

An Analysis of State Postsecondary Governance Structures

Mary Fulton

State postsecondary education governance systems play an important role in the policy and decision-making processes that affect a state's ability to pursue its education and workforce goals. In general, postsecondary education governance relates to the responsibilities and authority of entities and leadership positions charged with developing, implementing and overseeing policies and practices.

To assist policymakers and the broader education community in expanding their knowledge of the governance systems in their states and others, Education Commission of the States developed [a comprehensive set of resources](#) that include a 50-State Comparison, individual state profiles and a data visualization tool. These resources do not reflect changes that states made in 2019.

This Policy Guide summarizes these comprehensive resources to describe postsecondary governance models and structures and examine key components of postsecondary governance systems, and also offers questions for further consideration.

While rooted in a state's culture and history, postsecondary governance systems continue to evolve in response to public interests.

Categorizing states into general models is not necessarily a straightforward process, especially as policy leaders continue to undertake reforms to their governance configurations.

No two states or the District of Columbia have the same underlying governance structure.



Governance Models

While rooted in a state's culture and history, postsecondary governance systems [continue to evolve](#) in response to public interests, such as increasing access and equal opportunity, aligning academic programs with state workforce needs and improving student outcomes.

Understanding postsecondary governance allows policy and education leaders to better grasp their own systems; make comparisons across state lines; and more effectively respond to changes in the state's demographics, education goals and economic conditions.

At a high level, states and the District of Columbia can be categorized into general, postsecondary governance models that comprise coordinating and governing boards as well as administrative/service agencies. While not considered part of the governance models, several other entities comprise state postsecondary ecosystems. These include advisory councils; numerous system-level, multi-campus and individual institutional boards; and membership organizations that represent four-year, two-year and/or independent institutions.

Categorizing states into models is not necessarily a straightforward process, especially as policy leaders continue to undertake reforms to their governance configurations that range from minor to significant. One framework to organize

and make sense of the varied and complex postsecondary governance structures includes the following [general models](#):

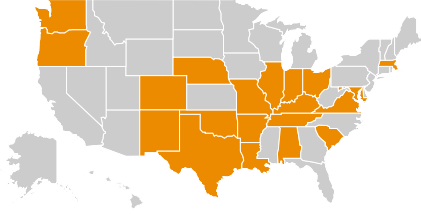
- 1 | Single, statewide coordinating board/agency.**
- 2 | Single, statewide governing board.**
- 3 | One or more major, systemwide coordinating or governing board.**
- 4 | Administrative/service agency.**

The following state examples illustrate the varying structures within the governance models. These underlying structures reflect the presence and types of boards at the system and institutional levels, as well as the existence of administrative/service agencies.

Michigan does not have a statewide postsecondary board or agency or a major, systemwide board, and therefore does not fall under any of the governance models. [Appendix 1](#) summarizes the number of statewide and major, systemwide coordinating boards/agencies and governing boards, as well as administrative/service agencies.

Single, Statewide Coordinating Board/Agency

A single coordinating board and/or agency is responsible for key aspects of the state's role with public postsecondary institutions, and, in some cases, with independent colleges.



20 states: Alabama, Arkansas, Colorado, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Missouri, Nebraska, New Mexico, Ohio, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Virginia and Washington.

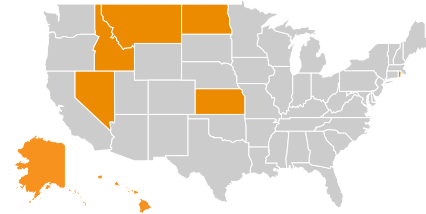
State Examples

Oklahoma's State Regents for Higher Education is a statewide coordinating board for public institutions and has some authority over independent institutions. Oklahoma's postsecondary structure includes four-year systems; four- and two-year systems; and four-year, multi-campus institutions, all of which are governed by individual boards. Local governing boards oversee the state's community colleges, which are not part of a system.

The State Council of Higher Education for **Virginia** is the statewide coordinating board for public postsecondary education and has certain oversight responsibilities for independent institutions. Virginia's State Board for Community Colleges governs the system's two-year institutions, which do not have individual governing boards. Local governing boards oversee the state's four-year institutions.

Single, Statewide Governing Board

A statewide governing board manages and oversees most functions of the public higher education system and typically has broad authority over institutions. Boards in **Kansas** and **Montana** serve governing and coordinating roles for different institutions in the state.



8 states: Alaska, Hawaii, Idaho, Kansas, Montana, Nevada, North Dakota and Rhode Island.

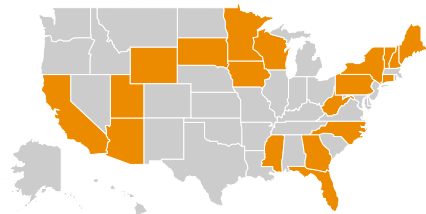
State Examples

Kansas' Board of Regents is considered a single, statewide governing board, although it also serves a coordinating role for most of the public institutions. The regents govern the state's universities, which do not have individual boards, while local governing boards oversee the coordinated campuses.

The Board of Regents of the **Nevada** System of Higher Education governs the state's public four- and two-year institutions, which do not have local boards, and a research institute.

One or More Major, Systemwide Coordinating or Governing Board

One or more coordinating or governing boards oversee institutions within a major, postsecondary system. The states do not have a single, statewide coordinating or governing board.



19 states: Arizona, California, Connecticut, Florida, Georgia, Iowa, Maine, Minnesota, Mississippi, New Hampshire, New York, North Carolina, Pennsylvania, South Dakota, Utah, Vermont, West Virginia, Wisconsin and Wyoming.

State Examples

The **Connecticut** Board of Regents for Higher Education governs a system of state colleges, community colleges and an online college, which do not have local boards. A separate board governs the University of Connecticut. The state's office of higher education is an administrative agency that serves public and independent institutions.

Mississippi's Board of Trustees of State Institutions of Higher Education governs the public, four-year universities, which do not have individual boards. The Mississippi Community College Board serves a coordinating role for the two-year institutions, which are governed by local boards.

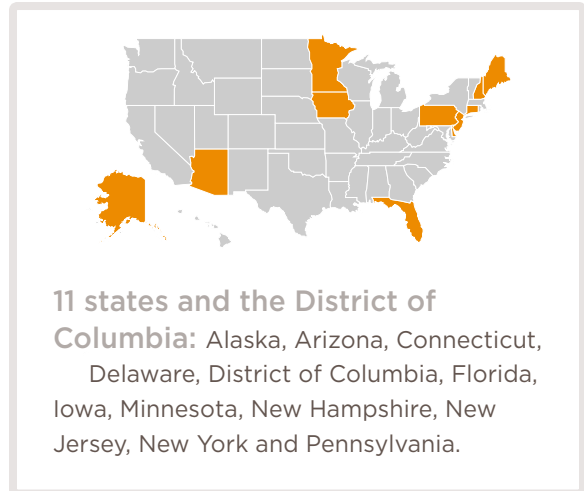
The **Utah** State Board of Regents governs public, four-year universities and community colleges, while Utah's System of Technical Colleges Board of Trustees governs the technical institutions. The institutions in both systems have local governing boards.

Administrative/ Service Agency

Higher education administrative agencies oversee a variety of programs and services for institutions across the state. These states also have system-level coordinating or governing boards and/or governing boards for individual institutions. State postsecondary administrative/service agencies also vary based on whether they are standalone offices or housed within other departments and the types of institutions served, among other distinguishing characteristics.

In addition, at least 15 states have separate offices to administer student financial aid, and some have additional responsibilities beyond

these services. The states include **California, Georgia, Illinois, Iowa, Kentucky, Maine, Michigan, Mississippi, New Jersey, New York, North Carolina, Pennsylvania, Tennessee, Vermont** and **Wisconsin**.



State Examples

Five states have standalone postsecondary agencies: **Alaska, Arizona, Connecticut, Minnesota** and **New Jersey**. **Michigan's** budget office also is a separate agency and has responsibilities for postsecondary institutions.

Six states and the District of Columbia have postsecondary divisions within the K-12 education department. The states include: **Delaware, District of Columbia, Florida, Iowa, New Hampshire, New York** and **Pennsylvania**.

All of the agencies serve public, four-year; public, two-year; and, in some cases, other (e.g., independent/nonprofit, proprietary, online or specialty) institutions — except for the postsecondary divisions in Florida and Iowa, which provide services for public, two-year institutions.



Key Components of Governance Structures

Education Commission of the States included numerous components of state postsecondary governance structures in the 50-State Comparison and state profiles. In addition, the [data visualization](#) tool highlights several of the elements through graphical representation.

This section summarizes information about the following components embedded within the [50-State Comparison](#):

- 1 | Legal authority of statewide and major, systemwide boards/agencies.**
- 2 | Primary responsibilities of postsecondary boards and agencies.**
- 3 | Appointing authority of postsecondary education executive officers.**
- 4 | Selection process for coordinating and governing board members.**

Legal Authority of Statewide and Major, Systemwide Boards/Agencies

States establish the legal authority of postsecondary boards and agencies through constitutional provisions; statutes; and, in a limited number of cases, charters or executive orders. In some instances, a board may be referenced in more than one legal source. To varying degrees, these documents define the responsibilities and authority of boards and agencies and may include provisions related to board membership.

A primary goal — and [often a challenge](#) — for state policymakers is to ensure that postsecondary institutions serve the public interest while providing colleges and universities with sufficient autonomy to control their internal decisions and operations.¹ [State constitutional provisions](#) may limit policymakers' influence over postsecondary systems, institutions and their governing boards; and making changes to these provisions usually requires voter approval.

Through statutes, however, state leaders typically have greater authority to mandate or incentivize boards and agencies to adopt various policies and programs. For example, a state legislature may require a system governing board with statutory authority to implement a particular student success program and only request a governing board with constitutional authority to do so. Further, state lawmakers can use legislative actions to revise requirements and expectations over time.

Education Commission of the States' review of more than 60 coordinating and governing boards found that the majority are established through state statutes. The following chart summarizes the number of statewide and major, systemwide coordinating boards/agencies and governing boards that are established under different legal authorities. See [Appendix 2](#) for coordinating or governing boards within a state that fall under different legal authority categories.

LEGAL AUTHORITY	Number of States	Number of Boards or Agencies	States
Constitutional	17	18	Arizona, California, Florida (2), Georgia, Kansas, Louisiana, Minnesota, Mississippi Missouri, Montana, Nebraska, Nevada, New York, North Dakota, Oklahoma, Pennsylvania and South Dakota
Statutory	36	44	Alabama, Alaska, Arkansas, California (2), Colorado, Connecticut, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa (2), Kentucky, Maine, Maryland, Massachusetts, Minnesota, Mississippi, New Hampshire (2), New Mexico, New York (2), North Carolina (2), Ohio, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah (2), Vermont, Virginia, Washington, West Virginia (2), Wisconsin (2) and Wyoming
Charter	1	1	Maine

Notes:

- An executive order created the State Board of Technical College System of Georgia, which also has statutory authority.
- In Hawaii, the state constitution also establishes the Board of Regents of the University of Hawaii and references board members and their general jurisdiction over the university system.
- Idaho's State Board of Education is also referenced in the state constitution.
- Kansas' Board of Regents is established in the state constitution, although details of the board's legal authority reside in statutes.

Primary Responsibilities of Postsecondary Boards and Agencies

Education Commission of the States reviewed and identified the primary responsibilities of various postsecondary governance entities and developed standardized lists to capture the more common duties and authorities. Information on primary responsibilities is provided for statewide and major, systemwide coordinating and governing boards and for administrative/service agencies.

To a certain extent, coordinating boards, governing boards and administrative/service agencies are defined by their primary responsibilities and authority. While governing and coordinating boards share several similar roles, these entities also have some distinct

responsibilities. For example, most of these boards approve the missions of institutions and develop higher education strategic plans at the state or system level. Governing boards, however, typically hire campus presidents and determine their compensation agreements. The lists on the next page identify some of the common authorities and responsibilities that statewide and systemwide coordinating boards exercise, although they vary across the states.

In addition, these coordinating and governing boards typically play a role with respect to system or institutional budgets. In general, governing boards have the authority to approve budget requests and recommend individual budgets or a consolidated budget to the legislature and other state policymakers. Coordinating boards more commonly review and recommend budgets, although some have

approval authority. In a few cases, the boards have a limited or no role in the budget process.

The majority of coordinating and governing boards also review and approve new academic programs that are proposed by institutions. Some boards only have the authority to

review new academic program requests or have a limited (if any) responsibility related to new programs.

Finally, most of the boards have the power to appoint the leaders of postsecondary agencies or systems.

Coordinating and Governing Boards: Common Responsibilities

- Advise and/or provide recommendations to state policy and education leaders.
- Approve or oversee interstate compacts and reciprocity agreements (e.g., SARA, tuition agreements).
- Approve institutional missions.
- Develop and/or administer academic policies, programs and initiatives (e.g., admissions, transfer).
- Develop master/strategic plans for a state or system.
- Develop and/or oversee accountability or performance measures.
- Engage in statewide or systemwide policy planning.
- Recommend or approve establishing, merging or closing institutions.
- Review existing academic programs.
- Review or approve facility/capital construction plans.

The following lists summarize responsibilities that coordinating or governing boards are *more likely* to be charged with, although both types of boards may be involved in these activities.

Coordinating Boards

- Administer student financial aid and/or loans (Note: Primarily the responsibility of their affiliated agencies).
- License or approve/authorize specified institutions.
- Provide information and data services for the state/systems/institutions.

Governing Boards

- Approve or administer bonds.
- Approve presidential hiring and/or compensation.
- Approve or award degrees and credentials.
- Ensure system/institutional efficiencies.
- Govern systems and/or institutions.
- Monitor or evaluate system/institutional effectiveness.
- Promote or advocate for institutions.
- Set faculty and personnel policies.

Postsecondary Administrative/ Service Agencies

As with other postsecondary entities, the roles of administrative/service agencies vary, which might be a function of the state's broader governance structure and the historical development of these offices. Based on Education Commission of the States' research, the most common responsibilities include the following:

- Advise or provide recommendations to state policy and education leaders.
- Approve or oversee interstate compacts and reciprocity agreements (e.g., SARA, tuition agreements).
- Conduct research and analysis.
- Develop and/or administer policies or programs (e.g., admissions, transfer).
- Engage in statewide or systemwide policy planning.
- License or approve/authorize specified institutions.
- Provide information and data services for the state/systems/institutions.

For all postsecondary entities examined in this Policy Guide, the responsibilities and authority listed do not include financial activities related to setting tuition/fees, allocating funds or developing/overseeing funding formulas.

Appointing Authority of Postsecondary Education Executive Officers

The authority to appoint a postsecondary education executive officer is a significant component of state governance because that individual influences the priorities, policies and direction of postsecondary entities in the state.

Generally, governing boards and coordinating boards appoint most of the postsecondary education executive officers. For instance, system governing boards appoint executive officers in **Maine** and **North Carolina**, while statewide coordinating boards have this authority in **Alabama** and **Indiana**.

Governors in several states, including **Ohio** and **Washington**, play varying roles in appointing, approving or hiring the executive officers. In other states, agency boards/committees, the state board of education or the commissioner/secretary of education has the appointing authority. In **Massachusetts**, the statewide coordinating board appoints the executive officer — with approval from the secretary of education, who is appointed by the governor.

See [Appendix 3](#) for additional information about the appointing authority of boards and agencies.

Selection Process for Coordinating and Governing Board Members

The majority of board members for statewide and systemwide coordinating and governing boards are appointed. Governors hold the appointing authority for most boards, although legislators and professional associations have this responsibility for some board members.

In most states, several individuals are ex-officio board members based on their professional roles, such as higher education leaders, state K-12 superintendents and directors of non-education agencies. In addition, students serve on numerous boards and are appointed by the governor (often from a list of nominees) or are chosen by their affiliated student government organizations. Faculty members also serve on some boards and are usually selected by their professional associations. State policy might require board member representation from congressional districts or the business community or for governors to consider race, ethnicity and gender in their appointments.

Coordinating and governing boards typically are charged with setting the overall vision for a state, systems or institutions. Depending on their scope of authority, board members can affect decisions related to system and campus

leadership, performance goals, academic programs, faculty policies, and budgets and financing, among other central issues.

Education Commission of the States reviewed information for more than 60 statewide and major, postsecondary system governing and coordinating boards and found the following:

- The **Nevada** Board of Regents is a single, statewide governing board, and the members are selected by voters through a general election.
- **Washington's** Student Achievement Council is the coordinating board for public higher education, and eight of the nine members are appointed by designated early learning, K-12 and postsecondary entities. A student also serves on the council.
- Members of the remaining boards are appointed by governors (most common) and/or legislatures. The significant number of board appointments by governors typically require confirmation by the state Senate or both legislative chambers. The state legislature selects all members for the University of **Minnesota** Board of Regents and University of **North Carolina** Board of Governors, and appoints some members for at least five other boards.



Questions for Consideration

While postsecondary governance systems can be categorized into basic models, no two states or the District of Columbia have the same underlying structure. The variations and complexities can pose challenges to understanding individual state governance configurations and making cross-state comparisons.

Yet, education governance is one of the core foundations that influence how decisions are made and by whom within the state policymaking process. As such, policy leaders may benefit from expanding their knowledge of their state's postsecondary governance system and asking questions that include:

Does the division of authority and responsibilities in postsecondary governance support policymakers' ability to pursue the state's education goals?

What are assets of the state's postsecondary governance system that help move important policy decisions forward? Are there features that hinder decision-making?

Are there components of other postsecondary governance systems that might strengthen leaders' efforts to achieve state objectives?

How can state and education leaders work within their postsecondary governance system to advance policies that improve student outcomes?

Appendix 1:

Governance Models, Boards and Agencies

The numbers in parentheses indicate states with more than one board. The next page provides a further explanation of several boards and agencies.

TYPE OF BOARD	Number of States	Number of Boards or Agencies	States
Single, Statewide Coordinating Board/ Agency	20	20	Alabama, Arkansas, Colorado, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Missouri, Nebraska, New Mexico, Ohio, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Virginia and Washington
Single, Statewide Governing Board	8	8	Alaska, Hawaii, Idaho, Kansas, Montana, Nevada, North Dakota and Rhode Island
One or More Major, Systemwide Governing Board	14	25	Arizona, California (3), Connecticut, Florida (2), Georgia (2), Iowa (2), Maine (2), Minnesota (2), New Hampshire (2), New York (2), North Carolina (2), Pennsylvania, Utah (2) and Vermont
One or More Major, Systemwide Coordinating Board	2	3	West Virginia (2) and Wyoming
Major, Systemwide Coordinating and Governing Board	3	6	Mississippi (2), South Dakota (2) and Wisconsin (2)
Administrative/ Service Agencies	11 and DC	12	Alaska, Arizona, Connecticut, Delaware, District of Columbia, Florida, Iowa, Minnesota, New Hampshire, New Jersey, New York and Pennsylvania

Several states have more than one systemwide coordinating or governing board and may also have a statewide administrative agency.

- **Florida, Iowa, New Hampshire, New York** and **Pennsylvania** have postsecondary divisions within their K-12 departments of education that function as administrative/service agencies.
- A statewide board in **Kansas** and **Montana** serves governing and coordinating roles for different institutions. However, the boards typically are categorized as governing.
- **Mississippi, South Dakota** and **Wisconsin** have a governing board for the four-year systems and a coordinating board for the two-year systems.
- **New Mexico** does not have a board affiliated with the department of higher education, which serves as a statewide coordinating agency.
- **New York's** state board of education has certain governing responsibilities for all public K-12 and higher education. However, governing boards for the City University of New York and the State University of New York exercise significantly more authority over their institutions.
- **Ohio's** Board of Regents serves an advisory role to the executive director of the department of higher education, which is a statewide coordinating agency.
- **West Virginia** has separate coordinating boards for the four-year and two-year systems.
- **Wyoming** has a coordinating board for two-year institutions and a governing board for the University of Wyoming, which is not considered a system.

Appendix 2:

Some states have more than one coordinating and/or governing board that are established through different legal authorities. The following list provides names of these boards:

CONSTITUTIONAL: Regents of the University of California, Board of Regents of the University System of Georgia, University of Minnesota Board of Regents, Mississippi Board of Trustees of State Institutions of Higher Education, The Board of Regents of The University of the State of New York, Pennsylvania State System of Higher Education Board of Governors and South Dakota Board of Regents.

STATUTORY: California State University Board of Trustees, State Board of the Technical College System of Georgia, Maine Community College System Board of Trustees, Board of Trustees of the Minnesota State Colleges and Universities, Mississippi Community College Board, City University of New York Board of Trustees, Board of Trustees of State University of New York and South Dakota Board of Technical Education.

CHARTER: University of Maine System Board of Trustees.

Appendix 3:

Appointing Authority of Postsecondary Executive Officers

The numbers in parentheses indicate states with more than one board. The next page provides a further explanation of several boards and agencies.

APPOINTING AUTHORITY	Number of States	Number of Boards or Agencies	States
Agency Board or Agency Committee	2	2	Alaska and Delaware
Coordinating Board	18	19	Alabama, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Virginia, Wisconsin, West Virginia (2) and Wyoming
Coordinating Board, With Approval of Governor	1	1	Arkansas
Governing Board	23	31	Alaska, Arizona, California (3), Connecticut, Florida, Georgia (2), Hawaii, Iowa, Kansas, Maine (2), Minnesota (2), Mississippi, Montana, Nevada, New Hampshire (2), New York (2), North Carolina (2), North Dakota, Pennsylvania, Rhode Island, South Dakota, Vermont and Wisconsin
Governing Board, With Approval of Governor and Senate	1	2	Utah (2)
Governor	2	2	New Hampshire and Pennsylvania
Governor, With Approval of Senate or Legislature	7	7	Colorado, Connecticut, Maryland, Minnesota, New Jersey, New Mexico and Ohio
Governor, on Recommendation of Coordinating Board	1	1	Washington
State Board of Education or Commission/Secretary of Education	6	6	District of Columbia, Florida, Idaho, Iowa, Massachusetts and New York

The following notes describe the appointing authority of higher education executive officers for various boards and agencies within the states.

- The **Alaska** Commission on Postsecondary Education's executive director is appointed by a board that oversees the agency. The University of Alaska Board of Regents appoints the system's executive director.
- **Connecticut's** Board of Regents for Higher Education appoints the system's executive director, and the governor appoints the director of the state office of higher education.
- **Florida's** governing board for the four-year system appoints its executive director, and the K-12 commissioner of education appoints the Division of Florida Colleges' director within the department of education.
- The **Iowa** Board of Regents appoints the system's executive director, and the K-12 commissioner of education appoints the director of the Division of Community Colleges and Workforce Preparation.
- **Massachusetts'** Board of Higher Education appoints the executive director with the approval of the secretary of education, who is appointed by the governor.
- **Minnesota's** governing boards appoint their system's executive director, and the governor appoints the director of the state higher education office.
- Coordinating and governing boards in **Mississippi, South Dakota** and **Wisconsin** appoint their systems' executive directors.
- **New Hampshire's** governing boards appoint their system's executive director. The governor appoints the Division of Higher Education director after consultation with the K-12 education commissioner, state board of education and the higher education commission.
- **New York's** two governing boards appoint their system's executive director. The governor appoints the director of the office of higher education within the department of education.
- The **Pennsylvania** State System of Higher Education Board of Governors appoints the system's executive director, and the governor appoints the director of the Office of Postsecondary and Higher Education within the department of education.
- **Rhode Island's** governor serves as an additional voting member of the Council on Postsecondary Education for the purpose of appointing, retaining or dismissing the executive officer.



About the Author

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As a senior policy analyst, Mary focuses on issues related to postsecondary governance and contributes to workforce development and other postsecondary education policy projects. Mary brings more than 20 years of experience with Education Commission of the States and has worked on numerous K-12 and postsecondary issues during her career. Beyond a commitment to serving our constituents and supporting educational opportunities for all students, Mary has a passion for community service and the arts. Mary can be reached at mfulton@ecs.org or **303.299.3679**.

ENDNOTES

1. Frank A. Schmidlein and Robert O. Berdahl, "Autonomy and Accountability: Who Controls Academe?" in *American Higher Education in the 21st Century*, ed. P. G. Altbach, P. J. Gumpert, and R. O. Berdahl (Baltimore, MD: The Johns Hopkins University Press, 2005), 70-88.

