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POWER, POLITICS, AND THE 1997 RESTRUCTURING OF HIGHER EDUCATION GOVERNANCE IN KENTUCKY

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ABSTRACT OF DISSERTATION

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HIGHER EDUCATION GOVERNANCE IN KENTUCKY

ABSTRACT OF DISSERTATION

A dissertation submitted in partial fulfillment of the
requirements for the degree of Doctor of Philosophy in the
College of Education at the University of Kentucky

By

Michael Allen Garn

Lexington, Kentucky

Director: Dr. Susan J. Scollay, Associate Professor of Education

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ABSTRACT OF DISSERTATION

POWER, POLITICS, AND THE 1997 RESTRUCTURING OF
HIGHER EDUCATION GOVERNANCE IN KENTUCKY

This study describes the policymaking process and policy solutions enacted in the Kentucky Postsecondary Improvement Act of 1997 (or House Bill 1). The study employs both an historical recounting of the "story" of House Bill 1 and a narrative analysis of opinion-editorials and policymaker interviews to reveal and explain how political power comprised both the perennial problem of Kentucky's higher education policymaking – and the tool with which conflicts over power distribution were resolved. The study uses three theoretical frameworks (the Multiple-Streams, Punctuated-Equilibrium, and Political Frame) to explore the rise of restructuring on Kentucky's policymaking agenda, its most contentious issue (separation of community college governance from the University of Kentucky), and how the conflict engendered by this issue was resolved.

Use of rigorous investigative methods and theoretical frameworks resulted in understandings of not only what drove the policymaking effort but also the strategies that enabled the initiative to rise on Kentucky's policymaking agenda and to be enacted. The study concludes: (1) the presence of a policy entrepreneur increases the likelihood of a strong change effort (and to its success if that entrepreneur is the governor); (2) issue definition, or redefinition, is key to reform efforts; and (3) while prior higher education policy studies and K-12 reform may soften up and prepare the policy community for discussions of reform, they have not been shown to affect the proposal development or enactment phases of a higher education restructuring initiative.

Additional insights emerged from looking at the Kentucky case, informed by those of Kentucky Education Reform Act (KERA) before it, and of similar initiatives in Ohio and Illinois. This review suggests:

1. The impetus and leadership for significant change to a higher education system will likely arise externally versus internally

2. Redefining the issues of higher education in a way that changes participant's perspectives and positions is an important factor in building support and opposition to an initiative.

3. Restructuring efforts, either intentionally or unintentionally, will ultimately have to address perceived and/or real power imbalances among institutions and between institutions and state agencies.

4. Redistributing power within a higher education system constitutes a change, but not necessarily an improvement to the system.

The study concludes that opportunity data, research, and rational arguments to inform policy development from academia to inform and influence elected officials occurs very early in the start of a reform initiative – or even years prior. It also finds the opportunity for influence diminishes as debate over policy alternatives and enactment increases. This suggests reluctance on the part of academia to include elected officials in the issues of the campus may reduce opportunities for data, research and rational arguments to influence the opinions, policies, and decisions of elected leaders. The study recommends: (1) that academia should become more engaged, on a substantative and continuing level, with elected leaders, and (2) that researchers focus on how elected leaders form their ideas on higher education and how these influence and result in policy and political positions.

Michael Allen Garn

May 6, 2005

POWER, POLITICS, AND THE 1997 RESTRUCTURING OF
HIGHER EDUCATION GOVERNANCE IN KENTUCKY

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DISSERTATION

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To my grandmother Eva Bauer, who taught me it was okay to create, to my mother and father Phyllis and Rex Garn, who taught me everything, to my wife Dawn who gave me everything, and to my daughter Zoe who taught me life is about more than writing a dissertation.

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CHAPTER ONE: INTRODUCTION

Overview of the study

The relationship between higher education and state government, across the nation and in Kentucky, is one of dynamic tension. Institutions, while reliant upon the state for funding, have resisted strongly any intrusion of higher learning into campus affairs. Conversely, lawmakers have increasingly expected more specific and accountable results from their public investment in higher education. This study explores problems, policymaking, and politics of the 1997 effort to restructure the governance and political balance among Kentucky's state government and its public higher education institutions.

At the beginning of 1997 the Kentucky public higher education landscape consisted of two public research universities, the University of Kentucky (the state land-grant and flagship university) and the University of Louisville (as a metropolitan research university), five public regional universities (Morehead State University, Northern Kentucky University, Eastern Kentucky University, Western Kentucky University, and Murray State University; and one historically black university, Kentucky State University, which was also a land-grant institution. Nineteen independent colleges and universities were affiliated under the Association of Independent Kentucky Colleges and Universities (AIKCU).

Fourteen community colleges distributed throughout the state were under the management of the University of Kentucky while the Workforce Development Cabinet administered 13 Kentucky TECH (or technical) colleges as part of state government. These two "systems" were regularly assailed for duplication of efforts and lack of cooperation. The inception, growth, and governance structures for these institutions evolved through years of academic and political activity – and conflict. Conflict was overseen, and sometimes created by the statewide coordinating board, the Council on Higher Education (as it was known and constituted in 1997) and its predecessors.

The Kentucky Postsecondary Education Improvement Act of 1997 (commonly known as House Bill 1 or HB1) was enacted on May 30, 1997. It changed the structural, political, and symbolic balance of governance authority among Kentucky's higher education institutions and between those institutions and state agencies. It dissolved the existing

Council on Higher Education, replacing it with a new Council on Postsecondary Education with increased authority over the public higher education institutions. The Act increased the use of incentive funding to encourage emphasis on research; it removed the 13 Kentucky TECH colleges from within a governmental cabinet and bonded them with the state's 14 community colleges in a new Kentucky Community and Technical College System (KCTCS). And, most contentiously, it removed those community colleges from the management of the University of Kentucky making the new KCTCS an independent system.

Description of the study

Kentucky's 1997 restructuring effort was one of eleven similar initiatives occurring between 1990 and 2000 (Governance, 2000). While implications from this cluster may indicate broader trends in higher education governance, this study focuses on understanding what happened in Kentucky – from the point of view of Kentucky higher education policy participants[1]. Understanding the uniqueness of a single initiative increases the validity of such comparative studies. However, few case studies exist. Therefore, a case study of the 1997 reforms in Kentucky benefits not only Kentucky but also future comparative or meta-analyses of governance restructuring efforts across many states.

Prior to the introduction of House Bill 1 in 1997 higher education in Kentucky had moved through many periods of conflict and incremental change – what event or problems influenced the higher education's rise on the policymaking agenda in 1997? Why emphasize the particular policies dissolving the old Council, increasing incentive funding, and restructuring the governance of the community and technical colleges? Why was removing the community colleges from the University of Kentucky so necessary? How was this policy framed, challenged – and how was the conflict resolved? To understand why Kentucky's 1997 higher education reform effort occurred when it did, in the way it did, and why it resulted as it did, this study asks the following questions:

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[1] While this study does *not* address House Bill 1' implementation, it does develop implications of the impact House Bill 1 may have on the future of Kentucky's higher education community. At the writing of this study, less than eight years beyond inception, it remains to be seen what the impact of House Bill 1 will be. What is clear is that the implementation and outcomes of House Bill 1 cannot be understood and evaluated effectively without understanding the problems House Bill 1 was intended to solve, the policy alternatives considered and the politics it took to enact House Bill 1.

5. Why did higher education reform rise on Kentucky's policy agenda in 1997?
6. Why was the community college governance change proposed?
7. What role did politics play in the restructuring effort?

While this study provides an in-depth look at Kentucky higher education policymaking in the 1997 Extraordinary Session of the General Assembly, the study itself is informed by, and situated in, a growing body of research literature. Chapter Two provides an overview of how statewide higher education governance evolved from very sparse coordination at the dawn of the 20th century to near unanimous use of coordinating or governing boards by the states. Studies of this evolution identify three developmental periods, of creation, of centralization and decentralization, and of revisions to the boards roles and authority. Most recently, in the 1990s, increased concerns over quality and accountability have often sparked restructuring initiatives. The study examines three perspectives on the analysis of higher education restructuring, one based on *experientially derived case studies* (often by the change agents or consultants directing the initiatives) and approaches employing *more rigorous investigative methods and theoretical frameworks* to determine trends and influences on restructuring across many states. Key in many of the findings from both perspectives is the central role played by politicians, notably governors, and by politics in the definition and resolution of restructuring initiatives. Many of these studies attempt to determine trends across states however, because political influences are unique to each state, the generalized inferences of studies aggregating policymaking outcomes across many states, neither identify nor consider why conflicts were resolved in the way they were.

Finally, two case studies of restructuring efforts in Illinois and Ohio by Van Der Slik (2001) and Olivas (1984) respectively, are identified. These studies exemplify a trend toward use of *political science* theoretical frameworks to explain the policymaking process of higher education governance restructuring within a framework of greater theoretical rigor. Thus, additional single-state case studies, that utilize commonly accepted theoretical frameworks, are needed. This then is the lineage of single state case studies within which this study was developed and resides.

In Chapter Three the theoretical frameworks and analytical methods of the study are described. Concurring with McLendon (2003b, p.58) in the use of theoretical models to describe case-study data, the study identifies three theoretical frameworks to analyze and

understand what March and Olsen (1976) called the "organized anarchy" of policymaking. These are the Multiple-Streams or "Garbage Can" Model of policymaking described by Kingdon (1995), the Punctuated-Equilibrium Model of Baumgartner and Jones (1993) and the Political Frame Model described by Bolman and Deal (1997). The first two aid the analysis of the policymaking process. For example, the three policymaking streams of the Multiple-Streams Model (problems, policies, and politics) help in the initial categorization of the data while concepts such as *policy monopoly* and *venue-changing* from the Punctuated-Equilibrium model help explain how conflicts among competing policy images arose. Lastly the Political Frame Model and its focus on power and the resolution of conflict describes strategies, such as "tit-for-tat," political players might use to challenge and change the positions of their opponents.

Chapter Three also describes the methods used to deconstruct and analyze the detailed description, or story, of House Bill 1 laid out in Chapter Four. Two sources of data were analyzed in the study of enacting House Bill 1. Thirty-two policymaking participants interviewed by the author (and 11 additional interview transcripts provided by Bryan Armstrong) were identified during the study. These represent the recollections and reflections of House Bill 1 policymaking participants. In addition 45 opinion-editorials, written by individuals about the House Bill 1 issues, which were published prior to, during, or immediately following the 1997 Extraordinary Session of the Kentucky General Assembly were identified. These opinion-editorials comprise an explicit body of public comments made while the House Bill 1 debate was most active.

To understand the different perspectives of the policymaking participants a narrative analysis method is used to deconstruct and analyze the comments and reflections of policymakers associated with the enactment of House Bill 1. From the set of 43 interview transcripts, the transcripts of 15 conversational interviews were selected for analysis based on the roles and perspectives of the individuals[2]. These 15 interviews and 45 opinion-editorials thus comprise 60 unique "narratives" of the House Bill 1 policymaking process and represent the starting point for analysis.

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[2] Significant duplication of opinion and position among partisans within a constituency was used as a means to eliminate some interviews. For example, many members of Governor Patton's staff i.e. Jim Ramsey, Vi Miller, Crit Luallen, described events in similar if not almost the same terms and word.

Using a narrative analysis technique described by Yanow (2000), the declarations, expositions, and descriptions of the policymaking issues – in the words of the policy participants – were deconstructed into their component phrases. These phrases were then assigned to topical categories (such as descriptions of existing problems in higher education or arguments for severing, or not severing the community colleges from UK) using data-driven coding (Boyatzis, 1998). Within each category, the comments were grouped and then synthesized into statements descriptive of each category. The descriptive statements from each of the categories were then aggregated into a set of summary statements representing the aggregate "narrative." An analysis of the summary statements is used in Chapter Five to understand the policymaking process and how conflicts among policies and participants were resolved.

In Chapter Four the complex "story" of House Bill 1 is told. Beginning with a description of precursor issues and events, the recurrent problems of Kentucky's higher education community are highlighted. The chapter presents the key players, events, and issues of the policy development phase concluding with the enacting events of the 1997 Extraordinary Session. Drawing on a broad range of resources, including those used in the analysis, Chapter Four reveals the (mostly) public impression of the issues debated, challenged, and resolved with House Bill 1.

Chapter Five, relying on the narrative analysis described in Chapter Three, explains the "story" of Chapter Four. Using the three theoretical frameworks, the analysis shows higher education reform rose on Kentucky's policymaking agenda because experiences and events prior to his election predisposed Governor Patton to elevate the issue. Because he was able to define economic and workforce development issues positively with higher education as a solution, and not as a perennial problem, higher education restructuring developed sufficient agreement among policymaking constituencies to rise on the agenda. Further, severing the community college governance from UK was necessary because combining them with the TECH colleges improved the ability of each to meet Kentucky's workforce development goals. It is also equally obvious that, if left unaltered, the power of the community colleges would have given UK, not the Governor, final say over how any new funding for higher education would be spent – and this would have been unacceptable to Patton. Lastly, viewing the House Bill 1 process through the lens of the Political Frame model reveals several types of power in play and utilized by the participants, principally

Governor Patton and President Wethington, to achieve their goals. Through a game of "tit-for-tat," where Patton alternately challenged and then rewarded Wethington, Patton was able to frustrate and ultimately defeat opposition to House Bill 1.

Finally, building on the conclusions from the Chapter Four "story" and the analytical findings for Chapter Five, Chapter Six offers a discussion House Bill 1's implications. The volume of debate over the community college governance issue, which overshadowed other topics and constituencies, is explored. Also addressed are the impact of the Kentucky Education Reform Act of 1990 (KERA) and the rationality of the Top 20 research university goal for the University of Kentucky. The Kentucky House Bill 1 experience holds important lessons for researchers and policy entrepreneurs. In the conclusion of Chapter Six the influence of preceding restructuring initiatives in other states and the impact Kentucky's effort may have had on other states is discussed.

Identity, bias, and terms

This study describes and analyzes different perspectives advanced by Kentucky's higher education policymakers and develops an understanding of how resolving the conflicts between these perspectives culminated in the enactment of House Bill 1. In addition to what is studied, understanding who is doing the studying is also important. The perspective and potential biases of the researcher must be identified, acknowledged, and to the degree possible compensated for. Through my background, and my current role as an officer of the statewide coordinating board in Kentucky, I bring experiences, knowledge, and perspectives to the issues and study of postsecondary education.

As I complete this dissertation, I am the Senior Advisor for Academic Affairs for the Kentucky Council on Postsecondary Education (CPE), the coordinating board for postsecondary education in the Commonwealth of Kentucky. Previously I served as the Chief Academic Officer of the Kentucky Virtual University (KYVU). House Bill 1 both restructured the CPE and created the KYVU explicitly. Indeed, developing an understanding of why the KYVU was created inspired and drove much of my coursework, qualifying, and preparation for this study. This makes me, very definitely, one of those engaged in the implementation of House Bill 1.

I was not, however, a participant in the events that created HB1 upon which the dissertation focuses. I came to Kentucky in June of 1999, two years after House Bill 1 was

enacted. Certainly, I was a willing participant in the implementation of Governor Patton's vision for postsecondary education in Kentucky. Seeing the results of House Bill 1's intent take shape lends a 20-20 hindsight perspective to the arguments to preserve the UK-community college governance link – the changing of which my experience tells me was beneficial to both entities. So, while I played no direct role the events studied here, my involvement in the implementation of the KYVU, and my continuing role in the development of Kentucky's distance education policies and practices, may have predisposed me to ask particular questions, to be inclined towards certain threads, issues, and conclusions, and may have caused interviewees to react and speak differently to me. Awareness of this situation and these predispositions encouraged a strong diligence in the analytical process.

Words can also harbor intent and meanings unique to a situation. In an effort to provide clarity and equanimity, two conventions for identifying and describing key elements of the HB1 narrative have been adopted. What is known as the Kentucky Council on Postsecondary Education (CPE) and was, at the time House Bill 1 was considered, known as the Council on Higher Education (CHE) – has been known by several names throughout its history. While each name change is a symbolic message of changed stature and purpose, unless the specific context required denoting the complete title, the briefer term "Council" is used throughout this manuscript. The term "postsecondary education" was emblematic of the image and changes Governor Patton proposed in 1997. As Governor Patton himself stated:

> "Higher education sort of brought up the image of the more unique parts of the academy, the graduate schools, the research organizations, and we had to integrate the technical education into it. We had to give that value and elevate it to the true college level. Higher education seemed to accomplish just the elite; upper part [while] postsecondary seemed to encompass all of postsecondary education. That is a word and a concept that has gained great credibility nationwide – from my perception" (Patton, 2003b).

In order to maintain parsimony of terms the general category of academic endeavors beyond primary and secondary education is referred to as "higher education." This is not done to challenge the Governor's use of the more inclusive "postsecondary" term – but to avoid any inadvertent subjectivism that might be implied by adopting the Governor's terminology.

Power and politics

   The study of House Bill 1 reveals a "story" of a state struggling between maintaining a legacy-based model and creating a new, untested, model that increased explicit emphasis on research and workforce development. It reveals a governor adamant in his view of what changes are needed and a Flagship university defending its statewide role and domain. Reform of public higher education clearly rose on Kentucky's policymaking agenda because Governor Patton chose it as his cause. While perhaps not initially, early into the process the Governor realized leaving the community colleges under UK management would give UK too much power over how any new policy was promulgated and implemented. In a series of events leading up to and during the Extraordinary Session, the conflict over the governance of the community colleges escalated and was settled. As this study of Kentucky higher education politics will show, the balance of power among Kentucky's public higher education institutions and between these institutions and state agencies, had been a perennial problem of Kentucky higher education policymaking for decades. Political power comprised both the problem to be restructured – and the tool with which the conflict over restructuring was resolved.

CHAPTER TWO: HISTORY & LITERATURE

Governance of higher education

"Five decades after American state governments first began reorganizing
their higher education governance structures en masse, governance reform
remains an area of state policy activity fraught with turbulence and politics."
(McLendon and Ness, 2003, p. 82).

Public higher education in America is a significant endeavor. As higher education

grows[3] – the need for improved forms of management becomes evermore apparent.

Supporting, providing, and administering higher education, at the institutional, the state, and

the federal level, is not a small task. It is big. It is complex. The changes to the American

system of higher education since 1940 have been enormous. College enrollments are one

indicator of the waves of growth and stress that have been felt. According to Hansen and

Stampen (1994), between 1947 and 1984, enrollment at higher education institutions in the

United States increased more than six hundred percent from 2.6 million to 12.4 million

students. The percentage of 18—24 year-olds attending college went from sixteen to forty-

three, raising the percent of total population going to college from 2.6 in 1947 to 7.3 in 1984.

In the same period, higher education grew from an annual enterprise of $2 billion to $84.4

billion. The issues that growth of this magnitude creates are numerous. In the 1990s these

included: perceived increased social stratification in higher education access; increasing

enrollment demand; cost containment pressure; eroding public support for funding;

increased concerns about quality and relevance of higher education curricula; and strong,

unpredictable influences of electronic technologies (Richardson, et. al., 1998, p. 1).

The size and complexity of the higher education endeavor increase daily. The

performance of higher education at the state level defines the aspirations, opportunities, and

possibilities of a state's citizens. Likewise, the governance of higher education has continued

to evolve throughout its history. Understanding the causes and courses of this evolution,

especially at the state level, informs this study of Kentucky's effort to restructure its higher

education governance in 1997. This chapter reviews seminal and recent studies of higher

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[3] In 2000 there were 15.3 million students enrolled in higher education. Total higher education enrollment
grew by 6.6% from 14,367,520 to 15,312,289 students between 1996 and 2000. (The pocket guide to U.S.
Higher Education, 2003, p. 7).

education governance and governance restructuring and describes the predominant theoretical perspectives used to understand the nature, direction, and implications of such restructuring efforts.

The federal role in higher education has been significant both in terms of initiating change such as the Land Grant Act in the 19th century and the G.I. Bill in the 20th century and in regulation. However, while the federal government provides billions of dollars in financial support for public and private higher education, such as student financial aid and university-based research, the governance of a state's public higher education system is a state responsibility. The right to design – and redesign – the governance structure under which those public institutions will be governed is provided by the 10th Amendment to the U.S. Constitution. In the Morrill Land Grant Act of 1852 the federal government "delegated the primary responsibility for the organization, support, and maintenance of public higher education to the states" (Hines and Hartmark, 1980, p. 12). This meant that, parallel with the growth in federal funding structures during the 1950s through the 1970s; statewide structures and models for coordination of higher education grew as well.

> "In contrast to the role of the federal government in higher education, state governments have a direct, multifaceted relationship with colleges and universities. This relationship can be examined from four angels: in terms of statewide coordination, accountability and institutional autonomy, the budgetary process, and inter-institutional relationships. Statewide planning is a principle function of the coordinating agencies, which are gaining expertise in master planning. Coordinating agencies occupy a critical position in the relationship between government and higher education" (Hines and Hartmark, p. 49).

In 1976, the Carnegie Foundation for the Advancement of Teaching described the relationship between higher education and the state as both dynamic and complex. While developmental phases can be identified differently[4], Richardson, et. al, (1999, p. 4) identified three developmental periods of state coordination over higher education: developments

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[4] For example Berdahl, (1971, p. 26) found four developmental periods of state coordination over higher education: (1) complete autonomy of institutions lasting from colonial days to the late nineteenth century; (2) creation of single statewide governing boards beginning in the late nineteenth century, reaching a peak in the first two decades of this century; (2) creation of voluntary arrangements gaining impetus in the 1940s and 1950s; and (4) creation of statewide coordinating boards beginning in the 1950s.

prior to 1950, 1950 to 1980, and 1980 and beyond. In the first two periods, emphasis was primarily on establishing a management structure between state government and higher education. In general, three types of structures developed: governing boards (which hold direct authority over their institutions), coordinating boards (which hold indirect, usually budget and program approval, authority over institutions), and planning boards through which a confederated system of institutions work (often through a council of presidents) more directly with state government. The most recent phase of governance development has focused on adjusting these structures and relationships.

Prior to 1950 efforts to provide statewide governance were generally isolated and involved the centralization of governance structures as higher education institutions coalesced into systems. Most of these early efforts were to create governing boards. For example, in 1905, Florida became the first state to create a statewide governing board for its four-year institutions. In 1906 Iowa did the same. In 1931 the Georgia legislature established a single governing board for public higher education. By 1932 there were governing boards in eleven states. In 1934 the Kentucky Council on Higher Education was established as a statewide coordinating agency, making it the oldest coordinating board in the United States (Cole, 1983, p. 2). Although it was too early for any one form of governance structure to gain dominance (by 1940 most states still did not have a governing, planning, or coordinating agency), the trend toward increased oversight by the state was established. Research was generally in the form of historical institutional monographs of flagship institutions written with more chauvinistic than empirical grounding (Graham, 1989, p. 81).

From 1950 to 1980, increased regulatory requirements from the federal government sparked moves toward increased centralization of governance by the state and fostered concerns about the loss of institutional autonomy. At the close of World War II, the Serviceman's Readjustment Act of 1944 (the G.I. Bill) sparked a dramatic increase in college attendance and growth. Federal funds followed this trend shifting to funding institutions directly. The G.I. Bill also allowed many more Americans to go to college, changing campuses from the centers for the elite they had often been to institutions serving students from a broad range of incomes. These new students saw education as means to better jobs and to better lives. As the G.I. Bill and the baby boom fueled increases in enrollment, events such as Sputnik and the cold war resulted in increased research spending. Together

these drove the proliferation of new institutions, branches to existing ones, and attempts by state authorities to plan and manage growth.

Moos and Rourke (1959) and Glenny (1959) conducted two of the seminal studies of higher education governance. They described a period of tremendous growth in the academy – and an increasing state control over that enterprise. They identified centralization of control by state governments and the erosion of institutional autonomy as dominant trends. Both took critical positions in regard to coordination of public institutions by centralized boards. Moos and Rourke (1959) expressed concerns that central agency control could "leach quality and originality" (p. 226) from public institutions while Glenny (1959) warned such agencies could become confused with their dual advocacy role and actually foster conflict between the state and the public institutions.

In 1972, two events occurred that would alter the tenor of statewide higher education governance policy. First, the 1972 amendments to the Higher Education Act of 1965 marked the initiation of large-scale federal aid to students (rather than directly to the higher education institutions) and closely linked it to statewide governance and coordinating structures. The financial aid came with significant strings attached – one of which (Section 1202) required that to receive the new aid all states would establish or designate statewide planning bodies (called "1202 commissions" after the statute). Second, the higher education governance for North Carolina was restructured into a single, consolidated "super-board" that would govern all senior public institutions. A year later another leadership system, the University of Wisconsin, also installed a unified governing board. In 1968 Maine, and in 1969 West Virginia also moved to consolidate governing boards. While these events did not trigger a wave of centralization of governing power (in the next 10 years only one other state, Massachusetts, would move to, and later revert back from, a governing board) it did result in the creation, restructuring, and strengthening of many coordinating boards over the next two decades. By 1979, all states would have some form of statewide planning, coordinating or governing agency, (Richardson, et. al., 1999, p. 6).

In 1976 the Carnegie Council on Policy Studies issued "The States and Higher Education: A Proud Past and a Vital Future." The report documented the growing state of centralization occurring across the country and the increasing standardization into one of four models of coordination (no coordination, consolidated governing board, advisory councils, and regulatory agencies). The report noted no one model had yet to show itself

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superior in coordinating ability over the others. This study marked a shift in research emphasis from documenting the types of governance structures states were creating (and the implications of those structures) to investigating relative merits of, or changes in, the different models of governance and the effects these governing models have on the institutions they govern.

"States changed their systems for a variety of reasons, but primarily to better manage enrollment growth, minimize institutional conflict over resources, control proliferation of graduate programs, and ensure adequate oversight of new and emerging institutions. State policy leaders also hoped the new transformations would limit institutional lobbying and reduce barriers to transfer and articulation" (Richardson, et. al., 1999, p. 6-7). From 1980 into the 1990s, the growth of federal programs such as financial aid, increasing strength of market forces, interest in applying centralized, corporate management models to higher education, and emerging technologies to support statewide information management systems created new stressors and structures that needed to be balanced.

In a study of twenty-five states, Millett (1982) sampled all three types of statewide boards and found general dissatisfaction among state legislative leaders who believed that the boards, rather than being a firm hand of management, had become the advocates of the institutions. He also found that the greatest alignment between statewide boards and state interests occurred with coordinating rather than governing boards. Millett concluded neither coordinating nor governing boards were effective at master planning. He argued that two interests influenced increasing state involvement in higher education were: (1) conflict over economics and efficiency related to the administration and management of the higher education enterprise; and (2) attempts control and/or coordinate the growth of the higher education enterprise. These influences manifested themselves in the accountability movement that became a key driver for the increase in power of state governments. The opening for an increased state role in higher education began as early as the federal Higher Education Amendments of 1978 with the emergence of gubernatorial power in higher education (Kerr, 1991).

As national concerns over quality and accountability increased in the 1980s, twenty-seven states conducted major studies of their systems and fourteen implemented reforms based on these investigations (Marcus, p. 401). In the mid-1980s, national reports (e.g. Bennett, 1984; National Institute of Education, 1984) called for the reform of undergraduate

education. These papers also provided the foundation for accountability. The movement received significant push with the State Postsecondary Review Entity Program (SPRE) as part of the 1992 reauthorization of the Higher Education Act of 1965. This new program used increased federal oversight of financial aid, distributed via Title IV programs, to increase state responsibility to review and intervene in institutional funding operations[5]. Between 1985 and 1989, eleven states restructured the authority of their statewide boards with six of these involving major changes; eight other states were engaged in debates over the scope and authority of their statewide higher education management structure (McGuinness, 1997, pp. 24-25).

The economic recession of 1989, which triggered a turnover in the state leadership, also increased pressure on state government to ensure greater efficiency and accountability by the state's higher education institutions. Lovell (2000, p. 110) found three major reasons for the increased primacy of the state role in higher education in the 1990s. One was the Republican-inspired trend to reduce federal budgets by devolving responsibility for certain federal programs to the states. Fueled by movements such as Osborn and Gaebler's 1992 book "Reinventing Government," legislatures and executives renewed their calls for asking hard questions about the performance of higher education and return-on-investment. Second, the overall increasing wealth in the economy in the latter part of the 90s resulted in more funding being available for higher education. Third, this funding increase also increased the accountability required by the state. Often this resulted in an agreement to incentive funding programs that measure and reward institutional efforts to meet state goals.

Debates over higher education authority, and more recently accountability, have often led to conflict and resulted in the occasional restructuring of the structure and authority of the coordinating/governing boards. Researchers have tried to ascertain whether revisions to the models were trending towards centralization or decentralization and the effect of these changes on institutional effectiveness. In some cases the shifts have been to centralize authority, in others to decentralize authority – with no apparent pattern or trends between states (Marcus, 1997). The 1990s saw both consolidation – as Minnesota merged technical schools, community colleges and state universities into a single consolidated system

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[5] While the program was limited in success and was terminated in the 1998 reauthorization, the 1992 Congress firmly established the state role in monitoring higher education accountability.

– and decentralization as Illinois and Massachusetts devolved from their "system-of-systems" structures to grant more independence to individual institutions. In a 2000 study "Governance and Coordination of Public Higher Education in all 50 States" the North Carolina Center for Public Policy Research found 11 states had restructured their higher education boards between 1990 and 2000. McLendon (2003b) describes eighteen restructuring efforts in this same time period (Appendix E).

Fundamental in these reforms were the reorganization of state governance structures, the deliberate use of state-level resource allocation structures to fundamentally change institutional operating environments, the creation of new, potentially more efficient institutional alignments, and the outright creation of new innovations where necessary. McLendon (2003b, pp. 82-83) describes four approaches states took during this period: (1) the enactment of "management-flexibility" legislation; (2) the devolution of authority to the campus; (3) reconstituting institutions with greater autonomy from state government; and (4) substantial modification to state coordinating systems.

The essential goal of this line of research was to establish, "where, precisely, the line should be drawn between campus and state" (McLendon, 2003b, p. 57); to determine what balance of resources, authority, and responsibly would best optimize the ability of higher education to provide an educated citizenry for the state. The exact formula for governing and coordinating board success has been elusive. "Indeed, since their establishment, state-level boards have not enjoyed a tranquil existence, irrespective of whether they were created to govern or coordinate…their "boundary" function has often made them the focus for conflict" (Marcus, 1997, p. 403).

Restructuring governance: Three perspectives

Studies of governance restructuring[6] in the 1990s tend to originate from three methodological directions. One body of works is comprised of case studies presented by participants or close observers to the processes. MacTaggart (1996, 1998) and McGuinness (1994, 1995, 1997) are examples of this experientially derived theory. Other researchers, notably Berry (1994), Marcus (1997), and Hearn and Griswold (1994), applied quantitative

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[6] An excellent and detailed review of governance restructuring can be found in McLendon, M. K., (2003b). State higher education reform: Patterns, trends and theories of the public policy process.

methods to the data which was available about state efforts to enact restructuring initiatives, to build a more research-based understanding of the trends and implications of restructuring efforts across multiple states. Also emerging has been the use of political science policy analysis models, such at the Multiple-Streams and the Punctuated-Equilibrium models. Studies using such an approach include McLendon and Ness (2003), Leslie and Novak (2003), and Van Der Slik (2001) and seek to improve case-study efforts through the use of more rigorous investigative methods and theoretical frameworks.

MacTaggart (1996) uses case studies of restructuring in five states (North Dakota, Minnesota, Alaska, Massachusetts, and Maryland) to describe the struggles and general lessons each of the reported events provides. He uses the studies to develop theoretical explanations for restructuring and proposes principles for future restructuring. He identifies two primary restructuring drivers: economic pressures and changing public attitudes. Americans, he found, believe college education is becoming too expensive, that administrators are over-paid and tend to mismanage their higher education domain. This led to a general feeling that the system needed a thorough overhaul. MacTaggart attributes the changes in public attitude to an increasing emphasis on corporate restructuring that fed the zeal to reduce government spending and services in the "reinventing government" and Republican-led "Contract with America" movements.

McGuinness (1995) and Nespoli and Gilroy (1999) use a similar case study approach to explore the 1994 abolition of the New Jersey State Board of Higher Education and the creation of two new entities, the New Jersey Commission on Higher Education and a President's Council, enacted under the initiative and direction of Governor Christine Todd Whitman. In his publication "1997 Postsecondary Education Structures Sourcebook: State Coordinating and Governing Boards," McGuinness updates his 1994 publication (in part with experience derived from his 1996 consulting for New Jersey and Kentucky). Providing an historical background of restructuring events of the 1980s and early 1990s, McGuinness describes trends of downsizing within existing structures, system consolidations, and increased board authority. He also provides an analysis of eight "perennial issues" (p. 31) and influences in the study of restructuring of state higher education governance models: (1) real or perceived duplication of high-cost graduate and professional programs; (2) geographic turf conflicts between institutions; (3) legislative reaction to lobbying by individual campuses; (4) frustration from students transferring between institutions; (5)

issues around closing, merging, or changing institutions; (6) inefficient overlaps between vocational, technical, occupational programs from multiple one- and two-year providers; (7) ineffectiveness of the state coordinating/governing board; (8) interest in bringing all public higher education under a "super board."

The work of these writers is beneficial to the study of governance. McLendon (2003) finds three general themes emerging from the experiential, case literature: first, that the studies "uniformly assert that greater autonomy has produced beneficial results for campuses" (p. 94). For example, MacTaggart (1998) examines restructured models in Virginia and Illinois as examples of promising balances struck in the evolving dynamic between institutional autonomy and public accountability. Second, the studies also find greater campus autonomy afforded by governance changes have not resulted in the administrative bloat and steep tuition increases critics feared. Third, the studies indicate restructuring, while it had benefited the campuses, may be undermining the effectiveness of statewide planning, increasing duplication of programs and increasing the competition between institutions. In a cautionary note, Schmidt (2000) assailed the objectivity of such findings noting such studies generate insights based on the experience of the authors who frequently were also the consultants hired to frame or guide the efforts they reported on.

The 1990s saw an increase in research-based studies of restructuring state-level higher education governance as well. In a comparative analysis of the simulated diffusion of 144 policies, Berry (1994) used three theories (internal determinants, regional diffusion, and national interaction) to explain how state policy innovation is influenced. The internal determinants model views the primary factors leading a state to innovate as characteristics internal to the state. In the regional diffusion model, state policy adoptions are emulations of previous adoptions by other states making it more likely a policy will be adopted as the number of nearby states adopting it increases. The national interaction model presumes a national communication network among state officials so that the probability a state will adopt policy is proportional to the number of interactions its officials have with already-adopting states. Berry finds an appropriate explanation of state policy innovation needs to integrate both the internal determinants and the effects of other states.

Hearn and Griswold (1994) use two kinds of influences on the tendency of states to innovate. Using data assembled from 50 states on the adoption of higher education policy innovations between 1985 – 1990, they found a "striking absence of systemic differences in

innovation patterns between states with consolidated governing boards and states with strong coordinating boards" (p. 183) meaning, as Berry (1994) concludes, that internal dynamics were an important consideration in explaining the differences among states. They note the important role individuals can play in higher education reform pointing out that individual actions (such as those of "a number of southern governors") deserve serious consideration in the analysis of innovation in higher education governance policy.

Marcus (1997) extends the exploration of factors, and combinations of factors, responsible for driving change in governance patterns and allowing for the prediction of proposal enactment. Studying 49 proposals across 29 states between 1989 and 1994, Marcus looked at the influence of six rationales on the initiation of restructuring proposals: reduce or contain costs; improve accountability; improve coordination; enhance autonomy; increase Governor's or legislative authority; and power struggle. Increasing the authority of the governor or the legislature played a role in 22% of the proposals (64% of which were enacted) and the existence of a power struggle was indicated in 18% of the cases (56% of which were enacted). So 40% of the proposals were openly addressing power relationships in higher education governance – while at least three of the six other rationales (accountability, coordination and autonomy) have within them the implicit restructuring of power as well.

Only one internal influence was significantly correlated with enactment – who initiated the proposal. The study found that, in all three cases where governors "initiated actions during a power struggle" (p. 410) the result was the passage of a sweeping restructuring measure. While the circumstances under which governors were likely to win or lose were not details – governors did not always win. Marcus found only six of nine restructuring proposals initiated by governors passed between 1989 and 1994 (p. 406). In the restructuring of the Illinois Board of Higher Education (IBHE) Van Der Slik (2001) reports Governor Jim Edgar lost his first attempt in 1993 and had to wait until the election of 1994 increased the Republican majority in both the state House and Senate allowing "fast on positive action [to carry] the day in 1995," (p. 91).

Nicholson-Crotty and Meier (2003) also reported correlations between governance structure and politics. Their study found only mixed correlations between citizen and government ideology, legislative professionalism and conflict, and the role and percentage of Democratic party membership in state government and dependent variables such as student

tuition, institutional appropriations per student, and student scholarships and financial aid. They did conclude that, while the effect of political forces is different in coordinating board states versus consolidated [governing] board states, these "higher education structures do significantly affect how political forces influence higher education" (p. 95).

Updating the work of Marcus (1997), McLendon and Ness (2003) examine state government higher education reform activities between 1995 and 2000. Their survey examined the influence of policy actors in the enactment of reform initiatives, as well as the prevalence of, and roles played by, "policy entrepreneurs." The study documented 24 reforms considered during the survey period, 15 of which were enacted. Among the enacted reforms, campus dissatisfaction and inter-institutional conflict were frequently mentioned influences; however, respondents identified "strong political sponsorship" (p. 79) as the most important influence in reform enactment. In almost 80% of the cases surveyed, respondents indicated that a policy entrepreneur could be identified as influencing the policy change. The study also found the influence of policies external to the state (the concept of *policy diffusion*) was relatively unimportant in the restructuring effort.

Leslie and Novak (2003) examine five case studies of restructuring (Minnesota, Kentucky, New Jersey, Maryland, and Florida) detailing the issues that led to the reform, what was restructured and how, the actions and motives of the key players in the effort, the resulting changes, and who benefited from the reform. They found understanding the interaction between instrumental (policy) objectives and political objectives was essential to understanding how states allocate authority across the higher education players in a state. They also found each case to be unique, but politics was an essential component in all.

> "Obviously each state has reached decisions about governance reform in unique ways, for unique reasons, with unique outcomes…This suggests how important politics can be in decisions about structuring higher education governance. In none of the cases did we find political factors to be merely residual. Instead, they were usually central in the story of reform" (pp. 116-117).

Research into the role of politics in higher education policymaking is limited; however, some studies do explore specific aspects of higher education politics. In "Designing State Higher Education Systems for a New Century" (Richardson, Callan, Finney and Bracco, 1999) researchers examine how politics affect governance structure in seven states. The study develops a framework to analyze how three structural levels (policy

environment, system design, and work processes) affect the performance of a state's higher education system. The model the study developed was intended to allow determination of whether differing governance structures affect strategies state policymakers use to alter performance in higher education systems.

Martinez and Richardson (2003) tested the model by applying it to a new state, South Dakota, and found that "the model provided points of clarity for thinking about relationships among and between the three levels" and offered "a new perspective on analyzing policy-driven change and the likely success, resistance, or failure of that change" (p. 368) by allowing the researcher to assess the compatibility existing between different levels. Martinez, however, was unable to determine whether compatibility was related to the effectiveness of policymaking efforts. It was also evident that the "state role" in higher education could not be described as a single "role" as the model called for.

"The Political Context of Higher Education" by Gittell and Kleimann (2000) looked at the multiple communities, or regimes, that compromise the "state role" of the Richardson et. al. model. The study, which examined the political structures of three states (California, North Carolina, and Texas), used Elazar's model (1972) of political culture to describe the differing predispositions and influence of policy actors and communities (governor, state legislators, business, higher education officials, faculty, coordinating boards, private institutions, community colleges, and interest groups) on four specific policy decisions (affirmative action, affordability, educational preparedness, and economic development). The study reported a strong link between a state's political culture (as described by Elazar) and its particular type of higher education system. The governance of higher education by elites in North Carolina led to strong centralization, the individualism and strength of local authority caused the Texas system to become more decentralized, and the populist traditions of California resulted in a large investment in a system of open access. Gittell and Kleimann also found that: "political leaders, particularly the governor and top elected legislative representatives, play a significant, often dominating design and implementation and sometimes frustrating policy reforms" (p. 1088). This led them to conclude that 'political culture sets the tone of policy debates in each state, an examination of which is essential to this analysis of higher education regimes and policy outcomes" (p. 1059).

McLendon's study "Setting the Governmental Agenda for State Decentralization of Higher Education" (2003a) examined agenda setting in higher education policymaking that

results in a specific type of outcome – a more decentralized governance structure. A primary goal of this study was to develop a "grounded conceptual model…to guide future inquiry" (p. 483) by testing three policymaking theories: the Rational-Comprehensive model (MacRae and Wilde, 1979), the Incremental Model (Lindblom, 1968), and the Multiple-Streams model (Kingdon, 1995).

Using documents, archival records, and interviews of policy actors to compare restructuring initiatives in Arkansas (1997), Hawaii (1998), and Illinois (1995), McLendon found the impetus to decentralize higher education came when "one or two individuals in each state recognized politically propitious moments in time to couple existing decentralization 'solutions' with previously unrelated problems" (p. 504). He concluded that the solution of decentralization was, at best, loosely coupled with the problems that were of broader concern to policymakers. With respect to theoretical development, McLendon found the processes in the three states correlated more closely to the dynamics of the Garbage-Can model then to the Rational-Comprehensive or the Incremental models.

As a result, McLendon proposes a Revised Garbage-Can model, one that narrows the description of the three policymaking streams (problems, policies, and politics) of the model to State Problems, Decentralized Solutions, and a State Political Stream. He also determines the "policy window" of the Garbage Can model can be further differentiated as either a "political window" or a "problem window" of policymaking opportunity. McLendon's analytical focus on coupling (of problems, policies, and politics) by "Issue Opportunists" leads him to conclude that "the accumulated momentum of policy history" has less impact on success than does "the diligence of attaching pet solutions to the varied problems floating through government, no matter how 'irrelevant' the problems appear to the desired solutions" (p. 511). Alternatively, McLendon does find that while "success in the metaphorical garbage can of state government may not necessarily accrue to those with the best argument, nor to those who persist longest, or even to those with the most impressive resources…compelling logic, extraordinary endurance, and political capital indeed may prove critical at certain junctures" (p. 510).

The previous studies all show the growing recognition that "each state's political culture is a combination of political history and lasting social factors and state values" (Gittell and Kleimann, p. 1058). Moreover they point out:

"Identifying and understanding the political culture and the connection to the state's higher education culture is a major factor in understanding the context of current higher education debates. But culture is not the only factor affecting policy decisions. In fact, the state higher education culture is more helpful in outlining the parameters within which policy decisions are made than in understanding how they are made. An understanding of exactly how and who makes the decisions affecting higher education demands an examination…" (Gittell and Kleimann, p. 1062).

The case for Kentucky

The preceding review of the literature reveals questions broad questions about how governance restructuring comes about, is defined, and what changes ultimately result. It also shows that the answers are likely to be complex, and indigenous for each state. It seems evident that higher education governance restructuring, while incorporating persuasion into the definition of problems and the specification of policies, is also a political event – one fraught with covert and overt maneuvering, coercion and conflict. There is little research to answer these questions – to guide an exploration of Kentucky's efforts.

"Virtually nothing is known about how or why state governments undertake reforms of their higher education system. Alternately stated, little scholarship of either a conceptual or empirical nature exists on the processes of state-level policymaking to reform higher education governance…" (McLendon, 2003b, p. 58).

Both the experiential and the theory-based research studies do provide some perspectives into the chaotic and complex policymaking process. The experientially derived literature, such as that of MacTaggart and McGuinness, is useful in understanding the problems that initiate, and the lessons learned from, the restructuring process. Theory-based studies, such as those of Berry (1994), Hearn and Griswold (1994), Marcus (1997), Leslie and Novak (2003), Nicholson-Crotty and Meier (2003), and McLendon and Ness (2003), have demonstrated the value of applying explanatory frameworks to higher education policymaking.

McClendon and Ness (2003) note in their study of state higher education governance reform that "large-scale redesign of a state's governance system occurs in an distinctly and decidedly political context – namely, at the intersection of legislative institutions, state higher education agencies, electoral cycles, and campus politics" (p. 69). Leslie and Novak (2003)

examine three studies (Marcus, 1997; Frost, Hearn, & Marine, 1997; and Zusman, 1986) and determine that "politics and power relationships may explain more about decision events affecting higher education, governance reform included, than analytical frames based on the content of these decisions or on their outcomes" (p. 104). They conclude the interactive nature of the instrumental (policy) objectives and political objectives were essential to understanding how states allocate authority across the higher education players in a state. These studies highlight the integral linking and interactive nature of policy and political objectives as essential elements for understanding the allocation of power among the higher education players in a state. Research into the political resolution of conflicts over power is especially lacking (McLendon, 2003b). Thus, while a review of the literature suggests the political context of higher education governance reform may be more important to understand than the problems that start initiatives or the policies that result – political context of policymaking has only occasionally been the focus of restructuring studies.

Multi-state studies have, to date, not proven informative for individual states. These studies, by measuring only inputs (proposals initiated) and outcomes (proposals enacted), reveal little of the complex interactions and influences that result in the success or failure of an initiative.[7] As Leslie and Novak (2003) note:

> "We are struck by the extent to which several decades of work on public governance of higher education has yet to converge on any consistent explanatory framework," (p. 99).

Just as the single image of Governor Patton signing House Bill 1 conveys the results of the House Bill 1 policymaking process without providing the context, a study aggregating restructuring outcomes across several states (where multi-state studies have, to date, found little commonality) cannot help us understand the local "why" of the restructuring intent, process, and result. Reliance on single-state case studies has been questioned as well. In a call for multi-state studies, McLendon (2003b) notes "reliance on the single-case design both limits the analytic generalizability of study findings and prevents the profitable comparison of findings across environmental and organizational contexts" (p. 95). However, in

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[7] In addition, the relatively low number of policies advanced in any particular block of time make "a statistical analysis of the major proposals not particularly useful" (Marcus, p. 409). Hearn and Griswold sum up this weakness stating, "no definitive answer is possible without intensive studies of each of the states, in all their diversity" (pp. 164-165).

considering this argument further it seems clear that "analytic generalizability" can also be a factor in comparative studies such as attempted by Leslie and Novak (2003) who remark "the varied circumstances of each [case study] causes us concern about generalizing" (p. 117). They conclude that the continued development and comparison of case studies can provide heuristic value in understanding how states restructure higher education governance.

Indeed, the case study has been identified as a particularly suitable design for studying policymaking as the personalities and negotiations of the process do not easily lend themselves to quantitative models of analysis (Kingdon, 1995). Case studies which more rigorously employ analytical tools and theoretical lenses such as the Multiple-Streams and Punctuated-Equilibrium models, is noted by McLendon (2003b, p. 58) as both significant and promising for future efforts to link deep, case-study data and findings across several restructuring events. The studies by Olivas (1984) and Van Der Slik (2001) are examples of such theory-based investigations into governance restructuring in single-state events.

Olivas (1984) studied the years of events leading up to the creation of the Ohio Board of Regents in 1963. While presenting essentially an historical account, Olivas uses an agenda-building analytical framework proposed by Cobb, Ross and Ross (1976) to explore the issue creation, issue (and conflict) expansion, and the entrance of issues into the formal agenda of the initiative. Olivas details the years of studies, debates, and efforts by several constituencies (voluntary institutional boards such as the Inter-University Council, the Ohio College Association and the Cleveland Commission on Higher Education, legislators and citizen groups) as Ohio negotiated to increase state control over, and balance funding of, its public higher education system. While the Cobb, Ross and Ross framework is used principally as an organizational device, Olivas identifies individuals who may have served as policy entrepreneurs, such as John Millet (who at the time was president of Miami University and later in the process led the Inter-University Council). The study is notable as one in which an analytical method is used to examine a case of higher education restructuring.

Van Der Slik (2001) provides an example of using political science frameworks as analytical tools when he examines the 1995 restructuring effort in Illinois that dissolved the boards of two systems and consolidated them under the Illinois Board of Higher Education[8].

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[8] An effort led by Lieutenant Governor Bob Kustra who would later become President of Eastern Kentucky University from 1998-2001.

This study both reports "the story of how higher education governance has been conducted in recent decades and how that changed [for Illinois] in 1995" (p. 2) and seeks to "clarify, elaborate, or streamline political scientists' understanding of how government and politics really work" (p. 2). In his analysis, Van Der Slik uses the Multiple-Streams model policymaking framework of Kingdon and Baumgartner and Jones' Punctuated-Equilibrium model of policy change in assessing innovative policy development. The Van Der Slik study demonstrates the utility of employing theoretical frameworks to explain the chaotic evolution of a policymaking effort.

While Van Der Slik acknowledges that his study "does not readily lend itself to direct comparison with higher education governance changes in other states" (p. 115) his conclusions demonstrate the explanatory power of the models in understanding a specific restructuring event. He identifies several influences that had an impact on the policymaking efforts in Illinois including: (1) problem recognition emerged for the political players not the higher education policy community; (2) an available policy entrepreneur had reasons to identify and articulate the problem to be solved; and, (3) "fast-track tactics" were useful in consolidating support and advancing the Governor's agenda. These two studies provide the impetus for the development of additional, thickly descriptive, case studies of governance restructuring.

Understanding the uniqueness of a single initiative is critical and primary to comparing one state's initiative to another's – and thus to the validity of such comparative studies. However, while there is evidence of value and analytic validity of case studies in the exploration of single events, there are simply too few existing case studies of restructuring events to generalize across states. Therefore, a case study of Kentucky's 1997 restructuring initiative provides not only deeper understanding into the events and meaning for Kentucky, such a study also informs future comparative or meta-analyses of governance restructuring efforts across many states.

CHAPTER THREE: RESEARCH TOOLS & METHODS

Case studies do more than identify and describe the events of a policymaking process. To be successful a case study must explore, analyze, and bring understanding to the underlying dynamics – in the case of this study the organized anarchy of policymaking – that led to the conflicts and resolution of the event studied. Researchers need to understand "how the policy issue is being framed by the various parties in the debate…[by setting] up an interpretative framework within which policy-related artifacts make sense" (Yanow, 2000, p. 11). Studies of higher education policymaking and governance have developed and used many different theoretical frameworks to understand change. This chapter describes the theoretical frameworks and analytical methods this study will use to understand Kentucky's 1997 restructuring initiative.

Theoretical frameworks

Some frameworks have sought to describe change as intrinsic to state culture. Elazar (1972) described how state political cultures (moralistic, individualistic, traditionalistic) exist in different geographic regions. However, a trend of inter-state communication appears to have diminished the power of cultural theories as the sole explanatory framework for understanding the adoption of innovations. Walker (1969) finds the awareness of innovative policies and models to be increasingly available to leaders resulting in a decrease in the time to adoption for state level higher education initiatives. Light (1978) finds lessening of evidence of regionalism in state innovation diffusion patterns and an increase in differences based upon policy area (p. 164). Wirt (1991) also found "cultural influences are weakened when recurrent national tides of reform sweep across all the states" (p. 7). Marshall, Mitchell and Wirt (1989) found the role of national affiliations in the diffusion of innovation across states could become so pervasive that they effectively overpower any local cultural biases that attempt to creep into policy development.

Other frameworks have focused on the policymaking processes themselves to understand the outcomes. Polsby (1984) investigates the characteristics of developing innovative policy over short (acute) or over extended (incubated) periods of time on the national (American) scene. He posits a taxonomy of political innovation (timing, specialization, the existence of agreement in the decision-making subculture, public saliency,

political conflict, research, and staging) to assess and categorize innovative policy development. Polsby notes that acute innovation (such as occurred with House Bill 1) is congruent to "organized anarchy" in Kingdon's Multiple-Streams model of decision and policy making. Rogers (1995) used "change-agent" theory to define implementation of policymaking in terms of how an innovation is communicated through channels and members of a social structure over time. Lindblom and Woodhouse (1993) describe an "incremental" policymaking process in terms of roles and combination of "proximate" policymakers – legislators, political executives, appointed bureaucrats, and some party officials. Geddes (1994) uses a Rational-Choice model to examine the relationships of self-interest among elected officials and bureaucrats in reform implementation. Sabatier (1999) uses an Advocacy Coalition Framework to build a model based on complex goals structures and the information processing that occurs within and between advocacy collations at multiple levels of government.

Studies of "incremental" and rapid policy change help to understand better the mechanics and processes of a policymaking process. Diffusion of innovation models, especially when combined with the concept of a policy entrepreneur, can provide significant explanatory strength. Rational choice and advocacy coalition frameworks strive to simplify the political process and focus on prediction, however "reality is far less simple than the picture offered by rational models" (Zahariadis, 1995, p. 381). Zahariadis points out, while predictive capability is important, the greater descriptive accuracy of the Multiple-Streams model has a significant role in understanding the complexity of policymaking.

Because this study seeks to understand what happened in Kentucky's restructuring initiative in order to derive implications for the implementation of the new policy, rather than to predict the process and probability of future policymaking efforts, two of the theoretical models selected for this study are descriptive as noted by Zahariadis. These are the Multiple-Streams or "Garbage Can" Model of policymaking described by Kingdon (1995) and the Punctuated-Equilibrium Model of Baumgartner and Jones (1993). In addition, increasing potential use in future meta-analysis studies, each of these frameworks have been used in previous studies of higher education e.g. Van Der Slik (2001) and McLendon (2003b). Finally, the story of House Bill 1 was one of conflict dictating the use of a framework that could explain conflict and its resolution. The Political Frame Model described by Bolman and Deal (1997) was selected for (1) its view of conflict being

indigenous and pervasive in political initiatives; (2) its parsing of conflict into identifiable types; and (3) its description of conflict resolution strategies. The Political Frame lens allowed a better understanding of how the conflicts identified by the first two models were ultimately resolved.

Describing the theoretical models

The "garbage can model of organizational choice," described by March and Olsen (1976), was expanded by Kingdon (1995) into what is often called the Multiple-Streams model. The Multiple-Streams model provides the conceptualization of three key elements of the policymaking process (problems, policies, and politics) and the dynamics of their independence and interaction. The governmental agenda is a list of issues and topics that individuals and policy communities inside and outside of government are actively engaged in at any one moment. Policy and political agendas are in continual change, not equilibrium (Kingdon, p. 227). Kingdon describes the confluence of three streams (problems, policies, and politics) as a "primeval soup" with all the elements of innovation and reform floating about much as molecules did before life could be created (p. 116).

While any one of these three streams can be a catalyst or restraint for agenda items, it is generally when the status quo of a problem changes, such as by a crisis or a prominent event, that policy change occurs. When a propitious moment arrives, a "policy window" in a given policy area opens; specialists accumulate knowledge and perspective around topics or problems; and proposals and alternative proposals are generated. These two streams of problems and policies function in an almost symbiotic relationship to each other. It is the third stream, the political process, which encompasses factors such as national mood, election results, changes of administration, changes in ideological or partisan distributions in legislative bodies, and interest group pressure campaigns, that the "authoritative decision" is made about whether a policy will be enacted, or not.

The Multiple-Streams model provides explanatory power through its ability to: (1) identify causal links between policymaking (in contrast to models which only describe the relationships), (2) integrate ideas (problems and policies) with interests (politics) in the policymaking study, and (3) allow multiple research methods to be combined (such as interviews, policy histories, case studies) to provide triangulation of the data. In addition this model suggests that problems and policies may be only loosely coupled and progression

from problem-identification to solution-generation to enactment is not necessarily "rationally" connected. Questions that might be asked under this framework would include: why does a governance reform "solution" tend to become coupled with a specific, or set of, statewide problems? How visible, or invisible, is the role of solution generation?

Baumgartner and Jones (1993) argue that problem definition, the "argumentation and creation of a new understanding of an issue are at the heart of the political battle" (p. 29). Similar to the concept of "organized anarchy" that the Multiple-Streams model is based upon – Baumgartner and Jones find American government to be highly disaggregated with overlapping, semi-autonomous institutions creating a fluid dynamic between macro-political efforts and political subsystems. They describe periods of balance between political subsystems – where one subsystem of political actors and issue experts establishes a political monopoly over others – as periods of equilibrium. The equilibrium is "punctuated" when these political monopolies are challenged or overthrown and tossed into the macro-political arena – where significant policy innovation can occur. The redefinition of a policy image, and moving the discussion of a policy to an alternative venue, are both methods used to undermine the monopolistic control of a particular policy.

Policy subsystems or "structure induced equilibria" (p. 238) inhibit change. They allow policy discussions to occur in quiet, away from the high-volume public forums. They provide the warm environment of incubation facilitating collegial bargaining, adjustment, and incremental change. Policy subsystems limit discussion of policy alternatives, and they serve to reinforce the prevailing policy image – often restricting debate and membership to dissenting opinions. This limitation of alternatives and dissent leads to a monopolistic control of policy that further reinforces the equilibrium of the subsystem.

A key element to maintaining a policy monopoly is public disinterest in a policy. If the public becomes interested or mobilized by policy entrepreneurs (p. 239) and thus, begins to weigh in either for or against a policy, the equilibrium can change – and the policy monopoly is at risk. Therefore, Baumgartner and Jones conclude, policy images, and the redefinition of those images, play a major role in moving issues from the subsystem to the macro-political arena – and thus providing opportunity for large-scale change to occur.

Many different understandings of a policy by public and elite policymaking participants can emerge as conflicting participants attempt to manipulate the images of the problems to their own advantage. Changing venues or venue shopping, as Baumgartner and

Jones define it, is the moving of discussion of a policy from one location to another. They note venue shopping is most often done by policy actors who are dissatisfied with the outcomes of a previous policymaking effort or who feel they are not influential in a particular policy venue. These actors will then seek to break the policy monopoly one group holds in a particular venue by moving the policy discussion to another (and presumably more favorable) venue.

The Punctuated-Equilibrium model provides the concepts of policy images, monopolies, and subsystems. These enable the researcher to better visualize and analyze the "breaking free" of an issue from policy stasis and its emergence into the macro-political environment. Specifically, as policy actors, including policy entrepreneurs, successfully redefine the policy image of an issue – they are able to move it from the monopolistic control of traditional policy actors and subsystems to the macro-political arena where innovative and rapid change can occur. Under this framework, research questions might include: Why would policy actors redefine a particular policy image? How does the redefinition of a policy image affect the equilibrium between policy subsystems? The Multiple-Streams and Punctuated-Equilibrium models help explain what the problems were, the policy solutions proposed, and the political activities and process needed to enact the policy into legislation – but they are less effective in helping us understand why conflicts were resolved the way they were and what those resolutions will mean in the future. To address these questions a third theoretical framework will be employed.

In their book, "Reframing Organizations: Artistry, Choice, and Leadership" Bolman and Deal (1997) provide four frameworks (structural, human resource, political and symbolic) within which an organization and its interactions might be analyzed. For instance, higher education governance in Kentucky could be examined as a set of *structural elements* (the public higher education institutions, the Council, the General Assembly and the Governor's office) and the relationships and linkages between and among them; a *human resources* point of view might examine the communities of individuals within higher education, their motivations, interactions, goals and aspirations; and an analysis of the *symbolic framework* would examine the rituals, myths, and symbols of higher education culture and the roles of these in perpetuating existing relationships. Finally, Bolman and Deal describe a *political frame* that views an organization as an active (also known as a "garbage-can") political arena. The political frame is defined by five propositions:

Figure 1: Propositions of the political frame (Bolman and Deal, 1997, p. 163)

1. Organizations are *coalitions* of various individuals and interest groups
2. There are *enduring differences* among coalition members in values, beliefs, information, interests, and perceptions of reality.
3. Most important decisions involve the allocation of *scarce resources* – who gets what.
4. Scarce resources and enduring differences give *conflict* a central role in organizational dynamics and make power the most important resource.
5. Goals and decisions emerge from *bargaining, negotiation*, and *jockeying for position* among different stakeholders.

Differences, over scarce resources such as funding and authority, among Kentucky's higher education coalitions, regularly erupted in conflict as the policy actors jockeyed, bargained, and negotiated for dominance or power over one another. The Political Frame sees such conflict and competition for power in the political stream as normal and essential elements of policymaking. The types and tools of power Bolman and Deal describe are: (1) position power (authority); (2) information and expertise; (3) control of rewards; (4) coercive power; (5) alliances and networks; (6) access and control of agendas; (7) framing (control of meaning and symbols); and (8) personal power or the abilities of the individual including "charisma, energy and stamina, political skills, [and] verbal facility" (pp. 169-170).

The Political Frame model also provides conceptual views of the strategies policy actors use to joust for position and finally to negotiate a resolution to the current conflict. Bolman and Deal identify two differing approaches to conflict resolution and a third that integrates elements of the prior two. The first approach, called "creating value," sees the goal of a successful negotiation as a cooperative effort to craft an agreement that results in significant gains for each party. This is frequently called the "win-win" approach wherein both parties bargain to solve a joint problem. The second approach, called "claiming value" could be described as a "win-lose" strategy. Policy actors using this model view negotiations as a contest the opponents must lose. In this strategy, opposing parties "start high, concede slowly, exaggerate the value of concessions, minimize the benefits of the other's concession, conceal information, argue forcibly on behalf of principles that imply favorable settlements, make commitments to accept only highly favorable agreements, and be willing to out wait the other fellow" (Bolman and Deal, p. 187).

Axelrod (1980) describes a strategy of conditional openness that considers both of the prior strategies to be in play at different times in the resolution process. When the initiative is new, and proposed solutions in flux, both parties may exhibit relatively open and collaborative behavior as both seek to establish a mutually acceptable resolution. However, if one party responds to collaborative entreaties with a combative, "win-lose" posture, then the other party may also become adversarial and will likely remain confrontational until the other party responds with collaborative gambit. Axelrod terms this a "tit-for-tat" strategy and finds that this conditional openness strategy could be more successful than even extremely diabolical adversarial strategies.

Thus, through the use of the Political Frame model, we can now view more explicitly and in greater detail, the political conflicts of Kentucky's governance restructuring effort. By viewing the policymaking process as a political one of enduring differences and conflict we are better able to identify the negotiating tactics, and the types and tools of power, the participants use to maintain or increase their power within the higher education system.

Theoretical frameworks are essential to research for many reasons. They provide clarity, validity, and a common language and structure to disparate studies for meta-analysis between studies. Significant to this study, the theoretical frameworks of the Multiple Steams model (Kingdon, 1995) and the Punctuated-Equilibrium model (Baumgartner and Jones, 1993) provide several organizing and process-explaining concepts that inform the narratives of House Bill 1. The Multiple-Streams model provides the organizing concepts of the three streams (problems, policy, and politics) of the policymaking process as well as the concepts of a policy window and a policy entrepreneur. In addition, the Multiple-Streams model provides the concept of "coupling" where the problems and policy streams are bonded by politics into a final, enacted, policy. The Punctuated-Equilibrium model provides the concepts of policy image and monopoly to explain how a policy issue is understood and controlled by various policy actors. The model also describes the concept of "policy venues" to explain how policy actors, frustrated with defeat in one forum, move their policymaking efforts to new – hopefully more receptive – venues.

Narrative analysis method

A succinct, conceptual description of how to analyze the information developed in a case study is provided by Yanow (2000)[9]. The technique utilizes the "discourses" of the policy communities to reveal the story of the process, the important values, beliefs and feelings, and the conceptual sources of conflicts between and among the policy communities. While seeking these more abstract, less accessible, meanings of policymaking, the narrative analysis starts (Figure 2) by identifying and analyzing the observable, concrete artifacts of the process. Then, as conflicting interpretations are identified and understood, the analysis focuses on the resolution of the conflicts.

Figure 2: Case study steps (adapted from Yanow, 2000, p 22)

6. Identify the artifacts that were significant carriers of meaning.
7. Deconstruct and analyze the content of the documents and interviews.
8. Construct the policy narratives communicated by the different policy actors and communities.
9. Develop implications from the narratives.

The first step Yanow describes is the identification of artifacts, principally documents and "conversational interviews" that will become the data for analysis[10]. The public story of House Bill 1 is found amongst many artifacts including press coverage, opinion-editorials, editorial cartoons, speeches, Task Force minutes, legislative records, official letters, personal memos, videotapes of General Assembly sessions, and television broadcasts. Of these, media documents have long been used to identify and study the rise and fall of problems on the public agenda.

Weart (1988) coded over three thousand articles from 1900 to 1986 for his study of nuclear power. He compared the total number of articles on nuclear power with the total

[9] While Yanow's method is designed to aid "action researchers" in developing policy solutions to solve immediate problems or as Yanow states "out of this conversation among multiple voices, perhaps (and ideally) the interpretative analyst can generate new ideas for policy action" (p. 19) – the method is equally valid for a completed policy development process such as the 1997 Kentucky higher education reforms.

[10] Yanow also recommends a third data source, "observation" of participant interactions, which was not used for this study.

number of articles in each year to determine the intensity of coverage. Coding the positive or negative nature of the article titles allowed the determination of the change in America's view from positive to negative. McLendon and Peterson (1999) used the analysis of the volume, source, tone, and theme of news stories in two Michigan newspapers to assess the role of the media in a 1995 university appropriations conflict between the University of Michigan and Michigan State University. Working from 33 news stories, McLendon documented significant bias by each paper (attributable in part to the ability of university officials to create a powerful partisan policy image for their hometown university). Baumgartner and Jones (1993) used an analysis of the tone of article titles to allow a greater subdivision of the data into categories of problems, implications, and actions (p. 51). They found, "for purposes of describing the state of official and public concern…media coverage does indeed correspond to official concerns" (p. 49) in the understanding of specific, short-term events.

It should be noted that the total body of data available pertaining to the 1997 restructuring initiative is relatively diverse. The breadth and type of materials were wide ranging from newspaper coverage to official documents and correspondence to videotapes of debates, speeches and the Extraordinary Session. While all of these resources were informative, constraining the volume to a manageable and relevant number required a review and assessment process, the description of which follows.

A search of Kentucky's two primary newspapers (the Lexington Herald-Leader and the Louisville Courier-Journal) produced more than 1200 articles relevant to Kentucky's higher education policymaking in general and to the events of the 1997 Extraordinary Session in specific. The clipping archives at the Council on Postsecondary Education yielded another set of articles and editorials. The number of policymaking participants who observed or had played some role in developing House Bill 1 was relatively extensive. These experiences ranging from a Northern Kentucky University professor who had convened a meeting of northern Kentucky Republican legislators to persuade them to vote in favor of the Bill to Governor Patton who was an active leader of a reform initiative. Every source holds a part of the story. The problem was deciding which parts to include and utilize as data.

The intent of the study is to understand, from the point of view of the participants, why higher education moved up on the state's policy agenda, why conflict arose, and how

the conflict was resolved. This event is understood differently by different participants and therefore it is necessary to understand, as directly as possible, from as many participants as possible, what each of them was thinking at the time of the Extraordinary Session. Conversely, the time and resources of any study preclude the inclusion and analysis of all data sources, therefore decisions about which resources to include were made throughout the research process for this study.

The criteria used to select what to analyze for this study were: (1) resources that were as essentially "in the voice" of the participant as possible and (2) those for which a sufficient number of discrete elements could be assembled to represent the multiple points-of-view held by House Bill 1 participants. It was important to the study the data teased from the resources be as directly representative of the individual participant as possible. One source, newspaper articles, held many quotes from a wide range of participants. But these were largely one sentence extractions that lacked sufficient context for analysis (though many were useful in illustrating the House Bill 1 "story" in Chapter Four). Another resource described in more detail later were the tapes of the Extraordinary Session itself. These presented both the promise and challenge of about 40 hours of information to work with. In addition to finding resources that were "in the voice" of participants and were manageable numbers to analyze for the study it was also important the subset of resources selected for analysis encompass as broad a field of the multiple perspectives held on House Bill 1 as possible. One way to assemble such a subset would be to collect a complete a set as possible of a particular resource. All the editorials published during the months leading up to and during the Extraordinary Session would be an example of such a subset, however these would encompass a very narrow perspective from select viewpoint. Another approach would be to interview each of the legislators serving in the General Assembly during the House Bill 1 session. Here both the number of interviews required and the fact that a sizable number of legislators had only minimal roles and perspectives on the House Bill 1 debate would result in a time-consuming over-sampling of a resource.

Using these criteria to assess the available resources resulted in the decisions to (1) utilize opinion-editorials, (2) include interviews from policymaking participants, (3) supplement the study with interviews conducted by Bryan Armstrong, and (4) exclude videotapes of the General Assembly hearings and proceedings related to the May 1997 Extraordinary Session. While there a plethora of press coverage and analysis about House

Bill 1 existed, much of it embedded with quotes from participants, these stories and articles were more useful to the study for their context than as data for the study. Such coverage informed what the press had seen, been told, and assumed was going on and were useful in assembling the "story" of House Bill 1 in Chapter Four – but, in their necessary brevity, they were less effective in expressing the more complex thinking of the policymakers at the time. For this study 45 opinion-editorials were identified for analysis (Appendix B). These op-ed pieces were printed in Kentucky newspapers over the approximate time span of the policy development and enactment phases of House Bill 1 (January 1997 through June 1997). The op-ed writers represented stakeholders including business, state agencies, the General Assembly, the state executive branch, various higher education institutional communities, as well as citizens unaffiliated with any specific community (Table 1).

      While these opinion-editorials are the direct expressions of the values, beliefs and feelings of the contributors and the constituencies they represented it is important to note their content should not be considered either balanced or unbiased. The opinion-editorials were identified through a search of Louisville Courier-Journal and Lexington Herald-Leader archives, additional opinion editorials were added from Council on Higher Education archives. The resulting collection is thus somewhat selective rather than exhaustive in the materials identified and included. The editors – all of whom were generally supportive of Governor Patton's positions, selected these opinion-editorials, for publication. Thus some submissions reflecting alternative positions may not have been printed – though opinion-editorials both for and against House Bill 1 proposals were found among the dataset analyzed. Ultimately, however, these 45 opinion-editorials comprise the set of published voices from the public discourse on the 1997 higher education reforms. This makes them useful in comparing what was being published publicly about House Bill 1 during its active debate – and what policymakers recollected after its enactment.

Table 1: Opinion-editorial distribution by community

Business	9
University of Kentucky faculty and staff	5
Community college leadership	4
General Assembly or political leadership	3
Independent college leadership	3
Governor's staff	2
State government	2
University of Kentucky students	2
Higher education consultant	1
Regional college leadership	1
Regional college student	1
Technical college leadership	1
Student (unidentified affiliation)	1

While the opinion-editorials are unequivocally "what was written" at the time, however biased – interviews can be colored by many factors including the length of time that has passed since the event. Some studies (Kingdon, 1995; Baumgartner and Jones, 1993) found media accounts do not always correlate with the recollections of the policymaking participants. Therefore interviews of 32 policymaking participants were also conducted (Appendix A). The interviewees were primarily identified using a "spiral" technique (Yanow, p. 31), where interviewees are asked who else they thought should be interviewed. The interviews were collected over a period beginning in March of 2000 and concluding in January 2004[11]. These interviews generally took place at the participant's work or home setting and used a semi-structured set of questions (Appendix C). Usually about an hour in length, the interviews were taped and the tapes transcribed for analysis[12]. Most participants agreed to be acknowledged by name in the study, though some did not. Two individuals did not consent to be interviewed (former Governor Brereton Jones and Senator Majority Leader Larry Saunders). Other individuals (University of Louisville President John

[11] The interviews for this study were conducted by the author under the protocols and approval of the University of Kentucky Office of Research Integrity (IRB Number: 03-0406-P4S).

[12] Digital audio files and transcriptions of the interviews conducted by the author for this study are available through the Oral History Program at the University of Kentucky.

Shumaker and Murray State University President Alexander) left their positions and were unavailable for interview during the timeframe of the study.

During the course of the study transcripts of 11 interviews conducted by Bryan Armstrong in the summer of 1997 were identified and reviewed. Working in the Governors press office, Bryan Armstrong interviewed Kenny Rapier (June 6, 1997); Jack Moreland (no date); Skipper Martin (no date); Crit Luallen (June 16, 1997); Ed Ford (June 5, 1997); Gary Cox (no date): Jack Conway (no date); Biz Cain (June 13, 1997); Jim Callahan (June 10, 1997); Tony Scholar (no date); Paul Patton (no date). Inclusion of these interviews allowed the addition of Kenny Rapier (Governor Patton's legislative lead lobbyist for House Bill 1) who is now deceased. These interviews were collected into a draft summary of the House Bill 1 enactment process entitled "The reform of postsecondary education in Kentucky: The story behind the passage of House Bill 1." Prepared for Governor Patton's approval over the summer of 1997, the report was never edited nor released. Governor Patton granted permission for use of the interview transcripts in this study.

Finally, as part of normal operations, most public meetings of the General Assembly are videotaped. The library of the Legislative Research Commission at the capitol in Frankfort, Kentucky maintains the archives of these tapes. The set for the May 1997 Extraordinary Session includes tapes of House and Senate Education, and Budget, Committee hearings as well as the proceedings of the Extraordinary Session itself. Comprised of over twenty 2-hour videotapes, this collection represents both a valuable research resource and a resource challenge for a researcher. Rather than transcribe, deconstruct, synthesize, and analyze all twenty tapes, this resource was used to corroborate the data generated by the narrative analysis of the opinion-editorials and interviews.

While the selection of the opinion-editorials as a dataset was relatively easy, deciding which interviews to include or not was more problematic. The straightforward solution of including all the interviews conducted presented problems. Significant duplication and commonality among some of the interviewees' recollections and perspectives was evident. For example, several policy actors were on Governor Patton's staff including Crit Luallen, Ed Ford, Melissa Forsyth, Jim Ramsey, and Aims McGuiness (who was a consultant). Initial reviews of the interviews revealed their reflections and comments were relatively consistent. Other interviews, especially those conducted early in the process were of individuals who had involvement in only some, or none, of the activities of the enactment. For example Bill

McCann of the Prichard Committee on Academic Excellence, provided invaluable insight into the working of the Council in the 1970s and 1980s but less on the details of the enactment the analysis focused on. Thus a selection of interviews was made to achieve as complete and balanced (or at least informed from both sides of the primary conflict) a picture of the political policymaking process as possible. The selections made included (1) the key protagonists Governor Patton and President Wethington, (2) key General Assembly leaders; (3) key political advisors Skipper Martin, Kenny Rapier and Tony Goetz who represented the "hired gun" lobbyists used by the opposing constituencies. The Armstrong interview of Kenny Rapier (now deceased) was added to capture more perspective on the House Bill 1 lobbying efforts; and (4) other participants were added to the list owing to their participation in key events, notably Ernesto Scorsone and Walter Blevins (who both had voted against House Bill 1) and Jim Callahan (the sponsor of House Bill 1). The final interviews of policy actors selected for analysis and their positions at the time of the House Bill 1 Extraordinary session, were:

Table 2: Interviews analyzed

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Key protagonists:
    Paul Patton, Governor, Commonwealth of Kentucky.
    Charles Wethington, President, University of Kentucky.

General Assembly leaders
    Danny Ford, State Representative (R). House Minority Leader.
    Dan Kelly, State Senator (R). Senate Minority Leader.
    Harry Moberly, State Representative, Chair, House A&R Committee.
    Jody Richards, State Representative (D). Speaker of the House.

Key General Assembly participants
    Walter Blevins, State Senator (D).
    Jim Callahan, State Representative (D). Sponsor of House Bill 1.
    Ernesto Scorsone, State Senator (D). (sponsor of amendment to keep community colleges with UK).
    Greg Stumbo, State Representative (D). (House Majority Floor Leader, brokered the compromise between Governor Patton and President Wethington).

Political advisors
    Tony Goetz, UK Lobbyist.
    Skipper Martin, Chief of Staff, Patton Administration.
    Kenny Rapier, HB1 Lobbyist, Patton Administration.

Higher education participants
    Ed (Ned) Breathitt, Chair, UK Board of Regents.
    Gary Cox, President, Council on Higher Education.

These 15 interviews (1 by Armstrong, 14 by the author) and 45 opinion-editorials thus comprise 60 unique "narratives" of the House Bill 1 policymaking process and represent the starting point for analysis (a participant map is in Appendix D). Each of these individual narratives, while unique, also share some common attributes with the others. These participants in the policymaking process, or policy actors, have interests, skills, and policy positions representative of various "policy communities" (Kingdon, 1995, p. 117).

The interviews and opinion-editorials, in their raw form, can be difficult to understand and compare. Yanow's second step calls for the deconstruction and analysis of the raw data. Through the use of a deconstructive technique described by Reissman (1993, p. 50), long statements are reduced to briefer phrases "parsing [them] according to a set of rules into lines, stanzas, and parts" resulting in a more succinct, accessible set of data..

Initially, each interview and opinion-editorial was read completely to gain an overall sense of the material. While the general distinction between insider/outsider and proponent/opponent had been made prior to this review – a confirmation of category assignment was made at this point. Second, the content of each narrative was broken into the "natural meaning units" as expressed by the interviewee or opinion-editorial author. Generally this resulted in deconstructing paragraphs and sentences down to the component phrases and clauses of each sentence or thought. This resulted in 1101 discrete narrative comments[13] about a specific topic.

Next, to identify the aggregate or common topics among the individual narratives within the constituencies, each of the comments was analyzed and assigned to topical categories using what Boyatzis (1998) termed data-driven coding or categorization. The initial analysis of the opinion-editorials resulted in a set of categories that defined the issues upon which the policy actors commented. These included: Kentucky higher education and economic problems; funding and Kentucky higher education; politics and Kentucky higher education; proposals to improve Kentucky higher education policy; management of the community college system; coordination of the community college and technical school systems; and issues with SCOPE. An initial analysis of the policymaker interviews identified: issues associated with economic development; problems of Kentucky's higher education system; events that had changed Kentucky's policymaking agenda; issues supporting or questioning community college governance plans; alternative policy proposals; descriptions of the policymaking process, the politics and the personalities of the participants associated with the 1997 reforms. These categories guided the following synthesis of the comments.

The third step of Yanow's process calls for synthesizing individual comments into statements descriptive of the summary categories. Thus, once these categories had been identified, the groupings of individual narrative comments within each category were summarized into descriptive narrative statements that captured the meaning or intent of the comments in that category – for that particular constituency. For example, the following two narrative comments were categorized about the leadership of the Council:

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[13] These narrative comments were, at their smallest, a phrase or a single sentence – though it was not uncommon to have narrative comments about three to six sentences in length. Occasionally a comment, with supportive arguments, could run on for several extended paragraphs. In general, these longer comments were edited down to the most descriptive, essential sentences.

"We had a meeting early in this process of ex-council chairs [and the current Council], and they all stood up and said, 'This system is not working. Put us out of business, you won't hurt our feelings. Do whatever needs to be done,'" (Cox, 2000).

"Nobody paid any attention to the Council. These university presidents just ran right over [Council president] Cox. And they went around him to the legislature. I'm talking about the regionals and UofL, through it's delegation. And Cox did not have enough clout because of the way that the law was written. And also they just ganged up against him. He could not enforce decrees. He could argue with them. He could talk to them. He could try to negotiate with them," (Breathitt, 2002).

These comments, now deconstructed and summarized, provide a much more accessible and useful means for analysis of the thick, complex descriptions provided by participants. Next the disparate comments within a constituency were summarized into a narrative statement representative of the majority opinion within that constituency. For example the preceding comments resulted in the summary narrative statement "The Council on Higher Education needs to be reformed." The entire set of summary narrative statements (Table 4) comprises the policy narrative of the House Bill 1 policymaking process.

Table 3: Summary narrative statements (by problems, policies, and politics)

Kentucky's higher education problems

1. Kentucky's economic and workforce development status is low.
2. Kentucky lags competitor states in research.
3. Kentucky higher education needs improvement.
4. Currently higher education is under-funded.
5. There is a lack of strategic planning for technology.
6. UK was not an effective manager of the community college system.
7. UK used the community colleges for political clout.
8. The Council on Higher Education needs to be reformed.
9. UK management of the community colleges was not resulting in a seamless higher education system.
10. UK management of the community college budget had created funding inequities.
11. The University of Kentucky should be a Top 20 research university.
12. Higher education politics makes reform difficult.
13. Conflict has limited success of previous legislative reform efforts.

Kentucky's higher education policies

14. Passing KERA meant higher education reform was next and could be accomplished.
15. Higher education needs to be reformed.
16. The authority of the CHE should be strengthened.
17. UK governance of the community colleges must be severed.
18. The proposed funding will be adequate to achieve the goals of the Plan.
19. SCOPE will reduce the political nature and conflict of the budget process.
20. UK's high political power was hurting Kentucky's ability to function as a system.
21. The community colleges and the Kentucky TECHs need to coordinate their operations.
22. UK cannot become Top 20 if it continues to manage the community colleges.

Kentucky's higher education politics

23. House Bill 1 was about increasing the political power of the Governor.
24. House Bill 1 should be about principle and policy, not politics. It should be resolved with rational not emotional arguments.
25. Governor Patton had a high degree of personal power.
26. President Wethington had a high degree of personal power
27. Gov. Patton's ability to negotiate and bargain, increased though alliances, resulted in the enactment of House Bill 1.
28. The Stumbo Compromise resolved the opposition to the community college issue.
29. The Blevins vote did not resolve the prospects for House Bill 1 passage.
30. Getting HB1 to the Conference Committee allowed Gov. Patton to prevail.

The summary narrative statements describe Kentucky's higher education policy image as one of a system under-funded, lacking strategic planning; and, though improvement was needed, a system where existing politics made reform difficult. They propose the need for change, for new funding and for new mechanisms (SCOPE). They also include a critique of the University of Kentucky and its stewardship of the community colleges. There are a number of statements speaking to the political events and nature of the initiative. The political power of Governor Patton and President Wethington are acknowledged while the roles of the compromise brokered by Greg Stumbo and the Senate vote that pivoted on the decision of Senator Walter Blevins are also explicitly noted. Finally there are statements about the nature of the conflict – about the desire for rational, principle-based policymaking over the divisive, emotional arguments that emerged to counter some policy proposals.

It should be noted that these statements are not ones which all participants agreed with – rather they represent, stated concisely as possible, statements to which the participants either agreed or disagreed. Thus the summary statements represent the framework of premises either espoused or reacted to by policymakers throughout the House

Bill 1 process. In Chapter Five these summary statements, following Yanow's fourth and final step, became the basis for the analysis of the process using the theoretical framework.

Finally, to both corroborate the completeness of the summary statements and test for any missing premises, the videotapes of the may 1997 Extraordinary Session were utilized. Five tapes were selected at random and reviewed by the researcher. The comments of the participants were compared to the summary statements identified from the analysis of the opinion-editorials and the interviews. The comments from the five videotapes were substantively represented by those of the opinion-editorial/interview analysis to indicate (1) the existing summary statements of the opinion-editorial/interview narrative analysis were sufficiently complete to proceed, and (2) transcription, deconstruction, synthesis, and analysis of the additional comments in the videotapes of the Extraordinary Session hearings and proceedings would be unlikely to result in additional summary statements.

In this chapter the use of theoretical frameworks to explain and predict policymaking efforts has been discussed. This study will use three frameworks chosen for their descriptive and explanatory value (versus more predictive theories) to understand Kentucky's 1997 restructuring initiative. The methods employed in identifying, selecting, and analyzing data sources for the study were also explained. The study will use, in combination with the theoretical frameworks, a narrative analysis of opinion-editorials and interviews with policymaking participant to determine why higher education restructuring rose on Kentucky's agenda in 1997, why severing the community colleges from the University of Kentucky was so important, and how the conflicts that arose over the governance change were resolved.

However, prior to the analysis and discussion of the House Bill 1 policymaking process and its implications covered in Chapters Five and Six, a context must be laid out. The enactment of House Bill 1 was not a single event – it was a series of events occurring over almost 18 months. Precursor issues and events underlay and influenced the agenda for House Bill 1 sparking the change. The old issues, their reframing as "new" issues, and problems, policies, and politics of Kentucky's higher education community would intertwine in a series of activities and events eventually resulting in the signing ceremony of May 30, 1997. Thus, to provide an informed foundation to the concluding analysis and discussion, Chapter Four presents an historical recounting of the "story" of House Bill 1.

CHAPTER FOUR: THE STORY OF HOUSE BILL 1

The enactment of House Bill 1 was a significant event for Kentucky higher education. As with most pieces of legislation, the capstone symbol is the signing ceremony. House Bill 1 was no different. The arguments of the policymaking participants were still reverberating through the capitol halls even as the Governor was signing the Kentucky Postsecondary Improvement Act of 1997 into law on the front steps of the capitol building.

Figure 3: Governor Patton signing House Bill 1, May 30, 1997.

Symbols such as these can have many layers – not all apparent. Because of the cropping, the viewer can intuitively sense people in the background we do not see. And there is information the image cannot convey. For instance, the Governor's press office selected strains of "Chariots of Fire" to precede the signing and the theme to "Mission Impossible" to close the ceremony (which drew chuckles from the crowd). The image can also have many meanings. The debate over House Bill 1 saw the two most powerful political figures in Kentucky higher education, the governor and the president of the University of Kentucky, go head-to-head, in public, over severing the community colleges from UK. To the governor, strongly positioned at the center of the image, as he was embroiled in the enactment of the bill, the signing is a moment of triumph. To those who opposed severing community college governance from UK, the governor might be signing the death knell of UK and Kentucky's community colleges.

The preceding chapters describe the intent and structure of this study. They identify policymaking constituencies and propose methods and theoretical lenses with which to examine and understand the policymaking positions and politics of each. These methods are

useful and necessary ways to understand the complexity of the policymaking process – a process indigenous, interwoven, and unique to every policy and policymaking body. In this chapter, a broad description of the House Bill 1 policymaking process is laid out. Drawn principally from the constituencies analyzed in this study, this chapter is also supplemented by additional studies, interviews, and resources.

While the policymaking process is neither neat nor orderly, we can apply some general phases to the process to help manage and understand what happened when. Martin and Mayntz (1991, p. 43) describe three formative policymaking activities: (1) *issue definition*, (2) *agenda-building*, and (3) *policy development*. Kingdon (1995) describes two phases which follow these as (4) *enactment*, an authoritative choice among those specified alternatives, as in a legislative vote or a presidential decision (such as the passage of House Bill 1 in the Extraordinary Session of May 1997), and (5) the *implementation* of the decision" (pp. 2—3). A timeline of the events (Figure 4) details the key events of the House Bill 1 policymaking process within these phases.

Recurrent problems in Kentucky's higher education governance

Kentucky's 1997 higher education policymaking effort comprised a broad chorus (and cacophony) of voices colliding and culminating in the Kentucky Postsecondary Education Improvement Act of 1997. What do these voices tell us about why Kentucky's higher education governance restructuring effort occurred when it did – the way it did – and result in what it did? In this chapter the comments and reflections of many of the House Bill 1 policymaking participants are used to describe the problems, policies, and politics leading up to and culminating with the enactment of House Bill 1 on May 30, 1997.

Figure 4: Policymaking phases and events of House Bill 1.

Issue Identification	**1995**	**November 7** Election of Patton
		December 12 Inaugural Speech
	1996	**1996 General Assembly** SCR 93 Establishes the Task Force on Postsecondary Education
		April 10 Patton appoints Commission in Higher Education Institutional Efficiency and Cooperation
Agenda Building		**June 17** Task Force on Postsecondary Education begins meeting
		November – Election of 1996 Democratic majority in Senate narrows and leadership changes
		November Special session on workers' compensation
	1997	**March 6** Task Force on Education in Kentucky: An Assessment released
Policy Development		**March 26** "An Agenda for the 21st Century: A Plan for Postsecondary Education" released
		April 23 Draft of House Bill 1 released
Enactment		**May 12** Special Session begins
		May 30 House Bill 1 enacted
Implementation		

Three primary, recurrent problems can be identified from a review of Kentucky's higher education policy history[14]: (1) Council authority and effectiveness, (2) funding for higher education, and (3) the governance of Kentucky's public and independent colleges and universities. In this chapter these problems are examined from their recurrent historical perspective prior to the election of Governor Patton in 1995 and as they were described by the Task Force on Postsecondary Education during the issue identification and agenda building phases that culminated with the release of the report: "Postsecondary Education in Kentucky – An Assessment," or the "Assessment." Next, a review of the policies and policy alternatives proposed to address the problems described in the Assessment will be presented. The use of persuasion by policymaking participants to advocate for their policy

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[14] An excellent resource for history of Kentucky's Council can be found in the 1983 dissertation "A historical perspective of the Kentucky Council on Higher Education" by C. L. Cole for Southern Illinois University.

proposals and the emergence of conflict is also be described. The chapter concludes with a look at several events participants identified as defining and decisive moments leading up to and during the enactment of House Bill 1.

As happened in many states in the 1960s through the 1970s, growth in both the number of higher education institutions and their enrollments led to stresses and structural changes to Kentucky's higher education structure. Entering the 1960s Kentucky's higher education community included the University of Kentucky, Kentucky State College in Frankfort, state colleges at Richmond (Eastern), Bowling Green (Western), Morehead State College and Murray State College. By the end of the 1970s the state colleges had become universities, a new college (Northern) was established in Highland Heights, the University of Louisville became a state university, and a growing community college system, attached to the University of Kentucky, was growing across the state.

By the mid-1990s Kentucky's public higher education structure was relatively stable. It consisted of five regional universities (Eastern Kentucky University, Northern Kentucky University, Morehead State University, Murray State University, and Western Kentucky University), one historically black, land grant, college (Kentucky State University), one metropolitan university (University of Louisville), and one land grant, flagship university (University of Kentucky) that also managed a system of 14 community colleges.

Two issues, the lack of strategic linkage between Council and the elected leadership and disagreements over institutional mission, effectiveness and accountability, arose continually. A number of governors, task forces, consultants, and reports found need for the Council to assume a greater role in coordinating the "eight separate fiefdoms" (State Taking, 1984) of Kentucky's public higher education institutions. Since its founding the Council had been reorganized (by varying degrees) in 1952, 1956, 1962, 1966, 1972, 1976, 1978, 1982, and 1992, prior to the 1997 restructuring. The constant conflicts between the Council and higher education leaders took its toll on the Council's ability to manage. Former Council President Gary Cox felt it was not the fault of the Council members,

> "We were able to get outstanding people appointed to the Council and I
> think the failure of those people to make progress or sustain progress,
> [showed the challenges the Council faced]. I mean in 1977-78 we had
> endowed chairs, centers of excellence, but we just got a little pot of money
> and that turned in to a major disagreement among institutions. So the ideas
> were out there but there was never any way to make it happen" (Cox, 2002).

Throughout the period of the 1960s to the 1990s, the leadership at the universities often wielded significant political clout.

> "[Starting] in 1972, when the University of Louisville was brought into the system, we went through a decade of UK and UofL fighting over who was going to be the number one [university]. [Then] in about 82, we got into his big fight over funding, it sort of amalgamated UK and UofL's interests. I mean their interests were the same. And from then on you had this growing recognition among, particularly regional institutions that UK and UofL had to be reckoned with. And so you began to have this dividing up even more so around policy issues. The University of Kentucky and the University of Louisville were going to get more attention and regional universities to a great extent dominated this state. So you had these political fiefdoms out there really and the council could never, although we tried, provide a kind of statewide direction for postsecondary education. Because higher education was all focused on their own interests. That was the problem. The common theme of the president's was "Well, you know – the sum of the parts is the direction for postsecondary education in Kentucky[15]" as opposed to Kentucky sets a direction and they fall in line. And every time there was an effort [at reform] the Council got the crap beat out of them" (Cox, 2002).

This perception, that Kentucky's public higher education institutions were in open conflict with each other, was not universally held. Some members of the General Assembly felt higher education institutions had a pretty good working relationship.

> "I think we all worked together – I mean you had a pretty good relationship because you have senators from that region of higher education – they usually tried to work with the governor and the leadership in the house and senate to get things for their communities. The input into higher education [was] pretty good" (Blevins, 2003).

This jostling for higher education leadership led to frequent clashes as the Council struggled to set the course for higher education. Strong, public divisions between the Council and other government agencies or lobbying groups had occurred in 1971, 1977, 1982, 1984, 1985, 1992, and 1993. Controversy over overlapping roles between state

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[15] "I think the Governor recognized more and more the strength of regional interests in Kentucky as opposed to the interests of the State. I remember I brought in Jim Mingle, of SHEEO, and we did a planning exercise (this is a couple of years before this). We had the presidents around the table, board chairs and house members. Well, we got lectured by two or three presidents (particularly Hanley Funderberg at Eastern) about what was good for Eastern was good for the state. And Jim went away saying "Gosh! The regional interests in this state are really strong. I have never seen a system with the presidents, arrogantly, having this much power" (Cox, 2000).

agencies and the Council had to be addressed in 1973 and 1984. The results of these skirmishes were often calls to increase the "strategic linkage" between state government and the higher education community. One such call was for creating a "super-board" to govern all of Kentucky's public higher education institutions and operations were proposed publicly in 1961, 1969, 1972, 1984, and 1989.

Recurrent questions included defining the role of each institution in Kentucky's system, how well institutions were doing at their roles, and how to make institutions more accountable for the state dollars they received. To assert more state control, the Council role in master planning was strengthened in 1968, 1970, 1974, 1976, 1985, and 1994. Frustrated by the Council's lack of ability to increase the accountability and efficiency of the system, the General Assembly passed Senate Bill 109 in 1992 (sponsored by Senator Ed Ford) requiring annual reporting of measurements and in 1994 passed a resolution (sponsored by Senator Tim Shaughnessy) requiring the institutions to ensure transferability of general education courses between Kentucky's public institutions. In 1985, then University of Louisville President Donald Swain, described the nature of Kentucky higher education politics:

> "Kentucky politics, I think, is regional, and it's made up in the largest sense of coalitions of regions and of subgroups…It tends to pit institution against institution. It just automatically happens when a controversy erupts that affects higher education. It has been going on for many, many years. What makes those coalitions change often is that act of pitting one institution or group of even individual against another. It has been going on for many, many years. I'm not sure there is much that can be done to change that. I think it's a profoundly typical Kentucky political style" (Politics Pit, 1985).

A primary means by which a state maintains and manages its higher education system is through funding. Providing equitable distribution of funding among Kentucky's public higher education institutions has never been an easy task. Or one that has been completely successful. Kentucky has a long history of under funding at some institutions, inequitable distribution of what funding was available in any given year, and pervasive subjectivity in the means used to assess need, assemble the budget, argue for its enactment, and allocate the results. Specific challenges included: (1) the fiscal authority of the Council, (2) equity of funding among the institutions, (3) lack of state funds to fully fund the institutions, and (4) coordination and planning of the higher education budget.

The authority and role of the Council evolved in the decades between 1960 and 1997. The Council saw its authority over the assembly and submission of the budget increased in 1966, 1972, 1984, and 1989. During this period the Council went from a relatively weak role of submitting suggestions and commentary about institutional budgets to a somewhat stronger one as primary developer of a unified budget request. However, through their local General Assembly members, institutions still lobbied for and frequently received directed funding that conflicted with Council plans and recommendations.

In the 1960s and 1970s Kentucky used a "mission model" for funding its institutions. Under this model institutions were funded based on the types of programs they offered. To increase the equity of funding between the institutions a funding formula model was established in 1982. The formula model funded institutions based on their needs as measured through calculations and predictions of enrollments and other metrics. "The formula, in use for the last six years, is not widely admired, but most university officials prefer it to its predecessor: raw political influence. Prior to the formula, university funding was based on how much clout the institution had at the Capital" (Panel Adjusts, 1989). However, due to complications such as competing priorities and low tax revenues, Kentucky was never able to fully fund the allocations called for in the formula. Therefore, funding to the institutions was adjusted in 1985 and 1990 and was occasionally supplemented by additional allocation such as in 1997 and 1989[16]. The Council's role and authority in financial planning and coordination role was modified or increased in 1962, 1996, 1973, 1978, 1982, 1984, 1989, and 1994 in efforts to increase accountability and direct links between funding and institutional performance.

Following the 1994 General Assembly, increases in institutional funding were to be tied to improvement in metrics such as retention and graduation rates. However, because the funding formula had never been fully funded in its 10-year history, and because of the state's budget declines, the Council had stopped even recommending full funding. University

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[16] The $12.5 million special "catch-up" appropriation which was part of the new fiscal plan proposed in July 1989, was the result of a two and-a-half month lobbying blitz led by University of Kentucky community college Chancellor, and chief UK lobbyist with the General Assembly, Charles Wethington. The effort, supported by all 14 community colleges, included a letter writing campaign, newspaper articles, and appearances before the Council, threatened to become a divisive issue for the 1990 General Assembly as the community colleges pitted themselves against their four-year budget rivals. The Council avoided this fight by proposing the special appropriation of the community colleges.

of Louisville President Swain summed up the feeling of the higher education community at that time. "I think in the last four years, especially since KERA was passed, that higher education has been relatively neglected. That's a colossal mistake in public policy. [Education] ought to be recognized as starting in kindergarten and going though graduate school" (Role of Politics, 1995). The problems caused by this funding approach were captured in the comments of House Speaker Jody Richards: "We're seeing the ultimate result of these slash-now-and-apologize-later politics. It's in the deteriorating infrastructure on our college campuses and the declining ability of our university system to compete in the national academic arena" (House Speaker, 1995).

Governance of the community colleges by the University of Kentucky was established at their creation in 1962 by then Governor Bert T. Combs. The actual, and political, implementation of the community colleges fell to Governor Edward (Ned) Breathitt and UK President John Oswald. As recollected by Governor Breathitt, the creation of the community college system required negotiation with all of Kentucky's public higher education institutions:

> "I appointed a top commission of outstanding Kentuckians to come up with a plan to revitalize the Council which was controlled by the university presidents. And they outvoted Oswald; I mean gosh they just ran circles around him. Oswald came to me and says, "I ca not do anything. These people gang up against the University of Kentucky." And I said, "We're building a community college system. What you really need is a balance – the community college system under the University of Kentucky. That gives you a statewide reach." And to get the university presidents to go along, we agreed to make them universities. But limit them to where they could not have doctoral programs. We limited their mission, but they were called universities, which gave them much prestige. So it was a trade-off that was able to then get a strong Council and we took these university presidents off as voting members of the Council, including the University of Kentucky" (Breathitt, 2002).

In October of 1976, Dr. Harry M. Snyder, Executive Director of the Council, called the issue of who controlled the community colleges, "one of the most political footballs of all times" (Cole, p. 216) and this has certainly been the case. Even before they were established, a 1961 report by the Governor's Commission on the Study of Public Higher Education recommended any new junior colleges be independent of the University of Kentucky and that the financing of these colleges be a state rather than community

responsibility. In February 1970, a report to the Council by Dr. Myron Blee, Executive Director of Associated Consultants in Education, Inc, a Florida-based consulting group concluded that the community colleges "would never be fully developed and coordinated until the institutions were administered by their own governing board" (Cole, p. 210) and recommended that they be detached from the University of Kentucky.

Public proposals to make the community colleges independent of University of Kentucky governance occurred in 1961, 1970, 1984, 1989, and 1995. Counter proposals, that the University of Kentucky should govern the community colleges, were made in 1962, 1968, 1976, 1984, 1985, 1989, and 1993. Typical of the arguments made for maintaining the original relationship is this comment made by then former Governor Bert Combs, who was serving as co-chair of a UK-developed Futures Commission tasked in 1988 to map and plan the future of the community colleges.

> "My thinking is that they have been a special success under UK, and we do not need to argue with success. I think they should stay with UK. It would be a serious mistake to move them. In my opinion, there have been only two success stories in education over the last quarter-century: the community college system and Kentucky Educational Television. I just think people who want to start gambling and taking a chance on jeopardizing that are making a mistake" (2-Year Colleges feel Growing Pains, 1989).

So this was the situation of Kentucky public higher education system in the mid-90s. KERA, a major overhaul of Kentucky's K-12 system, was proceeding – and requiring significant funding which otherwise might be spent on higher education. Budgets at the institutions were stagnant. Demands for accountability were increasing and the institutions were regularly jousting with each other over functions, funding, and turf. Kentucky's higher education past was one of dissatisfaction with the authority of the Council, the efficiency of the institutions, the level of funding, and a governance structure that created conflicts between and among the institutions. These conflicts that made universal solutions elusive.

The Blee report also recommended that the community colleges be combined with the area vocational (or Kentucky TECH) schools. These postsecondary institutions had evolved as extension of the vocational high school program and were administered by the state Workforce Development Cabinet under a separate coordinating board (Cole, p. 211). While these recommendations were not adopted, the governance of the community colleges

and their role vis-à-vis the Kentucky TECH schools was publicly debated and their aggregation proposed again in 1984, 1989, and 1993.

The gubernatorial campaign of 1995 pitted Republican Larry Forgy against Democrat Paul Patton. Forgy had extensive experience in higher education. He had worked at UK as vice-president for business for five years in the early 1970s. He had also served on the Council from 1977 to 1982, had been a trustee on the UK board from 1987 until 1990, and was currently serving on the board of Georgetown College. While Patton's experience in higher education was less – he nonetheless saw connections between a strong education system and a strong economy for Kentucky.

The Council on Higher Educations Trusteeship Conference, held in Lexington on September 17-18, 1995, provided the most specific venue for comparing Patton's and Forgy's views on higher education. Both candidates avoided committing to the 7% in funding increase the universities were calling for in the next General Assembly session. And both steered clear of the simmering Murray – UK dispute over who should establish a new engineering program in western Kentucky. Instead, the candidates focused on the role of the Council and what it, and the state universities, needed to do to improve. Patton expressed his intention to give higher education a high priority in his administration. "The quality and training of the work force is the first priority. It will be one of the greatest challenges that faces the next governor – to try to improve that entire [education] system without additional resources…I may very well be known as the higher education governor because I know how important that is" (Candidates Share, 1995). Forgy focused on the need to fund higher education properly and cautioned against legislative intrusion into higher education management.

> "I know of no program in the commonwealth that has been as severely neglected over the past few years as public higher education," Forgy said. "It will be my hopeful intention to provide the kind of funds in the next biennium that will make it possible for us to continue the kinds of progress that has been made in Kentucky and needs to be made in Kentucky. You do not want the legislature to reform higher education. You need, in the areas in which it need to be done, to do it yourself" (Forgy, Patton, Sept. 19, 1995).

Patton retorted expressing frustration at the lack cooperation among Kentucky's higher education institutions and the public conflicts of the institutions and the Council:

> "I see endless turf battles, and that's no way to run a railroad. Somebody or some entity must be in charge. We have a system of higher education driven by each individual institution. That's not the way to do it, because that results in the kind of controversy you had in Paducah. I want some entity in charge of deciding what we need, where we need it, and how it could be most efficiently done. I think the Council on Higher Education is the body to do that, and I think they can do that without encroaching upon the autonomy of various institutions" (Patton, Forgy, Oct. 30, 1995).

On November 7, 1995 Paul Patton defeated Larry Forgy by 21,856 votes to become Kentucky's 59th governor. During the time between his election and the inauguration, Governor-elect Patton talked to various individuals in an effort to develop his plans. One of these was Courier-Journal editorial writer David Hawpe who had written frequently on the role of education in Kentucky.

> "After the Governor was elected and before he took office, he invited me to dinner here in Louisville one night. He said what did I think ought to be the principal interests in this administration, and I said I thought higher education should be. I thought we ought to complete the educational reform [and] change the culture of higher education in Kentucky. I hoped we could, and I thought he could do it. I said we need more academic magnets – more stars – more compelling, decisive scholars and researchers…We can draw the magnet faculty that we need, particularly at the two primary research institutions, basic research institution. And I said we need some endowed chairs. You've got to get the government into doing endowed chairs. He has told that story publicly, so I do not mind telling you, he said, "What's an endowed chair?" (Hawpe, 2002)[17].

Other events occurred as Patton was considering directions for his administration. In the days following the election, the University of Kentucky and Murray State University, who had jousted publicly and hotly over who should teach engineering in western Kentucky, failed to meet a Council deadline to submit their plan for establishing a regional education center in Paducah. The legislative Task Force on Higher Education, headed by House

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[17] Governor Patton confirms this, "Back in 96…I was totally devoid of any specific knowledge about the real world of higher education. I had a dinner with David Hawpe [and] he said, "Well, the best thing you could do for the University of Kentucky is to help them endow more chairs. For a major university with 23 endowed chairs is just a sin. And I did not even know what an endowed chair was up until then" (Patton, 2003a).

Speaker Jody Richards, began its meeting on December 6 with a call for legislation to merge the community college system with the vocational-technical schools. The inclusion of the call for a merger apparently was a surprise as even Speaker Richards claimed to have no knowledge of how the recommendation ended up in the final report[18]. The report of the Task Force called for the Council to "exercise its existing authority in a more aggressive and timely manner." While the report cited the legislative statues giving the Council the authority to carry out the Task Force's recommendation – the Council declined to intercede in the matter.

While there had been no dramatic change in the condition of Kentucky higher education system during the 1990's, House Budget chair Harry Moberly (also an employee of Eastern Kentucky University) expressed the feelings of many policymakers:

> "I thought the system was slowly deteriorating into chaos because of the lack of cooperation and the increasing competition that all – particularly between the community colleges and the regionals – but the increasing competition between the institutions throughout the state to get a bigger share of the pie and take each other's territory and all that kind of stuff. I think the system was heading toward a train wreck. There would have probably been some reforms that would have changed some of that at some point – but it would have gotten a lot worse before it got better" (Moberly, 2003).

On December 12, 1995, on a cool gray afternoon, Paul Edward Patton was sworn in as governor. Patton used this occasion to send the first signals of challenge and change to higher education:

> "I challenge the institutions of higher education to throw off the shackles of the past, use the instruments of modern science, emulate the techniques of progressive businesses and change the way you transfer knowledge…I challenge you to articulate a new vision, propose a new method, show me a system more devoted to innovation than it is to turf, more concerned about the big picture than it is about its own place in the picture…we must have a system of higher education which is more responsive, more efficient, and more relevant to today's realities and tomorrow's needs. Our people deserve no less, and I will accept no less" (Patton, 1995).

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[18] A quick protest by UK President Wethington and Prestonsburg Community College President Deborah Floyd reduced the call to a recommendation for a study to consider combining the community colleges with the postsecondary schools of the Kentucky TECH system.

Two days later the Council released its annual accountability report. The report detailed a wide range of indicators including graduation rates (37.5 percent), classroom utilization (30 hours per week). For the first time, a report on Kentucky's higher education included feedback from employers who hired Kentucky graduates. The employers reported feeling "that Kentucky's public universities and community colleges had lost touch with the full needs of business and industry today" (Real-World, 1995). This marked the emergence of economics as a new driver for change in addition to funding, accountability, and governance. Asked to comment on Patton's inaugural speech, former Governor Wallace Wilkinson predicted he could become the "higher education governor" as his address had predicted, but "in the long run, this battle will prove more difficult than the reforms of primary and secondary education five years ago" (Patton's Priority, 1995). The former governor was astute.

On January 22, 1996 Governor Patton addressed the Council on Higher Education[19] indicating his expectations for change. "It's obvious we need an improved system and we're going to challenge people to come up with ways to be as innovative in higher education as private enterprise has been innovative in business…We'll be coming back to this subject time and time and time again." He indicated he wanted the freedom to consider "wild ideas" about how higher education functioned, "I hope that people will give me the freedom to think unthinkable thoughts," Patton stated. "We must be willing to upset some people. We must be willing to look at things differently…Every once in a while we may come up with some wild idea that has some merit to it," he said (Governor Seeks, 1996).

While no major shifts in higher education governance resulted from the 1996 General Assembly session[20], the authorization for a <u>Task Force on Postsecondary Education</u> that would be run by the Legislative Research Commission (LRC) and would consist of legislators was approved. In a meeting shortly after his election, the university presidents asked the Governor to convene a task force of the higher education presidents to study

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[19] This was the first time since Martha Layne Collins (1983-87) that a sitting governor addressed a Council meeting. The meeting also included the chairs of university governing boards, the presidents of private colleges and officials from Kentucky Tech.

[20] A bill sponsored by Louisville Democrat Senator Tim Shaughnessy to establish a 60 credit hour core curriculum that would transfer from community colleges was making progress though the General Assembly. Senator Shaughnessy was disappointed that the 45 credit hour agreement stemming from his 1992 efforts to improve transfer were insufficient.

institutional cooperation, duplication and efficiency. Patton agreed, creating the

Commission on Higher Education Institutional Efficiency and Cooperation in early 1996

with the proviso that the presidents also address the role of distance learning to increase

efficiency. The Commission was directed to prepare and submit its findings to the Council

by Oct. 15, 1996.

At the first meeting of the President's Commission, on May 21, 1996, the Governor

encouraged them to think about sweeping reform of postsecondary education in Kentucky.

"I envision changes on the magnitude of the Kentucky Education Reform Act" Patton said.

"The problem is, we had the drive and stimulus of a Supreme Court decision to drive us, and

we do not have that in this case. We're going to do this more on the force of personality."

The Governor clearly indicated his interest in including the vocational-technical schools as

well, saying, "The technical schools must become a full partner. They must be accorded the

same amount of respect" (Patton Asks, 1996).

Overall, the work of the Commission did not produce much result[21] or end

successfully. Council executive director Gary Cox expressed misgivings that the

Commission had not included the independent colleges or the vocational-technical schools.

Cox also noted the report read "too much like a budget request" and relied on a 'trust-me'

accountability system. In response to what she termed these "nattering nabobs of

negativism" Commission Chair Mary L. Smith (and president of Kentucky State University)

defended the good faith effort the Commission members had made in producing their 15

recommendations. Gary Cox responded "I find it offensive and sad that we ca not have a

discourse of ideas and present different points of view without, in a sense, being taken to

task" (KSU Chief, 1996). The final meeting of the Commission, which debated and

approved the report, lasted less than 10 minutes. The work of the Commission was not

noted again in the House Bill 1 policymaking process.

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[21] One proposal that all agreed had merit was a call for Kentucky to establish a virtual university. "We see that as the crowing jewel of this report" declared Ed Ford. The "Commonwealth Virtual University" or "Commonwealth Open University" as the report alternatively suggested, would be governed by the university presidents and could start offering courses in an MBA program as early as 1997. The goal of the virtual university would be to offer a bachelor's degree in general studies by fall 1998. The proposal was unanimously approved by the 18 Commission members, including all eight state university presidents. "The shocking news is that all eight universities agree on it" Meredith said. "It's a historical moment" (Ky. `Virtual University', 1996).

In May 1996, Ed Ford returned to state government as deputy secretary of Governor Patton's cabinet and his education advisor. Ford, a 17-year legislative veteran from Cynthiana had retired from the Kentucky Senate in 1994. Ford's career had focused strongly on education. He served seven years as Harrison County school board chair, 17 years on the Senate Education committee, the last three of which he served as chair. Ford brought this background to Governor Patton's higher education policy team and to what would be the primary public policy forum used to craft higher education reform, the Task Force on Postsecondary Education.

On June 17, 1996 the Task Force on Postsecondary Education held its first meeting[22]. In his opening remarks, Governor Patton noted that KERA had been Kentucky's "finest hour" for primary and secondary education but pointed out that success there was not enough:

> "Now we face another patient that will not be cured by a band-aid approach. Once again we need to seize the moment for postsecondary education. This time we have no driving force like a supreme court decision prodding us to act. We have only the constant voice of business saying, "The product is not good enough." The voices of students saying, "It is not meeting my needs." There is one important question a student should ask whether he or she's pursuing a career in medicine or auto mechanics, "Will I be ready to enter the workforce after I complete my course of study?" We must be sure that the answer to the question is a resounding yes. We have only our conscience, our oaths of office, our sense of responsibility, to drive us to seize this moment – and do the right thing" (Patton, 1996, p.1)

The Task Force would meet ten times between June 1996 and the concluding meeting in April 1997. It heard from a wide range of speakers representing business, higher education, and other state governments. The concluding report of the Task Force, "Postsecondary Education in Kentucky – An Assessment,[23]" served as the foundation to the

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[22] While the Task Force was chaired by Governor Patton, because it was officially run by the Legislative Research Commission (LRC) it also had two co-chairs from the General Assembly: Senator John A. "Eck" Rose and Representative Jody Richards. Other Task Force members were: Senators Charlie Borders, Nick Kafoglis, Joey Pendleton, and David Williams; Representatives Larry Clark, Freed Curd, Danny Ford, Greg Stumbo, and Charlie Walton; Secretaries Rodney "Biz" Cain, Margaret Greene, Viola Miller, and Roy Peterson, and Budget Director James Ramsey. This model of joint "leadership," and some of the same members (such as Eck Rose and Jody Richards) had been used to develop KERA as well.

[23] At the August meeting of the Task Force the National Center for Higher Education Management (NCHEMS) and the Education Commission of the States (ECS) were announced as the primary consultants

policy proposals Governor Patton would put forth for the reform of Kentucky's higher education system.

On August 24, the Task Force held its largest and most public meeting. With the help of the Advocates for Higher Education, the Task Force held an Advisory Group Input Meeting at the Farnham Dudgeon Civic Center in Frankfort. The participants were divided into nine[24] groups with each group assigned to write a position paper to be presented to the Task Force later in the year.

At the October meeting of the Task Force, National Center for Higher Education Management Systems (NCHEMS) President Dennis Jones reported, based on his review of Kentucky higher education funding that, at least at the four-year level, Kentucky institutions did not appear to be under-funded. Jones identified some inequities in funding levels but noted that these were not as dramatic as in some other states. Jones proposed instead Kentucky focus on a funding method that provided incentives and rewarded institutions for doing things the state wanted them to do. Patton responded that, "it may be a little more difficult than I thought it was, but I generally operate that if we can demonstrate there is an obviously better way to do something, then some way or other we can get the political will to do it" (Ky. Colleges, 1996).

In its November meeting, NCHEMS consultant Aims McGuinness told the Task Force it should consider major changes in the governance and financing of higher education to remain competitive with other states. He suggested altering the way Kentucky financed higher education moving the focus from inputs to outputs by setting up funds that rewarded institutions when they achieved goals, rather than the current, formula-based, funding that encouraged competition for students and focused too little on quality. He also recommended rethinking the role of the Council and removing the Kentucky TECH vocational schools from state government. McGuinness presented four scenarios under which the community colleges might be removed from UK management and governed under a new board. Former Governor and now UK board chair Edward (Ned) Breathitt suggested the community colleges and the Kentucky Tech vocational schools, while still

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who would support the Task Force and write the final report. Horizons Research International was also hired to conduct focus groups that would gather opinions about Kentucky's higher education system.

[24] A tenth group, of business leaders was convened later and added to the final reports.

reporting to UK and state government respectively, might share combined governance under a board similar to the Council. He also argued that instead of focusing on community college governance that the governor and legislators should be addressing improving the technology and academic programs. "If we get into this governance issue," he warned, "I think we will have a confrontation in the legislature of epic proportions. We will dissipate our energies fighting over an issue that was settled – I think correctly – many, many years ago" (Patton Hears Ideas, 1996).

Responding to input the Task Force had received, Sen. David Karem, who had served nearly a quarter-century in the General Assembly noted that, while political conflicts come and go, in Kentucky, nothing compared to those in higher education. "Whenever you're talking about getting into higher education, legislators immediately see the chamber of horrors that it can be politically" (Higher Ed Thorny, 1996). About confronting the community college governance issue, Karem was even less sanguine. By just bringing the issue up "You are immediately knocked as a person who wants to undo the hallowed pillars of higher education in Kentucky. Even getting the discussion on the table, it's a very difficult situation…there is such a perception that it is such a sacred place that people do not even want to talk about things" (Higher Ed Thorny, 1996). Speaking at the December 19 Council meeting, Jim Miller (a current member and former chair of the Council) expressed the frustration and feeling that the Council lacked the authority to manage the system effectively.

> "It reminds me of the old adage that a jackass can kick a barn down but ca
> not build one. What I have seen is a system of higher education governance
> in which no significant initiatives can really be proposed and moved to
> fruition, but the system can block almost anything" (Council on Higher
> Education members call for Radical Changes, Dec. 20, 1996).

In early February 1997, Governor Patton notified lawmakers that he would call an Extraordinary Session of the General Assembly in May to consider proposals for higher education reform and other subjects.

The Assessment: Kentucky's problems defined

On March 6th the Task Force report: "Postsecondary Education in Kentucky – An Assessment" was released. The Assessment built the case that "without a change in public

policy direction, Kentucky's economic future and standard of living will not improve relative to the rest of the country" (Patton, 1997c, p. 7). The Assessment provided over 100 pages of data to support Kentucky's low levels of economic and educational achievement.

The Assessment identified Kentucky's higher education challenges, as described to and by the Task Force. Kentucky did not graduate enough students with four-year degrees; duplication existed between academic programs at different institutions; low-performing programs at many of the state's institutions were allowed to continue without change; the amount of national-quality research produced was insufficient to drive the kind of economic development Kentucky needed. The Assessment laid out the "problem" of workforce development and described the role Kentucky's higher education system should play in helping Kentucky improve its status. The Assessment listed five "key findings" as barriers to progress and "enhanced economic opportunities for the citizens of the Commonwealth" (Patton, 1997c, p. 6):

- Kentucky lacks a structure to link all of its postsecondary education resources with a long-range strategy to enhance the economic competitiveness and quality of life of its citizens;

- The current funding mechanisms for postsecondary education serve as disincentives for program efficiency and institutional cooperation;

- Postsecondary education offers virtually no incentives for the attainment of quality and the pursuit of excellence;

- Kentucky seriously lags the nation and competitor states in research and development activity; and,

- The current system of postsecondary education has no comprehensive strategy to maximize the use of existing and emerging technologies.

The Assessment focused on the prosperity Kentucky hoped to achieve as well as the difficulties it had with the management, focus, and efficiency of its current higher education system. The concept of strategic linkage between Kentucky's public higher education infrastructure and the strategy the Assessment called for was used to link the "problems" of Kentucky's higher education system to new goals. The Assessment described Kentucky as lacking, "a structure to link all of its postsecondary education resources with a long-range strategy to enhance the economic competitiveness and quality of life of its citizens" (p. 6).

Earl Fischer, President, Western Kentucky Gas and Chair, Job QuEST Steering Committee of the Community and Economic Development Foundation for the Kentucky

Chamber of Commerce noted Kentucky was "anchored near the bottom (currently 44th) of the nation" this reality caused him to conclude that this lack of economic success could be attributed to the lack of a skilled, educated work force that in turn caused many potential businesses to "find Kentucky lacking when they come to recruit management who can creatively respond to ever-changing standards of our global economy" (Fischer, 1997a). Quoting the 1997 Kentucky Annual Economic Report produced by the University of Kentucky, Fischer noted "57 percent of the differential between per capita personal income in Kentucky can be accounted for solely by the commonwealth's low level of educational attainment, especially at the higher education level." Thomas D. Clark, retired UK professor and Kentucky historian laureate, noted "nearly 80 percent of the new jobs created over the next decade will require some form of education or training after high school" (Land-grant, 1997).

There was also concern over whether the Kentucky workforce would be competitive against other states. The low incomes of Kentucky workers were at least partially the responsibility of education in Kentucky, "because it lags the nation in its ability to equip citizens with the job skills needed for the emerging technologies of the 21st century" (Fischer, 1997a). Without an appropriate education, Kentuckians could be shut out of new, high paying jobs. Or they would leave Kentucky altogether. "Every year Kentucky experiences a brain drain of some of its brightest students who question the value of Kentucky colleges and universities in relation to others" (Cohen, 1997). The conclusion was, "that higher education must propel Kentucky, moving us toward the national average in per capita income and away from being a national leader in percentage of families in poverty" (Geohegan, 1997b).

Policymakers were frustrated that Kentucky's higher education system was neither driving, nor prepared to drive, Kentucky's aspirations. A key focus of their concern was on the state's higher education coordinating agency, the Council on Higher Education (CHE). While some felt CHE was functioning effectively, "I think they were fairly effective, yeah. And I think they tried to work with us and tried to make us aware of what the concerns were" (Blevins, 2003), to most, the CHE was able to exercise little over Kentucky's public higher education institutions.

> "Nobody paid any attention to the Council. These university presidents just
> ran right over [Council president] Cox. And they went around him to the

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legislature. I'm talking about the regionals and UofL, through it's delegation. And Cox did not have enough clout because of the way that the law was written. And also they just ganged up against him. He could not enforce decrees. He could argue with them. He could talk to them. He could try to negotiate with them" (Breathitt, 2002).

Other policymakers laid the blame at the door of UK. "I think it goes back to the fact that there was such a strangle hold on higher education by UK that it was just difficult to deal with that situation that had been in place for so many years" (Callahan, 2002).

"I think a lot of that comes down to leadership. Because we have made [the Council] regional proponents. The Council on Higher Education had, by law, people representing various regional universities – including UK and UofL. Everybody wants to have consensus. You're asking for trouble [because], if you always are concerned that you have a consensus vote (in other words a hundred percent to nothing) on every issue, it's not going to work. So when you do not have consensus you've got anarchy. So what do you have when you've got anarchy? You've got the fiefdoms out here all fighting against each other. And most of these fights, when you drill down, are kind of ridiculous" (Goetz, 2004).

The Assessment concluded that the current funding formula, developed in 1982, did not promote the kind of behaviors it was intended to. "The current funding mechanisms for postsecondary education serve as disincentives for program efficiency and institutional cooperation;" and, "Postsecondary education offers virtually no incentives for the attainment of quality and the pursuit of excellence" (Patton, 1997c, p. 6).

"The constant battle over the funding formula which, of course, never has stopped. There will always be questions about what funding formula you pick. [Before 1982] there was no real rationale behind it – just who ever could get the most up there in the legislative session – or could get the governor to recommend the most for them would get what they wanted. In '82 we got into a mission model funding formula…that was supposed to do away with everybody [going] for their share for the pie. The funding formula helped a lot and it was greatly refined though years of negotiation and working on it – in the old system" (Moberly, 2003).

While the formula rewarded institutions for enrolling more students it did not consider (nor reward) retention of those students. Rather than encouraging collaboration, cooperative efforts were stifled because institutions would lose student credit hours – the currency of the formula. Institutions could also get "add-on" appropriations by bypassing the CHE and going directly to the General Assembly. The fact that the General Assembly

had never fully funded the institutions based on the formula reduced the credibility of the funding formula further as noted by Speaker of the House Jody Richards of Bowling Green, which was also the home of Western Kentucky University.

> "Certainly I felt that funding was one of the bigger, bigger issues that we needed to deal with. I felt that we had not funded higher education as well as we should have. The funding was just inadequate, and we had sort of let our universities, the university funding sort of drift downward" (Richards, 2002).

The policymakers also pointed out specific links, such as the lack of research money for faculty at the University of Kentucky and the University of Louisville, between low funding and Kentucky's ability to develop as an economic power. "For years Kentuckians have been satisfied with the system's status-quo-as-usual policies while tuition costs rise and postsecondary education innovation stagnates" (Cohen, 1997). Policymakers also felt the need to make changes. Senator Dan Kelly (2003): "In reality what we needed was more money in tech training – which was abysmal. The amount of resources committed to train and pay for people was abysmal."

The sense that higher education was under-funded was not universal. Perhaps owing to the fact that higher education funding was the result of the General Assembly's appropriations, policymakers were more likely to feel the state was doing the best it could.

> "We spend a lot of money in education in this state – we spend a large proportion of our budget – there's never enough money for education – but we spend a large proportion of our budget, if you look at the proportionate share of our budget that we commit to education – both elementary and postsecondary, I think we're like the second or third highest in the nation -- as far as the percentage of our budget dollars that we commit to our educational systems" (Stumbo, 2004).

There was general consensus that the bar for Kentucky higher education had been too low for too long. "If we are mediocre in Kentucky, it is because we have allowed ourselves to be" (Watson, 1997c). Higher education had simply not been a top priority in the Commonwealth. The critique focused, in part, on the academic status of UK in general. Mark Guilfoyle (1997), former budget director and Secretary of the Cabinet in the Jones administration, stated, "It should be clear, first of all, the UK is not the top-flight graduate school it should be. Moreover UK is simply not nationally recognized as a doctoral degree granting university." A supply of statistics validated the critique. A business opinion-

editorial by Ron Geohegan (1997b) decried that of, "the best schools in six specialties in the arts; UK is not listed." Thomas D. Clark (Land-grant, 1997) added, "[in] 12 PhD programs [from] the best schools; again no UK. UK's national ranking as 45th in research among public universities is unacceptable." University of Louisville political science senior, Elisia Cohen (1997) worried that, as a result, "all graduate of Kentucky state colleges and universities should question the value of their postsecondary degrees." The essence of the narrative was that research at the University of Kentucky should be the economic driver for Kentucky…but it was not. The conclusion was obvious, stated Guilfoyle (1997), "UK is not getting the job done."

These critiques were supported by basketball metaphors such as, "other states are knocking down three pointers and we are throwing up bricks when it comes to performance in the arena of postsecondary education" (Guilfoyle, 1997). Commenting on the disparity between what he perceived as Kentucky's laggardly approach to academic excellence in the shadow of its athletic prowess, George C. Herring (1997), professor and former chair of history at the University of Kentucky penned: "The citizenry seems to care little as long as the Wildcats are winning." The timing of the higher education reform agenda item in the spring of 1997, with the escalation of debate during "March Madness" did little to diffuse such comparisons.

> "It is ironic that Governor Patton announced his plan for retooling Kentucky system of postsecondary education at the same time as the University of Kentucky was shining in the NCAA Tournament. The success of UK's basketball team is a source of pride for all Kentuckians. However the fact that UK president Charles Wethington strongly opposes the Governor's plan causes one to wonder: Can UK be great at something besides basketball?" (Guilfoyle, 1997).

According to the Assessment: "the current system of postsecondary education has no comprehensive strategy to maximize the use of existing and emerging technologies (p.6)." In a time period where technology uses and costs were increasing rapidly, the dot.com bubble was just beginning its enthusiastic expansion, and higher education institutions across the country were installing networks as fast as possible – there was remarkably little explicit attention paid to the role of technology planning in the Assessment. Building on a finding from the October 1996 report form the Commission on Higher Education Institutional Efficiency and Cooperation, the Assessment called for the state to:

- Improve distance learning delivery;

- Strengthen inter-institutional communication;

- Improve management practices; and

- Enhance academic programs and provide access to higher education across the state.

The primary recommendation of the Assessment was for the creation of a "Commonwealth Open University[25]." This "virtual" university would " represent a collaborative effort among the postsecondary institutions to use various interactive learning technologies to provide maximum access to citizens and improve instructional efficiency" (Patton, 1997c, p. 40). Establishing a "virtual university," to which all the regional universities would provide instruction, gave them a way to have statewide reach for their programs – and effectively "compete" with UK. This intention of the virtual university, as an instrument of the regional universities, was clearly the intention of Governor Patton. "The virtual university's mission was to provide quality baccalaureate and master degree programs to every part of the state. In my mind it was to be more or less dominated by and an instrument of the regional universities" (Patton, 2002b). This move also blunted the growing sense that some of the community colleges wanted to be four-year colleges – or, at the least UK would begin offering four-year degrees at the community colleges.

By combining the evidence of Kentucky's laggardly economic and workforce development statistics with the general sense that Kentucky's higher education system was, if not in crisis, not making the contribution to the state's future it should, the Assessment made the case that change was needed in Kentucky's higher education system. The Assessment (Patton, 1997c, p. 45-49) called for a reform of Kentucky's postsecondary education to ensure:

- The postsecondary education system in Kentucky is effectively linked to statewide priorities and an economic growth vision for the 21st century.

- The postsecondary education system is effectively coordinated and provides a seamless educational process for the citizens of the Commonwealth.

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[25] The Commonwealth Open University would become the Kentucky Commonwealth Virtual University in House Bill 1 to differentiate the Kentucky effort from similar efforts in other commonwealths, notably Virginia, and the entrance of the British Open University into the U.S. market. In 2000 the name was changed to the Kentucky Virtual University (KYVU).

- A financing structure for the postsecondary education system which encourages innovation, efficiency, and system excellence.

- The emergence of a nationally recognized research and graduate programs which will serve as incubators of economic growth.

- The use of state-of-the-art technology to guarantee maximum system access and delivery coordination for a seamless system of delivery.

"Problems are not simply the conditions or external events themselves; there is also a perceptual, interpretive element…there are great political stakes in problem definition" (Kingdon, pp. 109—110). The conversion of Kentucky's higher education condition into a problem occurred when Governor Patton redefined the issue as a workforce development problem. In 1994 then Lieutenant Governor and Secretary of Economic Development, Paul E. Patton, self published a book entitled, "Kentucky's Approach to Economic Growth." The book responded to critical articles from the Lexington-Herald Leader and laid out Patton's plans to increase economic opportunity in Kentucky. Early on he notes the importance of education in improving the economic outlook for Kentucky.

> "State government's most important role is to train the workforce. Make no mistake about it, the most important part of creating economic opportunity it education, plain and simple; nothing else is even close…in today's world, mental work is so dominant that it is becoming increasingly difficult to be productive enough to earn a living with muscles alone…In fact education is so important that three major elements of state government, the Department of Education, the Workforce Development Cabinet, and our state university system, are devoted to educating our people. There is no failure on the part of the leadership of Kentucky to recognize that our educational systems are the most important economic development programs operated by state government. In fact, I try never to give a speech on economic development that I do not emphasize the above points…" (Patton, 1994, pp. 7-8).

<div align="center">Kentucky's implicit issues</div>

Woven within the explicit problems detailed in the Assessment were several less evident, complex problems. These included: (1) the shadow of previous reform efforts, most notably the Kentucky Education Reform Act (KERA), (2) the years of higher education politics that complicated and frustrated change efforts, and (3) UK's use of the community colleges for political clout that did not appear to benefit the community colleges as much as the clout did UK. This last issue is captured by House Budget leader, Harry

Moberly, "I think many of the advocates for the community colleges would tell you that UK was using them more as a political weapon than they were actually doing what was best in those communities" (Moberly, 2003).

The adoption of the Kentucky Education Reform Act (KERA) in 1990 had raised Kentucky's confidence in its ability to address and enact significant reform in education. Council President Gary Cox describes the impact of this new recognition on reform in higher education.

> "[Because of KERA] Kentucky was seen as building a reputation of coming into the modern era. The Governor was fond of making the speech that 100 to 150 years ago Kentucky missed the boat, with the beginnings of Transylvania there was a strong commitment to education in Kentucky and we lost it, for whatever reason, after the Civil War particularly. We became a state that did not value education. I think, at least as he characterized it, and I think believed it, we'd shown in 1990 that we're committed; we're rebuilding our elementary and secondary system; we're going to be modern; we recognize the value of education. Now we're doing it in post secondary education" (Cox, 2000).

As policymakers enumerated and explored the problems with higher education, they noted the successes and failures Kentucky had experienced addressing similar reforms in the past. KERA, as part of Kentucky's recent policymaking culture, precluded Patton from reopening K-12 reform, and for those who disliked KERA it raised concerns that such systemic change to higher education would be equally dissatisfying. The shadow of KERA colored the initial introduction and apprehension over reform. However, the influence of Kentucky's landmark primary and secondary education reforms did not emerge either strongly or explicitly in the policymaking process.

Some, such as Pat Freibert, (Herald-Leader contributing columnist, and former Republican state representative, 1979-1993) saw more complexity, problems and flaws to the process of creating KERA.

> "Another lesson in "reform" is the way the Kentucky Education Reform Act was enacted less than 24 hours after the governor signed that bill into law, the Kentucky Senate had to pass 59 pages of amendments correcting mistakes in the original bill. It also cost taxpayers about $300 million in pet projects to buy enough votes to pass the bill - projects like golf courses, armories, blacktop, etc. The tax-education package, which passed 53-47 in the House, produced 75 projects unrelated to education reform. They consumed more than the entire first year's sales tax increases. Flaws in the

testing program and KERA's controversial ungraded primaries have been subjected to endless criticism by professionals and the public" (Freibert, 1997a).

Donna Shedd, Chair of the Jefferson County Republican Party, described reservations in an opinion-editorial responding to a Louisville Courier-Journal story:

> "It was your reporter who asked me if I thought the Governor's plan was like KERA. I said that they were similar politically. I was accused of portraying the Governor's plan as the "evil twin of KERA" and the writer even predicted that I would soon be saying that "Mr. Patton's plan is actually a devious Bill Clinton plot to promote campus fornication, abortion and sodomy." As far as being the 'evil twin' that implies that KERA is the "good twin." I would never, never say that" (Shedd, 1997).

In some ways, moving from KERA, which addressed primary and secondary education, to addressing the reform of higher education, seemed natural. "We had gone through the Kentucky Education Reform Act and we had made fundamental improvement in K-12 education. It is logical that the next step was higher education" (Patton, 2003a). On the other hand, Skipper Martin (political advisor to Governor Patton and Chief of Staff at the time of House Bill 1) for example, sees KERA[26] having little to no influence on the political planning for House Bill 1.

> "No. No. No. No. I think there were some legislators who were smarting over KERA. See, in our campaign in 95 the Republicans jumped on KERA and we said we needed to "fine-tune" it. We did not really know what that meant at the time – we just said "fine-tune" it. Well the Republicans and the candidate said, "Do away with it." We were not going to do away with it. The business community said it was good and blah, blah, blah, blah. So we said we'd fine-tune it. But I do not think the two were ever put together and we did not have a master strategy. We did not lay out a step-by-step strategy. He just felt like it was time to go – and we said, "Well, let's figure out how to do it – and go do it." If we'd have thought about it too much more we might have said, "Let's not do it" (Martin, 2002).

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[26] "Those of us who were in on KERA, and I think there are only 6 or 7 of 'em left now, all still feel it's our baby. You get a paternal instinct – stated or material – whichever the case may be. I think so. Even more so that we did with KERA. We did KERA by committee and did a lot of it behind closed doors because of the times and the complexity of it. even though it was not as complex as this. This process is probably good for the whole damn process. It was done more out in the open than any bill I've been involved with since I got here" (Rapier, 1997).

Going into the Extraordinary Session, there were mixed opinions about the potential for changing the higher education system based on the track record of past reform efforts in the General Assembly.

> "Previous reforms have resulted in increased bureaucracy. Looking back, each of Kentucky's so-called "reform" initiatives has taken a familiar theme. The legislature simply creates another "super board" and centralizes oversight in Frankfort. Then the politicians spend the rest of their political lives trying to explain another dumb vote" (Cave, 1997).

There also was no clear sense that Kentucky would be able to make changes to its higher education system. Governor Patton had recently held an Extraordinary Session in which changes had been made to worker compensation. In this session Governor Patton had both worked with and against his Democratic allies – and had partnered with the business community that was typically a Republican ally. As a result of passing the worker compensation reform he had increased his political capital. But higher education policy had proved an intractable issue many times in the past. "I mean we had an absolute donnybrook here in 1982 when the council tried to step forward and established funding based on something other than headcount enrollment and that sort of thing" (Cox, 2002).

Pat Freibert (1997a), epitomized a recurrent theme of House Bill 1 in her statement, "Many Kentucky governors have gone to Frankfort wanting to "reform" higher education only to realize they could not tame this 800-pound gorilla." While the weight of the gorilla varies – this common sense of higher education as an uncontrollable, political beast is common amongst many of Kentucky's higher education policymaking communities.

> "Politics in higher education is politics as its most rudimentary level, and the political skills of many university administrators make elected officials look like amateurs. Much of Frankfort's recent oratory on public higher education focused on political solutions for apparent political reasons. It should be obvious that narrow political interests can impose destructive changes" (Freibert, 1997b).

Senator Ernesto Scorsone had experienced problems getting reform of committee appointments under the Wilkinson administration:

> "I kind of looked at the issue of appointment to the board of trustees. And when Wilkinson was still governor I had a bill to restructure the appointment process – so that you'd have a citizen selection committee and you'd have three nominees for each slot and the governor would make appointments

from that and – of course he blocked that. He did not want to have any curtailing of his powers and then it was under the Jones administration that I was able to get that bill passed" (Scorsone, 2003).

Some felt that Governor Patton's recent record of success with other reforms built false confidence. There were also strong feelings that when higher education problems were identified – they were not solved. Like previous reform efforts there was concern that they were politically driven, and that ultimately they would not reduce waste or duplication. UK faculty member George Herring (1997) wrote of politicians, "some have been downright hostile, demagogically bashing professors to feather their political nests while blatantly interfering in the operation of the university." Each institution had its own strong political advocates. "In the old days, it was more power politics. You had very, very strong campus interests in Kentucky, very strong political leadership on campuses[27]. If Eastern got a building this biennium then by-god it was Morehead's turn next term – that kind of stuff. I mean that's the way the system was developed" (Cox, 2002). In the view of Harry Moberly:

> "Higher education had been more of an entity that competed among themselves for legislative favor and for executive favor. When Mike Maloney was there he was unabashedly partisan towards the University of Kentucky and did things in the budget for the University of Kentucky. I did the same thing for Eastern; Jody [Richards] did the same thing for Western, that kind of stuff. I mean those institutions competed within the General Assembly" (Moberly, 2003).

The allegiances and alignments of the institutions had shifted over the years, but into the 1990s the regionals, through their strong leaders, had competed for funding against UK and UofL. This had led to an institution-centric situation leaving the Council frustrated in its efforts to coordinate. As the Extraordinary Session approached, opponents expressed their skepticism of state government's ability to change higher education. One of the most vocal, and one of the few community college presidents to comment publicly, was Rollin J. Watson (1997c), president of Somerset Community College, "Certainly it will not be a group of misguided politicians or ivory tower intellectuals who will lead us out of the morass."

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[27] "Adrian Dorn, for example, was president of Morehead for twenty-two years; he was speaker of the house before he became president. Bob Martin, was president at Eastern Kentucky University he had been superintendent of public instruction, he was commissioner of public finance which in those days was comparable to cabinet secretary before he went to Eastern. On and on and on, Harry Sparks was president at Murray, had been superintendent of public instruction" (Cox, 2000b).

When the Assessment described Kentucky's "research competitiveness," it concluded the state did not have a world-class research institution to breed or attract entrepreneurial talent and businesses. One reason for this Assessment noted was, "There has been some debate within the education community about whether UK's research focus is dispersed due to its maintenance of the community college system" (Patton, 1997c, p. 33). The Assessment went further to support the implicit contention that UK, if it continued to manage the community colleges, would not be able to assume its role as a research university:

> "In states where there has been an effort to link research universities with other institutions, their respective missions have been homogenized their resources scattered. The results then can be that these states have neither an outstanding research capability nor an effective system for workforce development" (Patton, 1997c, p. 33).

While no formal call for the separation of the community colleges from the University of Kentucky was included in the Assessment, the proposal was very much in play. The proponents of severing the community colleges from the University of Kentucky cited several reasons. They described two fundamentally different approaches to, and speeds of, change existing between universities and community colleges. The community college system had to be able to change rapidly. Proponents saw change at the community colleges occurring too slowly under UK management. Conversely, UK supporters saw the community colleges as the outlet through which UK would drive the workforce development called for in House Bill 1. UK supporters contended, under UK management, the community colleges were serving their communities within the existing structure and contributing to workforce development by offering programs and training that met the needs of their local employees and employers. Supporters, notably Ashland Community College, Interim President, Roger C. Noe[28] (1997), promoted the position that the community colleges "provide academic quality that enables our students to transfer to other institutions and successfully complete bachelor, master's, doctorate and professional degrees." The community colleges were, they maintained, already efficient, responsive providers of instruction and degrees for Kentuckians. As described by House Republican

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[28] As a State Representative, Noe was an opponent of KERA.

caucus leader, and Lexington representative, Stan Cave, "The University of Kentucky's community college system is one of the few education success stories in Kentucky. It has 14 locations, more than 43,000 students, good quality; it's financially sustainable, and all without political contamination. 'If it is not broken, do not fix it!'" (1997).

Some policymakers, even those that supported UK, were uncomfortable with UK's management of the community colleges. Senator Danny Ford (2004) said, "Everybody was suffering except UK who seemed to be more interested in just becoming the world's largest community college. Just to grow its base but not its quality. And that just was not acceptable." Greg Stumbo, an advocate for his local community college in Prestonsburg, agreed: "UK, in a lot of ways, treated the community college system as a bunch of step-children[29]. So you ca not really say that UK treated them like they probably should have been treated" (Stumbo, 2004). Patton expressed the conclusion that the community colleges "were a colony of UK. They were not accredited by UK. They were independent – they were owned and operated by UK but they were not UK. Much of the stuff would not transfer to UK. So that brought about a lot of frustration" (Patton, 2003b).

Both proponents and opponents also expressed concern over the state of transfer – each acknowledging UK as a confounding rather than consolidating factor in the situation. Another concern was the apparent lack of planning resulting in a duplication of resources and effort between the community colleges and the Kentucky TECH colleges. Representative Callahan (2002) said, "I think it was atrocious that we had community colleges and tech schools that virtually were not speaking to each other."

Another principal contention was the inherent under funding of the community colleges. While efforts had been made to appropriate funds directly to the community colleges the fact that the funds had to go through UK first left doubts as to how, or if, the funds ever made it to the community colleges.

> "From a budgetary standpoint, it is noteworthy that UK miraculously leads a stealth existence. It is not required nor does it choose to reveal how much money it allocates to each of the community colleges. UK finances projects with athletic funds and non-profit funds without any legislative or executive

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[29] "I remember with Dr. Singletary, whom I liked, would come by before every session and promise us a new building at Prestonsburg. But we never got one because when their priorities came over here they always had their buildings at the top of the list and the community college buildings at the bottom" (Stumbo, 2004).

oversight. Wethington will not even reveal who or what is paying for the Outsider relations campaign he is waging to fight Patton's plan. UK's budget is largely a closed book. Wethington likes it that way because with exposure comes accountability" (Guilfoyle, 1997).

UK supporters contended that "He [Governor Patton] blames Dr. Wethington [who had been Chancellor of the UK community college system prior to becoming UK president] for UK's failures, when it is generations of neglect by the state that have put UK in its present situation of being one of the most under funded flagships in the country. It and the community colleges are badly funded, and it is a wonder that they have done as well as they have" (Watson, 1997c). Part of the reason UK was under-funded, opponents stated, was that the General Assembly funded the regional universities over UK and the community colleges.

> "The drain on UK emanates from too many competing state universities, not the meager resources used by the community colleges. The danger lies not with UK - which has seen that the supportive community colleges can be part of a great research university - but with the well-meaning people who destroy something unknown to them" (Watson, 1997a).

By far, the most contentious concern and claim of the debate over higher education reform in 1997 was that UK used the community colleges for political clout. Proponents of reform saw the UK community college system being used as a UK political tool more than for any educational purpose. The feeling expressed was that UK, under the leadership of President Charles Wethington in the 1990s, had emerged as the preeminent political force in Kentucky higher education politics. As its former Community College Chancellor, UK President Charles Wethington, in the words of Harry Moberly was, "more of a power politician who saw the political value of having these community colleges" (Moberly, 2003). Governor Patton spoke to the impact of this power, "They used the political clout of the [community] colleges – not for the colleges' benefit – the colleges were being starved under UK, they were not getting their fair share, UK was advocating for its main interests. But the whole argument was stymieing support for higher education in general" (Patton, 2003b). Council President Gary Cox describes a specific incidence:

> "President Wethington was being more and more aggressive with the community college system. He had talked about UK was going to begin offering bachelor's degree programs on community college campuses. That

was sort of [like] he'd gone to meddlin' at that point. That scared the regionals to death" (Cox, 2002).

President Wethington does not recall this.

"I do not remember any statement that was made about offering bachelor's degrees statewide. There was the controversy going on in Paducah about the offering of bachelor's degrees in engineering there by the University of Kentucky. It's fairly easy for that kind of paranoia to spread throughout the state" (Wethington, 2002).

Paranoia of this type made it impossible to make anybody happy.

"Hell, every time you gave UK something you made them [the regional universities] mad – you gave them something you made UK mad. There was such a competition that you could not satisfy anybody. Therefore there was not much interest in putting any money into higher education because you were making more people mad than you were making happy" (Patton, 2003b).

It is evident that the political clout the community colleges gave UK was definitely an issue of, and problem in, Kentucky higher education. CHE president Gary Cox agreed with Governor Patton's contention.

"Charles Wethington always took the position that, as the state's flagship institution it was the responsibility of the University of Kentucky to see that postsecondary education was delivered. I do not think you can over-estimate the animosity, and I'm not pointing blame or anything else, but I do not think you can over estimate the animosity within the higher education community toward the University of Kentucky" (Cox, 2002).

As a result, in March of 1997, owing to almost a year of public discussion, a significant amount of consensus had developed supporting the contention that Kentucky's economic future depended upon increasing the educational attainment of its citizens. Agreement was also near unanimous that changes should be made to improve Kentucky's higher education system. There was also a modest consensus that the Council on Higher Education needed to be strengthened if not outright reformed. But the strongest division was over the "problem" of the community college governance. There were emerging signs, as change proposals were floated, of disagreement as to what structural changes should be made to higher education. This concern over change was due, in part, to questions about whether past reforms had actually been successful and the strong sense that the political

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nature of Kentucky's higher education issues made any reform difficult. Finally, over the issue of the governance change, neither side found consensus with the other.

The Plan: Building Kentucky's higher education agenda

As the end of policy formation nears, as ideas are tried and either incorporated or discarded, a consensus within the policy leadership begins to emerge. This is when those leading the policy move from floating alternatives to drafting policy. In the case of House Bill 1, while the Task Force was still completing its report, the Assessment, work had already begun in the Governor's office to draft the document that would be known as "the Plan." The Plan was a crystallization of the intentions of the Patton Administration. It defined what Patton intended to accomplish and provided the framework for House Bill 1 which would be drafted in the month following the announcement of the Plan. The Plan itself was written by a small group of Governor Patton's staff. As Jack Conway, assistant to Dennis Fleming, explains:

> "My recollection is the key people who were in the room as we were putting the ideas [together] were Paul Patton, Crit Luallen, Jim Ramsey, myself. Skipper would be in there for political purposes. Dennis Fleming was in from time to time – although I was doing most of the legislative drafting. Vi Miller was in the room, Roy Peterson was coming, Bix King was coming – they were not that integrally involved. Aims McGuiness from NCHEMS was in the room. Aims was the one [that when] the governor said 'can we do this?' Aims would say 'Well, they do it like this in such and such a state – here's the problem.' Ed Ford was in the room quite a bit, because Ed advised the governor on education matters. I'd say you just about have it there" (Conway, 2001)

In mid-March Governor Patton met with several top legislative leaders from the House and Senate, sharing a 14-page draft of the Plan. The draft proposed: (1) a dramatically stronger coordinating board, led by an executive who would "out-earn and out-rank" university presidents; (2) removing the community colleges from UK control and placing them, with the Kentucky TECH schools, under an independent board and proposed a budget boost of $11.7 million for the new community and technical college system; and (3) "challenge funding" for research universities and "Programs of Distinction" at the regional universities. As follow-up Governor Patton wrote a letter to members of the General Assembly indicating that

"The preponderance of evidence indicates that the community colleges and Kentucky TECH should be connected organizationally in such a way to promote efficiency and more responsive service…I would never ask a legislator to vote for a measure that hurts the community colleges. If you, like me, are a champion of the community colleges, I ask you to have faith, be patient, and wait until the whole picture is complete before you make a judgment about where your support lies" (Patton, Letter to Postsecondary Task Force members, March 26, 1997).

Responding to press inquiries, Senator Ernesto Scorsone agreed that it seemed Governor Patton was "going to suggest a new structure. If the governor feels it's the only way, he's going to have a tough task to convince people" (Patton Dangles, 1997). On March 26, 1997 the document "An Agenda for the 21st Century: A Plan for Postsecondary Education" was released by the Governor's office. The "Plan," which at 14 pages was significantly shorter than the Assessment, indicated that three primary changes would be needed:

– Establish the Council on Postsecondary Education (CPE) with a strategic linkage through the Strategic Committee on Postsecondary Education (SCOPE) to the elected leadership.
– Establish the Kentucky Community and Technical College System (KCTCS) to serve as the governing board for the Kentucky community colleges and KY TECH.
– Create a strategic budget process for postsecondary education.

While all the constituencies agreed that improvement, and possibly change, was needed to the current higher education system – they did not agree on all the proposals set forth in the Plan. Legislators registered opinions on both sides of the separation issue. Representative Herbie Deskins of Pikeville questioned the extent of the change, "there's no crisis that we can see in the legislature. There does not seem to be any outcry from the general public that higher education needs to be reformed and particularly that community colleges should be stripped from UK" (Patton Takes, 1997). Senator Nick Kafoglis, of Bowling Green, voiced the position of the proponents, "I'm not willing to support the status quo. It seems to me the purpose of community colleges and the purpose of UK are very different and we need to make that distinct" (Patton Takes, 1997).

On April 14th and 15th the Task Force met and heard testimony about the Governor's reform plan. Kay McClenney, executive vice president of the Education Commission of the States, agreed with the recommendation of consultant Aims McGuinness

of NCHEMS that, for Kentucky to become as competitive as it wants to be, the community colleges should be administered by a separate board. "Community colleges in Kentucky are but a shadow of what they could be if they were separately and differently governed," she said. "Simply put, community colleges and flagship research universities just have different missions. When you try to mix those two missions under the aegis of one governing entity, the outcome that you're going to have is that one of those missions gets shortchanged, and it's always the community college" (Education Plan Ok'd, 1997).

UK Chancellor of the community college system, Ben Carr testified to a completely different scenario, "I feel that what we're doing is a national model. I feel that we are so far ahead that, being Kentuckians, we see the person ahead of us and think we're behind, when in fact we're about to lap other states in this race" (Education Plan Ok'd, 1997). Greg Stumbo sparred with the consultants over the community college issue. Reminded that he had once called for separating the community colleges from UK, he responded he had not really meant it, "I do not believe the community colleges would have a strong voice [on their own]. They'd have a weaker voice. It does not make sense to me to say you're all of a sudden going to have these problems cured just because we have a separate board" (Education Plan Ok'd, 1997). Governor Patton, who was an active participant in the proceeding (at times correcting the consultants on their data and facts) and reaffirmed his intention to push for the separation, "I believe that is the only way we will ever get the kind of coordination and cooperation and efficiency that we obviously must have. To me, that's the fundamental and bottom line" (Education Plan Ok'd, 1997). The Task Force concluded by approving the Governor's plan as a framework for the legislation to be considered in the special session that was set to begin on May 5.

The process of generating policies and alternatives is generally an evolutionary one where ideas and drafts are floated, meetings are held, discussions and symposia are convened, and proposals rise and fall with only the fittest surviving. Even with a well-defined and accepted problem, there is a need to "soften up" both a policy community and the general public, before new ideas can have a chance of consideration and acceptance (Kingdon, p. 128). The goal of softening up is to find areas of common agreement and desirable approaches before all sides become hardened.

The real division began over the type and extent of change that would be needed to "improve" the system. While the proponents described how they felt the changes the Plan

promoted would benefit all Kentucky higher education, others questioned need to reform the system – and whether the proposed changes would result in any appreciable improvement. Differences occurred over whether the authority of the CHE should be strengthened. The first component of the Plan required dissolving the existing Council on Higher Education. This provided both a break with the past and the opportunity for Governor Patton to appoint (from nominations submitted by the Postsecondary Education Nominating Commission[30]) an entirely new Council. Second, the new Council would be headed by a president who was "a nationally-respected education leader, advocate, and administrator" (Patton, 1997d, p. 1). The president would be "compensated at a level greater than the President of any of the eight state universities" (Patton, 1997d, p. 5). Third, a Strategic Committee on Postsecondary Education (SCOPE) would be created. SCOPE, which would be composed of state political leadership and representatives from the new Council, would be tasked to "develop a Strategic agenda for the future of postsecondary education in Kentucky and a budget plan to achieve this Strategic Agenda" (Patton, 1997d, p. 1).

As a result of the process to develop the Assessment, a consensus was evident over the contention that "Kentucky's entire higher education system sorely needs more effective coordination to provide better value" (Geohegan, 1997a). Dissolving the current CHE was seen as acceptable allowing Kentucky to clean house, start fresh and regain credibility by putting the new Council in a position of leadership. The change would not be as major change as a "super board" or governing board, both of which were considered but rejected as too politically difficult to enact[31]. The new CPE would, however, have more authority so it could reduce turf wars and increase the accountability of the institutions.

> "As it existed, it [CHE] had lost credibility. And so it just needed to be renamed and restructured and just to have a fresh start. And so we renamed it and reshuffled it. It was pretty well obvious that this thing had to have a new start and you could not get a new start with the same leader. It was just

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[30] Formerly the Higher Education Nominating Commission.

[31] "Now, we discussed a governing council and pretty well abandoned that pretty early on. It was not clear cut that that was in fact a better way to do it. It would have obviously been tremendously politically difficult to do. And in fact other states were considering going in – away from that – like West Virginia, I believe that's gone away from the big governing council so we needed to give it more influence and more prestige without being – without turning it into a governing Council" (Patton, 2003b).

a fact that it needed to have new images and needed to have new leaders"
(Patton, 2003b).

While a strong (but not too strong) Council seemed generally desirable – having a
strong leader at the Council was less well supported. For example, the symbolism of having
the CPE president make a higher salary than any other president did not resonate as
meaningful with either the public or policymaking opponents. They did not accept the
argument that a strong CPE leader would be able to stop the institutions from making end-
runs around it, or stop legislators from "messing" with the higher education budget. As
Senate Minority Leader Dan Kelly explained:

> "The plan was for the CPE to be headed by an educational guru who would
> have so much influence and support he would rein in the micromanaging of
> higher education by the General Assembly. I did not see that being
> accomplished. Before the individual presidents would come down here and
> lobby – some with more success than others. The idea was the CPE guy
> would bring them all together and the General Assembly would bow to the
> wishes of the CPE[32]" (Kelly, 2003).

The debate over SCOPE, and its proposed ability to reduce the political nature and
conflict of the budget process, was the second largest policy debate of the 1997 reforms.
The Governor had learned to seek public "buy-in" on budget initiatives prior to seeking
funding and this directly influenced the formulation of SCOPE. Proponents argued SCOPE
would reduce the political nature and conflict of the budget process by providing a public
process for setting budgets and would protect the new, higher authority of the CPE and
increase accountability for budget decisions.

In addition to providing a forum for building "buy-in" for higher education funding
before the budget went to the General Assembly, SCOPE was also intended to put the
higher education budget at the front of the budget line. Since the higher education budget is
one of the few, large "discretionary" budget items (in contrast to entitlements that have
mandated funding) it is always in danger of being adjusted to balance other areas of the
budget. By setting higher education funding up front – the General Assembly would have to

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[32] "In truth our experience showed that it did work – but then the guy who was doing it got sacked by the
governor for doing his job. Gordon Davies was sacked because of the political influence of some powerful
legislators" (Kelly, 2003).

take money away from higher education which is always harder to do than allocating less. Thus SCOPE was intended to give higher education the first claim to funding.

The opponents saw SCOPE very differently. They feared SCOPE would institutionalize higher education funding politics[33]. Governor Patton's plan to have a public debate in SCOPE on budgets changed the venue of the budget discussion from the General Assembly to a gubernatorial controlled environment and thus, the opponents contended, supplanted the roles of the legislators and committee chairs. Opponents, like Dan Kelly, saw SCOPE as an unproven concept that did not make sense and they could not see how it would improve the higher education budgeting process. They argued it would be unnecessarily political, would not properly represent higher education, and would put the politicians, not the professional educators, in charge of higher education funding.

> "We were in favor of the Governor's attempt to distance education from the politics and have an objective analysis and planning of capital improvement. SCOPE was a good idea and we agreed with the attempt to depoliticize the investment in higher education. It mirrored the Governor's style of always wanting to bring the General Assembly leadership together. Of getting them to buy in and then having them go out and convince the rest of the state. SCOPE was an extension of that style. It does not work like that – you ca not supplant the roles of committee chairs and individual legislators who what to inform themselves about and be involved in policy" (Kelly, 2003).

In contrast to the general agreement with reconstituting the Council on Higher Education as the Council on Postsecondary Education, and the somewhat greater questioning of the workability of SCOPE, the proposal to move the governance of the Kentucky Community College System from the University of Kentucky to a newly created Kentucky Community and Technical College System Board was the largest and most contentious offered. Four premises outlined this policy proposal. First, UK needed to lead economic development in the state and to do so it must seek a Top 20 research university ranking. Second, managing the community colleges was a drain on UK's ability to focus on and achieve a Top 20 ranking. Third, the role of the community colleges was different than that of a research university and so they should be managed separately to make them more

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[33] Governor Patton intended that through these early meetings to build "buy-in" SCOPE would actually reduce the politics of higher education funding.

effective. Finally, the schools of Kentucky TECH would be more effective if they were removed from state government and made part of a system with the community colleges.

As stated by Ron Geohegan, "Kentuckians need UK to shore up its graduate programs…Kentuckians need now more than ever for UK to become nationally, even internationally, known for its' scholarship and research. Patton offers Kentucky a visionary plan for raising UK's status as a center for learning and ideas" (1997b). The Assessment concluded that Kentucky needed to increase its higher education research capability, and the Plan made it clear the University of Kentucky was expected to lead. The Plan proposed a Research Challenge Fund to support both UK and UofL (primarily through matching funds) with endowed professorships, endowed chairs, graduate assistance, junior faculty research and external research funding. The premise was that this additional funding would raise UK's status to that of a "Top 20" flagship research university and increase UofL's ranking as a major urban research university.

> "We had to establish an identifiable and a theoretically achievable goal. In my inaugural speech I had a statement, "Your reach must exceed your grasp - - what else is heaven for…" What we wanted was UK to be recognized to be as one of the top 20. That is not a quantifiable definition. It is a reputational definition" (Patton, 2003b).

The "Top 20 Research University" Goal for UK was aspirational. Increasing the financing for the research university (as well as UofL and the other higher education institutions) was an important goal of House Bill 1. This theme resonated well with the policymaking proponents.

> "Now the governor said in twenty years we want to be in the top 20 institutions in America. Now, that is a hell of a goal. No one disagreed with it. I think everybody said, "We ca not get there…" but it was a nice goal. I think it made people, I think, "This is a great vision for us to achieve – to be in the top 20" (Martin, 2002).

It was hard to disagree with the promise of additional funding and increased status for the University of Kentucky – and the University of Louisville. Indeed all four constituencies agreed. Packaging these goals together should have guaranteed acceptance of the reforms Governor Patton was assembling.

> "Failing to support Governor Patton's plan is supporting continued mediocrity. Truthfully, UK supporters should not reject but rejoice in the

Governor's plan because it proposes to establish the university as one of the leading public research institutions in the country. To fail to support it is to continue to allow UK and the state to muddle along" (Adelstein, 1997b).

The corollary to the argument that UK had to lead Kentucky in research was that managing the community colleges drained and diminished UK's focus on Top 20 status. Or as former Jones Administration budget director Mark Guilfoyle stated, "A strong case can be made that UK is actually 'damaged' by being saddled with the community colleges" (Guilfoyle, 1997). The contentions were that the community colleges were (1) a causing UK to lose focus on research, (2) not operating efficiently under UK, and (3) therefore they needed to be removed from UK management.

Kay McClenny, Vice President of the Education Commission of the States, had testified before the Task Force and provided strong outsider proponent support in a May 5, 1997 opinion-editorial in the Courier-Journal.

> "Management by UK is stifling growth and response of the community colleges to Kentucky needs. But the reality is that community colleges in Kentucky are but a shadow of what they could be if separately and differently governed. The colleges provide but a fraction of the service and opportunity they could offer students, communities, and the commonwealth if they were freed to focus on their unique missions, to respond flexibly to student and community needs, and to have both their accomplishments and their problems heard, without screen or cipher, at the highest levels of state government. The unfortunate result is that the community colleges are submerged and lost in the University of Kentucky. From my point of view, the answer is unequivocally – the community colleges will not suffer if separated from UK" (McClenney, 1997).

Supporters of severing the governance relationship agree that putting the community colleges under UK management at their inception made good sense. But now, in 1997, it was time for the community colleges to be independent of UK, to be responsible to their communities – not to UK.

> "It was probably a very smart move to start the community colleges through the university as the parent –because it allowed the system to grow and to be uniform and to have high standards and all that stuff…but the child grew up. It was time for them to get out of the umbrella of the parent and be true community based institutions not instruments that promoted the welfare of UK…it was obvious that the time had come for independence" (Patton, 2003b).

Initially Wethington saw this as one more in a string of attempts to alter UK's governance of the community colleges.

> "The idea of the separation of the community colleges from the University of Kentucky had been in the discussion stage, virtually ever since it happened so there was nothing new about it, nothing precipitous about the act so far as I know of – it had always been an issue, in my opinion, simply because other states did not do it that way – with the exception of Hawaii" (Wethington, 2002).

There were groups who wanted change for reasons of better alignment. Others felt removing the community colleges from UK governance would better level and therefore reduce the political fighting between UK and the regionals. UK felt removing the community colleges from UK governance would increase competition between them and the regionals.

> "But clearly whether it was a stated position or not, my sense is that the regional university presidents were, and their constituencies, were in favor of the separation simply because they've always been in favor of that separation. Had nothing to do with higher ed reform; it's simply that they felt the community colleges ought not be part of the University of Kentucky. In my opinion there is, and will be, far more competition with the regional universities and the new system than there ever would have been if this system had been a part of the University of Kentucky" (Wethington, 2002).

Therefore it is not rational, proponents contended, for UK to manage the community colleges. Asking UK to be a Top 20 research university and manage the community colleges will likely result in low achievement for both goals. The public proponents defined the core mission of the University of Kentucky as one with a focus on teaching, scholarship, and research that will allow it to become a Top 20 research university. The community colleges, they maintained, were a management burden to UK and should be divested.

> "UK's muddled and diffuse mission is distracting it from pursuing and realizing what should be its primary goal: to be a first-rate graduate school" (Guilfoyle, 1997).

Opponents countered that, while UK's community college model might have been unique, the community colleges were a boon – not a drag – on UK's ability to lead the state. Chief lobbyist for UK, Tony Goetz describes his consternation over the proponents' view:

"Who says they were a drag on University of Kentucky? The way the organization was set up they were not a drag. They were actually a boon, personal opinion understand. But I never understood that "drag" thing. And that's still being used by people. But that's just a matter of personal opinion. Nowhere have I ever seen that a single community college was a drag on the University of Kentucky – rather I see it as a boon. I just disagree with that one – on the front end. I just disagree with that totally" (Goetz, 2004).

To the proponents the question was obvious. They described a research university and a community college as having different missions -- that being a great research university did not require also managing a community college system. The proponents argued, for Kentucky to improve, it simply had to change the governance of the community college system – that reform without that was not change. The opponents countered that history and UK's statewide mission required it retain the community colleges.

"UK is a land-grant institution that serves an entire state. In order for the university to fulfill its mission, it must serve the entire state, and research done at the university should have applications in small towns and cities across the commonwealth" (Watson, 1997c).

The opponents of separation marshaled several arguments to counter the inefficiency contentions of the proponents. One argument contended that, if UK was funded realistically, it could achieve Top 20 research university status while still managing the community colleges. Keeping the community colleges within UK would result in more rapid diffusion of UK research within Kentucky. Removing the community colleges from UK management would reduce the services community college students receive. If, the arguments contended, the community colleges were removed from UK: Kentuckians would not go to community colleges without the UK connection resulting in a drop in enrollments; their degrees would lose their value without the UK name on them; changing their focus to workforce training will put their accreditation at risk. Other themes opponents espoused included the contention that the community college system was a feeder system allowing UK to identify and recruit promising scholars from among the community colleges and that close ties between university and community college faculty improved the quality of the community colleges. Proponents of community college governance change countered that these links were neither as real nor as beneficial as separation opponents claimed.

"Wethington's position also fails to take into account that the current arrangement is an abysmal failure. There's hardly a seamless symbiosis between UK and its community colleges…the community colleges are not a feeder-system for four-year schools. The days are long gone when most community college students in Kentucky were there to earn the first two years of a four year degree" (Guilfoyle, 1997).

Many types of arguments about the UK-community college relationship were made, and countered, during the policy formation phase. Some were idyllic in nature, that the community colleges were where smart students (diamonds) in a small town could eventually attend a research university; that the symbiotic relationship between UK and the community college faculty enhanced the community college experience for students. Other arguments assailed the "myth" of the community colleges as feeder schools to UK with great numbers of community college students transferring into four-year programs in Lexington or at University of Louisville or the regional universities. There was also much attention paid to the cache and value of having "UK" on the community college diplomas. Opponents of separation worried that losing the "UK" imprimatur from community college diplomas would reduce their value -- that without the UK connection the community colleges would be reduced to technical schools.

The technical colleges, proponents contended, needed to become more like real colleges. By taking them out of state government and combining them with the community colleges, the technical schools would gain the prestige of becoming a college. The Assessment had documented the duplication of programs between the community colleges and the technical schools. The Plan determined that coordination of the community colleges with the technical colleges was necessary and called for their combination as the Kentucky Community and Technical College System.

UK supporters felt the community colleges already contributed to workforce development by offering programs and training to meet the needs of employees and employers and were less sure that combining them with the Kentucky TECH schools would result in any substantial improvements. While they conceded that moving the technical

colleges out of state government – while it posed some problems – was not unwarranted, they suggested they might be better served by moving under UK management[34].

> "I have never had opposition to joining the postsecondary vocation schools with the community colleges and in fact did agree with the Governor that this is an area in which we could agree if he so choose. [Merging the technical colleges with the community colleges] could have been done, in my opinion, with a separate board – still a part of the University of Kentucky – still under the umbrella of the board of trustees of the University of Kentucky. So moving postsecondary ed into the community colleges was not an issue for me, it never was" (Wethington, 2002).

What was left then was for a decision to be made:

> "I had come to that conclusion after months and months and months of detailed study – from an outside, non-stakeholder position. And I guess I did not fully understand that they could not be convinced. It was like going into a group of slaves and saying "Look you all are being abused. You're being used. They're using your political clout to feather their nest. You will be much stronger if you can use all of your political clout to get money for you. And you'll be free." You know it was like slaves…we were promising freedom" (Patton, 2003b).

In January 1997 Governor Patton announced that he intended to increase the budget for Kentucky higher education by as much as $100 million a year (twice the recommendation of the Kentucky Advocates for Higher Education). But only if the system embraced basic, serious, change. He stressed the public was not satisfied with the return on its investment to date and was not willing to put money into the system as it exists, without seeing changes. Governor Patton indicated that, if the universities did not work together, he might be tempted to redirect the $100 million towards streamlining government and improving tax collection.

The Assessment recommended significant changes to Kentucky's higher education funding model. The strategic budget process utilized the creation of six "strategic investment and incentive" funds (in research, regional university excellence, technology, physical facilities, regional access and workforce development, as well as student financial aid and advancement). The early policymaking experiences of Governor Patton had molded his

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[34] In fact, this solution had been proposed previously. "I felt [in the early 80s] that they [the community colleges] ought to be together with the technical schools – but we did not have enough clout to get that

approach to developing consensus for proposals. This reform was built around the belief that Kentucky was not investing enough in the system, that valuing postsecondary education should be accomplished by increasing funding rather than by taking away money from higher education.

> "In many ways the most fundamental the other thing that Governor Patton did which was certainly unique in Kentucky is he connected reform with more money. In most states reform is connected with taking money away. That's always the way it had been in Kentucky. Talk about how wasteful they are, talk about improving their productivity and reducing duplication and all that stuff, and take some of their money away from them. Governor Patton connected reform with more money, [and] changing the way that money was appropriated, so it made it more difficult for the higher education community to be opposed to it. I think this reform was built around valuing and funding postsecondary education not around limiting postsecondary education. I think that was a very fundamental point" (Cox, 2002).

Opponents to House Bill 1 were generally agreed with the funding proposals Governor Patton advanced. Indeed they were more likely to see the goals of the proposed governance changes could have been made through the budget – and not through the more drastic restructuring changes. "Our feeling at the time was that the turbulence and cost was not worth the effort – that we could do more by investing all the dollars we had available in the current system instead of funding more bureaucracy" (Kelly, 2003).

The size of the funding required to improve Kentucky's higher education system would be significant. A concern raised by UK supporters was "Would the funding materialize?" The increased funding Patton promised was not guaranteed. "The millions of dollars he's dangling in front of the collective university noses have yet to be seen. It's a promise he may not even be able to keep after passage" (Shedd, 1997).

When it came to funding and funding model changes recommended in the Assessment, the promise of increased funding overshadowed any significant resistance. While there was concern over the new costs associated with building a separate administration for a combined community college and technical college system, there was also acceptance of increasing incentives for institutions that focused on meeting state goals.

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done. Because everybody else ganged up against us to do it" (Breathitt, 2002).

Within the policy stream policy alternatives are generated, tested, and refined (Kingdon, p. 200). Policy specialists, who are usually hidden from public view, emerge to float policy concepts in a variety of means: in speeches, hearings, comments to the press – and in opinion-editorials. While problems tend to be somewhat limited in terms of scope and evidence to validate them, and politics to focus on a limited number of areas of consensus or great conflict, in the policy stream many ideas are possible. This was the case with alternatives to the proposals put forth.

Several alternative restructuring proposals were proposed during the time leading up to the Extraordinary Session in May 1997. Some (including former Governors Breathitt and Jones) favored strengthening the authority of the existing Council. Other alternatives, a multi- board system, with UK and UL under one board, the regional universities under another, and the community colleges and vocational-technical schools under a third board, were also proposed. Other participants, including some Council members, speculated on the need for a super-board. The University of North Carolina model was one that was often referenced[35].

> "If we really wanted to reform higher education in the state we should have what I refer to as a North Carolina system. We should have two universities. We should have the University of Kentucky and all the regionals and the community colleges under the University of Kentucky – and then we should have the University of Louisville as our urban university with Northern Kentucky University under the University of Louisville – and that creates a truly seamless system" (Stumbo, 2004).

Opponents countered:

> "Kentucky is not North Carolina and should not want to be. UNC has lost ground in recent years and its community colleges are not the most highly rated in the country. With far better funding than Kentucky, NC's system of higher education is fragmented, not free of internecine warfare" (Watson, 1997a).

An interesting addition to the super-board concept came from Somerset Community College President, Rollin J. Watson:

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[35] The UNC model was very explicitly in the fore when former North Carolina Governor Bob Scott addressed the initial meeting of the Task Force on Postsecondary Education.

"If the well-meaning governor really wanted reform why did he not start at the top, creating a state-wide university system that would have given each type of institution a place in the scheme of a well-planned system?" All of the public institutions should be under UK. And Dr. Wethington should be the "super-president" (Watson, 1997c).

Compromises were also proposed to Governor Patton's plan for severing the community colleges from UK. Representative Mike Bowling of Middlesboro and Senator Joey Pendleton of Hopkinsville pitched a compromise plan that would have allowed UK to continue running the 14 community colleges but would remove UK budget authority over the community colleges. House Majority Leader Greg Stumbo suggested this could expand course offerings at community colleges allowing students to complete bachelor's degrees at the community college campuses. However this compromise never took hold. According to UK Board Chair Breathitt, it lacked "clear lines of authority. It's like putting a Ford logo on a Yugo. It does not make it a Ford" (Lawmakers Pitch, 1997).

Some proposals were oblique in their suggestions often trying to support the status quo without rocking the boat. One such proposed (by a professor at a community college) increasing social capital between the communities and the community colleges rather than removing them from UK. Other alternatives were more direct and adventurous. Many had also been proposed, and rejected, before. These included: combining the University of Kentucky and University of Louisville; greater involvement in service learning; letting the regional universities manage the community colleges; eliminating a law or dental school to increase available funding for the community colleges; putting all regional off-campus programs under a new board; and transferring each of the community colleges to the nearest regional university. The role of Kentucky's independent institutions was also raised as their presence and contributions to state goals, such as the production of teachers, were promoted as part of the solution.

Alternative funding proposals were also offered. These included: saving on the high cost of faculty by hiring new, lower cost ones as senior faculty retire; adequately financing the Fund for Academic Excellence[36]; funding of student aid programs like the Kentucky Tuition Grant and College Access Program; and a "GI Bill for Kentucky" that, instead of

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[36] The Fund for Academic Excellence was first recommended by the Prichard Committee in 1981.

subsidizing state schools, would distribute higher education funding dollars to the students who will decide which public or private institutions they want to go to.

As policy alternatives vie for attention and acceptance, policy communities and actor utilize various strategies to promote favored proposals and to counter less acceptable alternatives. A principal strategy in the policy formation phase is persuasion. Constituencies seek to build support for their position by converting other policy actors to their point of view. Persuasion to build support for, or opposition to, the Plan occurred privately, publicly, and amongst networks and alliances. Privately Governor Patton and his staff met with President Wethington several times during 1997 in efforts to find a way to change the governance of the community colleges without alienating the University of Kentucky. Publicly a multitude of constituencies expressed their arguments and positions through presentations, the press, and debates. Through, and in support of, these efforts coalitions formed in support or opposition to the principle recommendations of the Plan.

Even as the Task Force and Governor Patton's writing team were drafting the Assessment and the Plan, the governance change for the community colleges was under consideration. As the policies of reform were being shaped, Governor Patton met with many groups and individuals. In particular he tried to convince Greg Stumbo to support the separation of the community colleges from UK. Stumbo recalls one meeting this way:

> "I remember a conversation we had over at the mansion one time and when he told me he wanted to separate the community college system from the University of Kentucky. Well, that did not set very well with me to tell you the truth. [But] the governor had made postsecondary education reform the – he'd highlighted it in his inaugural address as I recall, it was going to be his mark on history – and I think that, I always felt personally that he felt like that he could not accomplish that unless he did something remarkable – something that nobody said could be done – and that was to remove the University of Kentucky's community colleges. And whether that was right or wrong I think that was a more political decision that it was a well thought-out decision – even in hindsight. But be that as it may. So I was an early opponent of moving the community college system out from under the University of Kentucky" (Stumbo, 2004).

Governor Patton also worked behind the scenes to explain his position to leaders at the University of Kentucky with hopes of bringing them aboard. Patton's Chief of Staff, Skipper Martin, remembers one such meeting:

"[Governor Patton] and I met with Mr. Sturgill, Otis Singletary, and Charles Wethington during basketball season. Bill Sturgill's quote was, 'If it ain't broke, do not fix it.' There was Paul open, conversive, there would be some humor and we would laugh. And there was Charles, very locked up and tight. Charles never laughed. He was just real uptight. He [Governor Patton] offered Charles what amounted to, I do not know the amount of money, but it was a vision of the university with millions of dollars more money to fulfill a dream. Charles never brokered, never nodded his head. He went right back to the community college issue. His needle was only moved when he talked about the community college issue and he had no vision for the future bigger than what it was at the meeting. And, I must say, Singletary did not get too excited. Their mentality was "save the community colleges." I was stunned to see how there was no motivation for greatness for this school. [Governor Patton] painted that vision of the university to Charles…and it never motivated him" (Martin, 1997).

Former Kentucky Governor and at the time UK Board Chair, Ned Breathitt recalls the meeting this way.

"I remember one time after a Kentucky basketball game, we met up at the hotel in a suite. Patton was trying to sell us on the idea of our voluntarily giving up the community colleges. He was talking about his educational reform package – which we supported everything in his educational reform package – except taking the University of Kentucky community colleges away. Wethington had been the chancellor of the community college system. He knew it. He'd worked hard to build it. We had just completed a major fund-raising drive in all these communities to greatly expand the scholarships and campus facilities at these schools. We'd just competed it! And gotten all these communities involved in raising money so we felt we could not abandon these communities that wanted to stay with us. So we told the governor that. But the governor had made these commitments to the regional institutions and to UofL –he had the power – and he's a very able man" (Breathitt, 2002).

In reflection, Governor Patton felt that there was probably no way that an understanding or a compromise could have been reached.

"I did not realize that it would be that hard. I thought that UK would jump at the chance to really be promoted as a great research university. I just did not fully understand that Charles' base was in the community colleges – he had a personal [tie] – it was his children" (Patton, 2003b).

Once a policy proposal goes public, as with the publication of the Plan, opposition becomes even more obvious, and persuasion begins. UK mobilized the media and the community colleges to protest the governance change. In late March the University of

Kentucky Alumni Association began sending letters appealing to their list of 90,000 UK graduates to contact their state lawmakers (using the included list of phone numbers, postal address, and e-mail addresses for senators and representatives) and make their feelings about the Governor's plan known. With "Save your UK community colleges," printed on the envelopes, the letter stated:

> "Unbelievable as it may sound, forces are at work to damage the University of Kentucky and put higher education for you and all Kentuckians at risk…the value of associate degrees and college credits earned from a community college would be severely weakened if that degree did not come from the University of Kentucky… all of us lose if the community colleges are taken away from UK" (Alumni Association Fights Patton, 1997).

The tactic was effective. "UK was scaring the [the community college faculty]. And they might have believed it – now you're part of a research university's faculty – tomorrow you're going to be part of a technical school's faculty. Is this the demise [of the community colleges]? That sort of thing" (Cox, 2000). Supporters of the Plan charged that UK was spreading misinformation to panic the community college faculty and students. "Critical issues have been obscured by the defender of the current system - the University of Kentucky, my alma mater - which has mounted a relentless propaganda campaign" (Geohegan, 1997b). Plan supporters responded to concerns in opinion-editorials:

> "As a result of this misinformation, we need to clarify some points. If the plan is enacted, community colleges will not be closed or merged with technical schools. Transfer of credits will be simpler, not harder. Courses will not need to be taken a second time. Students will not lose their financial aid. Faculty and staff will not lose employee rights and benefits. Schools and degrees will not lose their accreditation" (Clark, 1997).

The UK sports/media contracts gave UK supporters regular access to the media.

> "They had a whole big full-page advertisement – one was a sweatshirt that said 'University of Kentucky' and the other was a sweatshirt that said, "vocational school" and it said 'Do not let the governor turn our colleges into vocational schools.' That was one that I remember vividly. But it was all of that stuff. 'Do not let the governor strip the community colleges away from UK.' [And they had] radio. As a part of their sports contract they get 20 commercials a night. That's where they advertise – you know 'the next great university' and all the things that they do. They used that time to attack this issue" (Patton, 2003b).

Higher education politics were also linked to UK basketball. On March 27, 1997 the Herald-Leader carried a story noting that UK was offering to legislators, for sale at face value, tickets to the NCAA Final Four basketball tournament in Indianapolis that weekend. Several lawmakers publicly denied any conflict of interest between the tickets and their roles in the impending higher education battle. House Speaker Jody Richards (who indicated he had not asked for tickets and did not plan to attend the games) responded to the ethical dilemma, "People like UK basketball but they are not going to make decisions about higher education because of some tickets. It's not the community colleges out there playing on the basketball floor" (Ky. Legislators, 1997).

> "You know it boiled down to such things as those – the people in the business community that were supporting the governor sometimes got looks at their tickets, where they had tickets. It's funny, I had a conversation with [UK lobbyist] Tony [Goetz]one day, and I said, 'Tony can I still get my UK tickets?' and he said, 'Yeah. We'll save you some UK tickets…but if I were you I'd get a pair of binoculars…' [laughs]. Then later on I saw him after UK thought they had lost – and I said, 'Tony, am I still going to need those binoculars?' and he said, 'If I were you I'd get a telescope…' [laughs] and he laughs about it today" (Moberly, 2003).

Governor Patton's office waged its own counter campaign. Kentucky businesses lobbied actively for House Bill 1. State Chamber of Commerce President Ken Oilschlager developed a "communication plan" backing the Governor's plan. Patton remarked that, while the ads would not mirror the amount or emotion of the UK campaign, he welcomed "any kind of mass media help to counter the [UK] propaganda" (Patton Gets, 1997). Events and announcements of coalitions and constituencies supporting the changes called for in the Plan were one of Patton's most successful tools.

On April 1st the presidents of Kentucky's public universities, except the University of Kentucky, endorsed the Governor's reform plan publicly. Murray State University President Kern Alexander summarized the thoughts of the regional presidents when he said "We're willing to change. We believe the governor has provided an excellent blueprint for that change to occur." Noting that the absence of UK in the endorsement, President Alexander said, "I believe that recalcitrance and being obdurate to change is not in the best interest of the state of Kentucky. I would say that UK had exhibited that" (Seven

University, 1997). In mid-April the regionals initiated campaigns[37] to get their alumni to contact their state representatives and senators and prompted them to express support for the Governor's plan. In his letter, Eastern Kentucky University President Hanly Funderburk wrote, "If you believe, as I do, that Governor Patton has shown the political courage to propose a plan for postsecondary education that will prepare our state to compete with others in the 21st century, I have a request. Please contact your legislators and let them know you support the Governor and his efforts" (Universities Ask, 1997).

The UK media campaign was effective to some degree. It probably caused Governor Patton to delay the special session start by a week[38]. But it also highlighted the negative (rather than positive) stance the proponents claimed UK was taking towards House Bill 1. "Regrettably, the UK campaign headquarters has distributed materials that have been challenged as distorted, exaggerated, or just plain wrong. UK's credibility suffers. One would expect more from the state's leading research university" (Bell, 1997). The heat of the exchanges caused both sides to react strongly. "Personally I thought Charles Wethington went overboard" (Callahan, 2002). The impact of the public debate running up to the Extraordinary Session also took its toll on Patton.

> "Early on, when it became apparent that I could not convince UK to do this and it looked like I was in a death fight with UK – I laid awake all night – I mean in literally never went to sleep throwing the options out. And there was no way we could win. So then the option was – should I compromise and declare victory and get what I could get? Or, should I go down in flaming defeat? And, at the end of the night, I said I will not be a party to whitewashing this thing and declaring victory and have somebody come by ten years later and say, 'you know Paul Patton said he did a lot for higher education – it's the same mess it was – he did not change anything – threw more money at it but he did change anything – he did not make any difference.' I said, 'I won't be a party to that. I will go down in defeat rather than whitewash it'" (Patton, 2003b).

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[37] Letters were sent to alumni of Eastern Kentucky University, Murray State University, University of Louisville, and Northern Kentucky University as well.

[38] "In all likelihood, the only reason for the delay is the success of the political campaign that the University of Kentucky has put up resisting efforts by Patton, every other public university in the state, every private college in the state, and every business organization that has spoken out on the matter, to separate the community colleges from UK and merge them with Kentucky's technical schools" (Baggarly, 1997).

On May 11 the Herald-Leader published lists of endorsements from both Patton's administration and the University of Kentucky. Patton's list contained over 40 endorsements (ranging from regional university boards to chambers of commerce, to industry councils) and the UK list only eight (four of which were the UK board, the UK community college faculty senate, the Advocates for Community College Excellence and Statewide Service and Phi Theta Kappa). Finally, proponents of the Plan engaged in two high-profile promotional activities – a live, public debate on Kentucky Educational Television's "Kentucky Tonight" program and a tour by Governor Patton of each community college campus. As it turned out neither side was satisfied with the results.

On March 24th Kentucky Educational Television (KET) convened Governor Patton, University of Kentucky President Charles Wethington, John Shumaker, President of the University of Louisville and Kern Alexander, President of Murray State University, on the political analysis program "Kentucky Tonight." The program provided one of the few public debates by principal proponent Patton and opponent Wethington of the proposed reform policy. It was also recalled by many of the policymaking participants as one of the key engagements of the debate.

> "You've got to watch Paul's style and the demeanor of Charles Wethington.
> [Wethington] was defensive. He was combative. He was of limited vision.
> Watch Paul. He was open. He was receptive. He was accommodating. It
> was a drastic contrast in style" (Martin, 1997).

Patton started the debated by outlining the proposals and describing his reasons for proposing the changes. The debate quickly moved to the most contentious proposal, that of severing the community colleges from UK management. President Wethington outlined his concerns.

Wethington: I believe that the Governor's plan for higher education – and obviously I applaud him for his focus on higher education…but I think his plan is fundamentally flawed and this stripping of the community colleges is the fundamental flaw in it. Because this proposal would strip the community colleges from the University of Kentucky and it will hurt students the worst…they would have their University of Kentucky credits and their University of Kentucky degrees stripped from them – in short they will not be as well served in a system that takes them into a political bureaucracy in Frankfort and takes them out of an academic institution – the

	University of Kentucky. These issues…can be addressed by leaving the community colleges in the University of Kentucky and having us work together in whatever coordinated fashion we determine is best for the Commonwealth – but do not strip the community colleges from the University of Kentucky.
Patton:	Certainly I do not want this political fight that is obviously looming. I did not start at this position – I arrived here after great, great study and thoughtful consideration. [*Governor Patton turns to President Wethington*] Charles, I think you know that I'm a loyal supporter of the university
Wethington:	I know that.
Patton:	Can you figure out why that I would propose something that is not in the best interest of the place that I went to school, the place that my children went to school? In all due respect I have not found anybody, other than somebody's that closely associated with the University of Kentucky, that thinks that this is the best system. Why would I take this position if I were not convinced that it was the right thing to do?
Wethington:	Governor, I think you're just ill-advised…do not strip away the opportunity for a person of relatively poor means in west Kentucky or east Kentucky to start in the University of Kentucky when he or she may not be able to come over to Lexington to begin with. Let's give them an opportunity to be part of the very best university in this Commonwealth. We're going to strip that away from them governor. I know that you and I just disagree about this issue but I tell you you're not talking to your consumers, you're not talking to the students that are accessing the services.

This exchange (Kentucky Tonight, 1997) highlights several interesting elements of the conflict over severing the community colleges from UK. First, is the strong use of emotional arguments ("do not strip away the opportunity for a person…to start in the University of Kentucky") to compete against the rational arguments of Governor Patton. Repetitive uses of the term "strip" to describe the Governor's proposal emphasized this appeal. When Governor Patton returns to the rational argument and asks for a rational alternative, President Wethington responds with "Governor, I think you're just ill-advised." The hardness of the two positions is clear.

In later exchanges, as the Governor continued to press his points, President Wethington became more assertive, interrupting, and even correcting, the governor in mid-

sentence. Governor Patton also chose this forum to respond to the letter President

Wethington had written predicting more than $700 million dollars would be needed for UK

to become a Top 20 research university[39] – clearly placing this goal outside of consideration

when Governor Patton had mentioned no more than $100 million in possible funding.

Governor Patton noted that, though the letter was widely circulated, he had only received his

copy on the day of the debate. Wethington outlined his interpretation of the funding

Governor Patton had promised.

> **Wethington:** I do not disagree with you at all, Governor. It's just that I
> understand, what little I that know about your financial plan,
> it is totally [mis]representing to the people of Kentucky that
> we can expect to take the University of Kentucky to Top 20
> status with the amount of money that you've proposed. Let's
> do not give Kentuckians wrong information here. Let's do
> not put out four or five million dollars and tell them we're
> going to make a top university when that won't even give out
> a 2% salary increase at the university.
>
> **Patton:** How much did I say I was going to put into higher
> education?
>
> **Wethington:** Thirty-five million dollars next year but beyond that it's a
> promise…
>
> **Patton:** Total system…a hundred million dollars
>
> **Wethington:** We do not know what…the revenue picture is going to be in
> years beyond now, so let's do not give the impression we can
> create a Top 25 research university with four or five million
> dollars - and at the same time take $82 million dollars away
> which is what the community college system appropriation is.

At this point the Governor seemed briefly nonplused at President Wethington's

characterization of removing the community colleges from UK's governance as a budget cut

to offset, and thus minimize even further, the increase in spending for UK Governor Patton

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[39] On March 25 the Herald-Leader reported on a letter sent by UK president Charles Wethington to Governor
Patton and all members of the General Assembly. In the letter President Wethington described how, to
become a top-20 research institution, UK would need a one-time investment of $691 million and an increase
to its annual budget of $104 million. "it would be totally unrealistic, in my opinion, to appropriate $5 million
to $10 million in 1997-98 and give the impression that the University of Kentucky can make major progress
toward being a top 20 research university. I am much concerned that 'promises' for future funding are not
sufficient." (Research Price Tag, 1997).

was proposing. Patton recovered quickly and went on to detail the increases he had made and proposed in the community college funding. The Governor concluded with a direct challenge to President Wethington, "you seem to be saying is that we ca not make the University of Kentucky a great research university…I submit to you that we can if we've got the leadership" (Kentucky Tonight, 1997).

Presidents Alexander and Shumaker continued the Governor's thrust proclaiming their support for the Governor's proposals. President Wethington remained assertive. He repeatedly interrupted, and "corrected" the statements of both presidents; noting to President Shumaker that University of Louisville is different from the University of Kentucky and that "Kentuckians do not want" the community colleges removed from UK – pointedly referring to President Shumaker's non-native status. President Alexander was less deferential to Wethington. He leveled a strong accusation that the community colleges were not producing enough transfers to UK to consider UK a successful manager of the community colleges and, specifically noting the equidistant proximity of the University of Illinois, noting that UK had not done nearly as well as that school with an even higher percentage of taxpayer funding. Supporters of Governor Patton's Plan noted that callers also reinforced their concerns about UK's success at managing the community colleges.

> "The president of the student body of Somerset Community College called in. He said, 'I'm ready for this bill.' Shocked everybody. He said, 'I just graduated from Somerset Community College and I've taken an approved set of courses, I have a major, I'm going to UK in the fall, and about half the courses won't even transfer to UK.' I mean the University would not accept credits from its own community college. Crazy" (Richards, 2002).

The "Kentucky Tonight" debate provides a view of how the policymaking participants melded the problems and policies into political messages. It also gave a mid-course prediction of how the proponents and opponents were fairing in advancing their narratives. Governor Breathitt, who as Chair of the UK Board, was dismayed with the treatment President Wethington received:

> "Everybody ganged up on Wethington and Wethington did not handle as astutely or politically as [he would have liked] and he came off looking bad to a lot of people. Kern Alexander [President of Murray State University)] took him on really strong. Wethington and Kern from that time on were pretty much at dagger points. [University of Louisville President] John Schumaker echoed Kern [but he] was a more astute public relations-wise than Kern.

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Kern just took him on. Totally disagreed with him. And fought with him" (Breathitt, 2002).

Skipper Martin spun the encounter as a defeat for President Wethington.

> "Charles Wethington was the major loser. He was so combative, so rude. You saw a Wallace Wilkinson in there. Combativeness, not an openness. An old fashioned manager of the fifties and forties that was kicking ass and could not work things out. That's what you saw in Charles Wethington. Then, of course, we had the Murray President, which was totally unrehearsed, and he was just pounding way on Charles Wethington and the University of Kentucky because he's got a major problem with UK anyway. So they were pounding away and Paul was just there with open arms and saying, "Charles, let's work together." Charles sat there with crossed arms, saying, "The hell with you" and basically said, "you've got a flawed plan and you do not know what you're doing" (Martin, 1997).

The exchange between Governor Patton and President Wethington over funding had gotten personal – and was not forgotten. Following the "Kentucky Tonight" program, Patton began a series of visits to the community colleges where he met strong, organized opposition to his proposals. It seemed evident to the Governor and his staff the receptions had been orchestrated by UK. In a crowded auditorium in Prestonsburg, he was greeted with hand-lettered signs reading: "We Are True to the Big Blue" and "No Separation from UK." Patton heard concerns about whether adding the Kentucky Tech vocational schools to the community colleges would dilute their academic quality. "We did not choose to go to a vo-tech" stated Amy Noble, a Southeast Community College student. "We wanted to go to community college. That's our choice to make, not yours" (Key Legislator, 1997).

> "When he started taking that issue on, the opposition came largely from the towns in which the community colleges were located. I know he was booed in Ashland, and the legislators in those towns who stood up for the Governor's program took some abuse. [But] the Governor was fearless. He walked into large gatherings at community college campuses and told people what he wanted to do, and he got a lot of heckling" (Richards, 2002).

Patton responded, "I cannot compete with the emotionalism associated with the name of the University of Kentucky. But I have to argue based on the facts and based on logic. And the truth of the matter is this campus will be better off" (Key Legislator, 1997). Following the Governor's presentation, House Majority Leader Greg Stumbo labeled the reform plan "ill-advised." The messages and misinformation were too consistent, they felt,

to be anything other than deliberately planned. Ed Ford characterized the entire series of
visits as:

"Worse than going to hell. We were set-up. The governor of this
commonwealth was booed. He was treated rudely. And it was at the, in my
opinion, with the permission of these community college presidents – where
they were getting their orders we can only guess. It was awful. Ashland was
bad. Maysville was bad. Neither one of those people is with us anymore. I
do not know which – there was one down in eastern Kentucky [where] I
almost physically got into a conflict with the president over that one because
he set the Governor up bad. We were not well received in Madisonville. We
were treated rudely in Hopkinsville. We were treated rather coolly in
Henderson. I mean this Governor was almost being insulted and he was
going around trying to make peace and saying we're not a threat. Do not
look at us as a threat. It was awful" (Ford, 2001).

The sum of the KET debate, the campus visit experiences, and particularly
Wethington's public critique of the amount and adequacy of Patton's proposed funding
incensed the Governor to the point he asked to address the University of Kentucky board at
their April 1 meeting. "We're delighted to have him," Board Chair Breathitt said. "We're
always glad to hear from the Governor" (Governor is Taking, 1997). The Governor arrived
as the board meeting was in progress. UK board chair Breathitt interrupted the agenda and
made an introduction supportive of Governor Patton's interest in improving higher
education. Governor Patton took the podium and wasted no time getting to the point of his
visit.

"Our various institutions [must] understand that they are a part of larger
system designed to provide a service to all of the people of Kentucky and
that their mission is in fact to be a part of that system. But…we have
problem with this institution and them understanding their place as a part of
a comprehensive network to provide service to all of the people…It has
begun to believe that it is an entity in and of itself and it has begun to lose
focus of the fact that its ultimate purpose is to serve the people of Kentucky
– and not just itself. I have a problem with that," (Patton, 1997b).

Governor Patton then addressed concerns with Dr. Wethington's inclination to
challenge him directly ("I did not expect this debate to deteriorate to that of two
politicians"), the public opposition campaign the University had mounted ("Quite frankly I
did not expect this university to use its resources to distort the position of the governor of
this Commonwealth"); the accuracy of the Wethington letter predicting it would cost $700

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million to make UK a Top 20 research university ("If it is not in fact a valid scholarly document – then I have serious problems that Dr. Wethington would try to use the document to discredit me, the Governor"); and whether he, Governor Patton, would make good on the $100 million in funding he had promised ("I do not believe that it is incumbent on the President of this university to question the sincerity of the Governor of this Commonwealth"). The Governor's conclusion was direct:

> "So gentlemen and ladies I have a problem with this university. I have a problem with the administration of this university. I think that you know that you're ultimately responsible for the administration of this university… I do not know how any one could conclude that I would come to this position of great personal distress for me and great personal political peril if I did not believe that it was worth it – if I did not believe it was the right thing to do for this Commonwealth…this is bigger than the University of Kentucky, it is bigger than Charles Wethington, and it is certainly bigger than Paul Patton – I hope that you'll consider it that way. Thank you very much," (Patton, 1997b).

There were no questions from the UK board. The Governor left the room directly after the speech. Responding in the press to Governor Patton's comments President Wethington stated:

> "His public personal attack on the board of trustees and the president is unprecedented in the history of the University of Kentucky. This effort to politically interfere in the University of Kentucky by attempting to intimidate the members of the board of trustees and the president cannot be condoned. I can only hope that Governor Patton understands that what I am doing [is] only what I sincerely believe to be best for this institution and for the people of Kentucky. I am sure that Governor Patton believes he is doing the same for our state. But we have come to different conclusions on an important public-policy issue. I believe that it is crucially important that this issue be resolved on its merits" (2-Year Colleges Do not Hamper UK, 1997).

On April 17 Governor Patton responded to President Wethington in an interview for the WLEX "Your Government" program. In the interview Patton described UK as a "700-pound gorilla" that felt it should "be all things to all people." He assailed UK's resistance to the separation of the community colleges, charging that, in his view, UK seemed to be willing to forego the chance to become a national research university in its effort to keep the community colleges. Asked where he thought legislators stood on the issue, Patton responded, "a majority of the General Assembly has admitted to me privately

that they know I'm right and these things need to be done." But, when asked to predict the outcome of the special session, the Governor said that it was "close" and the outcome "could go either way" (UK President, Governor Talk, April 18, 1997).

The escalating confrontations between the two leaders worried both supporters and opponents alike. Representative Harry Moberly expressed his reaction to the escalating tenor of the debate noting, "In my 18 ½ years in the General Assembly, I've not seen a battle like this before. I'm surprised at the direct confrontation" (Wethington Sheds Kid Gloves, April 6, 1997). Gary Cox agreed saying, "Maybe this time around he overreached. The strength and power of UK was brought to bear so early that I think it offended the governor" (Wethington Sheds Kid Gloves, April 6, 1997). Strong Wethington supporter, Rollin J. Watson lamented:

> "It will be a great tragedy for the Commonwealth if these two powerful leaders who have the power to shape Kentucky history do not persuade the legislature to compromise in implementing a better plan for higher education that will serve Kentuckians will for many generations to come. Both Patton and Wethington are strong will and visionary, and both pay the price of leadership, which is relentless criticism met with courageous perseverance. Two great men can make Kentucky one of the most progressive of states, serving individuals and corporations, with the very best in education and training, offering our people a truly 'seamless system'" (Watson, 1997b).

Efforts were made to resolve the stalemate before the start of the Extraordinary Session:

> "I think it was a Saturday [in mid-April], Mike Maloney brought Wethington over to the mansion, and we had a long discussion. I tried to convince Dr. Wethington that this was the right thing to do but I just did not see any flexibility. I never did see any recognition on his part that there needed to be a separation or anything. I do not ascribe any ulterior motives, because I think everything he did was because he absolutely believed it was in the best interests of the University of Kentucky" (Patton, 1997b).

Enactment: Events of the Extraordinary Session

On May 12, 1997 the General Assembly of Kentucky assembled in Extraordinary Session to consider Patton's proposed reforms now codified in the act entitled House Bill 1. Following introduction of the bill by Representative Jim Callahan, the Governor reiterated the rhetoric of the past few months in a 35-minute speech before both houses of the

General Assembly: "This is a time for leadership, a time for you to study the facts, ignore the false and misleading rhetoric, make a judgment on behalf of the people who elected you to do what's best for them in the long run" Patton stated. Calling the Kentucky funding of the community colleges to date "pitifully neglected" he contended "every expert I've talked to, all the information I've read and my good common sense tells me [that the community colleges] ca not compete with each other and they ca not be dominated by a huge bureaucracy with a different mission" (Governor Tells Legislators Plan, 1997).

While some changes had been made,[40] the bill held relatively true to the proposals circulated in April. House Majority Leader Greg Stumbo expressed optimism at the changes in the bill. "It looks better," he said. "I think it's moving in the right direction. I like the idea that it's providing more local autonomy. I think we're getting closer on ideas" (Governor Tells, 1997). Acknowledging Patton's willingness to compromise was winning him over, Senator Walter Blevins said, "I've got to look at the details, but it sure sounded to me like he's going in the right direction" (Governor Tells, 1997).

UK's Wethington was less positive. The university would not support the bill, he stated. "The University of Kentucky name cannot be placed on colleges and degree programs that it does not govern. The position of the University of Kentucky continues to be that the community colleges should remain part of UK" (Governor Tells, 1997). Representative Kathy Stein a Democrat whose Lexington district includes UK, expressed the mixed signals, "I am deeply encouraged that we are moving in the right direction," she said. "I truly believe we ca not pass a bill that gouges UK deeply and expect reform to work" (Governor Tells, 1997).

While there were some prominent areas of disagreement[41] – notably the proposal to create the Strategic Committee on Postsecondary Education (SCOPE) – at this point is was

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[40] The "academic oversight" role intended for UK was addressed. The bill would keep the UK name on all existing community college degree programs and the community college diplomas would continue to bear the UK name. UK could appeal to the Council to have its name removed if it felt the degrees were not up to UK quality standards. UK would also be allowed to nominate candidates for four of the 11 member KCTCS board seats. The governor would pick from among the nominations.

[41] "There was a lot of concern among tech school faculty, they were in state government, [about] what was going to happen to them and how were they going to get transitioned out a state merit system job into a faculty that was very different" (Cox, 2000).

clear the key focus of the debate for the Extraordinary Session would be on whether to sever UK's governance of the community colleges.

> "It [the community college governance debate] has overshadowed and obscured the other issues in what should have been a ranging debate over the future of higher education in Kentucky. It threatens the package as a whole. We are angry and heartsick that the debate has become to narrowly focused that a promising higher education initiative is in jeopardy. We can still hope that over the next few weeks cooler heads might prevail, egos might be put aside, political struggle might give way to discussion and compromise, and somehow, someway, a sensible and achievable plan might be developed that would enable UK and higher education in general to get where they need to be" (Herring, 1997).

As the Extraordinary Session began, recent political events added to the complexity of the positions policymakers took. Changes in the players had changed the political alliances in the General Assembly. As a result of the fall 1996 elections, the makeup of the General Assembly experienced dramatic change at the start of 1997. Early in January five Democrats announced they were defecting to the Republican Party. This defection weakened the leadership of Democratic Senate President John "Eck" Rose allowing Democrat Larry Saunders of Louisville to assume the role of Senate President. The changes also threatened to reduce Governor Patton's ability to drive the higher education reforms with the same fast-track momentum he had been able to muster for worker compensation.

The Governor's agenda was distracted somewhat from higher education reform when, in December 1996 he led (in another Extraordinary Session of the General Assembly) a successful effort that reformed the state's worker compensation system.[42] Patton's success with worker compensation paid dividends in his higher education reform effort. By siding with business and industry, a traditional Republican ally, he built a useful reserve of good will for the higher education reform campaign. He also made opponents – notably House Majority Leader Greg Stumbo. Remarking how "fast-tracking" the workers compensation bill in a special session helped Governor Patton avoid making any major compromises, Stumbo commented, "The Governor has actually designed this plan of attack rather well"

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[42] Pointing to dramatic increases in the cost of the current system (from $715 million in 1992 to a projected $1 billion in 1996) Patton's proposal sought to reduce legal and medical costs by changing the definition of "injury" to include only conditions that could be diagnosed through objective means. Business and industry groups, who were predicted to see premium reductions of between 7.5 and 25%, strongly supported the Governor's proposal which was passed by the General Assembly.

(Vote Likely, 1996). Support for House Bill 1 depended upon whether a legislator's district had a community college or a regional university.

> "Well most of us from towns where the regionals were, and then just most legislators outside of college towns (which there's not too many of those), and the Governors legislative allies – most of us were for it. But then most legislators in the community college towns had to be against it" (Richards, 2002).

Seventy-eight of the 100 House members and 33 of 38 state senators represented counties where UK offered classes. Communities with regional universities had less resistance to House Bill 1. Support or opposition depended upon whether a district encompassed a regional university or a community college. Democratic Party Whip, Senator Fred Bradley of Frankfort, was the Democrat's chief vote counter. "I can look at a map and predict how they will vote" "It's close to the heart" stated Hopkinsville Democrat Senator Joey Pendleton. "They bleed blue down here" (Community Colleges Help, 1997).

As the hearings were underway, Governor Patton was very active in talking to representatives and senators about his Plan[43]. Some lawmakers, such as Senate President Pro-Tem Walter Blevins of Morehead, had constituents with loyalties to both Ashland Community College and Morehead State University and felt caught. "I want Morehead to get more money," he said, indicating he was leaning against the Governor's plan, "But I do not know whether I want to see it at the expense of the community colleges" (University Presidents, 1997). Representative Jim Gooch of Providence summed up the consternation for lawmakers; "I do not see a vote for the Governor's plan as a vote against the community colleges, although the people in my district do. Sometimes you have to vote how the people in your district feel rather than how you feel. The people in my district have not gotten past the separation. I could not vote for it unless we can resolve the separation issue. Hopefully there will be enough of a compromise that I can vote for it" (Loyalty's Effect, 1997). The number of legislators who needed "convincing" was ultimately quite small. Governor

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[43] "[When the governor talked to a legislator, he would say things like] This is one of maybe the most important votes that you'll probably make in a while. And how long you have been here and how long you are going to stay. He equated it to the KERA vote, and the workman's comp vote. And that he would like to have their help and that it meant very much to him personally" (Rapier, 1997).

Patton felt there "probably was not 30 members...that were not on our side" (Patton, 2003b). Governor Patton felt he was using rational arguments.

> "The most classic case is Mike Weaver of Elizabethtown. He was a new member of the legislature; he was a retired military officer, very methodical. I asked him to come in and talk to him about it. And he had his notes and he asked me detailed questions about, 'Well, these people argue this way, what's your answer to that argument?' He was new. He really wanted to do what was right. He had a community college in his neighborhood, in his district, and he went into it about as detailed as most any member did. They were struggling with doing the right thing knowing that they had some real opposition back home. We had a lot of legislators that voted against the current popular sentiment in their community" (Patton, 2003b).

House Bill 1 passed the House Education committee with a 14-4 vote on May 13, 1997. This set up a vote by the full House of Representatives[44] for Friday, May 16th. The prospect of the debate on Friday – and the uncertain outcome of that vote – was causing concern among House Bill 1 proponents.

Thursday, May 15th was the eve of the House vote for House Bill 1. Governor Patton and his team sat in his office tallying up the expected votes. The Governor was told he could expect 53 votes (43 Democrats and 10 Republicans), enough to carry the bill in the House. Republicans were estimating between 55 and 60 House members would vote for the bill. House budget leader Moberly recalls the mood:

> "The night before we were about to have a battle on the floor – we were about to vote on the amendment the next day – about whether the community colleges should be separated, somebody was going to offer an amendment that would keep them with UK[45] which the Governor thought – and I concur – would have destroyed the reform. You know I can remember talking with the governor the night before and him saying, "we're going to have Stumbo up there arguing for this tomorrow and he said "what are we going to do" and I said "Well, I'm going to do the best, we're going to do the best we can. Callahan'll argue, I'll argue, I think it's close but I think we can

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[44] At the same time, in order to expedite the enactment process, a companion bill to House Bill 1 was introduced in the Senate Education Committee. This allowed the Senate to begin discussions, in anticipation of the arrival of the approved bill from the House. On May 14th, in a speech on the Senate floor, Senator David Williams criticized Governor Patton's bill for not providing more funding for literacy and reducing high school dropout rates. In response, Governor Patton indicated he would consider adding funding to House Bill 1.

[45] House Democratic Whip Joe Barrows again planned to introduce his alternative bill that would keep the community colleges with UK.

get the votes." He had been bargaining and talking with legislators and I think we thought we had 52 votes and you know that's pretty close because you usually can count on losing one or two…" (Moberly, 2003).

The Governor's team worried whether this margin would be enough to survive future assaults on the Act. "Had it been my call, I would have ran [sic] with the 53 that night. The Governor did not want that. He was looking down the road which proved to be very wise" (Rapier, 1997). House Majority Leader Greg Stumbo had emerged as the leader of the opponents in the House and his leadership proved successful to that point. "Greg is very charismatic and even though it was a 3-2 split it made it awfully tough. As floor leader he has to call the bill on the floor, off the screen, and it makes it tough when he does not want it. He has a lot of allies" (Rapier, 1997). Council President Gary Cox concurred with Rapier's assessment. "Well I think Greg was the fundamental issue, Greg Stumbo who is so strong. And he was mad at the governor over workman's comp. He was not mad; he was furious[46]. And so I think Greg was the force that had to be reckoned with in the House" (Cox, 2002).

Thus, on the evening of the 15th in Stumbo's House office, which had become the de facto headquarters of the House Bill 1 opposition, anxiety was also high. As UK political strategist Tony Goetz recalls, "My gosh, there were people going every which way. We'd lost a couple of key votes in the House. Couple of people switched on us. And it did appear that it would be close. There were about 38 people who stayed solid and voted against that compromise" (Goetz, 2004). Greg Stumbo recalls the efforts to tally opposition strength this way:

> "Charles Wethington was in my office and we were on the phone…calling
> legislators. Of course the Governor was doing the same, and we confirmed
> that night that a couple of the legislators had switched. I won't use their
> names – but they were from areas that contained community colleges… we
> just assumed it was because the Governor had a little more clout and
> authority and power than we had at that time[47]" (Stumbo, 2004).

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[46] "Governor Patton and I had been friends for a long time. He's my neighbor from up home. I'd been a supporter of his through the years. Was a political supporter of his. We sort of parted ways a couple of years before his movement on higher education reform, over the workman's compensation issues. And so our relationship was, at best, rocky at that time" (Stumbo, 2004).

[47] In late April, House Democratic Floor Leader Greg Stumbo complained about rumors Governor Patton was using Turfway Park owner Jerry Carroll as a liaison to Northern Kentucky Republicans. "I think he (Carroll)

For several days the pressure on undecided representatives had steadily increased and was whittling away at opponents to the Governor's position. In response, Stumbo questioned the propriety of Patton's advocacy for House Bill 1 in a speech made earlier on the 15th.

> "He was putting a lot of heat on the legislators. I knew that was what he was doing [and] he was trying to deny it. He had made, as I recall, some comments in the paper about Wethington's involvement and how he felt that it was not a proper role for a university president to play. I knew exactly what the governor was doing – if I'd have been governor I'd have been doing the same thing down there and so I sort of made a speech that called his bluff [saying] 'Okay, let's let this thing decide itself on the merits and the issue and that the governor should not be using the heavy handed tactics of his office.' I think it kind of made him mad…" (Stumbo, 2004).

Stumbo's speech triggered Governor Patton's Chief of Staff, Skipper Martin, to circulate a draft press release predicting the Governor's victory. The release also noted House Bill 1 would be the second major legislative defeat for Stumbo[48]. Both Patton and Stumbo sensed the escalation was dangerous. "We were…two trains about to collide" (Stumbo, 2004). Finally, late that Thursday night, after most of Governor Patton's staff had left, Patton and Stumbo talked on the phone. As Patton recalls, "I said, 'Let's do not have this bloodbath,' he said, 'Okay'" (Patton, 2002b). Following the call, Stumbo went to Patton's office and the two talked:

> "At that time I was feeling pretty good. I had 53 votes in the House and I had 20 votes in the Senate – so I [thought], "We got this thing whooped." So I was being magnanimous – I was in a position to be kind and gentle because I had won. That was not my objective to gloat – I mean I had good enough sense to realize that I've got to work with Greg Stumbo on other issues in the future – and with these other people. I learned pretty quick at this job that your strongest enemy on one issue may be your strongest ally on the next one" (Patton, 2003b).

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is probably more concerned about video lottery terminals at racetracks" Stumbo said, alluding to Carroll's involvement as political vote-trading. "A lot of people can add two and two in that scenario. The tentacles of the governor are long" (Herald-Leader, April 29, 1997). Carroll, through a spokesperson, denied any trade-off. "we're not asking anyone for a vote" stated Turfway Track spokesman Damon Thayer, "We're not trying to persuade anyone. This in no way has anything to do with any legislation that Turfway may or may not be supporting in the future relating to expanding gaming at racetracks" (Patton Gauging, 1997).

[48] Stumbo had opposed, and lost, to Governor Patton in the first special session on workers compensation.

At the conclusion of this initial discussion, Stumbo called President Wethington (who was still in Stumbo's office) and Wethington agreed to meet and discuss a compromise.

> "Right up until that time it was still very much up in the air. It was an evolutionary process. My sentiments were the same as the Governor, that it appeared that it was gonna be virtually impossible for us to get a majority in the House" (Wethington, 2002).

Stumbo returned to his third floor office where, together with Joe Barrows and other UK officials, he and President Wethington discussed their options.

> "I remember Dr. Wethington and I sat down and started talking. And I just asked him, 'Could this thing work?' And he said, 'Well, yeah we could make it work. If so and such and such and such and such happened.' And I said, 'Well, could you support it if such and such and such happened?' And he said, 'I hate to stand in the way of reform. This is not a comfortable role for me. I'm a university president and I really should not be involved in this…Yes. I think I could live with it…' So I called downstairs [to the Governor's office] and we began a dialogue of what he could and could not agree to and through the course of that next three or four or five hours, we finally came to an agreement" (Stumbo, 2004).

In response to Wethington's willingness to discuss a compromise, Patton "went upstairs [and] talked to Charles. We reached what I considered to be a face saving compromise that did not, in my judgment, seriously undermine the independence of the institutions but it allowed him to save some face" (Patton, 2003b). These compromises included leaving the community college buildings under UK's title; the degrees were to be issued by UK, but they had no discretion on them; the budget of the community colleges would be submitted to the Council through UK – but UK could not change it.

Finally, between 2 a.m. and 3 a.m. in the morning on Friday, May 16th a joint statement was hammered out. Once they had agreed on the statement Patton and Stumbo informed their constituencies. The reactions[49] were mixed.

> "When I got here, Charles Wethington was in there, and he was kind of smiling, it was the first time I had seem him smile in a long time. The Governor was in a good mood and Greg Stumbo was there. And they said

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[49] "Then a lot of strong supporters of the Governor's position like David Hawpe at the Courier-Journal on the editorial board really criticized the Governor and said, "You have snatched defeat from the jaws of victory." Because the emotions got so high – it was a bitter battle" (Breathitt, 2002).

'We've got kind of an agreement on the Bill, and Charles has agreed to not fight'" (Richards, 2002).

Several opponents including UK board chair Breathitt[50] and House minority leader Danny Ford did not find out about the compromise until it was over.

> "I'll never forget that. I was staying at a hotel here in town – about five o'clock [in] the morning my phone rang and it was Kenny Rapier, who was acting as a point man between the Governor and portions of the legislature. And Kenny says, 'We need you down here at seven…there's going to be a news conference and we've reached a compromise.' Well, I did not know what that compromise was and I was the minority leader and had been involved from day one. Of course what we ended up finding out was that maybe that compromise had not been reached! There was one or two [opponents] that had been involved in a compromise…so they declared that we had reached that compromise" (Ford, 2004).

Thus, on the morning of Friday, May 16th, instead of girding for a public showdown on the community college issue, Governor Patton and President Wethington announced a last-minute potential agreement had been reached. President Wethington was less enthusiastic. Noting that his decision to drop UK's opposition to House Bill 1 did not guarantee anything, he said, "In no way has anyone tried to portray this as any final agreement because the General Assembly must be involved in this process now. We simply want to give them an opportunity to work on it" (Both Sides, 1997). However, while some negotiation was still needed (what Wethington referred to as "points of discussion" at the press conference), the steam, at least for the day, had gone out of the controversy.

> "I recall that, even that morning, there were people there that stood up at the news conference thinking that everything had been worked out and everything was like it was supposed to be – to find out later that really everything had not been worked out" (Ford, 2003).

For the moment though, the "compromise" had the effect of increasing the perception of House Bill 1 as acceptable to UK. Senator Scorsone stated he could now support House Bill 1 and predicted that it would now pass both chambers easily. The

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[50] "I was not involved in that at all. The board was not involved in that at all. But Greg Stumbo can count votes and he could see how much strength that the Governor had and he just tried to work out a compromise. And really he had a role in that compromise that Wethington bought into. But I did not. The Governor and Wethington made the compromise and the Governor called me up and told me about it" (Breathitt, 2002).

Governor expressed his pleasure at the truce while noting success still required UK's cooperation. Representative Kathy Stein summed up the feeling of relief from many of the legislators who had faced a difficult choice, "The word 'overjoyed' would not be stretching it. It's been a contentious week" (Both Sides, 1997). When asked why the compromise had not been made earlier, Greg Stumbo replied, "Sometimes two armies have to go to the brink of war before they'll cede an inch of ground" (Both Sides, 1997).

On May 20th House Bill 1 passed in the House by a margin of 76 to 24. The passage was not without challenges. Republican Caucus Chair Stan Cave offered an amendment that would have left the community colleges with UK, and Representative Mark Treesh attempted to delete SCOPE from the bill. Both amendments were defeated, while the bill did pick up 19 amendments. In reaction Patton stated, "Overall, we believe the house has improved the bill" (House Passes, 1997). Roger Noe, interim President of Ashland Community College, a former legislator, and opponent of separating the community colleges from UK, called the vote a "low point in the history of the House of Representatives. The community colleges basically will be technical colleges in a few years. I'm afraid we will all become the academic wastebaskets of Kentucky" (House Passes, 1997).

When the House-approved bill arrived in the Senate, Republican leaders began raising issues that appeared likely to delay voting on the bill. Working from a three-page list of concerns, Senate Republican Floor Leader Dan Kelly announced it would take some time to work though them[51]. The issues raised included whether sufficient revenues existed to support the proposed increases in funding, whether the new funding scheme, SCOPE, and the increased authority of the Council would undermine legislative authority over budgeting, and whether the need for strengthening the Council's authority called for changing it from a coordinating to a controlling board. The Senate Education Committee also heard from a delegation of community college presidents adamant in their desire to stay under UK control. Senator Scorsone indicated he had six or seven amendments he was considering including revising the UK-community college relationship.

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[51] "I personally think that Kelly especially was just nit-picking. He and some of the senators were just going through and moving commas and semi-colons around and misspelled words-type things. I think their strategy was…the longer they could keep us drawn out…there was more chance for us to make a mistake and shoot ourselves in the foot. They did not come with a plan of action. Which really surprised me. I though Kelly was sharper than that. I have no love for Kelly, but I do give him credit for being an intelligent man. I think he muffed this one badly" (Rapier, 1997).

UK supporters also attempted a gambit to derail the compromise Stumbo had negotiated by questioning whether the community colleges could be accredited if removed from UK governance. Following the announcement of the compromise, Jim Rogers Executive Director of the Southern Commission on Accreditation of Colleges and Schools (SACS) expressed his concerns about the accreditation of the community colleges in a letter to the University of Kentucky. Crit Luallen, of Governor Patton's staff, heard about the letter and the intention of the opponents to introduce it in the Senate hearings on House Bill 1.

> "Jim Rogers had written a letter … and we got wind of that – they did not
> think we knew about that, they were going to blind-side us with that in an
> open hearing – and they had notified all the press that this was going to be a
> big hearing – and it could have had the effect of really killing us. We got
> hold of [Dr. Michael Adams, President of Centre College, who]…agreed to
> come up and testify. Well they did not know. We notified our allies on the
> committee that I wanted to speak and that I had a guest with me…our
> opponents knew they'd been had. I went up to the witness table and
> introduced [Dr.] Adams and he said 'I'm Chair of the Board of SACS and I
> personally support Governor Patton in this reform and, as Chair of SACS,
> I'll work with Kentucky to work through and issues that need to be resolved
> down the road. Jim Rogers works for the Board and I'm Chair of the Board
> and I'm here to tell you we will work with you on this.' Mike was very
> strong…we neutralized that fight" (Luallen, 2002b)[52].

May 28th was a day that neither Governor Patton nor Senator Walter Blevins is likely to forget. In a day of full-court press lobbying, the Senate first took up the issue of SCOPE and passed an amendment deleting it from the bill. However, it was the introduction, by Senator Scorsone, of his amendment (which had been defeated once in the Senate education committee) to keep the community colleges with UK that set the stage for one last attempt at brinksmanship.

> "I met with Dan Kelly and the Republican camp… because obviously they
> felt strongly they wanted to support the UK and the community colleges
> position. I think [Governor Patton] got angry because we were able to
> actually get the votes in the Senate to defeat his plan – he had promised the
> House members that he had the votes for it and his lobbyists in the Senate,

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[52] The impact of this event on Secretary Luallen was lasting. "I had dreams, after the session ended, that that committee hearing was still going on and that the door was locked and we were on the outside banging on the door to get in (laughs). That was an interesting period" (Luallen, 2002a).

Kenny Rapier in particular, he says, 'Ernesto, you know you can do what you want about calling your amendment but we've got the votes and it's not going to work'" (Scorsone, 2003).

After introduction of the amendment, debate dragged on into late afternoon as both sides lobbied and estimated vote tallies. As evening approached, Democratic Senate leaders became concerned that they did not have enough votes to defeat the Scorsone amendment and called a dinner break. The Governor realized he had a problem with a key vote he had counted on, his own state senator Gary Johnson from Pikeville[53].

> "The day of, or the day before, the crucial vote in the Senate, Gary came in and said, 'Paul, I know I told you I was for you, but I promised Glenn Freeman that I would give him one vote. And this is the one vote that he wants.' And I said, 'Gary, that's it. That's the whole debate. You ca not do this!' I [knew we] had twenty votes, counting his. He said, 'Well, I just promised Glenn Freeman. I've got to do this.' I said, 'Gary, you ca not do this! I do not have the votes. I've got to have the votes!'" (Patton, 2003a)

Realizing they had lost a vote and with the Senate vote on the amendment nearing, Governor Patton's staff asked David Karem to hold action on the Senate floor with a filibuster, while a solution was negotiated. Gary Johnson, with the help of Benny Ray Bailey and Larry Saunders then brought Walter Blevins to Governor Patton's office. Together they worked to convince Blevins, who had Ashland Community College in his district, to vote against the Scorsone amendment. Walter Blevins describes the experience:

> "I was kind of caught in the middle as being a swing vote. You're taking on a very popular Governor. A Governor I was going to have to have to win another election in the near future. You do not want a Governor fighting you, especially a Governor of your own party. I was in a real dilemma with him. Especially with my friends all decided they were going to jump onboard with him – without me knowing it. I was just asked to go down and see the governor. I walked into the Governor's office [and] it was me, the governor and three of my friends that had made me the Pro Temp, " (Blevins, 2003).

[53] "My state senator was Gary Johnson in Pikeville [He had just been elected in November of 96] and he had said "What ever you want me to do I'll be for." So we went into the special session and I was talking to him about it [saying] "Gary I'm going to need your vote…" [and he said] "What ever you want, just whatever you want." Well in the 97session, Gary Johnson, Walter Blevins, Benny Ray Bailey, Larry Saunders, and Glen Freeman revolted from the Democratic Caucus and aligned themselves with the Republicans and took over control of the Senate. Benny Ray was for me. Larry Saunders was for me. Glenn Freeman was against the community college issue and Walter Blevins was against the community college issue. But I thought Gary Johnson was all right. For one thing, he had said to me, Whatever you want me to do, I'll do" (Patton, 2003a).

As Governor Patton recalls, the nature of the situation was extraordinary:

"It was the weirdest thing. Here is Gary, who does not have a community college in his district telling Walter Blevins, when he's got a community college in his district, 'Well, Walter I ca not vote for it – but you have to vote for it.' Hell, it was like taking a rubber hose to Walter[54]. It must have been a half hour, forty-five minutes, an hour, I do not know, they just kept on beating on him. [Finally] he was just wilted. He said, 'Okay…'" (Patton, 2003a).

Blevins concurs that they finally wore him down:

"They just kind of put the pressure on me. They said 'We're going to have you with us, we need you to do something.' And we had not eaten all day and they gave me an ice tea as I was waiting. Basically [I] said, 'Okay, I'll do it.' It was like I was ganged up on…" (Blevins, 2003).

Believing that they had the votes to defeat the Scorsone amendment, Governor Patton's staff sent the message to David Karem to bring the bill up for a vote. Returning to the Senate chamber, Blevins told Scorsone that he was not sure he could help him pass the bill. "I was in a dilemma. I was in a big dilemma. I went back to the chamber and I told my friends 'I guess I'm going to have to go with the governor,'" prompting Senator Scorsone to observe, "The governor has turned him" (Senator Went Through Agony, 1997).

However, before the vote was called, Blevins was approached by a group of Ashland Community College supporters. The group reminded Blevins of the losses Ashland had faced in recent years, the Ashland Inc. merger that had moved the corporate headquarters out of Ashland and the cutbacks at AK Steel. They worried that the loss of UK status at ACC could continue the decline in Ashland's fortunes. Ashland Community College interim president Roger Noe made an even more personal point. Noe, a former legislator, told Blevins he blamed his reelection defeat on his support of KERA, which he had done against the opinions of his Ashland constituents. "Why put your head on the chopping block?" he asked Blevins, (Senator Went Through Agony, 1997). Blevins now reflected on his decision

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[54] Senator Kelly used the same expression to describe the negotiations. "The governor was down the hall working them over with a rubber hose – including Walter Blevins. He actually agreed in the governor's office – then changed his mind in the debate. We passed the bill, in the Senate, without the change" (Kelly, 2003).

to vote against the amendment. "They were all disappointed and I started thinking, "Well, I've really reneged on my friends" (Blevins, 2003).

The roll-call vote for the Scorsone amendment began shortly thereafter. Watching with his staff in his office, the Governor was stunned when, as his name was called, Senator Blevins passed. The feeling in the Governor's office went from bad to worse when Gary Johnson, who could have killed the amendment, was not present on the floor to vote when his name was called. At the conclusion of the initial calling of the roll the vote was tied 18 – 18[55]. Governor Patton recalls his reaction to the evolving scenario:

> "We're sitting down here watching it…and Walter did not vote. That was a little odd. But then, after all the rest of the votes had been made and we had to have his vote to prevail on the issue, he got up and started explaining his vote. I said, 'Well, he's not going to vote the way he said he would!' We had to have his vote. It was not a matter of him abstaining. Whatever the issue was – we had to have the votes. It was not a matter abstaining. If he been abstaining we'd have kept him down here in the office" (Patton, 2003a).

Blevins describes his resolution to the conflicting calls for his vote this way:

> "[Then I] came to my senses, I finally decided, after some soul searching I just was not going to do it. I said, 'No, I've already promised all these people in Ashland not to support it.' So at the last (actually I was not sure what I was going to do) I finally just decided to stick with the people that elected me up in Ashland" (Blevins, 2003).

When Senator Blevins' name was called on the second round, he voted for the amendment, breaking the tie – and handing Patton a 19-18 defeat of his effort to separate the community colleges from UK. "My conscience tells me that I was elected to represent the people," he said, noting that he was "not proud of what I had to do. I did not want to do that to the governor" (Senator Went Through Agony, 1997). Governor Patton and his staff were more than disappointed. Chief of Staff Skipper Martin expressed his feelings frankly:

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[55] The vote on the Scorsone amendment was a nexus for other voting reasons. Senator Richie Sanders, of Smiths Grove, who would later vote the community colleges from UK, supported the Scorsone amendment this night. Governor Patton had campaigned against Sanders in the 1996 election and Sanders meant to vote as political payback for the governor's opposition. "I played politics with that vote" he explained, "and I should not have done it" (Governor Signs, 1997).

"You're just shocked. You're really shocked that when you look a person in the eye and then they just lie to you. All he had to do was come down and tell us. But for whatever reason, maybe there was too much distance between this floor and that floor – I do not know" (Martin, 2002).

Senator Charlie Borders, a Republican who had voted against the Scorsone amendment, was harsher in his assessment of Senator Blevins. "He played it to the hilt" Borders said. "He flat-out lied" (Senator Went Through Agony, 1997). In a defeat for the administration, the Senate passed the amended bill 23 to 15. Patton's team was shaken.

Kentucky's General Assembly rules dictate when, as had happened in this case, the House and the Senate pass differing versions of a bill, the Senate version must go to the House for a vote. If the House had accepted the Senate version, which did not call for the restructuring of the UK – community college governance, the Governor's reforms would have been lost. So the focus returned, once again, to Rep. Stumbo and whether he would hold to his agreement not to oppose the Governor on the community college issue when the bill returned to the House.

"This had to go back to the House, and the House had to send it back to conference. Well, the danger was, that Greg Stumbo, when it came back to the House, would come back to me and say, 'Governor, you told me you had 20 votes in the Senate – now all bets are off'" (Patton, 2003a).

The Governor's fears were not unwarranted. Senate leaders explored just this scenario with Stumbo. "After we were successful in the Senate we tried to talk to Greg about fighting it once again" (Scorsone, 2003).

"When the bill came back to us, to concur with his amendment – Senator Scorsone asked me, knowing that that was my position originally, if I would lead the floor fight to try and keep his amendment on there – and I said, 'No. I made a deal and I gave my word to Paul Patton and so I'm going to stick with my word.' And so we easily defeated that floor amendment on the House side. But you know, to this day when Charlie Wethington and I see each other we kind of laugh and say, 'You know we probably should have gone ahead and fought that battle, just see what had happened.' I think the governor would have ultimately prevailed[56]" (Stumbo, 2004).

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[56] "To Greg's credit he did not do that. He did not backup on his agreement to support this compromise. [If he had] probably we would have adjourned that session without a bill" (Patton, 2003a).

Late in the day on May 28th, Jim Callahan led the House in a review of the Senate version and its 28 amendments. The House followed Callahan's lead and concurred with 15 amendments and voted not to concur with 13, including the Scorsone amendment. Because the House had not accepted the complete Senate version, the bill was sent back to the Senate asking the Senate to recede (remove the amendments that the House had not agreed to). The Senate, by a voice vote, refused to recede sending House Bill 1 to a conference committee.

The conference committee consists of a small group of legislators, selected by the House and Senate leadership. In this case the Senate leadership selected members favorable to Governor Patton's positions – as did the House. Because of the difference in the two versions, both of sides of the committee agreed to go to a free conference which meant that, rather than having to agree on the existing amendments as written, the free committee could rewrite the amendments to achieve agreement.

> "A conference committee was appointed and the new chair of the Senate went along with the governor to change it in conference. When you put together your conferees for the final committee – the Chair can influence the outcome by appointing friendly conferees – and that's basically what happened. Once that happened the outcome was clear" (Kelly, 2003).

By the end of the evening of the 29th, the free committee had resolved the issues, removed the 13 objectionable amendments, added SCOPE back in, and returned a final compromise version for ratification.

> "When… it goes to a conference committee and it then goes to a free conference committee …then [it's] 'Katie, bar the door…' The free conference committee – which is made up of handpicked people – basically just did what they needed to do. Now the Governor made sure that a couple of things that he'd given his word on were going to stick in there – but that was it" (Goetz, 2004).

On the morning of May 30th, the revised bill went from the conference committee to the Senate who voted 25-13 in favor of the revised bill – which would now separate 13 community colleges from the control of UK. "There's been some pretty serious and ferocious battling over this issue," said Senator Scorsone, who voted for the bill, "But now I think it's time to see if we can make this work" (Governor Signs, 1997). Also voting in favor of the final bill was Senator Walter Blevins.

"When we realized the House had kind of folded, after what we had done, then the war was over. You know the House had given up and Greg Stumbo went with the Governor. The Governor asked me if I was going to continue to fight him after I made that vote that night and at the time I thought it was the writing on the wall the battle was over. You finally reach a point where you ca not win so you may as well try to get the best deal you can and move on" (Blevins, 2003).

The Senate approval of House Bill 1, and its companion funding bill, sent both bills back to the House, which, in its final vote, approved House Bill 1 73-25. Thus the enactment chapter closed on the Kentucky Postsecondary Education Improvement Act of 1997. Conflict over the changes had arisen, grown, and been resolved over the course of less than six months. Governor Patton had challenged the "800 pound gorilla" – and won. "The actual overall victory was obviously very enjoyable…we were out on a pretty big limb. [laughs]" (Patton, 2003b).

Parting irony (and friends)

All the events, conflicts, and resolutions of Kentucky's 1997 policymaking efforts led to the picture of Governor Patton signing House Bill 1 on the steps of the capital. On the afternoon of May 30, 1997, as Governor Patton's press team was assembling the signing tableau, a call went out to the capital staff to find some children to mix into the picture with the governor and the legislators. On that day Greg Stumbo's daughter Morgan and a friend who were visiting the capital, were rounded up as they were on a tour, and were seated in front of the table. The moment was not lost on Stumbo, who had fought so hard to avoid just such a ceremony.

Figure 6: Governor Patton signing House Bill 1, May 30, 1997

"It was ironical. The picture that appeared on the front page of both papers the next morning and [there] was the governor and Judy [Patton] and some legislators and right there at his desk – [are] my daughter her friend" (Stumbo, 2004).

A print of the image was framed and prominently displayed on the wall of the Governor's office as a testament to one of the most successful moments of his administration. As Greg Stumbo recalls, it was also a poignant ending to Governor Patton's tenure.

"On the afternoon when he left [office], I happened to be here working and I walked down to speak to him and wish him well and say good-bye. He was cleaning up his office and that picture was still on his wall. I said, 'Governor, do you remember who that is?' And he had forgotten. We walked over and we sort of had a laugh about it and shook hands and parted as good friends" (Stumbo, 2004).

CHAPTER FIVE: ANALYSIS

The governance of higher education in Kentucky is the story of ideas and conflicts. The 1997 restructuring effort led by Governor Patton was one in a series of events punctuating the equilibrium of Kentucky's higher education policy community. Following the enactment of House Bill 1 on May 30, 1997, a common portrayal of Governor Patton was as the most powerful policymaking force in Kentucky's higher education community (see Figure 5). What can be understood from Patton's victory? Why was a policy package that garnered positive support for so many of its proposals almost defeated? Were the proponents and opponents as divided as the recollections and rhetoric suggest?

Figure 5: Patton victory (Courier-Journal, June 1, 1997)

The historical story of House Bill 1 as told in the previous chapter shows the complexity of the policymaking process. In this chapter, three theoretical frameworks, or lenses, are used to better understand the policymaking of House Bill 1. First the Multiple-Streams model is used with its organizing "streams" of problems, policies and politics and the explanatory concepts of a policy window, a policy entrepreneur, and coupling. Second, the process is examined through the lens of the Punctuated-Equilibrium model with its descriptive concepts of policy image, policy monopoly, and policy venues. Finally, the Political Frame is used to explain the types of conflicts between policy actors and how these conflicts were resolved. The chapter concludes by addressing the guiding questions of the study and an examination of the value found in using the theoretical frameworks.

The Multiple-Streams model

The lens of the Multiple-Streams model organizes the policymaking process and begins to reveal the dynamics of, and interactions amongst the narrative statements of House Bill 1. Kingdon (1995) parses policymaking into three streams – problems, policies, and politics – to deconstruct and describe a policymaking effort. A primary focus of the model is the description of how a particular policy initiative arises above other potential policy efforts at a particular time and in a particular way. Kingdon looked for causal linkages between the streams. For example, change in the status quo of a problem often results in the opening of a policy window within which new proposals and policy alternatives are generated and considered for salience and support within the political stream. The Multiple-Streams model holds that policymaking is neither necessarily linear nor rational – but is characterized by the actions of policy entrepreneurs who seize opportunity to couple a specific policy solution with a set of problems.

To begin analysis of the House Bill 1 policymaking effort, the 30 summary narrative statements of the participants were parsed into the three streams (problems, policies, and politics) of the Multiple-Streams model. For the analysis, the statements were then sorted by topic and prioritized according to those which best expressed the primary thrust of the comments and those that expressed secondary, supporting positions or premises. Table 4 shows the narrative statements detailing the problems described in the opinion-editorials and the interviews of the key policymaking participants. These statements describe the state of, and "common wisdom" about, Kentucky's public higher education community at the start of Governor Patton's administration in December 1995. Three primary themes emerge from the narrative analysis: (1) perennial low performance, (2) disruptive political conflict, and (3) chronic under funding.

Table 4: Narrative statements about problems

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1. Kentucky higher education needs improvement.
    a. Kentucky lags competitor states in research.
    b. Kentucky's economic and workforce development status is low.
    c. There is a lack of strategic planning for technology.
    d. UK management of the community colleges was not resulting in a seamless higher education system.
    e. UK was not an effective manager of the community college system.
2. Conflict has limited success of previous legislative reform efforts.
    a. Passing KERA meant higher education reform was next and could be accomplished.
    b. Higher education politics makes reform difficult.
    c. UK's high political power was hurting Kentucky's ability to function as a system.
    d. UK used the community colleges for political clout.
3. Currently higher education is under-funded.
    a. UK management of the community college budget had created funding inequities.

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The policy formation phase of the 1997 higher education restructuring saw a rich Kentucky-style burgoo of policy proposals. In the months preceding the Extraordinary Session, Governor Patton floated several trial policy balloons. The relative stances of various constituencies about policy ran the gamut from consensus to sharp, clear dissention. Many potential policies, including reforming the Council, increasing higher education funding, improving the coordination between the community colleges and the Kentucky TECH schools, had been proposed in prior reform efforts and received public support. Others, including severing UK's governance of the community colleges, had and did not.

The analysis of the narrative statements proposing policy (Table 5) shows three primary policy proposals at the top of the participants' agenda: (1) the amount of funding and modifying the way it was allocated, (2) restructuring and strengthening the Council, and (3) better positioning UK to become a Top 20 research university. The initial problems of Kentucky's low workforce and economic development status and its low research activity have become linked with proposals to increase the research capability of UK (and the University of Louisville). The chronic under funding of Kentucky's public higher education institutions would be addressed with new funding and with SCOPE, which Governor Patton

proposed to reduce political budget wrangling. Though the impact of higher education politics, and specifically UK's use of the community colleges as a political tool, was cited as a problem – the solution of governance restructuring was positioned differently. Severing the community college governance from UK was linked to improving UK's ability to reach Top 20 status.

Table 5: Narrative statements about policies

1. Higher education needs to be reformed.
    a. The proposed funding will be adequate to achieve the goals of the Plan.
    b. SCOPE will reduce the political nature and conflict of the budget process.
2. The Council on Higher Education needs to be reformed.
    a. The authority of the CHE should be strengthened.
3. The University of Kentucky should be a Top 20 research university.
    a. UK cannot become Top 20 if it continues to manage the community colleges.
    b. The community colleges and the Kentucky TECHs need to coordinate their operations.
    c. UK governance of the community colleges must be severed.

A primary theme of the policy, or "rational" approach advanced by the proponents, was removal of the community colleges from UK governance as simply the "the right thing to do" (Patton, 2003b). The opponents countered the governance issue was politically motivated and far more emotional than one simply of policy. "This is purely a political issue. Always has been. It has never been an educational one it's always been a political issue. I boil it right down to one simple fact: it was a political effort to gain greater power over higher education in the Commonwealth by the Governor" (Wethington, 2002).

Leslie and Novak (2003) find both practical (or *instrumental*) and personal (*political*) factors can be part of a policymaking effort. Revealing these factors helps to explain the "explicit or implicit need of political elites to consolidate power or thwart interests counter to their own" (2003, p. 105). In the analysis of the narrative statements about politics (Table 6) the more personal dimensions and dynamics of the policymaking process become evident. Just as policymaking participants alternatively, and almost interchangeably, praised Governor Patton or President Wethington for brilliant leadership, they also accused both of seeking

greater political power. As the proponents strove to position the proposals of House Bill 1 as rational, principle-based solutions, the opponents countered by framing the issues politically, using strong emotional pleas to build support. Governor Patton was assailed for not listening to the will of the people and President Wethington, for emotionally hanging onto the community colleges instead of rationally focusing on increasing UK's research capability. Here the narratives of the proponents reveal the struggle to constrain the debate to unemotional, rational arguments when, behind the scenes, significant emotional and political clout was being employed by opponents. Both sides used the networks available to them (business, the regional universities aligned with Governor Patton, UK alumni and community college communities with UK) to build alliances and votes. Finally, Governor Patton's ability to convince and coerce opponents into supporting his position – if only for a few hours or days, eventually resulted in sufficient support to overcome opposition to House Bill 1.

Table 6: Narrative statements about politics

1. House Bill 1 should be about principle and policy, not politics. It should be resolved with rational not emotional arguments.
    a. House Bill 1 was about increasing the political power of the Governor.
    b. Governor Patton had a high degree of personal power.
    c. President Wethington had a high degree of personal power
2. Gov. Patton's ability to negotiate and bargain increased though alliances, resulted in the enactment of House Bill 1.
    a. The Stumbo Compromise resolved the opposition to the community college issue.
    b. The Blevins vote did not resolve the prospects for House Bill 1 passage.
    c. Getting HB1 to the Conference Committee allowed Gov. Patton to prevail.

The Multiple-Streams model reveals the primary higher education problems for Kentucky as: low workforce and economic development, an institutional governance structure that impeded rather than supported research and workforce development, and insufficient funding. The policy solutions proposed to address the problems were to: increase Kentucky's research capability, increase the authority of the Council, sever the community college system from UK while creating the KCTCS system, and increase higher

education funding. Finally, analysis of the political stream reveals emotional arguments were used to counter the more contentious policy proposals and the use of alliances and power were key factors in resolving the conflicts of House Bill 1.

The Multiple-Streams model concepts of policy windows and entrepreneurs provide a deeper explanation of some parts of the House Bill 1 policymaking process. Kingdon describes a policy window as the point at which "a problem is recognized, a solution is developed and available in the policy community, a political change makes it the right time for policy change" (1995, p. 165). Within this window, the challenge was to define higher education's problems. The policy window for higher education restructuring in Kentucky opened with the election of Paul Patton on November 7, 1995.

But the policy window did not open as a result of any impending or immediate crisis. At the time of his 1995 inaugural address there had been no significant changes to raise higher education on the agenda of most legislators. If higher education was going to rise on Kentucky's policymaking agenda, Governor Patton would have to make it happen. McLendon and Ness (2003) identify "strong political sponsorship" (p. 79) as the most important influence in reform enactment. Hearn and Griswold (1994) discuss the important role individual's play in higher education reform and identify the actions (such as those of "a number of southern governors") as deserving of serious consideration in the analysis of innovation in higher education governance policy. Kingdon contends that understanding policy change, among other things, requires looking at the policy entrepreneur who serves as a catalyst for and director of change. Identifying and exploring the role of a policy entrepreneur allows researchers to address the role of personality in policymaking instead of viewing changes as simply structural (Kingdon, 1995, p. 182). Nicholson-Crotty and Meier (2003) identify a relationship between "higher education structures do significantly affect how political forces influence higher education" (p. 95).

Entrepreneurs highlight indicators that change the definition of problems; they use their "bully-pulpit" to command hearings and press coverage for their proposals in the softening up phase; and, through the skillful use of politics, they "perform the function for the system of coupling solutions to problems, problems to political forces, and political

forces to proposals" (Kingdon, p. 205). Governor Patton[57] met these criteria, playing a critical role in elevating higher education reform on the agenda, identifying and redefining Kentucky's higher education problems, and actively linking solutions to problems. All interviewees acknowledged this. "Well, my impression was…[that] the governor was leading the charge, I mean he was the tip of the spear" (Childress, 2001). The most explicit and explanatory comment came from then Assistant Budget Director, Ron Carson:

> "I think this was gubernatorial driven process from start to finish frankly…It was a transformation of the higher education system, but the head of the then Council Gary Cox was not a major driver; it was a method by which to change the way we view economic development in this state but the Secretary of Economic Development, Gene Strong was not a driver; it was a way to alter the role of the state's flagship university but the president of the University of Kentucky was not a driver; it was something that ultimately involved legislative change in a dramatic way, in terms of House Bill 1, but the Speaker of the House and President of the Senate were not drivers; so, by default, I come back to – it was the governor" (Carson, 2002).

Finally, Kingdon's concept of coupling, the process through which problems and their policy solutions are combined in "the ripe political climate," (p. 201) helps explain the culminating role and function of the policy entrepreneur. While much of the problem identification and policy/solution seeking are done using a broad range of mechanisms, skills, and communities, Kingdon finds that entrepreneurs "perform the function for the system of coupling solutions to problems, problems to political forces, and political forces to proposals" (p. 205).

Using the problems, policies, and politics streams the primary arguments of policymaking process become evident. The problems were economic development, governance structure, insufficient funding, and lack of authority. The policies were: increasing research, changing governance, increasing funding, and increasing council authority. Looking at the policy window and Governor Patton as the policy entrepreneur building an understanding of the political stream, and storm, surrounding the definition of the problems and selection of the solutions involved both principle-based and emotion-

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[57] Similar to Kentucky, Van Der Slik (2001) found an available policy entrepreneur, Lieutenant Governor Bob Kustra, who led the identification and articulation of the problems that were addressed in the Illinois higher education restructuring. Interestingly, Kustra would later become President of Eastern Kentucky University (1998-2001).

based arguments that were resolved through the use of personal and political power. Finally, the Punctuated-Equilibrium model, explains why these particular solutions were coupled to the problems of Kentucky's higher education community.

The Punctuated-Equilibrium model

The Multiple-Streams model looks at the policymaking process from the emergence of an issue on the agenda to the conclusion of the process through which an authoritative decision resolves the process. In contrast, Baumgartner and Jones (1993) focus more of their explanatory efforts on understanding how existing, stable policies are redefined into new understandings. This, for them, is the heart of the political battle (p. 29). The Punctuated-Equilibrium model describes the way policies are understood, even by insiders, as a mix of rational arguments and emotional appeals understood and expressed in simplified and symbolic terms – a "policy image." In Kentucky, the recurrent use of the "gorilla" metaphor[58] to describe the University of Kentucky's dominating role in Kentucky's higher education community represents such a policy image. Prior to Patton's election, the problems of higher education in Kentucky had simmered long but were low on the agenda. External events or changes in conditions had not, in and of themselves, constituted a sense of a problem that required legislative action on the scale of KERA. Kentucky's higher education system was relatively stable and had rejected alternative policy images. Most recently, suggestions proposed in 1993 by the Higher Education Review Committee convened by then Governor Brereton Jones and in 1995 when a task force led by House Speaker Jody Richards went largely ignored by the higher education community. The Punctuated-Equilibrium model calls such a stable, dominant understanding of a situation a "policy monopoly."

Change occurs when the equilibrium of a policy monopoly is destabilized. To disrupt a policy monopoly, the situation must be interpreted and shaped in such a way that people can accept new problems or see the old problems in a new way. A successful redefinition occurred when Patton defined Kentucky's "problem" as the need to create more

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[58] As Pat Freibert (1997a) stated it: "Many Kentucky governors have gone to Frankfort wanting to 'reform' higher education only to realize they could not tame this 800-pound gorilla." Patton also described UK as a "700-pound gorilla" (UK President, Governor Talk, 1997).

jobs and a better economic outlook, thereby positioning higher education not as the problem – but as the solution. This new policy image evolved from Patton's early governmental experiences, from the dominance of education (as KERA) on the policymaking agenda of the early 1990s, and from Patton's realization that, if he wanted workforce and economic development, he had to increase the effectiveness of higher education. As Governor Patton describes it:

> "I'm a jobs governor. That was my purpose in getting into public service as the County Judge Executive, Pike County…But as I got more into the jobs business through my economic development and my position as lieutenant governor and my position as Secretary of the Economic development Cabinet I recognized that, in the end, the jobs – the economy – were based on education" (Patton, 2003a).

The Punctuated-Equilibrium model defines two possible courses of change for policymakers such as Patton who would challenge an existing, stable, policy monopoly. They can either become a *policy* expander (by trying to attract the attention of a new group of policymakers) or they can become a *conflict* expander (by changing the venue where a policy is debated). While Governor Patton would meld both in his approach (including business representatives in the House Bill 1 lobbying efforts and moving the higher education efficiency debate from the Council to the General Assembly), the recent experiences of two other lawmakers and their efforts to change the policy monopoly of higher education are also informative. These are the initiative to mandate the transfer of general education courses among Kentucky's public higher education institutions and Senator Ed Ford's efforts to increase the accountability of higher education through reporting.

Senator Shaughnessy's transferability effort is a case, as with Governor Patton, of how these two strategies are combined. Senator Shaughnessy tried repeatedly to address the lack of transferability of community college courses into the universities. His interest stemmed from personal experience. In his undergraduate education, Senator Shaughnessy had transferred from Jefferson Community College in Louisville to the University of Louisville. When he transferred he had received a letter from UoL accepting a JCC literature course in lieu of English 102. Three years later Shaughnessy, now working as a General Assembly intern in Frankfort, gets a call from his mother who tells him a registered letter from the university has arrived saying he could not graduate because he did not take English 102. Fortunately, Shaughnessy's mother had saved the letter from UoL in her jewelry box,

which Shaughnessy took to registrar clearing up the issue. "They were not going to let me graduate – except for that letter. So this was incredibly frustrating if not outright scary" (Shaughnessy, 2004).

Senator Shaughnessy's response to his personal brush with the challenges of transfer, a common complaint heard by legislators, was to encourage and eventually legislate transfer of general education courses among Kentucky's public colleges and universities. But not before the Senator learned some additional lessons about higher education policymaking:

> "I had a bill that was going to have a common course numbering system and to establish a university track…and the universities came to me and said 'You know, we'll take care of this on our own.' Dumb, stupid me – I believed them. And this is back before we had annual sessions so – nothing happened – [I] had to wait two years. Introduced a resolution. And created a Task Force [through the Council on Higher Education]. Looked at all of this, put together its resolution – it went nowhere. So now another two years goes by and I introduced a bill and said, 'This is what we're going to do.' And at that time I think that there was this mind-set that, 'Okay, this is going to happen and we're all going to get on board.' And the fact that I was chair of the Education Committee did not hurt… it's certainly not where it needs to be but it's better than it's ever been" (Shaughnessy, 2004).

Senator Shaughnessy's narrative describes the necessity for a policymaker to both expand the conflict by moving the discussion from the university presidents, to the Council leadership, and finally lawmakers as well as changing venues from the campus to the Council to the General Assembly. These two tactics allowed him to achieve dominant positioning of his transferability policy image. These activities to resolve Senator Shaughnessy's frustration, occurring in the years immediately prior to the House Bill 1 policy window were a clear indication to Patton that neither the campus nor the Council were effective venues for sustainable change.

Enter into this environment of competing policy images former legislator, now Education Advisor to Governor Patton, Ed Ford. As Senator Shaughnessy had faced frustration in his effort to improve community college program transferability, Ford, as a State Senator, had seen his legislative efforts to increase university accountability gutted by UK's President Wethington influence on the Council on Higher Education. As chair of the Senate education committee, Ford had crafted a Senate Bill (SB 109) requiring institutions to make annual reports, through the Council to the General Assembly, on metrics such as faculty workloads. The accountability measures would be used to guide the higher education

budget development process. When the policy went to the Council for implementation, Ford saw the dilution of the intent of SB 109, principally under the direction of University of Kentucky President Wethington.

> "By the time the University of Kentucky and Dr. Wethington got through with it the regulations that were promulgated by the Council on Higher Education were almost toothless. I mean they had completely de-fanged it – there was not too much to it" (Ford, 2001).

Now, in 1997 as Patton's Education Advisor, it was obvious to Ford, that to be successful, the debate over Governor Patton's new policy image of workforce and economic development would need to be moved to a new venue. The Extraordinary Session was such a venue. There, the focus of the General Assembly would be on one topic and that meant the influence of the Governor would be at its most effective. The tactic had already proven effective in resolving the worker compensation issue. The immensity of this undertaking, of confronting the politically powerful University of Kentucky head-on, and in public, took some consideration.

> "I remember we talked and [Governor Patton] did not want to take on the community college system. I mean he's a political realist. We kept talking about it and I wrote three or four [scenarios] about how you might go about making these changes with the presumption being we're not going to take the community college system away from UK. And I think he really eventually realized there was no other way to do it" (Cox, 2002).

But, even if House Bill 1 passed, it would still face challenges from UK if it retained its political dominance at the Council. For the changes to really take hold – for UK to succeed as a research university, for the community colleges to succeed as a site for workforce development, and for the higher education institutions to be more efficient and accountable – the political ability of UK to turn the tables on the governor and assault House Bill 1 in another venue had to be curtailed. So, while a number of pragmatic arguments were advanced as rationales for the governance change, Ed Ford was convinced, through his experience with SB 109, that if UK retained its political power, it would find a way to challenge and undo the governance change.

The lens of the Punctuated-Equilibrium model reveals how the election of Governor Patton and his subsequent intent to use higher education to improve Kentucky's economic future destabilized the equilibrium of the existing higher education policy sub-systems.

Previously, the political clout of UK with its community colleges and the low authority level of the Council had combined to frustrate and inhibit change. Through the redefinition (via the Task Force) of the higher education policy image, from one in which higher education was the problem to one in which higher education was the solution, Governor Patton challenged the status quo. Consideration of this challenge was more explicit and effective by moving the debate from the Council to an Extraordinary Session of the General Assembly. Recent experiences by other lawmaker's informed Governor Patton's decision that, to ensure a change in the behavior of the institutions, the power between the institutions themselves, and the state, would have to be restructured.

The analysis using Multiple-Streams and Punctuated-Equilibrium models reveals higher education problems, policy images, and monopolies rising and falling on Kentucky's policymaking agenda. Through the narrative analysis of the problem and policy streams the Multiple-Streams model reveals the concrete issues and rational solutions. The statements of the politics stream are more about the personalities of political process, their power and their confrontations. Further, the model identifies the policy window as the election of Governor Patton who, as a policy entrepreneur, led the political process coupling of policy problems to solutions. The Punctuated-Equilibrium model then describes the nature of the struggle to craft policy images that would destabilize existing and create new policy monopolies. It also reveals the need to use governance changes enacted in a new venue, by the General Assembly, to ensure change would occur. However, neither model provides very satisfying insight into the how the strong conflicts engendered by the new policy image of House Bill 1 were resolved.

The Political Frame Model: Power and resolution

Political power had been the problem in Kentucky higher education policymaking for decades prior to Governor Patton's election in 1995. Understanding the political nature of the House Bill 1 policymaking process is essential to understanding the eventual outcomes. In their study of higher education policy restructuring, Leslie and Novak underscore the importance of politics in decisions about higher education governance structuring: "In none of the cases did we find political factors to be merely residual. Instead, they were usually central in the story of reform" (2003, pp. 116-117). As described by Bolman and Deal (1997), the Political Frame views an organization as an active, chaotic

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arena in which politicians focus not on the resolution of the problem itself but on the strategy and tactics of power to resolve conflicting positions (Bolman and Deal, 1997, p. 172). In this model, conflict and competition for power are normal and essential elements of policymaking. Bargaining and negotiation among coalitions of individuals who have enduring differences over the allocation of scarce resources, the most important of which is power, characterize the policymaking environment of the Political Frame.[59] Eight types and tools of power are identified by the model (pp. 169-170): (1) position power (authority); (2) information and expertise; (3) control of rewards; (4) coercive power; (5) alliances and networks; (6) access and control of agendas; (7) framing: control of meaning and symbols; and (8) personal power.

Viewing the 1997 reforms through the Political Frame reveals the pervasive use of, and conflict over, power in the House Bill 1 process. *Position power* is the formal authority that comes with a position. As President of the University of Kentucky, Charles Wethington held significant authority over the community colleges and could strongly influence their support and participation in the public and political struggle over House Bill 1. As governor, Patton also had great positional authority.

> "Well, practically speaking, the Governor carries the big stick in Kentucky. Although we [in General Assembly leadership] knew the community colleges should be separated from UK, we could not. The Governor has the power in this state" (Richards, 2002).

Other political actors also held authority due to their position. For example, Greg Stumbo's position as Floor Leader in the House and Senator Dan Kelly's as Senate leader gave them some control over how agenda items were structured and considered. Nonetheless, the primary conflict needing resolution was whether Charles Wethington or Paul Patton would succeed in using power to prevail in an issue of higher education policy.

According to the Political Frame, power accrues to those who have the *information and expertise* to solve problems. Here both sides projected competing "expert" analyses of the data and solutions. Governor Patton used experts such as Aims McGuinness of NCHEMS and Kay McClenny of Education Commission of the States to develop and

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[59] Pfeffer (1992, p. 30) defines power as "the potential ability to influence behavior, to change the course of events, to overcome resistance, and to get people to do things they would not otherwise do."

advocate the funding changes Kentucky needed to improve. Opponents of House Bill 1 dismissed Governor Patton's experts as "outsiders" who did not know what was right for Kentucky. President Wethington used his resources to challenge the calculations of the Governor's funding proposals. Opponents of House Bill 1 talked about the role of the community colleges as a feeder system providing "diamonds in the rough" from Kentucky's smaller communities. Proponents challenged this myth with data showing that actually an abysmally low rate for transfer existed between the community colleges and Kentucky's universities.

The ability of both Governor Patton and President Wethington to *control rewards* among their constituencies was clearly evident. Patton accrued support from the business community through his resolution of the worker compensation issue. The ability to make credible threats is also important. When the Governor released the first draft of his proposed legislation on April 23rd, he hinted that if lawmakers did not enact his education plan, he would hold off on any new funding for higher education and consider funding alternative subjects, such as health care. President Wethington held power over the community college presidents. Under his direction, UK funded the community colleges as it saw fit, refusing to release detailed accounts of how support was determined or distributed. UK, through its office of community college Chancellor (a position Wethington held prior to becoming president) also hired and fired community college administration, faculty, and staff. Patton worked to counter this influence through appointments to the UK board, allowing him to gradually erode the unanimity of the UK board's opposition to the governance change and thus the power of UK Board Chair Breathitt.

> "Initially I thought we had a shot to win. But I saw how he divided our board. See, I had a unanimous board on the original resolution of opposition [to House Bill 1]. But he began to pick 'em off with promises of reappointment. Because I had a unanimous resolution of opposition to it – I never would let it come up for a vote again on the board. That's the way it works" (Breathitt, 2002).

Coercive power is the ability to "constrain, block, interfere, or punish" (Bolman and Deal, p. 170). Governor Patton's staff was adamant in its contention that UK orchestrated the strongly negative receptions Governor Patton received in his visits to the community colleges. Opponents use in Senate hearings of a letter from Jim Rogers, Executive Director of the Southern Commission on Accreditation of Colleges and Schools (SACS), challenging

the creditability of the Stumbo Compromise was designed to block further consideration of the severance plan. At the time of House Bill 1, the Democrats controlled both houses of the Kentucky General Assembly. While neither Patton nor Wethington could be "directly" involved in the enactment debates on the floors of the General Assembly, both provided commentary in committee sessions either directly or though proxies. Alternatively, both maintained their presence in the capitol, the Governor in his office, President Wethington in the office of Greg Stumbo. Both were active in directing the jabs and feints of the battle.

Both Patton and Wethington utilized their *alliances* to combat each other. By virtue of his success with worker compensation, Patton had strong support within the business community and some support within the Republican Party. He also courted and counted both major daily papers in the state as allies. The divisions over House Bill 1 were defined principally by geographic rather than party distinctions. Those legislators who had UK or a community college in their district were more likely to oppose House Bill 1. This even led to cross-party alliances such as Democratic Ernesto Scorsone collaborating with Republican Stan Cave, the strategic leader of Republican resistance to House Bill 1. Wethington already had his strong political *network* through the university alumni and the community college system. The impact of these local constituents contacting their legislators (or, as in the case of Senator Blevins, button-holing them in the corridors of the state capitol) came close to giving President Wethington the edge in votes.

The ability of Governor Patton to gain *access to and control of the policymaking agenda* was evident in his formal authority to convene and coordinate the Task Force on Postsecondary Education and to call an Extraordinary Session. Not having such power, the ability to put topics on the agenda, meant alternative proposals were less likely to be selected and more likely to be ignored (Bolman and Deal, p. 184). This authority allowed Governor Patton to constrain and control the discussion to one topic that, in turn, afforded him strong influence over how the proposals were framed and considered.

Finally, power is also the result of the innate and developed abilities of the individual. House Bill 1 was a battle of two political leaders. Both Governor Patton and President Wethington held substantial amounts of *personal power*. This could be seen as the two sparred in the KET debate and in the press. As the critics noted, while there were stylistic differences distinguishing their performances, their constituencies saw both as strong, effective leaders. With heavy support lined up on both sides, the Extraordinary Session

came down to a confrontation between two of Kentucky's most powerful political leaders. It became a test of their personal and coercive power. Governor Patton had a high degree of personal power. The policymaking proponent narrative is filled with references to the qualities that served the Governor in leading the House Bill 1 adoption effort. Patton's ability as a hard working, detail-oriented leader improved his chances for success. One characteristic noted several times was his deep engagement with the details of the issues.

> "What people do not realize is that he not only proposed the bill, he wrote the bill…or he re-wrote quite a bit of that at the time. You had a governor that knew more about that bill than the staff knew about it. There was not one part that you could ask about that he could not describe on more that you wanted to hear. That's damned unusual. People were impressed" (Rapier, 1997).

President Wethington also had a high degree of personal power. To his supporters, Charles Wethington was a power politician defending the political value of the community colleges for UK. They portrayed his as a leader courageously trying to save Kentucky from a costly mistake. Rollin J. Watson, one of Wethington's most ardent defenders, described the President thusly:

> "He [Governor Patton] fails to see Wethington's brilliance as a leader…Wethington is the brightest educator to come along in a great while in Kentucky…If we are to improve, it will be the pragmatic, utilitarian, visionary leader like Charles Wethington who will lead us towards improved communication and cooperation. Certainly it will not be a group of misguided politicians or ivory tower intellectuals who will lead us out of the morass" (Watson, 1997c).

To the governance change proponents, "President Wethington was a master at being able to deal from a position of strength. He carried a big stick and knew how to use it" (Cox, 2002). They characterized Wethington as behind the times in his thinking about the roles of a research university and a community college system. Ultimately, proponents contended, Charles Wethington's ties to the community colleges, and fear of losing the political clout they provided, had backed him into a corner where his only option was to fight.

> "You [were taking] the political arm, the kingdoms of the University of Kentucky, and separating them from the main castle – I mean it was a huge move, maybe one of the biggest political things [that] ever happened in the

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state. And Charles did not want to cooperate…we only had on person opposing us and he almost beat us. It was a thousand against one – and the one almost won" (Martin, 2002).

The Political Frame model also provides conceptual views of the strategies policy actors use to joust for position and negotiate resolutions to conflicts. Bolman and Deal (1997) identify two differing approaches to conflict resolution and a third that integrates elements of the prior two. The first approach, called "*creating value,*" sees the goal of a successful negotiation as a cooperative effort to craft an agreement that results in significant gains for each party. This is frequently called the "win-win" approach wherein both parties bargain to solve a problem. The second approach, called "*claiming value,*" is a "win-lose" strategy. Policy actors view negotiations as a contest in which one of the opponents must lose. To win, opposing parties "start high, concede slowly, exaggerate the value of concessions, minimize the benefits of the other's concession, conceal information, argue forcibly on behalf of principles that imply favorable settlements, make commitments to accept only highly favorable agreements, and be willing to out wait the other fellow" (Bolman and Deal, p. 187).

The third approach is a strategy of *conditional openness* that considers both of the prior strategies to be in play at different times in the negotiation/resolution process (Axelrod, 1980). When the initiative is new, and proposed solutions are in flux, both parties may exhibit relatively open and collaborative behavior as both seek to establish a mutually acceptable resolution. However, if one party responds to collaborative entreaties with a combative, "win-lose" posture, then the other party may also become adversarial and will likely remain confrontational until the other party responds with collaborative gambit. Axelrod termed this a "tit-for-tat" strategy and found that this conditional openness strategy could be more successful than even extremely diabolical adversarial strategies.

Elements of all three strategies are evident in the narratives of House Bill 1. Basing his positions on "rational" assumptions and despite the political problems of the past, Governor Patton exhibited a collaborative strategy early on in the debate. "We tried to take into account the political realities of higher education. We tried to make this a win-win for everybody" (Patton, 2003b). As the debate escalated, the public advertising and UK's rebuttals to the funding assumptions resulted in accusations by Governor Patton that President Wethington was operating behind the scenes to interfere and block his arguments.

True to form, President Wethington's tactics provoked a direct, confrontational assault, and it came in Governor Patton's "I have a problem with this president" speech to the UK Board. This resulted in a standoff as both the Governor and President Wethington scaled back their public attacks – but maintained their more private political maneuvering.

As a "win-lose" strategy becomes more active, Bolman and Deal find the judicious use of threats over sanctions becomes more common. For example, Patton threatened to fund healthcare over higher education if he did not get House Bill 1 passed the way he wanted it. In addition, Stumbo's accusations of possible coercion on the part of Governor Patton during the House debate, countered by a draft press release labeling Stumbo as a two-time loser against Governor Patton, sparked the negotiation of a compromise.

If House Bill 1 was an effort initiated and led by a single individual, it was also a conflict between two individuals. That House Bill 1 became, in the eyes of many, a showdown between Governor Patton and President Wethington is strongly agreed to by all constituencies. Kentucky had two individuals in the higher education policymaking community with high levels of personal and political power. When one proposed to upset UK's policy monopoly – a conflict arose. When rational persuasion proved ineffective in finding a common (win-win) solution to the conflict, the conflict moved to an emotional and political confrontation. Ultimately, the conflict between these two primary adversaries had to be resolved.

Thus, as both leaders counted votes on the night of May 15th, a collaborative signal was sent from the Wethington camp to the Governor. This resulted in a shift in tactics by Governor Patton who, realizing he would need to continue dealing with President Wethington after the enactment of House Bill 1, resumed an attitude of openness and seeking a resolution that reduced UK's opposition to removing the community colleges from its governance and was face-saving for President Wethington. These few hours of bargaining late into that morning in May resolved the question of whether, at that moment in time, Governor Paul Patton was more powerful that President Charles Wethington. They had looked each other in the eye, and Wethington blinked.

In summary, the Political Frame reveals Kentucky's higher education community as several coalitions with enduring differences (as between General Assembly members and the Council). These differences were based on differences in the beliefs and values of the coalitions that, in turn, resulted in different perceptions of information and situations. The

differences over the existing governance structure and the political clout it enabled were the most enduring and thus generated the most intense conflicts of the House Bill 1 policymaking session. The struggle to resolve the issue of political power resulted in negotiations and decisions that limited the consideration and discussion of lesser topics. Finally, the lens of the Political Frame reveals the essential strategies the Governor Patton used to ensure success. In a game of tit-for-tat, the Governor was able to control rewards (using gubernatorial appointments to the UK board to erode the unanimity of the opposition); capitalize on broader alliances, including business support earned from the successful workers compensation reforms; and counter UK's efforts to maintain its policy monopoly. Victory for House Bill 1, the resolution of the conflict between Governor Patton and President Wethington, can be attributed to the cumulative effect of the many types of power Governor Patton utilized.

Summary of the analysis

To understand why Kentucky's 1997 higher education reform effort occurred when it did, in the way it did, and why it resulted as it did, this study began by asking the following questions:

1. Why did higher education reform rise on Kentucky's policy agenda in 1997?
2. Why was the community college governance change proposed?
3. What role did politics play in the restructuring effort?

Using a case study and a narrative analysis of 15 interviews and 45 opinion-editorials, a set of 30 summary narrative statements were developed. These statements were then viewed through the lenses of three theoretical frameworks. What results is a clear picture of the problems Kentucky policymakers considered, the policy alternatives they considered, and how specific solutions were coupled together in the resultant language of House Bill 1. Also clear are the role of Governor Patton as a policy entrepreneur, with President Wethington as his principal opponent, and the political wrangling it took to resolve the policymaking effort.

The study data reveal the rise of higher education on Kentucky's agenda due to a policy window created with the election of a governor focused on workforce and economic development. The existing higher education policy image, a monopoly dominated by the state's flagship institution, became unstable and susceptible to change when, instead of

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focusing on its decades-old litany of problems, higher education was redefined as the solution to the state's economic development needs. This competing policy image had sufficient acceptance across Kentucky's higher education policy community to move into the policy development phase.

The narratives of the policymaking participants reveal the strong consensus for some proposals advanced in the policymaking process such as making UK a Top 20 research university and reforming the Council. Also revealed are the defining difference between proponents of House Bill 1 and those who opposed its most contentious issue: the separation of community college governance from UK. The importance of this change, i.e. the redistribution and balancing of power among Kentucky's public higher education institutions which established the dominant conflict of the Extraordinary Session.

Why did higher education reform rise on Kentucky's policy agenda in 1997?

Based on an extensive analysis of the higher education reform drama, this policy proposal rose on Kentucky's policymaking agenda because Governor Patton wanted it to. Patton, a "mountain governor" from Eastern Kentucky a region with a traditionally low level of economic attainment, wanted to increase economic prosperity of Kentucky. As early as 1994, he had determined Kentuckians had to be better educated to attract and hold better jobs. In addition, with the recent initiatives of KERA, primary and secondary education had been dealt with, and this made higher education the next logical area to improve. But, with no immediate or impending "crisis" to drive interest in changing higher education, Governor Patton chose to redefine higher education, not as a problem in and for itself, but as a solution to economic and workforce development. Finally, higher education rose on the agenda because sufficient agreement existed among the policymaking constituencies that some level of change was needed to improve higher education in Kentucky.

Why was the community college governance change proposed?

One of the most vexing questions of the House Bill 1 saga is why it was so necessary to remove the community colleges from UK's governance. If the Governor had not insisted on this change, the entire House Bill 1 policymaking process might have seen far less conflict and confrontation. Initially, for Governor Patton, it was necessary to sever the community colleges from UK's governance because they were the key to workforce

development – especially when combined with the Kentucky TECH colleges. If the community colleges were left behind the veil of UK administration, there was less assurance of their ability to support the Governor's agenda. As the debate progressed, it became clear Governor Patton was even more swayed by the political ramifications of the decision:

> "In my opinion, [Wethington] viewed the University of Kentucky as an entity onto itself with its own destiny and its own mission to decide whatever it wanted to be – as opposed to an instrumentality of a comprehensive postsecondary organization working together towards an overall statewide goal. And Wethington publicly said, 'UK is not a state school…it's a state-supported, or assisted, school.' He had a very definite opinion that UK ought to be an autonomous entity with some state help but it should determine its own destiny, which direction it should go and what its mission should be. He really viewed the political power of the university as omnipotent and that this would lose UK's political power. I think he believed that very strongly" (Patton, 2003b).

Ultimately, if the UK/community college governance structure was left unaltered, the power of the community colleges would give UK, not the Governor, final say over how any new funding for higher education would be spent.

What role did politics play in the restructuring effort?

The on-going politics of Kentucky's higher education policymaking community were both the problem and the means to resolution for the restructuring efforts of 1997. The analysis of the narrative statements reveals the House Bill 1 political stream as one about personal and political power and the use of alliances and power to resolve conflicts in a manner favorable to one's constituency. While policymakers will take great pains to define problems and advocate policies with a minimum of personal identification or blame – in politics everything is personal.

Governor Patton attempted repeatedly to frame the debate with rational arguments: increasing workforce and economic development, funding UK as a Top 20 research university, creating a virtual university for the regionals. President Wethington and the opposition countered some of these with facts (challenging the Patton's calculation of funding required to achieve a Top 20 status for UK) and some with emotion (community college degrees would be devalued if they were combined with the TECH colleges – and worthless if the community colleges were separated from UK). While there was some

concern among most lawmakers about the amount of funding House Bill 1 would take to achieve its goals – all most all were supportive of the aspirations. It was the Governor's insistence that the community colleges be removed from UK – and President Wethington's resistance that locked the two, and their supporters, in a stalemate. As Skipper Martin noted, "Charles never brokered, never nodded his head. His needle only moved when he talked about the community college issue and he had no vision for the future…" (Martin, 1997).

The data and analysis of this study show that politics, and especially a conflict over power, were the central issue and solution in the House Bill 1 policymaking effort. The Multiple-Streams model revealed the deadlock that occurred when the two sides could not agree to debate on the same terms. It also revealed the underlying high levels of personal power credited to Patton and Wethington. Finally this model described the sequence of the Stumbo Compromise, the Blevins Vote, and the Free Conference Committee that led to the resolution. The Punctuated-Equilibrium model further revealed Governor Patton stuck so strongly to removing the community colleges from UK governance because he was convinced, if UK kept the community colleges and the political power that went with them, the policies of House Bill 1 could be undone by an obviously hostile Wethington. In contrast, those opposed to the governance change saw greater power accruing to the Governor through what would be a more direct role in running the community colleges and through funding higher education via SCOPE. Finally, the Political Frame model expanded an understanding of the role power played in the debate and the role political tactics had in resolving the conflict over House Bill 1. Ultimately, Governor Patton's ability to convince and coerce enough lawmakers to support him triumphed over President Wethington's efforts to emotionalize the debate. Politics was both the problem – and the resolution – to the governance restructuring conflicts in the efforts to enact House Bill 1.

<center>Summarizing value from the frameworks</center>

What is to be learned from viewing the Kentucky case through the three policy theories employed in this study? In answer to the call of previous researchers (McLendon, 203b; Nicholson-Crotty and Meier, 2003), this study utilized three theoretical frameworks to order, inform, and interpret data generated by the narrative analysis. Was this additional effort worthwhile? What did the utilization of these three frames reveal that was not evident in the historical recounting of the "story" of House Bill 1 in Chapter Four? And, if these

frameworks proved beneficial in the study of the Kentucky case, are they likely to have value for studies of higher education reform, governance, and politics outside of Kentucky?

The "story" of House Bill 1 told in Chapter Four reveals and exemplifies the complex and intensely political nature of public higher education policymaking. As an historical recounting, the story lays out, in a mostly linear fashion, the progression of events from inception to enactment. The relationships between and among the events are sometimes implicitly and some times explicitly obvious. In the early phases of the Task Force meetings, some of the accomplishments announced in open session were likely drafted in the background. For example, it was rumored (but not confirmed) that the Governor's staff crafted the concept of the Kentucky Commonwealth Virtual University in the summer of 1996 when the presidents failed to develop their own list of suggestions for the reform agenda. Other moments were clearly linked to prior events such at Governor Patton's speech to the UK Board to expressly rebut President Wethington's challenges to the Governor's policy proposals. Together all of these poignant moments become the saga of House Bill 1.

As a "story" told by the participants and observers, the Kentucky case is one each community and individual crafted to portray internalized views of what happened in the spring of 1997. The symbols, ceremonies, and sagas of an organization reveal and communicate its character (Bolman and Deal, p. 219). They are also crafted to reinforce stability. Saga narratives anchor participants' beliefs, linking the present to the past and stabilizing the policies of the community. These sagas include myths and beliefs that are unique to individual perspectives, which reinforce cohesion of actions, roles, and directions among community members.

While very real and explicit at the time they occur, sagas and the conflicts they describe can also become deeply embedded in the organization's interpretative framework. Thus, the rules and the interpretations of reality used by the political actors of a particular constituency as they confront conflict are influenced by past conflicts, often these influences are unperceived by the actors (Frost, 1987).

Myths also blind individuals to new or divergent information. Myths simplify dilemmas that are "too complex, mysterious, or random to be controlled otherwise," (Bolman and Deal, p. 223). So, what is learned for the "story" of House Bill 1, as told in Chapter Four? The memory of House Bill 1 is retold – as observed or told to reporters at

the time, as commented on in opinion-editorials, as captured in text or video, and as recalled by participants several years later. This results in sometimes concentrating on mundane minutiae and occasionally experiencing the intensity and vigor of the debate and conflicts – all the while knowing each piece of the story is one individual's recollection or reconstruction of events. Herein lies the principal distinction between the story of Chapter Four and the analysis of Chapter Five.

While Chapter Four presents the details of the House Bill 1 saga, Chapter Five, as a result of the frameworks, orders and explains the detail. This distinction is captured in Senator Dan Kelly's description of the difference between the drama of the debate and the reality of House Bill 1's purpose:

> "The floor fight over the amendment in the Senate was memorable. The amount of pressure from the governor was the most ever applied. And they still lost. But that was short-lived. It all was a great battle over something that was a far less important goal than improving higher education in Kentucky. [That] was a desire…to reduce the political influence," (Kelly, 2003).

<center>Assessing the frameworks</center>

Each of the frameworks provided different value to the study. The two descriptive frames explained and clarified the process – but were less informative about the how and why. The Multiple-Streams model enabled the classification of the House Bill 1 elements into problems, policies, and politics. For the problems and policies this was, in the Kentucky case, essentially a linear alignment – the problems of Kentucky's past and present engendered a set of potential policy solutions that were proposed as part of a political process. The concept of policy window also helped to "bound" the study by setting the time higher education policy consideration was high on the agenda from the election of Patton to the enactment of House Bill 1. The politics (while also one of Kentucky's problems) were not linear; they were infused throughout the problems, policies, and processes of higher education and policymaking in Kentucky. The Multiple-Streams concept of "coupling" where policy is bonded to problems by politics was helpful in categorizing events such as the Stumbo Compromise – but provided less insight into how the coupling was achieved. Overall the lack of linearity of the political data made it of difficult to categorize within the Multiple-Streams rubric. As McLendon notes about analysis using the Multiple-Streams

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model, "it is unclear precisely how the "policy windows" work and what their role is in coupling," (2003b, p. 105). However, this effect was useful in that it (1) indicated data in the political categories were different than data in the problem and policy categories and (2) that additional framework(s) might be needed to further describe and interpret the political nature of the Kentucky case.

The Punctuated-Equilibrium model provided greater explanatory power in understanding the current state of higher education policy in Kentucky (the problems) and how the new proposals challenged that policy monopoly. For example, issue redefinition, an concept of creating a new policy image that is crucial to creating dis-equilibrium and thus change, is uncovered using the Punctuated-Equilibrium model and explains how Governor Patton's interest in creating jobs evolved into a higher education restructuring issue. By looking for evidence of venue changing the importance of the past experiences of Senators Ford and Shaughnessy are understood in relationship to Governor Patton's decision to sever the community colleges from UK governance. This model also reveals the enduring differences between policy sub-groups over the governance of the community colleges and over the role of the University of Kentucky and the regional universities. But, while the Punctuated-Equilibrium model is better able to clarify and help interpret the conflicts that resulted, its ability to explain how these conflicts were resolved proved less effective.

It could be argued that, to this point, both the "story" of Chapter Four and the "analysis" of Chapter Five (using the two frameworks discussed thus far) provide roughly similar overall reviews of the Kentucky case. While the structure by which they are told is different – the gestalt is somewhat the same. It is in the use of the Political Frame, to explain the data now ordered into the three streams and informed by the concepts of policy windows, issue definition, venue changing, and coupling, that the capstone value of using the three theories in combination is revealed. The Political frame allows events to be characterized in terms of power types and then understood as different types of power are used to support strategies of confrontation and appeasement.

What is learned from the use of three political science lenses in Chapter Five, which is not learned from the historical story told in Chapter Four, is that the policy conflicts of the Kentucky case were solved with political power. The difference is understanding House Bill 1 as a series of meaningful events rather than understanding it as a series of strategic events. The Political Frame views the problems and policies voiced by House Bill 1

proponents as ploys and pawns in a discussion essentially about power. The theory allows the researcher to strip these away as a deceptive veneer revealing that, in the Kentucky case in 1997, the problem was, as its core, differing perceptions about what distribution of administrative power best suited the needs of Kentucky's higher education endeavor. The conflict arose over who is to define the needs of Kentucky and the distribution of political power among the public higher education institutions.

As can be seen from this discussion, the frameworks were all useful in ordering, explaining, and interpreting a higher education restructuring event. Where and how useful they were varied, with no one frame emerging as totally effective on its own. However, in combination, they both informed, and validated, the others. They also raised the level of the analysis from the historical to the conceptual. By abstracting the specifics of a complex indigenous process to more conceptual findings, the meanings of the House Bill 1 policymaking event are more understandable in and of themselves, as well as making them more applicable to other governance restructuring efforts and studies. Thus, the use of theory to explain the story of House Bill 1 resulted in a more essential, elemental, and conceptual understanding to the reform and restructuring of higher education than provided by Chapter Four.

Finally, is should be noted this study explicitly chose to look at Kentucky's restructuring experience through a political-science lens. Other theoretical frameworks could have been used to tell other stories. For example, the principal participants of House Bill 1 were almost exclusively male making the role of gender in higher education policymaking and leadership relevant. Indeed the race (almost exclusively white) and class (predominantly affluent leaders) of those deciding the structure and governance of a higher education system that would educate the workers of the state would make compelling vantage points for study. Also indicating opportunity for additional insight are those stories and communities that were ignored or drowned out by the volume of the public House Bill 1 debate over the community colleges. For example, why did Governor Patton focus so strongly on balancing power using the community college system administered by UK and not on the equally distributed agricultural extension network? One of the most interesting of the missing constituencies to contemplate is that of the community colleges themselves. Characterized and manipulated by the primary players of the House Bill 1 drama, the true nature of what the community colleges felt, of how they saw themselves, does not emerge

from the data analyzed in this study. O'Hara (2005) notes the story of the creation of the community colleges in the 1960s "is not a tidy story of establishing a single college, but rather a multi-faceted story of how individual policymakers, both institutionally and at the highest state level, envisioned, planned, contrived, and even schemed…" (p.2) to establish the system under UK.

Missing also are the stories of the other institutions of higher education in Kentucky. Some glimpse of the adroit support University of Louisville President Shumaker provided to Governor Patton is evident in the "Kentucky Tonight" debate, as is the assertive nature of Murray State University President Kern Alexander. But by-in-large the regional universities were also muted in their comments. Some have theorized they felt the best place to be in a cat-fight was on the sidelines waiting to celebrate the winner, others opined the regionals were eager to see the UK community college tendrils to their communities severed but didn't want to anger UK with overt support in case House Bill 1 was defeated. Certainly there was a regional presence in the policymaking effort via Speaker Richards from Bowling Green, Vi Miller recently from Murray State University, Jim Ramsey from Western Kentucky University, and Harry Moberly an Eastern Kentucky University employee to name a few. Ultimately, all of these other stories, viewed through other theoretical perspectives, would further illuminate Kentucky's understanding of itself.

Suggestions for theory

It can also be concluded from this study that these theories would be reasonable to use in studies of other public higher education reform and governance restructuring. Their use, however, could be improved by consideration of additional refinements. For example, the policy window concept of the Multiple-Streams model lacks sufficient specificity. McLendon noted this when he proposed such windows, "are brief in duration and may be one of two types: political windows, which are open in response to political crisis, or problem windows, which open when policymakers interpret some "condition" as sufficiently serious to warrant remedy as a problem," (2003a, p. 508). This is useful, but this study reveals policy windows might better be conceptualized in terms of their duration and the types of events occurring within them. Some policy windows are open for a relative long period of time. For example the policy window for House Bill 1 can be identified as opening with the election of Paul Patton as Governor and closing with the enactment some

seventeen months later. Within this window occurred the phases of issue identification, agenda building, policy development, and enactment. Such a window might be described as a macro policy window – a window that encompasses the span of time within with an issue rises on the political agenda until it is resolved and recedes. Within the macro window of policy opportunity there appear to occur several more brief and transient micro policy windows. Within a micro policy window, key moments of a policymaking process occur. These moments are milestone events (in this study the convening of the Task Force, release of the Assessment, of the Plan, House and Senate hearings and votes) within which there are "deadlines" that need to be met, conflicts to be resolved, and results that need to be reported.

While there may be several micro policy windows, they will necessarily vary in importance. Some will be formal, ceremonial, but of little true impact – such as the eventual approval by the Task Force on Postsecondary Education of the Plan in April of 1997. By the time the formal approval occurred, Governor Patton was already moving ahead with his draft of House Bill 1. Others will have great import, becoming, as photographer Henri Cartier-Bresson termed it, "the decisive moment" – the event, that spot in time, upon which all future events will pivot. This type of moment must be where the "coupling" that Kingdon describes occurs.

The literature of governance restructuring is replete with detailed instances of micro policy windows of which conflicts, often between strong individuals, were resolved. In the case of restructuring in North Carolina miscommunication between the two principal players (Governor Robert Scott and University of North Carolina President William Friday) plagued the bargaining process until its resolution (Link, 1995). The event occurred when Governor Scott and President Friday met in late autumn of 1970 during brief recesses of the trustees' Executive Committee meetings to discuss management of higher education in North Carolina. At the meeting, Friday told Governor Scott that the time was ripe to move toward a single governing board, perhaps under the UNC's umbrella.

However, the two men interpreted the details of their discussion differently. The governor believed Friday's comment meant he would support "in principle" reshaping the UNC system into one that provided more state control. While governor Scott conceived of higher education in political terms, UNC President Friday saw it through the lens of an educational administrator. As such, Friday, wanted a new structure to be insulated from

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political pressures. "It never dawned on me" Friday recalled, that Scott would "read it differently" and that he would be "totally misreading" Friday's intentions. Scott later said that the idea for restructuring originally had been that of the UNC president and that Friday had led him "down the primrose path." The resentment suggested here persisted throughout the restructuring battle. Friday later admitted that his greatest mistake was in not reaching a clear understanding with Scott (Link, 1995).

This "defining moment" or meeting between two primary policy actors affected the final bargaining and negotiation dynamics, and ultimately the revised governance structure of the University of North Carolina system. No explicit, proximal connection has been documented between the personal conflict that developed from this misunderstanding and the resolution of the restructuring effort. Nonetheless, the way the conflict changed the tenor and types of communication between proponents and opponents did increase the parties' focus on "win-lose" (dominance of the University of North Carolina over the regional universities) scenarios and limited their exploration of "win-win" solutions.

Some moments are even more decisive. As negotiation over policy escalates, as enactment decisions near, conflict can also rise and the result can be a moment, or event, in which the conflict is resolved (if only for a brief period). Berdahl and Schmidtlein (MacTaggart, 1996) identify and describe what they term the "crucial" event in the 1988 reorganization of Maryland's higher education system:

> "Lieutenant Governor Steinberg, frustrated by lingering conflicts over the bill's provisions that were continuing to stall its progress in the senate, held an evening meeting with the senators, with Chinese food brought in, to resolve the differences. He reportedly kept the food outside the meeting room while they met so that participants could smell it, keeping them in the room until they came to a consensus. A staff member outside reported hearing cursing and screaming in the room! By the meetings conclusion, provisions of the bill were agreed on. The agreement weakened the board of regents, gave additional powers to the individual campuses, and limited some of the powers of the coordinating agency…nearly all of the persons interviewed described this dinner meeting as the most important event in getting a viable bill" (p. 174).

Events such as these demonstrate the importance of identifying and understanding the moments when the essential conflicts of a policymaking process are resolved. Through a better understanding of policy windows in both their macro and micro forms, and the

decisive moments that occur within them, researchers will be better able to describe, understand, and interpret higher education policymaking efforts.

So, in the end, House Bill 1 mattered. It mattered because, despite the fractious political environment of higher education in Kentucky, change was contemplated, proposed, challenged, and enacted. For better or for worse, higher education rose, once again, on the state agenda, and attempts were made to improve it. House Bill 1 mattered as an experiment in the continuing search and evolution for the optimal governance formula for Kentucky public higher education system. It was an effort informed by past initiatives as it will inform following ones. Finally, House Bill 1 mattered because it held the promise, through a restructured institutional and political framework, to decrease competition among Kentucky's institutions and to increase Kentucky's ability to educate and elevate the economic attainment of its citizens.

CHAPTER SIX: DISCUSSION

Kentucky's higher education policymaking process is a timeline of voices, issues, and conflicts, all rising and falling in chorus and in chaos, replete with new themes and recurrent refrains. In 1997 House Bill 1 changed the landscape and distribution of political power among Kentucky's higher education institutions and policymaking community. It established a new, more empowered, Council on Postsecondary Education; revised a 20 year-old funding model and process by increasing incentive funds, decreasing emphasis on formula-based funding, and creating the Strategic Committee on Postsecondary Education (SCOPE); and it established the Kentucky Community and Technical College System. What does this restructuring event reveal about the future of higher education policy and politics in Kentucky – and in America?

To address this question, this chapter reviews the conclusions of the House Bill 1 "story" in Chapter Four and the analysis findings from Chapter Five. The concluding discussion then examines the overall dominance of the community college governance issue and issues that, as a result, were not discussed. It looks at the role of Governor Patton as a policy entrepreneur and the impact the Kentucky Education Reform Act (KERA) may have had on its higher education cousin. Finally, the implications of this study of House Bill 1 for Kentucky, and for the study of higher education restructuring, are discussed.

The story of House Bill 1

From the historical recounting of House Bill 1, the "story" of policymaking emerges. The problems Kentucky's higher education policymaking community faced were recurrent. The authority of the Council to mediate institutional conflicts, the need to increase and more equitably distribute funding, and governance issues over institutional roles and programs occurred time after time. The solutions to Kentucky's problems (such as making the community colleges independent of UK and establishing a "super-board" Council to manage Kentucky's institutions directly) were also frequently recycled. As the size of the academic enterprise grew, so did the issues. While the authority of the Council was regularly increased in response to conflicts, as funding lagged, as institutional missions and roles were negotiated and revised, the same endemic problems recurred.

Paul Patton wanted to increase the economic vitality of Kentucky. As lieutenant governor and then as governor he assigned much of the burden to education for developing Kentucky's workforce and increasing economic prosperity. Since KERA focused on, and defined the approach for improving, primary and secondary education in the five years prior to his election, Patton chose to focus on higher education which had seen study and controversy but little change since the early 1980s. Using a Task Force (similar in make-up and membership to the one that designed KERA) he and his team of staff, consultants, and supporters assessed the current state of higher education in Kentucky and developed a plan to reform it. Emphasizing increased funding for research, incentive funding, and a new, realigned, restructured community and technical college system, Patton's plan sought to harness higher education as a jobs-producing engine.

Threatened by the loss of its community college system, the University of Kentucky steadfastly resisted the higher education governance change. Under the direction of Board Chair, and former governor, Ned Breathitt and President Charles Wethington, opponents to House Bill 1 used a plethora of arguments to question the wisdom of separating the community colleges from the existing academic relationship with UK, to doubt the Governor's commitment to funding the changes proposed, and to challenge the amount of funding it would take for UK to reach a Top 20 research university status. As the Extraordinary Session of May 1997 neared, positions hardened, negotiations broke down, and the rhetoric became strident – and more personal – between Patton and Wethington.

In a series of events leading up to and during the Extraordinary Session, the conflict over the governance of the community colleges was settled. The debate on KET, Patton's address to the UK Board, the late-night compromise brokered by Greg Stumbo, and a last minute defection by Walter Blevins are all sagas of the House Bill 1 story. The aggregate impression resulting from a recounting the history in House Bill 1 is a moment in a series of episodic events during which higher education issues were driven to the top of the policymaking agenda, an authoritative resolution was attained, and victory claimed.

The House Bill 1 "story" shows a state struggling between maintaining the academic focused model from the past and creating a new, more research and workforce-focused, model for the future. It reveals a governor adamant in his view of what changes were needed and a flagship university defending its role and domain. There are poignant moments as lawmakers wrestle between representing their constituencies concerns over

change and supporting an untested new policy. And there is a resolution that sees Kentucky poised for change, with new authority, funding, and structure.

The analysis of House Bill 1

In an analysis of the creation of House Bill 1, the rhetoric and the results of the policymaking process emerge from the descriptive detail. Kentucky's higher education problems, including conflicts over previous reform efforts, under funding, and lack of impact on the workforce and economy of the Commonwealth, had all existed for sometime prior to Governor Patton's 1995 election. The policies the Task Force proposed: an increase in funding, changes to the budget process, strengthening the authority of the Council, and combining the community and technical colleges into a new system independent of UK, coalesced several proposals each of which had been floated previously. The politics, the efforts to constrain the debate to rational rather than emotional arguments, and the use of alliances, marketing, and negotiation mutually exacerbated but eventually resolved the conflict over the restructuring effort. Within the initiative, Governor Patton played a critical, entrepreneurial role in putting higher education reform on the policymaking agenda, redefining higher education as the solution, not the impediment, to economic prosperity in Kentucky, and actively promoting the solutions he favored.

Prior to 1995, Kentucky's higher education policy image was generally stable, regularly rejecting alternative policy images. Governor Patton's new policy image, resulting from his earlier experiences in state government, linked workforce and economic development to increasing the effectiveness of higher education. By redefining the policy image from one focused on higher education's problems to one wherein higher education was a solution to Kentucky's economic and workforce development problems, Patton was able to position higher education more favorably and challenge the existing policy monopoly. Governor Patton's primary propositions were that:

- Kentucky needed economic development.
- Economic development required that Kentucky improve its workforce and its research capability.
- The engine for workforce development was the community colleges and the Kentucky TECH schools. This engine would be improved by combining the two.

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- The engine for research was the University of Kentucky and the University of Louisville. Increasing funding and setting a goal of achieving Top 20 status for UK would improve this engine.

The prior experiences of Senators Tim Shaughnessy and Ed Ford, had shown that neither the campus nor the Council were effective venues for initiating or sustaining change and in this instance, they resulted in an expansion of the policy discussion to new venues. Thus, Governor Patton to concluded:

- UK viewed state government as a servant to its needs rather than, as Patton believed, UK serving the economic and workforce development needs of the state.
- The control of the community colleges had given UK the political power to thwart past attempts to increase its accountability.
- Giving UK more funding and responsibility without decreasing its political power would exacerbate the political battles among Kentucky's higher education institutions.
- Therefore, the political power of UK had to be reduced for the reforms to have any chance of successful implementation.

Being debated in new venues, the new policy image destabilized the equilibrium of the existing higher education policy sub-systems and thereby engendered an expansion of the conflict over the solutions proposed. The Governor's plan, the opponents claimed, was a political power play from its very roots that would put politicians in charge of higher education and result in generations of mediocrity. "There was obviously an effort in this legislation as drafted, not only through the stripping away of the community colleges but through the limiting of the mission of the University of Kentucky to lessen its role in higher education in the Commonwealth" (Wethington, 2002). UK Board Chair Breathitt saw the effort as the regional public universities siding with the Governor to increase their political power relative to UK:

"This movement was a coalition of the regionals and the University of Louisville to cut down UK's influence and political power. And to get at the big slice of the dollars for research. They were powerful and Paul Patton bought in to that – and got a lot of support in his race for governor. They were just trying to cut the University of Kentucky's influence down – when you really get to it" (Breathitt, 2002).

Supporters of House Bill 1 were clearly aware of, and frustrated by, the political strength of UK and its president. "I had seen, for seventeen years in the Senate, there was nothing that happened in higher education unless it got the stamp of approval of Charles Wethington or the University of Kentucky" (Ford, 2001). The proponents of House Bill 1 felt that something had to be done to change the political imbalance of power between UK and the rest of higher education.

> "There was a growing realization that you had to break that mold. UK, with the growth of the community colleges, became more and more powerful. If you look at the political issues it was no accident that everybody lined up in support of the reform – which was also in opposition to UK. It changed the political balance as it related to the UK and community college system" (Cox, 2002).

In the decades leading up to 1997, conflict and competition for power were normal elements in the Kentucky higher education policymaking community. In the debate over House Bill 1, these conflicts came to be epitomized in the debate over the governance of the community colleges. "I think many of the advocates for the community colleges would tell you that UK was using them more as a political weapon than they were actually doing what was best in those communities" (Moberly, 2003).

As the debate and conflict over House Bill 1 grew, both Governor Patton and President Wethington used their power to engage and counter each other. Elements of three power-resolving strategies are evident in the narratives of House Bill 1. When a "win-win" strategy of offering UK funding to achieve Top 20 research university status resulted in a standoff, Governor Patton threatened to withdraw his funding offer and spend the money on healthcare instead – a classic "win-lose" tactic. By moving between these two modes (in a third strategy called "tit-for-tat"), Governor Patton matched threats with threats (such as meeting Stumbo's complaints of gubernatorial coercion with a press release draft branding Stumbo as a two-time policy loser) and capitulation with conditional openness as in the compromise Stumbo brokered between Wethington and Patton. In making his case, Governor Patton utilized alliances and framed the arguments effectively around a new vision of economic prosperity when, in contrast, President Wethington's challenges to Patton's assumptions appeared truculent even to his supporters and intransigent to opponents.

Reform of higher education clearly rose on Kentucky's policymaking agenda because Governor Patton chose it as his cause. While perhaps not initially, early into the process, the

Governor realized leaving the community colleges under UK management would give UK too much power over how any new policy was promulgated and implemented. Thus, the politics of power, which had been a perennial problem of Kentucky higher education policymaking, comprised both the problem Governor Patton had to solve. And the tool with which he resolved the conflict.

Concluding discussion

Across the nation, both the federal and state governments have argued the equity and prosperity of the citizenry as well as ensuring effective and efficient use of public dollars make compelling reasons for oversight. While reliant upon and eager for state funding, public institutions of higher education have strongly resisted governmental intrusion onto the campus. When the governance relationship between higher education and state government becomes unstable – change is likely. In eleven instances between 1990 and 2000 this resulted in efforts to impose new structural and governance models upon academia. The preceding chapters and discussion capture, analyze, and summarize the rise, reasons, and resolution of Kentucky's restructuring initiative.

In the process of answering the guiding questions of this study, more questions are raised, the answers to which provide perspective on the events, meaning, and relevance of House Bill 1. For example, given the great changes in primary and secondary education (KERA) what was their potential influence on House Bill 1? Another nagging question that escaped critical analysis was the proposal to elevate the University of Kentucky to Top 20 research university status. The proposal was visionary, but was it realistic?

The volume of the governance debate

The volume of the confrontation between Governor Patton and President Wethington over the community college governance structuring overshadowed other issues and constituencies. Because this study focused on the resolution of conflicts leading to the enactment of House Bill 1, it may present the impression that changing the governance of the community colleges and the power of UK represented the only conflict. There were

other issues and there was discussion about other topics,[60] but because the conflict over the governance change escalated, the volume escalated, and it drowned out other issues.

Thus, some themes are absent from the studies that were nonetheless important to Kentucky higher education policy and progress. For example, the other constituencies did not mirror the concern of House Bill 1 proponents with strategic planning for technology. While the issues of funding technology in higher education were high volume discussions across the country during the mid-1990s, technology issues barely received mention during Kentucky's House Bill 1 debate[61]. In the overall analysis, discussions about how House Bill 1 would impact what was taught, or the quality of the teaching in higher education, were scant. These discussions presumably were left for the restructured institutions to have and for the newly empowered Council on Postsecondary Education to guide during the implementation of House Bill 1.

Several other, potentially contentious issues, e.g. accountability and the role of higher education in developing a state workforce, were also given short shrift when it came down to the final passage of House Bill 1. Accountability had been central to the debate over KERA. Because voters had to approve a tax increase to fund KERA they had demanded to know how their money was going to be spent. As originally conceived, House Bill 1 was to be funded out of general fund revenues,[62] and thus it received less public scrutiny. Indeed, UK's refusal to report how it distributed funding to its community colleges certainly exemplified the low level of accountability practiced prior to House Bill 1. The differences over institutional structure and the differential political clout they engendered may be seen to symbolize the larger change House Bill 1 portended, one through which Kentucky moved from a system dominated by its flagship institution with the community colleges operating behind the UK veil to one in which a united and independent community and technical college system works explicitly and transparently to develop Kentucky's workforce.

Also to be noted in the House Bill 1 debate was the low level of reliance on data to support policy decisions. The use of data was evident. The Assessment consisted of a 53-

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[60] Including SCOPE, adult education, and the revisions necessary to combine community and technical college employees under one compensation and benefits scheme.

[61] The primary technology proposal was establishing the Kentucky Commonwealth Virtual University.

[62] In the implementation of House Bill 1 the use of bond funds, called "Bucks for Brains," would be used to match institutional funding to add researchers to University of Kentucky and University of Louisville.

page summary and almost 200 pages of data chronicling Kentucky's economic status, institutional productivity, focus group reports, and the current higher education funding formula. Use of the data was evident in the opinion-editorials of House Bill 1 particularly those of business leaders. Some key data "bites" had good staying power. Several years later, in interviews, policymakers cited statistics such as the fact that only 13% of Kentuckians held bachelor's degrees and that Kentucky's per capita income was only 81% of the national average (Assessment, p. 5-7). The fact that this study revealed little utilization of data within the primary House Bill 1 debates may support Governor Patton's complaints that his "rational" arguments for policy change were not effective – that they were being countered by "emotional" appeals from House Bill 1 opponents.

Conversely, this claim could also be made of Governor Patton. Data from other sources were also available to policymakers during the four months leading up to the enactment of House Bill 1. Most notably several surveys were conducted. All showed deep division over the community college and Kentucky TECH issues. None of them showed strong support for Gov. Patton's proposal to severe the governance of the community colleges from UK. And none of them changed the Governor's mind.

> "According to every opinion poll conducted since Patton announced this aspect of his plan, the University's campaign is working. These polls consistently find that majorities of Kentuckians oppose taking the community colleges away from UK," (Baggarly, 1997).

In late October the Kentucky Community College Faculty Alliance included, as part of their position paper submitted to the Task Force, a survey of community college faculty members. Twenty-three present of the 1,075 faculty members responding to the survey did not want to merge with the Kentucky Tech vocational system but more (55%) were willing to consider management by an independent board.

On March 21st, community college system Chancellor Ben Carr, released a survey of community college faculty, staff, administrators, and 42 student government leaders conducted by Preston-Osborne Research of Lexington. The survey indicated that 64.5 percent of faculty and 75.9 percent of student leaders preferred to have UK manage the community college system. This was followed by a Bluegrass State Poll[63] that found only

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[63] Conducted by the Courier-Journal between March 24-31.

48% of 802 Kentuckians polled had heard about the plan and of those 21 percent supported the plan while 62 percent opposed it. By May 4th a joint Herald-Leader – WKYT-TV 27 poll[64] showed a lower number of Kentuckians opposed (46 percent) an increase in those in favor (27 percent) with 30 percent of respondents still undecided. Jefferson County Republican Party Vice-chair, Donna Shedd, noted the lack of apparent impact from these polls on the House Bill 1:

> "According to the Bluegrass Poll, 62 percent of Kentuckians oppose removing the community colleges from UK control. Other polls have shown that students, faculty and staffs at the community colleges overwhelmingly prefer to stay with UK. What happened to government of, by and for the people? Or are the people just too ignorant to know what's best for them? To railroad this change is Frankfort elitism at its worst," (Shedd, 1997).

What is evident is the limited effect of "data" in the pivotal debates and on the outcomes of the House Bill 1 policymaking event. This is likely due in part because House Bill 1 opponents responded to the initial data not with contradictory data (there was relative agreement about Kentucky's problems) but with emotional appeals. Another factor is that the details of Governor Patton's proposals e.g. Top 20 were, as he termed them, "aspirational." This made supporting such solutions with data and evidence difficult if not impossible. The shift from the "rational" data of the Assessment released in February of 1997 to the use of "emotional" and "aspirational" arguments following the release of the Plan a month later is evidence of a shift from policy development using experts to the political process of enactment by lawmakers. It seems clear, when this transition occurs; the utility of data to support and encourage adoption evaporated quickly in the crucible of political positioning and conflict.

The efforts of Senator Ford to increase the transparency of higher education operations not only informed the Governor's decision to seek the governance change, they also led to the increased emphasis on incentive-based funding, i.e. a system rewarding institutions that met goals set by the Council. Presumably, one of these goals would be increasing the number of skilled workers in Kentucky's economy. But the concerns and conflict over the role of higher education institutions (essentially to create better workers

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[64] The statewide telephone poll of 500 Kentuckians was conducted between April 25 and April 28.

through training or better citizens through education) that typically surround state efforts to focus institutions of higher education on workforce development, never surfaced in any significant way.

Another Kentucky policymaking theme evident in the early stages of the House Bill 1 debate was KERA. In the gubernatorial election of 1995 Republican candidate Larry Forgy questioned KERA, forcing Patton to defend it. University of Louisville President Swain summed up the feeling of the higher education community at that time, "I think in the last four years, especially since KERA was passed, that higher education has been relatively neglected. That's a colossal mistake in public policy. [Education] ought to be recognized as starting in kindergarten and going though graduate school," (Role of Politics, 1995, p. B1). Some of the mechanisms, such as the use of a task force to develop policy and consensus, and some of the House Bill 1 participants (including Jody Richards, Eck Rose, and David Williams) were leading KERA participants as well. There were also differences. While the campaign to create KERA was widely inclusive, involving a wide range of Kentucky's citizenry, and driven by a judicial order, the debate over House Bill 1, was driven by the governor, occurred principally among Kentucky's policy elites.

So what was the impact of KERA on House Bill 1? Several policymaking participants noted KERA as the foundation of the expectation that higher education also needed attention. Some of the procedural structure for exploring policy alternatives and developing consensus, such as the Task Force on Postsecondary Education, were derived from the experience of KERA. So KERA contributed to the initiation of House Bill 1 by increasing the focus of the General Assembly on primary and secondary education issues in 1990, and making higher education a natural next step. The influence of the KERA policy development process and prior experiences of several legislators, were evidenced in the agenda setting and policy development phases of House Bill 1.

While KERA figured into the early phases of House Bill 1 development, when policymaking participants were asked about the impact of KERA on House Bill 1 politics the correlations end. The players, especially the two principal players Patton and Wethington, were different. Some legislators had left the General Assembly and new ones had joined since 1990. The alliances of KERA did not affect House Bill 1. House Bill 1 alliances centered on loyalty to constituency – principally to constituencies that were institution-centric. Even more enduring alliances, these to political party and, to a lesser

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extent, to geographic region, did not predict the position a policymaker would take. So, while some expectation of policy reform and some procedural elements may have been vestigial to KERA, as the conflict over the community colleges increased, the dynamics of policymaking for House Bill 1 took on their own complexion.

Finally, the goal of moving the University of Kentucky into the Top 20 public research universities of the United States was a proposal supported broadly by Kentucky policymakers – regardless of its rationality or achievability. UK as a Top 20 public research university was a symbol of Kentucky's desire to be known for excellence at something more academic than NCAA Division 1-A basketball. While it was not absurd for Kentucky to desire this goal, little time or tolerance was given to those who questioned how realistic this goal was. When President Wethington claimed the true cost of such a goal was over $700 million (rather than the $100 million Governor Patton was promising) the governor bristled, challenging the calculations, and the predisposition for leadership, of Wethington. But how could the University of Kentucky join the ranks of a University of Michigan, University of Wisconsin, or University of North Carolina? These institutions had a head start decades old and were building on their lead even as Kentucky dreamed of joining them. An explanation of the logic, and funding, to achieve this goal were never fully explored or provided.

In addition to being a very strong "aspirational" symbol, the goal of UK achieving a Top 20 status was also useful to Patton as it set up two laudable, but mutually exclusive, roles between which UK needed to pick. It presented an alternative to the view of UK and its community colleges as the flagship university system, which Patton felt needed to change. If it was going to take extraordinary focus to break into the Top 20, Patton argued, then managing the community colleges (and their focus on workforce development) was a distraction the University of Kentucky (with it's focus on research) could not afford. UK countered that the community colleges were the feeder-system providing transfer students who were "diamonds in the rough." However, facts presented during the House Bill 1 debate showed very few students actually transferred to UK from the community colleges. The conclusion is both Patton and Wethington promoted competing and unrealistic visions of UK's role for Kentucky.

The volume of the community college debate also drowned out the voices of other constituencies. Even as the more general discussion of higher education improvement simmered between February and March of 1997, few outside of higher education or the

involved state agencies, contributed proposals. Because this was a discussion about publicly funded higher education institutions, the role and participation of Kentucky independent institutions were nebulous and obtuse. Noting the contributions of the independents Michael Adams, President of Centre College, offered some funding alternatives (and, in his role as SACS Chair, some direct assistance by preempting concerns over community college accreditation). By and large, however, specific proposals were unlikely to emerge from the independent colleges – and less likely to be considered.

Other public institutions of higher education were generally quiet as well. The most public advocacy from the University of Louisville, Kentucky's other research university, and a regional university occurred during the KET debate when UoL President Shumaker and Murray State University President Kern Alexander jointly supported Governor Patton. Arguably, the regional institutions had additional input into the policy process via State Budget Director Jim Ramsey (a former employee of Western Kentucky University), Secretary of the Cabinet for Families and Children Viola (Vi) Miller (who was hired from Murray State University), House Budget Chair Harry Moberly (an employee of Eastern Kentucky University), and House Speaker Jody Richards (a widely acknowledged advocate for Western Kentucky University in his district of Bowling Green). What the regional institutions got explicitly from House Bill 1 was slight, the Kentucky Commonwealth Virtual University being the most prominent commodity. What they achieved implicitly was the cessation of UK's academic and political presence in their backyards.

Community college leadership, principally the presidents, was generally quiet in public (with the notable exception of Rollin Watson who was an ardent supporter of President Wethington). Primarily, dissatisfaction was communicated privately to Governor Patton's representatives and through statements by a past president who had left the state.

> "I would say [President Wethington] had the loyalty of almost all the presidents. Now the fact of the matter is, most of the leadership of the community college system had come from within the community college system here in Kentucky. So they were all loyal to Charles. They were afraid of Charles," (Patton, 2003b).

Community college students, staff, and community had opportunity to express their concerns and frustrations to the governor directly during his speaking tour of the community colleges leading up to the May 1997 Extraordinary Session. The most strident

comments and confrontations were reported in the papers. The comments often reflected the statements and worst case scenarios distributed by UK about the potential fate of the community colleges if they left UK and joined the less prestigious technical colleges.

As the detailed analysis of this study has shown, while the arguments of House Bill 1 transcended the rational to become emotional, and personal, they were firmly rooted in challenging and changing the distribution of political power. Thus, the result was one based less on the rational conclusions of lawmakers and more on their calculation of the political cost of their vote. A vote cast with strong consideration for alliances and constituency reaction.

The role of gubernatorial leadership

Governor Patton was the policy entrepreneur for House Bill 1. He proposed increasing higher education's activity in, and responsibility for, economic development through research at the universities and workforce development through skills training at the community and technical colleges; all led by a newly empowered Council. UK's President countered that the existing UK-centric system could be expanded to accomplish the same goals. Both leaders used their power and political skills to influence the outcomes. Was this conflict unique in the higher education policymaking history of Kentucky?

Governors have been active in Kentucky higher education for some time. In 1962 Governor Bert Combs proposed the system of two-year community colleges, under the authority of the University of Kentucky that stood until changed by House Bill 1. As in the case of House Bill 1, UK and the governor did not see eye-to-eye. UK President Dickey was critical of the legislation because, in effect, it ordered UK to establish the system. The presidents of the other state-supported colleges also opposed the creation of any new institutions until the existing institutions were fully funded.

It would not be until the arrival of the University of Kentucky's next president, Dr. John W. Oswald (arriving from the University of California with first hand knowledge and comfort with community colleges) that the concept would be implemented as a University Community College System under the authority of the University of Kentucky Board of Trustees. And this political implementation of the community colleges fell to Governor Edward (Ned) Breathitt.

"I appointed a top commission of outstanding Kentuckians to come up with a plan to revitalize the Council which was controlled by the university presidents. And they outvoted Oswald; I mean gosh they just ran circles around him. Oswald came to me and said, "I ca not do anything. These people gang up against the University of Kentucky." And I said, "What you really need is a balance – the community college system under the University of Kentucky. That gives you a statewide reach." And to get the university presidents to go along, we agreed to make them universities. So, it was a trade-off to get a strong Council" (Breathitt, 2002).

In 1972, under the tenure of Governor Wendell H. Ford, the Council was reconfigured and placed under the executive branch of state government. Its fiscal powers were strengthened and its program review and approval authority was increased in the area of graduate and professional degree programs. Ford; in reaction to the Carnegie Commission report recommending that Governors ought not serve in dual roles as governor and as chair of state universities, also allowed himself to be removed as chair of the University of Kentucky Governing Board in 1972.

In 1976, Governor Julian Carroll criticized the Council claiming it had failed to carry out fully its role as a watchdog and planning agency because it had addressed neither the lack of coordination nor unnecessary duplication of programs. On April 15, 1977 he drafted an executive order giving the Council authority to approve all associate and baccalaureate programs at the public universities. The executive order passed the 1978 General Assembly.

In 1982, under the tenure of Governor John Y. Brown, Jr., the Council was again reorganized by executive order to improve its ability to work with university presidents in developing plans and policy. In this restructuring the voting membership was increased to 15 lay members (providing representation from each congressional district). The university presidents were removed from Council and organized as an advisory body to the Council. From the mid 1980s until 1995 governors were more concerned with primary and secondary education, including KERA.

In an interview at the end of June 1995, about one week before his retirement as president of the University of Louisville, President Donald Swain summed up the role of the governor in Kentucky's higher education policymaking:

"It seemed like every four years, the governor had to demonstrate toughness on higher education, launch another study and demonstrate skepticism about why all this money is needed. But the pattern usually was that after the skepticism, they would understand. If the General Assembly wants the

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Council on Higher Education to be strong, they have to let it be strong. I think right now you end up with a lot of good people who are unwilling to serve because they see it as fruitless" (Role of politics, 1995).

Kentucky's governors were not the only dominating personalities however. Strong presidents built and led Kentucky's institutions as well. Richard Wilson, retired Frankfort reporter for the Louisville Courier-Journal, describes a photograph[65] his paper ran in 1970 of three regional college presidents, scowling down from the gallery of the Kentucky legislature, almost daring the legislators to meddle with their institutions. In Wilson's estimation, the image (Figure 7), illustrated the position of the institutions overseeing with elitist dominance the affairs of the state.

Figure 7: Kentucky presidents in General Assembly

Eventually, clashes between the public universities and governors led to many of the conflicts that resulted in changes at both the institution and the Council. University of Louisville President Swain provided his frank assessment of the relationship among Kentucky's higher education various policymaking communities:

"Kentucky politics, I think, is regional, and it's made up in the largest sense of coalitions of regions and of subgroups…it tends to pit institution against institution. It just automatically happens when a controversy erupts that affects higher education. It has been going on for many, many years. What makes those coalitions change often is that act of pitting one institution or

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65 This image of Kentucky university presidents viewing a General Assembly debate over higher education budgets is often referred to as the "meeting of the long knives." Pictured in the front row (left to right) are Dr. Robert R. Martin, president of Eastern Kentucky University, Dr. Adron Doran, president of Morehead State University and Dero Downing, president of Western Kentucky University, (©1970 UPI).

group of even individual against another. It has been going on for many, many years. I'm not sure there is much that can be done to change that. I think it's a profoundly typical Kentucky political style" (Politics pit schools, 1985).

Thus, House Bill 1 can be seen as the latest controversy in the "profoundly typical Kentucky political style" described by President Swain. The events and conflicts of the initiative resonate with and reveal a heritage to, past conflicts between governors and presidents. The change resulting from House Bill 1 is bigger in potential impact than either the authority-strengthening reforms of the 1970s or the funding formula evolutions of the 1980s and early 1990s, however. While the transfer and accountability bills of Shaughnessy and Ford sought to require and document desired institutional behavior, House Bill 1, like the creation of the community colleges in 1962, aimed to change the roles, structure, and relative political power of Kentucky's public higher education institutions and agencies.

Implications for Kentucky

When Baumgartner and Jones describe a policy monopoly they envision a complex set of past experiences, beliefs, and alliances, shared by the relevant policymaking communities, and thus keeping a particular policy image stable. This set of understandings might colloquially be called the "common wisdom" about a policy situation. What then was the "common wisdom" about higher education in Kentucky prior to House Bill 1 and how does this study inform our understanding of the Kentucky case of governance restructuring?

Was Kentucky's common wisdom confirmed by House Bill 1? Those lawmakers who were interested in improving higher education lamented that, prior to House Bill 1, little interest existed in solving higher education problems. The volume of the House Bill 1 debate and confrontations drowned out many other substantial issues of higher education (quality, duplication, mission), and they were never or only barely raised. Kentucky's higher education policymaking had always been a discussion among policy elites, and this was ultimately true with House Bill 1. Those with access to the agenda were less than a dozen primary players. Kentucky's higher education policymaking process proved to be as political as ever.

Was Kentucky's common wisdom changed by House Bill 1? Prior to 1997, Kentucky's higher education community was seen as the "800 lb gorilla" or the eight

fiefdoms described by former University of Louisville President Swain, dominated by the University of Kentucky and its community colleges. While the passage of House Bill 1 confirmed Kentucky's concept of itself as a politically querulous state when it came to higher education, it may have also confirmed a newer "wisdom" in Kentucky – which Kentucky *could* change. One legacy of KERA reflected in House Bill 1 is that Kentucky could put in place a *plan* for change. It was not content to accept low academic and economic achievement for its students and citizens. To make a new "wisdom" possible, House Bill 1 altered the political structure of higher education. While this did not change, upon the stroke of the Governor's pen, Kentucky's wisdom, it did make change possible.

This positioning of House Bill 1 within Kentucky's history raises questions about Kentucky's future with the legislation now in place. Will the structural changes of House Bill 1 last? While structural changes were made to better focus the institutions (UK, UoL, the regional universities, the community and technical colleges) on their missions, will they succeed at these new roles? What changes will occur during the implementation phase as new leaders are chosen and mold the intentions of House Bill 1 into operational plans? How long will the changes endure past the Patton Administration?

What effect will the "leveling" of relative political power among Kentucky's higher education institutions have? With UK's reduced strength, will alliances among the institutions change? Will higher education be more or less able to combat challenges to the higher education budget in the General Assembly with a weakened UK? How will the new KCTCS system emerge in the new higher education and political landscape? Whether House Bill 1 was reform is moot. Whether it will bring improvement, at this writing, remains to be seen.

<center>Implications for higher education governance</center>

What about Kentucky's 1997 restructuring effort is useful in framing other public higher education governance debates? What strategies and lessons might policy entrepreneurs export for the Kentucky case to new venues?

<u>Restructuring efforts influence each other</u>. House Bill 1 is connected to other restructuring events. Early in the process of preparing the Task Force on Postsecondary Education, articles detailing recent restructuring efforts and reflections upon them were circulated to Task Force members. External experts were brought in including a keynote to

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open the Task Force by former North Carolina Governor Robert Scott, who oversaw the restructuring of the University of North Carolina System. Later, Charles S. Lenth and Kay McClenny of the Education Commission of the States (ECS) also testified before the Task Force. When the University of Kentucky raised concerns over community student's eligibility for federal student loans if they were separated from UK during the Extraordinary Session, David Longanecker, Assistant Secretary for Postsecondary Education at the federal Department of Education assured their eligibility despite the governance change (Governor Pitching Plan, 1997). So Kentucky was aware of, and utilized information about, other restructuring efforts during all phases of House Bill 1.

The intention to inform Kentucky's efforts was deliberate. This was most explicitly evident in the state's use of the National Center for Higher Education Management Systems (NCHEMS) and ECS as consultants. The roles of NCHEMS and ECS were spelled out by Governor Patton in an August, 1996 memo outlining Kentucky's expectations:

> NCHEMS " has considerable expertise in the areas of establishing statewide goals and expectations, governance, resource allocation, and accountability. ECS has expertise on issues related to connecting learning and work, community colleges, the relationship of postsecondary education reform to K-12 education reform," (Patton memo, 1996, p.2)

NCHEMS, and particularly Aims McGuinness, proved especially useful to Governor Patton during the development of the Task Force documents and reports, as many participants acknowledged. NCHEMS brought recent restructuring experience having just supported the 1995 restructuring of New Jersey's higher education system under Governor Christine Todd Whitman. Specific evidence of the correlation between NCHEMS' activities for other clients and Kentucky can be seen in the inclusion of the Kentucky Commonwealth Virtual University in House Bill 1. In the spring of 1996 NCHEMS President Dennis Jones was the primary architect, for Governor's Roemer (Colorado) and Leavitt (Utah), of the Western Governor's University. The announcement of this first Internet-based "virtual university", in June 1996, sparked the initiation of similar effort, in at least 45 states over the next three years.

As a practical test, whether a House Bill 1 proposal had been used in another state clearly mattered to legislators. During Senate hearings on House Bill 1, UK Lobbyist Tony Goetz recalls Senator David Karem asking Aims McGuinness about the SCOPE model:

"David asked, "Has this worked anywhere else?" Aims answer was, "Well, a couple places have tried it but it did not work very well." And that's when David Karem threw up his hands, I remember this vividly, and the SCOPE thing was amended out of the Senate [version]," (Goetz, 2004).

In addition to being influenced by other restructuring efforts, Kentucky's effort influenced other states. Again, the NCHEMS connection is an explicit example. In 1997 Aims McGuinness of the National Center for Higher Education Management Systems (NCHEMS) and principal consultant on House Bill 1, published the "Postsecondary Education Structures Sourcebook: State Coordinating and Governing Boards" for the Education Commission of the States. In it he listed seven reasons higher education governing or coordinating boards were likely to be restructured (Figure 8). A consistent correlation with Kentucky's leading problems (program duplication, transfer, merging institutions, community and technical college service overlaps, turf conflicts, campus lobbying of legislators, and an ineffective state board for higher education) is evident.

Figure 8: Governance restructuring drivers (McGuinness, 1997)

1. Duplication of high-cost graduate and professional programs, real or perceived
2. Frustration from students transferring between institutions
3. Issues around closing, merging, or changing institutions
4. Inefficient overlaps between vocational, technical, occupational programs from multiple one- and two-year providers
5. Geographic turf conflicts between institutions
6. Legislative reaction to lobbying by individual campuses
7. Ineffectiveness of the state coordinating/governing board

These drivers reasons were cited later in "Governance and Coordination of Public Higher Education in All 50 States" (Waller, et. al., 2000) developed by the North Carolina Center for Public Policy Research to inform a review of North Carolina governance policy. More directly, these reasons, and the experience acquired in Kentucky, assisted McGuinness as he consulted in 2000 with West Virginia lawmakers as they drafted legislation to grant autonomy to the state's two-year colleges, which had previously been managed by four-year institutions. NCHEMS was also heavily involved in reorganizing Louisiana's community college system, combining it with state-run technical colleges and overhauling the

governance of community colleges within the State University of New York. So, it can be sent that, especially through its primary consultant NCHEMS, Kentucky's restructuring initiative was both informed by prior efforts and informed those that followed. More simply stated: what happens in other states matters in Kentucky and what happens in Kentucky matters in other states.

<div align="center">Understanding and enabling future reform</div>

Tools, such as the list of driving influences developed by McGuinness, provide guidance for policy developers and researchers but more detailed insights are necessary and possible. Understanding that initiatives seeking to reform public higher education governance structures inform and influence each other is informative for two principal constituencies – those who would develop governance restructuring efforts and those who would study them. Policy developers need to understand how an initiative evolved, what strategies and tactics guided it towards completion, and how conflicts arose and were resolved. The goal is to in form practice – to understand and use what worked while avoiding the pitfalls of past failure. Policy researchers want also to understand and learn from the past. To do this they use rigorous theory-based approaches to develop understandings across common frameworks allowing them to compare and "hook" studies together via common inferences. Their goal is to inform and increase the ability to describe and understand such policymaking efforts. This study supports the purposes of these two communities in three ways. It provides an historical accounting of the Kentucky case, a rigorous analysis of the policymaking narratives present in that case, and a set of findings to inform both planning and reflection upon future initiatives.

The analysis of the Kentucky case makes evident the pivotal roles of entrepreneurs and of issue redefinition as well as the less direct but influential presence of prior policy initiatives in the K-12 arena. From the evidence of Governor Patton's central role in initiating, guiding, advocating, and negotiating House Bill 1, it is clear that when a governor becomes this involved in an initiative, the level of consideration and possibility of success will be high. While such involvement is no guarantee of success – Marcus found six of nine proposals initiated by governors succeeded (1997, p. 406) – its likelihood is strong.

Also important to the Kentucky case was the redefinition of Kentucky's problems from the legacy view in which higher education is the problem to one where higher

education is the solution to Kentucky's workforce and economic development needs. This allowed Governor Patton to recast the explicit arguments so they were less about how to fix the politics and duplication in Kentucky's higher education system and to focus more on how to improve the system's research and training capabilities. This policy image offered broader and stronger agreement with the more aspirational goals and allowed less emphasis, and negative debate time, on the quagmire of current problems. Less evident is the influence of prior reform in the K-12 arena. In the Kentucky case, the recent reforms of KERA appeared to soften resistance to reform *per se* by increasing confidence levels that statewide reform could be enacted and the general expectation that, after KERA, higher education should be next. Thus, for future practitioners and researchers, the Kentucky case offers these conclusions: (1) the presence of a policy entrepreneur increases the likelihood of a strong change effort (and to its success if that entrepreneur is the governor); and (2) the presence of a recent reform effort in K-12 education can increase the receptivity of the policy community to reform.

Testing the findings

Comparing these conclusions with the outcomes of other, similar studies can increases the confidence about, and insight into, the findings generated by the Kentucky case. The literature review for this study identified two case studies of prior restructuring efforts that had used political science theories as analytical frameworks. These were Van Der Slik's 2000 study of the 1994 restructuring at the Illinois Board of Higher Education and the 1984 study by Olivas of the centralization of Ohio's public higher education institution under the Ohio Board of Regents in 1964. Alone, each study documents the progression and issues associated with a specific restructuring event, a reform specific and individual to a state's prior organization, problems, and policies. Together, these two studies and the Kentucky case study, present an opportunity to correlate and test their separate findings.

A policy entrepreneur was evident. All three studies found a policy entrepreneur who was the primary driver of the initiative. In their 2003 study of five state-level governance reform efforts, Leslie and Novak found in the majority of the five cases, it was governors, not legislators, who "constantly play the levers available to them as they seek to achieve both control of governmental apparatus and their own policy objectives" (2003, p.

117). Two of the studies confirm this observation. Van Der Slik noted in his study "consensus in a policy community, can be dislodged and overcome in the political stream by a determined and well-placed entrepreneur with a rival message," (p. 112). As Patton drove House Bill 1, Van Der Slik's study identified Lieutenant Governor Bob Kustra. In the case of creating the Ohio Board of Regents, the primary policy leader was Miami University President John Millett who "played the role of initiator, informal leader, and maverick" (p. 394) in Ohio. Olivas noted Governor James Rhodes also claimed credit for enacting the legislation that establishing the Board following his successful election in 1963. Thus, the presence of a policy entrepreneur was found in all three cases, all of which were successful.

Issue redefinition: linking job creation with education. Redefining higher education as a solution rather than a problem was key in framing the discussion in the Kentucky case. The new policy was described in a manner that did not stigmatize higher education as the problem. In his 1962 Ohio gubernatorial campaign James Rhodes announced his "Blueprint for Brainpower" plan, which linked the creation of a Board of Regents with the need for research, economic development, and jobs in the state (Olivas, p. 389). This linking of statewide coordination of higher education and Ohio's economic program helped win Rhodes win the election. In the Illinois instance, most higher education leaders did not perceive the need for change (p. 120) and thus the challenge was defining the issue in a way that would cause it to rise on the agenda, in the right venue, to move towards enactment. "Kustra and Edgar were enamored of a particular policy solution [of realigning institutions by sector and strengthening the coordinating board]. To put it into place, they needed to identify and articulate the problem to be solved," (Van Der Slik, p. 117). The direct linking of higher education and economic development does not appear to have been a tactic of the Illinois initiative. However an underlying argument of restructuring of the Kentucky case, that argument being institutions would be more efficient if grouped by their purpose/sector i.e. separating the community colleges from UK, was also evident in the Illinois arguments fashioned by Edgar and Kustra. The resulting finding is that issue definition, or redefinition, is key to reform efforts.

Prior higher education policy developments and K-12 reorganization. In all three cases (Illinois, Kentucky, Ohio) and there had been several studies of the higher education "situation" leading up to the creation of a Task Force or Commission charged with framing the restructuring initiative. Kentucky created the Task Force for Postsecondary Education;

Illinois had the Governor's Task Force on Higher Education; and Ohio created an Interim Commission on Higher Education. The outcomes of these bodies, like the Assessment and Plan reports of Kentucky's Task Force, were formal statements of the problems and general proposals for change. Once these reports were delivered, their impact was not explicitly obvious. In two cases (Kentucky and Ohio) there had also been a recent, major reform of the K-12 governance structures. In 1956, seven years prior to creating the Ohio Board of Regents, the Ohio State Department of Education had been completely reorganized under a publicly elected State Board of Education. Like the impact of the Kentucky Education Reform Act, occurring seven years prior to the Extraordinary Session in 1997, Olivas listed no explicit relationships between Ohio's K-12 reform and the creation of the Board of Regents in 1963. The administrations of the Illinois K-12 system had not seen recent change nor were any explicit relationships were noted. Unlike the explicit evident of policy entrepreneurs and issue redefinition that can be found in all three studies the influence of preceding higher education policy studies and of K-12 reforms is nebulous. The proximity of KERA to House Bill 1 in Kentucky appeared to make legislators more receptive to considering reform of higher education but the continuing debate over KERA implementation issues also made them mindful of the ongoing complexity of such efforts. Certainly the interactive nature of the K-12/higher education policy discussions in Kentucky implies such influences likely occurred, at some levels and in some degrees, in Ohio and Illinois and are thus reasonable to consider in a restructuring effort. Thus, while prior higher education policy studies and K-12 reform may soften up and prepare the policy community for discussions of reform, they have not been shown to impact the proposal development or enactment phases of a higher education restructuring initiative.

Thus, the Ohio and Illinois case studies support the findings of this study. All three studies reveal the presence a policy entrepreneur with a strong influence on initiating, defining, and enacting a reform initiative. They confirm the importance of issue definition and the Ohio instance supports the Kentucky finding that linking of higher education reform with economic development has been a successful tactic. Finally, to varying degrees, the studies reveal the possible influence of past higher education policy studies and recent K-12 reform efforts. This influence seems evident primarily in the initiation and agenda-setting phases of a restructuring effort.

In addition to using the Illinois and Ohio studies to test the findings of the Kentucky case, a reflexive test of their findings[66] against the Kentucky case can also be performed. In his conclusions, Van Der Slik describes three additional findings that have correlations with the Kentucky and Ohio studies. These findings describe the impact of changes in gubernatorial leadership and legislative majority due to elections, the locus of leadership for reform initiatives, and the role venue change plays in how a reform effort is structured.

Executive and legislative change. All three studies noted the impact of the executive branch on an initiative. In two cases, the elections of a new governor (Patton in Kentucky and Rhodes in Ohio) were strongly connected to the enactment of higher education reform legislation. In the Illinois case, While Edgar and Kustra proposed reform in their first term, it took the election of a bigger majority in the state legislature in 1994 to open the window for the governance proposals. So elections are important in opening policy windows for the enactment of restructuring initiatives.

Fast tracking the enactment increases the likelihood of success. In the case of Illinois, the policy development phase took several years, but the actual reorganizing legislation (a 429 page bill) was rapid. It was introduced in a regular legislative session, on February 1, 1994, passed by both houses on February 17, and signed by the Governor on February 28. Van Der Slik noted "fast track tactics…consolidated the support of…legislative leaders and rank and file members with the governor," (p. 117). Several Kentucky policymakers noted, as it had with worker compensation in a previous special session, the May 1997 Extraordinary Session forced lawmakers to follow the governor's agenda and focus on his proposals. In Ohio, the creation of the new Board of Regents occurred during the regular course of the 1963 legislative session, which followed on the heels of Governor Rhodes election in the fall of 1962. The finding is that proponent control the agenda, particularly the focus and duration of the debate, is positively correlated with the success of the initiative.

Who drives a restructuring initiative is important. Marcus (1997) observed that "if the institutions and the state-level board are battling with each other or if the state-level board is not able to mediate power struggles occurring among institutions, then elected

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[66] Though he study of Ohio by Olivas utilized a theoretical framework from Cobb and Elder (1972), was an historical account of the reform initiative and did not focus on explicit findings about the process or participants.

officials may seek to restore order by taking a strong hand themselves" (p. 410). In two cases (Illinois and Kentucky) restructuring was primarily driven by elected officials and reacted to by higher education leaders. In all three cases, the higher education policy community did not put the restructuring of higher education on the agenda. In Illinois, the political leaders had a policy solution to a problem that most of the policy community did not acknowledge and that solution it was imposed on them over their objections. Van Der Slik notes the notion that public higher education governance needed to be restructured emerged from the minds and inclination of political players and was based on their early experiences and ideas (p. 120). Prior to 1963, Ohio had seen the state increase its involvement in institutional operations, if not their administration, only incrementally, the creation of the Ohio Board of Regents marked the largest reform the state had undertaken to that point. The leadership of President Millett developed a sense of inevitability and acceptance for creating a Board of Regents and the support of Governor Rhodes ensured its enactment. In Kentucky, it was Governor Patton who proposed a solution, the positive aspects of which no one disagreed with, and the more contentious of which no one but the Governor had been able to have seriously considered. Thus it the support of elected officials, and their history with higher education, is influential in raising higher education reform on the policymaking agenda.

<u>Where a restructuring initiative is framed is important</u>. McClendon and Ness (2003) note that "large-scale redesign of a state's governance system occurs in an distinctly and decidedly political context – namely, at the intersection of legislative institutions, state higher education agencies, electoral cycles, and campus politics" (p. 69). The governance restructuring initiatives in Kentucky, Illinois, and Ohio were framed in special, legislatively authorized, committees and enacted in the state legislature. They did not arise or have authorizing consideration within the governance structure of a coordinating or governing board. In Illinois, both Edgar and Kustra concluded they needed to "find a better venue for developing and legitimating the policy proposals than the Illinois Board of Higher Education (IBHE)" (Van Der Slik, p. 113). Ohio's Inter-University Council (IUC), a council of public university presidents, was unable to mobilize internal or external support against the mounting pressures from the state to centralize public higher education (Olivas, p. 388). In Kentucky, while members of the higher education community had proposed much of House Bill 1 previously, the 1997 reform initiative did not originate within the forum of the Council

on Higher Education. While the Council reacted to the Assessment and Plan generated by the Task Force, the draft of House Bill 1 was in the works long before the Council would render its opinion. The prior experiences with the Council of Senators Ford and Shaughnessy served to underscore the need for Governor Patton to frame House Bill 1 elsewhere and to call an Extraordinary Session of the General Assembly to enact the changes. Therefore, the three studies show that when elected leaders consider change, they are likely to consider framing the initiative outside of the normal forums for discussion of higher education initiatives.

The preceding findings have dealt with observations of behavior that enabled the success of the reform initiatives. The Kentucky case also identified some strategies that were not successful in enabling policymaking objectives. For example, while the proponents of House Bill 1 were successful at linking higher education reform with economic development, they were less effective in constraining and countering the emotional arguments against severance made by the University of Kentucky and its community colleges. Claims that UK discovered "diamonds in the rough" at the community colleges; that the community colleges would cease to be accredited; that community college students just wanted to be UK students were all effective at swaying public opinion. Conversely, opponents of the governance change experienced failure when they tried to assail, with rational challenges, the aspirational goal of UK achieving Top 20 public research university status. Their claims that the goal would require more than seven times the $100 million Patton had predicted were spurned and UK was accused of using bad research arriving at those calculations and unethical tactics disseminating them. Ultimately both rational and emotional arguments were challenged by political pragmatics. Legislator allegiance to communities with community colleges, as in the case with Walter Blevins, may have been an even stronger factor in the positions legislators took over House Bill 1.

Why were these tactics less effective? Van Der Slik describes the nature of the legislative personae involved in the Illinois restructuring as having "no rationally determined enumeration of consequences…estimated in advance. To the contrary, the political window was open, and the political proponents knew instinctively how they wanted to use the opportunity, in hopes that desirable consequences would follow," (p. 118). The earlier discussion in regard to the volume of the debate over the community college governance issue shows that any number of salient points were not explored, or in some cases even

mentioned, during the process ending with the enactment of House Bill 1. Thus, as the Kentucky case documents, and the Illinois study indicates, details were less important than aspirations.

So what matters most to policymakers? The Kentucky case would indicate neither understanding the details, nor the aspirations, adequately explains the result of a reform effort. The resolving concept that explains the elemental struggle, and resolution, of a governance restructuring effort, is the struggle over power. As the Kentucky case reveals, the participants of the policymaking effort viewed conflicts over political power and the ramifications of how these conflicts were resolved as equal to, or more important, than the policy solutions over which the conflicts erupted. Policymakers were most interested in how proposed solutions spelled out a new power distribution, among the public institutions of higher education and between the state and these institutions. As Donna Shedd, Vice-chair of the Jefferson County Republican Party, described it:

> "Patton's plan is being promoted by some who are saying that education is beyond partisan politics, and we must all pull together, Democrats and Republicans alike. That sounds wonderful. How I wish it were true. Since education is my issue, I would love nothing more than to get politics out of it. The problem is, somebody forgot to tell Mr. Patton. You cannot remove politics from a proposal that is a political power play from its very roots" (Shedd, 1997).

The conclusion is that <u>restructuring efforts are essentially conflicts over the distribution of power</u> and understanding them requires understanding the balance of power and the political nature of the state in which it occurs. While much is made about the problems and policies of a restructuring effort, it is the politics that resolve conflict and shape the result. More specifically, when framing, crafting, and advocating for higher education reform, entrepreneurs and researchers must understand politics and power can be both problem and solution.

The Kentucky case study informs Kentucky about the inner workings of the problems, policies, and politics of its higher education policymaking process. The study reveals the political nature, negotiations, and outcomes of enacting House Bill 1, which have implications for Kentucky. The results of this study also hold potential implications for external restructuring efforts in other states. Policy entrepreneurs and researchers now have insights from several studies to help guide both the planning and investigation of similar

efforts. Looking at the results of the Kentucky experience, informed by those of KERA before it, and of the Ohio and Illinois initiatives, a rubric emerges from this study that informs such entrepreneurial and investigative efforts. This rubric suggests:

1. The impetus and leadership for significant change to a higher education system will likely arise externally versus internally

2. Redefining the issues of higher education in a way that changes participant's perspectives and positions is an important factor in building support and opposition to an initiative.

3. Restructuring efforts, either intentionally or unintentionally, will ultimately have to address perceived and/or real power imbalances among institutions and between institutions and state agencies.

4. Redistributing power within a higher education system constitutes a change, but not necessarily an improvement to the system.

Restructuring efforts are more likely to be initiated by elected officials and not by higher education administrators. The interest among elected leaders in restructuring is more likely to occur when there is a shift in elected authority (in the cases cited here with the election of a new governor or a change in legislative majority). From among these elected officials an entrepreneurial leader is likely to emerge and, if that leader is the governor, the likelihood of success for the restructuring effort is increased.

A restructuring initiative is more likely to convene policymakers and frame issues in forums external to higher education. This might be accomplished using a task force instead of a governing or coordinating board sub-committee to draft and recommend changes. In this forum, redefining problems or issues in new ways is important. While the policy solutions that emerge may have been proposed many times before, changing the perspective and re-crafting the description of the problems can free traditional opponents from prior positions allowing them to support solutions that they might not have in the past. In the case of House Bill 1, perhaps because his driving interest was developing industry and creating jobs, Governor Patton did not focus on the problems of higher education per se. He focused on higher education as the tool he needed to raise the level of Kentucky's workers so he could attract and grow more businesses. While Kentucky's higher education problems needed to be solved to accomplish Governor Patton's workforce and economic development goals – higher education was now more favorably positioned as part of the solution rather than the perennial problem.

While activists are more likely to focus on the problems that need to be solved and professional experts more on the crafting of the solutions, both put success at peril if they do not approach a restructuring initiative as, at its essential core, a redistribution of power among higher education institutions. The recognition that those leading the effort, elected officials, are engaged in a continual game of political "tit-for-tat" is critical to understanding why, as the initiative moves from policy development to conflicts over enactment, the details and data supporting proposed solutions become increasing less influential than aspirational and emotional arguments. Ultimately, resolution of conflicts over the policy of power redistribution will rely on the use of political power by elected officials.

Finally, implicit in the initiation of statewide governance restructuring efforts is the assumption by elected officials that some of the problems these officials perceive result from a distribution of power that is not functioning properly. Implicit also is the assumption that redistributing that power will improve the higher education system. Even though few solutions generated in a restructuring initiative are truly new, champions of the process often couch them in the cloak of "innovation" and imply that "new" is an improvement. Thus, in these restructuring events, simple changes can become described as innovations – and innovations as improvements. While a redistribution of power may indeed result in improvement, it is also likely it may not. Herein lies an important message to Kentucky and to other states that consider such restructuring efforts and the researchers who study them. While change to an existing system might indeed be needed, in the context of what is learned from the story and analysis of House Bill 1, "reform" is less about restructuring to increase innovation than restructuring power to permit innovation.

Ideas v. facts

For those would study or lead governance restructuring initiatives a larger issue is how, or even whether, all the research about such efforts, from comparisons of multi-state data sets, from experientially derived theory from practitioners, and from theoretical analysis of case studies, informs and influences a reform effort. More simply, do attempts to learn from past initiatives, and to communicate that knowledge to future ones, make a difference?

Ultimately, a restructuring initiative begins with an idea, held by an elected official, based on her or his prior experiences with the body to be reformed. It is that idea that is most powerful. While data and research can be used to inform it, they are more likely to be

carefully crafted into rational arguments that support the idea – than they are to be used to generate a "new" idea. Even then in a reform initiative the half-life of a rational argument, much less the data supporting it, is short and diminishes as emotional, political, and "aspirational" arguments increase.

Political science theory portrays any state's problems, policies, and politics as a primordial mélange of possibilities waiting for opportunity. This study shows those windows of opportunity are most often opened by elected officials and these officials are also likely to become leaders of such initiatives. Additionally, the early experiences these elected officials have had with higher education will motivate and inform their decisions. This reliance on prior experience will make them more likely to use research and data to support their positions than to formulate them. This reasoning indicates opportunity for higher education policymakers to inform and influence elected officials albeit opportunity that occurs very early in the start of a reform initiative – or even years prior.

These influential opportunities appear to be subtle and difficult to predict. If opinions of elected officials are formed out of either positive or negative interactions with institutions then the inclinations and efforts of academics to separate the campus from government are both ineffective and ill advised. They are ineffective because elected leaders, to address higher education budgets and legislation, must form opinions and make decisions about higher education – whether they are informed or not. They are also ineffective because legislators, if not former students of higher education, are connected to and informed by officials of the state coordinating/governing boards and institutional advocates or lobbyists. The impressions and opinions of elected officials, formed by such second hand, filtered means, are most certainly not as informed or cognizant of local nuance as campus leaders would desire, or consideration of reform would require. Rather a more engaged and continuing dialogue between elected officials and the campus would provide more opportunities for positive understandings and opinions to form.

Reluctance on the part of academia to include elected officials in the issues of the campus is not unfounded. Elected leaders, when a problem is put in front of them, focus on identifying, defining, and solving that problem. They do this most often by reallocating funding and authority. Campus officials are right to be concerned that legislators, who do not grasp the complexity of a situation, might propose and advocate simple solutions rather than wrestle their way through a more difficult process of understanding. Conversely, the

more elected officials are aware of, and engaged in, the problems of higher education the more they are likely to listen to the research and advise academia has to offer. In deed, the time elected officials are most likely to listen to academia seems to be times where the level of debate about higher education is the lowest. Had the University presidents been more willing to address the transfer concerns of Senator Shaughnessy at their institutions in the early 90s transfer might not have been mandated on them by the General Assembly in 1995.

Opportunity also exists for the policy purveyor who recognizes the opening of the window early. Even before Governor Patton's inaugural speech in 1995, he was seeking advice from Council President Gary Cox and being tutored on "endowed chairs" by Louisville Courier-Journal Education Editor David Hawpe. The Governor, his topic selected by prior experience, was focusing on what directions to go, and on what to change. At that point in the process many had access and audience with the Governor. The President's Commission, formed two months before the Task Force, had early opportunity but failed to craft a cohesive message beyond the need for more funding and less intrusion.

The opportunity to inform appears to diminish as policy development activity for a specific initiative increases. As policy alternatives are proposed participants react to them opposition, especially strong opposition, during the policy development phase causes opponents to miss opportunities to use research, data, and rational arguments to counter unfavorable proposals. As the level of debate, and opposition, increase emotional and political responses are more effective than rational arguments. And, as seen in the case study of House Bill 1, "aspirational" arguments can trump emotional and political arguments. Premature reactions to potential policies, as when the UK Board and President Wethington adamantly opposed loss of the community colleges, increase the emotional/political nature of the initiative and reduce the opportunity for research, data, and rational arguments to be heard or considered. Thus, as debates heat up, ideas are more likely to influence the outcomes of a reform effort than facts.

From this discussion emerge two final recommendations. The first, that academia should become more engaged, on a substantive level, with elected leaders. Governor Patton proposed SCOPE to increase dialogue over funding but the previous argument shows that stronger understanding and reliance on research, data, and rational arguments will result from engaged dialogue when the stakes are low. The second, that researchers should focus on how elected leaders form their ideas, on their past experiences with higher

education, and how these impact and result in policy and political positions. While neither of these recommendations will ensure a greater reliance on facts, research, and rationality they may expand the window of opportunity wherein the past might inform the future of higher education governance structure and reform.

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APPENDICES

Appendix A: Policy actors interviewed

1. Walter Blevins, (2003, July 10). State Senator (D)
2. Edward Breathitt, (2002, July 17). Chair, University of Kentucky Board of Trustees
3. Jim Callahan, (2002, July 2). State Representative (D), Sponsor of House Bill 1
4. Ron Carson, (2002, June 19). Assistant Budget Director, Patton Administration
5. Michael Childress, (2001, October 5). Director, Kentucky Long-term Policy Research Center
6. Jack Conway, (2001, October 24). Assistant Legal Counsel, Patton Administration
7. Lois Combs-Weinberg, (2002, August 5). Trustee, University of Kentucky Board of Trustees
8. Gary Cox, (2000, March 13 and 2002, February 18). President, Council on Higher Education
9. Gordon Davies, (2002, June 11). President, Council on Postsecondary Education
10. Jon Draud,[67] (2002, July 2). State Representative (R)
11. Danny Ford, (2004, January 14). State Representative(R), House Minority Leader
12. Ed Ford, (2001, June 22). Education Advisor, Patton Administration
13. David Hawpe, (2002, August 8). Louisville Courier-Journal
14. Sue Hodges-Moore, (2002, October 9). CHE staff
15. Merl Hackbart, (2002, April 12). UK professor, on loan for Postsecondary Education Task Force
16. Dan Kelly, (2003, December 11). State Senator-R, Senate Minority Leader
17. Crit Luallen, (2002, August 21 and 2002, October 29). Secretary of the Cabinets, Patton Administration
18. Skipper Martin, (2002, August 23). Chief of Staff, Patton Administration
19. Aims McGuinness, (2002, June 11). National Center for Higher Education Management Systems
20. Bill McMann, (2002, August 7). Prichard Committee
21. Vi Miller, (2002, June 25). Secretary, Cabinet for Families and Children, Patton Administration
22. Harry Moberly, (2003, July 11). State Representative (D), Chair, House Budget Committee
23. Paul Patton, (2003, June 20 and 2003, July 25). Governor (D)
24. Jody Richards, (2002, August 12). State Representative (D), Speaker of the House

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[67] Rep. Draud was not a member of the General Assembly during the 1997 Special Session, however he was invited to participate in the interview by Rep. Callahan. Rep. Draud's comments were used for context, not as data in the study.

25. Jim Ramsey, (2002, August 28). State Budget Director, Patton Administration
26. Ernesto Scorsone, (2003, December 12). State Senator (D)
27. Robert Sexton, (2002, August 23). Executive Director, Prichard Committee
28. Tim Shaughnessy, (2004, January 29). State Representative (D)
29. Greg Stumbo, (2004, January 23). State Representative (D), Majority Floor Leader
30. Lee Todd, (2002, September 26). Advocates for Higher Education
31. Charles Wethington, (2002, March 20). President, University of Kentucky
32. Richard Wilson, (2003, July 10). Louisville Courier-Journal

Appendix B: List of opinion-editorial authors

Date	Author	Author's Title	Editorial Title
Undated. From Kentucky Post in CPE archives.	James M. Wiseman	General Manager, External Affairs, Toyota Motor Manufacturing North America; former Chair, Kentucky Advocates; former Executive Council of the Prichard Committee	Patton's plan tackles hard truths
Feb/March 1997	Earl Fischer	President, Western Kentucky Gas (Owensboro)	Two Views on higher Education Reform
2-Mar-97	John B. Begley	Chancellor and former president Lindsey Wilson College, Columbia, Kentucky	Higher Ed: An Independent Look
5-Mar-97	Roy Silver	Associate professor, sociology, Leader, Rural Community College Initiative, Southeast Community College, Cumberland, Kentucky	Community Colleges forge a bigger role
5-Mar-97	Elisia Cohen	University of Louisville student (senior, political science)	Two Views on higher Education Reform
7-Mar-97	Rollin J. Watson	President, Somerset Community College	UK's community colleges spread education and skills
23-Mar-97	Michael F. Adams	President, Centre College, Danville, Kentucky	Higher education Reform and Private Colleges
25-Mar-97	Joint statement submitted by Kentucky Advocates for Higher Education, the Kentucky Chamber of Commerce, the Prichard Committee, and the Governor's Scholars Program Alumni Association		Eight goals for higher education
26-Mar-97	Brereton C. Jones	Former Governor (1991-1995); former UK trustee; former Prichard committee member	One former Governor's view of proposals for higher education
31-Mar-97	J. Larry Stinson	Chair, Kentucky State Board of Adult and Technical Education, Frankfort, Kentucky	Tech Schools 'Excel'
4-Apr-97	Mark Guilfoyle	Former Budget Director and Secretary of the Cabinet (Jones Administration 1991-1995), Covington, Kentucky	UK needs greatness in more than basketball
10-Apr-97	Michael F. Adams	President, Centre College; former chair National Association of Independent Colleges and Universities, Danville, Kentucky	Private colleges, though quiet, play a big role in Kentucky
11-Apr-97	Jack Moreland	Interim president, Northern Kentucky University	NKU, region will benefit from higher education reform
13-Apr-97	Rollin J. Watson	President, Somerset Community College	Patton's 'Big city' Plan for Rural State
15-Apr-97	Brereton C. Jones	Former Governor (1991-95), Former UK trustee	Patton's Plan: Too Much 'Politics'
16-Apr-97	Donna Shedd	Vice-chair, Jefferson County Republican Party, Louisville, Kentucky	GOP's Shedd responds to 'personal attack',
16-Apr-97	Stan Cave	Republican state representative, Lexington, House Republican caucus chair	Higher education wo not gain from another state board

Date	Author	Author's Title	Editorial Title
17-Apr-97	Julie Clay	Kentucky higher education student writing in the Eastern Progress	Splitting UK, community colleges best for Kentucky.
20-Apr-97	Earl Fischer	Chair, Job QuEST Steering Committee, Kentucky Chamber of Commerce, Community and Economic Development Foundation	Education changes can improve economy
22-Apr-97	Roger C. Noe	Interim President, Ashland Community College	Community college system serves the state well
26-Apr-97	Danny Ford	State Representative, Mt. Vernon, Kentucky	Rep. Ford 'voted to pass' on Patton's Plan
27-Apr-97	J. Ronald Geoghegan	Executive Dir. Corporate and External Affairs, BellSouth; Chair, Kentucky Advocates for Higher Education	Heartily endorses Patton's Plan
27-Apr-97	James H. Wells	UK professor, mathematics	Refiguring the tab for UK to join the upper ranks
27-Apr-97	George C. Herring	Professor & former department chair, History, UK	Historian's advice: Do not lose an opportunity
28-Apr-97	Thomas D. Clark	Retired UK professor; Kentucky historian laureate	Land-grant universities reached out to communities
29-Apr-97	Todd Baggarly	University of Kentucky student (political science); Kentucky Kernel columnist	Patton's plan is being beaten by a better public relations staff
30-Apr-97	Fred Mullinax	President, Association of Independent Kentucky Colleges and Universities	Independent colleges can extend access to baccalaureate degrees
2-May-97	Robert D. Bell	Retired VP, Ashland Oil; founding chair, Advocates for higher education; UK honorary doctorate for higher education work	Will UK win this battle with Patton, but lose the war?
3-May-97	J. Ronald Geoghegan	Executive Director BellSouth Corporate and External Affairs, Kentucky Science and Technology Executive Committee	PRO: 'Visionary' approach for Kentucky's future
3-May-97	Hank Thompson	President, University of Louisville National Alumni Association	CON: UK should retain control of community colleges for quality
4-May-97	Pat Freibert	Herald-Leader contributing columnist, Former Republican state representative (1979-1993)	Reform' is fraught with pitfalls
4-May-97	Robert M. Cornett	Former State Budget Director (Combs Administration)	Community is what's at stake
5-May-97	Kay McClenney	VP, Education Commission of the States; Consultant	Community Colleges: separate and equal
6-May-97	Larry Saunders	President, Senate, Commonwealth of Kentucky	The Legislature's 'Bi-partisan cooperation'
6-May-97	Hank Thompson	President, UK National Alumni Association	UK and its colleges: hand in glove
6-May-97	Frank G. Dickey, Sr.	Former President, UK	Research, Community colleges can mix
7-May-97	Andrew Lee Freight; Christine R. Metzo; John A. Kuchenbrod	Graduate Student, History; Graduate Student, Philosophy; Graduate Student mathematics - All members of UK Organization of Graduate Students	To UK graduate students, rhetoric does not match reality
10-May-97	Rodney "Biz" Cain	Secretary, Cabinet for Workforce Development	Tech Schools focused on mission
12-May-97	Ron Geohegan	UK graduate, BellSouth, executive director of corporate and external affairs, Chair, Kentucky Advocates for Higher Education, Exec. Committee, Kentucky Science and Technology Council	Why Patton plan means progress

Date	Author	Author's Title	Editorial Title
15-May-97	Landra Lewis	Graduate of Hazard Community College and UK - UK graduate student	Rural Kentuckians see need for UK tie
15-May-97	Michael E. Adelstein	Prof. (retired) English, UK; former head of UK Faculty Senate Council; former faculty rep. to UK Board of Regents	UK's faithful face dilemma in reform
24-May-97	Michael E. Adelstein	Prof. (retired) English, UK; former head of UK Faculty Senate Council; former faculty rep. to UK Board of Regents	PRO: Quality at UK can result from key reforms
24-May-97	Rollin J. Watson	President, Somerset Community College	CON: The 'little people' of Kentucky wo not budge
27-May-97	Walter S. Reuling	President, Lindsey Wilson College, Columbia, Kentucky	Colleges can help students find satisfaction in "selfless service' Remarks from the inaugural address (April 24, 1997)
1-Jun-97	Pat Freibert	Republican state representative (1979-93); former Midway College Board member	Commentary by Herald-Leader Contributing Columnist

Appendix C: Interview questions

1. Prior to the enactment of HB1, how would you characterize the relationship between higher education and state government in Kentucky?

2. How did higher education, the executive branch, and the General Assembly regard and work with each other?

3. How did the Council on Higher Education (CHE) function as an entity between state government and higher education?

4. How effective was the CHE in dealing with issues of accountability, of transfer?

5. Are there examples that epitomize these relationships for you?

6. When did you first become aware of the events that led up to the1997 Act and what did think about it at the time?

7. What was your position during the time HB1 was initiated, developed and then enacted?

8. Could you describe your role(s) in the process of initiating, evolving, and enacting HB1?

9. When were you most active in the process?

10. How would you describe the role of politics and persuasion in the identification and description of the problems? The policies?

11. Were there political issues that prompted and drove HB1 as well? Did these come from outside Kentucky or inside? When in the process did they occur?

12. Could you describe your impressions of the roles and activities that the Governor was involved in during the reform?

13. Why do you feel the issues addressed by House Bill 1 were not addressed by CHE or the General Assembly (such as with SB 109 or Shaughnessy's transfer bill)?

14. Were you ever worried about HB1? When?

15. The Postsecondary Education Plan, put forth in March of 1997, proposed changes in four major areas:

    a. Establishing the Council on Postsecondary Education

    b. Establishing the Kentucky Community and Technical College System (KCTCS)

    c. Creating Strategic Investment and Incentive Funding that addressed equity of funding between institutions.

    d. Creating a Strategic Committee on Postsecondary Education (SCOPE).

16. How were these proposals supposed to change the way state government and higher education would work together? Did these come from outside Kentucky or inside? When in the process did they emerge?

17. What were the policy alternatives that were considered during the policymaking process?

18. Whose interests to you think were really served by House Bill 1? Whose voices were heard – whose were not heard?

19. Was House Bill 1 more about solving problems, policy change, or politics?

20. Have the politics of higher education in Kentucky changed as a result of the 1997 Postsecondary Education Improvement Act?

21. Are there specific events or moments during the HB1 effort that remain vivid or memorable to you?

22. March 30 1997, Arizona knocks UK out the NCAA championships 84-79. What impact has UK basketball had on Kentucky higher education policymaking?

23. What questions have not I asked that I should have?

24. Are there interesting questions I should ask of other people?

House Bill 1 Policymaking Participant Map

Office of the Governor

Paul Patton
Governor

Aims McGuinness
NCHEMS

Skipper Martin
Chief of Staff

Ron Carson
Asst. Budget Director

Kenny Rapier
Patton Lobbyist

Jack Conway
Asst. Legal Counsel

Crit Luallen
Secretary of the Cabinets

Merl Hackbart
PSE Task Force, UK Professor

Jim Ramsey
State Budget Director

Robert Cornett
Former Budget Director

Vi Miller
Secretary, CFC

J. Larry Stinson
Chair, Adult & Tech. Ed.

Rodney "Biz" Cain
Secretary, Cabinet for Workforce Development

Mark Guilfoyle
Former Budget Director

Kay McClenney
VP, ECS

Brereton C. Jones
Former Governor

General Assembly

Larry Saunders (D)
President, Senate

Jody Richards (D)
Speaker of the House

Dan Kelly (R)
Senate Minority Leader

Greg Stumbo (D)
Majority Floor Leader

Ernesto Scorsone (D)
Senator

Jim Callahan (D)
Representative

Walter Blevins (D)
Senator

Tim Shaughnessy (D)
Representative

Harry Moberly (D)
Representative

John Draud (R)
Representative

Stan Cave (R)
Representative

Danny Ford (R)
Representative

HEd Coordination

Gary Cox
President, CHE

Gordon Davies
President, CPE

Fred Mullinax
President, AIKCU

Sue Hodges-Moore
CHE Staff

Other HEd Policy Groups

Michael Childress
Dir. KLTPRC

Joint Statement
Ky Advocates for Higher Education
Ky Chamber of Commerce
Prichard Committee
Governor's Scholars Program
Alumni Association

Robert Sexton
Prichard Committee

Bill McCann
Prichard Committee

Donna Shedd
Vice-Chair, Jefferson Republican Party

Business

J. Ronald Geoghegan
Exec. Dir., Corp Affairs, BellSouth

Earl Fischer
Western Ky Gas
Ky Chamber of Commerce

James Wiseman
Toyota

Robert Bell
VP, Ashland Oil

Press

Richard Wilson
Louisville Courier-Journal

David Hawpe
Louisville Courier-Journal

Pat Freibert
Columnist, Lex. H-L
Former Representative

UK Leadership

Charles Wethington
President, UK

Ed (Ned) Breathitt
Chair, UK Board

Lois Coombs-Weinberg
UK Board

Tony Goetz
UK Lobbyist

Michael E. Adelstein
Professor & UK Board

College Leadership

Michael Adams
President, Centre College

Kern Alexander
President, Murray

John Begley
Former President, Lindsey Wilson College

Frank G. Dickey, Sr.
Former President, UK

Jack Moreland
Interim Pres., NKU

Roger Noe
Interim Pres., Ashland CC

Walter S. Reuling
Pres., Lindsey Wilson College

John Schumaker
President, UoL

Lee Todd
President, UK

Rollin Watson
President, Somerset CC

College Staff & Students

George Herring
Professor, UK

James Wells
Professor, UK

Thomas D. Clark
Professor, UK

Roy Silver
Prof. Southeast CC

Elisa Cohen
Student, UoL

Landra Lewis
Student, Hazard CC & UK

Andrew Lee Freight
Student, UK

Christine Metzo
Student, UK

John Kuchenbrod
Student, UK

Todd Baggarly
Student, UK

Hank Thompson
President, UoL Alumni

Julie Clay
Student

Normal: Interview   Italic: Opinion-editorial   Grey: Debate transcript

Appendix E: State restructuring initiatives enacted 1991—2000

(McLendon, 2003, pp. 85—88)

Year of Enactment	State	Nature of Reform	Data Source
1991	Massachusetts	Consolidated two separately governed state universities under a reconstituted University of Massachusetts system; replaced the Board of Regents, a consolidated governing board, with a coordinating board; delegated much of the authority of the former Board of Regents to the University of Massachusetts, including authority over tuition and collective bargaining; created cabinet position of secretary of education.	Crosson, 1996; Marcus, 1997
1991	Minnesota	Merged three previously separate systems—a state university, a community college system, and a technical college system—under a new consolidated board, indirectly reducing the scope of authority of the coordinating board.	MacTaggart, 1996; Marcus, 1997
1992	Maryland	Reorganized the University of Maryland system, granting the Board of Regents of the system greater authority; exempted St. Mary's College from the U-M system and from most state procedural controls; established a separate governing board for the college; converted state appropriation for the college from line-item to lump-sum.	Berdahl, 1998
1993	Arizona	Replaced a single statewide governing board with three separate boards for the state university and community college systems.	Marcus, 1997
1994	Montana	Restructured state governance of the six 4-year campuses and the five 2-year vocational institutions, which previously reported to the Commission of Education office. The initiative created a coordinating board to which both the University of Montana (6 institutions) and Montana State University (5 institutions) systems report.	Marcus, 1997; McLendon and Ness, 2001
1994	New Jersey	Replaced the New Jersey Board of Higher Education, a strong regulatory coordinating board, with a considerably weaker commission; delegated authority over new academic programs and tuition setting directly to local campuses; created a Presidents Council to make recommendations about institutional planning, budgeting & program approval.	Brown, 1998; Greer, 1998; Marcus, 1997; Marcus, 1997; McGuinness, 1995; Novak, 2000
1995	Illinois	Replaced two regional multicampus governing boards with individual boards for seven of the eight campuses under the two systems and delegated authority of the former systems to the new campus boards.	Marcus, 1997; McLendon, 2000a; McLendon and Ness, 2001; Van Der Slik, 1998
1995	Minnesota	In the spirit of the state's 1991 act, replaced the Higher Education Coordinating Board with a less powerful Higher Education Services Office.	Marcus, 1997 McLendon and; Ness, 2001
1995	Oregon	Converted the State System of Higher Education from traditional state agency status to that of "semi-independent state agency" with authority to manage certain day-to-day fiscal and procedural operations independent of the central state administrative authority.	Underwood, 1999; McLendon and Ness, 2001
1995	South Carolina	Altered the size, structure, and responsibilities of the Commission of Higher Education; restructured the commission to shift control from the Executive Director to individual institutions (primarily the 3 research institutions—Clemson, USC, MUSC) by adding institutional representation and Governor-appointed members.	Marcus, 1997; McLendon and Ness, 2001

Year of Enactment	State	Nature of Reform	Data Source
1997	Arkansas	Replaced State Board of Higher Education with Higher Education Coordinating Board and reduced the number of staff assigned to the board's administrative arm, the Department of Higher Education; reorganized Board's trustee selection process to ensure greater campus representation; created Executive Council of presidents to work with the director of the Department; gave the Executive Council authority to hire and fire the director and powers of appeal regarding the Board's policy agenda.	McLendon, 2000a; McLendon and Ness, 2001
1997	Kentucky	Created a coordinating body, the Kentucky Council on Postsecondary Education, which was charged with implementing quality improvement and accountability goals; created the Kentucky Community and Technical College System and transferred management of the two-year colleges from the state universities to the new system.	Davis, 2001; McLendon and Ness, 2001
1997	Louisiana	Clarified and strengthened the constitutional authority of the Board of Regents as state's coordinating body for all public postsecondary education.	McLendon and Ness, 2001
1998	Hawaii	Recognized the University of Hawaii as a "quasi-public corporation"; gave the university greater management flexibility in various areas including budget and lands, faculty contracts, purchasing, and legal representation.	McLendon, 2000a; McLendon and Ness, 2001
1998	Louisiana	Created the Louisiana Community and Technical College System (LCTCS) and transferred management authority for state's 44 vocational-technical campuses for state K-12 board to the new LCTCS.	McLendon and Ness, 2001
1998	Maryland	Required Maryland Higher Education Commission to develop a state plan for higher education and changed its role in review and approval of mission statements, budget, and funding guidelines; established University System of Maryland as an independent unit of state government, exempt from laws governing procurement, information technology, and telecommunications; allowed the Board of Regents of USM to delegate to each institution's president authority to implement policies promoting the institution's mission.	McLendon and Ness, 2001
1999	Kansas	Reconstituted the Kansas Board of Regents; transferred supervision of community colleges and vocational schools from the Board of Education to the Board of Regents.	McLendon and Ness, 2001
2000	Hawaii	Placed on the statewide election ballot an amendment to the constitution providing that all matters regarding internal structure and management of the University of Hawaii are the sole responsibility of the UH Board of Regents; eliminated the requirement that UH must receive legislative authorization before formulating policy. (Voters approved amendment in November, 2000.)	McLendon and Ness, 2001

Appendix F: Locations of study resources

In addition to utilizing data from commonly available sources e.g. newspaper articles, research articles, reports, and books other sources of information were identified and cited in the "References" section of this study. The locations of these data resources may be more difficult for practitioners and researchers to uncover so their locations are listed here:

1. <u>Interviews of policymaking participants by the author</u> (see list in Appendix A). Digital audio files and transcriptions of these interviews are available through the Oral History Program at the University of Kentucky.

2. <u>Interviews of policymaking participants by Bryan Armstrong.</u> Transcriptions of these interviews are available through the Oral History Program at the University of Kentucky:

   – Kenny Rapier (June 6, 1997)
   – Jack Moreland (no date)
   – Skipper Martin (no date)
   – Crit Luallen (June 16, 1997)
   – Ed Ford (June 5, 1997)
   – Gary Cox (no date)
   – Jack Conway (no date)
   – Biz Cain (June 13, 1997)
   – Jim Callahan (June 10, 1997)
   – Tony Scholar (no date)
   – Paul Patton (no date).

3. "<u>The reform of postsecondary education in Kentucky: The story behind the passage of House Bill 1</u>." Bryan Armstrong completed a draft summary of the House Bill 1 enactment process utilizing the above interviews. A copy of this draft is available through the Oral History Program at the University of Kentucky:

4. <u>Official proceedings of the May 1997 Extraordinary Session</u>. Videotapes of the General Assembly committee hearings and session proceedings are available though the library of the Legislative Research Commission, Frankfort, Kentucky.

VITA

Date and place of birth:

April 18, 1954, Traverse City, Michigan

Educational institutions attended and degrees awarded:

Bachelor of Arts, Professional Photography, Brooks Institute of Photography, June, 1977

Master of Arts, Educational Systems Design, Michigan State University, December, 1987

Professional positions held:

Senior Advisor for Academic Affairs, Kentucky Council on Postsecondary Education, April 2005 to present.

Senior Advisor for Distance Education, Academic Affairs, Kentucky Council on Postsecondary Education, August 2003 to April 2005.

Chief Academic Officer, Kentucky Virtual University (KYVU), Frankfort, Kentucky. July 1999 to August 2003.

Director, Distance Education, University System of Georgia, Athens, Georgia. November 1997 to July 1999.

Director, Academic Services and Distance Learning, University System of Georgia, Athens, Georgia. May 1996 to November 1997.

Program Manager, Electronic Commerce Resource Center, Lamar University at Orange, Orange, Texas. January 1996 to May 1996

Executive Director, Instructional Technology Development Center, Lamar University at Orange, Orange, Texas. February 1995 to December 1995.

Owner, Grayscale Productions, Fairport, New York. May 1989 to February 1995.

Educational Consultant, Eastman Kodak Company, Rochester, New York. July 1987 to April 1989.

Asst. Professor, Photography, Lansing Community College, Lansing, Michigan. September 1978 to June 1987.

Account Representative, Forsberg Advertising, Lansing. Michigan. April 1985 to June 1987.

Photographer & Photographic Studio Manager, Leavenworth Photographics, Lansing, Michigan. September 1978 to April 1983.

Professional publications:

Kuhlenschmidt, S., Garn, M., Cook, S., & Cooke, S. (2005). Increasing instructional capacity through virtual learning. In Groccia, J. &, Miller, J. Eds. <u>On becoming a productive university: Strategies for reducing costs and increasing quality in higher education</u>. Anker Publishing Co.: Boston, MA.

Epper, R.M. and Garn, M., (2004). Virtual College/University Consortia: Current Progress and Future Possibilities. EDUCAUSE Review, March/April.

Epper, R.M. and Garn, M., (2004). The Virtual University in America: Lessons from Research and Experience. EDUCAUSE Center for Applied Research, Research Bulletin Vol. 2004, Issue 2, January 20, 2004.

Epper, R.M. and Garn, M., (2003). Virtual College and University Consortia: A National Study. (http://www.sheeo.org/disted/vcu.pdf) SHEEO: Boulder, CO.

Michael Allen Garn

May 6, 2005