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GRAPEVINE
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Reports on state tax legislation; state appropriations for universities, colleges, and junior colleges; legislation affecting education beyond the high school.

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"Knowledge is in every country the surest basis of public happiness."
--George Washington

Statement of ownership and circulation of GRAPEVINE is on page 1356 (reverse hereof).

Table 97. APPROPRIATIONS BY THREE STATES WHICH APPROPRIATE FOR UNDIVIDED BIENNIUMS (Each column representing one-half of the appropriation for the undivided biennium, for bienniums 1965-67, 1973-75, and 1975-77).

States	Year* 1966-67	Year* 1974-75	Year* 1976-77	2-yr gain per cent	10-yr gain per cent
(1)	(2)	(3)	(4)	(5)	(6)
North Dakota	13,989	31,730	48,865	54	249
Washington	94,980	252,224	310,131	23	227
Wyoming	8,773	24,306	33,821	39	285
Totals	117,742	308,260	392,817		
Weighted average percentages of gain				27	234

Table 98. APPROPRIATIONS BY FIVE STATES WHICH APPROPRIATE BIENNIALLY FOR SEPARATE FISCAL YEARS OF THE BIENNIUM (Each column representing the sums actually appropriated for the separate fiscal years, 1966-67, 1974-75, 1976-77).

States	Year 1966-67	Year 1974-75	Year 1976-77	2-yr gain per cent	10-yr gain per cent
(1)	(2)	(3)	(4)	(5)	(6)
Arkansas	28,722	82,421	114,936	39	297
Minnesota	72,463	194,311	255,460	31	253
Ohio	93,269	386,017	502,225	30	438
Texas	164,548	533,583	918,589	72	458
Vermont	6,998	20,120	20,138	0	188
Totals	366,000	1,216,452	1,811,348		
Weighted average percentages of gain				48	395

*Actually one-half of the undivided appropriations for a biennium.

FLASHES INTO 1976-77

The point of tables 97 and 98 is that we are able to show appropriations by eight states for fiscal year 1976-77 three months before that fiscal year begins.

Despite the strong trend among the states toward adopting an annual appropriation cycle, eight states have continued to appropriate biennially--three for the undivided biennium beginning in odd-numbered year (Table 97), and five for the separate fiscal years of the same biennium (Table 98).

Note that the three states in Table 97 show a weighted average two-year gain of 27 per cent for 1976-77 (nearly the same as the 28 per cent recorded by all the fifty states for 1975-76), while the five states in Table 98 show a corresponding two year gain of 48 per cent, heavily influenced by the progressive thrust of Texas, which appropriates roughly half of the total for all these five states. It is also noteworthy that Arkansas, Minnesota, and Ohio each show weighted average two-year gains well above the 1975-76 nationwide average of 28 per cent.

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MASSACHUSETTS. The daily press reports a controversy concerning the organization and support of the public system of higher education. It is said that Kevin B. Harrington, president of the state senate, advocates a centralized unitary organization somewhat like that of New York State, and will introduce a bill providing for merger of the University of Massachusetts and the ten state colleges.

It is also said that Governor Michael S. Dukakis rejects this proposal, and probably correctly thinks Mr. Harrington is an "elitist" who really wants to shrink the public system by eliminating what Mr. Harrington has called "so-so students."

Paul Parks, the governor's secretary for education, is reported to have said: "We now have diversification and I don't want something enormous and impersonal. There should be access to a four-year degree institution for anyone who wants it, regardless of his level of academic preparation--although that doesn't mean he will necessarily remain in college.

"One of the things scaring me is that all over the country people are moving toward an elitist position in education. I want to keep that from happening in Massachusetts."

Massachusetts is the only state in which somewhat more than half of all the students are in 90 private institutions, from Harvard down to many small colleges.

President Robert C. Wood of the University of Massachusetts with three campuses and 34,000 students, puts the situation in plain words:

"We're the Johnny-come-lately in higher education. We have come into a territory that the private colleges have had as their domain for 300 years. Just a few years ago this university was Massachusetts Aggie with 4,000 students and one campus. The state colleges were teacher-training institutions and the community colleges didn't exist."

Now the private colleges, alarmed at their apparent inability to grow very rapidly on account of their high and escalating student fees, are strongly tempted to advocate almost any measure that will produce a cutback in the public sector, regardless of the fact that this would mean a constriction of educational opportunity, to the ultimate disadvantage of the Commonwealth.

MINNESOTA. The Higher Education Coordinating Commission has adopted a plan for a one-year study, to be completed in 1976, of education above the high school in southwestern Minnesota.

That part of the state is comparatively sparsely populated and scantily equipped with facilities for higher education. Southwest Minnesota State University at Marshall, established as a state college in 1967, is the principal state institution in the area.

Nineteen counties are the local focus; and the survey will include some statewide aspects.

NEW YORK. As many persons know, the ponderously titled Board of Regents of the University of the State of New York and State Board of Education is the top regulatory, planning, and supervisory body for all types of educational institutions and agencies, at all levels, in the state.

At least nominally subject to its superior authority are the two major governing boards in higher education: The Board of Trustees of the State University of New York (SUNY, some 30 public four-year institutions and about an equal number of two-year public community colleges); and the Board of Higher Education of the City of New York, governing the twenty-campus City University of New York (CUNY).

Members of the august Board of Regents are appointed for terms of 15 years, normally one member each year, by a joint session of the legislature (or by the two houses separately in case they agree on the same appointee).

In May 1975 there were three vacancies, with three new members to be appointed. In the bitterly partisan session the Republican-dominated Senate indicated one slate of nominees, while the Democratic assembly (lower house) named a totally different slate.

At this impasse, Lieutenant Governor Mary Anne Krupsak, presiding in the Senate, declared a recess and directed the senators to proceed to the Assembly chamber for the legally required joint session. The Republican senators refused to move, and boycotted the joint session. Nevertheless the joint session convened and appointed the Democratic slate of three nominees,

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NEW YORK (Continued from page 1357)
who then took their seats on the Board of Regents in April.

Now comes Warren M. Anderson, majority leader in the Senate, suing to have these appointments judicially declared invalid, charging these three appointees had been appointed by an illegal "rump session" without a quorum of the senate present.

On January 14, 1976 Justice Ellis J. Staley of a local "supreme court" (actually the lowest court of record, in New York's strange terminology) granted the request of Senator Anderson. The case will be immediately appealed to an intermediate appellate court. In March 1976 the legislature will have two more vacancies to fill, due to the retirement of two additional members.

Can Doctoral Programs at State Universities Be Ordered Dropped for "Insufficient Academic Quality"?
Who Can Judge?

When Commissioner of Education Ewald B. Nyquist ordered the discontinuance of doctoral programs in History and English at the State University of New York campus at Albany, in pursuance of the Regents' scheme of appraising all doctoral programs in the state and eliminating some of the allegedly weaker ones, he stirred up a storm of major proportions.

The entire Board of Trustees of SUNY, and its Chancellor, Ernest Boyer, supported the Albany University center in resisting the orders. They protested that no standards for the appraisals had ever been published; and Chancellor Boyer argued convincingly against the disruption of the academic coherence of the institution involved.

It seems that the appraisals depend heavily on ad hoc panels of "scholars" recruited for the purpose, and certainly no wide publicity has been given to the identity of these Solomons. If this is a device to chop down opportunities for advanced graduate studies in state universities on the word of "scholars" in private universities (which it may well be), it is a "dirty trick" which will redound against the public weal in the long future as well as in the immediate present and the near future.

PENNSYLVANIA. In this Commonwealth there is a lively and "militant" state-wide organization known by the horrendous acronym of APSCUF (Association of Pennsylvania State College and University Faculties).

Reacting to the draconian order of Governor Shapp regarding "retrenching" of faculties (as sketched in GRAPEVINE, pages 1323-1324, September 1975) and to other disagreements with the governor, APSCUF issued a special news-release in January 1976, announcing that the Pennsylvania Labor Relations Board has ruled that the Shapp administration "violated the rights of State College and University faculties and committed an unfair labor practice by walking out of an arbitration hearing in Harrisburg" in June 1975.

APSCUF says the Pennsylvania Labor Relations Board decision of January 23, 1976 ordered the Commonwealth "immediately to desist from its illegal actions; to post a copy of the order in a conspicuous place, and to proceed to binding arbitration on APSCUF's original complaint that Governor Shapp had improperly failed to request the appropriation of sufficient funds to give force and effect to the subsisting labor agreement covering the pay and working conditions of the Pennsylvania State College and University faculty members."

In brief, APSCUF says that under the existing contract the governor was explicitly bound to request appropriations sufficient to give the contract force and effect; but that he did not, and that the legislature actually appropriated every dollar he requested. The governor then said the appropriation was \$19 million short of what was needed; and also argued that his right to request appropriations was a managerial right outside the scope of the collective bargaining agreement.

GRAPEVINE is keenly aware that there are thorny legal problems involved, and offers no premature prediction of the ultimate result.

It seems that if the PLRB order of January 23 stands, a board of arbitration will have to pass upon the issues; and even then it is probably possible that the dispute may go into the courts and require many months, or indeed years, for final solution.

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UP THE LONE STAR!

TEXAS. In the middle of this decade, looking backward over the most recent five years, Texas exhibits lively advances.

In five years the state's population has grown 9.3 per cent, to reach approximately 12½ million people, making Texas the third most populous state among all fifty, and relegating Pennsylvania to fourth place. The five-year rate of growth is nearly twice the nationwide average of 4.8 per cent, and is exceeded in only thirteen other states, none of which except Florida has as many as one-fourth as many people as Texas. (Florida grew 23 per cent to 8,357,000, taking eighth place and pushing New Jersey down to ninth.) Florida's rate of growth was second highest in the nation, exceeded only by Arizona's 25.3 per cent, with Nevada's 21.1 per cent close behind.

All of the ten fastest-growing states are in the southern half of the nation, except Alaska, Idaho, and Wyoming.

In Fall 1975 the total of students in higher education in Texas was 624,508, third largest among all the states. This was 5.1 per cent of the total population of the state, slightly less than the national average of 5.2 per cent; and as yet far behind California's 8.3 per cent.

Over the most recent ten years (since 1965) the growth of net state tax-fund appropriations for annual operating expenses of higher education was 401 per cent; and for the two fiscal years 1974-76 it was 66 per cent--higher than that of any other state except Alaska.

The healthy gain is explained in part by the start-up periods of several important new institutions--medical colleges, and four-year and two-year campuses, as well as the necessary expansion of existing institutions. Texas is moving up, providing needed encouragement in the midst of too much nationwide talk about "retrenchment," "decline," and "depression." The melancholy lamentations do not appear to be fulfilled in Texas, nor, indeed, nationally. Texas leads the way to further upturn.

WASHINGTON. Twice in recent months the state supreme court has invalidated Washington State legislative acts intended to provide tax-paid financial aids for students attending private colleges.

"Tuition Supplements" Unconstitutional

In 1973 a plan for state scholarships not exceeding \$100 for students in private nonprofit accredited colleges was declared unconstitutional as in violation of Article 9, section 4, which stipulated that "All schools maintained wholly or in part by public funds shall be forever free from sectarian control or influence." The act was designed as a "college tuition supplement program," for the benefit of students in private institutions within or outside the state, such students being residents of Washington.

Associate Justice Brachtenbach, for the full court, declared it unconstitutional "both on its face and as applied," and issued an order forbidding any state fiscal officer from disbursing any funds under it. (Weiss v. O'Brien, 82 Wash. 2d 199, 509 P 2d 973, 986 (1973).)

State Purchase of Student Loans Unlawful

More recently the legislature concocted a Washington State Higher Education Assistance Authority authorized to purchase loans made to eligible students by banks or educational institutions, and to require banks to make new loans "equal to the purchase received from the Authority." The idea was thus to increase the amount of funds available for loans to students.

Believing this act to be unconstitutional, the state auditor declined to approve disbursements of state funds to the Authority; and a petition for mandamus to compel him to do so was rejected by the state supreme court, holding that the act was indeed unconstitutional for two reasons:

(1) It contravened the provision against the use of public moneys in aid of any sectarian establishment; and (2) it violated the provision against lending the credit of the state to any individual.

Associate Justice Wright, for the entire court, made clear that the law of the State of Washington does not countenance even "indirect" use of tax funds to assist private colleges to obtain or retain students. (Washington State Higher Education Assistance Authority v. Graham (Wash.) 529 P. 2d 1051 (1974).)

WEST VIRGINIA. The statewide Board of Regents has negotiated the sale of \$26 million in bonds for various capital outlay projects which were authorized by the legislature during 1974-75. This seems to be a substantial forward step in a state of moderate population and resources, at a time when in general capital expenditures are much slowed down because of economic uncertainties.

Allocation of the proceeds (by the legislature) among the various institutions is reported as follows:

	<u>Thousands of dollars</u>
West Virginia U	\$8,688
Fairmont State Coll	3,470
W Va Inst of Technology	2,830
W Va Northern Comm Coll	2,280
W Va State College	1,898
Shepherd College	1,672
Bluefield State Coll	1,612
Southern W Va Comm Coll	1,469
Concord College	1,396
West Liberty State Coll	1,280
Marshall University	632
Potomac State College	304
Miscellaneous projects	1,000
<u>Total (approx)</u>	<u>28,531*</u>

*The total is larger than the \$26 million because the Board already had in hand \$3,280,350 from previously authorized bond sales.

The bonds will be retired by "registration fees" paid by students over future years. The name of these fees is a euphemism, used because the state constitution forbids tuition fees.

The net interest rate on the bonds will be 8.02 per cent (which would have seemed to be an outrageously high rate only a few years ago, but was the best obtainable in the panicky year 1975).

The capital improvements are much needed in view of increases in full-time-equivalent enrollments for Fall 1975 over the preceding year of nearly 8 per cent, including more than 3 per cent for the two universities, about 8 per cent for the eight four-year colleges, and 36 per cent for the three community colleges.

(Continued in the next column)

The Board of Regents has introduced "The Regents B. A. Program" designed for persons above the age of 25 who have completed from one to three years in college but do not have a baccalaureat degree.

Ten of the state colleges and universities are participating by admitting such students and giving them appropriate college credit for work experience, as appraised in each individual case. Usually this makes it possible to earn a bachelor's degree somewhat more expeditiously than would have been the case under traditional rules.

In its early stages a total of 1,249 students are reported to have been admitted to the program. Up to December 1975, degrees had been awarded to 185 such students. The ratio between the two totals tells nothing about rates of retention, because it could not at that time be known how many more of the group of entrants would continue until they earned degrees, or how soon.

West Virginia Regents B. A. Program*

Institutions	Students	
	Entered	Graduated
W Va State Coll	253	54
Marshall University	234	26
Shepherd College	178	2
W Va University	153	19
West Liberty St Coll	125	6
Fairmont St Coll	118	10
Concord St Coll	51	8
Glenville St Coll	42	8
W Va Inst Technology	42	41
Bluefield St Coll	53	11

* The figures apply to varying periods of time prior to December 1975, in the initial stages of the programs, and do not convey any impression of comparative success or failure.

GRAPEVINE congratulates the West Virginia Board of Regents on the initiation of an innovative mode of accelerating the college education of persons above the age of 25, and on encouraging the state universities and colleges to extend their services to persons of all ages, in pursuance of the general aim of "more and better higher education for more people." This is a part of the grand design of the functions of public colleges and universities in the future, both immediate and long-term.