

# The “Seamless System”

Florida’s flurry of dramatic changes in the governance of public education

By Jon Marcus

ORLANDO

**B**EYOND THE FRESHLY planted, carefully manicured landscaping fringing the new roads, there’s not much to betray what is planned for the area of Central Florida called Lake Nona. Only a few bored-looking cattle graze past the lonely new strip malls that are the unmistakable early warning signs of looming development in this state.

What is about to happen here is symbolic both of the remarkable growth of higher education in Florida and the dramatic way the public universities are governed after two revolutionary changes in just five years. Those changes served to decentralize a system that was once tightly centrally controlled (just as has been happening in other states), and then to rein it in again. Through it all, politics in this politically obsessed state became even more of a factor in what happens at each campus.

In January, VIPs will come from all over Florida to Lake Nona to mark the groundbreaking for a biosciences building that will be the first component of a new medical school and the 13th satellite campus for the University of Central Florida, a school that did not exist until 1968 and is now (along with two other Florida universities) one of the ten largest in the United States, with more than 45,000 students. “The biggest university you never heard of,” people in Orlando like to joke. Students call it “UCF—Under Construction Forever.”

UCF made its argument for a new medical school with a survey it commissioned that shows the demand for new physicians in Florida will grow from 2,800 a year now to 4,200 a year by 2021. Despite its aging demographic in need of healthcare, Florida ranks 37th per capita among the states in medical school enrollment. And Central Florida, whose elderly population will nearly double by 2025, has no medical school at all.

But numbers alone were not the crux of the university’s strategy. UCF also teamed up with public Florida

International University in southwest Miami, which wanted a medical school, too, citing, among other things, the prestige it would attract along with a projected tripling of the \$80 million a year in sponsored research FIU conducts today.

The two proposals, which together will cost an estimated \$500 million over ten years, were made into a single package,

channeling the impressive political clout of two of the most politically dominant sections of the state. “That was just arithmetic,” UCF President John Hitt said unabashedly. “If you look at the delegations and the politics, you’ve got Southeast Florida and Central Florida. It’s very hard to stop that in the legislature.”

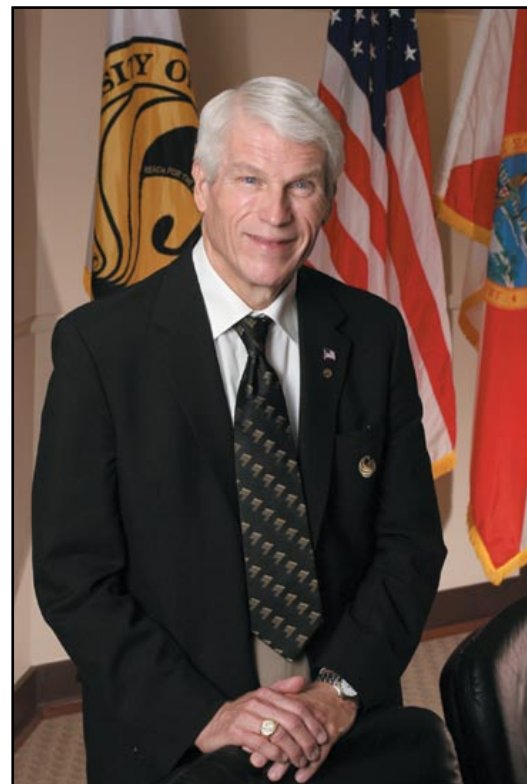
The university also brought in John Thrasher, a former Republican speaker of the House, who had earlier managed to get a medical school for his alma mater, Florida State University, over the objections of the Board of Regents. Thrasher was paid \$7,500 a month to lobby for UCF. “If somebody’s working for you, they’re not working against you,” Hitt explained. In all, the UCF Foundation hired eight lobbyists to push the medical school.

Though some members questioned whether a new medical school was needed, let alone two (critics argued that expanding residency programs was a better way to increase the number of Florida doctors), the new university oversight committee, now called the Board of Governors, approved them last April, by a vote of 16 to one. Within weeks, so did the legislature.

Politics like these are not a new part of Florida higher education, of course. It would be “incredibly naive” to believe so, said John Cavanaugh, president of the University of West Florida and head of the resurgent State University Presidents Association. “You’re dealing with a political system. By definition it’s political.”

It was politics that brought things to this condition in the first place.

For 35 years, Florida’s university system was largely controlled by the Board of Regents, which served in part to protect the schools from interference by legislators who wanted to put pet programs on the campuses in their districts. The regents also kept a tight lid on the universities, representing their interests collectively but minimizing (while



**John Hitt presides over 45,000-student Central Florida University, one of the nation’s largest.**

Todd Anderson, Black Star, for CrossTalk

**Backers of the new K-20 “seamless system” insisted it would bring an end to fighting among the various levels of education over finite resources.**



**Chairman Carolyn Roberts of the state university Board of Governors hopes to cut down on the “end runs” that campus presidents make around the board to reach key legislators.**

not entirely preventing) direct lobbying by universities of friendly legislators.

This, not surprisingly, created tensions. It all came to a head in 2000, when the regents rejected an elaborate political horse trade designed to bring a new medical school to Florida State, and law schools to Florida International and Florida A&M universities. In each case, angry legislators—led by the powerful Thrasher, who threatened to hold up all other business until the deal was approved—stepped in and reversed the board.

The legislators didn’t stop there. Within a year, on July 1, 2001, under a sweeping statewide education reform famously hashed out by

Thrasher and Governor Jeb Bush on a napkin over dinner and called the K–20 initiative, the Board of Regents itself was dissolved. It was replaced by a single education “super board” to oversee primary and secondary schools, the state’s 28 community colleges, and the 11 public universities, with their 285,289 students, 13,600 faculty, and \$6.9 billion budget.

This new “seamless system,” putting all levels of education under a single governing authority, was also ostensibly meant to improve coordination, especially among community colleges and universities—even though Florida was already a leader in this area, with long-established articulation agreements, common course numbers, and other partnerships.

Regardless of the merits of the K–20 idea, it really came down to this, said Robert Atwell, retired president of the American Council on Education, who lives part-time in Florida: “The Board of Regents was correct to try to stop the (Florida A&M) law school and the Florida State medical school, but it cost them their life.” The scheme to get rid of the regents, the *St. Petersburg Times* editorialized, “was plainly tinged with malice on the part of House Speaker John Thrasher and

other legislators who favored pricey new programs... that the regents opposed. For more than 35 years, most legislatures had allowed the regents to do what they were created to do: minimize competition among the schools; get Florida the best bang for a buck. Occasionally, however, legislators tried to get

rid of the regents. Finally, they succeeded.”

Backers of the new system insisted it would bring an end to fighting among the various levels of education (and among the public universities) over finite resources. The seamless system, they said, also would result in better student preparation for universities and better teacher preparation by them. And they contended that another facet of the plan, which established local boards of trustees for each of the public universities, would help them better serve their own regions—an outcome of the change that almost everyone now seems to agree has been its greatest strength.

Critics countered that the fighting over resources would be worse than ever. And, in fact, the University of Florida soon had hired eight lobbyists, as political pressure for more campuses and more programs grew. Long prevented from offering four-year bachelor’s degrees, some community colleges started to do so, to the consternation of the universities. The local university boards of trustees started their work by vying to see who could pay their presidents the most. Some universities began to encroach on one another’s turf; for example, Florida International University started offering master’s degree programs near Florida Atlantic University, and the University of Florida started an M.B.A. program 314 miles away in Broward County, where Florida Atlantic University has four campuses. It was warlike enough to make one university president ask what the “rules of engagement” were.

Meanwhile, another powerful legislator pushed through an Alzheimer’s research center at the University of South Florida, and named it for his father. With the Board of Regents no longer serving as a buffer, many such “member projects,” as they were euphemistically termed (“little turkeys,” one higher education official called them privately), showed up in the budgets of community colleges and universities. Santa Fe Community College, for example, was compelled to open a branch in a legislator’s sparsely populated home district. When the agricultural arm of the University of Florida tried to close a facility in the Senate president’s hometown, he passed legislation preventing services there from ever being cut. A bipartisan group of former state officials and educators would ultimately call Florida’s higher education governance system “a banana republic rife with gamesmanship.”

Within months, statewide budget problems threatened a billion dollars in cuts for education, and the various factions dug in. Opponents of the “seamless system” said they had been right all along—that the different education sectors would be at each other’s throats for money. There was no question that the funding was needed to serve the state’s exploding population. The primary and secondary schools that year found themselves with 16,000 unanticipated students. It was a familiar problem.

Public universities have grown by 100,000 students in the last 15 years. (Florida Gulf Coast University alone, which opened in 1997 on former swampland near Fort Myers, already has more than 6,000 students, and expects 15,000 by 2010.) Yet while three Florida public universities now rank in the top ten in size, only the University of Florida ranks nationally in quality. As the budget crisis raged, Florida continued to be near the bottom of the 50 states in education

**Florida’s sweeping 2001 education reform was famously hashed out by Governor Jeb Bush and Florida’s speaker of the House on a napkin over dinner.**

funding, according to a study by the Florida Chamber of Commerce Foundation.

Only 28 percent of Florida high school graduates go immediately to college, compared to 54 percent in the best performing states. Many begin their work toward a degree at the community colleges, which struggle to keep up with the demand. It was the community colleges that the education “super board” singled out for protection from the budget cuts, citing their soaring enrollment (especially of minorities) and the need for worker training.

“It was pretty disastrous,” Atwell said of the early days of the new system. “You had chaos. Each of the individual institutions and their lobbyists and supporters worked Tallahassee, competing with each other for resources. It was absolutely Darwinian.”

In the end, the universities and community colleges treaded water, ending up with their budgets undiminished from the previous year, but also not raised. And even that was only possible because of a significant increase in student tuition.

The more surprising outcome of the disarray came in the familiar figure of U.S. Senator Bob Graham. The former governor had been watching from the sidelines and complained that, while the old Board of Regents had its flaws (he once vetoed an earlier attempt by the legislature to abolish it), the new structure invited too much political interference in higher education. Along with E.T. York, former state university system chancellor, and others, Graham started campaigning for a referendum to revive a Board of Regents-like governing body. Local boards of trustees would remain in place, but there would again be a statewide governing council that would determine how money allocated by the legislature for the universities would be spent—on, say, medical or law schools, or not. The Graham proposal went on the ballot as Amendment 11 in November 2002.

State university presidents, many university trustees, and the community colleges lined up against the measure. The community colleges were particularly opposed, saying Graham’s new board ignored the community college system, which serves four times as many students as the state universities. “The dynamics of it are, you have the children in the K–12 system that everyone wants to take care of; and the universities seem to be where people—even people who go to community colleges and then on to universities—have more of a connection than with their community colleges,” said Michael Comins, chief executive officer of the Florida Association of Community Colleges.

Backers of Amendment 11, including former Board of Regents member Joan Ruffier, said that, whether they liked it or not, the universities needed some form of a statewide governing body to advocate for their collective interests. “Florida is trying to build the best university system in the country, if not the world,” Ruffier said. “To have a single board overseeing all of education was just too much. We felt we couldn’t go back to the way things were because the boards of trustees had been put in place. But there was no overriding system to prevent the universities from competing to mutual extinction.”

“To the surprise of a lot of people,” as Atwell put it, the

amendment was approved by the voters, creating a new Board of Governors to oversee Florida’s public university system. It would be the third higher education governance structure in the state in as many years. And it already had a big problem: The members were to be appointed by the governor, and showed no signs of wanting to rock the boat. “That was a terrible thing to do, and it haunts us today,” Atwell said.

The Board of Governors, loaded with Jeb Bush appointees, met for the first time in January 2003 and almost immediately refused much of the power voters had given them. They filled the university boards of trustees with the same people who had been on them before, using a list provided by the governor’s office. While the people who had written the amendment said the board should set tuition, it left that to the legislature. Although it was authorized to set presidential compensation and bargain with unions, it let the trustees do that. And it ruled that a proposed chiropractic school at Florida State University did not need its approval.

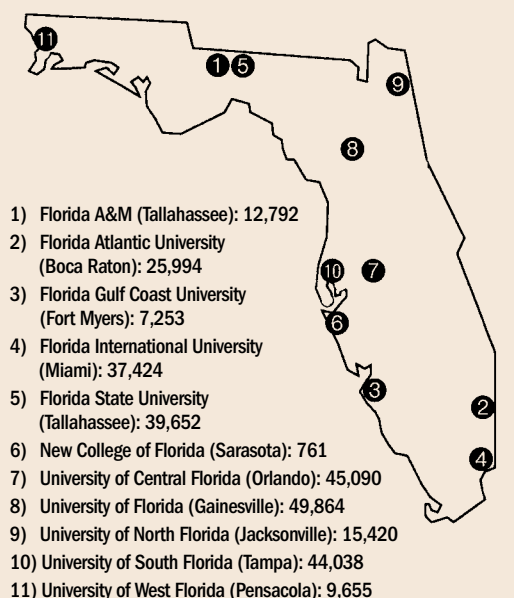
The chiropractic school proposal marked as much of a milestone as had Amendment 11. With shades of the medical school that had been snagged by John Thrasher, the chiropractic college was the baby of Senate President Jim King, a Florida State University alumnus, and then-Senate Majority Leader Dennis Jones, a chiropractor. It was a formidable lineup.

The university’s faculty came out against the school, calling chiropractic medicine a pseudo science. So did alumni who feared that it would hurt their alma mater’s academic reputation. Florida already has more chiropractors than the national average; a new private chiropractic college had just opened near Daytona.

Then, nearly two years after deciding that it would not weigh in, the Board of Governors voted unanimously that the chiropractic college did, in fact, require its approval. Two months after that, on January 27, 2005, the board rejected the proposal. “That was when we really came of age,” said Carolyn Roberts, the chairman and a veteran of the Board of Regents. “We are an evolving system. Anything healthy evolves.”

It wasn’t an entirely spontaneous epiphany. The backers of Amendment 11 had sued the board to do what they said it was supposed to do—stop legislators from funding pet projects at the universities in their districts or at the schools they had attended, for example. In a hearing, the plaintiffs compared

## Florida’s Public Universities and Their Fall 2005 Enrollments



**The University of Central Florida, along with two other Florida universities, is among the ten largest in the United States, with more than 45,000 students.**

the local trustee boards to “little bitty kingdoms,” and charged that, “Whoever had the best politicians, the best lobbyists, got a medical school, got all this stuff. You’re dealing with a provision passed by the people that has not only been mismanaged, but deliberately converted or perverted to be a power play.”

Although the Board of Governors seems to have begun to flex its muscles, few on any side of the various debates are entirely

happy with it yet. The board did little to challenge the political blockbuster medical school proposals at the University of Central Florida and Florida International University, for instance.

While he’s optimistic, York said, “there are a number of things I think need to be done that they haven’t done. For example, there was no credible evidence that we needed two new medical colleges, yet the Board of Governors has now approved two. The chair says she’s concerned about alienating the legislature. Well, hell’s bells, what was the purpose of the amendment in the first place?” Tom Auxter, president of the United Faculty of Florida union, complains the board is “always looking over their shoulder and being careful not to do anything the governor doesn’t want or the legislature

doesn’t want. I think that eventually the Board of Governors will have the kind of power and authority and composition that it needs to do its work, but not for 15 years or so.”

As for Roberts, she said Florida’s governance system “is going to work very well. It has not been without some serious conversations,” she said, choosing her words carefully. “But I believe, overall, people are becoming comfortable.”

They had better settle in. Florida continues to face huge challenges. A voter referendum that mandated smaller class sizes in primary and secondary schools has turned out to be impossibly expensive, leading universities to wonder whether the money will come out of their budgets; already, the education commissioner has proposed diverting cash for K–12 construction from a fund supported by utility taxes that has long been designated exclusively for university construction. “That is going to take a large amount of money, and we have to compete with that, too,” Roberts said. “But, you know, [the universities] have class size issues, too, as I keep telling the legislature.”

The Florida Board of Education has instituted a new process for community colleges to offer still more four-year degrees, largely over the universities’ objections. While Florida’s community colleges lead the nation in associate’s degrees granted, the state ranks 47th in the number of bachelor’s degrees. And the breakneck population growth shows no signs of abating, which will force important decisions about whether to send even more students through the community colleges or build new state universities or

## **UPDATE** **Florida’s Governance of Public Education** **March 2008**

**T**HE STRUGGLE over Florida higher education governance, described in *National CrossTalk* articles in 2001 and in 2006, has continued unabated.

The basic issue is control. The Board of Governors of the State University System believes it is empowered to make major policy decisions for the 11 campuses and their 300,000 students. But the Florida Legislature insists it has the authority to make those decisions, especially the setting of tuition rates.

The issue was joined in the summer of 2007, when the Board of Governors, which had been acting cautiously since its establishment through a state constitutional amendment in 2002, seized the initiative and approved a five percent undergraduate tuition increase to take effect in the spring 2008 semester. However, the legislature then passed its own five percent increase, nullifying the board action.

Later, legislators and Governor Charlie Crist agreed to allow the state’s four largest campuses—the University of Florida, Florida State, the University of Central Florida and the University of South Florida—to impose differential tuition increases of 30 to 40 percent over five years.

Board members argued that tuition increases were needed because the state’s average tuition and mandatory fees (\$3,361 at the time) were the lowest in the nation, while its student-faculty ratio of 31:1

was far higher than the national average of 25:1. They also pointed out that state spending for the university system, already near the bottom nationally, had been cut by \$157 million in 2007-08, with even deeper cuts expected in 2008-09.

“Quality is at risk,” board chair Carolyn Roberts told the *St. Petersburg Times*. “Access is important to our state, but quality has to be the number-one priority.”

But the Board of Governors’ action displeased the legislature, which over the years has favored keeping tuitions low. State Senate President Ken Pruitt, a Republican, introduced a resolution to abolish the Board of Governors, as part of yet another overhaul of postsecondary education governance—the third in six years.

**Florida state Senate President Ken Pruitt, a Republican, introduced a resolution to abolish the Board of Governors, as part of yet another overhaul of postsecondary education governance—the third in six years.**

The Pruitt resolution sought to abolish the present Board of Governors, replacing it with a board “subservient to the legislature,” a spokesman for the Board of Governors said. There also would be changes in the composition of the State Board of Education and the boards of trustees of the 11 state university campuses.

Finally, the resolution would create a Commissioner of

branch campuses.

The University of Florida, in the small city of Gainesville, has said it simply can not get any bigger. It announced in the fall that it would cut faculty in departments including English, philosophy and religion because of a budget deficit that occurred when funding for the College of Liberal Arts and Sciences failed to keep pace with enrollment. The cuts will come through retirements, but Auxter, himself a philosophy professor there, estimates that a quarter of the demoralized younger faculty are shopping around for new jobs.

Nor has the politics abated. In May, the University of Florida and Florida State got more than \$40 million in construction money from the legislature that had not been requested by the Board of Governors. "Somebody cut a separate deal," John Delaney, president of the University of North Florida, told the board in a contentious public conference call. Board member Charles Edwards added, "We actually had our own universities out lobbying against us. We need to look at how our universities' lobbyists work with us. They should not be allowed to lobby against the interests of the board."

Roberts agrees with Edwards. She has appointed a committee to decide what penalty university presidents will face if they bypass the board and go directly to the legislature for programs or money. "We're all pro-university," she said. "But this competition among the universities in Tallahassee is not appropriate." Said Atwell: "This outfit (the Board of Governors) is not a joke, but it certainly has been rather weak,



**Joan Ruffler, a veteran of Florida higher education politics, believes the Board of Governors is needed "to prevent the universities from competing to mutual extinction."**

and the dog-eat-dog situation in Tallahassee continues."

The presidential pay arms race persists, too. The legislature capped presidential salaries at \$225,000 in 2003, but local university trustees continue to award huge raises to their presidents by using money from their private fundraising foundations. After winning the medical school vote, the

Education over all public education, from kindergarten to graduate school. This would be a return to the "seamless system" put in place by former Governor Jeb Bush that was widely considered to be ineffective.

(The reorganization called for by the Pruitt resolution would make little difference to Florida's 28-campus, 850,000-student community college system, said Will Holcomb, the system's chancellor. "The present system has worked pretty well for us and we support it," Holcomb said, but the new arrangement "would not make much of a change for us.")

On March 27, the Senate approved the resolution, but Republican House leaders failed to garner the three-fifths vote needed to put the measure on the November ballot. "We tried; we tried hard, but the support's just not there," said Ellyn Bogdanoff, Republican House majority whip, in the *St. Petersburg Times*.

Richard Novak, vice president for public programs at the Association of Governing Boards, opposed the measure. "Florida needs a governing board to establish policy leadership. The state is growing fast, enrollment is increasing rapidly, there has been a proliferation of law schools and medical schools. There doesn't seem to be good overall planning."

**State spending for Florida's university system, already near the bottom nationally, had been cut by \$157 million in 2007-08, with even deeper cuts expected in 2008-09.**

In the meantime, former Florida Governor and U.S. Senator Bob Graham and others have filed a lawsuit, arguing that the 2002 state constitutional amendment (also pushed by Graham, among others), creating the Board of Governors, had transferred authority to set tuition rates from the legislature to the new board. The Board of Governors joined the lawsuit, further antagonizing Senator Pruitt and other lawmakers.

"This lawsuit is nothing more than an attempt to get unbridled tuition increases," Pruitt said. "God help our students if they win."

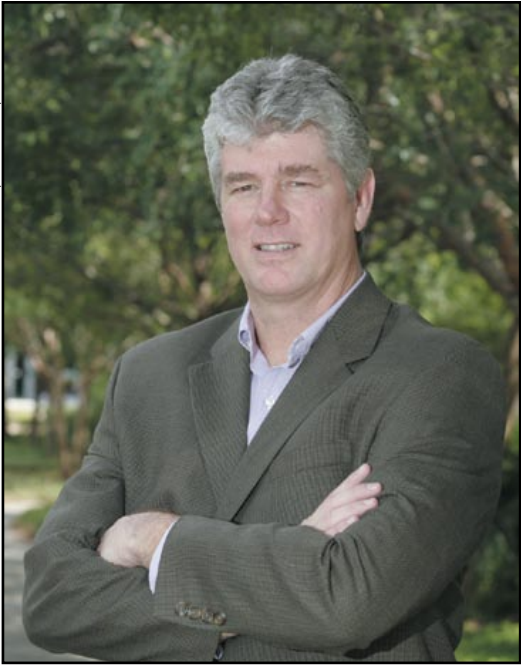
Those who follow the twists and turns believe the Graham forces will try to defeat the referendum but, failing that, will seek a new constitutional amendment that once again would establish the authority of the Board of Governors.

All of this has taken place against a background of financial distress. Florida, with no personal income tax, relies heavily on sales and real estate taxes, both of which have slumped due to declines in both the housing market and tourism. The result was an estimated \$1.8 billion state budget deficit in 2008-09, leading to sharp cuts in higher education spending.

State university campuses have responded by freezing enrollments and hiring, and by postponing construction of new academic facilities.

"The governance and funding of higher education are a mess," Robert H. Atwell, a Sarasota resident and former president of the American Council on Education, wrote in an op-ed in the *Sarasota Herald-Tribune*. "The primary victims will be those thousands of qualified students who will be turned away from the senior institutions or the community colleges."

—William Trombley



**Michael Comins, chief executive officer of the Florida Association of Community Colleges, says the two-year schools have been generally ignored in formation of the various new higher education governance arrangements.**

response to requests made over a four-week period.) The state continues to be a leader in the relationships between universities and community colleges. “Left to our own devices, we might have eventually gotten here anyway,” said Cavanaugh, the University of West Florida president. “But the (K–20) initiative really speeded up that process.”

Cavanaugh said there is also less competition than collaboration among Florida’s 11 public universities. “Quite honestly, and we can set the medical school debate aside, I have not seen the university sector slug it out for who’s going to get the next Ph.D. in English program or anything of that sort.” Besides, he said, “a certain level of competition is good for the system. To squelch competition would pretty much lock in mediocrity.”

Decentralization in the form of their local boards of trustees has tied the universities more closely to their communities than most of them once were—and vice versa. Local residents and, by extension, legislative delegations these days take a deeper interest in the universities’ needs for buildings, equipment and other resources. (It is also an unaccustomed disadvantage for the University of Florida in Gainesville and Florida State in Tallahassee; because of their small-city hometowns, they don’t have the political clout that they enjoyed before.)

Back at the University of Central Florida, the rush-hour traffic on University Boulevard is even heavier than the traffic driving toward fast-growing downtown Orlando 13 miles away. Four stories above the teeming campus, workers are preparing to remodel Hitt’s outer office to make more room. On the wall behind him at a conference table is a satellite image of the school, carved out of a cypress swamp and arranged in concentric circles with the parking on the outside. There’s a 45,000-seat football stadium going up, along

with a 10,000-seat arena, new engineering and psychology buildings, and new residence halls. More than \$50 million in land and cash has been raised for the new medical school. The university already has a \$14 million recreation center with an indoor track, a 41-foot climbing wall, a pool, and a smoothie bar. Its Rosen College of Hospitality Management is housed in a \$28 million facility near Walt Disney World. Its College of Optics and Photonics is developing lasers used in warfare and to detect chemical and biological weapons. And its engineering program produces graduates ready to work at nearby Lockheed Martin.

Hitt worries most that some future governor will centralize Florida’s university system again. “That’s the one concern about it, that if you have another governor who didn’t believe as Governor Bush did in devolution or decentralization, then you might go back to one-size-fits-all. And it doesn’t work. It just doesn’t.” With one exception, Hitt said: There is a need for a central board “to divvy up enrollment, to divvy up construction funds. You can’t leave that as a food fight among the presidents. It does make sense to have a professional, centralized body overseeing that.” The Board of Governors is preparing a strategic plan, and that, said Hitt, “is the kind of thing they ought to be doing.”

More than just Floridians will be watching. Decentralization is a trend among public university systems. From Illinois to New Jersey to Virginia, legislatures are giving more autonomy to individual institutions. “I think it was the realization of greater competition, a feeling that the higher educational market needed nimble institutions to be able to respond quickly to student demand and changes in the market—for example, research projects that could be moved more quickly from the laboratory to the market,” said Richard Novak, vice president for public-sector institutions at the Center for Public Higher Education Trusteeship and Governance in Washington. Still, he said, “There’s a great concern about public purposes and the need for a state-level entity of some sort that can ensure that public purposes, particularly access, affordability and participation, don’t fall too far down the priority list.”

Yet on the whole, said Atwell, state governing bodies have been weakened, not strengthened, despite the fact that “good public policy is more than the sum of individual institutional interests.” ♦

Jon Marcus is a writer based in Boston who covers higher education in the U.S. for the (UK) *Times Higher Education* magazine.

**A bipartisan group of former state officials and educators would ultimately call Florida’s higher education governance system “a banana republic rife with gamesmanship.”**