RESPONSE TO HOUSE CONCURRENT RESOLUTION 25 OF THE 2016 REGULAR SESSION OF THE LOUISIANA LEGISLATURE

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ELEVATE LOUISIANA: The New Reality for Higher Education

Overview

On June 29, 2016, the Board of Regents approved the framework of *Elevate Louisiana: The Reality for Higher Education* to ensure a more efficient and effective operation of Louisiana's higher education system in Fiscal Year 2016-17 and beyond. To comply with the requirements of House Concurrent Resolution 25, a copy of this response will be submitted to the Commissioner of Administration, the Legislature and the Task Force on Structural Changes in Budget and Tax Policy on July 1, 2016.

The Louisiana Board of Regents has the statewide responsibility for planning in higher education. In 2011, the Board adopted its Master Plan for Higher Education designed to raise the educational attainment of its adult citizens in order to be competitive in the 21st century global economy. As part of that planning process the Board commissioned the National Center for Higher Education Management Systems (NCHEMS) to develop a proposal for the specific role, scope and mission of each of Louisiana's institutions of higher education. More recently, in fall 2015, the Board and its stakeholder groups worked with the firm of Deloitte to develop an aspirational brand for Louisiana higher education.

The current and projected fiscal realities for Louisiana require the next steps in this process. It serves no useful purpose for the Board of Regents to wish for better days and assume a return to appropriation levels of the past. Postsecondary education is not doing more with less; it is doing less with less. We must respond in such a manner to sustain higher education in the new reality. The table below shows the true picture of higher education in Louisiana over the last eight years.

Louisiana Higher Education: The True Picture

Higher Education Institutions (Excluding LOSFA and Hospitals)

Fiscal Year	Total State Funds	Self Generated Funds	Federal Funds and Interagency Transfers	Total
FY 08-09	*$1,571,583,691*	*$721,868,856*	*$142,575,679*	**$2,436,028,226**
			FY 08-09 Mandated Costs Paid Back To The State	($445,116,071)
			**FY 08-09 Scholarships and Fellowships*	($110,069,018)
			Dollars available for operations	**$1,880,843,137**
Fiscal Year	**Total State Funds**	**Self Generated Funds**	**Federal Funds and Interagency Transfers**	**Total**
FY 15-16	*$887,827,220*	*$1,326,573,254*	*$67,827,247*	**$2,282,227,721**
			FY 15-16 Mandated Costs Paid Back To The State	($561,284,067)
			**FY 15-16 Scholarships and Fellowships*	($192,287,541)
			Dollars available for operations	**$1,528,656,113**
Change in 8 years, $352.2M Less for operations				**($352,187,024)**
***FY 08-09* Fall Enrollment**	**210,685**		***FY 08-09 EMPLOYEES***	***31,749***
***FY 15-16* Fall Enrollment**	**215,170**		***FY 15-16 EMPLOYEES***	***26,779***
More Students Enrolled	**4,485**		***Less FTE Employees***	***-4,971 (-16%)***

Note: Self generated funds include $123 million of TOPS awards in FY 09 and $265 million in FY 16.

*Institutions provide scholarships/fellowships to attract the best students and to abide by legislative mandates at the expense of not receiving all budgeted tuition/fees.

As the Board lays out its plan to respond to the new reality, it is guided by the following principles:

1) Access to undergraduate education is essential to the population and economy of Louisiana.
2) Access to graduate education must be re-evaluated from a narrower state-wide perspective.
3) Resources must be provided for essential cutting-edge research at selected sites.
4) Postsecondary resources must be targeted to respond to local/regional workforce needs.

The Board of Regents proposed actions require no changes in Louisiana's Constitution or statutes, involve no campus/institutional closures, and are designed to shape our postsecondary education system to function on behalf of our citizens and the economy. The Board will utilize the NCHEMS recommendations as a framework designed around seven parameters:

1. Approve, as appropriate, revisions to existing role, scope and mission statements.
2. Develop and Adopt a Policy on mergers/consolidations of institutions.
3. Develop and Adopt a Policy on Financial Early Warning Systems and Financial Stress.
4. Revise Regents' Policy on Low-Completer Review to Elevate the Threshold for Review.
5. Conduct a Statewide and Regional Review of all Graduate programs.
6. Conduct a Statewide and Regional Review of Targeted Undergraduate Programs.
7. Review Degree Program Requirements and Available Courses to Encourage/Reward Structured Pathways to Degrees with Limited Course Choice.

The initial emphasis of the Board's review will be on three areas:

- What is the appropriate role and purpose of graduate programs?
- How can our policies minimize duplication of programs while still ensuring student access?
- What is the appropriate mix of programs in colleges and universities?

The new fiscal reality of Louisiana requires postsecondary education to seriously re-consider how it conducts its business to insure that it invests strategically in quality programs that meet the needs of the State's citizens, business and industry, and elevates the State's priorities as a whole.

GUIDING PRINCIPLES FOR PROPOSED MERGERS OR CONSOLIDATIONS

Introduction and Background

The Board of Regents (Board) is constitutionally authorized to plan, coordinate and have budgetary responsibility for all public postsecondary education in the State. More specifically, under Article VIII, Section 5 of the Louisiana Constitution, the Board is authorized to study and report on the merger, transfer or creation of institutions. The Board may undertake such a study on its own or at the request of another party such as the Legislature. However, the merger, transfer, or creation of a public postsecondary institution will only occur upon legislation enacted by two-thirds vote of each chamber of the Legislature, and only after the Board of Regents has studied and made recommendations, or in the absence of Board action, after one year has passed.

For purposes of these guiding principles, a merger results when an existing institution is absorbed by another existing institution and the surviving institution retains its name. A consolidation occurs when two existing institutions are combined into a new institution.[1] Given the disparate missions, histories, local/regional affiliations and thousands of dedicated alumni among Louisiana's higher education systems and institutions, mergers or consolidations are complicated and difficult undertakings. Therefore, potential actions must be carefully considered not only in terms of cost/benefit analyses of the action, but also for the potential impact that they may have on Louisiana's residents, its economy and the institutions' educational, research and public service missions.

The advisability of any merger or consolidation of institutions is case-specific and depends critically on the particular facts of the proposed action. Nevertheless, there are several guiding principles of general applicability that can help direct the assessment of any proposed action when applied with reasonable objectivity and sensitivity to the particulars of a situation. Below are broad guiding principles that the Board will follow when analyzing the merits of any proposed merger or consolidation. Specifically, these guiding principles provide the higher education community and other interested parties with a better understanding of (1) the manner in which proposals for mergers or consolidations are evaluated; and (2) the key issues that should be considered prior to a merger or consolidation. The guiding principles also seek to ensure that merger or consolidation proposals are considered methodically, objectively, and with consistency.

Guiding Principles for the Analysis of Proposed Mergers or Consolidations

Mergers or consolidations are seen as a way to solve many of the challenges facing higher education while expanding access or overall program quality. Despite the opportunities resulting from a merge or consolidation, the unique mission of higher education – educating individuals as productive participating citizens in Louisiana's economy and training individuals to become workforce ready -- must be the priority when contemplating, proposing, or implementing mergers or consolidations.

[1] These principles are limited to mergers and consolidations as defined herein, and do not extend to the closure of an institution. Consolidations as envisioned in this document are one example of the creation of a new institution; and therefore would fall under the legal framework of the creation of a new institution under Louisiana laws. The Louisiana Constitution and laws are silent on the legal and procedural requirements governing the closure of an institution. It is unclear if the Board study and legislative approval by 2/3 vote required for mergers, transfers and creation of institutions are also required for closures. Therefore, these principles only address mergers and consolidations, not closures.

While there is no 'right' set of guiding principles that can guarantee success, the Board will include the following in assessing proposals for mergers or consolidations:

1. *Does the proposed merger/consolidation make sense programmatically and academically?* **The proposed merger or consolidation should** enhance opportunities for citizens to raise their education attainment levels, and it must provide an appropriate benefit to the populations the institutions individually serve. Aligning two institutions with similar missions and shared visions could build on existing collaboration and create (a) greater availability of education and training by linking disciplines currently available on only one campus; (b) opportunities for services and activities aimed at increasing engagement; and (c) more seamless movement between programs offered between merged/consolidated institutions.

   Aligning of two or more institutions with diverse missions, programmatic offerings, and/or research opportunities can prove difficult. However such differences could result in opportunities to expand student services and academic offerings. Proposals should explore policies and processes that help to ensure that the new/combined institution can effectively and efficiently function for its staff, students, and community.

   Such assessments should address the following:

   - <u>Admissions policy and tuition/fee structure</u>: In light of the issues of equity and access, the development of an admissions policy and tuition/fee structure are matters that must be addressed when assessing the value of a merger or consolidation. The higher education community and its stakeholders will need reassurance that the transition to the new/combined institution will not disrupt current or prospective students' studies or unnecessarily disadvantage them.

   - <u>Academic Program Reviews</u>: A comprehensive evaluation of academic programs and structures should be conducted immediately to fully assess whether and how the new or combined institution adds value to students' experiences.

   - <u>Disciplinary codes and rules</u>: Following an evaluation of each partnering institution's codes and rules, disciplinary codes and rules of the new or combined institution should be established and clearly communicated. These may be developed on the basis of existing rules, either by adapting the rules or selecting the code and rules from one of the institutions or creating new rules.

   - <u>Accreditation Status:</u> In some cases the existing academic programs of the partnering institutions can be integrated with very little change. However, in other cases considerable modification may be necessary. It is critical that partnering institutions make arrangements with the appropriate state and accrediting agencies to ensure that the degree is awarded by a legally authorized and accredited institution.

2. *Will the proposed merger/consolidation improve long-term financial stability, levels of capital investment and/or economies of scale?* The proposed action should offer opportunities for more efficient use of resources, especially in the area of space utilization and operations. Integrated capital and space planning can eliminate the need for constructing duplicate facilities while enhancing utilization of and access to specialized facilities and equipment. By combining resources, cooperating institutions can create an optimal balance between cost and quality. It is important to mention that although institutions with greater financial challenges may be more apt to consider mergers or consolidations, the lack of financial support for debt clearance, the potential need to address faculty and staff salary disparities, and the cost associated with the coordination of campus information technology structures can make the decision less attractive. A successful merger heavily depends not only on understanding this, but also on a careful assessment of each prospective partner's current resources and cost structures.

   Below are some issues that should be addressed regarding financial management and administration. It is important to emphasize that the issues below are not all-encompassing, but provide a platform that the Board will use to examine the financial value of a merger or consolidation.

   - <u>Assessment of the current financial situation of merging or consolidating institutions.</u> Financial health analyses should be conducted (or reviewed if conducted recently) to assess each institution's financial obligations, assets, and risk profile(s). It is critical that the partnering institutions are accurately informed of one another's financial status prior to a merge or consolidation.

   - <u>Financial accounting systems and processes:</u> One comprehensive financial, accounting and administrative process and system must be identified for the new or combined institution(s). This may be developed on the basis of existing processes and systems, either by choosing one existing system or replacing all existing systems/ processes.

   - <u>Cost of planning and ultimately implementing a merger or consolidation:</u> Mergers and consolidations typically require external assistance to perform tasks such as due diligence studies, academic program review, data and operational systems conversions, and financial audits. Those costs must be considered when assessing the value of a merger or consolidation, particularly in terms of external support.

3. *What legal issues should be considered when merging or consolidating*? Institutions of higher education in Louisiana are established under the provisions of state law, and any merger or consolidation must be reflected through revisions to existing laws. The proposal should identify and address all legal ramifications to ensure that all legal obligations to students, special trust, endowments, donations, athletic programs, grants, contracts, scholarships, estate executors, other stakeholders, etc. are identified and addressed. Below are some of the legal issues that must be considered during the assessment phases of a merger or consolidation.

- Contractual obligations: Mergers or consolidations can impact existing obligations of an institution, such as contractual obligations, court orders, consent decrees, and grant terms. It is essential to conduct an inventory of each institution's existing obligations to ascertain whether after a merger or consolidation they can be discharged without violating constitutional rights of private third parties.

- Relationship between institutions and its affiliates: Existing agreements between the institution(s) to be merged or consolidated and its alumni foundations, donors or other affiliated private entities with fund-raising functions should be considered. Given that funding often comes from external sources and is normally tied to contracts, good public relations and communications with donors will be essential.

- Employee Rights: Faculty and staff contracts, pension liabilities, and employee restructuring are key issues that must be addressed. Employees should be (1) consulted on all matters that will impact them and their job security (for example: promotion and tenure, revised retirement policy; probation, sabbatical leave, etc.); (2) informed of all possible alternatives before determining termination (for example, severance packages, resubmission of job application for a new or current position).

4. *What cultural challenges arise from a merger or consolidation? Cultural issues are prominent in the merger and consolidation discussion*. Bringing together two (or more) institutions with different institutional cultures can be challenging. Some cultural differences may be apparent in the strategic and operational priorities of the institutions, in different focus areas for teaching and research, in different student populations, and in the historical experience. However, there are some less obvious aspects of institutional culture that cannot be ignored. It is of the utmost importance partnering institutions discuss how mergers or consolidations can impact students' social and educational environment and the community at large.

    - Cultural preservation: Proposals should strive to preserve the unique, positive elements of institutional culture and identify public service missions and local workforce and economic development needs. For example, smaller colleges might have a more student-centered culture that encompasses personalized support services for students while larger, more diverse universities might concentrate resources more on research opportunities and professional studies; variances in admission selectivity lead to differences in student populations which may be merged, as well. Proposals should draw on the positive elements of each institution's culture and include a comprehensive plan for incorporating the strengths of both.

    - Buy-in: Because key players and stakeholders can serve as valuable communication channels during a merger or consolidation, buy-in from these individuals is critical. Open and informed communication can mitigate misconceptions such as a stronger institution imposing its institutional culture on the weaker institution.

5. *What are the issues associated with planning and implementation phase*? In higher education, where much of the research focuses on assessing the value of mergers and/or consolidations, challenges often arise from shortsightedness regarding the planning and implementation phase. The success of any merger or consolidation is in the details of its planning and implementation phase. While each merger or consolidation will face its unique issues and challenges, below are some issues that should be considered in the planning and implementation phases.

    - Identify leadership team(s): Leadership is an integral component to mergers or consolidations. Strong and creative leaders are necessary to drive the planning and implementation phases of the merger or consolidation. Therefore, the leadership teams should consist of individuals with diverse areas of expertise and interest. It is important to note that these leaders may or may not be from the involved institutions or from the new or combined institution.

    - Develop a plan for a smooth transition: Proposals should address the arrangement for ensuring a smooth transition from one set of governance and management structure to another. Issues such as combining or creating new faculty and student senate councils and expanding or collapsing academic management structures should be discussed in the planning and implementation phases.

    - Identify Communication Outlets. Identify the outlets that will be used to communicate information about the merger or consolidation to the higher education community and its stakeholders. Identified modalities should be wide-ranging (e.g., town hall discussions to social media outlets) to reach the most individuals as possible.

ACADEMIC PROGRAM REVIEW
Elevate Louisiana: Low-Completer Thresholds

Background Information

One of the proposed actions under the *Elevate Louisiana* response to the new reality for higher education in Louisiana is to "Revise Regents' Policy on Low-Completer Review to Elevate the Threshold for Review." The review is an opportunity to ensure that programs are (a) strategically connected to state and student needs and priorities; and (b) sustainable under current and anticipated fiscal constraints.

The Board of Regents manages the public academic program inventory with the goal of providing needed education and training opportunities while avoiding unnecessary duplication and increasing effectiveness. It does this primarily through the approval of all new degree programs and monitoring productivity standards. Proposed new academic programs are carefully reviewed to assess their relevance and utility to state and regional needs, strength of curriculum design, and plan for implementation and support. There must be evidence of local student and prospective employer demand as well as recognition of the program's resource requirements and a plan to meet them.

Given the dynamic nature of higher education financing, it is imperative that the curriculum inventory (CRIN) be reviewed periodically to assess its continued relevance and identify possibilities for refocusing limited campus and faculty resources into more productive areas. The Regents' statewide program review repeats the basic analysis of existing programs to assess whether they should be maintained in the CRIN, e.g., whether program continuation is justified based on access, costs, productivity, state or regional needs, provision of a service function, or centrality to the institution's mission. The CRIN is a living document, requiring continual vigilance as programs are created, revised, terminated, and recreated to meet the changing needs and interests of the workforce and general population.

Since 2009, the statewide review has been conducted every other year to keep the CRIN 'fresh' and to monitor the impact of actions proposed and taken. Any program on the CRIN is subject to review, but Regents' staff identify programs for which a response from the institution is required, triggered primarily by viability thresholds: the average number of awards conferred over the last three years. Programs are set aside if they are new or they were previously excluded, i.e., if the circumstances for exclusion are still in effect. Since 1994, CRIN program reviews have been triggered by the same viability thresholds.

Degree Level	Productivity Threshold
Undergraduate Programs (Associate/Bachelor)	Average, 8
Master/Post-Master/Specialist	Average, 5
Professional/Doctoral/Post-Doctoral	Average, 2

The process provides opportunity and incentive for a fresh look at program offerings in light of current realities. Once flagged for review, institutions propose an action, which may include one of the following:

1- Termination – Program is cancelled on the CRIN, with a teach-out period for students currently enrolled, and no new majors admitted

2- Consolidation – Curricula are merged into programs as concentrations or new degrees.

3- Redesign – Changes are made to remediate low productivity, e.g., through curriculum revision, expanded course offerings, additional student support, or other enhancements.

4- Justification/No Further Action – Usually a unique program offering that meets a specific, defined need; may also be a subset of a strong program, as in a master's degree beneath a strong doctoral program.

Louisiana's approach to program review and viability/screening thresholds is similar to, and often more stringent than, its neighbors. Several states consider both number of majors and completers. Examples of completer targets in other states are listed below.

STATE		ASSOCIATE	BACHELOR'S	MASTER'S	DOCTORATE
ARKANSAS,	3yr avg	4-6	4 in STEM; else 6	4	2
ILLINOIS,	3yr avg	12	9	5	2
FLORIDA,	5yr avg	-	6	4	3
GEORGIA,	3yr avg	15	10	5	-
LOUISIANA,	**3yr avg**	**8**	**8**	**5**	**2**
MARYLAND		5	5	2	1
MISSISSIPPI,	3yr avg	-	5	3	1.7
S CAROLINA	5yr avg	-	8 (previously 5)	3	2

The viability thresholds are used as minimum productivity targets to trigger the program review. Enrollment and completion data could be early indicators of low productivity, but further scrutiny of other information (e.g., retention, persistence, student success) may lead to the program being considered viable. Staff will include/exclude programs based on relevant factors, and institutions may submit any additional programs for review at any time as part of their work in campus resource management. Based solely on the current completer data (and including recently approved programs or circumstances such as unique relevance, or a master's under a strong doctorate) changes in the viability thresholds would impact the number of programs flagged in the initial screening for review in the following ways.

Degree Level	Completer Threshold	Impact	Number Flagged
Undergraduate	Current = 8 9 (+ 1) 10 (+ 2)	165 + 18 + 24 (+42)	165 183 207
Master's	Current = 5 6 (+ 1) 7 (+ 2)	80 + 16 + 20 (+36)	80 96 116
Doctorate	Current = 2 3 (+ 1) 4 (+ 2)	23 + 11 + 13 (+24)	23 34 47

To put the numbers in context, the number of programs picked up in a regular review hover around 175~250. In 2014-15, 177 programs reviewed, of which 112 (63%) were maintained; 56 (32%) were terminated; and 9 (5%) were consolidated. Using currently available data, application of the thresholds would trigger 268 programs by current thresholds, 313 with +1 across the board, and 370 with +2.

The new reality for higher education in Louisiana has postsecondary education doing less with less and the BoR working to preserve access to undergraduate education, re-evaluating access to graduate education, and concentrating resources into the more productive program areas to respond to local/regional workforce needs. Science, engineering, technology, and mathematics (STEM) degrees are constantly in high demand, more directly related to the research and industry needs, and harder to achieve. In previous reviews, campuses have successfully argued for exceptions for STEM programs that were flagged for review. To recognize the challenges inherent in maintaining STEM offerings, it is prudent to hold the STEM programs at the current thresholds while increasing all others by 20 percent.

The biennial program review will begin this Fall, as soon as the campus' 2015-16 completer data has been received and updated on the CRIN. The inventory will be screened to identify programs at or below the viability thresholds, and campuses will be invited to respond with proposed actions and justifications for those programs plus any others identified for review. Staff will make recommendations to the Board by April, 2017.

ELEVATE LOUISIANA: FINANCIAL HEALTH ANALYSIS

The Elevate Louisiana Initiative set forth several proposed actions including the development and adoption of a policy for financial early warning systems and financial stress of higher education institutions. Drawing on the Ohio Department of Education Campus Accountability model, this document was created to increase financial accountability of state colleges and universities by using a standard set of measures with which to monitor the financial health of campuses. The Board of Regents will apply these standards annually to monitor individual campus finances, using the year-end audited financial statements of each higher education system. The analysis computes three ratios from which four scores are generated for each campus. Composite scores range from 0 (poor financial health) to 5 (excellent financial health). A composite score of (or below) 1.75 for two consecutive years results in an institution being placed on fiscal watch. The Board of Regents staff will develop policies associated with the Ohio concept and will provide a recommendation at the August Board of Regents meeting.

Data

Expendable net assets: The sum of unrestricted net assets and restricted expendable net assets.
Plant debt: Total long-term debt (including the current portion thereof), including but not limited to bonds payable, notes payable, and capital lease obligations.
Total Revenues: Total operating revenues, plus total non-operating revenues, plus capital appropriations, capital grants and gifts, and additions to permanent endowments.
Total operating expenses: Total operating expenses, plus interest on long-term debt.
Total non-operating expenses: All expenses reported as non-operating with the exception of interest expenses.
Change in total net assets: Total revenues (operating and non-operating), less total expenses (operating and non-operating).

Methodology

Viability ratio: Expendable net assets divided by plant debt. (Note: if plant debt is zero, then the viability ratio is not calculated and a viability score of 5 is automatically assigned.)
Primary reserve ratio: Expendable net assets divided by total operating expenses.
Net Income Ratio: Change in total net assets divided by total revenues.

Ratio Scores	0	1	2	3	4	5
Viability Ratio	< 0	0 to .29	.30 to .59	.6 to .99	1.0 to 2.5	> 2.5 or N/A
Primary Reserve Ratio	< -.1	-.1 to .049	.05 to .099	.10 to .249	.25 to .49	.5 or greater
Net Income Ratio	< -.05	-.05 to 0	0 to .009	.01 to .029	.03 to .049	.05 or greater

(The Composite Score equals the sum of the viability score multiplied by 30%, the primary reserve score multiplied by 50%, and the net income score multiplied by 20%.)

ELEVATE LOUISIANA: IMPLEMENTATION TIMELINE

INITIATIVE	**ACTION ITEM**	**TARGET DATE**
Role, Scope and Mission (RSM)	RSM Shared with Chief Academic Officers Campus Responses to RSM Due Staff Review and Development of Revised RSM Draft RSM to BoR	May 16, 2016 June 20, 2016 July/August 2016 August 24, 2016
Policy on Mergers/Consolidations	Draft to BoR Recommendation to Board	June, 2016 August, 2016
Policy on Financial Stress	Draft to BoR Process/Tool Implementation	June, 2016 August, 2016
Low-Completer Review	Draft Thresholds to BoR Review Launched Recommendation to Board	June, 2016 ≤ November 1, 2016 April/May 2017
Graduate Program Review	Process Developed Process to BoR Review Undertaken Recommendations to BoR	Summer, 2016 Fall 2016 Fall 2016/Fall 2017 To be determined
Undergrad. Program Review	Process Developed Process to BoR Review Undertaken Recommendations to BoR	Summer,2016 Fall 2016 Spring 2017 To be determined
Structured Pathways and Articulation/Transfer	Contact Complete College America *(CCA)* Attend CCA Event Process Developed State/Regional Workshops	May, 2016 June 30, 2016 July/August 2016 Fall/Spring 2016/17