an opportunity to review the proposed legislation while it was still being considered by the Fiscal Advisory Committee. Each association solicited input from its membership in order to better inform its representatives on the committee.

The committee's recommendations resulted in House Bill 77 which was introduced in the 1981 Legislative Session. Neither of the associations was represented at the public hearing for H. B. 77. The sponsor of the bill, Representative Parks Helms, reported, however, that the bill had the approval of the Trustees' Association. No mention was made of the Presidents' Association's support for the bill.

The fact that Representative Parks Helms stressed the Trustees' Association's support and did not mention the Presidents' Association's position, lends support to the political nature of the decision. The reliance of the State Board upon the Presidents' Association's opinion regarding the proposed legislation indicates the administrative nature of the functional authority involved in the decision.

The rewriting of Chapter 115D brings out the fact that governance decisions formed and imposed by decisionmakers outside the system are resisted. This represents means

which are not workable or legitimate. The same basic decision can be formulated within the system, with the final decision still being made outside the system, and it will be considered workable and legitimate, as these two bills (S.B. 789 and H.B. 77) attest. The importance of a preponderance of institutional-level participants in the policy-making activity of Formulation is brought out by these two decisions regarding the rewrite of Chapter 115D.

Rule Changes

As chief executive officer of the institution, the president is responsible for the institution's functioning under the Administrative Code. For this reason, the presidents, through the Presidents' Association, wish to ensure that the rules do not pose a threat to their institutional decision authority and their ability to respond to local educational needs. Changes in the Administrative Code are, therefore, considered decisions of an administrative nature which are more appropriate for the input and influence of the Presidents' Association than the Trustees' Association.

The Presidents' Association's willingness to confront the State President, the Department of Community Colleges, and the State Board regarding the rule-making process is supported by the fact that the procedures for rule making are prescribed by law, the North Carolina General Statutes Chapter 150A--The Administrative Procedure Act, and by

traditional working relationships between the institutions, the Presidents' Association, and the state level.

The Presidents' Association provided input and influence in the state-level rule-making process through its membership on task forces, its statements at public hearings, its discussions and informal consultations with the State President and the Department of Community Colleges prior to the writing or revision of a rule, and, in case of disagreement with the department, through its position papers to the State Board.

The rule changes approved by the State Board show that the Presidents' Association had more successes than failures when it sought to exert its influence in opposition to that of the State President and the department. On two occasions, the Presidents' Association was able to influence the State Board to postpone decisions on rule changes until more input could be provided. The Presidents' Association perceived that some of the rules were being recommended without institutional input and in some instances were not reflecting the recommendations of appointed task forces. After receiving the Presidents' Association's position paper regarding the rule changes and the rule-making process, the State Board requested that a consultative process be initiated among the State President, the department, and the presidents and trustees for the purpose of ironing out differences.

The comparison of authority distribution showed that the central level and the local level both have several recognized, fairly exclusive administrative and political zones of influence in policy making. Most of these zones are set out in the General Statutes and the Administrative Code of the system or have been established by traditional practices. This fact is given support when it is considered that the system made a major review of its laws and rules in the new State Board's first year which resulted, generally, in incremental attempts to further enhance or strengthen the existing decision authority rather than to drastically change the distribution. These policy zones of influence, however, are vulnerable to intrusions, input, and influence by the other level, particularly when there is dissatisfaction with the procedures in and intent of the exercise of this decision authority.

One-half the policy areas analyzed have central stipulated goals and implementation procedures which allow the local level only limited decision authority. A large amount of the policy of the system, therefore, is decided at the state level. For this reason, the second part of the question of "Who decides?" becomes particularly relevant.

The materials on the rule changes also indicate that the recognition of policy zones of influence is an important characteristic of workable and legitimate means of making

governance decisions. The existence of laws, codes, and established traditions which stipulate the procedures for rule making are also characteristic of workable and legitimate means of making governance decisions of an administrative nature, in particular. The existence of these formal procedures and criteria removes the hesitancy to provide input; they provide an avenue of appeal from previously made governance decisions; and if the criteria and procedures are still considered valid, they provide a justification of the governance decision. They also increase the expectation that the input provided will be given due consideration and will be reflected in the rule and policy recommendations. If the input is not used, there is also an expectation that a reasonable answer will be given why the input was not relevant.

Central Piedmont Community College Audit

The determination of "Who decides?", who has decision authority, may be the central purpose of a formal decision. This was the case in the decision of the Central Piedmont Community College Audit hearing. This was a state-level administrative decision concerning the accountability of one institution under the laws and rules of the community college system. Both the Presidents' Association and the Trustees' Association decided that their input and

influence in this decision would be inappropriate, because the question of institutional accountability was between the State President, the Department of Community Colleges, and the institution involved, as decided by the State Board.

The Presidents' Association felt the decision came within its decision authority only when the actions of one institution were perceived to have caused adverse rule making which affected all the institutions. According to the actions of the Presidents' Association, however, input and influence were also appropriate in questioning and requesting more explicit audit procedures and in suggesting an interpretation of the rule more suitable for accomplishing the goals of the system.

Under the Administrative Procedure Act, General Statutes, Chapter 150A-23, the Presidents' Association and the Trustees' Association could have requested to provide input as an interested party. The hearing officer, the Chairman of the State Board, would have been responsible for deciding their status as an interested party. Only the local trustees of Central Piedmont Community College and its institutional president defended the institution at the hearing. This was accomplished through oral and written statements and an appeal to the court system.

In the Central Piedmont Community College Audit hearing, the State Board supported the decision authority of the

State President, the Department of Community Colleges, and the authority of the Administrative Code as a definition of accountability procedures.

The Central Piedmont Community College Audit hearing decision reiterated what the comparative analysis of the distribution of authority had shown. There are recognized, fairly exclusive policy zones of influence for each level. This decision also pointed up the importance of laws and codes which set out agreed-upon, workable, and legitimate procedures and criteria for making the governance decision of "Who decides?". These laws and codes provide a justification for decisions made under their procedures and criteria. This decision also showed that policy zones of influence are subject to intrusions when the other level of the system perceives that the intent of the procedures and criteria are being violated.

Distribution of the One Percent
Allotment Reserve Fund

The functional authority involved in the distribution of the one percent allotment reserve fund was each institution's ability to provide adequate funding for its enrollment. The formula and rules by which funds are distributed to the institutions are found in the system's Administrative Code. The appropriations backing these formula and rules, however, are decided by the legislature. The legislature can also

decide to make special appropriations to individual institutions without the prior knowledge of the State Board. This decision, therefore, had administrative and political dimensions which made it appropriate for the input and influence of the Presidents' Association and the Trustees' Association.

The fact that criteria and procedures for distributing the one percent allotment reserve fund were stipulated by the Administrative Code made this a routine, state-level administrative decision. It became an administrative issue with political overtones when the State Board challenged the rule. The State Board, in effect, challenged the decision authority of those making the rule when it began discussing the one percent allotment reserve fund as a means to assist Wilson County Technical Institute with its special request for equipment funds.

The challenge was met by formal and informal opposition from the Presidents' Association and by informal opposition from the Trustees' Association. When the State Board sought the input of the Chairman of the Presidents' Association at its September meeting, he stated that the association's Executive Committee was unanimously opposed to special funding for one institution from the one percent allotment reserve fund. The State President and a staff member of the department had also advised the State Board against using the reserve fund as a discretionary fund. The State Board,

which had postponed its decision the month before, again postponed its decision until the following morning.

That evening the board members sought out the Chairman of the Presidents' Association in order to gain more input. The President of the Trustees' Association used the dinner hour to inform the board members individually that the association opposed using the fund for the special needs of one institution.

At the meeting the following morning, the Chairman of the State Board reminded the members of the Presidents' Association's opposition to the use of the fund for the special needs of one institution. The State Board then voted to distribute the fund according to the established procedure of the Administrative Code.

This decision showed that workable and legitimate means of making governance decisions depend not only upon formal procedures for input and influence but upon informal relationships between the state-level decisionmakers. These informal relationships hinge upon the local-level participants being available at the time the decision is being contemplated and made by the State Board. The necessity of the local level's presence at official and at informal meetings of the State Board is apparent.

The decision for the distribution of the fund again pointed out the power of previous governance decisions which

have stipulated procedures and criteria for making decisions. The established procedures and criteria must be adhered to in the decision. A perceived need to ignore these criteria is not justified. The need must be established as a result of a reasoned process. This was the argument used by the Presidents' Association, the State President, and the Department of Community Colleges in the discussion of the alternatives. If the criteria are no longer applicable, the approved procedure is to first seek an official change in the criteria rather than to ignore it. The latter is in effect a challenge to the decision authority of those who shaped the criteria and procedures.

New Rule on Rule Making

The rule-making process at the state level is prescribed by the Administrative Procedure Act (APA), North Carolina General Statutes, Chapter 150A, which became effective in 1976. Prior to that time, the minutes of the Presidents' Association show that it was insistent in its pursuit to be recognized as the institutional spokesman in the state-level policy and decision-making process. Its input and influence were accomplished through informal relationships, which became traditional working relationships between the association and the State President, the Department of Community Colleges, and the State Board of Education. After 1976, the majority of the association's formal input came

as a result of the Administrative Procedure Act which provided for the public hearing in the rule-making process. The Presidents' Association, however, did not make a formal protest when the State President requested and received permission from the State Board of Education in December, 1980, to seek an exemption from the APA for the new State Board.

Both the APA exemption request and the new Administrative Code rule on rule making are concerned with the distribution of decision authority in the rule-making process. The distribution of authority by the APA and the exemption request were political decisions of an administrative nature which were made by the legislature. The distribution of authority by the Administrative Code was an administrative decision made within the system itself.

The main concern of the Presidents' Association was to preserve the informal consultative process between the state level and the institutions which it believed had become a traditional part of the state-level policy and decision-making process. Although the new President, Dr. Larry Blake, utilized this informal consultative process in forming the new rule on rule making, he did not incorporate it in the process defined by the new rule.

The Presidents' Association's input was in the form of a revised draft of the rule President Blake presented and discussed with the association in July, 1981. The association did not provide input at the public hearing held in

June, 1982, for it had already arrived at an agreement with the State President regarding the rule. Several individual presidents, however, did furnish written input to the hearing officer prior to the hearing.

The Presidents' Association's input recommended that the informal consultative process which traditionally preceded the rule-making process be formalized and thus ensured. It also recommended that the Trustees' Association and "others" be included in this consultative process. Both of these recommendations were accepted by President Blake. He did not, however, accept the Presidents' Association's recommendation that a public hearing be required rather than at the discretion of the State President. The final rule which was recommended to the State Board for its approval took the Department of Community Colleges and the Presidents' Association approximately a year to discuss, formalize, revise, and agree upon. The State Board approved the recommended rule on rule making without questions or discussion.

The new rule on rule making, as well as the revisions to the Administrative Code, indicate the desirability of changes or new rules being relatively similar to old procedures, criteria, and traditions which they are replacing or formalizing. If the new rule or the change eliminates the aspects of the old rule or practice which were objectionable, it appears to be more acceptable than a new approach to the problem. Both the Administrative Code revisions

and the new rule on rule making also indicate the desirability of sufficient time to discuss and agree upon new policy or policy changes.

Rule making is one of the few exclusive policy areas of the center level. If the system is exempted from the Administrative Procedure Act, the center could adopt any procedure it desires in order to accomplish the rule making process. Being aware of this fact, the Presidents' Association was more concerned with formalizing the informal, traditional consultative process which preceded the rule-making process than it was in preserving the APA and the public hearing. The new rule on rule-making officially recognized the Presidents' Association's and the Trustees' Association's role in the state-level policy process, the APA did not. The decision on the new rule on rule making pointed out that workable and legitimate means of making governance decisions recognize and acknowledge the decision authority of the major participants in the policy process. In particular, the role of the participants from the institutional level is recognized in the policy-making activity of Formulation where the problem and its elements are defined.

CHAPTER V
SUMMARY, CONCLUSIONS, AND RECOMMENDATIONS

Summary

The purpose of this study was to determine the North Carolina Community College system's workable and legitimate means for making state-level governance decisions. If the system cannot accomplish the governance decisions necessary to adjust to changing circumstances and needs, these decisions will be imposed from the outside. The system's workable and legitimate means for making its state-level governance decisions, as decided by the State Board of Community Colleges during its first year, were determined through the answers to the following questions:

1. In which functions was decision making centralized and in which was it decentralized when the new State Board assumed its governance role on January 1, 1981?
2. To what extent were these areas of functional authority changed during the first year?
3. What avenues of input and influence were open and used by the representatives of the local institutions, the Presidents' Association and the Trustees' Association, in the decision-making process?

4. What was the impact of the input and influence of the Presidents' Association and Trustees' Association in the decision-making process?

The study was made from the perspective of the Presidents' Association and the Trustees' Association because these are the oldest participants in the system's current state-level policy-making process, and because the new State President and the new State Board of Community Colleges were having to react and adapt to the system's processes.

Wirt's Authority Centralization Scale was applied to thirty-six policy areas at two points of time in order to determine the answers to questions one and two. The North Carolina General Statutes and Administrative Code for the community college system were studied for the details of these changes and for the answers to questions three and four. Answers were also obtained from observing and studying the state-level policy-making process and from analyzing the State Board's decisions. In addition, all the minutes of the Presidents' Association and the Trustees' Association were studied for the two associations' input and influence on the past and the current state-level policy-making process. Four governance decisions were chosen for more detailed analysis of the state-level policy-making process: the decision creating the separate board for the community college system and three decisions from 1981.

The above study and analyses produced the following findings:

1. Several fairly exclusive policy areas of influence for the central level and for the local level may be recognized in the laws, codes, and traditional practices of the North Carolina Community College system.

2. Half of the policy areas analyzed, however, fell into Wirt's authority category 4, Limited Periphery Option, in which the center's goals are required and specified, in which implementation is specified, but in which the local level maintains some options and decision authority.

3. The comparison of authority distribution at two points of time extending over a period of a year showed little difference in the distribution of authority.

4. Only two policy areas, In-Service Training and Salary Schedule, showed an increase of decision authority at the local level sufficient to be moved to another authority category.

5. The most common changes to occur in the rule-making process in 1981 were incremental.

6. Eighty-six percent of the changes were achieved through the revision of existing Administrative Code rules and existing sections of the General Statutes, Chapter 115D.

7. Forty-nine percent of these revisions were the result of only editorial and clarification changes which reflected no change in authority.

8. The changes in centralization and local autonomy reflected a relative counterbalance in the number of changes and in the types of changes.

9. The input and influence of the Presidents' Association and the Trustees' Association are concerned with the content of and the process for making decisions and policies.

10. There is not an open role in all state-level decision making and policy making for either the Presidents' Association or the Trustees' Association.

11. Conscious decisions are made at the association and state level as to "Who decides?", or what is the decision authority appropriate for a particular case.

12. Functional authority involved in the decision and the nature or type of decision, administrative or political, are the major considerations for the Presidents' Association and the Trustees' Association in making the decision of "Who decides?"

13. The professional status of the members of the Presidents' Association has historically been perceived as a limitation of the association in decisions of a predominately political nature.

14. The Trustees' Association has historically perceived its members' part-time participation in the system as a limitation on its role in state-level decision and policy-making of a decided administrative nature.

15. The role of the two associations in state-level policy making is complementary. The Presidents' Association predominates in decisions of a decided administrative nature, and the Trustees' Association predominates in decisions of a decided political nature.

16. There are hierarchically-ranked political and administrative decisionmakers whose policy and decision endorsements can influence the Trustees' Association's attempts to initiate and to influence decisions of a political nature.

17. When the Trustees' Association is able to take advantage of either a decision authority which spans two systems or of a long-term developed consensus, or both, the endorsements of the above-mentioned political and administrative decisionmakers become less important to the decision.

18. The major and common avenues for both administrative and political input and influence are the hearings, petitions, and appeals prescribed by the Administrative Procedure Act; public hearings held by legislative committees; membership on task forces, committees, commissions, and the recommendations resulting from their work; position papers; letters; and informal relationships and communications.

19. The actions of the Presidents' Association and the Trustees' Association over the history of the North Carolina Community College system reflect a demand that the state-level policy process show a respect for segment agency or

autonomy.

20. The role of the Presidents' Association and the Trustees' Association in the state-level policy-making process was not granted automatically by the system. It was formally recognized by the system as a result of the persistence of the two associations, and it was enhanced by the state law, the Administrative Procedure Act.

21. The major law and rules which specify available avenues for input and influence in the decision and policy process are the North Carolina Administrative Procedure Act 150A; the Administrative Code 2A .0001 (1976) which states that the Department of Community Colleges is to make policy recommendations with the assistance of the institutions; and the new rule on rule making (1982) which sets out the procedures for gaining that assistance.

22. Protected avenues of input and influence appear to lead to the expectation that input, influence, and appeals will be accorded a high level of consideration.

23. Decisions of an administrative nature are based on previous governance decisions which established procedures and criteria for carrying out the functions of the system and for making future decisions regarding these functions.

24. When the administrative procedures and criteria found in the system's laws, codes, and traditional practices fail, the decision is likely to become political and to be made outside the system.

25. 1981 was basically a year of policy making of an administrative nature being dominated by the revisions of the Administrative Code and General Statutes of the system.

26. For the above reason the Trustees' Association's policy-making role was less active at the state level than the Presidents' Association.

27. The Trustees' Association, however, played its complementary role and was present and available for input, both formal and informal, in the state-level policy-making process.

28. The Presidents' Association experienced more successes than failures when it sought to exert its influence in opposition to that of the State President and the Department of Community Colleges in the revision of the Administrative Code.

Conclusions

Based on the analysis of the data presented in this case study, general conclusions are made regarding the characteristics of the workable and legitimate means the North Carolina Community College system exhibits in making its state-level governance decisions.

1. Efficiently organized and operating groups (NCAPCCP, NCTACEI, NCDCC, NCSBCC) confront the issues in the system and represent and speak for the major state-level decision-making and policy-making participants.

2. Highly organized and effectively functioning representative associations (NCAPCCP, NCTACEI) for the subsegments of the system are willing to devote the time and the energy necessary to study, formulate, present, and support their policy needs and the system's perceived policy needs.

3. A state-level policy-making process acknowledges the decision authority (policy zones of influence) and the policy role of the major participants in the laws, codes, and traditional practices of the system.

4. There are protected avenues of input, influence, and appeal.

5. There is a preponderance of the subsegments of the system in the policy activities of Formulation and Interpretation. Formulation is concerned with defining the problem, the elements related to it, and the policy process. Interpretation is the policy activity which requires the ideal or desired to be reckoned with reality or the possible in order to arrive at recommendations.

6. There is a consensus regarding the subject being decided which has been developed as the result of a reasoned and educational process over what is perceived to be a period of sufficient duration.

7. There is a willingness to act on the elements of the decision and policy which can be agreed upon rather than to hold up the decision until complete agreement is reached

8. Procedures and criteria established by previous governance decisions provide justification for decisions made under their stipulations.

9. The occupants of administrative and political hierarchical positions endorse the decision and policy being made.

10. A pervasive consensus in the system regarding the subject of the decision which has been achieved by a long educational and consensus-forming process reduces the importance of the above endorsements of the administrative and political hierarchy.

Recommendations

Based on the data presented and analyzed in this case study, the following recommendations are made regarding the state-level policy-making process of the North Carolina Community College system:

1. A practice of authority which recognizes the agency or autonomy of the subsegments of the system should also consider these subsegments an appropriate source of ideas for and initiatives concerning rules and plans of action.

2. The necessity for built-in or formalized processes to protect individual, segment, and subsegment agency or autonomy should be understood and accepted in the above practice of authority.

3. Board members and participants in the state-level decision-making and policy-making process should learn the history, philosophy, goals, traditions, roles, laws, and codes of the system and of the associations which represent its segments and subsegments in order to understand the contradictions, weaknesses, and strengths within the system which either hinder or enhance its ability to fulfill its role or to adjust to its changing needs and circumstances.

4. A similar working knowledge of other boards and agencies with which the system must cooperate should also be acquired.

5. The board members and the major state-level policy participants should continually examine the criteria and procedures of previous governance decisions found in the laws, codes, and traditional practices which make the majority of the State Board's decisions routine. If these criteria and procedures are found to be serving the needs of the system, they should be used to check the recommendations presented to the State Board. If the criteria and procedures do not meet the needs of the system, the policy process should be begun to initiate change.

6. For any subsegment of the system seeking more input into the state-level policy process, the researcher recommends emulating the Presidents' Association and the Trustees' Association in their persistent efforts to achieve

agency or autonomy and in their vigilance to protect their gains.

Recommendations for future research include the following:

1. One of the limitations of this study was the fact that current policymakers tend to protect their informal networks, both within and without the system, for providing input and influence in the state-level policy-making process. Due to the fact that many of the previous Chairmen of the Presidents' Association are approaching retirement, the total scope of the association's input, influence, and impact on past decisions and policies will become more available in the near future.

2. Research is needed to determine the role and effectiveness of the Executive Director of the Trustees' Association in coordinating the association's efforts with those of the Presidents' Association and the Department of Community Colleges for policy purposes.

3. The Trustees' Association's use of its annual, six regional conferences to form a consensus for policy purposes is another topic of importance.

4. There is a need to determine the amount and quality of participation the fifty-eight institutional presidents have in the positions presented by the Presidents' Association.

5. Research is needed to determine the extent of faculty input, influence, and impact on the state-level policy-making process.

6. Another area of profitable research is a comparison between the Presidents' Association's apparently effective organization for participation in the state-level policy-making process and the organization of the faculty association for the same purpose.

7. Many of the reforms approved by the new State Board in its first year were conceptualized and formed before it assumed its governance role. This case study revealed some of its priorities and initial frustrations. The new State Board's role in shaping the future direction of the community college system will become more apparent in a few years and should become a topic of research.

8. The State President's and the Department of Community Colleges' activities in gaining and using input for the state-level policy-making process can be analyzed in more detail than attempted by this study.

If the above research can be accomplished, a more complete understanding of the state-level decision-making and policy-making process within the North Carolina Community College system can be achieved.

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APPENDIX A

Wirt's Authority Centralization Scale

Wirt's Thirty-Six Policy Variables

WIRT'S AUTHORITY CENTRALIZATION SCALE

Theoretical Elements Underlying Construction of an Authority
Centralization Scale

Binding Nature of Center's Goal	Specification of Center's Goal	Implementation Required by Center	Category Label
Absent	Absent	Absent	0-Periphery Autonomy
Suggested	Vague	Absent	1-Center Suggestion
Required	Broad	Absent	2-Center Unspecified Requirement
Required	Broad	Specified, but with much peri- phery option	3-Extensive Periphery Option
Required	Specific	Specified, and with limited periphery option	4-Limited Periphery Option
Required	Specific	Periphery option precluded	5-No Periphery Option
Required	Specific	Center preempts all implementation	6-Center Assumption

Source: Frederick Wirt, "Does Control Follow the Dollar?"
Publius (Spring 1980), p. 72.

WIRT'S THIRTY-SIX POLICY VARIABLES

School Policy Variables Content Analyzed for Use in Authority
Centralization Scale

1. Accreditation	19. Vocational education
2. School calendar	20. Adult education
3. Certification	21. Special education
4. In-Service training	22. Experimental program
5. Salary schedule	23. Pupil-teacher ratio
6. Personnel policies	24. Attendance requirements
7. School plant	25. Admission requirements
8. School construction and equipment	26. Graduation requirements
9. Safety and health standards	27. System organization *
10. Institution organi- zation*	28. Equal education oppor- tunity
11. Promotion requirements	29. Objectives
12. Course or credit load	30. Rule making
13. Pupil records	31. Financial records
14. Textbooks	32. Accountability
15. Curriculum	33. Evaluation
16. Extra-curricular activities	34. Per pupil expenditure
17. Library	35. Bonds
18. Guidance and counseling	36. Revenue

Source: Frederick Wirt, "Does Control Follow the Dollar?" Publius (Spring 1980), p. 88. (*Substitutions made to adapt policy areas to a community college system).

APPENDIX B

North Carolina
State Board of Community Colleges

N.C. STATE BOARD OF COMMUNITY COLLEGES

<u>Name, Occupation, City</u>	<u>Appointed By</u>	<u>Term Expires</u>
Mr. N. Elton Aydlett Retired Attorney Elizabeth City, N.C.	House of Rep.	June 30, 1981
Mr. H. Clifton Blue Newspaper Publisher Aberdeen, N.C.	Senate	June 30, 1985
The Hon. Harlan E. Boyles State Treasurer Raleigh, N.C.	Ex Officio	
Mr. Charles Branford Owner, Swift Giant Wilson, N.C.	Governor	June 30, 1983
Mr. Stacy Budd Retired Businessman Sanford, N.C.	Governor	June 30, 1983
Mr. Richard L. Daugherty Div. Dir. Manuf. IBM Research Triangle, N.C.	Governor	June 30, 1981
Mr. Ronald E. Deal Pres. Highland House Hickory, N.C.	Governor	June 30, 1981
Mr. William J. DeBrule Exec. Wayn-Tex Manuf. Forest City, N.C.	House of Rep.	June 30, 1985
Ms. Martha Grainger Adm. Assist. GE Co. Wilmington, N.C.	Governor	June 30, 1981
The Hon. James C. Green Lieutenant Governor Raleigh, N.C.	Ex Officio	

STATE BOARD -continued

<u>Name, Occupation, City</u>	<u>Appointed By</u>	<u>Term Expires</u>
Mr. Edward J. High Adm.Serv. City-Charlotte	Senate	June 30; 1981
Mr. Carl Horn, Jr. CEO Duke Power Co. Charlotte, N.C.	Governor	June 30, 1983
Mr. L. N. Kelso Insurer/Realtor New Bern, N.C.	Senate	June 30, 1983
Mrs. Isobel Craven Lewis Retired Businesswoman Lexington, N.C.	House of Rep.	June 30, 1983
Mr. James C. Martin Pres. Ti-Caro Inc. Gastonia, N.C.	Governor	June 30, 1985
Mr. Melvin Swann Asst. Supt.City Sch. Greensboro, N.C.	Governor	June 30, 1985
Mr. Alan E. Thomas V.P. Southern Bell Charlotte, N.C.	Governor	June 30, 1985
Mr. Sam L. Wiggins Plant Mgr., Dayco Corp. Waynesville, N.C.	Governor	June 30, 1985
Mr. I. J. Williams Farmer Rex, N.C.	House of Rep.	June 30, 1985

Larry J. Blake, State President
Department of Community Colleges
Raleigh, N.C. 27611

SOURCE: Department of Community Colleges, State Board of
Community Colleges (Raleigh, N.C., August, 1980).