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Market University or University Family? Challenges to the Locus of Authority in Public University Tuition Policy

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Abstract

State higher education systems have played an important role in increasing college participation among disadvantaged student populations, partly because they have been students' most affordable option. Since the 1980s, nearly every state legislature with power to set public sector tuition has transferred tuition setting authority to unelected university governing boards, making way for substantial increases in tuition costs. I use a comparative case study method to show how institutionalized ideologies about public postsecondary education led policymakers in New York to resist this national trend while in Texas they abdicated control over tuition. I demonstrate that the organizational arrangement of postsecondary institutions placed different types of normative constraints on political actors as they weighed the merits of devolved tuition authority, leading to divergent outcomes. My research advances sociological understandings of the politics of higher education and education policymaking in general.

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INTRODUCTION

Sociologists of education have shown that tuition costs and financial aid affect college access, especially for low-income students who are more sensitive to tuition increases (Baker and Velez 1996; De La Rosa 2006; Heller 2006, 1997; US Department of Education 1999). More broadly, the issue of tuition at the nation's colleges and universities—and related increases in student debt—has grabbed the attention of scholars and the general public (Houle 2013). In this paper, I contribute to research on these pressing issues by turning attention to the policy side of tuition setting, particularly what led states to different conclusions about where the locus of authority should be for setting public university tuition. Since the 1980s, nearly all states where legislatures previously set tuition rates have devolved tuition setting authority, or *transferred control of tuition from elected state legislatures to the unelected governing boards of public institutions* (Weeden 2015; McBain 2010). This shift in governance is important because it may be a precondition for allowing market competition to govern public university tuition. Yet this institutional shift has not been universal. This paper exploits similarities between Texas and New York to uncover the conditions under which legislators devolve tuition-setting authority. In Texas and New York, higher education leaders pursued devolution of tuition during 1985-1987, 1995-1997, and 2003-2005. I show that differences in the structure of higher education in these

two states has led to distinct ideological commitments that constrained politicians' actions as they considered tuition devolution, leading to adoption in Texas and non-adoption in New York.

New York legislative members resisted devolution due to their ideological commitment to *institutional equality*, or similarly resourced and priced colleges managed by a central authority. New York's public institutions were established with the mission of serving all New Yorkers through geographically distributed, nearly identically priced institutions. Legislators believed this norm was contradicted by a policy allowing public universities to set prices according to a market logic. They were able to resist devolution even during the conservative political climate presided over by Governor George Pataki, a significant shift in the state's political context. In contrast, the organizational arrangement of Texas public institutions arose from a policy of *intentional inequality*, seen in racially segregated state colleges with vast differences in financial support. Although Texas has made significant progress in desegregating public institutions, historical arrangements are currently manifest in the fragmented, hierarchical arrangement of the state's public universities. This context, which fails to support appeals to institutional equality, became an important factor when conservative Republicans won control of state government and forcefully promoted pro-business, pro-market solutions to social and political problems beginning in 2002.

The devolution of college tuition setting authority from state legislatures to politically appointed college governing boards touches on core debates regarding the purpose and responsibilities of public postsecondary education in the twenty-first century. Some scholars argue that higher education is an entitlement that should be subject to democratic controls (Giroux 2014) and that the increasing reliance on tuition signifies another step toward privatization of public institutions (Priest and St. John 2006). Other academics view increasing

college costs as a continuation of postsecondary education's market orientation (Labaree 2016; Yudof 2002). Prior research on education policymaking has dealt little with state-level, higher education policies, but sociologists of education suggest that local context shapes policy narratives and determines policy success or failure (Fast 2016; Johnston 2014). Studies of devolution in other domains point to the role of interest group power and government financial crises (Bridges and Kronick 1999; Pacewicz 2013).

Using rich data from public legislative hearings, I find support for these perspectives and also build on them by attending to the political context of party politics in state legislatures. Although the question of devolution concerned the locus of authority and ability of students to pay, and policymakers addressed both issues during hearing proceedings, these issues did not dictate the outcome. It was dictated by institutionalized ideologies of equality. As sociologists of education work to develop political analyses of higher education they should consider how institutional history affects reform to higher education.

THE POLITICS OF DEVOLUTION AND HIGHER EDUCATION

Prior research by sociologists of education does not specifically address the politics of tuition authority, although scholars have studied the politics of education decision-making and policy outcomes for K-12 education. A consensus has emerged from this research that groups advocating for education policy change draw on discursive resources, such as frames or narratives, to make the case for their positions. However, organizational contexts—and the strategies of actors within organizations—mediate the influence of activists' claims (Binder 2002; Davies 2002; Fast 2016; Johnston 2014; Suarez, Ramirez, and Koo 2009). Johnston (2014) and Fast (2016) elaborate on the ways that local, institutional configurations shape how actors use discursive resources as they pursue policy change. Both authors draw on the work of

institutionalist scholars who view organizational structure as decisive in policy outcomes, although they emphasize the powerful role of broad and local narrative frames in shaping policy enactment. Yet due to their focus on K-12 educational policies, these researchers have not spoken to the political and contextual variables that influence policymaking for higher education. Political decision-making contexts are not the same irrespective of time or place—and in this case, level of education. The historical moment, as well as the institutional environment and the powerful actors in it, are central to policy outcomes (Thelen 1999).

Similarly, scholars who have found evidence of an increasing market orientation in higher education have paid little attention to the policymakers behind state-level changes in funding policies due to their focus on national-level changes. For example, sociologist Elizabeth Popp Berman (2012) shows that an emerging view of universities as market innovators led many academics and administrators to accept the patenting and marketing of research discoveries. Other scholars have found evidence of increased reliance on market investment tools for university funding (Eaton et al. 2016) and a restructuring of higher education to form more connections between universities and markets (Slaughter & Rhoades 2004). None of these authors attend to state-level policies or political actors.

Academics studying devolution in other domains suggest additional factors that influence the abdication of authority from elected to non-elected bodies: government financial crises and interest group influence. For example, in a study of local politics and finance in two mid-sized Rust Belt cities, Josh Pacewicz (2013) shows that funding shortages led elected officials to delegate financial decision-making to unelected officials. Local politicians felt the particulars of new market tools for financing cities were technical so they appointed “development experts” to manage local financial affairs related to tax increment financing. If a similar process were at

work in the public university sector, we might expect to see tuition devolution in states where appropriations are especially low. Policymakers might be eager to pass off the particulars of revenue generation as state contributions diminish and higher education leaders are increasingly required to look for diverse revenue sources.

Other scholars have argued that governance devolution depends on the influence of business interests and class coalitions which pressure elected leaders to maintain authority or delegate it. Bridges and Kronick (1999), for example, argue that class interests played a significant role in the devolution of city governance to appointed city managers in the early 20th century, as working-class residents fought to maintain elected boards and middle-class citizens pushed for devolution to city managers. Adoption of devolution proposals varied across cities due to the disenfranchisement of working-class and immigrant populations, class-based differences in city composition, and local styles of governance. Thus, we may expect pressure from middle- and low-income students, and their families, to play a decisive role in the adoption of tuition devolution.

The scholars studying the politics of K-12 education policy and government devolution make little mention of the role of political parties, specifically whether shifting or distinct political contexts realign interests and thereby change the policymaking landscape. Prior sociological research on higher education has also neglected the role of partisan interests and has not sufficiently studied the role of higher education administrators (i.e., governing boards and university chancellors or presidents) in their role as policy change advocates. Below, I use my findings to show that these two groups—acting in the context of historically-rooted organizational arrangements and related ideological commitments—are key actors.

RESEARCH METHODS AND CASES

Methodological rigor in comparative historical research hinges on the selection of cases (Mahoney and Rueschemeyer 2003, Skocpol 1979). Researchers in this tradition “engage in systematic and contextualized comparisons of similar [or] contrasting cases” and use the comparisons to identify the causal mechanisms leading to the outcome of interest (Mahoney and Rueschemeyer 2003: 13). A smaller number of cases, as seen here in my six instances of devolution proposals, allow for consideration of broader contexts and a wide array of factors in the analysis (Thelen 1999).

New York and Texas are good for comparison because each has a long history of legislative control over tuition rates. In both states, the context of government budget cuts, and a desire for institutional autonomy on the part of higher education leadership, led to repeated consideration of changing tuition-setting authority. In addition, public university leaders in Texas and New York each pursued devolution of tuition authority three times in almost identical time periods (see Table 1, below). This parallel timing allows me to control for factors that may affect higher education policy outcomes across states, such as federal policy changes related to student financial aid or periods of economic recession when most states trim their spending on public colleges. Additional similarities between Texas and New York—such as high levels of postsecondary support and campuses geographically dispersed across a large area—allow me to focus on the role of organizational arrangements and politics in this policy domain. New York and Texas are also cases of interest in a general sense because they educate more college students than almost every other state besides California¹ (College Board 2014).

Public sector tuition trends in New York and Texas differ a bit from national trends. Nationally, public sector tuition increases have outpaced inflation as well as growth in family

income since the 1970s (College Board 2014). However, tuition in New York was already high, relative to Western states, during the 1970s and 1980s, and has had a slower rate of growth than those states. Tuition in Western states like Texas began approaching similar levels during the 1990s. Since devolution of tuition authority in Texas in 2003, tuition charges have surpassed those in New York (see Figure 1). National, and even state-level, tuition trends obscure differences in student charges between institutional types. For example, tuition may appear to be low for Texas students on average, but in reality the charges vary considerably depending on the four-year institution. The gap between tuition rates at the “flagship” campuses (University of Texas, or UT, Austin and Texas A&M) and other Texas four-year universities has widened since devolution in 2003, whereas it has held steady between New York’s four “flagship” institutions (State University of New York, or SUNY, Albany, Binghamton, Buffalo, and Stony Brook) and the other four-year system universities. Eventually, “emerging flagship institutions” in Texas, or those boosting tuition in order to become recognized research universities (UT Dallas and UT Arlington), began steep tuition increases.

[Figure 1 about here]

My primary data sources are legislative hearing transcripts and audio files. Hearings provide a window into the policy-making process and, in particular, the beliefs various groups hold regarding a given policy. Legislative hearings must be held in accessible, public areas and information about them must be posted with sufficient advance notice so the public can attend. They show the concerns that various groups bring to the policymaking process as well as ideological and practical disagreements between politicians, the public (including students), business interests, and educational leaders. Regarding devolution, New York legislative committees held their hearings around the state, often on state university campuses; Texas Senate

committees allowed for public comment during committee meetings at the capitol building in Austin. All Texas hearings in 1986 and 1996 are available as audio files which I selectively transcribed, then coded. Data for the 2003 devolution attempt comes from a video recording of the House of Representatives debate at the bill's second reading. New York hearings came as transcribed documents which I coded. I coded mentions of devolution according to whether the speaker supported or opposed the proposal, then according to the reason(s) they gave.

I also read and coded the text of proposed legislation, government mandated reports, higher education governing board reports, and any other official documents created by, or intended for, state lawmakers. I used news articles, which I selected by relevant dates as well as keywords, such as "tuition," "SUNY/University of Texas," and "deregulation," to confirm findings in primary documents. For this paper, I have also included information from just five of the interviews I have conducted with state legislators, university presidents, and other university employees. These interviews were selectively used based on the quality of data I could find from other sources.

THE ROLE OF INSTITUTIONALIZED IDEOLOGICAL COMMITMENTS IN TUITION POLICY OUTCOMES

The Organizational Arrangements of Higher Education in Texas and New York

Above I briefly described the distinct structures of higher education in New York and Texas. Here I provide more historical background on the public university systems in these two states. This historical background is an essential starting point for understanding the institutional and ideological constraints under which political actors operated. Sociologists have long rejected the behaviorist viewpoint that political action reveals unadulterated political preferences.

Institutional arrangements, such as the organization of public higher education, filter which interpretations of policy goals political actors designate as worth pursuing (Immergut 1998: 20). Institutions do more than channel policy or structure political conflict; they define interests and objectives and those interests and objectives are inseparable from institutional context (Thelen 1999).

New York State's system of four-year, public higher education began with the founding of the State University in 1949, a late start attributable to the state's historic reliance on private institutions to provide four-year and graduate education to state residents (Gelber 2001). Besides being the only state without a public system of higher education, New York State had numerous documented cases of ethnic and racial discrimination in private institutions. Actors in the civil rights movement and members of New York's Jewish community pressured politicians to offer a solution to the latter problem (Clark, Leslie, and O'Brien 2010). In response to these, and other, pressures, state leaders created a highly centralized, state-controlled college system. The administration, finances, and planning for SUNY were directly managed by the New York State Legislature and Education Department (Independent Commission 1985), leading to significant bureaucratic controls not typical of other university systems (Gelber 2001; Douglass 2000). In a book commemorating SUNY's sixtieth anniversary, SUNY faculty member and political scientist Henry Steck (2006) explains,

What traditionally distinguished SUNY from some its sister state 'systems' was the principle that the SUNY whole was greater than the sum of its campus parts. Views differ, of course, on whether this is a good thing. But the rejection of a flagship campus model, the absence of formal tiers *a la* California, the historic commitment to uniform

tuition—these elements and more created a model that looks to a strong SUNY ‘brand’ (212).

Four-year institutions in the SUNY system have long charged nearly identical tuition rates so that a student in western New York can get a quality education at an affordable price without relocating to Long Island, where the Stony Brook campus is located.

The development of public higher education in Texas reveals crucial differences at the planning and development stages. Texas political leaders initiated public higher education in the last quarter of the nineteenth century and, by the 1930s, had promoted the development of numerous autonomous, racially segregated campuses throughout the state (Goldstone 2006; Shabazz 2004; Texas Legislative Council 1953). Desegregation of higher education in Texas was difficult, protracted, and uneven (Chapa and Lazaro 1998; Shabazz 2004). This history of unequal state and public support between institutions is a contributing factor to Texas’ highly decentralized postsecondary education organizational ecology. Education leaders in the state describe the system as fragmented, pointing to the lack of a clear statement of system goals or consistent efforts to coordinate between the systems, and no centralized governance over all public institutions, as examples (Paredes 2014; Texas Select Committee on Higher Education 1986; Yudof 2014). Contemporary Texas public institutions fall into six distinct systems. Each system has its own governing board and, prior to tuition devolution, the Texas State Legislature set tuition rates for all public institutions. Pricing and prestige varied somewhat within each system—as well as across systems—prior to devolution, but the colleges were not free to pursue “market value” in tuition pricing given the cap imposed by the state.

Table 1 provides an overview of my findings organized by conceptual premise. In it, I identify the system of organization for postsecondary education in New York and Texas as well as describe the resulting ideological commitments. I also include information about the political context for each case and the eventual policy outcomes. In two following sections I describe in detail the constraints these organizational arrangements placed on policymakers' ideas about the appropriate roles and responsibilities of public universities, and whether the leaders of those institutions should be granted the authority to set tuition levels.

[Table 1 here]

Ideological Commitments and Political Context in New York

In 1984, SUNY Chancellor Clifton Wharton and the SUNY Board of Trustees organized a commission to study the future of SUNY. This "Independent Commission" included prominent figures, individuals whose expertise would draw significant attention to the report (Independent Commission 1985; Steck 2006). After extensive review of SUNY at all levels the commission issued an emphatic declaration that overregulation was choking SUNY and squelching its potential to become a great university system (Independent Commission 1985). The report's recommendations are numerous, but well-represented by its ultimate suggestion that SUNY be legislatively transformed into a public benefit corporation. Doing so would permit SUNY to have the operational flexibility it desired by changing the state appropriations process and curtailing government oversight (New York State Committee on Higher Education 1985a). Part of this plan was the transfer of tuition-setting authority to the SUNY Board of Trustees, thereby granting campuses permission to set differential tuition rates across the campuses.

New York State's Assembly Committee on Higher Education responded by holding a series of four hearings in different regions of the state to get input from SUNY students, leaders,

faculty, and members of the Independent Commission—as well as any other interest groups—before drafting legislation to implement the recommendations of the report. Almost without exception, the Independent Commission’s findings were celebrated by SUNY administrators and the legislative members present at the hearings.

The issue of devolution was polarizing, however. For the most part, leaders of SUNY and members of the Independent Commission refused to discuss the issue of tuition devolution. During just one of four hearings only one student and one SUNY representative raised the issue. The student, a student government leader, explained that, regarding tuition, students were concerned that a devolved tuition policy would be “putting the possibility of a quality education beyond the reach of certain classes of this state's citizens” and that differential tuition would “allot prestige and quality to a certain few [institutions]. Altering the University's tuition policy is clearly not the route to excellence,” she said, “as it weakens the very basis on which our excellence is built” (New York on Higher Education 1985a: 132). The student also told the committee, “It is imperative that we maintain our commitment to the mission of SUNY: providing universal access to quality public education” (133).

A representative of SUNY’s faculty union reiterated this point, underscoring the necessity of institutional equality, when he told lawmakers, “Consequently, it must be stressed that the 'raison d'etre' of SUNY is to make available to all the citizens of the State the highest quality (basic) education that they are capable of exploiting” (New York Committee on Higher Education 1985a: 101). Similar themes emerged in the three other hearings as Independent Commission members and SUNY representatives sought autonomy without violating the generally accepted view that SUNY needed to be responsive to public needs. Amidst talk of the benefits and drawbacks of lump sum budgeting, constitutional independence, and horror stories

of the government bureaucracy SUNY dealt with, the notion that policymakers were responsible for regulating a unified, family system was reinforced by multiple speakers. For example, SUNY Trustee Chairman Donald Blinken said, “The Commission report supports what has long been the Board of Trustees’ policy: to strive for the highest possible program quality at all SUNY campuses (New York Committee on Higher Education 1985c: 78). Thus, in this first case of attempted devolution in New York, the normative commitment to a unified SUNY is apparent in speakers’ testimony and conversations.

The final outcome of the hearings was a bill that gave SUNY increased control over its budget with less reporting requirements imposed by the State (Steck 2006). The broader goal to make SUNY a public benefit corporation was abandoned, a legislative rejection of the SUNY Buffalo President’s claim that the state should “recognize that SUNY...institutions...have different missions...and that the tasks of the State University can be carried out at the highest levels of quality only in a structure that provides a great deal of flexibility” (Siegel 1985). Most importantly for the purposes of this article, no legislative member, whether Democrat or Republican, took up the issue of tuition devolution and that particular issue was put to rest, for a time. In fact, the legislature’s orientation to SUNY tuition was reaffirmed in a SUNY mission statement enacted in 1985 which stressed the pursuit of access via a “geographically distributed comprehensive system” and a tuition policy that “most effectively promotes the university’s access goals” (New York State, Laws of 1985). The political context in this period was unified in support of maintaining legislative authority over tuition setting.

SUNY leadership undertook a second attempt at devolution in 1995 and 1996. The political context had shifted since 1985, resulting in an ideal opportunity for devolution advocates to succeed. The governor was privatization advocate and conservative Republican

George Pataki, and the majority of SUNY Trustees were appointed by Pataki (Steck 2006). The “Pataki trustees” ushered in an especially conservative era for SUNY. Steck (2006) and a former faculty union leader, Bill Scheuerman (2013), describe the Trustees’ approach as looking to neo-liberal markets for ideas about higher education governance, including the conservative goal to reduce the size of the public sector. One trustee at this time described the Trustees’, and Governor Pataki’s, plans for SUNY as “radical campus autonomy” (Bernstein 1995). During his time in office, Governor Pataki proposed massive cuts for the state colleges as well as tuition devolution, typically with the backing of the SUNY Board of Trustees (Bernstein 1995; Scheuerman 2013). In addition, severe budget cuts in nearly every year since 1989 had left SUNY in a difficult financial position. Given these political and financial conditions it seems likely that legislators would grant SUNY tuition-setting authority. Toward the end of 1995 the SUNY Trustees were charged to “develop a multi-year, comprehensive system-wide plan to increase cost-efficiency in the continuing pursuit of the highest quality and broadest possible access consistent with the state university mission” (New York State, Laws of 1995).

The report the Trustees generated—*Rethinking SUNY* (SUNY Board of Trustees 1995)—advocated for drastic changes at SUNY, including increased campus autonomy, privatization of university hospitals, differential (i.e., devolved) tuition, and, in general, a market approach to SUNY management, such as greater competition between campuses, and increased emphasis on outside fundraising. In it, the Trustees argued for devolved tuition on the grounds that “[differential] rates...better reflect differences in cost [and] support campus flexibility” (SUNY Board of Trustees 1995). When they justified differential tuition on the grounds that campuses were unique and needed freedom to develop independently, the Trustees challenged the ideal that SUNY access was premised on institutional similarity.

Reaction to the report varied, but its reception was much more hostile than the report SUNY instigated in 1985. Even before *Rethinking SUNY* could be publicly scrutinized, three of the thirteen Trustee-appointed board members who worked on the report refused to endorse the final recommendations. In a dissenting report, appended to *Rethinking SUNY*, they pointed out that variable tuition signified a reversal of the state's commitment to "maintain the broadest possible access and choice for all students across the state" and would "shift the burden of responsibility of the mission from the State and the Trustees to the backs of individual students and taxpayers" (46). The dissenters' statement reinforced the ideological commitment to institutional equality and foreshadowed the tone of the legislative hearings.

To get public and SUNY feedback on the report, the Assembly Committee on Higher Education again held a series of hearings across the state. During the hearings the narrative weight of SUNY's institutionalized history are clear, not only in the testimony of those who *objected* to devolution, but even in the testimony of SUNY leadership who *promoted* devolution. This is well represented in a dialogue between two Assemblymen and a SUNY campus interim president (Standing Committee on Higher Education 1996b):

Assemblyman Luster: "I'm concerned that what we're seeing here is about conceiving the very attitude that I think the *Rethinking SUNY* report leads to and that is, let's create a batch of colleges, a batch of universities, let's give them some money so we can call them a state university, but let them actually be so totally autonomous that in almost every way they are privatized in that sense. I think we need to keep focus on a system...." (38).

President Defleur: "I would not disagree with that, but it is in a way, it's just like a family. We have different talents and different abilities and I believe that we also need to have a

system that allows a Binghamton to exist and to flourish as well as some very different kinds of schools and so that's the balance that we all seek" (39).

Assemblyman Sullivan: "On that subject, if I may, in my family there were my brother and my sister and myself. We all did different things with our lives, right, but we all had the same fruit, we all had the same dinner, we all had the same roughly size bed. We all had the same clothes and then we all went off and did different things" (40).

Assemblyman Sullivan went on to say that there was some flexibility needed, but even within a similar funding environment SUNY campuses would have the freedom to meet varying needs.

Across three legislative hearings held in 1996 to discuss *Rethinking SUNY*, twelve out of twenty-five reasons given for opposing devolution dealt exclusively with the possibility that differential tuition rates would "undermine any cohesiveness that's left" (Standing Committee on Higher Education 1996c) across the campuses and would be the "nail that seals the coffin of some of the smaller, less competitive campuses" (Standing Committee on Higher Education 1996c: 130). All of the students who spoke and all faculty members, with the exception of one, opposed tuition devolution. At the Albany hearing a student association representative drew on the same family metaphor and said,

I'm really against it because, basically, the thing is, I view SUNY as a family unit, you know. You have like--you wouldn't find a mother and father telling their little child, go ahead and fend for yourself, make your own money and, send yourself through school.... they work together and it brings...the status of the entire family to a better degree. Well, if the SUNY University Centers started charging more and essentially having the quality of education in those university centers exceed the quality of education in the four-year

institutions, what you would have is just competition within the family. Competition within the family is dangerous (Standing Committee on Higher Education 1996a: 171-172).

Of the comments specifically supporting devolution, twelve of eighteen speakers tried to convince the Assembly Committee that devolution was appropriate because SUNY campuses were distinct, but that it should be administered in a way that would not hurt the whole system nor any individual campus.

Only one presenter said that market forces should be allowed to demonstrate which campuses had economically viable missions under a system of devolved tuition (Standing Committee on Higher Education 1996c). A news report confirms what the legislative hearings show: that the chairs of higher education committees in both the Senate and Assembly were “conceptually opposed” to the idea of devolution (Durr 1997). Despite the efforts of SUNY leaders (including an additional report, see SUNY 1996), the Governor, and several other Republicans, no devolution proposal made it to the Assembly or Senate floor for a vote.

The final attempt at devolution in New York was the least formalized but reflects the robust ideological position that the policies governing SUNY should focus on equal treatment across institutions, or the ‘family approach.’ In 2005, during multiple legislative hearings regarding legislative updates to SUNY governance, SUNY leadership again raised the issue of tuition devolution. At one hearing, former SUNY Chancellor D. Bruce Johnstone testified in support of “sector-varied tuition,” but the proposal elicited no response from legislators (Standing Committee on Higher Education 2005b). In Albany, both SUNY Chancellor Ryan and the president of SUNY-Albany advocated, in a veiled way, for devolution (2005a). They

proposed a “rational tuition policy” that would allow the universities to set increasing, but predictable rates. Both men preemptively explained that SUNY would remain accountable under a system of flexible—and potentially devolved—tuition and would submit detailed reports regarding how funds were spent to show whether “this [has] been good for the State University of New York for all the stakeholders, most importantly, for our students (2005a: 44).

During this devolution attempt there were no political actors forcefully advocating major changes to SUNY as there had been in 1996. During the hearing referenced above, Democratic Assemblyman Ronald Canestrari responded to a similar appeal for limited tuition devolution by asking whether such a policy would not “hurt some schools as opposed to others” (Future of the Public University Systems 2005a: 142). Canestrari’s concerns were shared by others. During a hearing in Stony Brook, Senate Republican Kenneth LaValle—who was present during the 1985 and 1996 attempts—responded to a SUNY administrator’s petition that the committee consider devolved tuition by explaining that,

...on differential tuition, it has been the policy of our Committee and the Senate to not support that, and for several reasons. Number one, there is a historical and cultural thing in the system... and it’s absolutely real. The second thing is that certain regions of the state become discriminated by a differential tuition because of that region, such as downstate, sends a higher percentage of their students to university centers, therefore, my constituents would be paying, by and large, higher tuition than Legislator X from upstate New York or another part of the state. And so we like the family approach, that everyone in the family is treated fair and equitably in terms of paying tuition. So that’s why that has always been difficult for the Legislature (Standing Committee on Higher Education 2005d: 74-75).

As in previous decades, state legislators' ideological commitments to institutional equality, rooted in New York's distinctive organizational arrangement, made tuition devolution an insurmountable policy goal.

Ideological Commitments and Political Context in Texas

Table 1 shows that the institutional constraints on ideological commitments in Texas were not related to achieving access via organizational unity or equal treatment of institutions. As I describe in this section, the objections Texas politicians and students voiced overwhelmingly reflected other concerns. Devolution of tuition authority did not violate either the organizational arrangement of higher education in the state or a norm of institutional equality. Thus, when higher education administrators proposed devolution, legislators' objections reflected concerns like affordability and accountability, issues that were salient to a shrinking number of legislative members after the conservative Republican takeover in 2002.

The initial push for devolved tuition came between 1985 and 1987 as a government-appointed committee on higher education began working on a report that eventually recommended greater control over "local revenue" for public institutions, including tuition and fees (Select Committee on Higher Education 1987). Representative Wilhelmina Delco (Democrat and Chair of the House Committee on Education) spearheaded the recommendation effort to find cost effective ways to manage and improve higher education and she included devolution in her proposal. For Delco, devolution was a necessary evil to "preserve quality" in the face of declining state appropriations to public higher education (Senate Committee on Education 1985).

Politicians' objections to devolving tuition discussed during the Senate Education Committee hearing can be classified into two types: one, tuition increases would have negative

effects on minority and low-income students and two, boards of regents were unaccountable to the public. Nearly every politician who spoke, and several of the students and university representatives who testified at the hearings, said something similar to one Texas Student Lobby spokesperson: "a poor student in this state will have to choose where he or she attends based on his or her income and not on his or her ability, and it will certainly not be at a first-class university" (Senate Committee on Education 1985). Several speakers also expressed concerns that unelected boards would be virtually unaccountable to the tuition-paying public. Only Rep. Delco contended that the governing boards should be allowed to manage the affairs of higher education because they were the true experts on university management and costs, not the legislative members who only met for 140 days every other year and selectively dealt with higher education issues (Senate Committee on Education 1985). Delco's argument is the closest any lawmaker came to defending higher education's need to operate like a business, or rely on a market logic for tuition pricing, in 1985.

Committee members proposed addressing concerns over access for low-income students by increasing tuition set-asides that were used to fund need-based financial aid. The second concern regarding accountability remained a real issue, and one which higher education leadership, such as UT Austin President William Cunningham, sought to assuage by promising continued accountability (Cunningham 2015).

The issue of institutional differentiation or inequality was mentioned twice during the hearing, compared to twelve mentions of the legislation's impact on students from lower-income households or concerns over reduced accountability for tuition increases if tuition rates are under board control. Senator Edwards and Representative Delco agreed that tuition devolution would "widen the gap" because "rich schools are going to get richer, the poor schools are going to get

poorer" (Senate Committee on Education 1985). Inherent in this objection was the fact that the institutions were already seen as different, and even unequal. Delco pointed out that educating a student at UT Austin cost significantly more than it did at the University of North Texas, but agreed that increasing the inequality between those institutions (or any others) was an undesirable policy outcome.

Ultimately, it was the lack of accountability among university boards and the possibility of unknown increases in tuition that deterred the Senate and House education committees from fully recommending devolution of undergraduate tuition. Instead, they opted to devolve tuition authority over graduate programs exclusively. They were swayed, in part, by Pres. Cunningham's point that a large proportion of graduate students were from other states, and were therefore not Texas taxpayers (Cunningham 2015; Cunningham 2013).

Politicians' ideological commitments to student access and university accountability continued to frame the devolution debate during the 74th Legislative session in 1996, although the role of market pricing gained greater prominence. Texas Senator Bill Ratliff, a moderate Republican, worked with Chancellor Cunningham (who by this time was Chancellor of the University of Texas system) to initiate the second attempt. Ratliff said he was motivated by two factors: an understanding that state appropriations would never again be sufficient to meet the needs of public higher education and pressure from higher education leaders to give them tuition flexibility (Ratliff 2015; Stutz 1996). Ratliff's only hesitation relating to devolution was its possible impact on low-income students. To remedy this, Sen. Ratliff explained that his devolution proposal was part of a three-part recommendation which mandated that a proportion of any increased tuition revenue be set aside for low-income students (Senate Committee on Education 1996). In the Committee on Education hearing where Ratliff's proposals were

adopted, other legislators and hearing participants echoed this concern, and at least two Texas State Senators believed the tuition set-aside grants would be an insufficient response to growing tuition rates because they were only accessible to the poorest students. Senate Democrat Gonzalo Barrientos believed the bill would fund higher education “on the backs of the middle class” (Senate Committee on Education 1996). Barrientos told the Committee,

The rich kids, they're taken care of anyway, so who's gonna get stuck? It's gonna be the people in the middle! And the people in the middle are always gettin' stuck and they're tellin' me they're tired of it.

Sen. Ratliff explained that he had wrestled with this same issue, but struggled to find a better solution:

I think the alternative to this, in many cases, is that we're going to have to come up with hundreds of millions of dollars in general appropriations in order to appropriate to these institutions and most of those same people are going to be paying that same price [through taxes].

Barrientos' response touched on the issue of accountability: “...but let us who get elected by the public get the heat for doing that.”

The issue of accountability for the college boards, also raised during the 1986 devolution proposal debates, was repeatedly invoked by Sen. Barrientos and a likeminded colleague, but did not lead to consensus among the committee members in 1996. Senators Barrientos and Luna, in a memo to Sen. Ratliff, explained:

Our concern is that the Committee's recommendation allowing governing boards of

university systems to set tuition rates for undergraduate programs is an inappropriate expansion of governing board authority. [...] Allowing governing boards to further increase tuition would place higher education out of reach for many low and middle income Texans, even if additional funds were made available to low-income students. The Legislature should consider this measure carefully before relinquishing the authority to regulate tuition at our public institutions of higher education (Barrientos and Luna 1996).

Despite their objections, the notion that tuition prices, established through a market mechanism, could keep postsecondary education institutions competitive and therefore accountable was beginning to gain traction. In short, legislators increasingly expressed the view that students would vote with their feet, so institutions would be forced to charge only what the “market can bear,” because otherwise universities would see enrollment declines and be forced to lower tuition.

Chancellor Cunningham promoted devolution on the grounds that institutions could deliver a better service to students if they controlled tuition setting (Senate Committee on Education 1996) and that degrees at some universities are “worth more on the market” than they are at other institutions (Brooks 1996). When Sen. Ratliff introduced the devolution proposal to the Senate Education Committee he explained that degrees have different values in the job market, so they should cost different amounts: “I don't think there's any question that the value of a degree is higher in some cases than others. And I see no reason why tuition shouldn't be adjusted” (Committee on Education 1996). Republican Senator Jane Nelson also endorsed this view, writing in support of Ratliff’s proposal that university tuition should “more accurately

reflect market conditions” and opposing any redistribution, thereby allowing institutions to keep added revenue so that “students paying higher tuition [can] see that they are getting their money’s worth through an improved product” (Nelson 1996). This reasoning is summarized by Ratliff’s argument, in response to Barrientos’ objections:

But to me it seems better to have each institution decide how much their constituents can pay, how much their education is worth. I just feel that there is a form of market system with higher education. And to some extent, that market system must work.

At the hearing, only Barrientos objected vocally to his point, insisting that “this is not exactly a business!”

Of the objections voiced concerning the proposal during the hearings, only Sen. Barrientos and Don Brown, Deputy Director of the Texas Higher Education Coordinating Board, mentioned stratified institutions. Chancellor Cunningham seized on this introduction and put a positive spin on the issue by thanking Barrientos for raising the subject and explaining,

...institutions *do* cost different kinds of money to be able to provide the services. A place like Texas A&M, UT Austin, with their major research laboratories, are always going to cost more than those institutions that simply haven't invested in those facilities.

No one present responded to Cunningham’s point or reiterated Barrientos’ claim.

Despite being approved by the Senate Committee on Education, the devolution bill died when Sen. Ratliff moved to a different chairmanship in the Senate and his replacement, Republican Sen. Teel Bivins, said he would not pursue devolution for fear of creating a system where elite institutions would become inaccessible for many Texans (Brooks 1996). Bivins, who

had voted to approve the legislation during the Committee hearing, changed his position once he was charged with determining the Committee's legislative priorities.

The final attempt at tuition devolution in Texas, which took place in 2003, was successful. Several political changes had taken place in the Texas political context that made devolution palatable to a larger number of legislative members: first, they were different members, and second, the new members pushed the legislature's orientation further to the right. The Texas election of 2002 marked a major conservative turn in Texas. Moderate Republicans, and some Democrats, were replaced by highly conservative Representatives and Senators (Ratliff 2015; UT Austin LAITS 2006). Committee chairmanship in the House was no longer the purview of Democrat Wilhelmina Delco, who had ultimately resisted devolution of undergraduate tuition in 1986 and 1996. The chair position was now occupied by conservative Republican, and self-proclaimed Reagan devotee, Geanie Morrison. Sen. Bivins, who had opposed devolution in 1996, reportedly stated that tuition increases and devolution were highly likely because, given a sparse state budget, "It's revenue" (Jayson 2002). New Texas governor Rick Perry, although he argued for higher education's importance, had a track record of promoting reforms meant to move higher education toward a business model (*On Point* 2013).

A new University of Texas Chancellor, Mark Yudof, was also appointed by the UT Regents in 2002. Yudof espoused the view that truly "public" research universities were a thing of the past, and that, regrettably, guaranteeing the future of such institutions required them to hybridize by increasingly relying on private support, even for public goals (Yudof 2002). Like his predecessor, Yudof made increased tuition flexibility for UT a major preoccupation (McGee 2002; Wertheimer 2003; Yudof 2002). He tirelessly promoted deregulation among the UT Regents, the public, and politicians. He promised financial aid for poor and even some middle-

class students, paid for by tuition increases; he promised greater higher education accountability to lawmakers and the public; and he repeatedly argued that UT could not progress with meager state support if tuition revenue continued to be limited (Flores 2002). Without tuition flexibility, UT Austin could not maintain its status far above other public schools and other UT campuses could not become great research universities.

Representative Morrison, sponsor of the 2003 legislation, was clear that the bill had been authored with consistent and direct input from higher education leaders (Texas House of Representatives 2003). Morrison and other Republicans stood in support of the bill, arguing that the public institutions needed the freedom to run like businesses (Texas House of Representatives 2003). Devolution, they said, would allow the universities the revenue and efficiency necessary to fulfill their missions. Morrison repeatedly spoke of a “need for flexibility” and ability to “run more like a business and use facilities better,” especially in the context of continued budget cuts to higher education. According to Ratliff (2015), “there is no doubt that the deregulation of tuition was an outgrowth of the ultra-conservative movement,” due to the combination of decreased financial commitment from the legislature and pro-privatization ideological commitments.

Critics, all Democrats, drew attention to this market orientation by highlighting the “philosophical shift” that the policy represented (Rep. Sylvester Turner) and even arguing that devolution was not truly a free market approach because higher education would still receive millions in state funds but not be accountable to the public (Rep. Joseph Deshotel, Rep. Norma Chavez). Those opposed to the bill also objected to the legislative servicing of higher education interests (Texas House of Representatives 2003). They objected to the abdication of a legislative responsibility to unelected boards (Rep. Pat Haggerty). They argued that the public institutions

were trying to “have their cake and eat it, too” by receiving state appropriations *and* seeking to set tuition according to their interest rather than reasoned public policy (Rep. Sylvester Turner). Legislators opposed to the bill also accused higher education leaders of being greedy and deceptive. They accused lawmakers who supported the legislation of acting on behalf of unelected higher education boards rather than the students and families who overwhelmingly opposed the bill. They also feared that the bill would be funded “on the backs of students and families” (Rep. Turner) and pointed out that, even with tuition set-aside funded scholarships, “someone has to pay that tuition” (Rep. Miller).

In Texas, students mobilized by calling elected officials, protesting at higher education boards of governors meetings, and attending any legislative events to which they were permitted (Rodriguez 2003; Wolfson 2003). Ratliff (2015) recalled that students had been present at previous Senate Committee on Education hearings, and had objected to devolution because they feared tuition increases, but their efforts were magnified in 2003. Students and families showed up in force to the House floor debate of devolution and can be heard during Rep. Sylvester Turner’s floor time as he rhetorically asks Morrison, “Who’s asking for this bill? Are the students wanting us to deregulate tuition? [off-screen, from gallery: ‘NO!’] Are the parents asking us to deregulate tuition? [NO!] Are the middle-class families asking us to deregulate tuition? [NO!] Then who do we represent?”

As in previous Texas devolution attempts, the issue of institutional equality was a marginal one. In contrast to New York where both devolution supporters and opponents framed their argument in the context of institutional equality, no Texas supporters of devolution voiced concern over institutional equality and the issue was raised just three times during almost seven hours of floor debate. In one instance, Rep. Paul Moreno (El Paso Democrat) criticized

devolution by telling Rep. Morrison that the plan would create “a different structure in that the flagship institutions are in one category, and the other universities...are going to be under a different structure.” Morrison maintained that the structure would be the same because the colleges and universities are “all at different levels based on where they are and the programs that they have.”

Ultimately the bill was passed, Governor Perry enthusiastically signed it, and public institutions began the work of setting their own tuition levels, with big increases for some institutions (see Figure 1). Since 2005, numerous attempts have been made to reverse devolution, but the law still stands.

New York versus Texas: Alternative explanations

Scholars who have studied other episodes of devolution of authority from elected to unelected bodies have viewed economic crisis (Pacewicz 2013) and class interests (Bridges and Kronick 1999) as central to shifts in public governance. I find little support for the hypotheses that economic crises or class interests contributed to devolution in the case of public university tuition. Economic stagnation during the 1980s had serious consequences for state appropriations to higher education (McPherson and Shapiro 1998), so it is logical to expect that decreased state appropriations—and the fiscal crises they are caused by—might have caused tuition devolution. However, New York and Texas faced very similar economic conditions during these devolution attempts. In fact, New York reduced its appropriations more drastically than Texas (see Figure 2).

[insert Figure 2 here]

My analysis also shows that interest groups are not decisive for devolution outcomes. It is reasonable to assume that those most impacted by tuition increases—middle- and low-income

students and families—would put pressure on state legislators to continue regulating tuition (Brooks and Manza 2007). Students were opposed to tuition devolution in both states, participating in legislative hearings and floor debates, but their opposition was especially persistent and vocal in Texas. Student coalition building and organized resistance to the policy did not prevent Texas from approving devolution of tuition authority.

Last, political parties played a role, but only in combination with the ideological designs for equality institutionalized in university systems. Political sociologists have shown that in the United States the Democratic Party generally supports direct appropriations for social programs to a greater degree than the Republican Party (Burstein and Linton 2002; Soule and King 2006), including higher education appropriations (McLendon et al. 2009; Tandberg 2008; Tandberg 2010). Deciding who pays for higher education is clearly a political project given its elevation as the central institution for fighting social inequality and promoting meritocracy. In Texas and New York, more Republicans were favorably disposed to tuition deregulation than Democrats, although several powerful Republicans opposed deregulation in New York. In Texas, for tuition devolution to succeed, the ascendance of more conservative Republicans was necessary but not sufficient. It also took an ideological acceptance of institutional differentiation, rooted in the design of the state university system.

CONCLUSION

Sociologists of higher education have devoted considerable attention to access and affordability, but less attention has been paid to the social origins of the policies that undergird higher education access and affordabilityⁱⁱ. The present article addresses the causes of one policy change in higher education, specifically the devolution of tuition setting authority. Prior research on education policy emphasizes the importance of ideological commitments in explaining policy

outcomes (Johnston 2014; Mehta 2013). When it comes to explaining tuition devolution policy, I find support for the centrality of ideological commitments, but only of a certain type—specifically, ideological commitments rooted in the organizational arrangement of state higher education.

The proper locus of authority for tuition decision-making might seem to be an arcane administrative question, but the cases presented here show that the devolution of tuition-setting authority bears on central questions in the sociology of education. Education scholars are concerned by issues of access and affordability, and have shown that geographic proximity (Turley 2009) and tuition levels (Heller 1997) effect enrollment among disadvantaged college-aged youth. Research by Donald Fisher and colleagues suggests that the continued turn toward market policies and practices in higher education can lead to greater institutional differentiation, which tends to benefit students from privileged families and hurt underprivileged students (Fisher et al. 2009; Fisher and Rubenson 1998). Tuition devolution policies speak to these issues because students may be better able to access reasonably priced, geographically dispersed institutions when tuition is set by the state legislature, as in New York. The centralization of tuition-setting authority in the legislature places limits on a university's ability to pursue its institutional interests. These limits could have detrimental impacts on university rankings and competitiveness, so those impacts must be weighed against the costs of devolution for access and affordability.

The most general implication of this study is that institutional history affects the prospects for market-oriented reforms to higher education. The history of Texas and New York's public higher education systems, and subsequent organizational arrangements, supported different ideological commitments. Even a strong campaign for devolution in 1996 failed in New

York because it threatened an entrenched norm of institutional equality. That ideological commitment never existed in Texas, so a similar push for devolution succeeded when it aligned with the market-oriented rhetoric of newly elected, conservative Republicans in 2003. The governance of higher education is more than just a neutral set of rules for decision-making. Governing arrangements embody promises of equality or norms of inequality that may shape expectations, and thereby block or advance the turn towards the market in public higher education.

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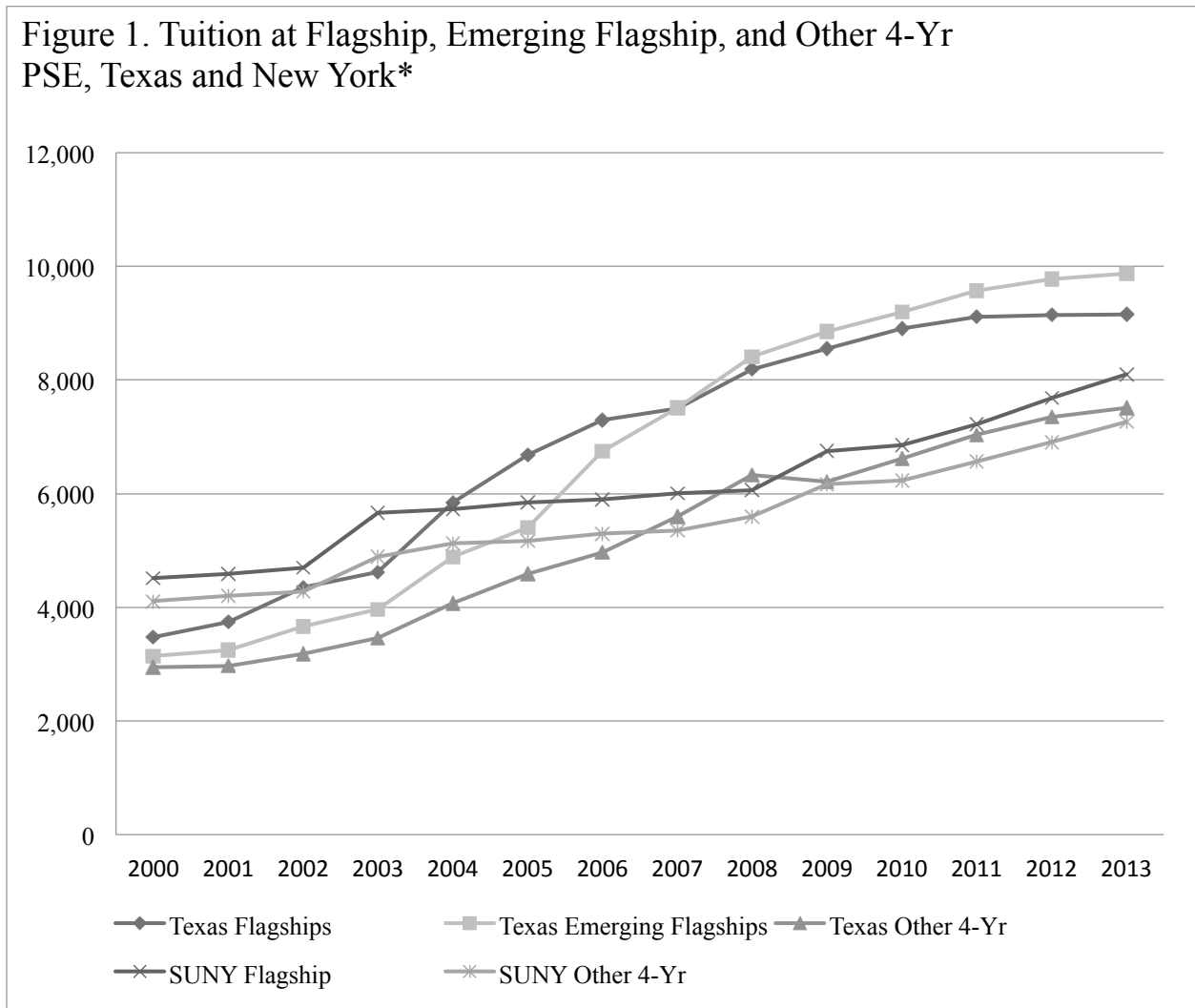
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TABLES AND FIGURES

Figure 1. Tuition at Flagship, Emerging Flagship, and Other 4-Yr
PSE, Texas and New York*



*Data from IPEDS; author's calculations. SUNY Flagships refers to the three "University Centers" which can charge an additional student fee, hence slightly different tuition rates. Texas Flagships refer to University of Texas at Austin and Texas A&M, the original beneficiaries of Texas' Permanent University Fund and Texas' original research universities.

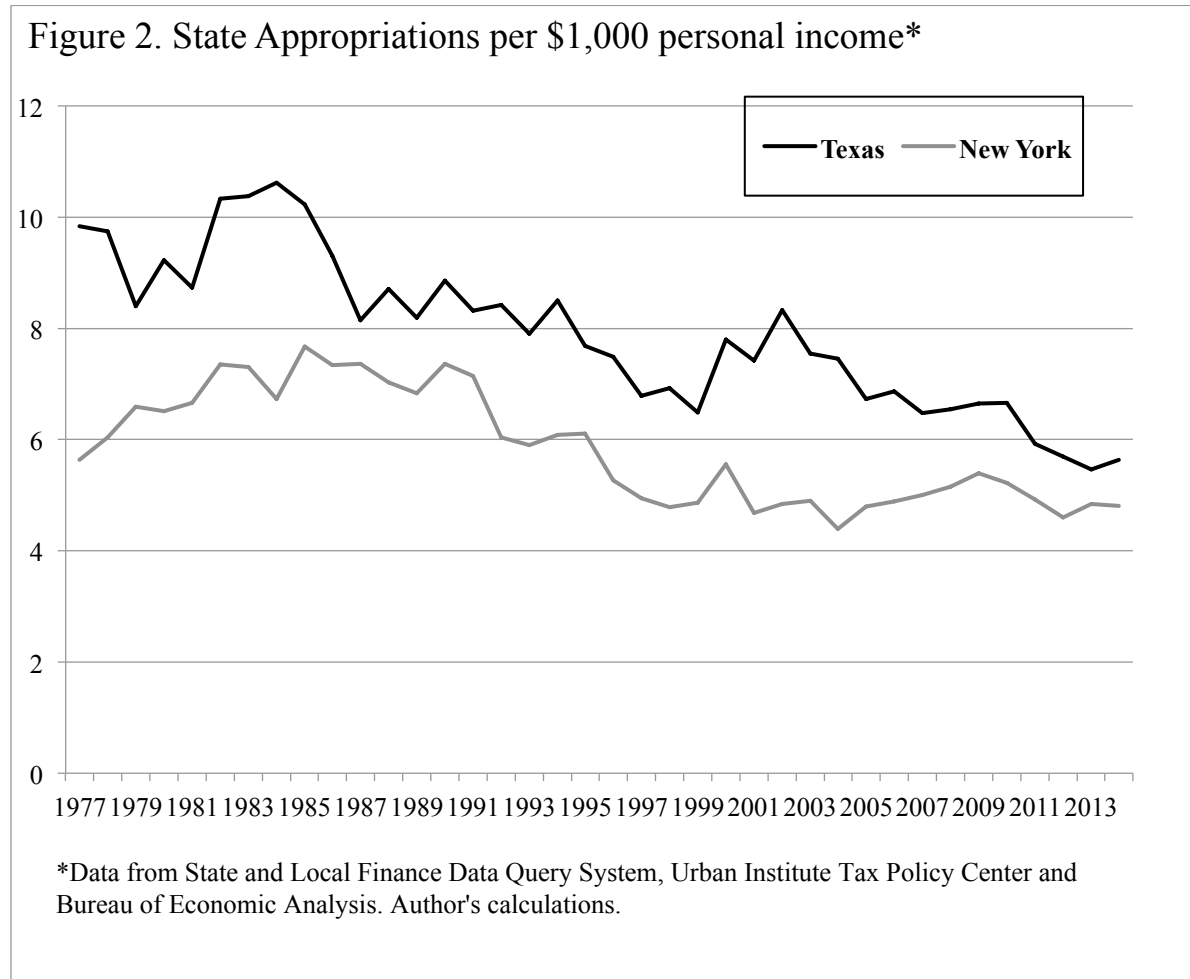


Table 1. Summary of conceptual factors in tuition devolution attempts, Texas and New York

	<i>organizational arrangement</i>	<i>resulting ideological commitment</i>	<i>mediating political context</i>	<i>policy outcome</i>
New York	Centralized higher education governance. Similar state financial support for universities.	SUNY should operate as collective whole to support student access. State oversight keeps colleges accountable to public.	Bi-partisan legislative support for unified SUNY. Limited Republican pressure for devolution.	Legislature refuses to consider devolved tuition or other measures differentiating institutions.
Texas	Decentralized governance. Significant differences between research universities and others in funding and quality.	State should keep tuition prices low to support student access. Market approach to tuition pricing has merits.	Moderate Republicans support devolution but do not recommend. Conservative Republicans argue for market approach to pricing, gain control of legislature in 2002.	Legislature does not act on devolution proposals until 2003, then approves devolution.

ⁱ In other, related, work I compare tuition and other higher education policies in New York, Texas, and California—the states with the largest college student populations.

ⁱⁱ In their recent review article, Stevens and Gebre-Medhin (forthcoming) describe the emergence of a political sociology of higher education, specifically a growing literature on the link between higher education and state formation. The authors they review make strong cases for attending to higher education as a state and market actor, but overall sociological studies of universities leave the process of higher education policymaking underexplored.