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HB 754 MUS 2-Year Commission

66th Montana Legislature

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TO: MUS 2-Year Commission
FROM: Pad McCracken, Research Analyst
RE: Background Info on 1994-1995 MUS Restructure and the Vo-Techs
DATE: October 24, 2019

The purpose of this memo is two-fold:

1. Summarize the history of the governance of the vo-techs, and where possible provide reasons behind some of the changes in governance; and
2. Provide links to a number of valuable documents that provide a fuller history, especially legislative studies that resulted in changes to the governance of the vo-techs.

The history of Montana’s “vo-techs” is lengthy and complicated. For one, they have been called a number of different names over the last 80 years: vocational training centers, vocational-technical centers, colleges of technology, and now just colleges or, sometimes 2-year colleges (not to be confused with Montana’s three community colleges or the seven tribal colleges).¹ Beginning in 1940, high school districts in various communities were authorized to create vocational training centers to serve students 16 to 21 years of age. Since 1969, there have been five vo-techs in our more populous and higher property tax value counties:

1. Silver Bow—Butte; now Highlands College of Montana Tech
2. Cascade County—Great Falls; now Great Falls College MSU
3. Yellowstone—Billings; now City College at MSU Billings
4. Missoula—Missoula; now Missoula College UM
5. Lewis & Clark County—Helena; now Helena College UM

Over the years, questions of how these centers should be funded and governed have churned, as have larger questions about how best to provide vocational training all over the state. Because this commission was tasked with examining the effects of the restructuring, this memo will focus on

¹ For a fairly recent history of 2-year postsecondary education, including the vo-techs, community colleges, and tribal colleges, see Eddy McClure’s 2007 [“A Historical Perspective on 2-Year Postsecondary Education in Montana: Where Do We Go From Here?”](#)

governance. That said, much of the push for a more efficient system throughout this history resulted from national economic cycles and state budget shortfalls.

Governance Changes Spurred by 1972 Constitution

Following the ratification of the 1972 Montana Constitution and the creation of distinct boards for K-12 and postsecondary education (from one overarching Board of Education to a Board of Public Education for K-12 and a Board of Regents of Higher Education for postsecondary) and because federal law requires each state to designate a “sole agent” to govern vocational education, the Legislature needed to decide which entity should govern vocational education. The decision was complicated by the fact that vocational education takes place in both our K-12 and postsecondary education systems; it took about 15 years to decide.

In 1975, the Legislature attempted to assign vocational education to the state Board of Education² but this effort was challenged and rejected by the courts³.

1977-1978 Study and Recommendation Rejected; Vo-Techs Governed by Superintendent of Public Instruction

The 1977 Legislature considered various governance models but failed to enact any of them, opting instead to study the issue. The Subcommittee on Education thoroughly examined the issue during the 1977-1978 interim and issued a nearly 200-page final report⁴—here are some excerpts:

Vocational education undoubtedly traces its roots back to the very beginnings of organized human activity. An apocryphal story in Xenophon's Memorabilia of Socrates illustrates an ancient concern for occupational education. The Greek philosopher Socrates asked a prospective student, "Can you cook your own meals?" The student replied, "No, we have servants for doing that." Unsatisfied, Socrates continued: "Can you make your own sandals?" "No," the student replied, "we have servants for that." Socrates persisted. "Can you make your own toga?" he asked. The student again replied, "No, we have servants for that also." "Isn't it a shame," Socrates sighed, "that we teach our servants better than we teach our own children." (p. 9)

*In part, the difficulty in answering the question "Who's in charge?" stems from the kaleidoscope of laws, boards, officers, councils, and programs involved in vocational education. **The difficulty also stems in part from competing desires for a balance between centralization, coordination, accountability, and control on the one hand and community involvement, flexibility, and autonomy on the other.** (p. 27; emphasis added)*

The Subcommittee found that the governance structure for Postsecondary Vocational-Technical Centers is fragmented and that the financial support mechanisms for the Centers are not

² The 1972 Constitution did not eliminate the Board of Education; it still exists and is composed of the entirety of the Board of Public Education and the Board of Regents. From Article X, Section 9: “[The Board of Education] is responsible for long-range planning, and for coordinating and evaluating policies and programs for the state's educational systems. It shall submit unified budget requests.”

³ Bd. of Public Education v. Judge, 167 M 261, 538 P2d 11 (1975)

⁴ [“Vocational Education Governance” by the Subcommittee on Education, Montana Legislative Council, November 1978](#)

synchronized with the governance structure. The Subcommittee recommends that the governance and financial structures for postsecondary Centers be synchronized. (p. 47)

These excerpts get at two areas of long-simmering tension regarding vocational education:

Tension between academic education and vocational education. In the past, vocational education was too often seen as a second-tier track for those who could not succeed in more academic pursuits. The current view is that all students need to be college and career ready, that all students need to develop a well-rounded academic background and workplace and applied technical skills to be successful lifelong learners. This might be viewed as “mission drift” away from purely vocational programs, but it can also be viewed as mission expansion.

Tension between centralization and decentralization. A centralized system benefits from coordination and efficiency of operations (think transferability and shared administrative costs). Decentralization means more local control and perhaps ability to respond more quickly to local workforce needs. A perhaps unstated but related belief is that it is appropriate for governance to be more centralized at the state level when the state pays a greater share of the costs than locals. If Montana’s community colleges have more local control than other postsecondary units, it’s because of the local millage they contribute; they pay more of the “cost to be the boss.”

The 1978 subcommittee recommended that either:

1. The vo-techs be placed under the Board of Regents with the local school boards in the districts where centers were located acting in an advisory capacity; or
2. The vo-techs be made more like the community colleges with both governance and funding being shared between the state and locals.

The 1979 Legislature rejected both of those options, and instead gave oversight of the vo-techs to the Superintendent of Public Instruction.⁵

1985-1986 Study Leads to Transfer from Superintendent to Board of Regents

The previous solution didn’t have a lot of staying power, as the 1985 Legislature passed House Joint Resolution No. 52 “requesting a study of state governance and financing of Montana’s postsecondary vocational-technical centers.”

⁵ Chapter 598, Laws of Montana, 1979. Apparently, this decision “was aided by the fact that the Board of Regents had voted against an interest in vo-tech governance and the Board of Public Education had lobbied for total control or none at all.” See [“Governance and Funding of Montana’s Vo-Tech Centers: Options for Change”](#) (p. 6)

The resolution's preamble states the following reasons to undertake the study:

- fragmented governance;
- jeopardized funding (federal decreases, legislative reluctance, local property tax resistance);
- a desire for increased efficiency; and
- a failure to reach a consensus during the 1985 session to resolve the above concerns.

This study resulted in a 94-page report⁶ that recommended legislation to the 1987 Legislature transferring governance of the vo-techs from the Superintendent of Public Instruction to the Board of Regents.

This time, the Legislature abided the interim study recommendation. The 1987 Legislature transferred the vo-techs to the Board of Regents⁷, and in so doing also created several new sections of law, including:

- an extensive list of duties for the Board of Regents regarding vocational education;
- a requirement that the Board of Regents appoint a deputy commissioner of vocational-technical center education and the provision of duties for this appointee; and
- the creation of local advisory boards for the vocational-technical centers.⁸

1994-1995 Restructure Incorporates the Vo-Techs in a 2-Hemisphere University System

There was a lot of attention given to the university system as a whole in the early 1990s, regarding both governance and funding. In September 1989 by executive order Gov. Stan Stephens established the "Education Commission for the Nineties and Beyond", which met intensively over the course of a year and issued its report⁹ to the governor and Board of Regents in the fall of 1990. Several excerpts will reveal the focus of the commission's work and recommendations:

We heard recurrent themes in town meetings, in letters and in our poll. Montanans want more than a collection of separate educational units serving local needs. They want a true system in which the parts work together to serve the entire state. They want the system to be accessible to a broad range of students, not just those who live near a campus. They want a system with a reputation for high quality, not one with programs teetering on the edge of minimal standards.

⁶ ["Governance and Funding of Montana's Vo-Tech Centers: Options for Change"](#) by the Joint Interim Subcommittee on Vo-Techs and Job Training, Montana Legislative Council, November 1986. Pages 27-29 might be of particular interest to the commission as they list the 1985-1986 program offerings at the vo-techs, community colleges, and Northern Montana College (now MSU-Northern), as well as describe enrollment and student characteristics at that time.

⁷ [House Bill No. 39, Chapter 658, Laws of 1987.](#)

⁸ These sections and others were repealed in Senate Bill No. 156, 1995.

⁹ ["Crossroads: Montana Higher Education in the Nineties"](#) by the Education Commission for the Nineties and Beyond, September 1990.

The central goal of our recommendations is a truly unified system of higher education in Montana.

We recommend the state's units of higher education be managed and funded as a single unified enterprise.

We recommend the formation of a more fully integrated educational system, from kindergarten through graduate school, with opportunities for college courses while in high school and for continuing education and lifelong learning for all students who need and can benefit from them.

These excerpts hint at two other areas of tension:

Tension between efficiency and access. Duplication of programs and courses among the vo-techs and community colleges has been a long-standing concern, but in a state the size of Montana, there will need to be some duplication in order to provide access.¹⁰

Frustration with a lack of coordination between K-12 and higher education. Montana's constitutional framers created two distinct governing bodies for K-12 and higher ed, but gave them joint responsibility "for long-range planning, and for coordinating and evaluating policies and programs for the state's educational systems" as an overarching Board of Education. The Oxford Dictionary definition of the verb "to coordinate" is "to bring the different elements of (a complex activity or organization) into a relationship that will ensure efficiency or harmony." Montana's educational systems do coordinate in a number of ways, but the question of could they be better coordinated does resurface from time to time.

A month after the Crossroads report came out, the Postsecondary Education Study Committee submitted its recommendations¹¹ to the Legislative Finance Committee. The committee's recommendations addressed:

1. revising funding for the vo-tech centers;
2. moving to a lump sum appropriation to the Board of Regents to then allocate to campuses;
and
3. creating a permanent committee of legislators, regents, and representative of the governor to foster collaboration and accountability for higher education.

It appears no substantive changes to the University System as a whole or to the vocational-technical centers were made during the 1991 and 1993 sessions¹², apart from the creation of a Joint Committee of Postsecondary Education Policy and Budget (PEPB) reflecting recommendation No. 3 above. But the wheels of restructuring were spinning, and the vo-techs were a big part of that conversation.

¹⁰ For an analysis of this concern, see ["Crossroads: Montana Higher Education in the Nineties"](#) (pages 10-11)

¹¹ ["Summary of Recommendations"](#) by the Postsecondary Education Study Committee, Legislative Fiscal Analyst, October 1990.

¹² This is not to say that none were proposed. In each of the sessions, there were proposals to alter the composition of the Board of Regents, including constitutional referenda to eliminate the board. In 1995, a referendum to eliminate the Board of Regents (HB 229) was passed by the Legislature, but it was rejected by voters in November 1996.

Some preferred a separate two-year system including both the vo-techs and community colleges, but ultimately a one-system, two-university model incorporating the vo-techs but not the community colleges was chosen.¹³

By January of 1994, a plan for restructuring was far enough along to be presented to and approved by the Board of Regents, with the restructuring to be implemented beginning July 1, 1994. The plan contained this language regarding the vo-techs:

The Board recognizes and reaffirms the critical role of two-year education in Montana. The Colleges of Technology (formerly the Vocational-Technical Centers) are an integral part of Montana higher education. The primary role of each college is to provide vocational and technical competencies and life skills to individuals preparing to enter, advance, or change their careers. Students at the Colleges of Technology acquire technological competencies or upgrade competencies through a curriculum validated on a regular basis by business and industry. Instruction and community service are designed to meet present and emerging occupational needs of the local community, state, region, and nation.

The Board intends that the Colleges of Technology retain as whole the special characteristics attached to each of the present vocational-technical centers. Specifically, the critical role of providing technical education to the communities in which they are located is to be continued and developed to meet future workforce demands. The Commissioner of Higher Education is directed to place particular emphasis on the concerns that have been expressed about mission drift, funding inequities, responsiveness to business and industry, and the unique role that the technical centers have played in Montana higher education.

As appropriate to meet community needs, the further development of two-year, transfer education may be pursued within the guidelines of Regents' policy. The Board intends that greater emphasis be given to the important role of two-year education in Montana to meet the expected future demand for educational services.¹⁴

The Regents proposed legislation in 1995 to align statute with their plan.¹⁵ The bill was passed with large majorities and was signed by Governor Racicot. The former vo-techs were rebranded Colleges of Technology and incorporated into the Montana University System, each one affiliated with a 4-year campus, and ultimately with either Montana State University or the University of Montana. The restructure also brought an end to the legislature appropriating to each campus and began the “lump sum” appropriation to the Board of Regents, which then reallocates to the campuses. Until recently, the Board allocated to each flagship president who then allocated within each hemisphere, but in 2017 the Regents began allocating to each independently accredited campus.

Other changes to 2-year education in the past 10 years include the establishment of Gallatin and Bitterroot Colleges and the rebranding of the colleges, dropping the names Colleges of Technology.

¹³ See [“A Historical Perspective on 2-Year Postsecondary Education in Montana: Where Do We Go From Here?”](#) (page 4).

¹⁴ [“Restructuring of the Montana University System”](#) plan adopted by the Board of Regents, January 1994.

¹⁵ [Senate Bill No. 156, Ch. 308, Laws of 1995.](#)