

Targeted Recovery: Recapping 2015 Higher Education Legislative Activity in the West

The economic recovery experienced by many Western states over the past two years continued in 2015, allowing some, though certainly not all, state legislatures to address issues of affordability and workforce development even more thoughtfully and aggressively than during past legislative sessions, when both topics dominated the agenda. The ongoing economic recovery also allowed states the opportunity to target their resources during the 2015 sessions in increasingly deliberate and innovative ways. For the second year in a row, affordability was the key theme of the 2015 legislative sessions. Bills seeking tuition freezes or caps, increases in need-based aid, and even low-cost degrees were introduced, and for the most part passed. Western legislatures also looked to postsecondary education as the driver of workforce development and continued economic growth, with special attention paid to career, technical, and competency-based education, in addition to Science, Technology, Engineering, and Math (STEM). Sexual harassment and assault prevention on college campuses topped the list of new issues to watch, while guns on campus and military and veteran student education also figured prominently in several legislative sessions. This *Policy Insights* brief summarizes the key topics and trends addressed during the 2015 sessions and highlights new and emerging issues to watch for in the region.

All 15 state legislatures in the Western region and the Commonwealth of the Northern Mariana Islands convened in 2015 and legislators continued to look for ways to keep student costs down and postsecondary productivity up. In addition to the regular sessions, **Alaska**, **Idaho**, **Utah**, and **Washington** convened special sessions to settle a number of issues. In **Alaska**, the special session was called to address Medicaid, the state budget, and a sexual abuse prevention bill that also included language repealing funding to support the taking of college- and career-ready assessments in high school. **Idaho's** special session dealt with the passage of a child support bill that was rejected earlier in the regular session and put Idaho out of compliance with federal guidelines. In **Utah**, legislators dealt with non-education issues related to prisons, corporate taxes, Medicaid, and appointments made by the governor. In **Washington**, lawmakers used the special session to address issues related to the budget implications of a 2012 state Supreme Court decision (*McCleary v. State of Washington*) that ruled the state was in contempt of court for failing to adequately fund K-12 education, as mandated by the state constitution. The **Northern Marianas** Commonwealth Legislature meets year-round.

As in 2014, affordability was the dominant theme in 2015, followed by workforce development and college access

and success. Additional issues of interest included the ongoing debate over whether to allow guns on college campuses, clear and transparent policies and stricter penalties related to sexual assault on campus, and the ongoing commitment to college readiness standards and military and veteran student education.

Slow but Steady Improvement

Though states are still recovering from the effects of the Great Recession, funding for higher education once again saw modest increases for the third year in a row. According to the most recent State Higher Education Finance (SHEF) joint report authored by Illinois State University and the State Higher Education Executive Officers (SHEEO), initial estimates show continued growth in state appropriations to higher education overall by 5.2 percent in nominal terms.¹ However, according to the same report, current spending on postsecondary education is still below pre-recession levels when adjusted for inflation.²

State appropriations. The majority of states in the West, though certainly not all, increased support for higher education in FY 2014. This trend appears to be continuing in during the 2015 legislative sessions. The 2015-16 higher education budget approved by the **California** General

Assembly, for example, includes an 8 percent funding increase from 2014-15. The bulk of the funding increase will go toward the state's community colleges (7 percent), and the University of California and the California State University systems, which both received increases of 8 percent.³ In **Colorado**, the legislature increased funding for higher education by 12.4 percent with the passage of SB 234 (also known as the "Long Bill") and the infusion of an additional \$94.7 million from the general fund.⁴ The legislation includes an 11 percent increase for public institutions of higher education and will be allocated through the new funding model authorized in 2014 with the passage of HB 1319.⁵ The passage of HB 500 in **Hawai'i** provides a total of \$427 million in general fund support to the University of Hawai'i system, which is a 4.37 percent increase over the previous year.⁶ While **Idaho** increased funding for postsecondary education by 3 percent, it was far less than the 19.4 percent requested by the state's colleges and universities.⁷ In **Montana**, legislators increased funding for higher education by \$50 million during the 2015 session, an increase of 5.9 percent, and the extra money will be partially used to cover pay increases for staff and allow the Board of Regents to freeze tuition for the next two years.⁸

Nevada made a sizable investment in higher education during the 2015 session, increasing appropriations by 12.8 percent.⁹ Although colleges and universities in **New Mexico** thought they would receive more money in 2015-16, a revised state revenue forecast led to a minor increase of \$83 million, or about one percent, instead of the \$285 million originally predicted.¹⁰ The **North Dakota** Senate found middle ground between the 19.4 percent funding increase proposed by Governor Jack Dalrymple and the 6.4 percent increase proposed by the House by passing legislation that would add \$967 million to the higher education budget, an increase of 8.9 percent.¹¹ **Oregon** increased funding for postsecondary education by the largest amount in more than two decades. The 2015-16 budget signed by Governor Kate Brown boosts overall funding by 22 percent, with public universities getting \$700 million and community colleges getting \$550 million.¹² The legislature increased postsecondary funding in **Utah** by 5.3 percent, but that did not prevent the Board of Regents from raising tuition in the state by 3 percent for the 2015-16 school year.¹³ In **Washington**, the legislature avoided a shutdown by passing a budget at the conclusion of its third special session that included a 13.8 percent increase for higher education.¹⁴ Finally, **Wyoming** increased higher education appropriations by 6 percent in 2015.¹⁵

Not all states were able to provide increased support for higher education in 2015. **Arizona**, for example, cut nearly \$100 million in funding for the state's universities, totaling 14 percent of their operating income.¹⁶ These

cuts, which included pulling all funding from the Maricopa and Pima Community College Districts, followed a five-year trend that has seen per student spending drop by 47 percent between 2008-2015.¹⁷ The steep decrease in funding has led the Arizona Board of Regents to consider filing a lawsuit, citing a provision in the state constitution that universities should be "as nearly free as possible."¹⁸ In **Alaska**, a drop in oil prices led to a massive budget shortfall of \$3.5 billion and the legislature responded with cuts to higher education and the reappropriation of dollars from the state's Higher Education Trust Fund. After much debate between the House and Senate, nearly \$30 million was cut from the University of Alaska System, an overall reduction of 8.1 percent.¹⁹ Citing weak state revenue forecasts, lawmakers in **South Dakota** appropriated \$24 million to higher education and decided not to fund a tuition freeze, which they had devoted an additional \$4 million towards in 2014.²⁰ This led the South Dakota Board of Regents to approve tuition increases averaging 5.8 percent for member institutions for the upcoming academic year.²¹

Tuition and fees. As noted in the SHEF report, public colleges' and universities' reliance on tuition revenue dipped slightly for the first time since the recession began in 2008, going from 47.7 percent to 47.1 percent nationally.²¹ The decline is attributed to increases in spending for higher education in a majority of states and an overall drop in the number of students enrolling in postsecondary education as the national economy continues to improve. Even with this modest decline, students still shoulder a large amount of the cost of attending college. During the 2015 sessions, several Western legislatures introduced and approved tuition freezes or caps in an effort to make college more affordable for a greater number of students, continuing a trend that has become more widespread as state fiscal conditions improve.

- Passed in 2015, HB 1003 defrays the expenses of the University of **North Dakota** system and bars the State Board of Higher Education from increasing tuition rates by more than 2.5 percent in each of the next two academic years unless the board receives prior approval from the legislature's budget section.
- Also known as the "\$10,000 Degree," HB 2973, which passed in **Oregon**, creates the Affordable Baccalaureate Degree Act. Under the law, public universities and community colleges are required to work toward providing four-year affordable, fixed-cost baccalaureate degrees, or pathways to baccalaureate degrees. Additionally, in a somewhat dramatic move to make college more affordable, **Oregon** passed SB 81, also known as the "Oregon Promise," which offers two "free" years of community college tuition to qualified students. Students are eligible if they are

an Oregon resident who graduated high school six months prior to enrollment and maintain a cumulative grade point average of 2.5. The maximum grant will cover the cost of full-time community college tuition (\$4,900), but will be reduced accordingly (down to a minimum of \$1,000) by any state or federal student aid received, like the Pell Grant. The only other state in the country to offer students a free community college education is Tennessee.

- Passed in 2015, SB 5954 will cut tuition at **Washington** colleges and universities by linking the cost of attending state schools to a percentage of the average wage for Washington workers. Under the measure, a 25 percent tuition cut will be phased in over the 2015-16 and 2016-17 academic years.

While many Western states limited or capped tuition increases, others were forced to raise the cost of a college education. As a result of reduced state funding in **Alaska**, the University of Alaska Board of Regents approved a 5 percent tuition hike for the upcoming school year. In **Colorado**, SB 62 that proposed extending the state's current 6 percent cap on annual tuition increases at state colleges and universities was postponed indefinitely by the General Assembly. Citing weak state revenue forecasts, lawmakers in **South Dakota** decided not to fund a tuition freeze during the 2015 legislative session by rejecting SB 181. This led the South Dakota Board of Regents to approve tuition increases averaging 5.8 percent for member institutions for the upcoming academic year. Similarly, the **Utah** Board of Regents voted to increase tuition by 3 percent for the upcoming academic year, despite a 2 percent increase in postsecondary funding approved by the legislature.

Need-based aid and scholarships. In addition to making tuition more affordable for students, some Western states sought to defray the cost of college through an increase in need-based financial aid, including scholarships aimed at low-income and undocumented students.

- SB 234, **Colorado's** "Long Bill" that covers the state budget, included \$15.2 million in expanded funding for need-based aid. Need-based aid will now increase in a way that is consistent with funding increases for state governing boards. The same bill also increased funding for the Colorado Opportunity Scholarship Initiative Fund, enabling the program to provide grants at the same level in FY 2015 as in past years. The grants are designed to assist students who might not otherwise pursue or be successful in postsecondary education. Another grant program, Award Colorado Excellent Scholars (ACES), failed to pass when SB 50 was postponed indefinitely. The program proposed to award college scholarships to the three students in every public high school who graduate with the highest grade-point averages in their class.

- In **Nevada**, passage of SB 227 created the Silver State Opportunity Scholarship, which provides aid to students attending state community colleges and four-year institutions and taking at least 15 credit hours a semester. The size of the scholarship is based on a family's ability to pay, in addition to other federal aid a student might receive.
- SB 932, which passed in **Oregon**, extends eligibility for receiving state-funded scholarships and grants to undocumented students. It would also allow certain undocumented students to receive state-funded, need-based college scholarships through the Oregon Opportunity Grant program. Oregon now joins **California**, **New Mexico**, and **Washington** as Western states that offer financial aid benefits and in-state tuition to these students.
- Though it did not pass, HB 1154 would have created "grant contracts" for students receiving financial aid in **Washington** by replacing the current State Need Grant and College Bound Scholarship programs with the Affordable College for Everyone Grant Contract Program and the College Bound Affordable College for Everyone Grant Contract Program, respectively. Under the bill, students would have been contractually obligated to make contributions to the newly established aid programs beginning one year after completion or discontinuation of their higher education, based on their ability to afford such contributions. Another piece of legislation related to the College Bound College Scholarship Program did pass in 2015. SB 5851 includes a provision that data be collected promptly so that elementary and secondary students can see the program's outcome and impact before they start making plans for college.
- **Wyoming** modified its Hathaway Scholarship program in 2015 with the passage of HB 231, which extends eligibility for scholarships to students who earn a high school equivalency certificate instead of a diploma.

Other Western states struggled with established aid or scholarship programs. After implementing a temporary fix during the 2014 session, the **New Mexico** Lottery Scholarship program currently faces a \$20 million shortfall and the future of the program remains unclear. The legislature did not act to remedy the shortfall during the 2015 session, and the scholarship may become insolvent if a permanent fix is not on the agenda in 2016. Students receiving the scholarship will only have approximately 80-85 percent of their costs covered for the upcoming academic year.

Despite the ongoing troubles with the Lottery Scholarship, **New Mexico** did pass two pieces of legislation in 2015 that address affordability. HB 460 establishes the Lottery

Student Community Outreach Pilot Project to study the efficacy of having scholarship recipients volunteer for community outreach programs. Under the law, students who receive scholarships are encouraged, but not required, to volunteer to provide community outreach, primarily through mentoring K-12 students. HB 341, which also passed in 2015, allows for the repayment of college loans for state employees who work as direct-service providers in the protective services or juvenile justice divisions of the state Children, Youth and Family Department.

Graduation incentives. Three Western states sought to incentivize on-time graduation, or progress toward graduation, in an effort to reduce the amount of time and money students spend on a postsecondary education.

- Though it did not pass, SB 15 in **California** sought to create a Graduation Incentive Grant to reward California State University (CSU) students who complete a minimum of 30 units per year in an attempt to ensure they graduate within four years of enrollment. The legislation would have also directed \$75 million in funding toward both the University of California and CSU systems to keep a 5 percent tuition hike from going into effect.
- HB 547, which passed in **Hawai'i** in 2015, requires the University of Hawai'i to explore ways of providing guidance to students to increase the rate of on-time graduation. The bill also appropriates funds for the development and implementation of a graduation pathway system.
- In **Oregon**, the passage of HB 3063 appropriates money to the Department of Community Colleges and Workforce Development to establish a grant program aimed at increasing the number of underserved, low-income, and first-generation students who enroll at a two-year institution and make progress toward a degree or certificate.

Sweet Smell of Success

The issues of college access and success continued to play a large role in legislative sessions throughout the West. Legislation generally fell into three categories: accelerated learning options, articulation and transfer, and assessments used to determine student placement in college.

Accelerated learning options. In **Hawai'i**, SB 374 changes the name of the state's Running Start Program to the Dual Credit Program and broadens participation to include both public and home-schooled 9th and 10th graders. The bill also exempts participating students from paying University of Hawai'i tuition and fees, and makes program standards and assessments uniform across all campuses. Also in 2015, the **Idaho** Legislature passed two bills that build upon the Fast Forward legislation enacted the previous year:

- SB 1050 bolsters advanced learning opportunities in the state, including expanded dual-credit and advanced-placement programs such as the "8 in 6" initiative, which allows a student to finish eight years of coursework beginning in middle school and ending in college, in six years' time.
- HB 313 provides for increased counseling and peer mentoring support by allocating \$120 per classroom unit for grades eight through 12, or \$10,000 per school district, whichever is greater. Though signed by the governor, no appropriation was made for the 2015-16 school year; however, funds are expected to be allocated for the 2016-17 school year.

In **Washington**, HB 1546 modifies dual-credit requirements in the state and stipulates that a Running Start course may not consist solely of high school students at a high school, but rather must be open to matriculated students at the institution of higher learning.

Articulation and transfer. Signed into law in 2015 in **New Mexico**, HB 282 requires the state Higher Education Department to establish by August 1, 2017, a common course-naming and numbering system for lower-division courses that are identified as being substantially equivalent. Also signed into law in 2015, HB 2525 directs the **Oregon** Higher Education Coordinating Commission to develop standards related to transferability of credits and acceptance of test scores for community colleges and public universities. Additionally, as part of **Oregon's** "\$10,000 Degree" legislation, HB 2973 requires community colleges to develop streamlined transfer and dual-enrollment programs.

Assessments. In **Oregon**, HB 2681 directs community colleges to use results from one of four nationally available standardized assessments for the purpose of determining course placement of students at community colleges. Enacted in 2015 in **Washington**, SB 5122 encourages institutions to use multiple measures to determine whether a student must enroll in a pre-college course. These measures may be placement tests, the SAT, high school transcripts, college transcripts, or initial class performance. The state's public baccalaureate institutions must post all of the available options for course placement on their websites and in their admissions materials.

Putting Education to Work

Policymakers are increasingly aware that postsecondary education and training are critical to workforce development and economic growth. This was especially true in several Western states that introduced legislation specifically tying higher education to broader state economic goals. Career and technical education continued to receive significant attention, as did Science, Technology, Engineering, and Math (STEM)-related initiatives. Attempts

to increase the pool of qualified adult workers in the West were addressed through legislation related to enhancing career opportunities and technical training, in addition to competency-based education.

Career and technical education. Passage of SB 496 in **Nevada** established the Workforce Development Rapid Response Investment Program, which helps state community colleges and Nevada State College quickly establish training programs for high-tech companies in need of high-skill workers. In **Oregon**, SB 598 created a Task Force on 21st Century Apprenticeship composed of legislators, contractors, labor representatives, agency representatives, and others to evaluate and recommend apprenticeship policies to the legislature. If it had passed, SB 112 in **Oregon** would have also established a Career and Technical Education Investment Council charged with developing and overseeing a long-term strategy to expand and coordinate career and technical education in the state.

In **Utah**, HB 337 created a new state Career and Technical Education (CTE) Board tasked with conducting a comprehensive study of current CTE programs and identifying how to better align them with the state's business and industry needs. In addition, **Utah's** passage of HB 198 in 2015 creates the Strengthening College and Career Readiness Program to improve students' postsecondary preparation by enhancing the skill level of K-12 college and career counselors. In **Washington**, HB 1982 unsuccessfully sought to enhance advising and mentoring for students through the creation of an Innovations for Student Completion Program, which would have included elements of degree or certificate mapping and career counseling, in addition to an early-alert component for students at risk of not graduating.

Legislation currently under consideration in the **Commonwealth of the Northern Mariana Islands** – HB 19-004 – proposes to facilitate technical training and vocational education opportunities in the territory in part through the creation of an adult vocational and continuing-education charter school.

STEM. If it had passed, AB 1483 in **California** would have required the Legislative Analyst's Office to conduct a study of the feasibility of establishing a University of California campus devoted to science, technology, engineering, arts, and mathematics (STEAM). **Nevada** attempted, but also failed, to pass STEM-related legislation. SB 493 proposed creating a STEM Workforce Challenge Grant Fund, which would have awarded funds to a consortia of community and state colleges, in addition to nonprofit organizations and private businesses. The grants would have supported the development of programs intended to meet the needs and requirements of industries seeking highly-skilled workers to fill STEM-related jobs in the state.

Competency-based education. In **Arizona**, SB 1093 establishes competency requirements and assessments for high school graduation in the areas of reading, writing, mathematics, science, and social studies. Passage of SB 196 in Utah designated several pathways for high school students to demonstrate quantitative literacy before graduation. Students who plan to attend college will have to show math competency at a college-entry level. The bill also requires the Board of Regents to develop ways for students to earn college credit as they fulfill math requirements in high school and to expand concurrent enrollment opportunities.

Issues to Keep Watching

Guns on campus. The issue of whether or not to allow guns on college campuses remained an ongoing concern during the 2015 Western legislative sessions. After **Idaho** joined **Utah** and **Colorado** as Western states that legislatively allow firearms on campus in 2014, three other states attempted to pass similar bills, but all three measures failed:

- In **Montana**, SB 143, which was narrowly defeated, would have allowed individuals with permits to carry weapons on the state's public college campuses.
- AB 148, which would have allowed for the carrying of concealed weapons on college campuses, was approved by the **Nevada** House, but it died in the Senate.
- In **Wyoming**, HB 114 would have done away with gun-free zones around both K-12 schools as well as colleges and universities, and allowed those with state-recognized concealed-carry permits to bring their handgun with them while visiting or attending school events or classes.

Sexual assault. In 2014, California enacted legislation (SB 967) that established a clearly defined consent standard in matters related to sexual activity on college campuses, the first state in the nation to do so. During the 2015 legislative sessions, numerous other states in the West similarly sought to establish their own policies related to sexual harassment and assault.

In 2015, **California** legislators introduced and passed a College Campus Sexual Assault package of bills that amends and builds on sexual assault legislation passed during the 2014 session:

- AB 967 requires all private and public postsecondary governing bodies and institutions to report annually on cases of alleged sexual assault, in addition to mandating the suspension or expulsion (for at least two years) of students found guilty of sexual assault.

- AB 968 requires colleges and universities to note on a student’s transcript if he or she has been found guilty of sexual assault.
- AB 969 requires students to disclose in college applications if they had been dismissed from a postsecondary institution due to campus sexual assault.

In **Colorado**, passage of HB 1220 creates new requirements for colleges and universities concerning treatment and care of those who report sexual assault. HB 1249 in **Hawai’i** requires the Board of Regents of the University of Hawai’i to adopt policies for “investigating and responding to reports of sexual assault, domestic violence, dating violence, and stalking.” The legislation also includes an “affirmative consent standard” to determine whether consent was given by both parties with regard to sexual activity. Passed in **Oregon** in 2015, SB 759 requires four-year postsecondary institutions that enroll students receiving Oregon Opportunity Grants to adopt written protocol to ensure that students who report sexual assault receive necessary services and assistance. HB 3476, also passed in **Oregon**, addresses the perceived failure of the current system to protect victims’ needs by prohibiting the disclosure of confidential communications without the consent of the victim. Furthermore, in **Washington**, SB 5518 and SB 5719 both established new procedures to address campus sexual violence. SB 5518 is particularly notable for creating uniform discipline across all institutions and requiring institutions to conduct a “climate assessment” every four years to determine the prevalence of sexual violence on their respective campuses.

Common Academic Standards. As in past sessions, 2015 featured a number of challenges to the Common Core State Standards (CCSS) or to common academic standards in general. For the most part, attempts to repeal the standards were once again unsuccessful, as legislation in four states failed to pass.

In **Arizona**, HB 2190 would have repealed the CCSS, but the bill was defeated in the Senate. In **Colorado**, HB 1125, which also failed to pass, would have done away with the CCSS and removed the state from the PARCC consortium, in addition to making other extensive changes in state standards and testing. HB 377 in **Montana** would have essentially invalidated the CCSS and created an “accreditation standards review council” to determine new standards. In **South Dakota**, HB 1233, which also failed, would have eliminated the CCSS and prohibited the adoption of other multistate educational standards. Two notable exceptions to the failed attempts to repeal the CCSS in the West was legislation that passed in Alaska and Colorado. In **Alaska**, HB 44 created sexual assault awareness and prevention programs in K-12 schools, but also included a provision that repealed the requirement that all high school students take a college-and-career-readiness assessment – like the SAT, ACT, or Work Keys – to be eligible to receive a high school diploma. Students who want to attend college or be eligible for a Performance Scholarship can still take these examinations if they choose to do so, but the state will no longer cover the cost. In **Colorado**, HB 1323 prohibits the department from requiring a local education provider from administering any state assessments in the 11th or 12th grade. In effect, this eliminated the 11th grade Partnership for Assessment of Readiness for College and Careers (PARCC) examination.

Table 1. Legislation Related to Military and Veteran Student Education in the West, 2015

State	Legislation	Purpose	Status
Alaska	SCR 9	Encourages the University of Alaska to consider accepting upper-division undergraduate credits earned by members of the military and veterans toward master’s degrees offered by the University of Alaska System.	Failed
Colorado	HB 1294	Grants in-state tuition status to veterans and their dependents as defined in the federal Veterans Access, Choice, and Accountability Act of 2014.	Enacted
Nevada	AB 76	Extends in-state tuition to veterans at any public institution for up to five years after discharge, two years more than is currently offered through the federal Post-9/11 GI Bill. Also requires the Nevada System of Higher Education to track success rates for veterans and report what areas of study attract veteran students so that efforts can be made to successfully move them through the pipeline.	Enacted
New Mexico	HB 247	Entitles the spouse or child of military veterans to pay in-state tuition and fees.	Enacted
North Dakota	HB 1127	Amends the classification of residency for tuition purposes to include veterans, active-duty service members, and members of the National Guard.	Enacted
Utah	HB 233	Aligns state law with federal law requiring in-state tuition to be provided to veterans. Also ensures that higher education institutions in the state are eligible to award GI Bill benefits.	Enacted

Military and veterans education. Continuing a trend that gained a great deal of momentum in 2014 with the passage of the federal Veterans Access, Choice, and Accountability Act of 2014, numerous states across the West passed legislation in 2015 extending in-state tuition and other benefits to service members and, in some cases, their families with the goal of easing their transition back into civilian life and increasing the number of skilled workers in the region. (see Table 1 for a list of proposed and enacted legislation related to current and former military personnel in the West)

Conclusion

Most Western states appear to be approaching the slow, but steady economic recovery of the past three years with cautious optimism, innovation, and intelligence. Concerns over the rising cost of attending college and the understanding that postsecondary education fuels state economies has led many policymakers to address the issues of affordability and access in equal measure. The extra resources most states had at their disposal during the 2015 legislative sessions allowed for a targeted focus on both long-standing and emerging issues in the West, a trend that will hopefully continue in the upcoming year.

Endnotes

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