

STATE GOVERNMENT AND HIGHER EDUCATION IN VIRGINIA:

THE SECRETARY OF EDUCATION

by

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TABLE OF CONTENTS

| | <u>Page</u> |
|--|-------------|
| ACKNOWLEDGEMENTS. | ii |
| LIST OF TABLES. | vii |
| LIST OF FIGURES | viii |
| CHAPTER I: INTRODUCTION AND METHODOLOGY. | 1 |
| Background. | 1 |
| Need for the Study. | 4 |
| Statement of the Problem. | 5 |
| Purpose | 7 |
| Methodology | 8 |
| Phases of the Investigation | 10 |
| Definition of Terms | 20 |
| Assumptions | 21 |
| Limitations | 22 |
| Organization for the Study. | 23 |
| CHAPTER II: REORGANIZATION AND STRENGTHENING OF THE EXECUTIVE BRANCH OF VIRGINIA STATE GOVERNMENT | 25 |
| Governor's Management Study | 26 |
| Zimmer Commission Views on Public Higher Education | 27 |
| Proposed Executive Branch Reorganization. | 28 |
| Secretaries' Positions Statutorily Created | 32 |
| The Position of Secretary of Education in the First Cabinet. | 43 |
| Commission on State Governmental Management | 48 |
| Background. | 49 |
| Phase I: Preliminary Assessment of the Secretaries' Roles. | 53 |
| Phase II: Assessment of the Roles of the Governor and Collegial Bodies and the State Budget Process. | 69 |
| Phase III: Clarification of Secretaries' Roles by Legislative and Executive Action. | 89 |

| | <u>Page</u> |
|--|-------------|
| CHAPTER III: THE POSITION OF SECRETARY OF EDUCATION IN THE DALTON ADMINIS- TRATION: IMPLEMENTATION OF THE HOPKINS BLUEPRINT | 114 |
| The Cabinet System in the Dalton Administration. | 115 |
| Dalton's Goals for State Government | 115 |
| Dalton's Intended Use of the Cabinet. | 118 |
| Dalton Administration's Study of the Secretarial System. | 122 |
| Summary of Dalton's Intended Use of the Cabinet. | 133 |
| The Position of Secretary of Education in the Dalton Administration. | 134 |
| Dalton's Delegation of Authority to the Position of Secretary of Education | 135 |
| Organizational Structure of the Office of Education | 144 |
| Relationship of the Secretary of Education to Higher Education Agencies. | 147 |
| Areas of Responsibility of the Secretary of Education. | 153 |
| Formulation of the 1980-82 Executive Budget for Public Higher Education. | 157 |
| Budget as Key Document in Dalton Administration | 159 |
| Targeting Process | 160 |
| Executive Budget Bill | 190 |
| Legislative Review of the Executive Budget. | 193 |
| Discussion and Interpretation | 202 |
| CHAPTER IV: SUMMARY, CONCLUSIONS AND RECOMMENDATIONS FOR FURTHER STUDY. | 227 |
| Summary | 227 |
| Conclusions | 234 |
| Recommendations for Further Study | 241 |
| REFERENCE NOTES | 244 |
| REFERENCES. | 248 |

| | <u>Page</u> |
|---------------------|-------------|
| APPENDICES. | 258 |
| Appendix A. | 259 |
| Appendix B. | 262 |
| Appendix C. | 274 |
| Appendix D. | 278 |
| Appendix E. | 280 |
| Appendix F. | 287 |
| Appendix G. | 293 |
| Appendix H. | 297 |
| VITA. | 318 |
| ABSTRACT | |

LIST OF TABLES

| Table | <u>Page</u> |
|---|-------------|
| 1. Cabinet Positions as Established by the General Assembly in Comparison to Those Recommended by Zimmer and Hopkins Commissions. | 103 |
| 2. Statutory Powers and Duties of the Secretary of Education Compared to Those of Other Secretaries | 106 |
| 3. Comparison of Authority Delegated to the Secretary of Education with that Delegated to Other Secretaries by Executive Order of Governor John N. Dalton, Effective July 1, 1978 | 139 |

LIST OF FIGURES

| <u>Figure</u> | <u>Page</u> |
|--|-------------|
| 1. Reorganization of the Executive Branch of Virginia State Government as Proposed by the Governor's Management Study. | 30 |
| 2. Office of Secretary of Education Organization Chart. | 146 |
| 3. Organizational Chart of the Office of Education for the Commonwealth of Virginia | 148 |
| 4. Phases I and II of the Higher Education Targeting Process for the 1980-82 Biennium Budget | 166 |
| 5. Phase III of the Higher Education Targeting Process for the 1980-82 Biennium Budget | 176 |
| 6. Phase IV of the Higher Education Targeting Process for the 1980-82 Biennium Budget | 185 |
| 7. Phase V of the Higher Education Targeting Process for the 1980-82 Biennium Budget | 188 |

CHAPTER I

INTRODUCTION AND METHODOLOGY

Background

Understanding the relationship between the State and higher education is problematic for both policy makers and students of higher education governance. The foundation upon which states historically built their relationships to public higher education was the "self-denying ordinance." Earl Cheit (1975), with whom the descriptive term originated, defined the "self-denying ordinance" as "the most sophisticated legislative procedure in democratic government. . . by which states created and funded colleges but had only limited powers of review and control" (p. 34). Over the years and particularly within the last decade, the states have modified the self-denying ordinance as a result of the increases in size, cost, and complexity of higher education and other state government activities (Berdahl, 1978).

In an analysis of modifications of the self-denying ordinance, Berdahl (1978) indicated that it became evident to policy makers that only through a "greatly strengthened executive office" could State government deal effectively with competing requests for resources and resounding calls for accountability. Following the establishment by

President Taft in 1911 of the Commission on Economy and Efficiency in the federal government, a number of state governments initiated studies of executive reorganization and consolidation of State government, with Illinois, in 1912, being the first state to implement a major reorganization plan (Council of State Governments, 1950a, p. 2; Glenny, 1959, p. 15). According to Glenny, states based their executive reorganization plans on five principles developed by students of State government structure and processes.

1. Consolidate all operating state agencies into a small number of departments, each organized around a function of the government.
2. Establish clear lines of authority from the governor to all departments and state agencies.
3. Establish staff offices and controls to provide the governor with the administrative techniques necessary for effective direction.
4. Eliminate as many administrative boards and commissions as possible.
5. Provide a postaudit system under the legislative branch. (1959, p. 15)

As a result of executive reorganization based upon those principles, "state policy-making power was concentrated in the executive budget process" (Berdahl, 1978, p. 241).

It was through enactment of the 1918 Budget Act that the Virginia General Assembly first granted authority for the development of the executive budget to the Governor of the Commonwealth.

After World War II, a second period of government reform began, with a federal commission again providing impetus for State government action. Following the lead of the Hoover Commission on Organization of the Executive Branch of Government, about half of the states undertook reorganization studies of their government structures and administrative processes in the late 1940's (Council of State Governments, 1950a, pp. 1-2). Included among those states was Virginia, with the General Assembly creating a Commission on Reorganization in 1947 (Council of State Governments, 1950a). That legislative commission, known as the Burch Commission (Dabney, 1971, p. 520), proposed a reorganization plan for Virginia State government which consisted of three staff agencies within the office of the Governor, three auxiliary departments and eleven departments which rendered services directly to the public, including a Department of Public Education (Council of State Governments, 1950a, pp. 101-102). Dabney (1971) reported, however, that a "machine-dominated legislature" defeated most of the Burch Commission plan for the reorganization of the executive branch of government in Virginia (p. 520).

The most recent wave of executive branch reorganization, according to a Council of State Governments report, began in 1965; since then 21 states have implemented major

reorganizations (Nicholson, 1979, p. 105). Of those 21 states, Nicholson reported that all but one created cabinet systems as part of the executive branch reorganization (p. 107). Virginia was among the states which created a cabinet system as part of its recent reorganization of State government. The position of Secretary of Education, which is the focal point of this research effort, was included among the six cabinet posts created by the Virginia General Assembly in 1972 (Acts of Assembly, 1972, Chapter 641).

Need for the Study

Even though 20 states, within the last 15 years, have established cabinet systems as a part of their executive branch reorganizations, only six states have created a cabinet-level position of Secretary of Education* (ECS, 1979). When the position of Secretary of Education was created in Virginia nearly a decade ago, the formal structure of public higher education governance was altered.

A study of the development of the position during the 18 month term of the first Secretary of Education was

*The six states, and the year in which the cabinet-level post for education was created, were: Pennsylvania-1969, Massachusetts-1971, Virginia-1972, South Dakota-1973, Kentucky-1976, and New Mexico, 1977. (ECS, 1979, p. 11). During its 1980 session, the Massachusetts legislature, however, repealed the statute which created the cabinet-level position for education ("Superboard to govern Massachusetts colleges," 1980, p. 9).

conducted by Cain (1975). From 1973 to 1978, a legislative commission, however, recommended major changes in the structure and processes of Virginia State government, with legislation enacted in the 1975, 1976, and 1977 General Assembly sessions which altered the statutory powers of the Governor, the Cabinet Secretaries and the State budget process. Furthermore, public documents and statements by persons concerned with higher education in Virginia seemed to indicate that the Secretary of Education is increasingly involved and influential in higher education policy and budgetary matters. Not since Cain's study of the position of Secretary of Education from July 1972 through January 1974 has the position of Secretary of Education been the subject of systematic inquiry. Yet, since that time, changes have occurred in the authority of the position of Secretary of Education, as well as in perceptions of the involvement and influence of the position in relation to higher education.

Statement of the Problem

The problem of this research effort was to describe the historical context and the authority and major areas of responsibility of the position of Secretary of Education in Virginia. In order to investigate the problem on which

this study focused, the following research questions were addressed:

1. What was the documented intent for creating the position of Secretary of Education in 1972? What authority was granted initially to the position by the General Assembly and by the Governor?
2. What was the legislative intent for strengthening the statutory powers of the position of Secretary of Education in 1976? What executive authority and responsibility were delegated subsequently to the position?
3. On what factors does the authority of the position of Secretary of Education depend?
4. What were the major areas of responsibility of the position of Secretary of Education in the Dalton administration relative to higher education?
5. With which State-level agencies and officials did the Secretary of Education interact in performing the major responsibilities of the position? Did the authority of the position of Secretary of Education affect the authority of other State-level agencies and officials?
6. Is the position of Secretary of Education likely to remain within the governance structure of public higher education in Virginia? What is the

probable role of the position of the Secretary of Education in the future?

Purpose

The purpose of this study was to provide a better understanding of one facet of the multi-faceted relationship between State government and higher education in the Commonwealth of Virginia. The creation of a cabinet-level post for education was one aspect of the modifications of the "self-denying ordinance" which have been initiated by public policy makers in Virginia. By describing the historical context, and the authority and major areas of responsibility of the position of Secretary of Education, it was hoped that higher education policy makers and other interested persons might acquire a perspective for assessing recent events and for speculating about probable futures regarding higher education issues and governance in the Commonwealth.

In addition to being timely and relevant to public higher education policy makers in Virginia, this study should contribute to the literature on the involvement of State agencies and officials in public higher education. Over the last two decades, observers and students of higher education have expressed concern about such involvement and have debated the dilemma of institutional autonomy versus public

control of higher education. Some studies of the relationship of the State to higher education have focused on the roles of the Governor, the legislature, and the statewide higher education agency.* To date, little has been written, however, regarding a cabinet-level position for education in Virginia or in other states where such a position exists.

Methodology

Research Method

The research methodology used to execute this study was an exploratory field study. As originally classified by Katz and discussed by Kerlinger (1973), an exploratory field study "seeks what is rather than predicts relations to be found" (p. 406). Thus, exploratory field studies have three purposes:

1. to discover significant variables in the field situation,
2. to discover relations among variables,
3. to lay the groundwork for later, more systematic and rigorous testing of hypotheses.
(Kerlinger, p. 406)

Included among the strengths of exploratory field studies are their realism and heuristic quality. Regarding realism of field studies, Kerlinger (1973) stated that:

*See Education Commission of the States, 1979; Carnegie Commission, 1971; Carnegie Foundation, 1976; Eulau and Quinley, 1970; Berdahl, 1971 and 1978; Glenny, et al., 1970.

"Of all the types of studies, they are closest to real life" (p. 407). He also evaluated field studies as "highly heuristic" (p. 407), meaning that they served to guide discovery even though the results are incapable of proof.

The ex post facto nature of field studies was identified as the most serious methodological weakness of that type of research (Kerlinger, 1973, p. 408). Nevertheless, Kerlinger (1973) acknowledged that:

the most important social scientific and educational research problems do not lend themselves to experimentation, although many of them do lend themselves to controlled inquiry of the ex post facto kind. (p. 392)

An exploratory field study was an appropriate research methodology for studying the position of Secretary of Education and offered the potential for discovering and revealing data which could not be uncovered by other types of research.

Data Collection Procedures

The two procedures used to collect data for this study were: (1) reviewing legal and historical documents and (2) conducting focused interviews. Rather than a single procedure, two data collection procedures were employed in order to broaden the range of the data which were gathered and to improve their accuracy. For the development of the case studies of several government agencies, Blau (1963) utilized multiple methods of data collection because the

"most pertinent techniques to ascertain a given fact can be used" (p. 5).

In addition to providing a wider range of data, multi-method data collection contributed toward reducing the distortion which may result from using the information generated by only one particular research tool (Blau, 1963, p. 5). The data gathered by one procedure served to inform the data gathered by another procedure. Furthermore, the use of multiple procedures allowed for the data gathered by one means to be compared with that gathered by another means for congruency, thus improving the reliability of the data. The research design employed by Eckstein and Gurr (1975) for studying authority patterns included multiple methods of data collection. Stating that the use of eclectic methodology was compelled by the subject matter, the researchers contended that "the use of multiple methods is intrinsically better than choosing any single mode of inquiry (Eckstein & Gurr, 1975, p. 235).

Phases of the Investigation

This research effort was undertaken during a 2 year period, with the interview data being collected from November, 1980 through February, 1981. The investigation was conducted in five phases.

Phase I: Initial Review of Documents
and Related Literature

The first phase of the investigation involved reviewing legal and historical documents related to the formative stages of the position of Secretary of Education, and literature related to the relationship of State government, particularly the executive branch, to higher education. The documents examined during the first phase of the research process were:

- the report of the Governor's Management Study,
- the second and third interim reports of the Commission on State Governmental Management,
- the executive orders for the position of Secretary of Education issued by Governors Holton, Godwin, and Dalton, and
- the legislation enacted by the General Assembly in 1972 and in 1976 related to the Secretarial positions.

Another aspect of the initial phase of the investigation was reviewing literature regarding the relationship between State government and higher education.* Of particular importance were studies and reports on the role of

*Berdahl, 1971, 1978; Carnegie Commission, 1971; Carnegie Foundation, 1976; Epstein, 1970, Eulau and Quinley, 1970; Glenny, 1959; Glenny et al., 1970, 1975; Moos and Rourke, 1959; Sloan Commission, 1980, SREB, 1979; Zoglin, 1977.

the Governor, executive branch reorganization, and the State budget process.*

A review of the literature related to a cabinet-level position for education revealed very little treatment of the topic. A report published by the Education Commission of the States (1979) on the role of the Chief Executive in education identified the position of Secretary of Education as one mechanism used in several states "to bring education policy in[to] closer contact with executive branch of [state] government" (p. 11). Berdahl (1971; 1978) mentioned the education cabinet position in a description of statewide coordination of higher education and an analysis of the politics of higher education. Only one other publication ("Should the States Have Secretaries of Education?", 1974, p. 14-18) addressed the topic of the position of Secretary of Education in a broad perspective. This Compact article presented opposing views of whether a gubernatorial appointee, having authority over all levels of public education, should be included in the educational governance structure of a state.

*Berdahl, 1978; Carnegie Commission, 1971; Council of State Governments, 1972, 1977; Education Commission of the States, 1979; Eulau and Quinley, 1970; Glenny, 1959; Glenny et al., 1975; Moos and Rourke, 1959; Nicholson, 1979; Zoglin, 1977.

Other than State-generated documents related to the Secretary of Education in Virginia, only one study of the position has been conducted. The development of the position of Secretary of Education, during the term of the first cabinet, was described by Cain in 1975. Since then, the position of Secretary of Education in relation to higher education in the Commonwealth has not been the subject of systematic inquiry.

During the first phase of the investigation, the initial review of documents and related literature served to acquaint the investigator with the substantive area of the study. Furthermore, the document and literature reviews enabled the researcher to identify broad categories of responsibilities performed by the Secretary of Education.

Phase II: Selection of Specific Secretarial Responsibilities for In-depth Examination

The second phase of the investigation centered on the selection of specific responsibilities of the position of Secretary of Education which were to be examined in depth. For that purpose, exploratory discussions were held with the incumbent Secretary of Education, the Assistant Secretaries of Education for the areas of postsecondary education, and elementary and secondary education, and an Assistant Director of the State Council for Higher Education. Those officials were asked to identify, based upon specified

criteria, three or four major responsibilities of the position of Secretary of Education. The criteria used for the selection of the major responsibilities of the Secretary of Education in relation to higher education were:

1. the amount of time spent by the Secretary in performing a given responsibility,
2. the interaction of the Secretary with other State-level agencies and officials in performing a given responsibility, and
3. the importance of a given responsibility to the area of higher education.

Given the range of responsibilities formally granted to the position of Secretary of Education, the second phase of the research process served to limit the scope of the investigation. In addition, the State officials, with whom exploratory discussions were held, were asked to identify State agencies and officials with whom the Secretary interacted in performing the major responsibilities of the position.

Phase III: Further Review of Legal and Historical Documents

On the basis of the major higher education responsibilities which were identified for the Secretary of Education, the legal and historical documents, which were reviewed in a preceding research phase, were examined

further. In addition, materials related to the selected responsibilities of the Secretary of Education were reviewed. The types of materials which were examined included:

- the legislation regarding the State budget process,
- the Commonwealth's budget manual, including Appendix M budget guidelines for institutions of higher education,
- the staff documents of the Commission on State Governmental Management,
- the executive papers of Governor John N. Dalton,
- newspaper articles related to the Secretary of Education, other State officials, and higher education, and
- speeches, presentations, and other unpublished materials made available by State officials.

The data generated during this phase of the investigation assisted with identifying the state-level agencies and officials with whom the Secretary of Education interacted and the nature of the involvement of the Secretary regarding a particular responsibility of the position. That information also provided a framework for developing the focused interview guide.

Phase IV: Conducting Focused Interviews

In addition to reviewing documents and other printed materials related to the Secretary of Education, research

data were collected by conducting focused interviews. The term "focused interview" was used originally by Merton and his associates (1956) to describe a less structured interviewing procedure than the standard survey interview (Gergen, 1968). The procedure required the interviewer to develop a list of major areas of inquiry, rather than asking exactly the same questions of each interviewee. Thus, the procedure permitted the interviewer to remain sensitive to unanticipated responses (Merton, Fiske, & Kendall, 1956).

Focused interviewing seemed to be an appropriate data gathering procedure for this study in that it was recommended for use after the initial investigative phases of research. Prior to conducting such interviews, the investigator examined legal and historical documents related to the position of Secretary of Education, reviewed literature regarding the relationship of the State, particularly the executive, to higher education, and identified specific areas of Secretarial responsibility for in-depth examination. In addition to being recommended for use after the initial phases of investigation, Gergen (1968) stated that focused interviews "may be especially advantageous with persons of high prominence" (p. 223). He contended that:

Such persons may well resent an overly structured interview and, in addition, they may play such a sufficiently distinctive role in the policy-making process that greater flexibility in questioning may be desirable. (Gergen, 1968, p. 223)

Identification of interviewees. Persons with whom interviews were requested included those who were identified as being involved in the creation and development of the cabinet-level position and those State-level officials who were identified as currently being involved in the formulation of higher education policy, including budgetary matters. As previously indicated, data obtained from the review of legal and historical documents aided in identifying persons to be interviewed. In addition, interviewees were asked to name other persons who are affiliated with State-level agencies, with whom the Secretary interacted in performing specific responsibilities. Thus, the interviewees were identified by utilizing both printed materials and interview responses (see Reference Notes for a listing of interviewees).*

Development of the interview guide. According to the procedure for conducting focused interviews, an interview guide which specified the "major areas of inquiry" was

*Interviews were requested with Governor John N. Dalton and then-Secretary of Administration Finance Charles B. Walker. In both cases, the writer was referred to officials on their respective staffs, who agreed to participate in the study. Upon requesting an interview with the former Executive Director of the Hopkins Commission and former legal counsel for the Zimmer Commission, Patrick M. McSweeney referred the writer to an official within the Office of Administration and Finance.

developed (Gergen, 1968, p. 222). In describing the interview guide, Gergen (1968) stated:

The guide serves to orient the interviewer to specific types of questions. However, unlike the standard interview, the guide does not list a specific set of questions to be asked of each respondent. Rather, the interviewer is allowed considerable freedom in the type of question he asks and when he asks it. In addition, he is allowed to probe more deeply whenever it appears desirable. In other words, the guide provides a set of foci for the interviewer, but the interviewer . . . determines the exact form and structure of the interview. (p. 222)

Reflecting the major areas of inquiry regarding the position of Secretary of Education, the interview guide developed for the study included:

1. the original intent for creating the position of Secretary of Education in 1972,
2. the authority initially granted to the position,
3. the intent for strengthening the statutory powers of the position in 1976,
4. the authority subsequently delegated to the position,
5. the factors on which the authority of the position of Secretary of Education depends,
6. the major areas of responsibility of the Secretary of Education in relation to higher education,
7. The relationship of the Secretary of Education to other state-level agencies and officials with whom

the Secretary interacted in performing the major responsibilities of the position,

8. the effect of the authority of the Secretary of Education on other state-level agencies and officials, and
9. the probable future of the position for Secretary of Education.

Collection of focused interview data. The major areas of inquiry encompassed the entire scope of this study. The interview guide used for conducting an interview with a specific person, however, was tailored to suit the research data which that person was able to provide.

Permission to tape record the interviews was requested of each interviewee and, with one exception, permission was granted. Interview sessions generally exceeded one hour. During the interview, notes were taken; following each interview, verbatim transcripts were prepared for use in presenting the findings of the study.

Phase V: Analysis of Data and Presentation of Findings

The data gathered in phases III and IV of the research process informed each other; documents informed interviews and vice versa. Documents also informed documents and interviews informed interviews. Thus, it was a thoroughly iterative process which led the researcher to review in

depth the history and context of the Secretaries in Virginia. For example, Stuart Connock's reference to the executive management concept being implemented by the Dalton administration was one of several leads which directed the inquiry to the Department of Planning and Budget (DPB) study of the Secretarial system.

The data, all transferred to note cards, were organized and categorized according to the major areas of inquiry of the study. That arrangement provided the background needed to understand the development of the position of Secretary of Education and to ferret out the details of the responsibilities of the position, especially those related to budget. As those responsibilities overlapped and intersected with other State agencies and officials, the relationships were described with careful notation of the specifics of the relationship. Finally, and this came primarily from interview data, the research developed around the immediately current status of the position as well as perceptions of the future role of the Secretary of Education in relation to higher education in Virginia.

Definition of Terms

The following definitions were utilized throughout this study:

Authority—those powers and duties granted to the Secretary of Education by statute or delegated by the Governor.

First Cabinet—that group of gubernatorial appointees whose terms as Secretaries extended from July 1972 to January 1974.

Functional area Secretaries—those cabinet-level positions which have responsibility for five major areas or functions of State government, including Commerce and Resources, Education, Human Resources, Public Safety, and Transportation.

Office of Education—those State agencies and higher education institutions designated by statute and executive order as being the responsibility of the Secretary of Education.

Office of Secretary of Education—that unit within the Office of the Governor which is headed by the Secretary of Education and composed of three Assistant Secretaries and three support staff.

Assumptions

For purposes of this study, it was assumed that:

1. The authority and responsibilities of the position of Secretary of Education could be delineated based upon

the review of legal and historical documents and the responses of State officials to focused interview questions.

2. The use of two data collection methods improved the accuracy of the data.

3. The persons interviewed provided information which, to the best of their ability, was accurate and valid.

Limitations

Because of considerations of time and resources, there were certain limitations established:

1. The study focused on the authority and responsibilities of the position of Secretary of Education. No attempt was made to assess the influence of personality or other psychological dimensions of the cabinet appointee.

2. The study did not evaluate the effectiveness of any person who has held the position of Secretary of Education or the merits of the inclusion of a cabinet-level position for education within the governance structure of higher education.

3. The study focused solely on the position of Secretary of Education in relation to public higher education, even though the position has authority and responsibility relative to elementary and secondary education, as well as cultural programs and activities in the Commonwealth.

4. The study focused on the perceptions of officials in the State capitol, although it is recognized that the Secretary of Education interacts with officials of higher education institutions across the State.

Organization of the Study

The content of this study, which focuses on the authority and responsibility of the Secretary of Education in relation to public higher education, is presented in four chapters. This chapter served as an introduction to the study by stating the problem, the research questions, the purpose, and the assumptions and limitations of the study. Chapter I also described the methods and procedures utilized in this research effort. The two methods by which data were collected for this study were identified as (1) reviewing legal and historical documents and (2) conducting focused interviews with selected State officials.

Chapter II traces the development of the position of Secretary of Education from its creation in 1972 through statutory changes enacted during the 1976 General Assembly session which significantly altered the authority of the Secretary. The historical context is presented in considerable detail in order to provide a framework from better understanding the position of Secretary of Education in relation to higher education. Chapter III discusses the

use of the cabinet system as intended by Governor Dalton, the position of Secretary of Education within the Dalton administration, and the involvement of the Secretary of Education in the formulation of the 1980-82 executive budget for higher education. Organized as responses to the research questions, the findings of the study also are presented in Chapter III. The final chapter summarizes the study, delineates conclusions based upon the research findings, and offers recommendations for further study.

CHAPTER II

REORGANIZATION AND STRENGTHENING OF THE EXECUTIVE BRANCH OF VIRGINIA STATE GOVERNMENT

In 1972 the Virginia General Assembly enacted legislation creating positions within the Office of the Governor for six Secretaries (Acts of Assembly, 1972, Chapter 641). The Secretary of Education, one of the six cabinet positions within the reorganized executive branch, served as the focal point of this study. The "uniqueness" of the education area of State government raised questions, on the one hand, regarding the need for retaining the position of Secretary of Education within the cabinet system, and on the other hand, for strengthening its statutory powers, particularly in relation to budgetary matters.

Thus, it is only within a broad historical context that the position of Secretary of Education in relation to public higher education can be properly understood. The purpose of this chapter, therefore, was to trace the historical development of the Cabinet system from 1970 through 1977. To that end, the recommendations of the Governor's Management Study (Zimmer Commission) and the Commission on State Governmental Management (Hopkins Commission), as well as subsequent legislative and executive action were described.

GOVERNOR'S MANAGEMENT STUDY

Shortly after his inauguration in 1970, Governor Linwood Holton formed the Governor's Management Study (GMS), commonly known as the Zimmer Commission in reference to its chairman, William L. Zimmer III. This non-profit corporation was composed of 57 Virginia business executives from whom Governor Holton requested assistance in identifying "ways to improve and reduce the cost of providing governmental services to the state's citizens" (GMS, 1970, p. v). By executive order, Governor Holton authorized the Zimmer Commission

to make such analyses and investigations as may be considered necessary to ascertain the means and manner by which the governmental services of the Commonwealth of Virginia may be afforded to its citizens in the most efficient, expeditious and economic manner (Holton, 1970).

After reviewing the operations of 90 executive branch agencies, including statewide education agencies and publicly supported institutions of higher education, the Zimmer Commission reported its findings to Governor Holton in November 1970. Nearly 400 recommendations for improving the administration of state government were identified, along with corresponding fiscal impacts of implementing the recommendations (Zimmer in GMS, 1970, np).

Zimmer Commission Views
on Public Higher Education in Virginia

By way of an addendum to the introduction of its report, the Governor's Management Study expressed its opinions regarding "problems attendant upon the future of higher education in Virginia." Without recommending specific action, the Zimmer Commission identified four issues concerning growth and expansion of public higher education in Virginia:

1. Given projected growth in student enrollments and state expenditures for higher education, the question of the extent to which the costs of providing higher education should be shared by taxpayers and students was raised by the Commission.
2. Based upon its assessment that requests by institutions for expansion of physical facilities exceeded requirements, the Commission called for "close scrutiny" of capital outlay requests.
3. Given that the community college system was established "to provide special vocational-technical training for a two-year terminal period," the Commission cautioned against diversion of its major thrust to the liberal arts, thus increasing costs and duplicating existing programs.
4. The Commission believed that maintaining moderate-sized student enrollment levels at "Virginia's major higher educational institutions" was the appropriate means by which to "retain their distinctive characteristics to the benefit of the Commonwealth's total educational program." To do so required "careful planning to avoid undesirable duplication." (GMS, 1970, np)

Proposed Executive Branch Reorganization

In addition to recommending specific changes in management practices and operations of most executive agencies and raising general concerns related to growth in higher education, the Zimmer Commission also recommended reorganization of the executive branch by establishing five Deputy Governor positions. Along with the Commissioner of Administration as the "top staff executive," these positions would comprise the "Governor's management team" (GMS, 1970, p. 171).

Need for Executive Control

Percentage growth in the number of State employees and in state expenditures well beyond percentage growth in Virginia's population and personal income of its citizens, according to the Commission, generated a "need for better executive controls" (GMS, 1970, p. 168). The Commission found the extant structure of State government to be "massive and unwieldly," with approximately half of the 150 state agencies reporting directly to the Governor (GMS, 1970, p. 168). The "piecemeal proliferation" of many executive branch units, accompanied by diffusion of accountability, had not been "conducive of economy and efficiency" within state government. Thus, the Zimmer Commission recommended adoption of a corporate model for the

organizational structure of the executive branch:

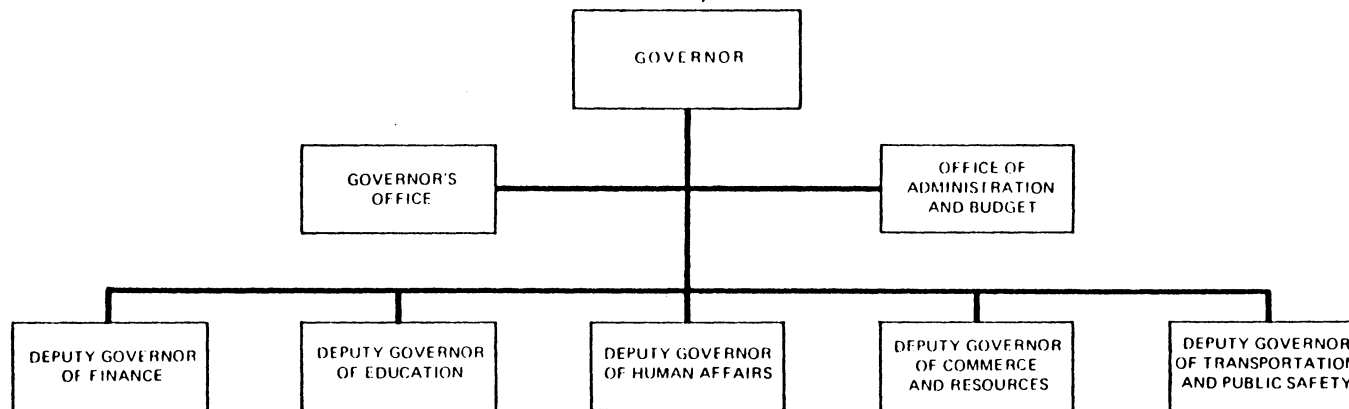
Under a chief executive, the administrative process is divided into line and staff functions with a few top executives reporting directly to the chief executive officer. (GMS, 1970, p. 168).

Recommended Organizational Structure

Office of Administration and Budget. The proposed executive branch reorganization included an Office of Administration and Budget to be directed by a Commissioner with responsibility for staff functions such as budgeting, personnel, and planning. A Commissioner of Administration position already existed within the executive branch. It was created in 1966 as a result of legislation enacting a recommendation by a legislative commission (GMS, 1970, p. 167-168).

Deputy Governors. Beyond recommending that the Commissioner of Administration's title be changed to "Administration and Budget," the Zimmer Commission's reorganization plan called for creating "five line executive offices encompassing the fields of Finance, Education, Human Affairs, Commerce and Resources, and Transportation and Public Safety" (GMS, 1970, p. 169). The structure of the executive branch as proposed by the Governor's Management Study in 1970 is illustrated in Figure 1.

Holding that the primary responsibility for reorganization should rest with the State's Chief Executive, the



Source: Governor's Management Study, Inc. Executive reorganization (Section III), Governor's Management Study, 1970, p. 169.

Figure 1. Reorganization of the executive branch of Virginia state government as proposed by the Governor's Management Study.

Commission recommended that the Deputy Governors be appointed by the Governor, without legislative confirmation. The appointees were to serve at the pleasure of the Governor and report directly to the Chief Executive. Furthermore, the Zimmer Commission designated those State government agencies, grouped by compatible functions, for which each Deputy Governor would be responsible. The State Council of Higher Education and the individual four-year public colleges and universities were included among those agencies over which the Deputy Governor of Education would have jurisdiction (GMS, 1970, p. 170).

Analogous to its corporate model of organizational structure, the Zimmer Commission viewed the Deputy Governors as "executive vice-presidents" of large corporations (Zimmer, Note 1). As such they would exercise management functions, "being involved constantly with operations and heads of departments" under their jurisdiction yet having only "limited involvement with detail" (GMS, 1970, p. 171). The staff responsibilities of these line executives would be "minimal," as envisioned by the Zimmer Commission, since the central staff agencies in the Office of Administration and Budget "would be at their command through the Commissioner" (GMS, 1970, p. 171).

Legislative Action Required

While over three-fourths of its recommendations could be implemented by executive order, the Commission recognized that legislative action was required in order to authorize the Governor to delegate executive powers to these new positions (GMS, 1970, p. 202). The Commission recommended enactment of legislation authorizing the Governor to delegate "as he sees fit" his management functions to Deputy Governors, "subject to limitations imposed by law" (GMS, 1970, p. 171).

Secretaries' Positions Statutorily Created

House Bill 817

Supported by the recommendation of prominent Virginia businessmen that State government needed to be more efficient, and that replication of corporate organizational structure in the executive branch provided a means to that end, Governor Holton appealed to the General Assembly to create six positions within the Office of the Governor. Each position was identified by the title of Secretary. During the 1972 General Assembly session, Delegate Roy W. Smith, then-Chairman of the House Appropriations Committee, introduced the legislation in the form of House Bill 817 (Acts of Assembly, 1972, Chapter 641). Even though 45 other

Delegates joined Smith as patrons of the bill,* bipartisan conflict erupted over the measure (Latimer, 1972, p. A-1). Led by Senator E. T. Gray and Delegate J. M. Thompson, House Majority Leader (Cain, 1975), opposition to the bill centered on three issues:

1. the similarity of the proposed structure to the cabinet system of the federal government (Fleming, 1972, p. B-6; Zimmer, Note 1).
2. the use of the title "Deputy Governor" by the Governor's Management study group ("The Secretaries' Bill", 1977, p. F-6; Zimmer, Note 1).
3. the contention that the proposed reorganization added "another layer of government" (McElroy, 1972, p. 19).

Passing the House by a vote of 51-47 (Journal of the House . . . , 1972, p. 559-560), the minimum number of required affirmative votes, the bill was approved by the Senate (29-11) in the waning hours of the 1972 session (Journal of the Senate, 1972, p. 1007; "The Secretaries Bill," 1972, p. F-6).

Code of Virginia Amended

The amended Code authorized the Governor to appoint Secretaries of Administration, Finance, Education, Human Affairs, Commerce and Resources, and Transportation and

*Included among the patrons were then-Delegate John N. Dalton, currently Governor of the Commonwealth of Virginia, and Delegate Richard M. Bagley, currently Chairman, House Appropriations Committee (Journal of the House . . . , 1972, p. 384).

Public Safety (see Appendix A for text of the 1972 Code). Appointees to Secretarial positions were to serve terms coincident with the appointing Governor; however, contrary to the Zimmer Commission recommendation, the gubernatorial appointments were subject to General Assembly confirmation (Code of Virginia, Section 2.1-51.7; Acts of Assembly, 1972, Chapter 641). Although State agencies for which each Secretary was responsible were identified, the Code permitted the Governor to reassign State agencies among the Secretaries and to assign State agencies which were not listed in the enabling legislation to a Secretarial area. As recommended by the Zimmer Commission, the State Council of Higher Education and the State-supported institutions of higher education, listed as an aggregate group, were designated as agencies for which the Secretary of Education was responsible (Code of Virginia, Section 2.1-51.9; Acts of Assembly, 1972, Chapter 641).

Statutory powers of Secretaries. In delineating the powers and duties of the Secretaries, the General Assembly duplicated the language of the extant Code (Acts of Assembly, 1970, Chapter 262) regarding the position of Commissioner of Administration. Substituting the title of "Secretary" for "Commissioner", the amended Code stipulated that:

Each Secretary shall exercise such powers and perform such duties as may be delegated to him by the Governor to execute the management functions of the Governor. (Code of Virginia, Section 2.1-51.7, Acts of Assembly, 1972, Chapter 641)

This similarity prompted one observer to recall that the state had "put the idea into effect on a very limited basis some years ago" ("The Secretaries' Bill", 1972, p. F-6). The new structure merely extended throughout the government the organizational arrangement of a gubernatorial appointee overseeing a number of State agencies which formerly had reported directly to the Governor.

Limitations of Secretaries' powers. In relation to the agencies for which each was responsible, the Secretaries were vested with the powers of the Governor. However, those powers were limited by prohibitions stipulated by the Virginia Constitution and delegation of executive powers to the Secretaries by the Governor (Code of Virginia, Section 2.1 - 51.7, Acts of Assembly, 1972, Chapter 641). The Secretaries were statutorily authorized to execute the Governor's management functions in relation to State agencies for which each was responsible, provided that there existed no Constitutional prohibition and that the Governor delegated to a Secretary the authority to exercise such executive powers. Regarding Secretarial powers and duties, the only specific provision in the 1972 Code (Acts of Assembly, 1972, Chapter 641) required agency heads to submit

all reports to the Governor through their respective Secretaries.

The Cabinet Structure

Neither the Governor's Management Study report nor the legislation which created the Secretarial positions specifically referred to the collective group of Secretaries as a cabinet. Nonetheless a State government publication introducing Governor Holton's Secretarial appointees was entitled "The Cabinet of Virginia" (DSPCA, 1973).

Original concept. Even though the legislation creating a cabinet structure was enacted during the Holton administration, the concept of a cabinet as a type of executive branch organization did not originate with Governor Holton and the Governor's Management Study. Rather, a 1947 legislative commission, the Burch Commission, proposed a cabinet structure consisting of 11 operating departments, three auxiliary agencies, and three staff agencies (Dabney, 1971, p. 520; Council of State Governments, 1950a, p. 101-103). According to Dabney (1971, p. 520), the reorganization plan was "cut to pieces by the machine-dominated legislature and the net result was that little was accomplished." However, one aspect of the Burch Commission reorganization plan was implemented: a separate division of personnel, formerly part of the division of budget, was created, and both the division of budget and division of

personnel were made "intregal" parts of the Governor's Office (Council of State Governments, 1950a, p. 118, 128).

Creation of Cabinet structure. Nearly 25 years after the Burch Commission proposal, the 1972 Virginia General Assembly enacted legislation which created six Secretarial positions and authorized the Governor to delegate executive powers to those positions. Thus, a cabinet structure in Virginia State government was statutorily created. Even though no specific reference to "cabinet" was contained in the enabling legislation, the six Secretaries were collectively referred to and became commonly known as "The Cabinet of Virginia" (DSPCA, 1973).

Cabinet as a "collective body". During its 18 month tenure, the first cabinet perceived itself and functioned as a "collective body" (Temple, 1973, p. 11), deliberating jointly on statewide policy issues. Reflecting on that practice, the chairman of the first cabinet, T. Edward Temple (1973, p. 11), explained:

If the State is to speak as one on the major issues before it today, the cabinet's role as a forum for collective exchange of ideas and the development of joint policy statements is an essential part of the process.

According to Secretary of Administration Temple (1973), the practice of speaking with one voice was particularly important with regard to the State's "devising

strategies. . . to meet the requirements of changes in federal policy" (p. 11).

The cabinet's functioning as a collective body was consistent with the Zimmer Commission's conceptualization of the cabinet. When queried about the Commission's intended role for the Secretary of Education, the chairman stated that the study group focused on the "concept of a cabinet as a whole" rather than the respective responsibilities of individual positions (Zimmer, Note 1). Correspondingly, the General Assembly established six positions and authorized the powers and duties of the Secretaries in one section of the Code. Other than identifying the six functional areas of State government which were to be headed by Secretaries, the 1972 Code did not differentiate among the positions (Acts of Assembly, 1972, Chapter 641). Similarly, Governor Holton (1972b) issued one executive order to delegate authority to the newly created cabinet positions. Only in the assignment of agencies for which each was responsible were the Secretaries recognized individually in Holton's executive order (Holton, 1972a).

Chairman of the cabinet. Even though the first cabinet functioned as a collective body, the Secretary of Administration served as chairman of the cabinet (Poston, 1972, p. 21; DSPCA, 1973). This was in historical accord with the previously mentioned Commissioner of Administration

position which was created during the first term of Governor Mills E. Godwin. The Commissioner of Administration had responsibility for coordinating central staff agencies of State government, such as budget, personnel, and planning. With the creation of the Secretaries positions, only the title of the Commission's position changed; the responsibilities remained the same in relation to central staff agencies. As explained by a former director of one of those agencies, it was appropriate for the Secretary of Administration to serve as chairman of the cabinet since the agencies for which he was responsible "cut across" agency lines, providing staff support to those State government agencies which delivered services to citizens (Kirby as cited in Cain, 1975, p. 40).

Definitions of Secretaries' Responsibilities

Important to the development of the executive branch structure was the absence of clear delineation of the Governor's functions, which the Code permitted the Governor to delegate to the Secretaries (Code of Virginia, Section 2.1-51.7; Acts of Assembly, 1972, Chapter 641). In his assessment of the first cabinet, the Secretary of Administration noted that the absence of statutory definition of the Governor's management responsibilities necessitated that the Governor and the Secretaries "define the parameters of

their management role through practice and agreement" (Temple, 1973, p. 10). For much of the 18 month term of the first cabinet, the Governor, the Secretaries, and various committees and task forces attempted to define the role of the cabinet (Cain, 1975; Harrison, 1977).

Policy matters. Generally, it was agreed that the Secretaries were not to be involved in the day to day operations of the agencies for which they were responsible. Governor Holton made the point clear by saying that the cabinet "would not get bogged down in paper clips and rubber bands;" rather, he intended for the cabinet, serving as an extension of the Governor's authority, to be "concerned with broad policy matters" (McElroy, 1972, p. 19; Holton, 1972b; Appendix B).

Program coordination. Coordination of programs within their respective Secretarial areas and across Secretarial areas was a primary task for the cabinet (Cain, 1975, p. 45; Poston, 1972, p. 21). According to Governor Holton's Executive Order Number Twenty-One, coordination of programs required "undertaking inter-office exchange of information and action to assure consistent and effective overall State action" (Holton, 1972b). Although the Governor emphasized communication among Secretarial areas, communication among agencies within each Secretarial area was a prerequisite to effecting coordination. Identifying and, subsequently,

reducing and eliminating duplicative programs was the intended purpose of the Secretaries' coordinative responsibilities (Temple, 1973, p. 10; Cain, 1975, p. 45).

Budget authority. Corresponding to his expectation that the Cabinet would address broad policy matters, Governor Holton directed Secretaries to prepare recommendations regarding priority programs in their areas. Following review by all Secretaries, program priorities were submitted to the Governor prior to agencies submitting their biennial budget requests (Holton, 1972b). Even though they made recommendations which were considered during biennial budget preparation, the Secretaries' budget authority did not extend beyond identifying priority programs. The section of the Code of Virginia related to the State budget process was not amended when the Secretarial positions were created; it mandated that agencies submit their budget requests directly to the Division of Budget. Clarifying that statutory requirement, Holton's Executive Order indicated that Secretaries were authorized, however, to request copies of their respective agencies' budget submissions (Holton, 1972b).

Because of the Secretaries' lack of involvement in budget-making decisions, the intended result of the coordinating responsibility of the Secretaries was not realized. The first Secretary of Administration, T. Edward Temple,

stated that: "The most crucial area in which the coordinative responsibility of the Secretaries finds expression is the preparation of the biennial budget" (Temple, 1973, p. 10). Regarding the Secretaries' lack of involvement in the budget-making process, Governor Holton remarked that the process was "not as refined" as he would have liked and the Secretaries' participation in long-term budget planning needed to change (Cain, 1975, p. 69, 96).

Staff to the Secretaries

Although the enacted legislation allowed for Secretaries to employ personnel and contract for consulting services as needed to perform their duties, Governor Holton proposed an alternative means of providing staff to the Secretaries. The Secretaries were "authorized to request temporary assistance" from the agencies within their respective areas with the expectation that agency assistance would be given, provided that compliance did not prevent accomplishment of their statutory mission (Holton, 1972b).

Among the first cabinet Secretaries, only the Secretary of Administration had a full-time professional staff member, an Assistant Secretary. In 1973 the Division of State Planning and Community Affairs, a central staff agency within the Office of Administration, reorganized its internal structure to correspond with the five functional area Secretaries. As a result of that reorganization, staff

support by the division's planners was made available to the Secretaries upon request (CSGM, February 1976d, Part eight: Planning . . . , p. 412).

The Position of Secretary of Education in the First Cabinet

Reason for Inclusion in the Cabinet

The perceived need for coordination of diverse constituencies, combined with the large investment of State resources in education, precipitated the Governor's Management Study to include education as one of six areas of State government to be included in the cabinet (Zimmer, Note 1). After the cabinet was formed, State officials and agency heads, including several university presidents, reiterated the need for coordination among education agencies (Cain, 1975). William L. Zimmer, III (Note 1), Chairman of the Governor's Management Study, confirmed that coordination of agency activities was the intended purpose of the Secretarial positions.

Appointment of the First Secretary of Education

In appointing members of the cabinet, Governor Holton selected Earl J. Shiflet as Secretary of Education. Although he held a master's degree from Columbia University in Educational Foundations, Shiflet was not a professional

educator. Prior to his cabinet appointment, he was Executive Manager of the Virginia Association of Electric Cooperatives. His civic activities included serving as past chairman of a Virginia county school board and as a member of two education committees of State organizations (Cain 1975, p. 41; "Earl James Shiflet. . .", 1972, p. 15). Cain reported that Governor Holton intentionally selected Shiflet because, by virtue of his not having been identified with a specific level of education, he could represent the entire spectrum of education activities in the Commonwealth. However, when asked to identify characteristics which a Secretary of Education needed to possess, participants in Cain's study recommended that the person be a professional educator (Cain, 1975, p. 106).

Staff to the Secretary of Education

As discussed previously, cabinet members, with the exception of the Secretary of Administration, did not have full-time professional staff to assist with their responsibilities. Within his own office, Secretary Shiflet's staff consisted of a part-time administrative assistant, who was a graduate student at the University of Virginia (Cain, 1975, p. ii), and one full-time secretary. In addition, he could request temporary assistance from any of the education agencies or, beginning in 1973, from the planners in the Division of State Planning and Community Affairs.

Several of the State officials interviewed by Cain indicated that it was impossible to operate "effectively with assistance only from [central] agency personnel on part-time or temporary assignment" (Cain, 1975, p. 105). Thus, Cain (1975, p. 122) recommended that the Secretary of Education needed at least one full-time professional educator to assist with performing the responsibilities of the Office of Education.

Major Responsibilities of the First Secretary of Education

Communications link. State-level and institutional official's perceptions of the position of Secretary of Education corresponded with Temple's (1973, p. 9) description of a Secretarial position being a "communications link." Through his study of the development of the position of Secretary of Education from 1972 to 1974, Cain (1975) identified several responsibilities which the Secretary of Education was expected to perform (p. 44-63). Among those expectations were the following responsibilities related to the Secretary's role as a communications link: (1) representing education to the public; (2) serving as a liaison to the Governor; and (3) coordinating activities of agencies within the Office of Education.

Budget responsibilities. As with other Holton cabinet appointees, Secretary Shiflet's responsibilities in relation

to formulation of the 1974-76 executive budget apparently were limited to making priority program recommendations. By executive order (Holton, 1972b), Secretaries were directed to recommend priority programs to the Governor for consideration in development of the executive budget. Accordingly, the Secretary of Education prepared priority program recommendations which were based on education agency heads requests (Cain, 1975, p. 67-68). Regarding higher education, the State Council of Higher Education also analyzed the information submitted by institutions and prepared recommendations on priority programs (Cain, 1975, p. 68). Both the Secretary of Education's and the State Council's priority recommendations were submitted to the Division of Budget (Cain, 1975, p. 68). In keeping with the practice of functioning as a collective body, the entire cabinet reviewed priority recommendations across Secretarial areas in order to make final recommendations to the Governor for 1974-76 executive budget priorities (Cain, 1975, p. 68).

On the basis of his research findings, Cain (1975) stated that "the role of the cabinet in budget making was not clearly delineated" (p. 68). In the description of the formulation of Virginia's 1974-76 higher education operating budget developed by Glenny and others (1975, p. 344-349), the position of Secretary of Education was not

mentioned. Rather, the authors identified the State Council of Higher Education and the Division of Budget, within the Governor's Office, as the primary participants in the budget development process for higher education (Glenny, et al. 1975, p. 349).

Change in Higher Education Governance

Under the cabinet form of executive management, it was intended for agency heads to report to their respective Secretaries rather than directly to the Governor. This was confirmed by the Code (Section 2.1-51.7; Acts of Assembly, 1972, Chapter 641) which stipulated that agency heads' reports to the Governor were to be submitted through the designated Secretary. That alternation in the formal structure represented a significant change for education:

No longer was it intended that the Director of the State Council of Higher Education . . . and the thirteen public institutions of higher education would report directly to the Governor. After July 1972, those agency heads and institutional presidents were to report to the Secretary of Education within an organization designated as the Office of Education. (Cain, 1975, p. 11-12)

However, the designated legal responsibilities of the State Council of Higher Education and the individual Boards of Visitors were not altered by the legislation which created the Secretarial positions.

Because of lack of clarity about the Secretary of Education's role, Cain (1975, p. 118) asserted that "the

authority of the Secretary was never clearly perceived by those with whom he worked." Higher education agencies kept the Secretary of Education informed but, reportedly, it was sometimes "after the fact" by providing copies of materials submitted to the Budget Office or other executive offices (Cain, 1975, p. 96). They did not report to the Secretary of Education as a "line-executive" as intended by the Zimmer Commission. Thus, as a result of a study of the term of the first Secretary of Education, Cain (1975, p. 96) concluded that there was "little change in decision-making after creation of the position of Secretary [of Education]."

COMMISSION ON STATE GOVERNMENTAL MANAGEMENT

Only one year after establishing the Secretarial positions, the Virginia General Assembly in 1973 created the Commission on State Governmental Management:

for the purpose and charged with the duty of bringing about greater efficiency in State Government by the reduction of the more than one hundred agencies to a reasonable and practicable number, the elimination of duplication and overlap, the establishment of clear lines of authority, and undivided responsibility for particular functions of the State Government.
(Acts of Assembly, 1973, Chapter 432)

Though occurring after the formal creation of the cabinet, this new commission had a significant impact on the role of the Secretaries. In order to properly understand these developments, it was necessary to delineate the Commission's

recommendations, as well as subsequent legislative and executive actions, which were related to the position of Secretary of Education in Virginia.

Background

The legislation calling for the formation of a commission to study State government management recognized the work of the Governor's Management Study (Zimmer Commission), which also advocated making State government more efficient (GMS, 1970, Intro.). However, in recommending reorganization of the executive branch, the Zimmer Commission did not study the Governor's powers and duties in relation to State agencies. Neither did the General Assembly alter other sections of the Code when it created the Secretarial positions. Rather, the new positions were interjected into the executive branch structure without comprehensively reviewing the formal authority of the Governor or agencies, boards and commissions (CSGM, February, 1976b, Part five: . . . Secretaries' roles, p. 234).

Initially, Senator William B. Hopkins, Chairman of the Commission on State Governmental Management, opposed the legislation which created the Secretarial positions because of the failure to address the parts of the Code dealing with executive management of State government (Hopkins, Note 2). The existing statutory authority of agency heads, boards and

commissions and a vaguely worded statute granting powers to the Secretaries raised questions about their roles or even the need for the positions at all. Indeed, the controversy surrounding the six cabinet positions was "a principal factor in the establishment of the Commission on State Governmental Management" (CSGM, February, 1976b, Part five: . . . Secretaries' roles, p. 233).

Commission's Areas of Study

Areas of study for the Commission were identified in the legislation creating the Commission. Included among them were:

The demands placed upon the Governor's time by executive agencies and what techniques or devices, including the Secretaries, may be employed to meet those demands.

The effectiveness of the Secretaries in assisting the Governor with executive management functions and improvements which could be made in the cabinet structure.

Other changes in the structure of state government which would lead to more effective management procedures consistent with a responsive and responsible State government. (CSGM, July 1976a, First interim report, p. 3-4)

As it began to study executive management structure and procedures, the Commission "discovered an obvious need to analyze the State's budgetary process and the allocation of responsibility for budget decisions" (CSGM, July 1976a, First interim report, p. 4).

Structure of the Commission

Members and staff. As prescribed in the enacted legislation, the membership of the Commission on State Governmental Management included four Senators, seven Delegates, and four gubernatorial appointees, with the 15 members selecting their own chairman (Acts of Assembly, 1973, Chapter 432). The members selected Senator William B. Hopkins, the primary patron of the bill creating the Commission, as Chairman. Thus, the Commission was commonly referred to as the Hopkins Commission. Delegate Willard L. Lemmon served as Vice-Chairman of the Commission. Among Governor Holton's appointees were William L. Zimmer III, former chairman of the Governor's Management Study, and T. Edward Temple, first Secretary of Administration (CSGM, July 1976a, First interim report, n.p.). Eight persons were employed as full-time staff to the Commission, including Patrick M. McSweeney* as Executive Director and Kenneth Golden as Deputy Director. In addition, the Division of Legislative Services, consultants, and "experts in the fields related to subjects assigned to the Commission" provided assistance (CSGM, 1975, p. 8).

*Patrick M. McSweeney had served as Assistant General Counsel to the Governor's Management Study, Inc. (the Zimmer Commission) and was recognized by that Commission "for valuable and extensive work . . . done during the entire course of the study" (GMS, 1970, Introduction).

Subcommittees. Paralleling its major areas of study, the Hopkins Commission divided its work among four subcommittees. In addition to the Subcommittee on the Lieutenant Governor, the other three subcommittees and their primary emphasis were:

1. the Subcommittee on Executive Management, which examined the roles of the Governor, the Secretaries, and boards and commissions to identify problems in the assignment of such roles and to clarify lines of responsibility and authority;
2. The Subcommittee on Budget and Management systems, which considered improvements in the state's management processes and procedures, including planning and budgeting processes, the availability of information and adequate information systems, and the existence of an effective system of personnel management; and
3. The Subcommittee on Government Operations, which analyzed programs of state government in order to rationalize the arrangement of work and to streamline the executive branch by reducing the number of agencies and eliminating overlapping and duplicative functions. (CSGM, 1975 , p. 8)

Phases of the Hopkins Commission Study

The Hopkins Commission's study of state governmental management continued over a 5 year period from 1973 through 1978. For the purpose of this study, the Commission's activities in relation to the Secretaries, particularly the Secretary of Education, have been categorized into three phases:

Phase I -Preliminary Assessment of Secretaries' Roles
(July 1973-June 1974)

Phase II -Study of Roles of the Governor and Collegial
Bodies and the State's Budget Process
(September 1974-November 1975)

Phase III-Clarification of the Secretaries' Roles by
Legislative and Executive Actions
(1975 through 1977 General Assembly Sessions)

Phase I: Preliminary Assessment of
Secretaries' Roles

Initial Roles of Secretaries

Recognizing that its recommendations about the cabinet structure would affect deliberations on other issues, the Commission turned its attention to the roles of the Secretaries as its first order of business. After meeting with each of the Secretaries soon after its formation, the Commission observed that the vagueness of the 1972 Code and Governor Holton's Executive Order Twenty-One resulted in each Secretary defining the role somewhat differently (CSGM, July 1976a, First interim report, p. 7).

Staff responsibilities. During the period of preliminary assessment of the Secretaries' roles, the Commission criticized the cabinet's practice of functioning as a collective body. According to the Hopkins Commission, the

Secretaries "should view themselves as a top management team but not as a committee . . . having collective responsibility" (CSGM, 1976b, Second interim report. . . Secretaries, p. 7). Even though the Hopkins Commission acknowledged the contributions of the Secretaries in their roles as collective advisors on state policy, liaisons to the agencies, and representatives to the public, those roles were viewed as staff responsibilities. According to the Commission's Chairman, if the Secretaries were functioning only as staff to the Governor, statutory authority for the positions was not necessary since it was the Chief Executive's prerogative to appoint staff members in the Office of the Governor (Hopkins, Note 2).

Lack of legislative authority. About 2 months before Governor Holton's term expired, the Secretary of Administration, T. Edward Temple, requested to appear before the Commission in executive session (Hopkins, Note 2). Temple asserted that, unless changes were made, there was no need to retain the cabinet structure. Specifically, he pointed to the lack of legislative job descriptions for the Secretaries, which resulted in lack of understanding regarding the relationship between the Secretaries and their respective agency heads. Senator Hopkins (Note 2) confirmed that no legislative authority existed at that time to define the Secretary-agency head relationships.

Confirmation of lack of legislative authority. An event which occurred during the Hopkins Commission's early deliberations illustrated the lack of legislative definition of the authority of the Secretaries. During an investigation of alleged abuses in State correctional facilities, a Richmond Circuit Court special grand jury indicted six officials, including the Secretary of Human Affairs, Otis L. Brown, for "willful misconduct while in office" (Eisman, 1974a, p. A-1). Secretary Brown's attorney challenged the prosecutor to identify the legislative and executive authority by which the Secretary could have taken action resulting in the alleged abuses. According to Senator Hopkins (Note 2), "the indictment was thrown out . . . because there was no legislative authority."* The occurrence of that event reportedly influenced the Commission's decision to clearly define the Secretaries' roles (Hopkins, Note 2).

Lack of involvement in the budget process. The Commission identified the lack of involvement of Secretaries in the budget process as perhaps "the weakest area in the functioning of the Cabinet system" (CSGM, July 1976a, First

*See Eisman, 1974b, p. A-1, 6. Eisman reported that the Commonwealth's Attorney stated that "the Commonwealth cannot offer any opposition" to the dismissal of charges against Secretary of Human Affairs, Otis L. Brown.

interim report, p. 7). Levels of control between the Secretaries and their respective agencies regarding budget preparation differed, as did the Secretaries' perceptions of their roles regarding advocacy of agency budgets. None of the Secretaries, however, indicated to the Commission that agency budgets were their responsibility (CSGM, July, 1976a, First interim report, p. 7). In his April 1974 presentation to the Commission, Carter O. Lowance* explained that many agency budget requests were submitted directly to the Division of Budget without adequate review and adjustment. The Code of Virginia did not authorize the Secretaries or any other executive officials to review or alter agency budget requests prior to submission to the Division of Budget (McSweeney, 1976, p. 15).

Differentiating Secretaries'

Powers and Duties

After agreeing that the Secretaries' powers and duties, including budgetary responsibilities, needed to be clearly defined, the Commission turned to that task. During the

*During Governor Godwin's first term (1966-1970), Carter O. Lowance served as the Governor's chief executive assistant. In that position, according to Senator Hopkins (Note 2), Lowance "ran the administrative end" of State government. In Godwin's second term, Lowance served as Special Assistant to the Governor and Acting Secretary of Education (Directory of State Officials, Virginia Record, July 1975).

process of delineating Secretarial duties, the need to differentiate among the six Secretarial positions became apparent to Commission members and staff. The relationships of the Secretaries of Administration, Transportation and Public Safety*, and Education to their respective agencies required separate consideration (CSGM, July 1976b, Second interim report: . . . Secretaries, p. 2).

Uniqueness of the Position
of Secretary of Education

A combination of legal, historical, and political factors provided a unique dimension to considerations of the position of Secretary of Education. The Commission enumerated the factors as the constitutional status and powers of the State Board of Education, the strong tradition of relative independence among institutions of higher

*In its Second Interim Report, the Hopkins Commission identified distinguishing characteristics of the positions of Secretary of Administration and Secretary of Transportation and Public Safety. As granted by the General Assembly, the Governor's authority to direct and control central staff agencies, specifically, personnel, planning, and budget, was more explicit than his authority in relation to agencies which deliver services to the public. Thus, the executive powers delegated to the Secretary of Administration in relation to the central staff agencies could be more explicit than executive powers delegated to other Secretaries in relation to their respective agencies. In the Transportation and Public Safety area, the Governor's power and, in turn, the Secretary's power was limited by the legal authority of the State Highway and Transportation Commission to administer the highway construction and maintenance fund (CSGM, July 1976b, p. 2; Rowland, Note 3).

education; and the existence of citizen boards for higher education and community colleges. These factors affected significantly the Commission's discussions about the appropriate role for a Secretary of Education. In fact, questions were raised about the need for such a position at all (CSGM, July 1976b, Second interim report: . . . Secretaries, p. 1).

Presentation regarding need for the position of Secretary of Education. In May 1974, the Commission met in Fredericksburg, Virginia, to discuss and refine recommendations regarding the Secretaries' powers and duties as prepared by the Subcommittee on Executive Management. Given the unique factors surrounding the position of Secretary of Education, the Commission invited David Hornbeck, Executive Deputy Secretary of Education in Pennsylvania, and Lyman V. Ginger, Superintendent of Public Instruction in Kentucky, "to confer with individuals involved in the administration of education in Virginia and to make suggestions to the Commission . . . regarding the proper role, if any, for a Secretary of Education" (CSGM, July 1976b, Second interim report. . . Secretaries, p. 1). The experts were intentionally selected because they represented opposing

viewpoints about the need for a cabinet-level education post.*

One-sided debate. It was planned as part of the May 1974 meeting in Fredericksburg that the full membership of the Commission on State Governmental Management would hear the same arguments for and against the need for a cabinet-level position for education as advanced by Pennsylvania's Secretary of Education and Kentucky's Superintendent of Public Instruction ("Should the State Have Secretaries of Education?" 1974, p. 14-18). A presentation of both sides of the issue, it was thought, would assist the Commission members in making a recommendation about the position of Secretary of Education in Virginia. However, according to the Commission's Chairman, the presentations of the invited guests were one-sided. As expected, Ginger spoke against the need for a cabinet position of Secretary of Education. Contrary to the favorable view of Pennsylvania's Secretary of Education toward having a cabinet-level education post, Pennsylvania's Executive Deputy Secretary of Education, David Hornbeck, spoke against the need for such a position

*At a Council of Chief State School Officers' meeting the preceding summer, Pennsylvania's Secretary of Education, John C. Pittenger, and Kentucky's Superintendent of Public Instruction, Dr. Lyman V. Ginger, presented their respective views. A summary article, "Should the States Have Secretaries of Education?", was published in Compact (January/February, 1974, p. 14-18).

in Virginia. Hornbeck explained that powers over public education in the Commonwealth were derived from the Constitution and vested in the State Board of Education, thereby limiting the powers of both the General Assembly and the Governor. Senator Hopkins (Note 2) indicated that, in effect, both speakers said that Virginia did not need a Secretary of Education. Recalling the presentation on the Secretary of Education position at the Fredericksburg meeting the Chairman of the Commission offered these comments:

I wonder how they [Commission members] would have voted at the end of our so-called debate. Certainly if I had relied on the information provided by the two gentlemen [Ginger and Hornbeck] . . . I think I would have voted not to have a Secretary of Education. (Hopkins, Note 2)

Recommendation to Retain the Position of Secretary of Education

The Commission's report on "Recommendations on the Roles of the Secretaries" stated that education received over 60% of the State's General Fund revenues. As "appropriations have sharply increased, the General Assembly has shown a growing insistence upon an accounting for their performance by the Commonwealth's educational institutions and agencies" (CSGM, July 1976b, Second interim report: . . . Secretaries, p. 2). The Commission reported its May 1974 recommendation on the Secretary of Education to the Governor and General Assembly as follows:

After careful deliberation the Commission has concluded that it would be desirable to continue the position of Secretary of Education. Education is a continuous process and one of the most significant activities of state government. . . . Lack of coordination has led to undesirable duplication of services and, in general, to less than satisfactory use of limited resources available for education. The Commission feels that a focal point is needed for planning, coordinating and evaluating all of the educational activities in the Commonwealth. A Secretary of Education can provide such a focal point, and complement and supplement—not supplant—other agencies such as the Board of Community Colleges, the State Department of Education and the State Council of Higher Education. (CSGM, July 1976b, Second interim report: . . . Secretaries, p. 2)

Recommendations Regarding

Secretaries' Authority

As a result of its preliminary assessment of Secretaries' roles, the Hopkins Commission called for Secretaries to devote more time to their respective areas in the performance of such duties as "resolving disputes, coordinating planning and operations, evaluating performance, setting goals and policies, reviewing budgets and identifying duplication and ineffectiveness" with respect to agencies assigned (CSGM, July 1976b, Second interim report, p. 7). Broad policy directives and evaluation of overall performance of assigned agencies were identified as appropriate means by which each Secretary could exercise the authority which the Commission recommended to be granted to them. The Commission admonished the Secretaries to use their authority "judiciously" and to "manage by exception,"

thus avoiding involvement in day to day detail of the agencies for which each Secretary was responsible (CSGM, July 1976b, Second interim report, p. 8).

Major categories of Secretarial responsibilities.

Based upon its general perspective that the Secretaries needed to be individually responsible for their respective areas of State government, the Commission recommended that the Secretaries be vested with authority of the Governor in four major categories: budget, management, policy, and co-ordination (CSGM, July 1976b, Second interim report, p. 7-8). To provide for delegation of those executive management functions to the Secretaries, the Hopkins Commission advised Governor Godwin to issue separate executive orders for the six cabinet positions.

Separate executive order for each Secretary. By recommending the issuance of a separate executive order for each Secretary, the Commission intended to provide clear job descriptions for the Secretaries (CSGM, July 1976b, Second interim report. . . Secretaries, p. 1). The recommended powers and duties included in the separate executive orders would provide the Secretaries with "sufficient authority to prevent problems from reaching the Governor in the first instance" (CSGM, July 1976b, p. 8). Using the four general categories of Secretarial responsibilities identified by the Hopkins Commission as a framework, the staff of the

Commission prepared drafts of the Secretarial executive order.

Common Areas of Authority

As evidenced by the executive order drafts, the Hopkins Commission recommended that the Governor delegate the same powers and duties for management, policy, and coordination to the Secretaries of Commerce and Resources, Education, Human Affairs, and Transportation and Public Safety (CSGM, 1976b, Appendix B, p. B-3-6). The Commission defined the Governor's management function as holding agency heads accountable for the fiscal, administrative and program performance of their units. The Commission advised the Governor to empower Secretaries with authority and responsibility regarding accountability of their respective agencies. Also recommended for delegation by the Governor to Secretaries was responsibility for developing policies and programs in order to effect long-range plans for their respective areas. Regarding coordination responsibility of the functional area Secretaries, the Commission articulated its intent that "proper exercise" of that responsibility included "elimination of duplication, program inconsistencies and administrative bottlenecks" rather than mere facilitation of mutual adjustment and exchange of information (CSGM, July 1976b, Second interim report. . . Secretaries, p. 8).

Differences in Budget Authority

As mentioned previously, the Hopkins Commission decided that it was necessary to differentiate among the six Secretarial positions because of varying legal relationships of the Secretaries to their respective agencies. Those differences were reflected in the budget authority proposed for each Secretary.

Secretary of Administration. The executive order prepared for the Secretary of Administration called for the Governor to delegate authority "to direct and control the budget procedure and to submit to the Governor, in consultation with the other Secretaries, a recommended Executive Budget" (CSGM, July 1976b, Appendix B, p. B-1). In addition, the Commission recommended that the Secretary of Administration be given responsibility for agencies previously assigned to the finance area by designating authority over those agencies to the Secretary of Administration via executive order and by leaving vacant the Secretary of Finance position.

Secretaries of Commerce and Resources, Human Affairs, and Transportation and Public Safety. With one exception, the executive orders prepared by the Hopkins Commission for the Secretaries of Commerce and Resources, Human Affairs, and Transportation and Public Safety provided for the Governor to delegate:

General responsibility and authority for the sound fiscal management of the administrative units assigned. . . , including review and approval of the proposed budget of each and the responsibility to recommend to the Governor a comprehensive budget for [Secretarial area designated]. (CSGM, July 1976b, Appendix B, p. B-3,4,6)

The Commision-prepared executive order for the Secretary of Transportation and Public Safety stipulated the Secretary's authority to review, but not to approve, the budget of the State Highway and Transportation Commission.

Secretary of Education. In recognition of constitutional and statutory responsibilities of education agencies and boards, the budget responsibility recommended by the Hopkins Commission for the Secretary of Education excluded the Secretary's authority for "approval of the proposed budgets" and authority "for the sound fiscal management of the administrative units assigned." The Secretary of Education was to be granted, however, authority and responsibility for reviewing education agency budget requests and for recommending a comprehensive education budget to the Governor (CSGM, July 1976b, Appendix B, p. B-5).

Authority Delegated to the
Secretary of Education

Governor Godwin accepted the recommendations of the Hopkins Commission for strengthening the powers and duties of the Secretaries. On May 22, 1974 he issued a series of executive orders, one for each functional area Secretary and

one for the Secretary of Administration which included responsibility for agencies previously assigned to the Secretary of Finance.

Powers and duties. Identical to the draft prepared by the Hopkins Commission staff, Godwin's Executive Order Number Nine delegated to the Secretary of Education the following powers and duties:

1. General authority and responsibility for the review of the proposed budgets of the administrative units assigned to him, and the responsibility to recommend to the Governor a comprehensive budget for the Commonwealth for education.
2. Authority and responsibility to hold the head of each administrative unit assigned to him accountable for the administrative, fiscal, and program performance for such administrative unit.
3. Authority and responsibility to develop major state policies and programs to effect comprehensive, long-range and coordinated planning and policy formulation for education.
4. Authority and responsibility to coordinate the policies, programs, and activities of the administrative units assigned to him.
5. Authority and responsibility for approving the solicitation or acceptance by or on behalf of any administrative unit assigned to him, of any donation, gift or grant, whether or not entailing commitments as to the expenditure or subsequent requests for appropriation or expenditure from the General Fund, such responsibility to include the approval of such state plans as are required by federal legislation and regulations, after consideration by the Office of Administration for fiscal and planning concurrence.

6. Responsibility to employ such personnel and contract for such consulting services as may be required to perform the duties assigned to him, limited only to the funds available for the operation of his office and by the Virginia Personnel Act. Further, he is authorized to require temporary assistance from any administrative unit assigned to him or request such assistance from the Office of Administration.
7. Authority to sign documents subject to his action in the form:

_____, Governor
by _____
Secretary of Education

(Godwin, 1974)

Agencies assigned. Following the enumeration of powers and duties delegated to the Secretary of Education, Governor Godwin's Executive Order Number Nine specified the agencies for which the Secretary had responsibility. The State Council of Higher Education and the four-year, public higher education institutions, each identified by name, were included.

Staff assistance. Regarding the availability of staff assistance for the Secretary of Education, Godwin's 1974 executive order stipulated that the Secretary could "require temporary assistance" from any agency within the Office of Education as well as request assistance from the Office of Administration (Godwin, 1974, emphasis added). The language in that executive order removed the proviso of an agency providing assistance so long as fulfilling

such a request did not impede accomplishment of its statutory mission. The availability of central agency staff, upon request of the Secretary, to assist the Secretary was a staffing arrangement suggested by the Zimmer Commission in its 1970 executive branch reorganization proposal and subsequently incorporated into executive orders by both Governors Holton and Godwin.

Appointment of an Acting Secretary of Education

At the beginning of Godwin's second term, the Governor appointed Earl J. Shiflet, Holton's Secretary of Education, as Secretary of Commerce and Resources (Directory of State Officials, 1975, p. 101). The position of Secretary of Education remained vacant until the Hopkins Commission recommended in May 1974 that the cabinet-level education position be retained. According to the Chairman of the Hopkins Commission, Governor Godwin closely cooperated with the Commission and concurred in its first formal recommendations regarding the continuation of the Secretary of Education's position and the strengthening of the Secretaries' roles (Hopkins, Note 2). However, Governor Godwin's appointment of his special assistant, Carter O. Lowance, as Acting Secretary of Education, rather than making a permanent appointment to that position, cast some doubt about the role of Virginia's Secretary of Education.

Summary of Phase I

Governor Godwin's issuance of separate executive orders which more clearly defined the powers and duties of each Secretary, as recommended by the Hopkins Commission, marked the end of the first phase of the Hopkins Commission study of State government management. The Commission's preliminary assessment of the cabinet structure and subsequent recommendations for changes resulted in the secretaries' formal authority being strengthened by gubernatorial action. However, gubernatorial action to clarify the Secretaries' roles was viewed as an "interim solution" until the Commission studied the powers of the Governor and various agencies, boards, and commissions. Furthermore, the Hopkins Commission anticipated the need at a later time for legislative action "to specify more precisely and definitively the powers and duties of the Secretaries and to remedy present statutory limitations and ambiguities that preclude effective supervision [of executive agencies] by either the Governor or the Secretaries" (CSGM, July 1976b, Second interim report. . . Secretaries, p. 2-3).

Phase II: Assessment of the Roles of the Governor and Collegial Bodies and the State's Budget Process

In its preliminary assessment of the cabinet structure and

the roles which the Secretaries might play in the management of State government, the Hopkins Commission identified two problems related to the Secretaries. First, the Governor's powers, as implied by the Constitutional mandate to "take care that the laws are faithfully executed" needed to be explicitly stated in the Code of Virginia. Another dimension of that same problem involved the conflict, as perceived by the Commission, between gubernatorial powers and powers of boards and commissions. A second major problem related to the Secretaries' role was their lack of involvement in the budget process. Identifying that as the "weakest area in the functioning of the Cabinet", the Hopkins Commission explained that the extant Code provided the Secretaries with no legal authority to participate in the budget making process.

Governor's Role

Need to strengthen statutory powers. As a result of its preliminary assessment of the Secretaries' roles, the Hopkins Commission recognized the need to study the Governor's role in State government management. Since the Secretaries derived their authority from the Governor, they could not exercise more power than that of the Chief Executive. "It is precisely because [the Governor's] role is ill-defined that the Secretaries have encountered many of the difficulties they have" (McSweeney, 1976, p. 7).

Although the General Assembly did not have the prerogative to alter the constitutionally based powers of the Governor or State agencies, boards and commissions, the legislature had jurisdiction to make constitutional provisions more specific and to amend the statutory powers of the Chief Executive, State agencies, and collegial bodies. The Commission concluded that "the extensive grant of power" to State agencies by the General Assembly "goes beyond insuring against undesirable concentration of power in the Governor and actually frustrates the Governor in his role as Chief Executive" (CSGM, 1975, p. 11).

Recommendations of the Hopkins Commission. After identifying the constitutional and statutory powers of the Governor, the Hopkins Commission developed a series of recommendations intended to strengthen the Chief Executive's role in State government management on the premise that "the Governor must have authority to match his responsibility" (CSGM, 1975, p. 11). The recommendations for strengthening the Governor's statutory powers included:

1. The Governor should have the authority to appoint all administrative heads of agencies in the executive branch, subject to confirmation by the General Assembly.
2. All administrative heads should serve a term coincident with that of the Governor, but should be subject to removal at his pleasure.
3. The Governor should be empowered to initiate executive reorganization subject to disapproval by the General Assembly.

4. The Governor should be given the authority for coordinating, directing and controlling all official contacts with the federal government and with other states, including solicitation and receipt of federal funds and the preparation and submission of any plans which are a precondition to receipt of federal funds.
5. The Governor should be empowered to initiate judicial proceedings in the name of the Commonwealth to enforce laws of the Commonwealth as to restrain violations of any constitutional or statutory power, duty or right by any officer, department or agency of the Commonwealth or any of its political subdivisions.
6. Subject to the Constitution, any laws enacted by the General Assembly, and the reserve powers of the General Assembly to overrule him, the Governor should be given the authority and responsibility for the formulation and administration of the policies of the executive branch, including resolution of policy and administrative conflicts between agencies.
(CSGM, February 1976a, Part two: Role of the Chief Executive . . . , p. 120-123)

Roles of Boards and Commissions

As a result of its study of the Governor's powers, the Hopkins Commission identified a "conflict between the constitutional responsibility imposed on the Governor to 'take care that the laws are faithfully executed' and the broad powers given to collegial bodies" (CSGM, February 1976c, Part six: Roles of boards, p. 279). Stating that its overriding concern centered on enhancing accountability in government, the Commission observed that the diffusion of powers throughout the executive branch left the public and the General Assembly "unable to fix accountability for

results within the executive branch" (CSGM, February 1976c, p. 280). Furthermore, the powers of autonomous collegial bodies violated the "unity of command" management principal, thereby impairing coordination of programs and overall management of State government (p. 283).

General recommendations. Despite the disadvantages of collegial bodies, the Hopkins Commission recognized the long tradition and value of citizen participation in State government and attempted to reconcile providing citizen access with insuring sound management practices. In a report prepared for the Commission, a committee of eight agency analysts recommended that boards and commissions "should be vested with only regulatory and advisory responsibilities and authority" (CSGM, February 1976c, Part six: Roles of boards . . . , p. 287). The report of eight agency analysts further stipulated that "existing statutes should be reviewed and modified to resolve conflicts between boards and commissions and the Secretary system" (p. 287).

Specific recommendations. Accepting the general recommendations of the analysts' report, the Hopkins Commission advanced several specific recommendations regarding the powers of collegial bodies:

1. As a general rule, collegial bodies should exercise the following responsibilities except where circumstances clearly warrant the exercise of an additional responsibility or

responsibilities:

- Monitor agency performance
 - Provide citizen access
 - Conduct public relations
 - Advise the Governor and/or agency head.
2. All boards and commissions should make decisions within the broad framework of policy set by the General Assembly and (except for determination of standards of quality for public schools and certain regulatory determinations) as further interpreted by the Governor.
 3. Major policy-making authority should not be delegated to boards and commissions by the General Assembly.
 4. The Governor should appoint, subject to General Assembly confirmation, and remove at his discretion all members of boards and commissions. (CSGM, February, 1976c, Part six: Roles of boards. . . , p. 295-296.

In addition, the Commission viewed the appropriate role for boards and commissions as a "watch-dog" over agency activities rather than an advocate of agency programs (p. 295).

Role of education boards and commissions. Even though the Commission identified the "unity of command" problem as being "perhaps most acute in the area of education," its recommendation that boards and commissions serve only in an advisory capacity specifically excluded those dealing with education (CSGM, February 1976c, Part six: Roles of boards . . . , p. 284, 295). On the basis of relative power of boards and commissions, the Hopkins Commission identified the constitutionally recognized State Board of Education as one of the three most powerful collegial bodies in Virginia.

Furthermore, the Commission placed the State Council of Higher Education and the State Board for Community Colleges in a grouping of the State's 14 most powerful collegial bodies because of their "substantial subject matter, strong constituencies, and broad formal authority" (CSGM, February 1976c, Part six: Roles of boards, p. 272). Because of their relative power, education boards were treated differently from other State agency collegial bodies by the Hopkins Commission. Thus, the grant of authority retained by education boards ultimately would affect the authority granted to the position of Secretary of Education in relation to those boards and their corresponding education agencies and institutions.

State Budget Process

In its First Interim Report, the Hopkins Commission identified the need to study the state's budget process (CSGM, July 1976a, p. 1). In May 1974, the Commission recommended a stronger role for the Secretaries in the budget process, and Governor Godwin concurred by delegating specific budget authority and responsibilities to the Secretaries via executive orders. There were, however, sections in the Code of Virginia which were unclear as to the budget authority and responsibilities of State government officials. Furthermore, there was no statutory provision for the Secretaries' involvement in the budget process.

Governor's budget authority. After its review of the constitutional and statutory powers of the Governor, the Commission reported that the Constitution was silent on the Governor's budget power. Rather, gubernatorial power in this area came by way of legislation. Thus, the General Assembly had total control over the state's budget process, including delegation of budget authority to the Governor (CSGM, February 1976a, Part two: Role of the Chief Executive . . . , p. 81). Nevertheless in the 1918 Budget Act, the General Assembly granted significant budget powers to the Governor by designating the Governor as the chief budget officer of the Commonwealth. As such the Governor had authority and responsibility for:

- preparation of a comprehensive budget to be submitted to the General Assembly,
- direction and supervision of the budget process
- execution of the Appropriations Act (CSGM, February, 1976a, p. 77).

The Hopkins Commission reaffirmed the concept of a strong role in budget development by the Governor, with the Chief Executive having responsibility for the formulation and execution of the State's biennial budget. According to the Commission's Third Interim Report, the responsibility for budget review was reserved to the General Assembly. The General Assembly review included appropriation of funds and program oversight to determine whether funds were used for

intended purposes (CSGM, July 1976c, . . . budget . . . , p. 2-3).

Recommended changes in the State's budget process. In addition to confirming the concept of a strong executive budget, the Hopkins Commission recommended several changes in the state's budget process which, in effect, strengthened the executive budget process and clarified roles of executive branch officials in that process. Specifically, the Commission proposed that the budget be developed on a programmatic basis which emphasized output, or what services were to be delivered, rather than input. Program budgeting, as viewed by the Commission, provided a means for evaluating which government services to fund and at what level. However, the Commission discarded the concept of funding programs across agency lines, choosing instead to subordinate program structure to agency structure (CSGM, July 1976c, Third interim report . . . budget . . . , p. 7). For example, higher education instructional programs were to be funded by individual institution, rather than across all four-year institutions of higher education.

In addition to recommending changing the structure of the State budget from emphasizing classes of expenditure to emphasizing programs of agencies, the Commission proposed limiting agency budget requests by setting predetermined resource ceilings known as targets. Traditionally, State

agencies submitted budget requests reflecting their independent assessment of resource requirements, without consideration of revenue availability. Consequently, the aggregate sum of agency requests always exceeded the available General Fund revenue projections. Thus, the burden for determining budget cuts rested with executive and legislative officials rather than with agency heads. In its Third Interim Report, the Commission cited the 1974-76 budget to illustrate the scope of the problem: "the total general fund request of agencies exceeded projected revenue by approximately \$900 million dollars" (CSGM, July 1976c, p. 10).

According to the Commission, setting of resource limits based on projected revenue estimates reduced the budget review process to a reasonable scale and permitted the executive to concentrate on policy decisions rather than on technical decisions of reducing agencies requests to fit within revenues available. The appropriate resource allocation role for the Governor was to determine policy priorities and, consequently, to fund priorities for state programs (CSGM, July 1976c, p. 10; Lemmon, Note 4).

Another recommendation for making the budget process more effective was initiation of a system of policy issue papers within the executive branch. The Hopkins Commission envisioned that priority issues would be identified by the

Governor and the Secretaries and then analyzed by the Secretaries and central staff at a prescribed time early in the budget process. Reflecting its overall intent of controlling the growth of state government, the Commission recommended that not until an acceptable policy issue paper was developed would new programs or expansion of existing programs be included in the executive budget. Policy issue papers supporting new programs or increased levels of service of existing programs were to be included in the Governor's presentation of the executive budget to the General Assembly in order to aid its review of the state budget (CSGM, July 1976c, Third interim report. . . budget. . . , p. 9-10).

The need for coordination of all legislative proposals submitted by any executive branch agency was identified by the Hopkins Commission in its report on the budget process. Although the Governor directed the formulation of the executive budget, he did not have responsibility for directing formulation of legislative proposals within the executive branch. According to the Commission, this inhibited the Governor from effectively administering the budget, since "virtually all legislation impacts in one way or another on the budget" (CSGM, July 1976c, Third interim report. . . budget. . . , p. 3). To remedy this "defect of management" the Commission proposed a legislative

coordination and clearance process whereby all legislative proposals from executive agencies were to be submitted through the appropriate Secretary to the Governor. The process afforded the appropriate Secretary and the Governor an opportunity to recommend action on a legislative proposal. The Commission staff drafted an executive order for implementing such a legislative coordination system (CSGM, July 1976c, p. 3, 24).

Just as the Governor's lack of authority for coordinating executive agencies' legislative proposals circumscribed his ability to effectively formulate and execute the state budget, according to the Commission, the General Assembly's lack of budget data inhibited its capacity to adequately review and evaluate the executive budget. The Commission asserted that "since the General Assembly uses the budget process as its primary policy review, coordination and determination process" (CSGM, July 1976c, Third interim report. . . budget. . . , p. 4), it was imperative that the House Appropriations and Senate Finance Committees' staffs have access to budget data throughout the executive budget development process. Guidelines for the provision of budget data to the General Assembly's appropriations committees were suggested by the Commission (p. 4-5).

A more basic problem than providing budget data to the General Assembly in a timely manner was the availability of

useful budget data to both the executive and legislative branches. According to the Commission, the critical element in executive formulation and execution of the budget, as well as legislative review and oversight, was the availability and flow of information (CSGM, July 1976c, p. 3). Since accounting data were considered as "a necessary ingredient of budget formulation and execution, audit and evaluation and, finally, good management," it was recommended that the Comptroller modernize the state's central accounting system and insure that agencies had acceptable systems (CSGM, July 1976c, Third interim report. . . budget . . . , p. 14). The Hopkins Commission also proposed development of a financial reporting system that could inform the various levels of management, central staff, and the General Assembly of the status of budget execution. Although the Comptroller was identified as the focal point of financial control, the Commission advanced a "philosophy of control" whereby agency heads were held accountable for managing their operations within a framework of centrally-defined policies, systems and procedures (CSGM, July 1976c, p. 14).

In its December 1974 interim report, the Commission recommended a revised budget calendar which included the aforementioned changes and expanded the preparation period of the Governor's biennial budget to a full year (CSGM,

July 1976c, Third interim report . . . budget. . . , p. 11-12). After completing its study of the State's planning process, the Commission revised its earlier version of the budget calendar. By incorporating the State's planning process into the budget calendar, the newly proposed planning and budget cycle was extended to a 2 year period, beginning with the submission of one biennial budget and ending with the submission of the next biennial budget. Thus, the newly proposed calendar reflected the "continual nature of the planning and budgeting processes" as recommended by the Hopkins Commission (CSGM, February 1976d, Part eight: Planning . . . , p. 429-437).

Roles of State officials and central staff agencies.

With the Commission's recommendation to integrate the State's planning and budgeting process came other proposed changes in the structure of central staff agencies and roles of State officials. Through the proposed changes in the State's planning and budgeting processes, the Hopkins Commission intended to place responsibility in a single responsible official, the Governor, thereby enabling the General Assembly to hold the executive accountable for effective and efficient management of State government (CSGM, July 1976c, Third interim report: . . . budget. . . , p. 2). In addition to the Governor's having responsibility for formulation and execution of the State's budget, the

Commission recommended that:

The Governor should be assigned the responsibility for developing and submitting policy proposals to the General Assembly, for defining of policy where policy has not been defined by the General Assembly, and for resolving disagreements within the executive branch as to the interpretation of policy established by the General Assembly, subject only to reversal by the Assembly or to test through the judicial process. (CSGM, February 1976d, Part eight: Planning . . . , p. 429).

While intending to place responsibility for the State's planning and budgeting processes with the Governor, the Hopkins Commission also wanted to "establish clear lines of authority" throughout State government (Acts of Assembly, 1973, Chapter 432). Thus, the Commission recommended specific responsibilities for each of the Secretaries regarding the newly proposed integration of the State's planning and budgeting processes, but differentiated between the roles of the Secretary of Administration and Finance and the other Secretaries.

The Hopkins Commission identified the functional area Secretaries as the "Governor's principal assistants in overseeing the various functional areas of state government" (CSGM, February 1976d, Part eight: Planning . . . , p. 425). As such they were to be responsible for individually analyzing and coordinating programs, and formulating, analyzing, and coordinating policies and plans for their respective areas. Assigning budget targets to their respective agencies, within the limits of the aggregate sum given

to the Secretary by the Governor (and other restrictions or policy direction of the Governor), was designated as a responsibility of each functional area Secretary (CSGM, July 1976c, Third interim report: . . . budget. . . , p. 10). The newly designated authority for assigning agency budget targets was in addition to the previously designated responsibility for reviewing agency budget submissions and recommending a comprehensive budget for their respective Secretarial areas. The Commission also recommended that the functional area Secretaries exercise general management direction over the agencies within their areas, but without becoming involved in the agencies' daily operations. Serving as operational line managers was stipulated as the responsibility of agency heads (CSGM, July 1976c, Third interim report: . . . budget. . . , p. 7).

By individually performing those responsibilities the Secretaries were to serve as "extensions of the Governor," for the functional areas of State government for which they had responsibility (CSGM, July 1976c, p. 7). In order to assist them with performing their responsibilities, the Hopkins Commission recommended that each Secretary be provided with two or three professional staff "generalists" and one clerical position. That staffing complement, supported by short-term assistance from subordinate agencies, was intended by the Commission to provide each Secretary

with:

a staff sufficient to assist him in program planning, analysis, evaluation, and direction but small enough to inhibit continued involvement in operational matters of agencies. (CSGM, July 1976c, p. 17)

In its Second Interim Report, the Hopkins Commission identified the special role of the Secretary of Administration and recommended the merger of the positions of Secretary of Administration and Secretary of Finance into one Secretarial position. Subsequent Commission reports reaffirmed the recommendation to merge the positions and explicated the differences between the position of Secretary of Administration and Finance and the other Secretarial positions.* Generally, the Commission saw the Secretary of Administration and Finance as the Governor's administrative manager but not as a Deputy Governor or as the State's general manager since that role belonged to the Chief Executive (CSGM, July 1976c, p. 6; CSGM, February 1976d, p. 424).

As executive branch administrative manager, the Secretary of Administration and Finance was to serve as the Governor's chief staff assistant in the areas of policy, program and planning coordination. The Commission recommended

*CSGM, July 1976c, Third interim report. . . budget. . . , p. 5-6, 15-16; CSGM, July 1976d, Fourth interim report . . . , p. 37, 39-45; CSGM, February 1976b, Part five: . . . Secretaries' roles, p. 231; CSGM, February 1976d, Part eight: Planning . . . , p 424-425.

that the Secretary of Administration and Finance be empowered to recommend to the Governor policy issues and programs, regardless of Secretarial area, and to modify policy issue papers, prepared by State agencies or other Secretaries, to incorporate gubernatorial priorities (CSGM, July 1976c, Third interim report: . . . Budget. . . , p. 6). In addition to analyzing policies and programs which cut across Secretarial lines, the Secretary of Administration and Finance was to be responsible for administration of the State's planning process and for providing advice to the Governor independent of that provided by functional area Secretaries. According to the Commission, that alignment between the Secretary of Administration and Finance and the other Secretaries provided for the Governor, "in every instance, . . . to receive independent advice from two Secretaries with regard to any program of State government" (CSGM, February 1976d, Part eight: Planning, p. 425).

Draft legislation prepared for the Secretary of Administration and Finance position designated that Secretary to serve as Deputy Budget Officer* (CSGM, July 1976d, Fourth interim report, p. 43). During the 1975 General Assembly

*At the time of the Hopkins Commission study of State governmental management, the Code of Virginia designated the Director of the Division of Budget as the Commonwealth's Deputy Budget Officer.

session, that Hopkins-sponsored legislation (Senate Bill 798) was enacted (Acts of Assembly, 1975, Chapter 390). As Deputy Budget Officer, the Secretary of Administration and Finance was designated as being responsible for recommending to the Governor the budget targets of functional areas of State government and a comprehensive budget for all State government programs (CSGM, July 1976c, Third interim report: . . . budget. . . , p. 11; CSGM, February 1976d, Part eight: Planning . . . , p 433).

Staffing recommendations of the Hopkins Commission affected the office of Administration and Finance in several ways. By advocating merger of the administration and finance areas, the agencies previously assigned to the finance area, such as the departments of taxation and accounts, became the responsibility of the Secretary of Administration and Finance. However, recognizing the need for an individual with experience in finance to assist the Secretary in the area of financial management, the Commission recommended that a staff position of Fiscal Assistant Secretary be created. Assisting with capital outlay planning and revenue forecasting, and advising agencies in alternative funding approaches were suggested responsibilities for the Fiscal Assistant Secretary (CSGM, July 1976c, Third interim report: . . . budget. . . , p. 17).

Another proposed change which affected the Administration and Finance area was the creation of the Department of Planning and Budget. Integrating the State's budgeting and planning process required abolishing the separate central staff agencies previously responsible for those functions and establishing one department, namely the Department of Planning and Budget, as the "central staff agency responsible for policy analysis and planning, and budget administration" (CSGM, February, 1976d, Part Eight: Planning . . . , p. 386). In order to provide the newly proposed Planning and Budget unit with program analysis capacity, the Commission recommended adding 15 professional program budget staff to the staff previously employed in the Budget Division.

Summary of Phase II

During the second phase of its study of State governmental management, the Hopkins Commission developed recommendations regarding the roles of the Governor and collegial bodies, as well as the State's budget process. Those recommendations affected the Commission's perceptions of appropriate roles for the six Secretarial positions. Formulating specific recommendations regarding the Secretaries and proposing legislative and executive action to effect those recommendations was then undertaken by the Hopkins

Commission as the third phase of its work related to the management of State government.

Phase III: Clarification of Secretaries' Roles
by Legislative and Executive Action

Following the strengthening of the Secretaries' roles by executive order (Godwin, 1974), the Hopkins Commission continued its study of State government management by focusing its attention on the roles of the Governor and collegial bodies, and on the state's budgeting and planning processes. Throughout its deliberations and subsequent recommendations on those matters, the Commission continued to address the roles of the Secretaries vis a vis the Governor and agencies, boards, and commissions, as well as the Secretaries' involvement in the State's budgeting process. The Commission staff refined the alternatives for the Secretaries' roles to three choices:

1. retain the positions as they existed (staff to the Governor)
2. grant statutory authority to the Secretaries for providing policy guidance to agencies
3. make the Secretaries operating heads of large, integrated departments of state government (CSGM, February 1976b, Part Five: . . . Secretaries' role, p. 231).

Hopkins Commission Recommendations

Regarding Secretaries' Roles

General recommendation. Departing from its earlier neutral position on an appropriate role for the Secretaries (CSGM, July 1976b, Second Interim Report: . . . Secretaries), the Commission staff recommended that the second alternative was the preferable course of action. In the opinion of the Commission staff, unless the General Assembly was willing to grant statutory authority to the Secretaries it was unnecessary to retain the Cabinet structure in a reporting line between the Governor and State agencies (CSGM, February 1976c, Part Five: . . . Secretaries' Roles, p. 257-258). Further, the Commission staff opposed making the Secretaries super-department heads or operating line managers. Such an organizational arrangement would risk overburdening the Secretaries with administrative detail at the expense of overall planning, policy analysis, and evaluation. Rather, vesting the Secretaries with statutory authority and holding them responsible for results provided the means for making State government more efficient (CSGM, 1975, p. 16).

Budget authority. As a result of its study of the State budget process, the Commission clarified the roles of the Secretaries in State government management. From the Commission's decision to integrate the State's planning and

budgeting processes evolved the view of the Secretaries as the mechanism for linking the planning and budgeting processes (McSweeney, 1976, p. 16). Recognizing that "a key ingredient in strengthening executive management is found in a modern integrated system of policy planning and program budgeting," the Commission recommended that the Secretaries serve as "the Governor's principal assistants in making this process work" (CSGM, 1975, p. 15). Thus, the Commission called for granting statutory authority to the Secretaries for budgeting, policy analysis and implementation, and overall program management (CSGM, February 1976b, Part Five: . . . Secretaries' Roles, p. 231).

Recommendations Regarding the Secretary of Education

General recommendation. In general, the Commission adopted a position of strengthening the individual Secretaries' roles in government management rather than disbanding the Cabinet structure entirely. Nonetheless, factors related to the position of Secretary of Education continued to raise differences between that position and the other program area secretaries. "Fear of indoctrination and other abuses" (CSGM, 1975, p. 17) and powerful citizen boards for education agencies (CSGM, February 1976c, Part Six: Role of Boards, pp. 259-297) precipitated reluctance

to centralize as much authority in the Secretary as that recommended for other Secretaries (CSGM, 1975, p. 17). Although it recommended that the Secretary of Education not exercise the same responsibility and authority as the other Secretaries, the Hopkins Commission proposed expanding the authority of the Secretary of Education's position beyond that of its extant staff role (CSGM, 1975, p. 34).

Budget authority. Budgetary considerations precipitated the Commission's recommendations to strengthen the statutory authority of the position of Secretary of Education. First of all, education received a large portion of General Fund revenues, approximately 60% in the 1974-76 biennial budget. Secondly, the Commission concluded that:

there is a clear need . . . for the development of comprehensive plans and budgets for all of education due to the significant gaps and overlaps, particularly in vocational education, adult education, teacher education, non-traditional education and public service activities. (CSGM, 1975, p. 17)

Developing comprehensive plans and budgets for education with a view toward eliminating duplication and filling gaps, according to the Commission, could "best be done within the executive branch by the Secretary, who has a comprehensive view of education" (CSGM, 1975, p. 34). Finally, the Commission's study of the State budget process clarified the extent of the General Assembly's and Governor's authority over the education budget. Senator Hopkins (Note 2)

observed that:

As the whole concept of State government evolved . . . and we put planning and budget together . . . , it was obvious to [the Commission on State Government Management] that, through the budget process, the executive and legislature did have authority in the entire field of education.

Although the General Assembly's and, in turn, the Governor's control over public education was constrained by law and custom, they did have control over the State's budget process. Thus, the statutory authority and responsibility of the Secretary of Education could be expanded within the context of the State's planning and budgeting process.

Recommended role for the position of Secretary of Education. After two years of deliberation, an appropriate role for a Secretary of Education emerged as a recommendation from the Hopkins Commission:

The Secretary of Education should be given more authority and responsibility to:

- direct the preparation of alternative plans and budgets for the Governor
- reconcile disputes among the educational agencies assigned to his Office
- provide policy direction with respect to broad problems and programs crossing agency lines.
(CSGM, 1975, p. 34)

In addition, the Commission recommended that the Secretary of Education exercise the same authority (that is, line authority) over the State's cultural development activities

as that exercised by other Secretaries over the agencies assigned to their areas (CSGM, 1975, pp. 17, 34).

Legislative Action

"Enhancing results, promoting efficiency and improving accountability" were the overriding objectives of the Hopkins Commission (CSGM, 1975, p. 10). In order to accomplish those objectives, the Hopkins Commission adopted a principle of executive reorganization whereby authority for State government management resided in the Commonwealth's Chief Executive and the Cabinet. That organizational arrangement made the executive branch responsible for carrying out the wishes of the legislative branch and enabled the General Assembly to hold the executive accountable for doing so (Hopkins, Note 2). Consistent with the principle of State Government reorganization through which executive branch authority and concomitant accountability were increased, the Hopkins Commission proposed revisions to the Code of Virginia. The 1975, 1976, and 1977 sessions of the Virginia General Assembly enacted legislation which originated from Hopkins Commission recommendations.

Governor's statutory powers. Based upon its contention that much of the uncertainty about the Secretaries' roles resulted from the lack of clarity about the Governor's powers, the Commission developed a series of legislative proposals to correct that situation (CSGM, February 1976a,

Part time: Role of the chief executive). During its 1976 session, the General Assembly enacted three bills proposed by Hopkins Commission members which clarified gubernatorial power and authority. First, the Governor was given explicit statutory authority to "promulgate rules and regulations for coordination of official communications on behalf of the Commonwealth. . . ." with the federal government (Code of Virginia, Section 2.1-382.; Acts of Assembly, 1976, Chapter 704). Secondly, the General Assembly authorized the Governor to delegate, via executive orders, to the Secretaries "any function which is vested in the Governor by law" (Code of Virginia, Section 2.1-39.1; Acts of Assembly, 1976, Chapter 731). Thirdly, formulation of executive branch policies was designated as the Governor's responsibility. Exactly as proposed in Senate Bill 15, the Code provided that:

Except as may be otherwise provided by the Constitution or law, the Governor shall have authority and responsibility for the formulation and administration of the policies of the executive branch, including resolution of policy and administrative conflicts between and among agencies. (Code of Virginia, Section 2.1-41.1; Acts of Assembly, 1976, Chapter 725).

Throughout its study of State government management, the Hopkins Commission had repeatedly raised the issue of the Governor's needing explicit statutory authority for formulating executive branch policies, including resolution of conflicts among agencies.

By enacting legislation carried over from its 1976 session, the 1977 General Assembly empowered the Governor to initiate executive branch reorganization plans (Acts of Assembly, 1977, Chapter 505; Journal of the Senate, 1977, p. 1593). The Code charged the Governor with periodically examining the organization of all executive agencies and determining what changes were necessary "to promote. . . more effective management of the executive branch; . . . to reduce expenditures and promote economy . . . ; to increase efficiency. . . ; to eliminate overlapping and duplication of effort" (Code of Virginia, Section 2.1-81; Acts of Assembly, 1977, Chapter 505). Enacted legislation stipulated that gubernatorially proposed reorganization plans were subject to General Assembly approval by a majority vote of members of both houses.

The 1977 General Assembly enacted another bill which originated from a Hopkins Commission recommendation. In order to establish clear lines of authority within the executive branch, the Commission recommended that the Governor be empowered to appoint all executive agency heads (CSGM, February 1976a, Part Two: Role of the Chief Executive. . . . p, 129). As proposed by Senators Brault, Hopkins, Willey, and E. T. Gray, Senate Bill 667 called for the Governor to appoint the administrative head of each agency within the executive branch, subject to General Assembly

confirmation. Through a Senate amendment, the Director of the State Council of Higher Education was excluded from those agency heads to be appointed by the Governor; a subsequent House amendment excluded two other executive agency heads, the Director of the Virginia Institute of Marine Science and the administrative heads of educational institutions (Acts of Assembly, 1977, Chapter 542; Journal of the Senate, 1977, pp. 442, 1321).

Statutory changes in the State's budget process. Legislative action related to strengthening the Governor's powers was initiated in the State Senate during the 1976 and 1977 Virginia General Assembly sessions. However, legislative action related to the State's budget process was initiated in the House of Delegates during the 1975 and 1976 General Assembly sessions. By enactment of House Bill 1778*, the 1975 General Assembly changed the format of the State's budget to a program budget. Specifically, the amended Code stipulated that:

The budget document shall be organized by function [Secretarial area], primary [State] agency, and proposed appropriation item. Proposed appropriations shall be structured to incorporate all

*W. L. Lemmon, Vice-Chairman of the Hopkins Commission, and three other Delegates, who were members of the Commission, sponsored House Bill 1778 (Journal of the House. . . , 1975, p. 333).

closely related programs of an agency within a single appropriation (Acts of Assembly, 1975, Chapter 325).

Another major change in the State budget process was mandated by passage of House Bill 1778. The 1975 amendment to the Code of Virginia stipulated that agency budget requests were to be submitted to the Governor, "through the responsible Secretary designated by statute or executive order" (Acts of Assembly, 1975, Chapter 325). Thus, the Secretaries' involvement in the State budget process was statutorily defined for the first time.

During the 1976 session, the Virginia General Assembly unanimously passed legislation which further altered the State's budget process.* That legislation integrated the State's planning and budgeting processes into one biennial cycle and created the Department of Planning and Budget as the executive agency responsible for development and execution of the planning and budget process (Code of Virginia, Sections 2.1-387 to 2.1-404; Acts of Assembly, 1976, Chapter 760). As recommended by the Hopkins Commission, the enacted legislation also permitted the Governor to

*House Bill 666 was introduced by its primary patron and Vice-Chairman of the Hopkins Commission, Delegate W. L. Lemmon (Journal of the House . . . , 1975, p. 371). The House vote was 96-0 (Journal of the House . . . , 1975, p. 989) and the Senate vote was 37-0 (Journal of the Senate, 1975, p. 940).

"prescribe targets which shall not be exceeded in the official estimate [of amounts needed for each year of the ensuing biennium] of each agency." However, agencies were authorized to request funds in excess of their targets via an "addendum" attached to their budget requests (Code of Virginia, Section 2.1-394; Acts of Assembly, 1976, Chapter 760).

In addition to statutorily authorizing the Governor's use of targets to restrict agency budget requests, the 1976 amendments to the Code designated the components of the budget process. The process began with development of revenue estimates for the upcoming biennium and continued through legislative review of the Executive Budget Bill (Code of Virginia, Sections 2.1-393 to 2.1-401). To accompany the executive budget document, the Code stipulated that the Governor provide designated information regarding current and projected financial status of the Commonwealth. Also, a statement of the Chief Executive's "proposed policies, goals and objectives" in each of the Secretarial areas was designated to be a part of the executive budget (Code of Virginia, Section 2.1-398H). Specifically for the education area, the Governor's policies, goals, and objectives related to "intellectual and cultural development" were to be included in the proposed biennial budget (Code of Virginia, Section 2.1-398H.2).

By separate legislation enacted in 1975, the General Assembly merged the positions of Secretary of Administration and Secretary of Finance into one Cabinet post (Acts of Assembly, 1975, Chapter 390). As recommended by the Hopkins Commission in its second, third, and fourth interim reports, the Secretary of Administration and Finance was designated as the State's deputy budget officer and deputy personnel officer.

Through legislative action taken during the 1975 and 1976 sessions, the General Assembly confirmed the concept and use of an executive budget. More importantly, previously conflicting statutory provisions were eliminated and gubernatorial powers related to the formulation of the executive budget were explicated. As designed by the enabling legislation, the State's policy analysis, planning, and budgeting processes were integrated into one cycle. Legislation which made the Governor's powers more explicit and changed the State budget process affected the roles of the Secretaries. Making the Chief Executive's powers more explicit and authorizing the Governor to delegate executive powers to the Secretaries reduced some of the ambiguity about the legislative intent of the Secretaries' roles. So, too, the statutory provision for the Secretaries to receive agency budget submissions gave the Secretaries a formal role in the budget process.

Organizational structure of the Cabinet. During the 1976 General Assembly session, Senators Hopkins, Brault, Willey, and E. T. Gray introduced a series of bills* related to the Secretarial positions. As recommended by the Hopkins Commission, the proposed legislation designated seven Secretarial positions, but legislation was enacted for five of the seven positions during the 1976 General Assembly session. A sixth Cabinet position, Secretary of Commerce and Resources, was retained as originally created in 1972, rather than being split into two Secretarial positions as recommended by the Hopkins Commission**. As designated by the 1976 amendments to the Code of Virginia, the Cabinet included the following positions:

*See Journal of the Senate, 1976, p. 271-272, 1668-1669; Acts of Assembly, 1976, Chapters 729, 730, 732-734, 743. Senate bill numbers corresponding to Secretarial positions were as follows:

| | |
|-----------------|--|
| Senate Bill 308 | - Secretary of Human Resources |
| Senate Bill 309 | - Secretary of Natural Resources |
| Senate Bill 310 | - Secretary of Agriculture, Labor and Commerce |
| Senate Bill 314 | - Secretary of Public Safety |
| Senate Bill 315 | - Secretary of Education |
| Senate Bill 316 | - Secretary of Administration and Finance |
| Senate Bill 317 | - Secretary of Transportation |

**For the legislative history of the position of Secretary of Commerce and Resources, see Senate Bills 308 and 309 (Journal of the Senate, 1976, p. 1668-1669); Senate Bill 309 (Journal of the Senate, 1977, p. 1596-1597); Senate Bill 112 (Journal of the Senate, 1978, p. 2028); Senate Bill 112 (Journal of the Senate, 1979, p. 74).

Secretary of Administration and Finance

Secretary of Education

Secretary of Human Resources

Secretary of Transportation

Secretary of Public Safety

Secretary of Commerce and Resources

That organizational arrangement remains in effect at the present time (Code of Virginia, Sections 2.1-51.7 to 2.1-51.30; see Table 1 for a comparison of the Cabinet positions which were recommended by the Zimmer and Hopkins Commissions to those which were established by the General Assembly in 1972 and 1976).

Secretaries' statutory powers and duties. More important than the changes in the organizational structure of the six Cabinet positions were the Code revisions in the powers and duties of the Secretaries. Within the framework of legal and political factors affecting each area of State government headed by a Secretary, all of the Secretaries were granted increased budget, policy, and coordination responsibilities for their respective areas. As recommended by the Hopkins Commission, the enacted legislation did not grant as much statutory authority to the Secretary of Education in relation to education agencies as that granted to the other Secretaries in relation to their respective

Table 1

Cabinet Positions as Established by the General Assembly
In Comparison to Those Recommended by Zimmer and Hopkins Commissions

| Zimmer Commission 1970 ^a | Code Revision 1972 ^b | Hopkins Commission 1974-76 ^c | Code Revision 1976 ^d |
|--|---|---|---|
| Commissioner of Administration (retain position as created in 1966) | Secretary of Administration | Secretary of Administration and Finance | Secretary of Administration and Finance |
| Deputy Governor of Finance | Secretary of Finance | | |
| Deputy Governor of Education | Secretary of Education | Secretary of Education | Secretary of Education |
| Deputy Governor of Human Affairs | Secretary of Human Affairs | Secretary of Human Resources | Secretary of Human Resources |
| Deputy Governor of Transportation and Public Safety | Secretary of Transportation and Public Safety | Secretary of Transportation | Secretary of Transportation |
| | | Secretary of Public Safety | Secretary of Public Safety |
| Deputy Governor of Commerce and Resources | Secretary of Commerce and Resources | Secretary of Agriculture, Commerce, and Labor | Secretary of Commerce and Resources |
| | | Secretary of Natural Resources | |

^a Governor's Management Study, 1970, p. 169.

^b Acts of Assembly, 1972, Chapter 641.

^c CSGM, February 1976a, b, c, d; CSGH, July 1976a, b, c, d.

^d Acts of Assembly, 1976, Chapters 729, 230, 732-734, 743; Code of Virginia, Sections 2.1-51.7 to 2.1-51.26, 1979 Replacement Vol.

agencies.* Nonetheless the Code revisions enacted in 1976 expanded the Secretary of Education's authority exactly as recommended by the Hopkins Commission. That is, the Secretary of Education was statutorily authorized to resolve disputes between education agencies, to provide policy direction for programs crossing agency lines, and to direct the preparation of alternative plans and budgets for education agencies. With regard to cultural affairs agencies, the Secretary of Education was granted authority for directing the formulation of a comprehensive program budget (Acts of Assembly, 1976, Chapter 733; CSGM, 1975, pp. 17, 34).

Although questions about need for a position of Secretary of Education were raised throughout the Hopkins Commission deliberations on the Secretaries' roles, the votes on Senate Bill 315** evidenced strong support in the General Assembly not only for retaining the position but also for strengthening the formal powers of the Secretary of Education. The 1976 Code amendments for the Secretary of Education and for the other Secretaries reflected the differences

*See Acts of Assembly, 1976, Chapters 729, 730, 732, 734 and 743 in comparison with Chapter 733 (Secretary of Education).

**The votes on Senate Bill 315 were reported as Senate vote: 38-0 (Journal of the Senate, 1976, p. 425); House vote: 90-8 (Journal of the House . . . , 1976, p. 1404-1405).

among the positions in relation to the agencies for which each Secretary was responsible. By comparing the statutory provisions enacted in 1976 for the Secretary of Education with those for the other Secretaries, the differences in the formal authority among the Secretaries, with regard to respective areas of responsibility, were illustrated (see Table 2).

Executive Action

It was during the second term of Governor Mills E. Godwin, Jr. that the major laws proposed by the Hopkins Commission were enacted. According to the Commission's Chairman, Governor Godwin was "very supportive" of the Commission's work, commending it in his speeches to the General Assembly. Senator Hopkins stated that Governor Godwin "saw to it" that Commission-sponsored legislation was passed (Hopkins, Note 2). In addition to providing support for legislation regarding the Governor's powers, the State's budget process and the Secretaries' powers and duties, Governor Godwin initiated several executive actions which affected the positions of the Secretaries.

Revised executive orders for each Secretary. Based upon the Code amendments enacted by the 1976 General Assembly session, Godwin issued revised executive orders for each of the six Secretaries on July 9, 1976 (Godwin, 1976a; 1976b; 1976c; 1976d; 1976e; 1976f). The powers and duties

Table 2

Statutory Powers and Duties of the Secretary of Education
Compared to Those of Other Secretaries^a

| Powers and Duties of the Secretary of Education ^b | Powers and Duties of Other Secretaries ^b |
|---|--|
| COORDINATION ^c | |
| <p>"Unless the Governor expressly reserves such a power to himself, the Secretary is empowered to resolve administrative, jurisdictional or policy conflicts between any agencies or officers for which he is responsible" (<u>Code</u>, 2.1-51.20; <u>Acts of Assembly</u>, 1976, Chapter 733).</p> | <p>"Unless the Governor expressly reserves such a power to himself, the Secretary is empowered to resolve administrative, jurisdictional or policy conflicts between any agencies or officers assigned to his office" (Code 2.1-51.8:1 [Secretary of Commerce and Resources]; 2.1-51.14 [Secretary of Human Resources]; 2.1-51.17 [Secretary of Public Safety]; 2.1-51.26 [Secretary of Administration and Finance]; <u>Acts of Assembly</u>, 1976, Chapters 729, 730, 732, and 743).</p> <p>"To the extent the Governor expressly authorized, the Secretary is empowered to resolve administrative, jurisdictional or policy conflict between any agencies or officers assigned to his office" (Code, 2.1-51.23 [Secretary of Transportation]; <u>Acts of Assembly</u>, 1976, Chapter 734).</p> |
| POLICY ^c | |
| <p>"Unless the Governor expressly reserves such a power to himself, the Secretary is empowered to . . . provide policy direction for programs involving more than a single agency. He is authorized to direct the preparation of alternative policies, plans. . . for education for the Governor and, to that end, may require assistance of the agencies for which he is responsible" (<u>Code</u>, 2.1-51.20; <u>Acts of Assembly</u>, 1976, Chapter 733).</p> | <p>"The agencies assigned to the Secretary shall exercise their respective powers and duties in accordance with the general policy established by the Governor or by the Secretary acting on behalf of the Governor" (<u>Code</u>, 2.1-51.8:1 [Secretary of Commerce and Resources]; 2.1-51.14 [Secretary of Human Resources]; [Secretary of Public Safety]; 2.1-51.23 [Secretary of Transportation]; 2.1-51.26 [Secretary of Administration and Finance]; <u>Acts of Assembly</u>, 1976, Chapters 729, 730, 732, 734, and 743).</p> |
| BUDGET ^c | |
| <p>"He is authorized to direct the preparation, of alternative . . . budgets for education for the Governor and, to that end, may require assistance of the agencies for which he is responsible. He shall direct the formulation of a comprehensive program budget for cultural affairs encompassing the programs and activities of the agencies involved in cultural affairs" (Code, 2.1-51.20; <u>Acts of Assembly</u>, 1976, Chapter 733)</p> | <p>"Unless the Governor expressly reserves such a power to himself, the Secretary is empowered . . . to direct the formulation of a comprehensive program budget for his office encompassing the programs and activities of the agencies assigned to such office" (<u>Code</u>, 2.1-51.8:1 [Secretary of Commerce and Resources]; 2.1-51.14 [Secretary of Human Resources]; 2.1-51.17 [Secretary of Public Safety]; 2.1-51.26 [Secretary of Administration and Finance]; <u>Acts of Assembly</u>, 1976, Chapters 729, 730, 732, and 743).</p> |

Table 2 (Cont'd.)
Statutory Powers and Duties of the Secretary of Education
Compared to Those of Other Secretaries^a

| Powers and Duties of the Secretary of Education ^b | Powers and Duties of Other Secretaries ^b |
|---|---|
| BUDGET ^c (Cont'd.) | |
| <p>Section 2.1-51.20 of the <u>Code of Virginia</u> for the Secretary of Education contains no reference to reports of agency heads to the Governor being made through the Secretary.</p> | <p>"To the extent the Governor expressly authorizes, the Secretary is empowered . . . to direct the formulation of budgets for his office encompassing the programs and activities of the agencies assigned to his office" (<u>Code</u>, 2.1-51.23 [Secretary of Transportation]; <u>Acts of Assembly</u>, 1976, Chapter 734).</p> <p style="text-align: center;">AGENCY REPORTS TO GOVERNOR</p> <p>"All reports to the Governor from the head of any agency assigned to the Secretary of [area designated] shall be made through the Secretary" (<u>Code</u>, 2.1-51.8:1 [Secretary of Commerce and Resources]; 2.1-51.14 [Secretary of Human Resources]; 2.1-51.7 [Secretary of Public Safety]; 2.1-51.23 [Secretary of Transportation]; 2.1-51.26 [Secretary of Administration and Finance]; <u>Acts of Assembly</u>, 1976, Chapters 729, 730, 732, 734, and 743).</p> |

^aSource: Code of Virginia, Section 2.1-51.20 (Secretary of Education) compared to Sections 2.1-51.8:1 to 2.1-51.19 and 2.1-51.23 to 2.1-51.26 (1979 Replacement Volume); see Appendix E for text of referenced sections of the Code.

According to the Code, each Secretary is "subject to direction and supervision of the Governor" (Code, 2.1-51.8:1 [Secretary of Commerce and Resources]; 2.1-51.14 [Secretary of Human Resources]; 2.1-51.17 [Secretary of Public Safety]; 2.1-51.20 [Secretary of Education]; 2.1-51.23 [Secretary of Transportation]; 2.1-51.26 [Secretary of Administration and Finance]).

^bAs interpreted by the writer, substantive differences in the Code between the powers and duties of the Secretary of Education and other Secretaries are underlined in this table for emphasis; such emphasis is not in the original text of the Code.

^cThe responsibilities of the Secretaries as classified by the Hopkins Commission (CSGM, July 1976b, Second interim report: . . . Secretaries, p. 6-7) as identified herein.

delegated by the Governor to each Secretary reflected the four categories of Secretarial responsibilities which were recommended by the Hopkins Commission: budget, management, policy, and coordination.

Revised executive order for the Secretary of Education.

Through Executive Order Number Thirty-Six, Governor Godwin (1976c) delegated to the Secretary of Education the following powers and duties:

1. To direct the formulation of a comprehensive program budget encompassing programs and activities for the education function including cultural affairs programs, subject to guidelines established under my direction.
2. To hold assigned agency head(s) accountable for the administrative, fiscal, and program performance of such agency in order to effect the Secretary's responsibility to me.
3. To designate policy priorities and guidelines to effect comprehensive long-range and coordinated planning and policy formulation involving more than a single agency or for the education function.
4. To resolve administrative, jurisdictional, policy, program, or operational conflicts among any of the assigned agencies or officers.
5. To solicit or accept on behalf of the Office of the Secretary of Education any donation, gift or grant, whether or not entailing commitments as to the expenditure of subsequent requests for appropriation or expenditure from the General Fund, subject to approval of the Office of Administration and Finance for planning and budgeting concurrence.
6. To direct the preparation of alternative policies, plans, and budgets for education.

7. To receive, review, and forward reports to the Governor from assigned State agencies.
8. To employ such personnel and contract for such consulting services as may be required to execute the statutory and delegated powers subject to the funds available for the operation of the office and to State law and regulations pursuant thereto; further, to require temporary assistance from the assigned agencies and to request such assistance from the Office of Administration and Finance.
9. To sign documents related to delegated powers and duties in the form:

_____, Governor
 by _____
 Secretary of Education

Through that executive order, the Secretary of Education was charged "to effect the foregoing actions" with respect to designated State higher education programs and statewide education agencies and institutions of higher education, and to "maintain liaison with collegial bodies," including the State Council of Higher Education and the Boards of Visitors of each of the four-year public colleges and universities. However, the authority to appoint agency heads and collegial body members was not delegated to the Secretary of Education. The Governor reserved the power to appoint members of collegial bodies, such as State Council of Higher Education members and college and university Boards of Visitors (Godwin, 1976c). As discussed previously, the Director of the State Council of Higher Education was

specifically excluded from the section of the Code authorizing the Governor to appoint State agency heads (Code of Virginia, Section 2.1-41.2). Furthermore, higher education institutions were not classified as State agencies. Legal responsibility for appointing the administrative head of the State Council and each higher education institution was vested in their respective collegial bodies.

Godwin's appointment of a Secretary of Education. In addition to issuing a revised executive order through which executive powers were delegated to the Secretary of Education as delineated in the Code and as recommended by the Hopkins Commission, Governor Godwin appointed a full-time Secretary of Education. As mentioned previously, in 1974 Godwin had designated his Special Assistant, Carter O. Lowance, to serve also as Acting-Secretary of Education. Effective July 1, 1976, Robert R. Ramsey was appointed to the position of Secretary of Education (Directory of State Officials, 1977, p. 15). Secretary Ramsey served in that capacity through the remaining 18 months of the second Godwin administration (Latimer, 1978, p. A-1).

Implementation of an issue identification and policy analysis process. In another action taken as a follow-up to a Hopkins Commission recommendation, Governor Godwin issued an executive order in August 1976 which established "a policy to identify and analyze issues and to prepare

policy issue papers in the Executive Department of the Commonwealth (Godwin, 1976g). In its study of the State's budget process, the Hopkins Commission concluded that the Governor's lack of explicit statutory authority for formulating executive branch policy inhibited the Chief Executive's ability to develop and execute the State's budget. The Commission recommended that the Governor be granted statutory authority for formulating executive policy and that a system of issue identification and policy analysis be implemented in the executive branch (CSGM, July 1976b; 1976c). Code revisions enacted by the 1976 General Assembly addressed these two matters, with Section 2.1-41.1 authorizing the Governor to formulate executive branch policy and Section 2.1-398H requiring the Governor to submit, as part of the biennial budget document presented to the General Assembly, a statement of executive policies, goals, and objectives for designated areas of State government.

By issuing Executive Order Number Forty-Three, Governor Godwin (1976g) indicated his intent to implement a system of issue identification and policy analysis within the executive branch. The system was designed to:

1. Focus attention on significant issues;
2. Enhance the ability of the Governor to initiate State policy, as well as respond to policy proposals;

3. provide central direction in formulation of the State's budget;
4. Enable the Secretaries to exercise appropriate policy management for agencies under their jurisdiction;
5. Allow analysis of issues that cross Secretarial lines;
6. Result in better allocation of resources;
7. Provide for periodic review of existing programs.

By gubernatorial action, the Secretaries were given a central role in the issue identification and policy analysis process. The Governor directed State agencies and departments to participate in the process through their respective Secretary, who, in turn, was expected to "exercise . . . policy management" for their assigned agencies (Godwin, 1976g). In addition to the responsibility delegated to the other Secretaries, Governor Godwin authorized the Secretary of Administration and Finance, as deputy budget officer, "to issue detailed procedures necessary for the implementation" of the executive order (Godwin, 1976g). As expressed in the executive order, the issue identification and analysis process attempted to effect one of the Hopkins Commission's primary recommendations—integration of the State's policy analysis, planning, and budgeting process.

Summary of Phase III

During its 1975, 1976, and 1977 sessions, the Virginia General Assembly enacted legislation which was based on Hopkins Commission recommendations. Through that legislation the Governor's powers were made more explicit, the State's budget process was altered and the Secretaries' powers and duties were defined.

As stipulated in the revised Code of Virginia, the statutory authority granted to the Secretary of Education in relation to education agencies was less than that granted to the other Secretaries in relation to their respective agencies. Nonetheless, the Hopkins Commission viewed the budget as the means by which the executive branch could exercise control over the education function of State government.

Based upon Hopkins Commission recommendations and enacted Code revisions, Governor Godwin issued a series of executive orders in 1976. Thus, by legislative and executive action, the Secretaries' roles in the management of State government were clarified.

CHAPTER III

THE POSITION OF SECRETARY OF EDUCATION

IN THE DALTON ADMINISTRATION:

IMPLEMENTATION OF THE HOPKINS BLUEPRINT

The purpose of the present chapter was to describe the position of Secretary of Education as it related to higher education in the Dalton administration. This chapter was organized into three major sections. In the first section, the intended use of the cabinet system by Governor Dalton was presented. Based upon the Governor's desire to implement the Hopkins Commission blueprint for executive management, Dalton viewed the Secretaries as policy makers and overseers of agency activities and budgets. Thus, the second section of this chapter described the authority delegated to the position of Secretary of Education.

Since the budgetary responsibility of the Secretary emerged as the major responsibility, a description of the formulation of the 1980-82 higher education budget, with particular emphasis on the setting of budget targets, was presented as the final section of this chapter. The higher education targeting process was graphically depicted in order to portray the involvement of the Secretary of Education and the interaction of the Secretary with other State-level officials during the various process phases.

THE CABINET SYSTEM IN THE DALTON ADMINISTRATION

The preceding chapter traced the development of Virginia's cabinet system from 1970 when the concept was originally proposed by the Zimmer Commission, through 1976 and 1977 when the General Assembly enacted legislation strengthening the powers of the Governor and the Secretaries as recommended by the Hopkins Commission. Recommendations and subsequent legislative and executive action related to the position of Secretary of Education were presented. The purpose of this section is to describe the cabinet structure as envisioned by the Dalton Administration.

Dalton's Goals for State Government

Effectiveness, Efficiency and Controlling Growth

In November 1977, John N. Dalton was elected Governor of Virginia, the Commonwealth's third consecutive Republican chief executive ("Dalton Promises Business-like Term," 1978, p. B-12). During his campaign and following his election, Dalton emphasized his concern for effectiveness and efficiency in state government's delivery of services to the Commonwealth's citizens. Controlling the growth of state government and managing it in a business-like manner

were the means proposed by the newly-elected Governor for improving state government effectiveness and efficiency ("Dalton Declares Some Tax Relief. . .," 1978, p. A-7; "Dalton Promises 'Business-Like' Term," 1978, p. B-12; Dalton, 1978a, pp. 4-5; 35-36; 44). Dalton specifically mentioned controlling costs and reducing employment levels. The new Chief Executive adopted his predecessor's policy regarding the Commonwealth's budget—"to control costs while improving delivery of services"—as his own (Dalton, 1978a, p. 36; Wessells, Note 5). Regarding employment levels in state government, Dalton asked the General Assembly "to look at positions funded in the new budget," especially "the. . . 8,000 budgeted and unfilled positions" for the 1976-78 biennium (Dalton, 1978a, p. 4). The day after Dalton's address to the General Assembly, the Secretary of Administration and Finance reiterated the Governor's goal to "keep employment down." Appearing before the House Appropriations Committee, Charles B. Walker estimated that the Commonwealth could save \$80 million a year by leaving vacant those state positions which were unfilled during the 1976-78 biennium ("Dalton Goal. . . Trim Payroll," 1978, p. B-12).

Same Goals as Zimmer andHopkins Commissions

The themes of improving effectiveness and efficiency of state government and controlling its growth were not new; the recommendations and legislative action taken as a result of the Zimmer and Hopkins Commissions were directed toward accomplishing these same goals. It was not without importance that Dalton had served as an elected state government official during the time that those two commissions studied Virginia's governmental management.* A major section of Governor Dalton's first address to the Virginia General Assembly (Dalton, 1978a) focused on the work of the Commission on State Governmental Management, the Hopkins Commission, and he endorsed many of its recommendations ("Dalton Declares Some Tax Relief. . .", 1978, p. A-7). However, Dalton foresaw no additional reorganization of state government within the first two or three years of his administration, "until he test[ed] current recommendations of the Hopkins Commission" ("Dalton Promises 'Business-like' Term," 1978, p. B-12). The similarities between Dalton's

*From 1966 through 1972, Dalton was a Delegate in the General Assembly, serving on the House Appropriation Committee from 1968 to 1972. In 1972, he ran unopposed for the senatorial seat vacated by James Turk's elevation to the federal bench. Then in 1974 he won his bid to serve as Lieutenant Governor, a position which in Virginia carries with it the responsibility of serving as Senate President (Hammersley, 1974, p. 120).

goals for the management of state government and those of the Hopkins Commission were commented upon when Dalton enumerated the goals of his administration by Secretarial area (Dalton, 1978a, pp. 10-43). Following Dalton's first address to the General Assembly, one Senator noted that "it sounds like Bill Hopkins wrote his speech" (Osborne & Carico, 1978, p. A-1).

Dalton's Intended Use of the Cabinet

Dalton's Cabinet Appointments

Within a month after his election, John N. Dalton announced his cabinet appointments. Appointed to the position of Secretary of Education was Dr. J. Wade Gilley, former president of two institutions within the Virginia Community College System and a four-year public college in West Virginia ("Dalton to Appoint Gilley . . . ," 1977, p. B-1). Among Dalton's other choices for secretaries were four persons who served in the second Godwin administration.*

*Dalton's cabinet appointments included: Charles B. Walker, Comptroller from 1974 to 1978, as Secretary of Administration and Finance; Maurice B. Rowe, former Secretary of Commerce and Resources from 1972 to 1974 and Secretary of Administration [and Finance] from 1974 to 1978, as Secretary of Commerce and Resources; Wayne A. Whitham reappointed as Secretary of Transportation; and H. Selwyn Smith reappointed as Secretary of Public Safety. In addition to Secretary of Education Gilley, the other cabinet appointee who was new to State government was Dr. Jean L. Harris, Secretary of Human Resources (Fisher, 1977, p. A-1). Dr. Harris replaced Dr. W. W. Wilkerson, retired State Superintendent of Public

Changes in Use of the Cabinet

Although there was "emphasis on continuity" in his cabinet appointments (Fisher, 1977, p. A-1), Governor-elect Dalton clearly stated his intention to change his use of the Secretaries by comparison with Governors Holton and Godwin:

In announcing his choices of five of six [cabinet appointees], the incoming Governor outlined a Dalton design that would give the Cabinet secretaries more prestige and power than they enjoyed under both of his GOP predecessors since the Virginia cabinet system began in mid-1972. (Latimer, 1977, p. A-1)

"Dalton's design." Central to the "Dalton design" was the new Governor's belief in "fully utilizing the cabinet structure as enacted by the General Assembly" (Dalton, 1978a, p. 10). Based on Dalton's concept of the cabinet, the Secretaries were described as the Governor's "top-level managers . . . [who] help shape the policies and budgets that regulate what, when, how, where and how much State government does for more than 5 million Virginians"

*(cont'd.) Instruction who served as interim Secretary of Human Resources following the resignation of Otis L. Brown, effective April 30, 1977 ("Wilkerson to step in . . .," 1977). Two former Secretaries were not reappointed to the cabinet: Earl J. Schiflet, who served as Secretary of Education from 1972 to 1974 in the Holton administration and as Secretary of Commerce and Resources during the second Godwin administration; and, Dr. Robert R. Ramsey, who served as Secretary of Education from March 1976 through the remainder of the second Godwin administration (Latimer, 1977, p. A-1).

(Harrison, 1977, p. B-5). In his first address to the General Assembly, the Governor defined the roles of his Secretaries by stating:

They will be my policy advisors as well as the coordinators of agency activities. I will expect regular status reports of the programs and agencies which they oversee, and budgetarily review (Dalton, 1978a, p. 9, order transposed).

The Governor's straightforward expression of his intention to use the cabinet, left little doubt that "Dalton means it when he says that he will work closely with his cabinet" (Lobb, 1978, p. 88). As quoted by one news media interviewer (Harrison, 1977, p. B-5), Dalton emphatically stated: "I want it clearly understood . . . [that] I plan to use my cabinet very strongly." Specifically, Dalton indicated that he would meet at least once every two weeks with the Secretaries, presiding over those regular cabinet meetings, and that he would meet with them during the transition period, consulting with them about the appointment of department heads (Latimer, 1977, p. A-2).

Change in balance among Secretarial positions. More importantly, Dalton disclosed his desire to change the balance of the Secretarial positions with each other" (Harrison, 1977, p. B-5). The Governor-elect told reporters that he viewed the Secretaries as "co-equals" (Fisher, 1977, p. A-12; Latimer, 1977, p. A-2). Contrary to his predecessor's view of the position of Secretary of Administration

and Finance, Dalton stated: "I don't see the Secretary of Administration and Finance as a super-cabinet member" (Harrison, 1977, p. B-5). As evidence of his "co-equal" concept of the Secretaries' positions, Dalton proposed equalizing their salaries and subsequently succeeded in doing so through the legislative process related to the 1978-80 biennial budget.*

Period of growth for the cabinet. Prior to his inauguration, Governor-elect Dalton selected the six Secretaries for his cabinet and announced his plan for utilizing the cabinet structure as intended by the General Assembly when it enacted Hopkins Commission recommendations. The

*For both years of the 1976-78 biennium, the last two years of the second Godwin administration, the Appropriations Act specified the salary of the Secretary of Administration and Finance as \$39,500, while the salaries of the other Secretaries were designated as \$37,500 (Acts of Assembly, 1976, Chapter 779). Similarly, the 1978-80 executive budget submitted by Governor Godwin called for the Secretary of Administration and Finance to earn an annual salary of \$43,000 for both years of the biennium, with the recommended compensation of the other Secretaries set at \$41,200 (Fisher, 1977, p. A-12; Latimer, 1977, p. A-2). However, the enacted 1978-80 Appropriations Act reflected Governor Dalton's plan to equalize the Secretaries' salaries. For the first year, the salaries of all the Secretaries were set at \$47,000 and for the second year at \$49,000 (Acts of Assembly, 1978, Chapter 850). By action of the 1979 session of the General Assembly, the 1978-80 Appropriations Act was amended to set the Secretaries' salaries at \$51,000 for the second year of the 1978-80 biennium (Acts of Assembly, 1979, Chapter 738).

"Dalton design" for the cabinet Secretaries prompted some State government officials to suggest that "the cabinet appears ready to embark on what . . . may be its most significant period of growth and use" (Harrison, 1977, p. B-5). An observer of Virginia State government specifically attributed the predicted expansion in the use of cabinet system to the Governor-elect: "Dalton as lieutenant governor the past four years is familiar with the cabinet. Both have kind of grown up together at the top level of state government (Harrison, 1977, p. B-5, emphasis added).

Dalton Administration's Study of the Secretarial System

The first step taken by the Dalton administration toward implementing the Governor's plan for using the cabinet was to undertake a study of the Secretarial system. The Department of Planning and Budget (DPB), the central agency which serves as staff to the Governor, was charged with conducting the study (Rowland, Note 3). According to an executive summary prepared by DPB staff, the purpose of the study was to present the status of the Secretarial system, analyze the findings and present concepts for:

- assigning duties and responsibilities;
- developing missions, roles, goals, objectives and strategies;
- organizing, staffing and funding secretarial areas; and

- improving inter- and intra-Secretarial relationships (DPB, 1978b, p. 4).

After describing the Secretarial system as it existed, the report indicated that the DPB staff used a normative approach to its analysis of the findings; that is, "what could be the Virginia Secretarial System as though it were now just being established—rather than recommending refinements and adjustments to what is the Virginia Secretarial System" (DPB, 1978a, p. 23). That the Secretarial system legislation had been enacted, that the Secretaries had been appointed, that their compensation had been fixed, and that Governor Dalton had "indicated his desire for the Secretaries to be co-equal as far as practicable" were identified as the only "absolutes" or basic premises upon which the analysis was based (DPB, 1978a, p. 23). Of those basic premises, the Governor's desire for the Secretaries to be "co-equals" was "used as a primary guiding principle throughout the analysis" (DPB, 1978a, p. 24).

Based upon its analysis of the Secretarial system, Department of Planning and Budget staff generated a series of recommendations. Discussion herein was limited to four areas: (1) The Executive Management Concept; (2) Duties and Responsibilities of the Secretaries; (3) Organization and Inter-relationships of the Secretaries; and (4) Staff to the Secretaries.

The Executive Management Concept

Predicated upon legislation enacted by the 1976 General Assembly regarding the Commonwealth's planning and budgeting system (HB 666) and personnel administration process (HB 668), a paper articulating the "Executive Management Concept" was developed for the Cabinet Secretaries by the directors of four central staff agencies (Rowe, 1976 in DPB, 1978a, p. 107-110). Intended to clearly delineate the executive management operating relationships among the Governor, the Secretaries, and state agencies (DPB, 1978a, p. 108), the concept encompassed "basic policy and supervision as it applied to planning, budgeting and personnel at three levels—statewide, functional, and programs (DPB, 1978a, p. 1).

Statewide level. As defined in the concept paper, the Statewide level of executive management encompassed "the totality of the basic purposes (Commerce and Resources, Education, Human Resources, Public Safety and Transportation) of State government" (DPB, 1978a, p. 109). As deputy director of planning, budget and personnel, the Secretary of Administration and Finance was identified as having primary responsibility for:

1. statewide, functional and program coordination; and
2. direction of central staff agencies which provide advice and assistance from a state-level perspective to the Governors, the

other Secretaries and state agencies (DPB, 1978a, Appendix H, p. 108-109).

Functional level. Executive management at the functional level included one basic purpose or function of State government and its component parts that rested with a Secretary acting on behalf of the Governor. Generally, the Secretaries of Commerce and Resources, Education, Human Resources, Public Safety and Transportation were identified as being responsible for providing "policy guidance" to agencies and focusing on major programs within their respective functional areas. Designating "policy priorities and guidelines" for planning and budgeting for each functional area of State government rested with the respective Secretary. To insure compatibility of Secretarial policy directives across functional areas and with gubernatorial policy, the policies developed by functional area Secretaries were subject to review by the Governor (DPB, 1978a, p. 109).

Program level. The program level of executive management, as conceptualized by the four division directors of central agencies, encompassed "one set of resources" which supported a State government program. Management at the program level was stipulated as the primary responsibility of the head of a State agency charged with delivering a program to Virginia's citizens (DPB, 1978a, Appendix H, p. 110).

"Management by Exception"

By distinguishing among three levels of executive management, the executive management concept assigned to the functional area Secretaries responsibility for providing policy guidance to their respective agencies. In turn, agency heads were vested with responsibility for the operational-level management of State programs encompassed within their agencies. According to the concept, functional area Secretaries were not to be involved in the day to day operations of State agencies and programs. Rather, the concept called for statewide and functional executive management to be developed "to the extent possible, under the principle of management by exception" (DPB, 1978a, p. 108, 109). As defined by Newman, Summer and Warren (1972), the "exception principle" meant to "watch only for exceptionally high or low performance" (p. 598).

Reaffirmation of the

Executive Management Concept

Although the Secretaries adopted the executive management concept in April 1976 (DPB, 1978a, p. 1), the Secretaries continued to play a coordinating role rather than implementing "the true management concept" (Connock, Note 10). Connock recalled a discussion among three

high-ranking Dalton administration officials* regarding the lack of implementation of the executive management concept within Virginia State government. According to Connock (Note 10), the three agreed that "if you don't make the system work as it was intended to work, then there is no reason to keep it here." As described by the Director of the Department of Planning and Budget at the time the study of the Secretarial system was conducted by the department, the agency heads were "supposed to be managers of agencies and to run them and not get into policy making. The policy making is going to come higher up" (Connock, Note 10). The role of the Governor and the Secretaries was to provide "clear guidance" to the agencies. Then "the agencies can be turned loose and . . . can manage within that clear guidance" (Connock, Note 10). That concept of executive management, designating the Secretary of Administration and Finance as responsible for overall statewide, functional and program coordination, the other Secretaries

*The three officials, as identified by Connock (Note 10), were Charles B. Walker, then-Secretary of Administration and Finance, and former Comptroller; Kenneth B. Golden, Assistant Secretary of Administration and Finance, and former Deputy Director, and Director of the Hopkins Commission; and Stuart W. Connock, then-Assistant Secretary of Financial Policy and DPB Director. Connock (Note 10) explained that Kenneth Golden, as part of his responsibilities with the Hopkins Commission, "wrote some of the language" for the 1976 Code revisions regarding the Cabinet Secretaries' powers and duties.

as responsible for policy guidance to their respective functional areas, and agency heads as responsible for management of State programs assigned to their agencies, was reaffirmed by the Dalton administration (DPB, 1978b, p. 8). According to Stuart Connock, Governor Dalton "believes in the management concept" and "has tried to instill that in all the Secretaries, with Charlie [Walker, Secretary of Administration and Finance] taking a big lead" (Connock, Note 10).

Other Recommendations Regarding Secretarial System

Duties and responsibilities of the Secretaries. In addition to defining the policy role of the Cabinet Secretaries within the context of the executive management concept, several other recommendations regarding the duties and responsibilities of the Secretaries were advanced by the staff of DPB. It was recommended that the Secretaries' duties and responsibilities should be:

- limited to common statutory powers of the Secretaries and those which the Governor elects to delegate;
- articulated in individual Executive Orders for each Secretary;
- focused on those management matters of a functional nature, or those which involve more than a single agency or program assigned; and

- void of all on-going program operation or service delivery which can be performed at the agency level (DPB, 1978b, p. 5).

The executive orders through which Governor Dalton delegated powers to each of the Secretaries are presented in the following section of this chapter (see pp. 136-142 for discussion).

Organization and interrelationships of the Secretaries.

As previously indicated, it was Governor Dalton's intention that the Secretaries be "co-equals, as far as practicable" (DPB, 1978a, p. 23). It was recommended that the mission and role statements for each of the Secretaries be agreed upon collectively by all the Secretaries. Furthermore, according to the DPB study, the cabinet should be structured to foster inter-Secretarial coordination (DPP, 1978b, p. 5).

Although Governor Dalton emphasized the similarities among the Secretaries' powers, their "co-equal" status and their primary authority in relation to State agencies within their functional areas, he did assign some unique responsibilities to the Secretary of Administration and Finance. Under the executive management concept, the Secretary of Administration and Finance assumed primary responsibility for statewide, functional and program coordination encompassing the totality of State government. That responsibility was predicated upon the Secretary being

statutorily designated as the Commonwealth's deputy planning, budget, and personnel officer (DPB, 1978a, p. 1-2; see Code of Virginia, Section 2.1-387 and Section 2.1-51.26; Acts of Assembly, 1976, Chapters 760 and 743). In addition to statutory authority, Dalton assigned the following duties to the Secretary of Administration and Finance:

- to serve as the administrative chairman of the Cabinet
- to prepare the agenda for official Cabinet meetings, although the Governor intended to preside at those meetings
- to distribute, through support staff of the Secretary of Administration and Finance, general communications between the Governor's Office and all members of the Cabinet
- to receive all requests relative to "money matters," including budget amendments (DPB, 1978a, p. 8-9).

Staff to the Secretaries. From its modest beginnings of one Assistant Secretary of Administration and one Clerical support staff for each Secretary in 1972 (Poston, 1972, p. 21), the staff in the Offices of the Cabinet Secretaries grew to 71 positions by the end of the 1976-78 biennium. During the 1976-78 biennium alone, the number of staff positions to the Secretaries increased from 22 to 71 or 222.7% (DPB, 1978b, p. 3). Of the 49 increased positions, 19 were new positions (representing an 86.4% increase) and 30 resulted from transfers of staff employed by the Division of State Planning and Community Affairs to the

Offices of the Secretaries, effective July 1, 1976*. In addition to the 19 new positions added to the staffs of Cabinet Secretaries during the 1976-78 biennium, the 1978-80 Executive Budget called for 18 more new positions. Thus, by July 1, 1978, the projected number of staff positions in the Offices of the Cabinet Secretaries totaled 89, including six Secretariate positions (DPB, 1978a, p. 3).

The expansion of staff in the Offices of the Secretaries, according to one division director in the Department of Planning and Budget, "gave Governor Dalton heartburn, particularly since he wanted to control the growth of State government" (Rowland, Note 3). Redesigning the staffing arrangement for the Offices of the Secretaries was, therefore, one of the primary purposes for the Dalton administration's studying the Secretarial system (DPB, 1978b, p. 4).

*The 1976 legislation which created the Department of Planning and Budget (H.B. 666, Acts of Assembly, 1976, Chapter 760), abolished the Division of State Planning and Community Affairs. By internal reorganization of that division in 1973, state planners were assigned to serve as professional staff to the Secretaries (see Chapter II, pp. 43 to 44. Thus, most of the 30 positions resulted from transferring state planners, who already were assigned to staff functions for Secretaries, to an Office of a Secretary and the budget of that Secretary. Former clerical employees of the DSPCA were also transferred to Offices of Secretaries, accounting for the remainder of the 30 transferred positions (DPB, 1978a, p. 15).

On July 1, 1978, the Cabinet Secretaries proposed a Cabinet reorganization plan to Governor Dalton which he immediately approved (Gilley, Note 6). That plan set the employment level for each Office of a Secretary at seven positions (Rowland, Note 3; Hunt, Note 7; Gilley, Note 6). In addition to each Cabinet Secretary, the staff of the Office of each Secretary would include three Assistant Secretaries and three support staff (Gilley, Note 6). An official in the Office of Administration and Finance (Note 8) observed that the staffing plan for the Offices of the Secretaries recognized the need for the Secretaries having "some professional staff to carry out their responsibilities;" and, at the same time, placed a limit on the size of that staff as intended by the Hopkins Commission.

Beyond establishing the staffing pattern of each Office of a Secretary, the gubernatorially approved reorganization plan for the Cabinet's structure refocused the Cabinet's attention "on budgetary and management policies" (Gilley, Note 6). That focus was consistent with the Executive Management Concept (Appendix H in DPB, 1978a, p. 107-110), which reflected the intent of Hopkins Commission legislation.

In addition to staff within the Secretaries' offices, other State government agency staff were available to the

Secretaries for special, short-term* projects. Upon request, central agency staff (those assigned to the Secretary of Administration and Finance) would be made available to assist a functional area Secretary to carry out responsibilities of the Cabinet position (DPB, 1978b, p. 6). Also, Secretaries were authorized to use staff of State agencies assigned to their respective functional areas. As stipulated in the 1978 Appropriations Act:

The Governor's Secretaries are authorized: (1) without transferring appropriations, to request, and have assigned, staff and support services of agencies within their respective areas for special projects" (Acts of Assembly, 1978, Chapter 850, Section 4-1.03).

Summary of Dalton's Intended Use of the Cabinet

This section described the Cabinet system as envisioned by the Dalton administration. Dalton's intention for the Cabinet Secretaries to be "co-equals" served as the guiding principle for the study of the Secretarial system, undertaken by the Department of Planning and Budget. The study reaffirmed the executive management concept, whereby functional area Secretaries were responsible for providing policy guidance to their respective agencies and the

*"Short-term" was defined as "less than six months duration" (DPB, 1978b, p. 6).

Secretary of Administration and Finance was responsible for statewide, functional, and program level coordination. To avoid Secretarial involvement in agencies' daily operations, the concept designated "management by exception" as the underlying principle for implementation of statewide and functional executive management. It was reported that Governor Dalton, in addition to reaffirming the executive management concept, planned to implement the concept during his administration. The Governor's endorsement of major recommendations of the study of the Secretarial system underscored his intention to use the Cabinet Secretaries as policy makers and to manage State government in a "business-like" manner.

THE POSITION OF SECRETARY OF EDUCATION IN THE DALTON ADMINISTRATION

One of the six cabinet positions originally created by the Virginia General Assembly was the position of Secretary of Education. After studying the need for such a position within the cabinet system, the Hopkins Commission recommended retaining the position of Secretary of Education (CSGM, July 1976b, Second Interim Report, . . . Secretaries; Hopkins, Note 3). By legislation enacted in 1976, the powers and duties of the Cabinet Secretaries, including the Secretary of Education, were amended in accordance with

Hopkins' recommendations (Code of Virginia, 1976, Sections 2.1-51.8:1 to 2.1-51.26; Acts of Assembly, 1976, Chapters 729, 730, 732, 733, 734, and 743). The purpose of this section was to describe the position of Secretary of Education, within the Dalton Administration, as it relates to public higher education. Discussion focused on the following topics: (1) formal authority delegated to the Secretary of Education; (2) comparison of authority gubernatorily delegated to the position of Secretary of Education with that delegated to other Cabinet Secretaries; (3) organizational structure of the Office of Education; (4) relationship of the Secretary of Education to higher education agencies; and (5) areas of responsibility of the Secretary of Education.

Dalton's Delegation of Authority to
the Position of Secretary of Education

On June 30, 1978, John N. Dalton signed a series of Executive Orders for the six Cabinet positions. As his predecessor, Mills E. Godwin, had done, Governor Dalton delegated executive powers to the Secretaries by issuing separate Executive Orders for each position (Dalton, 1978b; 1978c, 1978d, 1978e, 1978f, 1978g; see notes "c" and "d" of Table 3 for specific Executive Order Number for each Secretary and corresponding Code of Virginia cites). Via

Executive Order Number Thirteen, Governor Dalton (1978d) granted to the position of Secretary of Education the following authority and responsibility:

1. To provide general policy direction, acting in my behalf, to agencies subject to the Secretary's jurisdiction.
2. To direct the preparation of alternative policies, plans and budgets for the educational agencies subject to the Secretary's jurisdiction.
3. To direct, for my consideration, the formulation of comprehensive policies, plans and budgets encompassing the programs and activities of the cultural affairs agencies subject to the Secretary's jurisdiction.
4. To resolve administrative, jurisdictional, policy, program or operational conflicts among any of the agencies or offices subject to the Secretary's jurisdiction.
5. To hold assigned agency heads accountable for the administrative, fiscal and program performance of their agencies.
6. To coordinate communications with the Federal government and the governments of the other states, subject to guidelines established under my direction, in matters related to the programs and activities of the agencies subject to the Secretary's jurisdiction.
7. To examine the organization of agencies subject to the Secretary's jurisdiction and recommend changes necessary to promote the more effective and efficient operation of State government.
8. To sign documents related to delegated powers subject to guidelines established under my direction.

9. To employ such personnel and contract for such consulting services as may be required to execute his statutory and delegative powers subject to the funds available for the operation of the office and to State law and regulations pursuant thereto.

The executive order continued by stating that the Secretary of Education had authority

to effect the foregoing actions with respect to the following agencies and their respective collegial bodies, but not to appoint the heads or collegial body members of the assigned agencies. (Dalton, 1978d)

Included among the agencies assigned to the Secretary of Education were the State Council of Higher Education for Virginia, the Virginia Community College System, and the 15 four-year, public colleges and universities, each individually named. Executive Order Number Thirteen (Dalton, 1978d) also directed the Secretary of Education "to maintain liaison with and among" specifically designated "collegial bodies, non-State agencies and Virginia interstate compact representative," such as the Education Commission of the States, the Institute for Higher Educational Opportunity in the South, and the Southern Regional Education Board.

Delegated Authority Common
to All Secretaries

In addition to issuing individual Executive Orders for each of the Secretaries, Governor Dalton apparently endorsed the DPB study recommendation to limit the content of the

Executive Orders to "common statutory powers of the Secretaries and those which the Governor elects to delegate" (DPB, 1978b, p. 5). For seven areas of authority delegated to the Secretaries by Governor Dalton, precisely the same language was used in each Executive Order. In relation to State agencies under their respective jurisdictions, all of the Secretaries were delegated authority to:

1. provide general policy direction to State agencies;
2. resolve conflicts among agencies;
3. hold agency heads accountable for administrative, fiscal and program performance of agencies;
4. coordinate communication with the federal government;
5. recommend changes in agencies' organizational structure for the purpose of promoting effectiveness and efficiency;
6. sign documents related to delegated powers;
7. employ personnel and contract for consulting services (see Table 3).

As a further attempt to emphasize the Secretaries' common statutory powers, Dalton's Executive Orders excluded one statutory power granted to all Secretaries except the Secretary of Education. For the Secretaries of Commerce and Resources, Human Resources, Public Safety, Transportation, and Administration and Finance, the Code of Virginia stipulated that all reports to the Governor from agency heads

Table 3

Comparison of Authority Delegated to the Secretary of Education with
that Delegated to Other Secretaries by Executive Orders of
Governor John N. Dalton, Effective July 1, 1978^a

| Powers and Duties Delegated to the Secretary of Education ^b | Powers and Duties Delegated to the Other Secretaries ^c |
|---|---|
| <p>"Pursuant to Sections 2.1-39.1, 2.1-51.11, and 2.1-51.20, Code of Virginia, and subject always to my continuing, ultimate authority and responsibility to act in such matters and to reserve powers, I hereby delegate to the Secretary of Education, the following powers and duties:</p> | <p>"Pursuant to Sections 2.1-31.9 2.1-51.11 and 2.1-51. ____^d, Code of Virginia, and subject always to my continuing, ultimate authority and responsibility to act in such matters and to reserve powers, I hereby delegate to the Secretary of [named area], the following powers and duties:</p> |
| <p>"To provide general policy direction, acting in my behalf, to agencies subject to the Secretary's jurisdiction."</p> | <p>[Same language for all Secretaries]</p> |
| <p>"To direct the preparation of <u>alternative policies, plans and budgets</u> for the educational agencies subject to the Secretary's jurisdiction."</p> | <p>[Language regarding " . . . preparation of alternative policies, plans and budgets. . ." excluded from other Secretaries' Executive Orders.]</p> |
| <p>"To direct, for my consideration, the formulation of comprehensive policies, plans and budgets <u>encompassing the programs and activities of the cultural affairs agencies subject to the Secretary's jurisdiction.</u>"</p> | <p>To direct, for my consideration, the formulation of comprehensive policies, plans and budgets <u>encompassing the programs and activities of the agencies subject to the Secretary's jurisdiction</u> [language used in all other Secretaries' Executive Orders].</p> |
| <p>"To resolve administrative, jurisdictional, policy, program or operational conflicts among any of the agencies or offices subject to the Secretary's jurisdiction."</p> | <p>[Same language for all Secretaries]</p> |
| <p>"To hold assigned agency heads accountable for the administrative, fiscal, and program performance of their agencies."</p> | <p>[Same language for all Secretaries]</p> |
| <p>"To coordinate communications with the Federal government and the governments of the other states, subject to the guidelines established under my direction, in matters related to the programs and activities of the agencies subject to the Secretary's jurisdiction."</p> | <p>[Same language for all Secretaries]</p> |

Table 3 (Cont'd.)

Comparison of Authority Delegated to the Secretary of Education with
that Delegated to Other Secretaries by Executive Orders of
Governor John N. Dalton, Effective July 1, 1978^a

| Powers and Duties Delegated to the Secretary of Education ^b | Powers and Duties Delegated to the Other Secretaries ^c |
|--|---|
| "To examine the organization of agencies subject to the Secretary's jurisdiction and recommend changes necessary to promote the more effective and efficient operation of State government." | [Same language for all Secretaries] |
| "To sign documents related to delegated powers subject to guidelines established under my direction." | [Same language for all Secretaries] |
| "To employ such personnel and contract for such consulting services as may be required to execute his statutory and delegative powers subject to the funds available for the operation of the office and to State law and regulations pursuant thereto." | [Same language for all Secretaries] |
| "To affect the foregoing actions with respect to the following agencies and their respective collegial bodies, but not to appoint the heads or collegial body members of the assigned agencies:" [listing of State agencies, including the State Council of Higher Education and the individual four-year, public colleges and universities, which were assigned to the Secretary of Education, followed]. | [Same language for all Secretaries followed by listing of corresponding State agencies assigned to each Secretary.] |
| "To maintain liaison with and among the following collegial bodies, non-State agencies and Virginia interstate compact representatives:" [listing of such bodies followed]. | [Same language for all Secretaries, followed by listing of corresponding collegial bodies for each Secretary.] |

Notes for Table 3 (Cont'd.)

Comparison of Authority Delegated to the Secretary of Education with
that Delegated to Other Secretaries by Executive Orders of
Governor John N. Dalton, Effective July 1, 1978^a

^a Only if the powers and duties delegated by Governor Dalton to other Secretaries differed from those delegated to the Secretary of Education was the text of the Executive Order for other Secretaries given here. Differences in language were underscored for emphasis, although not part of the original text.

^b Source: John N. Dalton, Governor. Executive Order Number Thirteen (78): Authority and Responsibility of Secretary of Education, June 30, 1978, effective July 1, 1978, p. 101-103. (Copies available from Office of Secretary of the Commonwealth, Richmond, VA.) See Appendix G for photocopy of this document.

^c Sources: The following Executive Orders regarding the authority and responsibility of the Cabinet Secretaries, other than the Secretary of Education, were issued by Governor John N. Dalton on June 30, 1978, effective July 1, 1978: Secretary of Administration and Finance—Executive Order Number Eleven (78), p. 93-96; Secretary of Commerce and Resources—Executive Order Number Twelve (78), p. 97-100; Secretary of Human Resources—Executive Order Number Fourteen (78), p. 105-107; Secretary of Public Safety—Executive Order Number Fifteen, p. 109-111; Secretary of Transportation—Executive Order Number Sixteen (78), p. 113-115. See Appendix H for photocopies of these documents.

^d The section of the Code of Virginia related to a given Secretary was cited in that Secretary's Executive Order. Following are the Code of Virginia cites for each Secretary: Secretary of Administration and Finance—2.1-51.26; Secretary of Commerce and Resources—2.1-51.8:1; Secretary of Human Resources—2.1-51.14; Secretary of Public Safety—2.1-51.17; Secretary of Transportation—2.1-51.23

^e In addition to differences in authority and responsibility among the various Cabinet Secretaries as noted in this table, the Secretary of Administration and Finance was delegated (via Executive Order Number 34 (78), p. 93-96) additional responsibilities based upon statutory authority as the Commonwealth's deputy planning and budget, and personnel officer.

within their respective areas were to be made through the Secretary (Code of Virginia, 1976, Sections 2.1-51.8:1, 21.-51.14, 2.1-51.17, 2.1-51.23, and 2.1-51.26; Acts of Assembly, 1976, Chapters 729, 730, 732, 734, 743; see Table 3). The section of the Code of Virginia delineating the powers and duties of the Secretary of Education, however, contained no provision which stipulated that heads of agencies assigned to the Office of Education were to make reports to the Governor through the Secretary of Education (Code of Virginia, 1976, Section 2.1-51.20; Acts of Assembly, 1976, Chapter 733; see Table 3). But a general provision requiring boards of State institutions to make written reports to the Governor, at the Chief Executive's request, was contained within the Code (Section 2.1; Acts of Assembly, 1966, Chapter 677).

Another commonality among Dalton's Executive Orders for the Cabinet positions was exclusion of the Secretaries' authority for appointing State agency heads and members of collegial bodies (Dalton, 1978b, 1978c, 1978d, 1978e, 1978f, 1978g; see Table 3). Relative to collegial bodies and to State agencies for which the Governor possessed the authority to appoint agency heads (Code of Virginia, Section 2.1-41.2), Dalton reserved appointment powers for himself. Based upon 1976 legislation (Acts of Assembly, 1976, Chapter 542), the Governor was not empowered to

appoint the director of the State Council of Higher Education or the presidents of the four-year public institutions of higher education. Gubernatorily appointed board members of those higher education agencies, rather than the Governor, were authorized by the Code to appoint their respective agency heads.

Differences in Delegated Authority and Responsibility Among Secretaries

Using the same language as for other Secretaries in relation to State agencies under their jurisdiction, Governor Dalton's Executive Order Number Thirteen (1978d) delegated to the Secretary of Education authority and responsibility for formulating comprehensive policies, plans, and budgets for programs and activities of the cultural affairs agencies assigned to the Office of Education (see Table 3). However, in relation to the education agencies, the Secretary of Education was charged with responsibility to "direct the preparation of alternative policies, plans, and budgets" (Dalton, 1978d). The distinction between the delegated authority and responsibility of the Secretary of Education for directing the preparation of alternative policies, plans, and budgets for education agencies and directing the preparation of comprehensive policies, plans, and budgets for cultural affairs agencies reflected the language of the 1976 amendments to the Code of Virginia

(Section 2.1-51.20; Acts of Assembly, 1976, Chapter 733, see Table 3).

Organizational Structure of
the Office of Education

Secretary of Education

Appointed by Dalton

Shortly after John Dalton's election, the Governor-elect appointed Dr. J. Wade Gilley as Secretary of Education ("Dalton to Appoint Gilley . . . , " 1977, p. B-1). Gilley, a three-time college president (Malone, 1972, Morris, 1977), replaced Governor Godwin's appointee, Robert R. Ramsey, as Secretary of Education (Latimer, 1977, p. A-1). Dalton's decision to appoint a new person to the position signaled, according to an Executive Assistant to the Governor (Wessells, Note 5), the newly elected Governor's intent to bring about changes in the education area.

Gilley noted that his presidential experience, with its concomitant responsibility to make "hard decisions," was an important factor in the Governor's selection of him as Secretary (Gilley, Note 9). Furthermore, Gilley described himself as an "activist" (Gilley, Note 9), a description of the Secretary of Education which was offered repeatedly by other State-level officials (Connock, Note 10; Davies, Note 11; Finley, Note, 12; Lemmon, Note 4; McCluskey

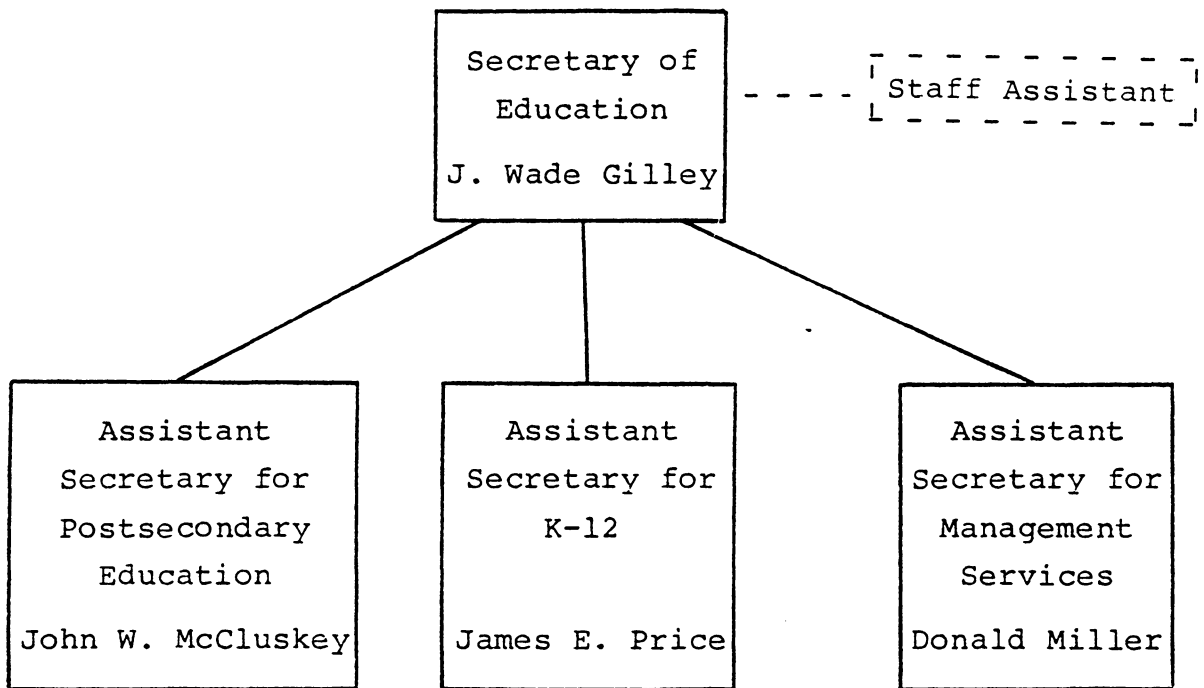
Note 13; Schultz, Note 14; Timmreck, Note 15). Within several months of Gilley's appointment, a higher education writer in Richmond commented upon the new Secretary's "high profile" in contrast to a "fetish for a low profile" of former Secretaries of Education (Cox, 1978). State Council officials specifically observed the contrast between Dr. Gilley and former Secretary of Education Ramsey (Davies, Note 11; Schultz, Note 14).

Office of the Secretary of Education

Based upon a recommendation of a DPB-conducted study of the Secretarial system (DPB, 1978a), the size of the staff for the Office of the Secretary was set at seven positions (Gilley, Note 6; Rowland, Note 3; Hunt, Note 7). In addition to Secretary Gilley, the staff included three Assistant Secretaries and three clerical support positions (DPB, 1978a, p. 15). The staffing pattern for the Office of the Secretary of Education, as well as for the other Cabinet Secretaries, conformed to the staffing levels recommended by the Hopkins Commission (Note 8).

The three Assistant Secretaries of Education were assigned responsibilities for postsecondary education, elementary and secondary education, and management services. That staffing configuration was depicted on an organizational chart of the Office of Secretary of Education, which was submitted with the agency profile for the 1980-82

Office of Secretary of Education
Organizational Chart



Source: Agency Profile for 1980-82 biennial budget.
Richmond, Virginia: Office of the Secretary
of Education, no date, p. 3 (see Note 16).

Figure 2. Office of Secretary of Education
Organizational Chart.

biennial budget (see Figure 3).

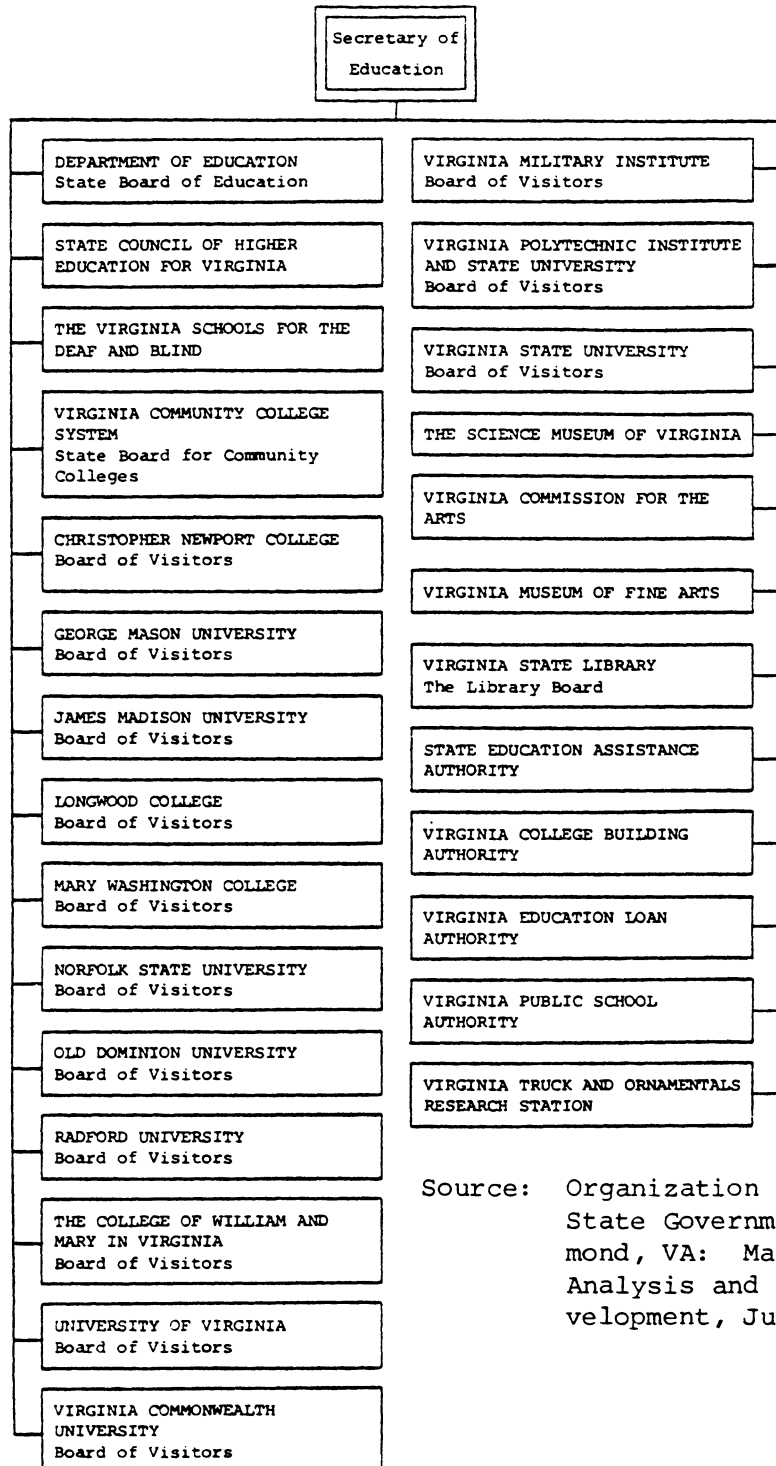
Office of Education

All State agencies related to the Commonwealth's education and cultural affairs activities were assigned to the jurisdiction of the Secretary of Education (Dalton, 1978d). The Office of Education was comprised of all State agencies and institutions under the jurisdiction of the Secretary of Education, plus the staff of the Office of the Secretary. As specified in Dalton's Executive Order Number Thirteen, the State Council of Higher Education and Virginia's four-year colleges and universities were included within the Office of Education (see Figure 3).

Relationship of the Secretary of Education to Higher Education Agencies

As stipulated in Executive Order Number Thirteen (Dalton, 1978d) and as shown in Figure 3, the State Council of Higher Education and the four-year colleges and universities were assigned to the jurisdiction of the Secretary of Education. In discussing the authority of the Secretary of Education, a number of State officials pointed out, however, that the Secretary of Education had less direct authority in relation to assigned agencies than other Secretaries in relation to their respective agencies. One observer (Finley,

Office of Education



Source: Organization of Virginia State Government. Richmond, VA: Management Analysis and Systems Development, July, 1980.

Figure 3. Organizational Chart of Office of Education for the Commonwealth of Virginia.

Note 12) compared the authority of the Secretary of Education to that of the Secretary of Commerce and Resources, saying that the Secretary of Education had "less direct line authority" in relation to assigned agencies.

Statutory Authority of State Council
and Boards of Visitors

One reason identified by interview respondents for the Secretary of Education having less direct authority than Cabinet counterparts was the statutory authority granted to the State Council of Higher Education and to institutional Boards of Visitors (Connock, Note 10; Dorsey, Note 17; Hopkins, Note 2; Lemmon, Note 4; Rowland, Note 3; Schultz, Note 14; see Code of Virginia, Sections 23-9.3 to 23-9.16). Assistant Secretary of Financial Policy and Director of DPB, Stuart Connock (Note 10), explained that:

The Secretary of Education has a more difficult role than any other Secretary because there are those other entities . . . with statutory responsibilities that make the job . . . a little more difficult. For example, a Secretary cannot get into a position where he would be in conflict with statutory authority of Boards of Visitors at universities.

In 1974, the General Assembly strengthened the statutory powers granted to the State Council of Higher Education (Heath, 1980; Ritchie, Note 18). Those powers remained unchanged by Hopkins Commission legislation enacted during the 1975, 1976, and 1977 General Assembly sessions.

Regarding Boards of Visitors of higher education institutions, the Hopkins Commission specifically excluded those boards from its recommendation that collegial bodies be limited to advisory powers (CSGM, 1975, p. 280).

Appointment of Agency Heads

Another factor affecting the authority of the Secretary of Education relative to State Council and higher education institutions was the Governor's lack of statutory authority to appoint the State Council Director and institutional presidents. As previously indicated, the respective boards of those agencies retained appointment power for those positions (Code of Virginia, Section 2.1-41.2).

State Council of Higher Education. The Director of State Council was one of three State agency heads specifically stipulated in the Code as excluded from the Governor's appointment power (Code of Virginia, 1976, Section 2.1-41.2; Acts of Assembly, 1976, Chapter 542). An Assistant Director of State Council (Dorsey, Note 17) perceived that the appointment of the Director by Council members, rather than the Governor, gave the Council of Higher Education "more autonomy" than a State agency headed by a gubernatorial appointee. Using organizational chart terminology, Gordon K. Davies (Note 11) described the relationship between the Secretary of Education and the Director of State Council as being represented by a "dotted line" rather than a solid line.

Dr. Gilley, explaining the relationship between the Secretary of Education and the State Council, distinguished between two roles played by State Council.

Secretary Gilley (Note 9) clarified:

When we are talking about how they operate from a management point of view, managing their funds and resources, we talk with them just like any other State agency. But, when we are talking about policy questions affecting all of higher education, then I have tended to see them somewhat independent of the Executive [branch].

Regarding State Council's advisory role to the Governor and the General Assembly, Secretary Gilley, (Note 9) expressed that the Council "should be independent" and "we have really made an effort to respect their position."

Institutional boards and presidents. Although the focus of this study was limited to the interaction of the Secretary of Education with statewide agencies and officials, a number of interviewees discussed the relationship of the Secretary to institutional boards and presidents. Since institutional presidents were appointed by their respective boards, rather than by the Governor, Dr. Davies (Note 11) indicated that the "dotted line" relationship between State Council and the Secretary was appropriate also for describing the relationship of the Secretary to institutional presidents. The perspective from the Executive branch regarding the relationship between the Secretary of Education and institutional presidents was offered by

Stuart Connock (Note 10):

Certainly from the Governor's standpoint, the guidance that the Governor gives in policy making . . . whether budget or other types of policies . . . flows through the Secretary of Education to the colleges in the same manner as they would to any other State agency.

Tradition of Autonomy in

Higher Education

It was observed that Virginia has a tradition of autonomy in relation to its public higher education institutions (Schultz, Note 14). That factor affected the authority of the Secretary of Education over public higher education. Addressing institutional presidents and financial officers, the then-Secretary of Administration and Finance asserted that the Executive, in recognition of the uniqueness of higher education, had excluded higher education from some policies and procedures applied to all other State agencies (Walker, Note 19).

In its original deliberations on the role of the Secretary of Education within the Cabinet system, the Hopkins Commission spoke of the "uniqueness" of education (CSGM, July 1976b, Second interim report: . . . Secretaries; Zimmer, Note 1). As meant by the commission, the "uniqueness" of education stemmed from the statutory authority of education agencies, the appointing body for education agency heads, and the tradition of independence for

education institutions. Those same unique features of higher education were identified by State officials as factors affecting the authority of the position of Secretary of Education in relation to agencies assigned to the Office of Education.

Areas of Responsibility of
the Secretary of Education

Governor Dalton's Executive Order Number Thirteen (Dalton, 1978d) enumerated a broad range of responsibilities for the position of Secretary of Education. The Executive Order for the Secretary of Education, as well as those for other Secretaries, was issued following a Study of the Secretarial System conducted by DPB (1978a; 1978b). As a result of that study, a Cabinet reorganization plan was proposed. With Governor Dalton's approval of the plan in July 1978, the focus of the Cabinet was directed toward "budgetary and management policies" (Gilley, Note 6).

Position Description of
Secretary of Education

Within the context of Dalton's Cabinet reorganization plan to refocus the attention of the Secretaries on budget and management issues, a position description for the Secretary of Education was developed (Gilley, Note 20). In the position description, responsibilities of the position of Secretary of Education were categorized into four major

areas: (1) budget, (2) policy, (3) management, and (4) coordination. Those four categories of Secretarial responsibility were identical to the ones proposed by the Hopkins Commission in its deliberations of clarifying and strengthening Secretarial roles (CSGM, July 1976b, Second interim report). The performance in those areas of responsibility by the Secretary, according to Dr. Gilley (Note 6), gave "executive oversight to the total educational system."

Identification of Major Areas of Responsibility

Given the broad range of responsibilities assigned to the Secretary of Education by Governor Dalton's Executive Order Number Thirteen (Dalton, 1978d) and categorized in the position description for the Secretary of Education (Gilley, Note 20), selected State officials were asked to identify, based on specified criteria, major responsibilities of the Secretary of Education in relation to public higher education. For this purpose, exploratory discussions were held with the following State-level officials: J. Wade Gilley, Secretary of Education; John W. McCluskey, Assistant Secretary of Education; James E. Price, Assistant Secretary of Education; and Barry M. Dorsey, Assistant Director of State Council of Higher Education.

Responsibilities identified by incumbent Secretary.

J. Wade Gilley (Note 21) identified his major

responsibilities as: (1) budget, (2) development of the Virginia Plan; and (3) issue identification for 1982-84 budget policies. Regarding budget, Secretary Gilley estimated that he spent approximately 80% of his time on budgetary matters (Gilley, Note 22). Proportionately, three-fourths of that time was devoted to the higher education budget (Gilley, Note 9). Budgetary responsibilities required the interaction of the Secretary with a large number of State-level agency officials, as well as institutional representatives (Gilley, Note 9).

Identification of education and budgetary issues for inclusion in the Governor's Guidance Package for the 1982-84 biennial budget was another major responsibility for the Secretary, according to Dr. Gilley. The Secretary (Gilley, Note 21) asserted that the Governor's Guidance Package "will become a more important document" in future budget deliberations. Although Secretary Gilley distinguished responsibility of issue identification from budget responsibility, issue identification was considered as the initial step in formulation of the executive budget (CPBS Manual, 1980, p. I-1-3).

As reported by Dr. Gilley (Note 21) another of his major responsibilities as Secretary of Education was development of the Virginia Plan for Equal Opportunity in State-Supported Institutions of Higher Education (1978).

As one of the original Adams states*, Virginia was required to submit to HEW a plan for dismantling its alleged "dual system" of higher education. With Secretary of Education Gilley and Attorney General J. Marshall Coleman serving as the representatives of the Governor (Gilley, Note 9; Dorsey, Note 17), Virginia's desegregation plan was successfully negotiated and, subsequently accepted, by HEW on January 15, 1979 (Seamans, 1979, p. A-1). Governor Dalton, according to Secretary Gilley (Note 21), considered the successful negotiation of the plan as "one of the top three accomplishments" of his administration.

Responsibilities identified by other State-level officials. The opinions of two Assistant Secretaries of Education (McCluskey, Note 23; Price, Note 24) and an Assistant Director of State Council (Dorsey, Note 17) converged on budget being a major responsibility of the Secretary of Education in the Dalton Administration. McCluskey (Note 23) explained that "everything fits under and tends to revolve around" budget. Reflecting on the Dalton administration's emphasis on the executive budget process, Dorsey (Note 17) observed that budget "targets enhanced the roles of the Secretaries."

*See Adams v. Richardson, 351 F. Supp. 636 (D.C.D.C. 1972, as amended 1973); 356 F. Supp. 92 (D.C.D.C. 1973); 480 F.2d 1159 (C.A.D.C. 1973); and, Adams v. Califano, 430 F. Supp. 118 (D.C.D.C. 1977).

Other major responsibilities of the Secretary of Education included: policy formulation and implementation (McCluskey, Note 23); issue identification for the 1982-84 budget (Price, Note 24); development of the Virginia Plan (Dorsey, Note 17); and studies of higher education issues, such as Virginia Tech extension division (Dorsey, Note 17).

Budget as major responsibility. Initial interview responses from selected State-level officials converged on three major responsibilities for the position of Secretary of Education in relation to public higher education. Those major areas of responsibility were: budget; policy formulation, including issue identification; and, development of the Virginia Plan. Given the scope and complexity of each of those Secretarial responsibilities, the intertwining of budget and policy (Moos & Rourke, 1959; McCluskey, Note 23), and the agreement among interview respondents (Gilley, Note 21; McCluskey, Note 23; Price, Note 24; Dorsey, Note 17), the responsibility of the Secretary of Education in relation to formulation of the higher education budget was examined in depth.

FORMULATION OF THE 1980-82 EXECUTIVE BUDGET FOR PUBLIC HIGHER EDUCATION

The preceding sections described the cabinet system as Governor John N. Dalton planned to utilize it and the

authority delegated to the position of Secretary of Education. Dalton clearly stated his intention to use the Cabinet Secretaries as policy makers and chief managers of their respective areas of State government. In order to accomplish Dalton's goal of controlling the growth of State government while increasing the effectiveness and efficiency of State government programs, the Governor adopted a Cabinet reorganization plan which placed emphasis on budget and management processes (Gilley, Note 6).

In addition to planning to use the cabinet system as intended by the enabling legislation and delegating authority to the position of Secretary of Education as stipulated in the Code of Virginia, the Dalton administration made a commitment to fully implement the planning and budgeting system as created by Hopkins Commission legislation in 1976 (Code of Virginia, Sections 2.1-387 to 2.1-404; Acts of Assembly, 1976, Chapter 760). A complete description of the Commonwealth's Planning and Budgeting System, which is beyond the scope of this study, warrants in-depth treatment. However, a general understanding of Virginia's planning and budgeting process was required in order to address the central problem of this research effort: the influence of the position of the Secretary of Education in relation to Virginia's system of public higher education. The purpose of this section was to describe the

State's planning and budgeting system as implemented by the Dalton administration for the 1980-82 biennial budget, with emphasis on the role of the Secretary of Education in the formulation of the executive budget for public higher education.

Budget as Key Document
in Dalton Administration

For over 60 years, Virginia's Governor has served as the Commonwealth's chief budget officer, with responsibility for formulating an executive budget bill for review and enactment by the General Assembly. The 1976 Hopkins Commission legislation regarding the planning and budgeting system reaffirmed the executive budget concept and strengthened the roles of the Governor and the Cabinet Secretaries in the planning and budget process. In the first budget document for the 1980-82 biennium, Governor Dalton communicated to heads of state agencies and institutions the importance of the budget to his administration: "The budget is the key document in this . . . administration's overall management program" (Dalton, 1978h, np). Furthermore, the Governor articulated his expectations for "the Secretaries to play a significant role" in the formulation of their respective agencies' budget submissions (Dalton, 1978h, np).

Targeting Process

Section 2.1-394 of the Code of Virginia (Acts of Assembly, 1976, Chapter 760) permitted the Governor to prescribe budget targets, resource and service-level ceilings, to which agency primary biennial budget submissions were limited (CPBS Manual, 1980, p. I-6-4). According to the sponsor of the bill authorizing the Governor to establish resource limits for agency budget requests, targets provided a means for funding state programs on the basis of executive priorities rather than incremental adjustments to previous biennial appropriations (Lemmon, Note 4). Adoption of the target concept represented a major change in Virginia's budgeting system by moving from unrestricted initial agency budget requests to placing resource ceilings on those requests (CSGM, February, 1976d, Part eight: Planning . . . , p. 432). Reflecting the views expressed by other officials, the Assistant Secretary of Higher Education stated that: "the most important part of program budgeting is targeting" (McCluskey, Note 13). Thus, the initiative for formulation of the executive budget shifted from state agencies and institutions to the Governor and the Cabinet Secretaries.

The central role of the Secretaries in relation to executive biennial budget development was responsibility for assigning targets within gubernatorial policy guidance, to their respective agencies. It was during the targeting

process, as envisioned by the Hopkins Commission, that "a Secretary can be most effective in contributing to a balanced program within his functional area in the coming biennial budget" (CSGM, February, 1976d, Part eight: Planning. . . , p. 432).

A targeting process, as intended by the Hopkins Commission, was implemented for the first time during the formulation of the 1980-82 executive budget (Rowland, Note 3). Although the targeting process as it existed during the 1980-82 budget formulation period was described as being in a "developmental mode" (Rowland, Note 3), resource limits for higher education institutions' budget requests were assigned for the first time by the Secretary of Education as a result of the targeting process. As viewed by Robert Schultz (Note 14), who as former Assistant Director of Finance and Facilities for the Council of Higher Education was closely involved in development of 1980-82 institutional targets, it was during the "target process where the Secretaries really play their part."

Based upon interview responses from officials in the Office of the Secretary of Education, the State Council of Higher Education, and the Department of Planning and Budget, as well as budget documents, a set of illustrations of the 1980-82 higher education targeting process was developed. As representations of the phases of the process by

which targets were assigned to higher education institutions for the 1980-82 biennial budget, Figures 4 to 7 were limited in several respects. First, some transactions and interactions which took place in the "black box" of policy making (Dye, 1978, p. 37-39) remained elusive to interpreters and even to some primary participants and astute observers from whom the information was gathered. Secondly, illustrating the phases of a dynamic, political process via a series of one-dimensional, one-color charts was limited by the medium itself. Nonetheless, Figures 4 to 7 provided means for portraying specific responsibilities of the Secretary of Education, other participants in the process, and information sources and flows in the 1980-82 higher education targeting process. Following is a description of that process.

Phase I: Pre-Target Planning

As designed by the Dalton administration, the assignment of agency budget targets was the final step in the Planning Cycle (Cycle I) of the biennial budget process (Sorrell, Note 25; CPBS Manual, 1980, p. III-1-2). Preceding the development of budget targets, several planning documents were generated which provided information utilized for building higher education institutions' targets. Those documents included the Governor's Guidance, the Secretary of Education's Guidance Memorandum and State

Council-generated data.

Governor's Guidance Package. For the 1980-82 biennial budget process, John N. Dalton initiated the use of the Governor's Guidance Package as the means for communicating the Chief Executive's statewide and functional area priorities to state agencies (Dalton, 1978h, np). In consultation with their respective agencies, Secretaries identified priority issues which were recommended for inclusion in the Governor's Guidance Package. Functional area Secretaries submitted priority issues, stated as goals with narrative explanation, to the Secretary of Administration and Finance. Goals of functional areas were reviewed within the Office of Administration and Finance for compatibility across Secretarial areas and with the Governor's overall goals. Final approval of priorities to be included in the Guidance Package rested with the Governor (Price, Note 26; Rowland, Note 3; Zody, Note 27).

Executive policy priorities for the upcoming biennium, explicated in the Governor's Guidance Package as primary and secondary areas of emphasis, gave direction to State agencies for developing budget submissions. In transmitting his policy guidance for the 1980-82 budget cycle, Governor Dalton specifically stated his expectation that agency heads incorporate executive priorities into their budget requests (Dalton, 1978h, np.).

Secretary's Guidance Memorandum. Following the publication of the Governor's Guidance Package, Secretaries issued guidance memoranda to their respective agencies. By stating objectives and policies corresponding to the Governor's areas of emphasis for budget formulation, a Secretary's Guidance Memorandum was intended to provide "more specific goals for further amplification and direction" for the development of agencies' budget submissions (Gilley, Note 28).

Gubernatorial and Secretarial policy priorities, as communicated through the Governor's Guidance Package and the Secretary of Education's Guidance Memorandum, served as the foundation upon which agency budgets were to be built. The Governor's policies also provided direction for decisions about funding central appropriations (capital outlay, debt service, and personnel costs) and placing other constraints (position ceilings and inflation factor) on available resources. It was the intent of planning and budgeting system legislation that the State budget would be based on programs reflecting executive priorities. Furthermore, initiative for development of the executive budget was intended to be exercised by the Governor rather than State agencies, including higher education institutions. Thus, central agencies and officials and institutional administrators were expected to incorporate the contents of the

Governor's Guidance Package and the Secretary of Education's Guidance Memorandum into estimates of resources needed for the upcoming biennium (see Figure 4: Phases I and II of the higher education targeting process for the 1980-82 biennial budget).

State Council generated input. In 1956 (Code of Virginia, Section 23-9.3; Acts of Assembly, 1956, Chapter 311), the General Assembly created the State Council of Higher Education as Virginia's statewide higher education coordinating agency.* Charged with responsibility for advising both the Governor and the General Assembly, the Council was granted statutory authority for statewide planning, budget review, and program review for the Commonwealth's system of public higher education. Legislation enacted in 1974 (Code of Virginia, Section 23-9.6:1; Acts of Assembly, 1974, Chapter 544) strengthened statutory powers of the Council of Higher Education to include development of budget guidelines, approval of institutional enrollment projections, new academic programs, and changes in mission statements. Any one of those responsibilities would provide substantive content for a study of higher education policy making

*R. O. Berdahl (1971) provides extensive treatment of statewide coordination of higher education. In contrast to statewide governing boards, statewide coordinating agencies do not supplant institutional boards of trustees.

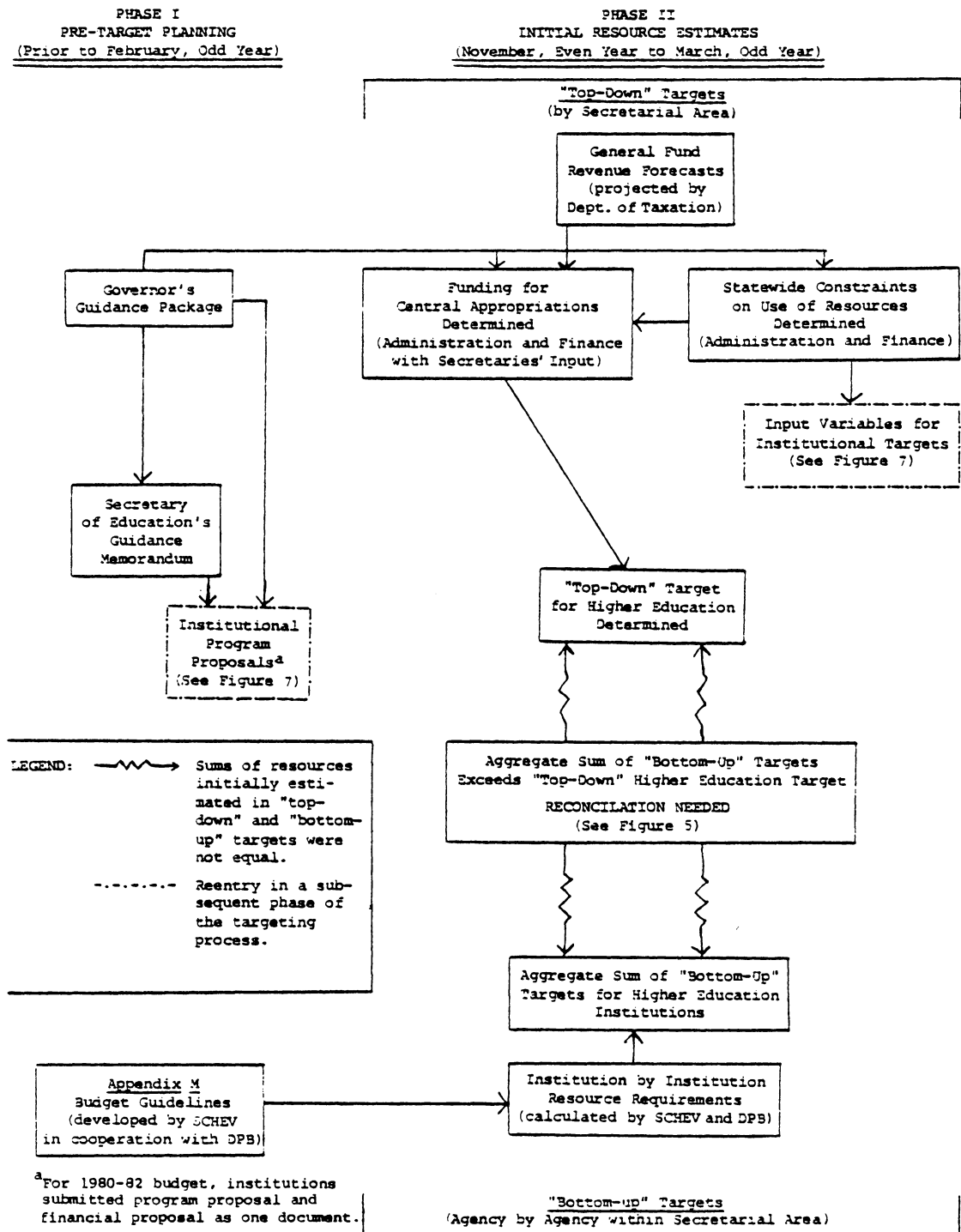


Figure 4. Phases I and II of the higher education targeting process for the 1980-82 biennial budget.

(Heath, 1980). Given the complexity of the processes by which the State Council of Higher Education for Virginia has exercised its statutory authority, discussion herein was limited by the problem on which this study focused.

The Council of Higher Education generated data which were used in building budget targets for Virginia's public colleges and universities. By statute (Code of Virginia, Section 23-9.9; Acts of Assembly, 1974, Chapter 544), State Council was authorized to establish and revise institutional operating budget guidelines for the biennial budget process. Upon gubernatorial approval of Council's recommendations, the higher education budget guidelines were incorporated into the state's planning and budgeting manual as Appendix M; hence, the name by which the guidelines were commonly known (Appendix M, 1979).

Comprised of primarily enrollment-driven formulae, Appendix M guidelines were applied to institutional data, including enrollment projections, to identify staffing and other resource needs of many higher education programs. Appendix M offered a means for initially recommending equitable funding levels for all higher education institutions and subsequently justifying recommendations for institutional operating budgets (Appendix M, 1979, p. M-1). Staffing and most other resource needs associated with an institution's instructional program, as well as

administrative, institutional, and maintenance support programs, were embodied within Appendix M guidelines. For research, extension, community education, sponsored programs and auxiliary enterprises there were no Appendix M guidelines for calculating institutional resource needs (Appendix M, 1979, p. M-6-31).

At the request of the Secretary of Education, guidelines for calculating the proportion of revenue to be provided by the State's General Fund and by student tuition and fees were included in Appendix M for the first time in 1980-82. The revenue guidelines were predicated upon the intent of the Governor and the General Assembly that "students collectively provide a percentage of the cost of their education" (Appendix M, 1979, p. M-35). For senior institutions, the ratio of General Fund revenue to student tuition and fee revenue was established as 70:30 (Acts of Assembly, 1978, Chapter 850; see Heath (1980) for an analysis of 70/30 Plan). Even though the original legislation only dealt with a fixed revenue ratio for four-year public colleges and universities, the Secretary of Education requested that State Council propose a fixed revenue ratio for community colleges (Heath, 1980). The guideline for financing the community colleges' instructional programs was set at a ratio of 80% General Fund

revenue to 20% student tuition and fees revenue (Appendix M, 1979, p. M-35).

Prior to the time of budget formulation for the 1980-82 biennium, former Secretaries of Education were not directly involved in the development of Appendix M guidelines (McCluskey, Note 13). However, Dalton's Secretary of Education was actively involved in 1980-82 Appendix M revisions for revenue guidelines (McCluskey, Note 13). Secretary Gilley communicated an executive and legislative priority for higher education funding to State Council. That priority, in the form of revenue guidelines, was incorporated in the 1980-82 version of Appendix M. Thus, the Secretary of Education influenced the shape of Appendix M as no previous Secretary had done.

Documents generated in the pre-target planning phase of the higher education targeting process included the Governor's Guidance Package, the Secretary of Education's Guidance Memorandum, and data produced by State Council, primarily Appendix M budget guidelines. Each of those provided input into the next phase of the targeting process, initial resource estimates (see Figure 4).

Phase II: Initial Resource Estimates

The second phase of the targeting process entailed estimating resources for the upcoming biennium. As a result of this phase, two initial target amounts were

produced—a "top-down" target and a "bottom-up" target (see Figure 4).

"Top-down" targets. A "top-down" target referred to a designated pool of General Fund revenue which was assigned to a Cabinet Secretary for allotment to agencies and institutions within that respective Secretarial area (Zody, Note 27; Sorrell, Note 25; Hunt, Note 17). The first step in setting "top-down" targets for each Secretarial area required the Department of Taxation to prepare revenue forecasts. The underlying principle of the targeting process held that the aggregate sum of agency targets was limited to the total amount of revenue available during a 2 year budget cycle.

Following the Department of Taxation's estimate of available General Fund revenue, decisions about resources needed to fund central appropriations, i.e., debt service, capital outlay, and personnel costs, were made. Because of awareness of resource needs for their respective areas, the Cabinet Secretaries had "input at this point," according to the then-Director of the Department of Planning and Budget (Connock, Note 10). The projected General Fund revenue pool was reduced then by the amount needed to fund central appropriations (Connock, Note 10; Sorrell, Note 25).

In addition to the constraints imposed by available revenue and central appropriation funding, "top-down"

targets also were constrained by other limitations placed on use of State resources. For example, position ceilings were established and a standardized inflation factor was stipulated. Such statewide constraints on resource use were applicable to all State agencies and programs and, subsequently, were factored into determination of institutional targets by the Secretary of Education.

Based upon interview data, the level of involvement by functional area Secretaries in deciding upon overall target constraints was unclear. However, officials involved in the 1980-82 process observed that the position-ceiling and inflation-factor constraints were initiated by the Office of Administration and Finance, which included the Department of Planning and Budget (Connock, Note 10; Davies, Note 11; Dorsey, Note 17; Finley, Note 12; McCluskey, Note 13; Schultz, Note 14; and Timmreck, Note 15). Secretary Gilley indicated that he and other functional area Secretaries did participate in making those decisions (Gilley, Note 9). Furthermore, the Assistant Secretary for Higher Education recalled that the Secretary of Education requested an increase in the number of targeted positions originally designated for higher education (McCluskey, Note 13).

Based on forecasts of available revenue, funding of central appropriations, and decisions about other resource constraints, initial "top-down" targets for each

Secretarial area were generated by the Department of Planning and Budget. Of the pool of resources initially designated for the education area, the Secretary of Education had "specific responsibilities . . . to try to determine, of that total pie, how many dollars should be set aside for higher education as a block" (Connock, Note 10). However, the then-Director of DPB and Assistant Secretary for Financial Policy qualified the scope of the Secretary's decision-making authority with regard to determining a "top-down" target for higher education. Connock (Note 10) stated that "generally speaking, it [higher education target] would never be less than they got the last time, or a percentage less than they got the last time, assuming everything is equal." An Assistant Secretary of Education also observed that the proportion of funds designated for higher education in the current biennial budget served as the basis for determining higher education's share of resources for the upcoming biennium (Price, Note 26).

"Bottom-up" targets. The term "bottom-up" target meant an initial estimate of resources needed during the forthcoming biennium by a State agency, including a higher education institution (Hunt, Note 7). With the exception of colleges and universities, all State agencies were required to submit program proposals prior to the assignment of agency budget targets for 1980-82 (Connock, Note 10;

Price, Note 26; Sorrell, Note 25).^{*} Via a program proposal, an agency outlined justification for its programs and estimated resource requirements to deliver those programs during the 1980-82 biennium (CPBS Manual, 1980, p. I-6-12). Thus, for a State agency other than a higher education institution, the sum of resource requirements identified in its program proposal became its "bottom-up" target (Hunt, Note 7; Zody, Note 27).

For higher education institutions, initial estimates of resource requirements for 1980-82 were generated primarily by Appendix M guidelines rather than institutional program proposals (See Figure 4). Department of Planning and Budget officials commented upon that department's "heavy reliance" on Appendix M guidelines for formulating the higher education budget targets (Connock, Note 10; Hunt, Note 7; Rowland, Note 3). Specifically, the Education Section Manager of DPB indicated that he and the budget analysts worked directly with State Council staff during the initial phases of the targeting process (Hunt, Note 7).

^{*}For 1980-82, higher education institutions submitted narrative justification of programs via the same document in which resources were requested for the biennium. That is, the program proposal and financial proposal were combined in one document. However, for the 1982-84 budget, higher education institutions were required to submit separate documents for estimating resource needs and then requesting funding.

According to Hunt (Note 7), DPB budget analysts formulated their initial higher education resource estimates without knowledge of the initial "top-down" target for higher education, in order to permit "independent" data analysis. However, the Secretary of Education informed DPB staff of his priorities for education prior to calculations of institutional resource estimates (Price, Note 26).

Comparison of initial resource estimates. Following calculation of "bottom-up" targets for each institution, the aggregate sum of those initial institutional resource estimates was compared to the total "top-down" target for higher education. Since Appendix M guidelines were not constrained by available General Fund revenues (McCluskey, Note 13), the aggregate sum of institutions' estimated resource needs exceeded the total of General Fund revenues initially targeted for higher education (See Figure 4). Given the gubernatorially delegated responsibility to assign education agency targets, the Secretary of Education needed to decide by what means and on what basis the estimated higher education resource needs, as reflected by "bottom-up" targets, could be adjusted so as to equal the revenue initially targeted for higher education.

Phase III: Reconciliation of
Initial Target Estimates

Before assigning budget targets to each of the Commonwealth's 39 public colleges and universities, the Secretary of Education needed to eliminate the disparity between the sum of "bottom-up" institutional targets and the overall "top-down" higher education target (See Figure 5). For assistance in accomplishing that task, staffs of the Department of Planning and Budget and the State Council of Higher Education, as well as one Assistant Secretary assigned to the higher education area, were available to the Secretary of Education.

DPB as staff to the Secretary of Education. By statute, the Department of Planning and Budget was charged with responsibility for preparing the executive budget (Code of Virginia, Section 2.1-391; Acts of Assembly, 1976, Chapter 760). In the Dalton Administration, the Department of Planning and Budget was assigned responsibility to serve as advisory staff to the Governor and the Cabinet Secretaries. Rather than making budgetary decisions as they previously had done, DPB staff were expected to advise the Secretaries and the Governor regarding executive budget and policy decisions (Hunt, Note 7; Rowland, Note 3; Finley, Note 12; Schultz, Note 14; Zody, Note 27).

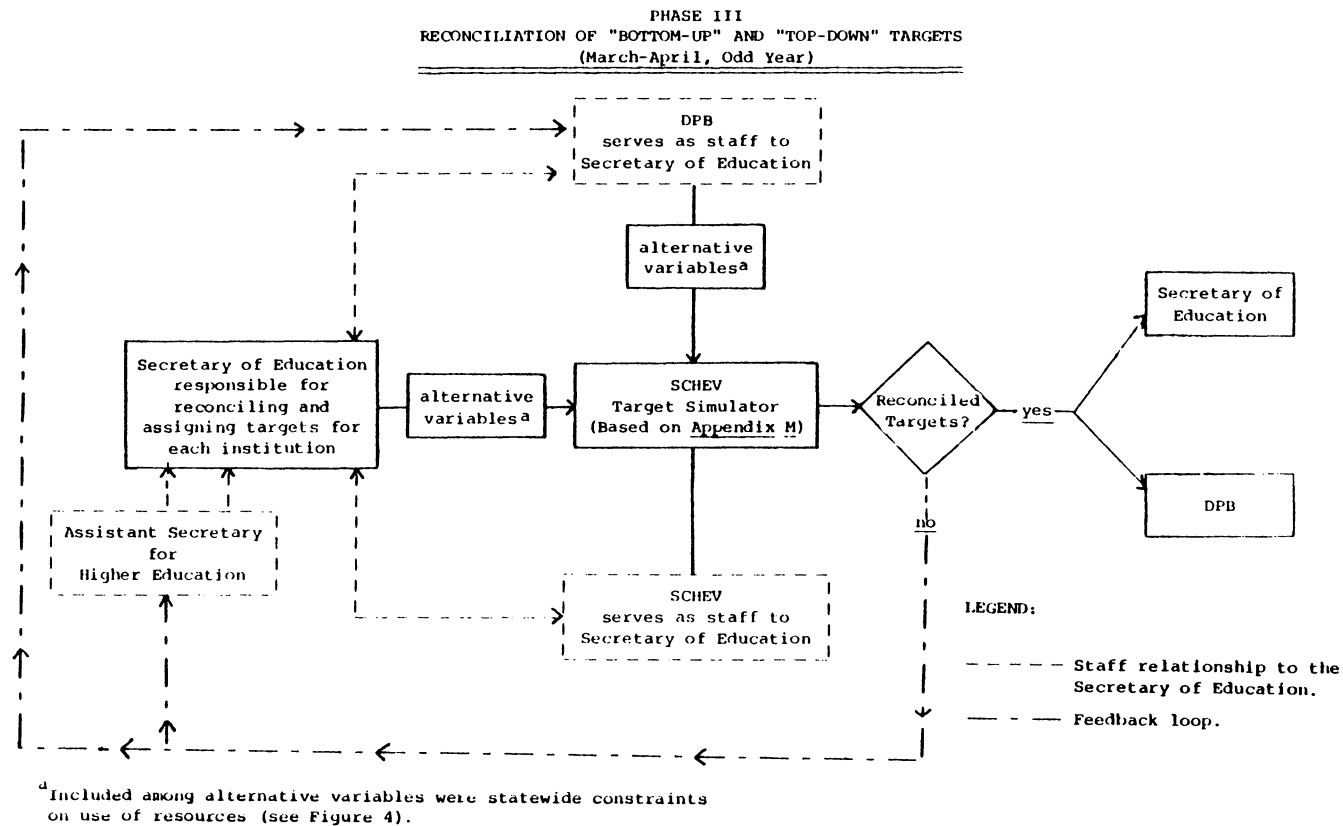


Figure 5. Phase III of the higher education targeting process for the 1980-82 biennial budget.

During the reconciliation phase of the 1980-82 targeting process, DPB served as staff to the Secretary of Education (Gilley, Note 9; Hunt, Note 7; McCluskey, Note 13 Rowland, Note 3; Zody, Note 27). As previously noted, DPB relied heavily on Appendix M guidelines for calculating targets for higher education institutional programs. However, there were no budget guidelines included in Appendix M for some higher education programs, such as research, extension, and community service activities. Also, the funding of three teaching hospitals was excluded from Appendix M guidelines. The calculation of budget targets for the teaching hospitals illustrated the staff relationship of DPB to the Secretary of Education. Initially, an education section budget analyst of DPB estimated resource needs of the teaching hospitals based on incremental funding over the current biennium. Dissatisfied with that approach to target calculation, Secretary Gilley provided direction for an alternative means of DPB's calculating the targets for those non-Appendix M agencies (McCluskey, Note 13).

State Council as staff to the Secretary of Education. In addition to having staff assistance from DPB, the Secretary of Education decided to involve staff of the Council of Higher Education in the process of reworking initial institutional resource estimates (Gilley, Note 9; Connock,

Note 10; Davies, Note 11; Dorsey, Note 17; McCluskey, Note 13; Schultz, Note 14). The 1978 Appropriations Act (Acts of Assembly, 1978, Chapter 850) enabled Secretaries to utilize personnel of agencies within their respective areas as staff. Similarly, by a 1979 amendment to the Planning and Budgeting System section of the Code (Section 2.1-391D; Acts of Assembly, 1979, Chapter 678), Cabinet Secretaries were authorized to "utilize the resources and determine the manner of participation of any executive agency as the Governor or the Secretary of Administration and Finance may determine necessary" for the formulation of the executive budget. That is, the Code permitted, but did not mandate, a Secretary to use an executive agency as staff. Exercising his discretion, Secretary Gilley chose to use State Council staff for assistance in the higher education targeting process (Connock, Note 10; Gilley, Note 9; McCluskey, Note 13; Schultz, Note 14).

Regardless of the Secretary of Education's formal authority to use State Council as short-term staff for special projects, an Assistant Director of the Council noted that requests for assistance, rather than commands, were made (Dorsey, Note 17). Dorsey (Note 17) stated that: "In Virginia government and politics, there is still enough of a gentleman's way of doing things that people . . . request assistance." Reportedly, State Council willingly provided

assistance to the Secretary of Education with higher education target development (Connock, Note 10; Schultz, Note 14).

In addition to personnel, State Council made available to the Secretary of Education a computer model by which simulated targets for each higher education institution could be generated. Use of the target simulator provided a means for adjusting institutional targets other than percentage reductions in all categories of resource estimates or inflationary increases over the current budget. Based upon Appendix M guidelines which were not constrained by available revenue, the target simulator enabled the Secretary of Education to modify assumptions and variables in the computer model to reflect executive priorities for higher education generally, as well as for specific institutions. In a speech to the Council of Visitors, Secretary Gilley (Note 29) stated that the higher education targets represented: (1) very limited growth in positions, (2) salary increases of 6-7%, and (3) no growth in non-Appendix M agencies. Also incorporated into all higher education targets was a 5.5% inflation factor for items of expenditure such as equipment (Connock, Note 10; Schultz, Note 14).

In addition to these overall priorities for State government agencies and higher education institutions, factors incorporated into budget targets reflected executive priorities for specific institutions. For example, the

priority for enhancement of the Commonwealth's traditionally black institutions affected the resources targeted for Norfolk State and Virginia State Universities (Gilley, Note 9). The budget targets of those two institutions exceeded full funding of Appendix M guidelines (Dorsey, Note 17), reflecting the Dalton administration's commitment to HEW to equalize educational opportunity in Virginia public higher education (Virginia Plan . . . , 1978). Higher education targets also reflected the administration's support for the George Mason University Law School and the Virginia Tech College of Veterinary Medicine (Gilley, Note 9).

Officials of the State Council of Higher Education, the Department of Planning and Budget, and the General Assembly "money" committees commented that many constraints which were placed on higher education targets originated from the Office of Administration and Finance rather than the Office of the Secretary of Education (Davies, Note 11; Dorsey, Note 17; Finley, Note 12; Timmreck, Note 15). Regarding statewide constraints on budget targets, the staff director of the Senate Finance Committee (Timmreck, Note 15) indicated that the functional area Secretaries were instructed by then-Secretary of Administration and Finance, Charles B. Walker, to apply the concepts to the respective agencies in their Secretariate. Furthermore, the pool of General Fund revenue initially designated for the higher

education area supplied the overall constraint or "bottom-line" for the aggregate sum of higher education targets which the Secretary of Education could assign to institutions. Within those constraints, however, the Secretary of Education was empowered to "maneuver money" (Davies, Note 11) and had a "pretty . . . free hand" in deciding "the details of how to arrive at the bottom-line" for institutional targets (Schultz, Note 14). The authority of the Secretary of Education to decide, within constraints imposed from outside his office, prompted an Assistant Secretary of Education to assert: "The Office of Education, with assistance from DPB and State Council, set the targets for the 1980-82 budget" (McCluskey, Note 13). For that reason, McCluskey (Note 13) stated that the "Secretary's role is very heavy in terms of policy development and implementation." During the reconciliation phase of the targeting process, the Secretary of Education played "an important part" in target development by deciding "how much can be traded-off within his Secretarial area" (Hunt, Note 7).

In an attempt to equalize the aggregate sum of institutional projected resource needs with the total amount of General Fund revenue initially designated for the 1980-82 higher education executive budget, a number of computer runs were generated by State Council's target simulator (Davies, Note 11; Schultz, Note 14). As input into the

target simulation model, the Secretary of Education, recalled Schultz (Note 14), "set out priorities in an aggregate fashion" as to how he wanted the budget constructed. After an iteration of the target simulation was completed, which did not result in reconciling the sum of institutional targets with the total revenue available for higher education, the Secretary of Education provided instruction to the Council staff regarding which variable(s) in the computer model to alter for the next iteration. As reported by John W. McCluskey (Note 13), Assistant Secretary of Education, "we kept changing targets built for all the institutions of higher education."

The Council of Higher Education staff, according to Director Gordon K. Davies (Note 11), furnished computer runs of target simulations not only to the Office of the Secretary, but also to the Department of Planning and Budget (See Figure 5). DPB then had full access to institutional target data which that agency could use later in the targeting process when its primary role was advising the Governor from a statewide perspective about distribution of resources across all areas of State government rather than advising Secretary Gilley about distribution of resources among the State's education agencies and institutions.

Phase IV: Assignment of Agency Targets
by the Secretary of Education

Further alterations to State Council-generated targets. After a series of modifications to the variables, State Council's computer model produced institutional targets which in total were equal to the pool of General Fund revenues available for higher education. Rather than assigning those target amounts to institutions, the Secretary of Education made further alterations to the State Council-generated targets (McCluskey, Note 13; Schultz, Note 14). According to John W. McCluskey, Assistant Secretary of Education, "nobody knew the manual manipulations" that the Secretary of Education made to the budget with McCluskey's technical assistance. McCluskey (Note 13) indicated that it was intentional that State Council was not informed of the additional alterations to institutional targets, because "State Council was about to shift roles" from serving as staff to the Secretary of Education to preparing independent higher education budget recommendations for the Governor and the General Assembly. The Director of the Council of Higher Education, Gordon K. Davies (Note 11), noted also that the Secretary of Education probably wished to exercise some independent action from DPB since that agency performed a role as staff to the Governor, as well

as staff to the Cabinet Secretaries (see Figure 6 of the higher education targeting process).

An example of the manual manipulations of the 1980-82 institutional targets made by the Secretary of Education was given by the Assistant Secretary of Higher Education. McCluskey (Note 13) recalled that the 1981-82 staffing ratios, which were higher (less staff generated by the same number of students) than those for 1980-81, were applied to the first year of the biennium. In McCluskey's opinion, "That was one whale of a policy decision" (Note 13). The Secretary of Education also "added to and took away dollars" from State Council-produced institutional targets for enhancement of traditionally black institutions and for changes in enrollment projections (McCluskey, Note 13). Such "judgement calls" made by the Secretary of Education were predicated upon information provided by the Department of Planning and Budget and the Council of Higher Education, as well as by Secretary Gilley and his higher education assistant (McCluskey, Note 13).

Presentation of alternative target packages to the Governor. Prior to assigning budget targets to higher education institutions, the Secretary of Education presented his recommendations to the Governor, with whom authority to approve State agency targets rested. Secretary Gilley (Note 9) stated that he met with the Governor

PHASE IV
 ASSIGNMENT OF INSTITUTIONAL TARGETS BY SECRETARY OF EDUCATION
 (April 30, Odd Year)

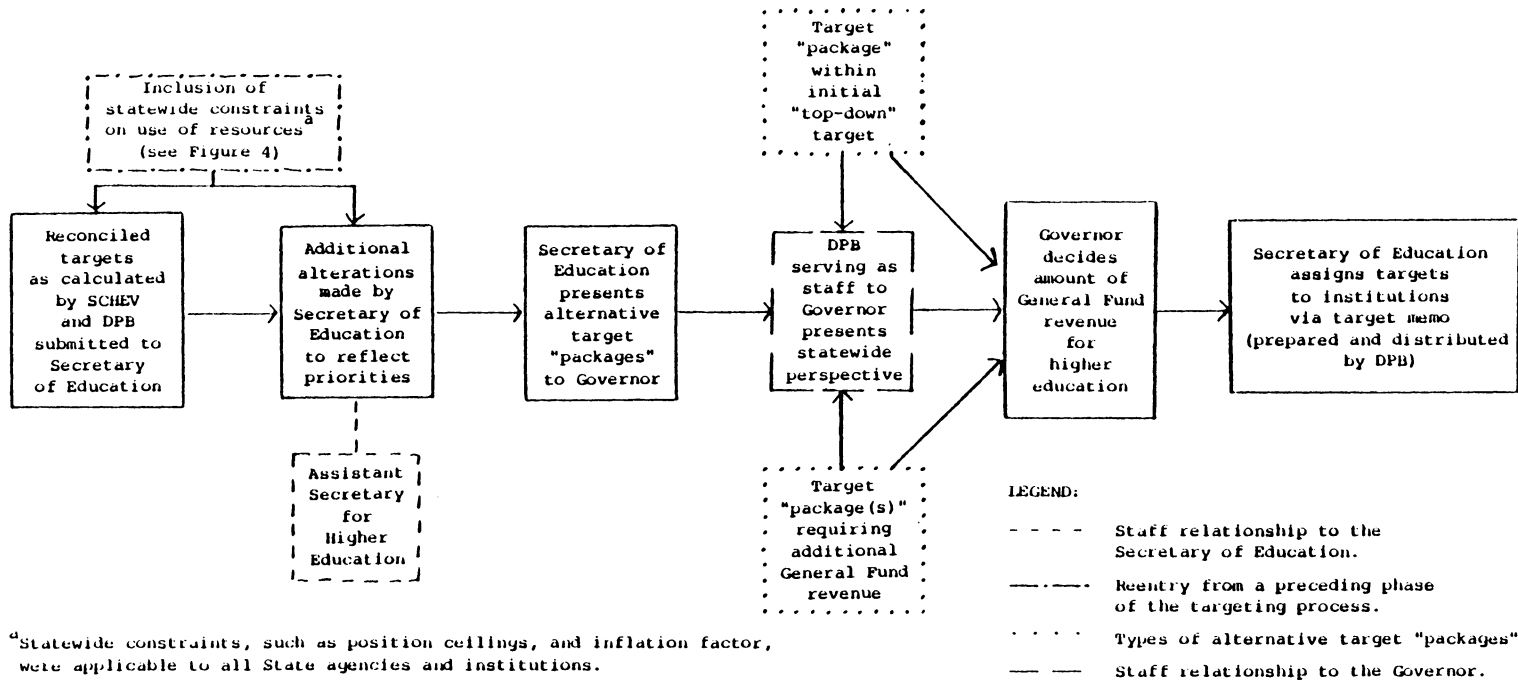


Figure 6. Phase IV of the higher education targeting process for the 1980-82 biennial budget.

for several hours and proposed "alternative packages" for the higher education budget, each with "different price tags attached." After the Cabinet Secretaries met with the Governor regarding target budgets for their respective areas, the Governor communicated to individual Secretaries the amount of General Fund revenue available for their agencies. When Secretary Gilley received the Governor's letter informing him of the amount of General Fund revenue available for education, the Secretary of Education knew, in his own words, "which package the Governor had bought" (Gilley, Note 9).

DPB role shift. At the time the Cabinet Secretaries made their target budget recommendations to the Governor, the Department of Planning and Budget served as staff to the Governor (Hunt, Note 17; Rowland, Note 3; Zody, Note 27; see Figure 6). Prior to that point in the targeting process, DPB had served as staff to the Secretary of Education and other functional area Secretaries. When Secretaries were advocating funding for their areas and agencies, DPB staff were described as "sitting on the opposite side of the table" taking a statewide perspective (Hunt, Note 17). Regarding the shift in roles of DPB from staff to the Secretaries to staff to the Governor during the targeting process, the State Council Director noted that "DPB prepared the work and then graded it" (Davies, Note 11). That

meant that the staff who assisted the Secretary of Education in preparing the higher education institutional targets and had access to all data generated by State Council in that process became an adversary of the Secretary of Education at the time that he made his target presentation to the Governor (Zody, Note 27).

Secretary assigns targets. Following the Governor's decision regarding the amount of revenue available for education for the upcoming biennium, the Secretary of Education assigned budget targets to each higher education institution. Those target amounts, along with guidance regarding the utilization of resources, were communicated to institutions via target memoranda prepared by the Department of Planning and Budget for the Secretary of Education's signature (Connock, Note 10; Gilley, Note, 9; Zody, Note 27).

Phase V: Technical Corrections to Institutional Targets

Following receipt of target memoranda, institutions analyzed their target budgets. If errors in the calculation of the amount of targeted resources were identified by institutional budget staff, the institution requested a technical correction to its target budget (McCluskey, Note 13; see Figure 7). Such requests were submitted to the Secretary of Education, who used State Council and DPB

PHASE V
TECHNICAL CORRECTIONS TO INSTITUTIONAL TARGETS
(May-June, Odd Year)

LEGEND:

- Staff relationship to the Secretary of Education.
- - - - Staff relationship to the Governor.
- Reentry from a preceding phase of the targeting process.

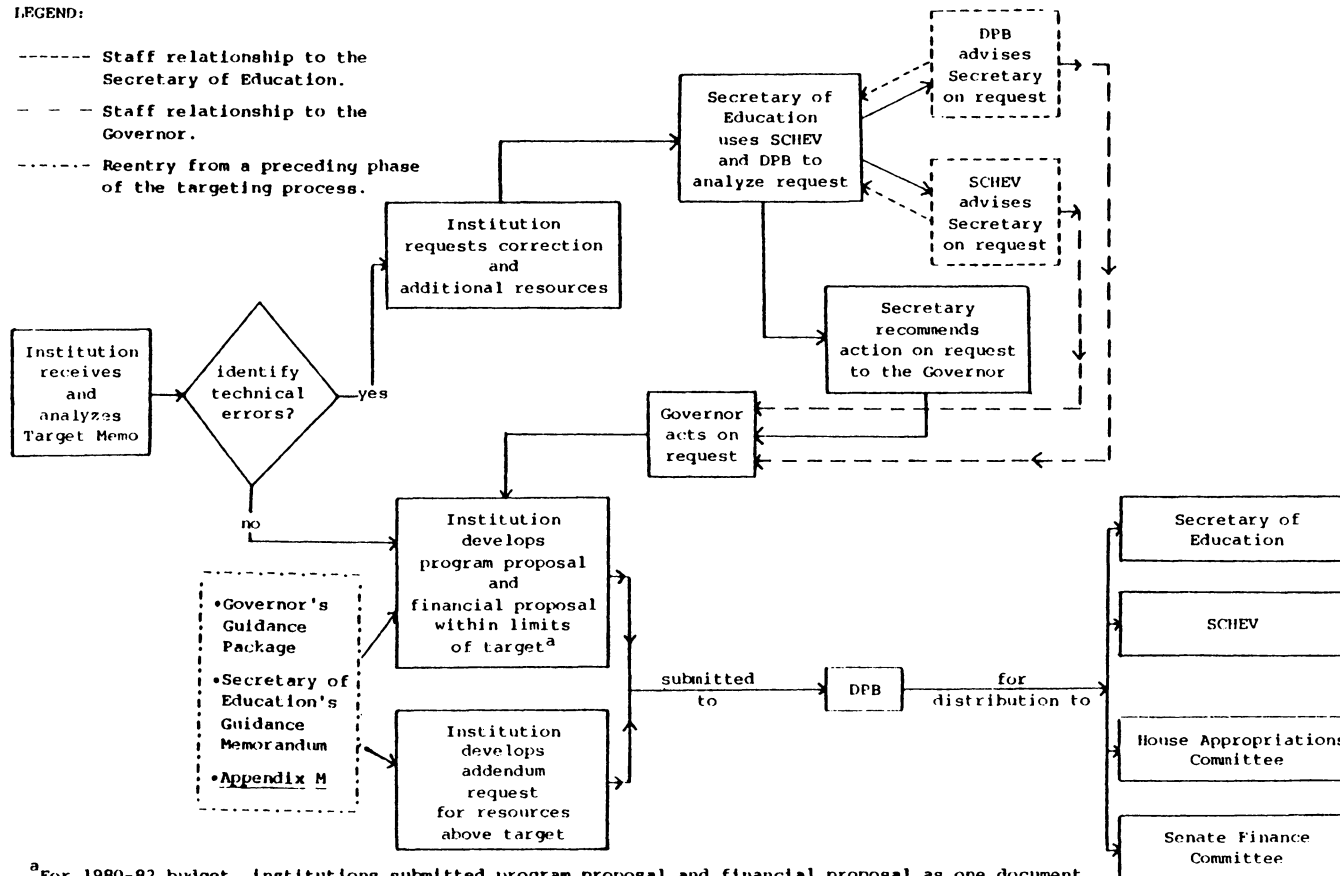


Figure 7. Phase V of the higher education targeting process for the 1980-82 biennial budget.

staff to analyze the need for correcting technical errors in targets. After being advised by State Council and DPB, the Secretary recommended action to the Governor regarding necessary adjustments to institutional targets.

Financial proposals. The final phase of the higher education targeting process for the 1980-82 biennial budget involved making technical corrections to several institutional targets. According to Assistant Secretary McCluskey (Note 13), "at least half a dozen technical corrections" to higher education institutional targets were made. All institutions then prepared and submitted financial proposals, their 2 year budget requests, which were restricted by the resource ceilings stipulated in the target memorandum. Institutional financial proposals were expected to reflect executive policy priorities as stated in the Governor's Guidance Package and the Secretary of Education's Guidance Memorandum (See Figure \$). As noted previously in Figures 4 and 7, institutions submitted their program proposals and financial proposals as one document for the 1980-82 biennial budget.

Addendum requests. For resource requests beyond targeted amounts, institutions were statutorily permitted to submit addendum requests (Code of Virginia, Section 2.1-394; Acts of Assembly, 1976, Chapter 760). Both budget documents, a joint program and financial proposal and an

addendum request, were then submitted to the Department of Planning and Budget. DPB distributed copies of the documents to the Secretary of Education, the Council of Higher Education, the House Appropriations Committee, and the Senate Finance Committee for review and analysis prior to the preparation of the Governor's Budget Bill.

Executive Budget Bill

Analysis of Institutional

Financial Proposals

In preparation for formulating the executive budget bill, institutional budget requests were analyzed by the Department of Planning and Budget for conformance with executive priorities for higher education and resource limitations for a given institution. According to the then-Director of the Department of Planning and Budget, an assigned institutional target was treated by DPB analysts as a "guaranteed number" provided that the financial proposal reflected "the basic guidance" included in the target memorandum (Connock, Note 10). Mr. Connock indicated, however, that DPB brought to the attention of the Secretary of Education any discrepancies between target guidance and financial proposals. The Secretary of Education then had responsibility for recommending appropriate corrective

action to the Governor or taking corrective action on behalf of the Governor.

Both Secretary Gilley (Note 9) and Mr. Connock (Note 10) cited the same example to illustrate the Secretary of Education's involvement in the analysis of institutional financial proposals. As a result of its analysis of one institution's financial proposal, DPB identified that one area of that institution's research program was zero-budgeted. The institution's decision to distribute none of the targeted resources to that area of the research program was contrary to target guidance, as well as the institution's mission statement (Gilley, Note 9; Connock, Note 10). After DPB surfaced the problem to the Secretary of Education, Dr. Gilley informed the Governor of the situation. Due to the "politics" involved in this matter, the Secretary of Education recommended alternatives from which Governor Dalton could choose, rather than the Secretary acting on behalf of the Governor (Gilley, Note 9). Secretary Gilley indicated, however, that for a less controversial matter he would have initiated corrective action on behalf of the Governor (Gilley, Note 9).

Overview of Addendum Requests

As permitted by the Code of Virginia (Section 2.1-394; Acts of Assembly, 1976, Chapter 760), institutions requested resources beyond those provided in targets by submitting

addenda to their financial proposals. For 1980-82, addendum requests which were incorporated into the Governor's Budget Bill amounted to less than 1% (0.96%) of the General Fund operating budget designated for the total education area or approximately 3% (3.1%) of the General Fund operating budget designated for higher education institutions (Office of Secretary of Education, Note 30).

By contrast to the targeting process, it was reported that the Department of Planning and Budget had primary responsibility for "putting together addendum recommendations for the Governor's budget" (Schultz, Note 14). Both the DPB Director (Connock, Note 10) and an Assistant Secretary of Education (McCluskey, Note 13) noted, however, the involvement of the Secretary of Education in the addendum process. Prior to institutions submitting addendum requests, according to McCluskey, the Secretary of Education held "dialogue sessions" with institutions regarding resources needed beyond targets. At that time, Dr. Gilley "made some commitments for support" of institutional addendum requests (McCluskey, Note 13). Furthermore, Connock indicated that the Secretary of Education was asked by DPB to prioritize all institutional addendum requests and to identify those requests which "must be funded" (Connock, Note 10). That information was then communicated to the Governor for the Chief Executive's decision regarding which addendum

priorities across all Secretarial areas would be funded (Connock, Note 10).

Submission of the Executive Budget

Following analysis of institutional financial proposals for conformity with target guidance and gubernatorial decisions on addendum requests, the Department of Planning and Budget prepared the executive budget documents for submission to the General Assembly. The primary document was the Governor's Budget Bill, which was accompanied by explanatory materials.

Legislative Review of the Executive Budget

As amended by Hopkins Commission legislation in 1976, the Code of Virginia (Section 2.1-398; Acts of Assembly, 1976, Chapter 760) stipulated the timeframe and format for the Governor's submitting the executive budget to the General Assembly. A detailed description and analysis of the process by which the General Assembly reviewed and appropriated funds for the 1980-82 higher education budget was beyond the scope of this research. In order to understand the influence of the position of the Secretary of Education in relation to public higher education in Virginia, however, an overview of the Secretary's involvement in the legislative review process of the executive budget was necessary.

Presentation of the Executive Budget
for Education to the General Assembly

For the first biennial budget of the Dalton Administration, the Cabinet Secretaries presented the Governor's budget for their respective areas to the legislative appropriating committees (Gilley, Note 9; Connock, Note 10; Finley, Note 12; Timmreck, Note 15). Thus, Secretary of Education Gilley (Note 9) had responsibility for presenting the 1980-82 education budget to the General Assembly. This represented a change in budget procedure; previously, Department of Planning and Budget staff had appeared before the General Assembly on behalf of the Governor's budget (Hunt, Note 7; Glenny, et al., 1975, p. 347). During legislative review of the 1980-82 budget, however, DPB formally served as staff to the Secretaries and the Governor, rather than acting as the Governor's spokesperson.

In discussing the budget authority of the Secretary of Education's position, Dr. Gilley (Note 9) emphasized the need for being able to defend budgetary decisions to the General Assembly. According to the staff director of the Senate Finance Committee (Timmreck, Note 15), the General Assembly wanted the Secretary of Education, in his budget presentation, to identify the Governor's education priorities, to describe the methodology utilized to distribute targeted resources among the higher education

institutions and to explain how the distribution of resources would result in accomplishing executive priorities for higher education during the upcoming biennium. Questions raised by House Appropriations Committee members regarding the 1980-82 education budget focused on resources designated for two types of non-Appendix M agencies. Specifically questioned by committee members, according to a Richmond Times-Dispatch report ("Budget Unit Cool . . . ", January 23, 1980), were proposed expenditures for indigent patient care at three teaching hospitals and for the extension division of Virginia Polytechnic Institute and State University. Staff directors of the House Appropriations and Senate Finance Committees (Finley, Note 12; Timmreck, Note 15) confirmed that both of those committees had serious reservations about the extension division budget. One member, Delegate Frank M. Slayton, asked "how . . . Dr. Gilley could justify the Dalton administration's request for a 13% . . . budget increase," given that a Joint Legislative Audit and Review Commission report had stated that the extension division was "overfunded a year ago" ("Budget Unit Cool . . . ", January 23, 1980).

Interaction with Legislative

Appropriating Committees

Administration and finance officials. Even though Governor Dalton delegated responsibility to Cabinet

Secretaries for presenting their functional area budgets to the General Assembly, the Secretary of Administration and Finance emerged as the Governor's chief budget spokesperson (Gatins, 1980). Given statutory authority as the Commonwealth's deputy budget officer, Secretary Walker spoke for the Governor's position on the entire executive budget (Finley, Note 12; Timmreck, Note 15). Stuart Connock, then-Director of the Department of Planning and Budget, also had frequent interaction with the legislative appropriating committees regarding the higher education budget (Finley, Note 12; Timmreck, Note 15). Connock reported that Secretary Walker and he were "over there [in the General Assembly chambers] most of the time" during the 1980-82 budget deliberations (Connock, Note 10).

Secretary of Education. Although not as frequently as the Secretary of Administration and Finance and the Director of the Department of Planning and Budget, the Secretary of Education did interact with the General Assembly "money" committees during legislative review of the 1980-82 budget. Along with the Secretary of Administration and Finance and the DPB Director, the Secretary of Education was identified by Donald J. Finley (Note 12) as one of three executive branch officials who were seen most frequently by the House Appropriations Committee. Contact between the Secretary of Education and his staff and the House Appropriations staff

was reported by Finley as more frequent during the targeting process than during the legislative review and appropriations process. The Senate Finance Committee staff director, Paul W. Timmreck (Note 15) also named Secretary Gilley and Assistant Secretary McCluskey as persons with whom the Senate Finance Committee staff interacted during its budget deliberations. Timmreck indicated that his contact with Secretary Gilley included several meetings related to Virginia Tech's extension division, but usually was "of the nature of a telephone call" (Timmreck, Note 15). By comparison to other functional area Secretaries, then-Director of the Department of Planning and Budget, Stuart Connock (Note 10), observed that Secretary Gilley spent more time interacting with the General Assembly, regarding budgetary matters, than any other functional area Secretary.

State Council of Higher Education. In addition to interaction by executive branch officials with legislative appropriating committees, the State Council worked closely with those two committees in relation to the 1980-82 higher education budget. The Council-generated budget guidelines for funding higher education have attained credibility with legislators (Heath, 1980, p. 66-69; Connock, Note 10, Rowland Note 3). When queried about the use of Appendix M by the Senate Finance Committee, Paul W. Timmreck (Note 15) replied that Appendix M was the "very basis" of that

committee's analysis of the 1980-82 executive budget for higher education. Furthermore, it was reported that the State Council's Assistant Director of Finance and Facilities assisted the Senate Finance Committee's Staff Director with preparing legislative amendments to the executive budget bill (Timmreck, Note 15).

State Council-generated data were also utilized by the House Appropriations Committee staff for development of their recommendations for changes in resource distribution among the higher education institutions. Use of updated enrollment projections, produced by the Council in November, 1979, enabled the House Appropriations Committee to "reallocate funds already in higher education targets" (Schultz, Note 14). Having flexibility to reallocate funds within the Governor's higher education budget was important because of the House Appropriations Committee's decision to designate "no new money" for higher education (Finley, Note 12; Schultz, Note 14).

Acting in its advisory capacity to the Governor and the General Assembly, State Council developed priorities regarding distribution of resources across higher education. State Council's priorities for the 1980-82 higher education budget requested funding above targeted levels for (1) faculty salaries, (2) library books, and (3) "other objects of expenditure, i.e., non-personal service items, excluding

library books and fringe benefits" (State Council of Higher Education, Note 31).

The House Appropriations Committee acted favorably on the 1980-82 higher education budget priorities which were identified by State Council (Dorsey, Note 17; House Appropriations Committee, Note 32; Senate Finance Committee, Note 33). Staff Director Donald J. Finley (Note 12) offered this explanation:

Council priorities were institutional priorities; therefore, they were getting the same message that House Appropriations Committee members were getting. So, it's true that we converged on the same issues, largely because we responded to the institutions on what they identified as the problem areas over and above the targets or within the targets for that matter.

Likewise, the Senate Finance Committee's amendments to the higher education operating budget, as proposed in the executive budget bill, reflected State Council's priorities (Senate Finance Committee, Note 33). According to Senate Finance Committee staff director, Paul W. Timmreck (Note 15), decisions about amendments to higher education operating budgets were made by a "few senators sitting around a table" after he and State Council staff prepared recommendations for funding increases. Timmreck (Note 15) added that the Secretary of Education had "very little" to do with influencing Senate Finance Committee budget amendments.

Summary of Legislative Review Process

In summary, it appears clear that the Secretary of Education interacted with the staffs of the appropriation committees during legislative review of the 1980-82 executive budget for higher education. Comparing Finley's observations with Timmreck's, the Secretary of Education reportedly had more contact with the House Appropriation's Committee than with the Senate Finance Committee (Finley, Note 12; Timmreck, Note 15). Among executive branch officials, however, the Secretary of Administration and Finance and the Director of the Department of Planning and Budget interacted most frequently with the legislature regarding the executive budget, including higher education funding (Connock, Note 10; Finley, Note 12; Timmreck, Note 15). Charles B. Walker, Secretary of Administration and Finance, spoke for the Governor on all aspects of the State's budget.

The multi-faceted involvement of the State Council of Higher Education in the legislative review process of the 1980-82 budget included: generating updated enrollment projections; developing Appendix M guidelines; recommending priorities for funding beyond targeted levels; and providing staff assistance to the legislative appropriating committees, as requested. State Council staff, as well as data produced by the statewide coordinating agency, have attained credibility with the legislature (Heath, 1980).

Reflecting on the outcome of the legislative review and appropriations process, Barry M. Dorsey (Note 17), Assistant Director of the Council of Higher Education, explained that the General Assembly "changed the distribution of higher education funds within the executive budget" by adopting State Council and institutional funding priorities. Legislative amendments to the Governor's 1980-82 higher education General Fund operating budget amounted to approximately \$6 million of a total general fund operating budget appropriation of slightly over \$1 billion for Virginia's public colleges and universities. According to Secretary Gilley (Note 21), the difference between the Governor's Budget Bill and the Appropriations Act for higher education institutions was 0.4%. Dr. Gilley (Note 21) asserted that the margin of difference demonstrated the power of the executive budget and the influence of the Secretary of Education in shaping the 1980-82 General Fund operating budget for higher education institutions. Viewing the outcome of the 1980-82 budget process from a statewide perspective, the then-Director of the Department of Planning and Budget and Assistant Secretary of Financial Policy corroborated Secretary Gilley's opinion by stating that: "There were so few changes in the Governor's budget [that] they aren't worth talking about" (Connock, Note 10). Mr. Connock explained that the changes were "minor things that just

didn't make any difference as far as the Governor, Charlie [Walker, Secretary of Administration and Finance], and I were concerned" (Note 10).

DISCUSSION AND INTERPRETATION

Eight months after the Dalton administration took office in January 1978, a Richmond higher education reporter wrote an analysis of actions taken by the Secretary of Education in relation to public education. Cox (1978) commented that Secretary Gilley, by maintaining a "high profile," was making a "notable mark" on public higher education in the Commonwealth. The involvement of Dr. Gilley in the negotiation of a higher education desegregation plan and the refusal to allow colleges and universities to hire 300 additional non-teaching personnel were cited by Cox (1978) as examples of the "new clout" of the Secretary of Education in the Dalton administration.

In contrast to the "low profile" of former Secretaries of Education (Cox, 1978; Harrison, 1977), the involvement of Secretary Gilley in policy and budgetary matters prompted unfavorable reactions from higher education officials (Cox, 1978). Within the context of the historical development of the cabinet system in Virginia State government and of the intended use of the Secretaries by Governor John N. Dalton, the level of involvement of the Secretary of Education in

relation to higher education policy, especially budgetary matters, should have come as no surprise, however. As the context was described previously, there is no need to reiterate it at this point. The purpose of the present discussion is thus only to bring into focus findings previously presented in order to answer the research questions.

1. What was the documented intent for creating the position of Secretary of Education in 1972? What authority was granted initially to the position by the General Assembly and the Governor?

A. Intent for creating the position of Secretary of Education

The Zimmer Commission, a group of Virginia businessmen appointed by Governor Linwood Holton to study the ways of making State government more efficient, effective, and economical, recommended reorganization of the executive branch. Within the Office of the Governor, positions of Deputy Governors corresponding to the functional areas of State government, including education, were proposed. As envisioned by the Zimmer Commission, the Deputy Governors were to serve as the Governor's "top management team." Based on a corporate model, the authority of the positions was compared with that of executive vice-presidents, having responsibility for exercising management functions, yet with limited involvement in day-to-day operations of State

agencies under their supervision. According to the Chairman of the Zimmer Commission, the intended purpose of the Secretarial positions was to provide coordination of agency activities within their respective areas.

B. Statutory authority initially granted by
the General Assembly

The 1972 Virginia General Assembly created six positions in the Office of the Governor, identified by the title of Secretary rather than Deputy Governor. Included among the six was the position of Secretary of Education. The six Secretarial positions, however, were granted statutory authority to execute the management functions of the Governor by enactment of one section (2.1-51.7) of the Code of Virginia.

C. Authority initially delegated
by the Governor

Based upon the enacted legislation, Governor Linwood Holton issued two Executive Orders in July 1972 which were related to the Secretarial positions. By Executive Order Number Twenty (Holton, 1972a), State agencies were assigned to a Secretarial area. The Secretary of Education was designated as having responsibility for the State Council of Higher Education and the four-year public colleges and universities. By issuance of Executive Order Number Twenty-One, Governor Holton (1972b) delegated executive authority

to the Cabinet Secretaries, but without differentiating among the powers delegated to each of the six positions. Although the Governor expressed the intention for the Secretaries to "devote maximum attention to policy considerations," the involvement of the Secretaries in the budget process was limited to development of program priorities for their respective areas (Holton, 1972b). Agency budget requests were submitted directly to the Division of Budget. Neither the Secretaries nor any other executive official reviewed or made adjustments to agency budget requests prior to submission. The Secretaries were authorized, however, to request copies of budget requests submitted by their respective agencies.

2. What was the legislative intent for strengthening the statutory powers of the position of Secretary of Education in 1976? What executive authority and responsibility were subsequently delegated to the position?

A. Legislative intent for strengthening the statutory powers of the position of Secretary of Education

Based upon recommendations of the Hopkins Commission, the 1975, 1976, and 1977 sessions of the General Assembly enacted legislation which was intended to hold the executive branch accountable for the effective and efficient operation

of State government. The Hopkins Commission identified four major responsibilities for each of the Secretaries in relation to their respective areas: budget, policy, management, and coordination. It was through the State budget process, especially the assignment of budget targets, that the Hopkins Commission envisioned the Secretaries as performing their primary responsibility. Thus, the involvement of each Secretary in the State budget process was statutorily defined by 1976 amendments to the Code of Virginia. Because of the "uniqueness" of the education area (i.e., the constitutional and statutory authority of education agencies and citizen boards, and the tradition of relative independence among the higher education institutions), the budget authority statutorily granted to the Secretary of Education in relation to education agencies was less than that granted to other Secretaries in relation to their respective agencies. The Code of Virginia empowered the Secretary of Education to "direct the preparation of alternative . . . budgets for education." With one exception regarding the budget authority of the Secretary of Transportation, the other Secretaries were empowered to direct the formulation of comprehensive program budgets for their respective areas. Nonetheless, the Hopkins Commission intended for the position of Secretary of Education to be the "focal point" for planning, coordinating, and evaluating

all of the educational activities in the Commonwealth. According to the Chairman of the Hopkins Commission, the involvement of the Secretary of Education in the State budget process would enable the Secretary to fulfill the legislative intent for the position.

B. Authority delegated by Governor Godwin

As recommended by the Hopkins Commission and based upon the 1976 amendments to the Code of Virginia, Governor Mills E. Godwin issued separate executive orders for the six Cabinet positions. The Governor delegated to each Secretary authority and responsibility in four major areas: budget, policy, management, and coordination. Via Executive Order Number Thirty-Six, Governor Godwin (1976c) delegated responsibility to the Secretary of Education for formulating a "comprehensive program budget . . . for the education function," as well as responsibility for directing "the preparation of alternative . . . budgets for education."

C. Authority delegated by Governor Dalton

Following a study of the Secretarial system, Governor John N. Dalton approved a Cabinet reorganization plan which focused on the involvement of the Secretaries in policy and budgetary matters. Correspondingly, new executive orders were issued by Governor Dalton for each Secretarial position. Although the executive orders reflected common

statutory authority granted to the Secretaries, the budget authority formally delegated to the Secretaries by the Governor differed. Unlike his predecessor, Governor Dalton did not formally delegate to the Secretary of Education responsibility for formulation of a comprehensive program budget for the education function. Rather, Dalton's delegation of authority to the Secretary of Education conformed to the statutory limitation of the Secretary of Education directing the preparation of alternative policies, plans, and budgets for education agencies (Dalton, 1978d). In all other areas of responsibility, the formal authority delegated to the position of Secretary of Education was the same as that delegated to the other Secretarial positions by Governor Dalton.

3. On what factors does the authority of the position of Secretary of Education depend?

State officials who were interviewed during the research process identified five factors which affected the authority delegated to the position of Secretary of Education: (a) the Governor; (b) the Secretary of Education; (c) the Secretary of Administration and Finance; (d) the State budget process; and (e) statutory authority of higher education agencies and boards.

A. The Governor

Interviewees unanimously identified the Governor as

the primary factor upon which the authority delegated to the position of Secretary of Education was dependent. Although most of the State officials named other factors, the staff director of the House Appropriations Committee (Finley, Note 12) stated that the authority delegated to the Secretary of Education solely depended upon the incumbent Governor. A statement by Delegate W. L. Lemmon (Note 4), Chairman of House Education Committee and member of the House Appropriations Committee, perhaps best summarized the views expressed by other interviewees:

If the Governor lets it be known that the Secretary [of Education] is his right arm, particularly in budgetary matters, then he is going to have a considerable amount of clout. If the Governor doesn't make that specific, he's going to have very little.

Comparing the use of the Cabinet positions by Governor Dalton with that of his predecessor, Governor Godwin, a number of State officials indicated that Dalton's use of the Cabinet fitted his management style. That is, Governor Dalton delegated executive authority to the Secretaries, whereas Governor Godwin tended to rely more heavily upon several executive assistants within the Office of the Governor for assistance in the administration of State government. For clarity, it was pointed out that the Cabinet did not exist during the first term (1966-1970) of Governor Godwin.

As previously discussed, Dalton served as an elected official at the time of the Hopkins Commission study of State government management. During the gubernatorial campaign and following the election, Dalton announced his intention to use the Secretaries as policy makers and as overseers of State agency programs and budgets. Specifically, in relation to the Secretary of Education, it was reported that Governor Dalton expected the Secretary of Education "to bring about changes in higher education" and "to bring higher education into the family of State government" (Kirby, Note 34).

B. The Secretary of Education

According to the interview responses of State officials, the incumbent Secretary of Education was a major factor upon which the authority of the position was dependent. Delegate Lemmon (Note 4) asserted that, other than the "leeway" given to the Secretary of Education by the Governor, the authority of the position of Secretary of Education depends upon the personality and ability of the appointed Secretary. "It really boils down to the effectiveness of the Secretary of Education" (Lemmon, Note 4).

Regarding the personality and administrative style of the incumbent Secretary of Education, Dr. Gilley described himself as an "activist." The staff of the Office of Secretary of Education and other State-level officials with

whom the Secretary had interacted also described the incumbent as an activist. The "high profile" in terms of the visibility and involvement of Secretary Gilley was frequently contrasted to the "low profile" or perceived lack of involvement of his predecessors. Regarding the level of involvement of the Secretary in the budget process, an official in the Office of Administration and Finance (Note 8) perceived that: "Wade Gilley has chosen to play a stronger role because the Governor has chosen to take a stronger stand in the budget process." That perception was probably accurate in that Secretary Gilley indicated that he adopted an organization's goals as his own when he assumed a leadership position.

C. The Secretary of Administration and Finance

The authority delegated by the Governor to the Secretary of Administration and Finance was identified by a number of State officials as a factor affecting the authority of the Secretary of Education. Based upon Hopkins Commission recommendations, the Virginia General Assembly enacted legislation which designated the Secretary of Administration and Finance as the deputy planning and budget officer and deputy personnel officer for the Commonwealth. The Hopkins Commission envisioned the Secretary of Administration and Finance as serving as the "administrative manager" of the executive branch and the 1980 organizational chart

of Virginia State government (MASD, 1980) listed the Secretary of Administration and Finance as the "administrative chairman" of the Cabinet. Even though Governor Dalton initially expressed the intention of viewing the Secretaries as "co-equals," the Secretary of Administration and Finance in the Dalton administration was perceived by most of the interviewees as the "first among equals." It was reported that the overall target constraints placed upon the 1980-82 budget were initiated within the Office of Administration and Finance. During the 1980-82 budget process, Charles B. Walker, then-Secretary of Administration and Finance, emerged as the chief budget spokesperson for the Governor.

D. The State budget process

As recommended by the Hopkins Commission, the 1975 Virginia General Assembly adopted a program budget system. Legislation enacted in 1976 merged the State planning and budgeting processes into one biennial cycle and permitted the Governor to set budget targets, or resource ceilings, to which State agency budget requests were limited. Furthermore, the involvement of the Secretaries in the budget process was statutorily defined by legislative action of the 1976 session of the General Assembly. The framework of the State budget process was prescribed by legislative action; the incumbent Governor, then, decided upon the

policies and procedures for implementing the Code requirements. The development of the Cabinet system was viewed by a number of interviewees as being directly related to the development of the State budget process. Most State officials who were interviewed also indicated that budget policies and procedures which were implemented for the formulation of the 1980-82 executive budget will be used for the 1982-84 budget process, although some "fine tuning" changes will be made. Most of the officials also observed that a bureaucratization process was occurring in relation to the budget process and, consequently, much of the process as it existed in the Dalton administration was likely to continue in subsequent administrations.

E. Statutory authority of higher education agencies and boards

In its preliminary assessment of an appropriate role for the position of Secretary of Education, the Hopkins Commission identified unique characteristics of that Cabinet position. Part of its uniqueness stemmed from the statutory authority of higher education agencies and collegial bodies. Since the legal authority of those agencies and bodies was not reduced by legislative action, the formal authority granted to the Secretary of Education was necessarily less than that granted to other Secretaries in relation to their respective agencies. In responding to questions regarding

the authority of the position of Secretary of Education, most of the interviewees prefaced their remarks with an explanation of the uniqueness of that Secretarial position in comparison to the other functional area Secretaries.

4. What were the major areas of responsibility of the position of Secretary of Education in the Dalton administration relative to public higher education?

A. Identification of the major responsibilities of the Secretary of Education

On the basis of preliminary interviews with selected State officials, three major areas of responsibility for the position of secretary of Education in relation to public higher education were identified: budget; policy formulation, including identification of issues for the upcoming biennial budget; and development of the Virginia Plan for Equal Opportunity in State-Supported Institutions of Higher Education.

B. Budget as the major responsibility of the Secretary of Education

Given the complexity of the three major areas of responsibility of the Secretary of Education, the intertwining of budget and policy matters, and agreement among State-level officials who were interviewed early in the research process, the responsibility of the Secretary of Education in relation to the formulation of the 1980-82 higher

education budget was examined in depth. Within the context of the Hopkins Commission recommendations regarding the role of the Secretaries in the budget process, the intention of Governor Dalton to use the Secretaries as proposed by Hopkins-sponsored legislation and the emphasis of the Dalton administration on financial management, it was not surprising for budget to emerge as the major responsibility of the position of Secretary of Education. More specifically, in relation to the formulation of the 1980-82 budget for public higher education, the Secretary of Education was delegated responsibility for assigning budget targets to the institutions of higher education. According to Delegate W. L. Lemmon (Note 4) the primary sponsor of the target-budget bill, the responsibility for assigning agency targets "is a distinct lever of power and influence" for the Secretaries and the Governor, if the concept is used properly. Generally, interviewees indicated that responsibility for assigning budget targets enabled the Secretaries to influence the shape of agency budgets within their respective areas. In response to a question regarding the extent of the budget authority of the Secretary of Education in relation to higher education budgets, the Director of the State Council of Higher Education (Davies, Note 11) responded paradoxically: "Considerable or none." Davies explained that he perceived that the overall target constraints for

the 1980-82 Executive budget were decided upon by the Secretary of Administration and Finance and his staff, thereby minimizing the influence which the Secretary of Education could exercise independently in relation to the assignment of budget targets to higher education institutions. On the other hand, Davies pointed out that the targets assigned by the Secretary of Education to the higher education institutions were "pretty close" to appropriated funds and were "certainly close" to the budget recommended by the Governor to the General Assembly. Consequently, Davies concluded: "Now that's an enormous piece of power" (Note 11). Secretary Gilley (Note 21) also cited the small percentage difference (0.4%) between the Executive Budget Bill for higher education and the Appropriations Act as evidence of the influence of the Secretary of Education in relation to the formulation of the 1980-82 higher education budget. Even though congruency within the executive branch could be advanced as an alternative explanation for the 0.4% difference between the Governor's budget bill and the Appropriations Act for the 1980-82 higher education budget, the data of the study showed that the Secretary of Education did assign budget targets to the institutions of higher education which differed from funding levels initially generated by Appendix M guidelines (see Figure 5). Furthermore,

after "bottom-up" and "top-down" target amounts for the 1980-82 higher education budget were reconciled, the Secretary of Education independently made additional alterations to institutional targets to reflect executive priorities for higher education in general and for several institutions in particular (see Figure 6).

5. With which State-level agencies and officials did the Secretary of Education interact in performing the major responsibilities of the position? Did the authority of the position of Secretary of Education affect the authority of other State-level agencies and officials?

In relation to the formulation of the of the 1980-82 higher education budget, the Secretary of Education interacted with the following State-level agencies: the staff of the Office of Secretary of Education; the staff of State Council of Higher Education; the Department of Planning and Budget; the Secretary of Administration and Finance; the Governor; and, the appropriations committees of the Virginia General Assembly.

A. Staff of the Office of Secretary of Education

As recommended by the Hopkins Commission and, subsequently, the DPB study of the Secretarial system, the staff of the Office of Secretary of Education, as well as other functional area Secretaries, is limited to seven positions. Of the three Assistant Secretaries of Education, one

position is designated as having responsibility for the higher education area. The Assistant Secretary for Higher Education, then, was the only staff available within the Office of the Secretary to assist with the development of institutional budget targets. Assistant Secretary McCluskey (Note 13) described his role as that of a "technician," generating alternative budget figures based upon directions provided by the Secretary of Education.

B. State Council of Higher Education

As was his prerogative, Secretary Gilley chose to utilize personnel and technological resources of the State Council of Higher Education for assistance in generating institution budget targets. Regardless of the statutory authority of the Secretary of Education for requesting staff assistance from agencies assigned to the Office of Education, it was reported that the staff of the State Council willingly provided assistance to the Secretary. In addition to personnel, the State Council made available a computer model which generated simulated budget targets for higher education institutions. Although the target simulator was based on Council-generated Appendix M budget guidelines, the Secretary of Education altered the assumptions and variables of the model in order to reduce the aggregate sum of institutional targets to an amount equal to the overall higher education target (see Figure 5). Following the

calculation of simulated targets by State Council, the Secretary of Education independently altered institutional targets to reflect executive priorities for higher education (see Figure 6).

Even though the staff of State Council provided assistance to the Secretary of Education, Council also had a statutory responsibility for advising the Governor and the General Assembly regarding higher education policy, including institutional budgets. As discussed previously, both the Department of Planning and Budget and the legislative appropriating committees relied heavily upon Appendix M guidelines for their analysis of institutional budget requests. Regarding the policy role of State Council, Secretary Gilley (Note 9) indicated that he viewed Council, when it was addressing "policy questions affecting all of higher education," as "somewhat independent" of the Executive. Some independence of the State Council staff from the executive was attributed to the lack of statutory authority on the part of the Governor to appoint the Director of State Council. The appointment of the Director by Council members resulted in a less direct or "dotted line" relationship between the Secretary of Education and the State Council staff (Davies, Note 11). Yet Secretary Gilley (Note 9) indicated that in terms of the management of the State

Council as a unit within the Office of Education, "we talk to them as we talk to any other State agency."

C. The Department of Planning and Budget (DPB)

In the Dalton administration, DPB was assigned responsibility to serve as staff to the Secretaries and the Governor. During Phase III of the higher education targeting process (see Figure 5), DPB provided assistance to the Secretary of Education regarding reconciliation of "top-down" and "bottom-up" targets. When the Secretary of Education presented alternative target "packages" for higher education to the Governor, however, DPB shifted roles to that of serving as staff to the Governor (see Figure 6). Several staff members of DPB described the relationship as "sitting on the opposite side of the table" from the Secretary of Education. Thus, at one stage of the targeting process, DPB staff functioned as an ally to the Secretary of Education and at a later stage, it was an adversary.

The means by which Governor Dalton chose to implement the planning and budgeting system and the budget authority delegated to the Secretary of Education, as well as other functional area Secretaries, affected several of the roles previously performed by DPB. Prior to the Secretaries having responsibility for assignment of budget targets, agencies submitted their budget requests to the director of the central budget agency without review or adjustment by any

official in the Office of the Governor. Since the sum of agency budget requests exceeded the amount of available revenue, budget analysts made decisions regarding budget cuts in order to prepare a balanced budget. Beginning with the 1980-82 budget, which was the first time targets were prescribed for higher education institutions, DPB analysts no longer made decisions regarding institutional budgets. The authorization for assigning institutional and agency targets was delegated to the Secretary of Education.

Another change in the responsibilities of DPB relative to the executive budget process centered on presentation of the Governor's budget to the General Assembly. Rather than DPB staff presenting the executive budget, as was the case prior to 1980-82, the Secretary of Education, acting on behalf of the Governor, presented the executive budget for education to the General Assembly.

D. The Secretary of Administration and Finance

As recommended by the Hopkins Commission, the Secretary of Administration and Finance was statutorily designated as the deputy planning and budget officer for the Commonwealth. As such, the Secretary had responsibility for recommending to the Governor a comprehensive budget for all State agencies and programs. In addition, it was observed that Secretary Walker had daily interaction with the General Assembly regarding the 1981-82 executive budget

and that he had established credibility with the Legislature. Thus, the Secretary of Administration and Finance was perceived as the Governor's primary spokesperson for the 1980-82 executive budget, including the proposed funding for higher education institutions.

E. The Governor

In Virginia, the Governor is designated as the chief planning and budget officer. As previously discussed, the Code also permits the Chief Executive to limit agency budget requests to predetermined resource ceilings, known as targets. Even though Governor Dalton delegated responsibility for assignment of budget targets to functional area Secretaries, overall constraints were reportedly determined by the Secretary of Administration and Finance and the final authority for approval of agency budget targets resided with the Chief Executive.

F. Legislative Appropriations Committees

In addition to interaction with State-level executive officials, the Secretary of Education interacted with the legislative appropriations committees in relation to the 1980-82 higher education budget process. As indicated previously, Secretary Gilley presented the Governor's education budget to the joint session of the General Assembly "money" committees. Reportedly, the Secretary had more frequent contact with the staff of House Appropriations

Committee than the staff of the Senate Finance Committee. The staff directors of both of those committees indicated, however, that committee members and staff had more contact with the Secretary of Administration and Finance and the Director of DPB than with the Secretary of Education. Regarding the higher education budget for the 1980-82 bien-nium, the staff of both legislative appropriations committees used Appendix M guidelines which were developed by State Council for analyzing institutional budgets. According to the staff director of the Senate Finance Committee (Timmreck, Note 15), Appendix M was the "very basis" of that committee's analysis of the higher education operating budgets for 1980-82. State Council also provided staff assistance to the Senate Finance Committee during the 1980-82 budget process.

6. Is the position of Secretary of Education likely to remain within the governance structure of public higher education in Virginia? What is the probable role of the position of Secretary of Education in the future?

All of the State officials who were interviewed for this study agreed that the position of Secretary of Education will remain within the governance structure for public higher education in Virginia. An Assistant Secretary of Administration and Finance (Kirby, Note 34) cited the following reasons.

- size of State government
- proportion of the budget appropriated to education (over 55% of General Fund revenue)
- limitations of the Governor's time

Those essentially were the reasons for the Zimmer Commission proposing the creation of Cabinet positions and for the Hopkins Commission recommending the retaining of the position and strengthening the statutory powers of the Secretary of Education.

B. Future role of the Secretary of Education

Just as the role of the incumbent Secretary of Education is dependent upon the authority delegated to the position by the Governor, the role of the Secretary in the future will be dependent upon the Governor under whom the Secretary of Education serves. Given the "uniqueness" of the education area, several State officials, including the incumbent Secretary of Education, commented upon the importance of the Secretary being able to persuade the diverse constituencies in the higher education policy arena to formulate policy compatible with executive goals for higher education and for State government. According to the Chairman of the House Education Committee (Lemmon, Note 4), a future Secretary of Education should be: "a person with the knowledge, ability and personality to really make known throughout the entire education community the priorities and philosophy of the Governor, and, at the same time, be

an effective advocate of the Governor on behalf of education."

As foreseen by most of the interviewees, a future Secretary of Education would have many of the same roles as those of the position within the Dalton administration. That is, in relation to higher education, the Secretary of Education would oversee or monitor implementation of executive policy, interpret executive policy, and coordinate agency activities for the purpose of reducing overlapping or duplicative programs. Regarding the budget authority of the position of Secretary of Education, none of the interviewees expect the statutory powers of the Secretary of Education to be increased. Most State officials, however, indicated that the Secretary of Education would have at least as much involvement in the development of the 1982-84 higher education budget as he had in the 1980-82 process. By stating "Charlie had already signed off on that," Stuart Connock (Note 10) confirmed that that decision had been made by the Secretary of Administration and Finance prior to December 1980. For future biennial budget processes, the Dalton administration would like to have procedures in place so that by at the end of its term "there won't be any turning back" (Connock, Note 10). Many of the State officials who were interviewed acknowledged the bureaucratization process, whereby budgetary procedures implemented during the

Dalton administration are likely to continue to be used for at least several subsequent biennial budget cycles. Yet, looking through a different lens of public policy formation, others indicated that, in the final analysis, decisions regarding the budget process and the involvement of the Secretary of Education in that process ultimately rested with the next Governor of the Commonwealth. One higher education official (Schultz, Note 14) speculated, however, that the future role of the Secretary of Education would probably not be stronger than that which existed during the Dalton administration. Although the influence of the position of Secretary of Education in relation to higher education will vary with each administration, Robert Schultz (Note 14) concluded, "we probably have reached a peak."

CHAPTER IV

SUMMARY, CONCLUSIONS AND RECOMMENDATIONS FOR FURTHER STUDY

SUMMARY

The purpose of this study was to provide a better understanding of one facet of the multi-faceted relationship between State government and higher education in the Commonwealth of Virginia. The creation of a cabinet-level post for education was one aspect of the modifications of the "self-denying ordinance" which have been initiated by public policy makers in Virginia. By describing the historical context, and the authority and major areas of responsibility of the position of Secretary of Education, it was intended that higher education policy makers and other interested persons might acquire a perspective for assessing recent events and for speculating about probable futures regarding higher education issues and governance in the Commonwealth.

Accordingly, the problem of this research effort was to describe the historical context and the authority and major areas of responsibility of the position of Secretary of Education in Virginia. In order to address the problem, the major areas of inquiry of this study were to investigate the original intent for creating and later

strengthening the position, the factors on which the authority of the position depend, the major areas of responsibility of the Secretary, and the relationship of the Secretary of Education with other State-level agencies and officials. Finally, the probable future of the position of Secretary of Education was considered.

The data for this study were obtained through the use of two procedures: (1) reviewing legal and historical documents and (2) conducting focused interviews. The investigation of the problem was conducted in five phases. The first phase involved reviewing legal and historical documents related to the formative stages of the position of Secretary of Education, and literature related to the relationship of State government, particularly the executive branch, to higher education. Through the document and literature reviews, the broad categories of responsibilities performed by the Secretary of Education were identified. The second phase of the investigation centered on selection of specific responsibilities of the Secretary of Education which were to be examined in depth. For that purpose, selected State officials were asked to identify, based upon specified criteria, the major responsibilities of the position. In addition, the State officials were asked to identify State agencies and officials with whom

the Secretary interacted in performing the major responsibilities of the position.

Upon completion of the preliminary phases of the investigation, legal and historical documents related to the cabinet system and the position of Secretary of Education were examined further. Another aspect of the third phase of the investigation involved the review of printed materials (government documents, enacted legislation, newspaper articles, speeches, and unpublished papers) related to the position and responsibilities of the Secretary of Education. This process assisted with the identification of interviewees and provided a framework for the development of the focused interview guide.

During the fourth phase of the investigation, focused interviews were conducted with persons who were identified as being involved in the creation and development of the cabinet-level position and those State-level officials who were identified as currently being involved in the formulation of higher education policy, including budgetary matters. The interviewees, identified as described above, were asked to name other persons who were involved in aspects of the problem under investigation.

An interview guide was developed by the investigator. Although the interview guide was comprised of the major areas of inquiry of this study, the questions asked of a

specific interviewee were tailored to suit the data which that person was able to provide. Interview sessions were tape recorded, and verbatim transcripts were prepared for later use in analyzing the data collected.

The final phase of the investigation was the analysis of the data. The data which were gathered in Phases III and IV informed each other. It was through that iterative process that the need to review in depth the history and context of the position of Secretary of Education was identified. The data were organized and categorized according to the major areas of inquiry. That arrangement provided the background needed to understand the development of the position, to ferret out the details of the responsibilities, especially those related to budget, and to describe the relationships of the Secretary of Education to other State-level agencies and officials in carrying out the responsibilities of the position.

As part of the context of the study, the creation and formative stages of the position of Secretary of Education were described. The Zimmer Commission (1970) envisioned the cabinet positions as functioning in a manner comparable to "line executives" or corporate vice-presidents and as serving as the "top management team" of the Governor. The 1972 General Assembly created within the Office of the Governor six positions with the title of Secretary, of

which the Secretary of Education was one. Although the Code of Virginia authorized the Secretaries to execute the management functions of the Governor, as delegated by the Chief Executive, the management functions were not statutorily defined. Even though Governor Holton, at whose request the Zimmer Commission was established, intended for the Secretaries to be involved in policy formation for their respective areas, the involvement of the Secretaries in the budget process was limited to development of program priorities for their respective areas.

During the 18 month term of the first cabinet, the primary role of the Secretary of Education was perceived as being that of "communications link" among education agencies and between the education area and the other Secretarial areas. The authority of the Secretary of Education was never clearly perceived by education agencies; thus, there was little change in the decision making process during the term of the first Secretary of Education.

The lack of a legislative job description for the Secretaries and questions about the need for the positions in the executive branch were principal factors in the establishment of a legislative commission to study the management of State government in Virginia. Early in its deliberations, the Hopkins Commission recommended retaining the position of Secretary of Education and designating that

cabinet position as the "focal point" for coordination of education.

Following extensive study, the Hopkins Commission clarified the roles of the Secretarial positions. The Commission recommended that authority in the areas of budget, policy, management, and coordination be delegated to each Secretary. Indeed, it was through the exercise of budget responsibility that the Hopkins Commission foresaw the position of Secretary of Education fulfilling its intended purpose. Accordingly, in 1976, legislation was enacted by the General Assembly which provided a legislative job description for the Secretary of Education. Because of the "uniqueness" of the education area, the budget authority of the position of Secretary of Education was less than that granted to other Secretaries. Nonetheless, Governor Godwin delegated to the Secretary of Education responsibility for preparing a comprehensive budget for education as well as responsibility for preparing alternative plans, policies, and budgets for education.

Following the description of the historical context of the development of the position of Secretary of Education, the incumbent administration was described, with particular emphasis placed on the involvement of the Secretary of Education in the formulation of the 1980-82 executive budget for higher education.

Via executive order, Governor Dalton, elected in 1978, delegated to the Secretary of Education the same responsibilities, except for budget, as those delegated to the other functional area Secretaries. In recognition of the 1976 amendment to the Code of Virginia and the statutory authority of other education agencies, the budget authority delegated to the Secretary of Education was to prepare alternative budgets for the education agencies, including higher education institutions. In implementing a new planning and budgeting process for the Commonwealth, Dalton did, however, give to the Secretary of Education authority for assigning the budget targets of higher education institutions, as well as all other agencies within the Office of Education. Furthermore, Governor Dalton reportedly expected the Secretary of Education to initiate changes in higher education and to bring higher education into the "family" of State government.

Within the area of budget, the involvement of the Secretary of Education in the formulation of the 1980-82 executive budget for higher education was examined in depth. As envisioned by the Hopkins Commission, it was during the targeting process that the Secretary of Education was most involved and could best exert influence on the shape of institutional budgets. Even though the overall target constraints were set by the Secretary and staff of the Office

of Administration and Finance, the Secretary of Education directed the preparation of higher education institutional targets by providing instructions to DPB and State Council staff who, serving as staff to the Secretary, prepared target calculations. In addition, the Secretary of Education made further alterations to institutional target calculations.

The budget authority of the Secretary of Education in relation to assigning targets for higher education institutions was viewed as giving the Secretary a significant lever of power or clout. The small margin of difference (0.4%) between appropriated funds and the 1980-82 executive budget for higher education was cited as evidence of the influence of the Secretary of Education in shaping the higher education operating budgets for the 1980-82 biennium.

CONCLUSIONS

Based upon the data, two sets of conclusions were drawn: (1) general conclusions which encompass the broad area of the relationship of State government to higher education, and (2) specific conclusions in response to the research questions posed for this study.

General Conclusions

1. By reorganizing and strengthening the executive branch as recommended by the Hopkins Commission, the Virginia General Assembly intended to modify the "self-denying ordinance," that is, increase State review and control over higher education. Through the budget process, the Secretary of Education was viewed by the Commission as the executive official having responsibility for implementing, overseeing, and monitoring the modifications, i.e., review and control procedures.

2. Through the utilization of the cabinet system as intended by the Hopkins Commission and the implementation of the State budget process as designed by the Commission, the executive branch in the Dalton administration modified the "self-denying ordinance," thereby changing the relationship of State government to higher education in the Commonwealth of Virginia.

Conclusions Specific to the Research Questions

1. What was the documented intent for creating the position of Secretary of Education in 1972? What authority was granted initially to the position by the General Assembly and the Governor?

Although there was initially no differentiation among

the cabinet positions, the original intent for creating the cabinet was to provide line executives who would be responsible for coordinating (eliminating overlapping and duplicative programs) the activities of agencies within their respective areas of State government. That organizational arrangement within the executive branch would promote economy and efficiency in delivering State government services to citizens. Broad authority was delegated to the Secretary of Education to develop policy positions and to identify priority programs related to the budget process for all of education in the Commonwealth.

2. What was the legislative intent for strengthening the statutory powers of the position of Secretary of Education in 1976? What executive authority was subsequently delegated to the position?

The legislative intent for strengthening the statutory powers of the Secretary of Education was to provide a more specific job description for the position such that policy and oversight procedures, particularly in the area of budget, could be developed and implemented by the Secretary. By granting more authority to the position, it was intended that the Secretary of Education be held accountable for the performance of education agencies. Executive orders issued for the position of Secretary of Education paralleled the powers and duties stipulated in the Code. In addition, the

powers of the Governor for formulation of executive policy, coordination of communication with the federal government, and reorganization of executive branch agencies in order to promote economy, efficiency, and effectiveness were delegated to the Secretary of Education.

3. On what factors does the authority of the position of Secretary of Education depend?

The five factors upon which the authority of the position of Secretary of Education was dependent were:

- the Governor, meaning the management style and personality of the Governor, as well as the Chief Executive's goals for State government and for education;
- the Secretary of Education, meaning the management style and personality of the cabinet appointee, and the effectiveness with which the Secretary interacts with agencies and officials while performing responsibilities of the cabinet position;
- the Secretary of Administration and Finance, meaning the authority of that cabinet position may elevate it to the status of "first among equals," thereby affecting the authority of the position of Secretary of Education, especially in policy matters which are applicable to all State agencies;
- the budget process, meaning the statutory provisions which delineate the powers of the Governor and the

Cabinet Secretaries in formulation of the executive budget. The Governor, however, is designated as the chief budget officer for the Commonwealth, and, within the framework of the statutes for the budget process there is considerable latitude for the Chief Executive to give definition to the provisions; and •the statutory authority of education agencies and boards, meaning that the authority of the Secretary of Education is constrained by the policy and budgetary authority statutorily granted to such agencies as the State Council of Higher Education and to Boards of Visitors of higher education institutions.

4. What were the major areas of responsibility of the position of Secretary of Education in the Dalton administration relative to higher education?

There were several areas identified as important areas of responsibility: budget, formulation of policy, and development of a higher education desegregation plan. It was clear that the involvement of the Secretary in budgetary matters, especially the assignment of budget targets, was the most important of the major responsibilities of the position.

5. With which State-level agencies and officials did the Secretary of Education interact in performing the major responsibilities of the position? Did the authority of the

Secretary of Education affect the authority of other State-level agencies and officials?

In carrying out the responsibilities associated with formulation of the 1980-82 executive budget for higher education, especially the assignment of institutional targets, the Secretary of Education, aside from those in the immediate Office of the Secretary, interacted with:

- The State Council of Higher Education—Director and staff. During the targeting process for the 1980-82 higher education budget, State Council, at the Secretary's request, acted as staff to the Secretary of Education.
- Department of Planning and Budget—Director and staff. During the 1980 General Assembly session, the Secretary of Education presented the executive budget for education on behalf of the Governor, rather than DPB staff as was formerly the case. DPB, serving as staff to the Secretary and to the Governor, prepared budget analyses and recommendations rather than making decisions on agency budget submissions.
- The Secretary of Administration and Finance. By statute, the Secretary of Administration and Finance has responsibility for developing a comprehensive State budget and, therefore, affects constraints on the

budget targets within which the Secretary of Education must work.

- The Governor. Within the executive, final authority over all aspects of the budget resides with the Governor.
- The legislative appropriations committees—legislators and staff. During the legislative review of the 1980-82 higher education budget, it seemed apparent that the General Assembly appropriations committees expected the Secretary of Education to be able to defend the rationale used for assigning budget targets to higher education agencies and institutions, especially non-Appendix M agencies.

6. Is the position of Secretary of Education likely to remain within the government structure of public higher education in Virginia? What is the probable role of the position of Secretary of Education in the future?

The cabinet position will remain in the higher education governance structure without significant alteration of its statutory authority, including budget authority which is formally less than that granted to other functional area Secretaries. The probable future role of the position of Secretary of Education is that of developing, implementing, and interpreting policy in education, especially in the area of budget. Also monitoring and providing executive

oversight procedures will be part of the future role of the cabinet position for education. As was the case during the Dalton administration, the future role of the position of Secretary of Education relative to higher education, in large measure, will be dependent upon the management style and personality of the appointing Governor and the background and personality of the appointed Secretary of Education. For example, the appointment of a Secretary of Education whose professional experience was concentrated primarily in public schools probably would result in a shifting of the focus of the Office of the Secretary of Education from the higher education area to the area of elementary and secondary education.

RECOMMENDATIONS FOR FURTHER STUDY

The research methodology used to conduct this inquiry was that of an exploratory field study. Since an exploratory field study seeks to discover what is in order to lay the groundwork for further study, the following recommendations for further study are offered:

1. Data collected for this study indicated that the Secretary of Education would have at least as much involvement in the 1982-84 higher education budget process as in the 1980-82 process. Given that changes in the State budget process have been implemented for the 1982-84 budget

and since the State Council of Higher Education has developed a computer model whereby simulated institutional targets could be modified by a standardized system of priority reductions, the involvement and influence of the Secretary of Education in the formulation of the 1982-84 higher education budget, especially during the targeting process, should be studied.

2. Given the importance of the budget process to the development of higher education policy as well as to providing fiscal resources, a study should be conducted of the influence of all of the actors, relative to each other, who are involved in the policy process of formulating the higher education budget for the Commonwealth.

3. During the course of the research process for this study, a number of procedural controls, which have been initiated recently by the executive, were identified. Those included: the Manpower Utilization Plan, which established ceilings on the number of State employees per agency; the inclusion of contract and grant funds in agency budgets; and approval by the executive of State employee travel. In order to provide a better understanding of the modifications of the "self-denying ordinance" in Virginia, a study of review and control procedures implemented by the executive during the last 10 to 15 years should be conducted. As a part of that study, the role of the Secretary

of Administration and Finance and the staff agencies under the Secretary's jurisdiction, namely, the Department of Planning and Budget and the Department of Personnel and Training, should be assessed.

4. Obviously, the Secretary of Education interacts with institutional presidents and members of Boards of Visitors in performing the responsibilities of the position. Although the limitations of this study excluded consideration of that interaction, the interaction of the Secretary with presidents and board members could be studied with advantage as the role of the Secretary could be viewed in such a study through an entirely different lens.

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APPENDICES

APPENDIX A

ACTS OF ASSEMBLY, 1972

CHAPTER 641; HOUSE BILL 817

The Legislation Which Created, in the Office
of the Governor, Six Positions Designated by
the Title of Secretary

CHAPTER 641

An Act to amend the Code of Virginia by adding in Title 2.1 a chapter numbered 5.1, consisting of §§ 2.1-51.7 through 2.1-51.12, and to repeal §§ 2.1-51.1 through 2.1-51.5, as severally amended, of the Code of Virginia, to provide within the Governor's Office for the appointment of Secretaries for Administration, Finance, Education, Human Affairs, Commerce and Resources, and Transportation and Public Safety, to identify the agencies, boards, commissions and institutions subject to the respective Secretaries, and to appropriate funds therefor.

[II 317]

Approved April 8, 1972

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding in Title 2.1 a chapter numbered 5.1, consisting of §§ 2.1-51.7 through 2.1-51.12 as follows:

CHAPTER 5.1.

GOVERNOR'S SECRETARIES.

§ 2.1-51.7. Governor's Secretaries; positions established; appointment; term and oath.—There are hereby created in the Governor's Office the following positions: Secretary of Administration, Secretary of Finance, Secretary of Education, Secretary of Human Affairs, Secretary of Commerce and Resources, and Secretary of Transportation and Public Safety.

Each Secretary shall be appointed by the Governor, subject to confirmation by the General Assembly if in session when the appointment is made, and if not in session then at its next succeeding session. He shall hold office at the pleasure of the Governor for a term coincident with that of the Governor making the appointment or until his successor shall be appointed and qualified. Before entering upon the discharge of his duties, he shall take an oath that he will faithfully execute the duties of his office.

§ 2.1-51.8. Powers and duties.—Each Secretary shall exercise such powers and perform such duties as may be delegated to him by the Governor to execute the management functions of the Governor with regard to those agencies for which the Secretary is responsible as provided in § 2.1-51.9.

Unless prohibited by the Constitution, each Secretary shall be vested with the powers of the Governor, if authorized by the Governor, with respect to those agencies for which the Secretary is responsible. All reports to the Governor from the head of any such agency shall be made through the Secretary responsible for such agency.

§ 2.1-51.9. Agencies for which responsible.—Each Secretary shall be responsible to the Governor for the following agencies:

(a) Administration—Division of the Budget, Division of Personnel, Division of Engineering and Buildings, Division of Automated Data Processing, Division of Justice and Crime Prevention, Division of State Planning and Community Affairs and Art Commission. Any reference in this Code to the Commissioner of Administration shall hereafter be deemed a reference to the Secretary of Administration.

(b) Finance—Department of Taxation, Department of the Treasury, Department of Accounts, Compensation Board, Department of Property Records and Insurance, Virginia Supplemental Retirement System, Department of Purchases and Supply and Virginia Alcoholic Beverage Control Board.

(c) Education—State Department of Education, State Council of Higher Education, Education Assistance Authority, Virginia Commission on Higher Education Facilities, Advisory Council on Educational Television, Department of Community Colleges, State-supported institutions of higher education, Virginia State Library and Virginia College Building Authority.

(d) Human Affairs—Department of Mental Hygiene and Hospitals, Department of Health, Department of Welfare and Institutions, Probation and Parole Board, Department of Vocational Rehabilitation, Commission for the Visually Handicapped, Commission for Children and Youth, and Schools for the Deaf and Blind.

(e) Commerce and Resources—Department of Conservation and Economic Development, Department of Labor and Industry, Department of Professional and Occupational Registration, Milk Commission, Virginia Truck and Ornamentals Research Station, Department of Agriculture and Commerce, Commission on the Industry of Agriculture, Virginia Soil and Water Conservation Commission, Marine Resources Commission, Virginia Institute of Marine Science, Water Control Board, Air Pollution Control Board, Commission of Game and Inland Fisheries, Virginia Historic Landmarks Commission, Virginia Museum of Fine Arts, Gunston Hall, Jamestown Foundation, Commission on Outdoor Recreation, Commission on Arts and Humanities, Virginia Independence Bicentennial Commission, Virginia World War II Memorial Commission, and Virginia Employment Commission.

(f) Transportation and Public Safety—Department of Highways, Virginia Port Authority, Virginia Airports Authority, Division of Motor Vehicles, Department of State Police, Highway Safety Division, Office of Civil Defense, and Department of Military Affairs.

The Governor may, by executive order, assign any State executive agency not enumerated in this section, or reassign any such agency whether or not enumerated in this section, to a particular Secretary for the purposes of this chapter.

§ 2.1-51.10. Compensation—Each Secretary shall be paid such compensation as the Governor may fix.

§ 2.1-51.11. Employment of personnel; consulting services.—The Governor is authorized to empower each Secretary to employ such personnel and to contract for such consulting services as he may require to perform the duties of his office and to carry out the purposes of Chapters 5, 6, 7, 9, and 10 of this title. Except as may be directed by the Governor, personnel employed by the Secretary of Administration and the Governor's Secretaries shall be subject to the provisions of Chapter 10 of Title 2.1 of the Code of Virginia.

§ 2.1-51.12. Payment of expenses of office.—The expenses of the offices of the Governor's Secretaries shall be paid from funds provided for the purpose by law; provided, however, that in addition thereto the Governor may supplement such funds from appropriations made to his office for the executive control of the State or for discretionary purposes.

2. That §§ 2.1-51.1 through 2.1-51.5, as severally amended, of the Code of Virginia are repealed.

APPENDIX B

GOVERNOR LINWOOD HOLTON

EXECUTIVE ORDER NUMBER TWENTY:

Reassignment and assignment of state agencies, boards,
commissions and non-state associations to the Secretaries

July 28, 1972

EXECUTIVE ORDER NUMBER TWENTY-ONE:

Delegation of powers and duties to Secretaries

July 28, 1972

Office of Secretary of the Commonwealth

Richmond, Virginia



COMMONWEALTH OF VIRGINIA
OFFICE OF THE GOVERNOR
RICHMOND 23219

EXECUTIVE ORDER NUMBER TWENTY

Part A

Under provisions of Chapter 5.1, Title 2.1, Code of Virginia, I hereby reassign the following state executive agencies, identified in this section, to Secretaries as listed below for the purpose of that chapter:

State Education Assistance Authority - from Secretary of Education to Secretary of Finance;
Virginia College Building Authority - from Secretary of Education to Secretary of Finance;
Commission on Arts and Humanities - from Secretary of Commerce and Resources to Secretary of Education;
Virginia Museum of Fine Arts - from Secretary of Commerce and Resources to Secretary of Education;
Virginia Institute of Marine Science - from Secretary of Commerce and Resources to Secretary of Education;
Virginia Truck and Ornamentals Research Station - from Secretary of Commerce and Resources to Secretary of Education;
Virginia Port Authority - from Secretary of Transportation and Public Safety to Secretary of Commerce and Resources.

Part B

I assign responsibilities for liaison on administrative functions with the following agencies to the Secretaries as listed below:

To Secretary of Finance
Industrial Commission of Virginia
State Corporation Commission (except as provided below)
Auditor of Public Accounts.

To Secretary of Transportation and Public Safety
Division of Aeronautics (State Corporation Commission)
State Fire Marshal (State Corporation Commission)
Virginia State Crime Commission

Part C

Under the same provisions of law enumerated in Part A I hereby assign the following agencies, not identified in that section,

to Secretaries as listed below:

- To Secretary of Administration
 - Office of Secretary of the Commonwealth, Division of Records
 - Council on the Environment
 - State Board of Elections
 - Office of Special Programs
 - Virginia Public Buildings Commission
- To Secretary of Finance
 - Virginia Public School Authority
 - Virginia Housing Development Authority
 - Treasury Board
 - Virginia Education Loan Authority
 - Virginia Grant and Loan Commission
- To Secretary of Education
 - Science Museum of Virginia
 - Medical Facilities Commission
- To Secretary of Human Affairs
 - Division of Drug Abuse Control
 - Virginia Council for the Deaf
 - Commission on the Status of Women
- To Secretary of Commerce and Resources
 - Safety Codes Commission
 - Division of Industrial Development
 - Product Commissions
 - Virginia State Apple Commission
 - Virginia Bright Flue-Cured Tobacco Commission
 - Virginia Dark-Fired Tobacco Commission
 - Virginia Pork Industry Commission
 - Virginia Poultry Products Commission
 - Virginia Soybean Commission
 - Virginia Peanut Commission
 - Virginia Seed Potato Commission
 - Virginia Sweet Potato Commission
 - Virginia Agricultural Foundation
 - Virginia State Board of Dental Examiners
 - Virginia Board of Funeral Directors and Embalmers
 - State Board of Examiners of Nurses
 - Virginia State Board of Examiners for Optometry
 - Board of Medical Examiners of the State of Virginia
 - State Board of Pharmacy
 - Virginia Athletic Commission
 - State Registration Board for Contractors
- To Secretary of Transportation and Public Safety
 - Law Enforcement Officers Training Standards Commission

Part D

I also designate Secretaries to assume responsibility for providing liaison as needed between the Office of the Governor and those interstate compacts, memberships, non-legislative commissions or boards or councils or other agencies as they are listed under each individual Secretary.

Secretary of Administration

National Governors' Conference
 Advisory Council on Intergovernmental Relations
 Appalachian Regional Commission
 Delmarva Advisory Council
 Potomac River Basin Advisory Committee

Secretary of Finance

State Land Evaluation Advisory Committee
 Consumer Credit Study Commission
 State Commission on Local Debt
 Committee to Fix the Salaries of County Courts Personnel

Secretary of Education

Southern Regional Education Board
 Compact for Education
 Institute for Higher Educational Opportunity in the South
 Education Commission of the States
 Advisory Research Committee on Plans and Specifications
 for School Buildings

Secretary of Human Affairs

Interstate Compact Relating to Juveniles
 Interstate Compact on Mental Health
 Overall Advisory Council on the Needs of Handicapped
 Children and Adults
 Advisory Hospital Council
 Advisory Committee on Emergency Services
 Virginia Comprehensive Health Planning Council
 Developmental Disabilities Planning Commission
 Radiation Advisory Board

Secretary of Commerce and Resources

Potomac River Basin Commission of Virginia
 Ohio River Valley Water Sanitation Commission
 Breaks Interstate Park Commission
 Pest Control Compact
 Atlantic States Marine Fisheries Commission
 Middle Atlantic Interstate Forest Fire Protection Compact
 Southern Interstate Nuclear Compact
 Board of Visitors to Mount Vernon
 Board of Reclamation Review
 Advisory Committee to the Virginia Historic Landmarks
 Commission on the Operation of the Virginia Research
 Center for Historic Archaeology

Potomac River Fisheries Commission

Secretary of Transportation and Public Safety
 National Guard Mutual Assistance Compact
 The Driver License Compact
 Vehicle Equipment Safety Compact
 Washington Metropolitan Area Transit Commission
 Northern Virginia Transportation Commission
 Dulles International Airport Development Commission
 Advisory Committee on Aviation
 Sheriffs and City Sergeants Standard Car Marking and
 Uniform Commission
 Medical Advisory Board for the Division of Motor Vehicles

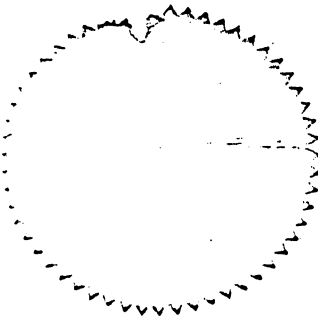
Part E

Each group of assignments to a Secretary shall be designated as
 "Office of _____".

Part F

The entry of this Order does not in anywise limit the Governor's
 authority to act on any or all of these matters at any time.

Given under my hand and the Seal of the Commonwealth of Virginia
 this twenty-eighth day of July, 1972.



Linwood Holton

 Governor of Virginia

Attested:

Louis N. Williams

 Secretary of the Commonwealth



COMMONWEALTH OF VIRGINIA
OFFICE OF THE GOVERNOR
RICHMOND 23219

EXECUTIVE ORDER NUMBER TWENTY-ONE

Part A

Chapter 5.1, Title 2.1, Code of Virginia provides that each Secretary "...shall exercise such powers and perform such duties as may be delegated to him by the Governor to execute the management functions of the Governor..." with respect to designated agencies. The agencies are designated by Executive Order Number Twenty.

Part B

Section 187, Chapter 804, Acts of Assembly of 1972, authorizes the Governor to delegate a person or persons to discharge any power, duty or responsibility conferred or imposed upon him by that chapter (Appropriation Act).

Part C

Pursuant to the reference in Part A above, I hereby authorize each Secretary, with reference to the respectively designated agencies to:

1. sign documents subject to their action in the form:

Linwood Holton, Governor

by _____
Secretary of -----

2. employ such personnel and contract for such consulting services as may be required to perform the duties assigned to them, limited only by the funds available for their operation and by the provisions of the Virginia Personnel Act. Further, each Secretary is authorized to request temporary assistance from any State agency, which shall provide such assistance to the extent that accomplishment of its statutory missions is not prevented. Requests for such temporary assistance will be cleared through the heads of the agencies concerned.

3. effect program coordination within each Office, undertaking inter-Office exchange of information and action to assure consistent and effective overall State action. This delegation includes the approval of such "State Plans" as are required by Federal legislation or regulations, after consideration by the Division of the Budget for fiscal concurrence and by the Division of State Planning and Community Affairs pursuant to Section 2.1-63-3 of the Code of Virginia.
4. prepare and recommend, for joint Secretary review and for submission to the Governor, program proposals for legislative action, such submission to include priority recommendations for each Office and to be effected prior to preparation of agency biennial budget requests. Further, such review shall include programs which should be considered for reduction, combination or elimination. Specific agency budget submissions, pursuant to Chapter 6, Title 2.1, Code of Virginia, shall be made directly to the Division of the Budget with such copies directed to the Secretaries as they may request from agencies within their Offices.
5. establish a procedure for the Office which will provide for direct and expeditious decisions on behalf of the Governor by the Secretary, and which will recognize the responsibility to the Governor of each agency head.

Part D

Pursuant to the reference in Part B above, in order to avoid multiplication of action levels and to enable each Secretary to devote maximum attention to policy considerations, I hereby designate and authorize the persons holding appointments in the positions named below to sign in my stead the authorization documents required by the Sections listed below. Agency heads are accountable for reviewing with the Secretary of their Office, in advance of submission to the persons authorized to sign for me, any document which involves a major program policy. Further, each Secretary, after coordination with all affected State agencies, is authorized to sign in my stead any plans or rules and regulations required as a condition of the release of an appropriation pursuant to the restriction stated in an Appropriation Act item.

| <u>Authorizing Section</u> | <u>Authorization Documents</u> | <u>Authorizing Persons</u> |
|--------------------------------|---|---|
| 149 | For establishment of new positions. (Recommendation by Director of Personnel as to position allocations) | Director of the Budget or by Director of Personnel if in con- formance with general policy established by Director of the Budget |
| 150;151 | For transfer of appropriations and for regulations relating to the transfer of funds by other actions. (Recommendation by Director of the Budget) | Secretary of Adminis- tration |
| 155-159 | For increases in appropriations under stated conditions. (Recommendation by Director of the Budget) | Secretary of Adminis- tration |
| 160;161 | For solicitation or acceptance of donations, gifts and grants; for use of legislative appropriation to match Federal aid pro- gram for like purposes. (Recommendation by Director of the Budget. Director of Engineering and Buildings to be informed when capital out- lay funds are included.) | Secretary of Adminis- tration |
| 162 | For deficit authorizations. (Recommendation by Director of the Budget) | Secretary of Adminis- tration |
| 163 | For loans in anticipation of special revenues. | Director of the Budget |
| 164 | For capital outlay project approvals. (Recommendation by the Director of the Budget as to funding when a funding or program determination is involved -- limited, for change orders, to those for which cost exceeds \$2,500; and, by State Treasurer when a revenue bond project is involved.) | |

| <u>Authorizing Section</u> | <u>Authorization Documents</u> | <u>Authorizing Persons</u> |
|--------------------------------|--|--|
| | (a) project initiation (Recommendation by Director of Engineering and Buildings for nonfunding aspects.) | Secretary of Adminis- tration |
| | (b) preliminary plans and working drawings; advertising for bids. | Director of Engineering and Buildings |
| | (c) award of contracts; approval for force account construction. (Recommendation by Director of Engineering and Buildings for nonfunding aspects.) | Secretary of Adminis- tration |
| | (d) demolition of structures | Director of Engineering and Buildings |
| | (e) change orders | Director of Engineering and Buildings |
| | (f) purchase of equipment and other property (Recommendation by Director of Engineering and Buildings for nonfunding aspects.) | Secretary of Adminis- tration |
| 171 | For production of motion picture films | Director of the Budget |
| 172 | For contract for purchase of or for continuous use of data processing equip- ment or for data processing services. (Recommendations by Director of Automated Data Processing as to benefit, after clearance with Auditor of Public Accounts for any systems and accounting aspects; Director of the Budget as to funding.) | Secretary of Adminis- tration |

| <u>Section</u> | <u>Authorization Documents</u> | <u>Person</u> |
|----------------|--|---|
| 173 | For term-service contracts or agreements for maintenance of mechanical office equipment. (Recommendation by Director of the Budget as to general policy concerning exceptions) | Secretary of Administration |
| 176 | For purchase, or transfer when surplus, of automobiles (including station wagons), in addition to approval of State-use licenses for passenger-type motor vehicle pursuant to Section 46.1-57 of the Code of Virginia. (Establishment of general policy by Car Pool Committee created by Executive Order Number 12 dated October 15, 1971) | Executive Secretary of Car Pool Committee, pursuant to general policy |
| 177 | For travel regulations. (Recommendation by Director of the Budget) | State Comptroller |
| 178 | For student loan fund borrowing and cancellation of student loan indebtedness. (Recommendation by State Council of Higher Education) | Director of the Budget |
| 182 | (a) For transfer of prisoner labor or farm commodities produced. (b) For establishment of unit prices of foodstuffs or other commodities produced on farms. (Recommendation by Director of the Division of Purchases and Supply) | Director of the Budget. Director of the Budget |
| 185;165 | For determining amount and use of parking charges paid by employees in designated agencies, and for designating agencies; for utilization of certain state property for parking facilities. | |

| <u>Authorizing Section</u> | <u>Authorization Documents</u> | <u>Authorizing Persons</u> |
|--------------------------------|---|--|
| | (Recommendation by Director of Division of Engineering and Buildings) | Secretary of Administra- tion |
| 186 | For approval of compensation for employees not subject to Virginia Personnel Act (but not compensation of officers). (Recommendation by Director of Personnel) | Director of the Budget, or by Director of Personnel if in con- formance with general policy established by Director of the Budget |
| 191 | For restoration of certain special fund balances. | Director of the Budget |

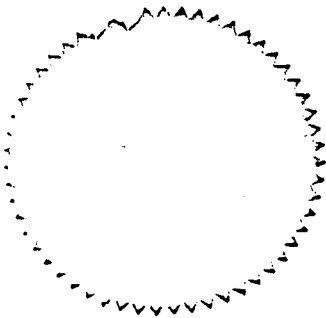
Nothing in this Executive Order shall be construed to limit the authority of the Director of the Budget, as provided by Section 187, to prepare and act upon quarterly allotments from approved appropriations. This authority shall also apply to allotments from approved appropriations for capital outlay projects following (1) authorization for initiating such projects, (2) approval of contract awards or force account construction approvals for such projects and (3) other authorizations for capital outlay equipment purchases.

In addition to the authorizing persons named above, the listed authorization documents may be signed in my name by any one of the following: the person holding appointment as deputy to the authorizing person or the Secretary or Assistant Secretary of Administration or the Governor. Further, the Secretary of Administration may approve signature in my name by additional authorizing persons designated by those listed above. Where approval by the Governor is required upon the designated documents, my facsimile signature shall be entered, followed by the written initials of the person designated herein.

Part E

The entry of this Order does not in anywise limit the Governor's authority to act on any or all of these matters at any time.

Given under my hand and the Seal of the Commonwealth of Virginia
this twenty-eighth day of July, 1972.



Attested:

Governor of Virginia

Secretary of the Commonwealth

APPENDIX C

GOVERNOR MILLS E. GODWIN, JR.

EXECUTIVE ORDER NUMBER NINE:

Powers and Duties of the Secretary of Education

May 22, 1974

Office of Secretary of the Commonwealth

Richmond, Virginia



COMMONWEALTH OF VIRGINIA
OFFICE OF THE GOVERNOR
RICHMOND 23219

MILLS E. GODWIN, JR.
GOVERNOR

EXECUTIVE ORDER NUMBER NINE

Pursuant to the authority vested in me by the provisions of Chapter 641, 1972 Acts of Assembly, as codified in Chapter 5.1, Title 2.1, Code of Virginia and by the provisions of Subsection b, Section 206, Chapter 681, 1974 Acts of Assembly, and subject always to my continuing, ultimate authority and responsibility to act in such matters, I hereby delegate to the Secretary of Education the following powers and duties:

1. General authority and responsibility for the review of the proposed budgets of the administrative units assigned to him, and the responsibility to recommend to the Governor a comprehensive budget for the Commonwealth for education.
2. Authority and responsibility to hold the head of each administrative unit assigned to him accountable for the administrative, fiscal, and program performance of such administrative unit.
3. Authority and responsibility to develop major state policies and programs to effect comprehensive, long-range and coordinated planning and policy formulation for education.
4. Authority and responsibility to coordinate the policies, programs, and activities of the administrative units assigned to him.
5. Authority and responsibility for approving the solicitation or acceptance by or on behalf of any administrative unit assigned to him, of any donation, gift or grant, whether or not entailing commitments as to the expenditure or subsequent requests for appropriation or expenditure from the General Fund, such responsibility to include the approval of such state plans as are required by federal legislation and regulations, after consideration by the Office of Administration for fiscal and planning concurrence.

6. Responsibility to employ such personnel and contract for such consulting services as may be required to perform the duties assigned to him, limited only by the funds available for the operation of his office and by the Virginia Personnel Act. Further, he is authorized to require temporary assistance from any administrative unit assigned to him or request such assistance from the Office of Administration.
7. Authority to sign documents subject to his action in the form:

_____, Governor

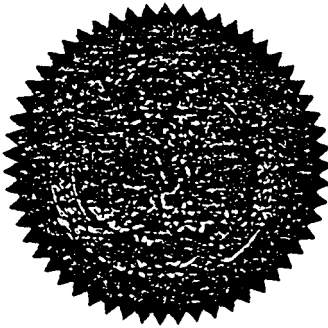
by _____
Secretary of Education

The Secretary shall be responsible for carrying out the foregoing powers and duties with respect to the following administrative units except as to the appointment of the heads of such administrative units:

Department of Education
State Council on Higher Education for Virginia
George Mason College
Longwood College
Madison College
Mary Washington College
Norfolk State College
Old Dominion College
Radford College
University of Virginia
Virginia Commonwealth University
Virginia Military Institute
Virginia Polytechnic Institute and State University
Virginia State College
College of William and Mary in Virginia
Department of Community Colleges
Virginia Commission on Higher Education Facilities
Virginia Truck and Ornamentals Research Station
Virginia Commission on the Arts and Humanities
Virginia Museum of Fine Arts
The Science Museum of Virginia
Virginia School for the Deaf and Blind
Virginia School at Hampton
Gunston Hall

Jamestown Foundation
Virginia State Library

Given under my hand and the Seal of the Commonwealth of Virginia, this
22nd day of May, 1974.



Governor

Attested:

Secretary of the Commonwealth

APPENDIX D

CODE OF VIRGINIA, SECTIONS 2.1-51.20;

ACTS OF ASSEMBLY, 1976, Chapter 733;

SENATE BILL 315

The Legislation Which Strengthened the Statutory Powers
of the Position of Secretary of Education

CHAPTER 5.4.

SECRETARY OF EDUCATION.

Sec.

2.1-51.19. Position established; appointment;
term; oath.

2.1-51.20. Subject to supervision by Governor;
powers and duties.

2.1-51.21. Agencies for which responsible.

§ 2.1-51.19. Position established; appointment; term; oath. — The position of Secretary of Education is hereby created. He shall be appointed by the Governor, subject to confirmation by the General Assembly if in session when the appointment is made, and if not in session, then at its next succeeding session. He shall hold office at the pleasure of the Governor for a term coincident with that of the Governor making the appointment or until his successor shall be appointed and qualified. Before entering upon the discharge of his duties, he shall take an oath that he will faithfully execute the duties of the office. (1976, c. 733.)

The numbers of §§ 2.1-51.19 to 2.1-51.21 were assigned by the Virginia Code Commission, the numbers in the 1976 act having been 2.1-51.13 to 2.1-51.15.

§ 2.1-51.20. Subject to supervision by Governor; powers and duties. — The Secretary of Education shall be subject to direction and supervision by the Governor. Unless the Governor expressly reserves such a power to himself, the Secretary is empowered to resolve administrative, jurisdictional or policy conflicts between any agencies or officers for which he is responsible and to provide policy direction for programs involving more than a single agency. He is authorized to direct the preparation of alternative policies, plans and budgets for education for the Governor and, to that end, may require the assistance of the agencies for which he is responsible. He shall direct the formulation of a comprehensive program budget for cultural affairs encompassing the programs and activities of the agencies involved in cultural affairs. (1976, c. 733.)

§ 2.1-51.21. Agencies for which responsible. — The Secretary of Education shall be responsible to the Governor for the following agencies: Department of Education, Virginia Public School Authority, State Council of Higher Education, Education Loan Authority, Virginia College Building Authority, State Education Assistance Authority, Virginia School for the Deaf and Blind, Virginia School at Hampton, Commission for the Arts, Virginia Museum of Fine Arts, The Science Museum of Virginia, Virginia State Library and Truck and Ornamental Research Station. The Governor may, by executive order, assign any other State executive agency to the Secretary of Education, or reassign any agency listed above to another secretary. (1976, c. 733; 1977, c. 413; 1979, c. 314.)

The 1979 amendment substituted the Arts and Humanities" and deleted "Art Commission for the Arts" for "Commission of Commission" in the first sentence.

APPENDIX E

- Secretary of Commerce and Resources

CODE OF VIRGINIA, SECTION 2.1-51.8:1;
ACTS OF ASSEMBLY, 1976, CHAPTER 730;
SENATE BILL 310

- Secretary of Human Resources

CODE OF VIRGINIA, SECTION 2.1-51.14;
ACTS OF ASSEMBLY, 1976, Chapter 729;
SENATE BILL 308

- Secretary of Public Safety

CODE OF VIRGINIA, SECTION 2.1-51.17;
ACTS OF ASSEMBLY, 1976, CHAPTER 732;
SENATE BILL 314

- Secretary of Education

CODE OF VIRGINIA, SECTION 2.1-51.20;
ACTS OF ASSEMBLY, 1976, CHAPTER 733
SENATE BILL 315

- Secretary of Transportation

CODE OF VIRGINIA, SECTION 2.1-51.23;
ACTS OF ASSEMBLY, 1976, CHAPTER 734;
SENATE BILL 317

- Secretary of Administration and Finance

CODE OF VIRGINIA, SECTION 2.1-51.26;
ACTS OF ASSEMBLY, 1976, CHAPTER 743;
SENATE BILL 316

The Legislation Which Strengthened the
Statutory Powers of the Six Secretarial Positions

CHAPTER 5.1.

SECRETARY OF COMMERCE AND RESOURCES.

§ 2.1-51.7. Positions established; appointment; term; oath. — There are [is] hereby created in the Governor's office the following positions [position]: Secretary of Commerce and Resources.

Each secretary shall be appointed by the Governor, subject to confirmation by the General Assembly if in session when the appointment is made, and if not in session then at its next succeeding session. He shall hold office at the pleasure of the Governor for a term coincident with that of the Governor making the appointment or until his successor shall be appointed and qualified. Before entering upon the discharge of his duties, he shall take an oath that he will faithfully execute the duties of his office. (1972, c. 641; 1975, c. 390; 1976, cc. 729, 732, 733, 734, 743.)

§ 2.1-51.8: Repealed by Acts 1976, c. 730.

Cross reference. — For present provisions covering the subject matter of the repealed section, see § 2.1-51.8:1.

§ 2.1-51.8:1. Subject to supervision by Governor; powers and duties. — Each secretary shall be subject to direction and supervision by the Governor. The agencies assigned to the secretaries shall exercise their respective powers and duties in accordance with the general policy established by the Governor or by the appropriate secretary acting on behalf of the Governor. Unless the Governor expressly reserves such a power to himself, each secretary is empowered to resolve administrative, jurisdictional or policy conflicts between any agencies or officers assigned to him and to direct the formulation of a comprehensive program budget for his office encompassing the programs and activities of the agencies assigned to such office. All reports to the Governor from the head of any agency assigned to any secretary shall be made through such secretary. (1976, c. 730.)

CHAPTER 5.2.

SECRETARY OF HUMAN RESOURCES.

§ 2.1-51.13. Position established; appointment; term; oath. — The position of Secretary of Human Resources is hereby created. He shall be appointed by the Governor, subject to confirmation by the General Assembly if in session when the appointment is made, and if not in session, then at its next succeeding session. He shall hold office at the pleasure of the Governor for a term coincident with that of the Governor making the appointment or until his successor shall be appointed and qualified. Before entering upon the discharge of his duties, he shall take an oath that he will faithfully execute the duties of the office. (1976, c. 729.)

§ 2.1-51.14. Subject to supervision by Governor; powers and duties. — The Secretary of Human Resources shall be subject to direction and supervision by the Governor. The agencies assigned to the Secretary shall exercise their respective powers and duties in accordance with the general policy established by the Governor or by the Secretary acting on behalf of the Governor. Unless the Governor expressly reserves such a power to himself, the Secretary is empowered to resolve administrative, jurisdictional or policy conflicts between any agencies or officers assigned to his office to direct the formulation of a comprehensive program budget for his office encompassing the programs and activities of the agencies assigned to such office. All reports to the Governor from the head of any agency assigned to the Secretary of Human Resources shall be made through such Secretary. (1976, c. 729.)

CHAPTER 5.3.

SECRETARY OF PUBLIC SAFETY.

§ 2.1-51.16. Position established; appointment; term; oath. — The position of Secretary of Public Safety is hereby created. He shall be appointed by the Governor, subject to confirmation by the General Assembly if in session when the appointment is made, and if not in session, then at its next succeeding session. He shall hold office at the pleasure of the Governor for a term coincident with that of the Governor making the appointment or until his successor shall be appointed and qualified. Before entering upon the discharge of his duties, he shall take an oath that he will faithfully execute the duties of the office. (1976, c. 732.)

The numbers of §§ 2.1-51.16 to 2.1-51.18 were assigned by the Virginia Code Commission, the numbers in the 1976 act having been 2.1-51.13 to 2.1-51.15.

§ 2.1-51.17. Subject to supervision by Governor; powers and duties. — The Secretary of Public Safety shall be subject to direction and supervision by the Governor. The agencies assigned to the Secretary shall exercise their respective powers and duties in accordance with the general policy established by the Governor or by the Secretary acting on behalf of the Governor. Unless the Governor expressly reserves such a power to himself, the Secretary is empowered to resolve administrative, jurisdictional or policy conflicts between any agencies or officers assigned to his office and to direct the formulation of a comprehensive program budget for his office encompassing the programs and activities of the agencies assigned to such office. All reports to the Governor from the head of any agency assigned to the Secretary of Public Safety shall be made through such Secretary. (1976, c. 732.)

CHAPTER 5.4.

SECRETARY OF EDUCATION.

§ 2.1-51.19. Position established; appointment; term; oath. — The position of Secretary of Education is hereby created. He shall be appointed by the Governor, subject to confirmation by the General Assembly if in session when the appointment is made, and if not in session, then at its next succeeding session. He shall hold office at the pleasure of the Governor for a term coincident with that of the Governor making the appointment or until his successor shall be appointed and qualified. Before entering upon the discharge of his duties, he shall take an oath that he will faithfully execute the duties of the office. (1976, c. 733.)

The numbers of §§ 2.1-51.19 to 2.1-51.21 were assigned by the Virginia Code Commission, the numbers in the 1976 act having been 2.1-51.13 to 2.1-51.15.

§ 2.1-51.20. Subject to supervision by Governor; powers and duties. — The Secretary of Education shall be subject to direction and supervision by the Governor. Unless the Governor expressly reserves such a power to himself, the Secretary is empowered to resolve administrative, jurisdictional or policy conflicts between any agencies or officers for which he is responsible and to provide policy direction for programs involving more than a single agency. He is authorized to direct the preparation of alternative policies, plans and budgets for education for the Governor and, to that end, may require the assistance of the agencies for which he is responsible. He shall direct the formulation of a comprehensive program budget for cultural affairs encompassing the programs and activities of the agencies involved in cultural affairs. (1976, c. 733.)

CHAPTER 5.5.

SECRETARY OF TRANSPORTATION.

§ 2.1-51.22. Position established; appointment; term; oath. — The position of Secretary of Transportation is hereby created. He shall be appointed by the Governor, subject to confirmation by the General Assembly if in session when the appointment is made, and if not in session, then at its next succeeding session. He shall hold office at the pleasure of the Governor for a term coincident with that of the Governor making the appointment or until his successor shall be appointed and qualified. Before entering upon the discharge of his duties, he shall take an oath that he will faithfully execute the duties of the office. (1976, c. 734.)

The numbers of §§ 2.1-51.22 to 2.1-51.24 were assigned by the Virginia Code Commission, the numbers in the 1976 act having been 2.1-51.13 to 2.1-51.15.

§ 2.1-51.23. Subject to supervision by Governor; powers and duties; construction of chapter. — The Secretary of Transportation shall be subject to direction and supervision by the Governor. The agencies assigned to the Secretary shall exercise their respective powers and duties in accordance with the general policy established by the Governor or by the Secretary acting on behalf of the Governor. To the extent the Governor expressly authorizes, the Secretary is empowered to resolve administrative, jurisdictional or policy conflicts between any agencies or officers assigned to his office and to direct the formulation of budgets for his office encompassing the programs and activities of the agencies assigned to such office. All reports to the Governor from the head of any agency assigned to the Secretary of Transportation shall be made through such Secretary. The Secretary of Transportation shall also be responsible to the Governor for the coordination and presentation of the Statewide Transportation Plan. Nothing in this chapter shall be construed to alter any existing formulas or methods of allocating funds. Further, nothing in this chapter shall be construed to abrogate the existing statutory prerogatives and duties of the commissions, authorities and officials of the agencies enumerated in § 2.1-51.24 or of local governing bodies, including airport and port authorities, transportation district commissions, planning district commissions, the Transportation Planning Board of the Metropolitan Washington Council of Governments, and the State Corporation Commission, as the regulatory agency. (1976, c. 734; 1978, c. 650.)

CHAPTER 5.6.

SECRETARY OF ADMINISTRATION AND FINANCE.

§ 2.1-51.25. **Position established; appointment; term; oath.** — The position of Secretary of Administration and Finance is hereby created. He shall be appointed by the Governor, subject to confirmation by the General Assembly if in session when the appointment is made, and if not in session, then at its next succeeding session. He shall hold office at the pleasure of the Governor for a term coincident with that of the Governor making the appointment or until his successor shall be appointed and qualified. Before entering upon the discharge of his duties, he shall take an oath that he will faithfully execute the duties of the office.

Any reference in this Code to the Commissioner of Administration or Secretary of Administration shall be deemed a reference to the Secretary of Administration and Finance. (1976, c. 743.)

The numbers of §§ 2.1-51.25 to 2.1-51.28 were numbers in the 1976 act having been 2.1-51.13 to assigned by the Virginia Code Commission, the 2.1-51.16.

§ 2.1-51.26. **Subject to supervision by Governor; powers and duties.** — The Secretary of Administration and Finance shall be subject to direction and supervision by the Governor. The agencies assigned to the Secretary shall exercise their respective powers and duties in accordance with the general policy established by the Governor or by the Secretary acting on behalf of the Governor. Unless the Governor expressly reserves such a power to himself, the Secretary is empowered to resolve administrative, jurisdictional or policy conflicts between any agencies or officers assigned to his office and to direct the formulation of a comprehensive program budget for his office encompassing the programs and activities of the agencies assigned to such office. All reports to the Governor from the head of any agency assigned to the Secretary of Administration and Finance shall be made through such Secretary. (1976, c. 743.)

APPENDIX F

GOVERNOR MILLS E. GODWIN, JR.

EXECUTIVE ORDER NUMBER THIRTY-SIX (76):

Authority and Responsibility of Secretary of Education

July 9, 1976

Office of Secretary of the Commonwealth

Richmond, Virginia



COMMONWEALTH of VIRGINIA

*Office of the Governor**Richmond 23219*Mills E. Godwin, Jr.
GovernorEXECUTIVE ORDER NUMBER THIRTY-SIX (76)AUTHORITY AND RESPONSIBILITY OF
SECRETARY OF EDUCATION

Pursuant to Section 2.1-39.1, Code of Virginia, and subject always to my continuing ultimate authority and responsibility to act in such matters, and to reserve powers, I hereby delegate to the Secretary of Education the following power with respect to the State programs and agencies assigned herein:

1. To direct the formulation of a comprehensive program budget encompassing programs and activities, for the education function including cultural affairs programs, subject to guidelines established under my direction.
2. To hold assigned agency head(s) accountable for the administrative, fiscal, and program performance of such agency in order to effect the Secretary's responsibility to me.
3. To designate policy priorities and guidelines to effect comprehensive long-range and coordinated planning and policy formulation involving more than a single agency or for the education function.
4. To resolve administrative, jurisdictional, policy, program, or operational conflicts among any of the assigned agencies or officers.
5. To solicit or accept on behalf of the Office of the Secretary of Education any donation, gift or grant, whether or not entailing commitments as to the expenditure or subsequent requests for appropriation or expenditure from the General Fund, subject to approval of the Office of Administration and Finance for planning and budgeting concurrence.

6. To direct the preparation of alternative policies, plans, and budgets for education.
7. To receive, review, and forward reports to the Governor from assigned State agencies.
8. To employ such personnel and contract for such consulting services as may be required to execute the statutory and delegated powers subject to the funds available for the operation of the office and to State law and regulations pursuant thereto; further, to require temporary assistance from the assigned agencies and to request such assistance from the Office of Administration and Finance.
9. To sign documents related to delegated powers and duties in the form:

_____, Governor

by _____
Secretary of Education

10. To effect the foregoing actions with respect to the following assigned State programs operating in the Executive Department:

Elementary and Secondary Instruction, Supervision and Assistance

Education Assistance and Curriculum Development
Education Research, Planning, Testing and Evaluation
Instruction
Professional and Educational Support Services

Financial Assistance to Local Elementary Secondary Education

Financial Assistance for Instructional Assistance - Categorical
Financial Assistance for Instructional Assistance - Standards of Quality
Financial Assistance for Professional and Educational Support Services
Special State Revenue Sharing

Higher Education

Higher Education Academic, Fiscal, and Facility Planning and Coordination
Higher Education Academic Support
Higher Education Auxiliary Enterprises

Higher Education Federal Programs Coordination
 Higher Education Institutional Support
 Higher Education Instruction
 Higher Education Public Services
 Higher Education Physical Plant
 Higher Education Research
 Higher Education Student Financial Assistance
 Higher Education Student Services

Cultural and Science Education

Archives Management
 Financial Assistance for Libraries and the Arts
 Museum and Gallery Services
 Performing Arts
 Science Presentations, Education and Promotion
 Statewide Library Services
 Static Arts

11. To effect the foregoing actions with respect to the following agencies, but not to appoint the heads (including collegial body members) of the agencies:

Christopher Newport College
 Department of Community Colleges
 Department of Education
 Education Loan Authority
 George Mason College
 Longwood College
 Madison College
 Mary Washington College
 Norfolk State College
 Old Dominion University
 Radford College
 State Council on Higher Education for Virginia
 State Education Assistance Authority
 The College of William and Mary in Virginia
 The Science Museum of Virginia
 The Virginia School for the Deaf and Blind
 University of Virginia
 Virginia College Building Authority
 Virginia Commission on the Arts and Humanities
 Virginia Commonwealth University
 Virginia Military Institute
 Virginia Museum of Fine Arts
 Virginia Polytechnic Institute and State University

Virginia Public School Authority
 Virginia School at Hampton
 Virginia State College
 Virginia State Library
 Virginia Truck and Ornamentals Research Station

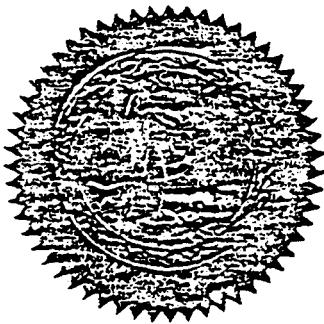
12. To maintain liaison with and among the following collegial bodies and Virginia interstate compact representatives:

~~Advisory Committee on Community Colleges~~
 Advisory Committee on Education for Health Professions
 and Occupations
 Advisory Committee on Fire Service Training
 Advisory Research Committee on Plans and Specifications
 for School Buildings
~~Blue Ridge Community College Board~~
 Board of Commissioners Virginia Public School
 Authority
 Board of Community Colleges
 Board of Directors of the Virginia Truck and Ornamentals
 Research Station
 Board of Directors Virginia College Building Authority
 Board of Directors Virginia Education Loan Authority
 Board of Education
 Board of Trustees Miller School of Albemarle
 Board of Trustees Museum of Fine Arts
 Board of Trustees Science Museum of Virginia
 Board of Visitors Christopher Newport College
 Board of Visitors George Mason University
 Board of Visitors Longwood College
 Board of Visitors Madison College
 Board of Visitors Mary Washington College
 Board of Visitors Norfolk State College
 Board of Visitors Old Dominion University
 Board of Visitors Radford College
 Board of Visitors The College of William and Mary
 in Virginia
 Board of Visitors University of Virginia
 Board of Visitors Virginia Commonwealth University
 Board of Visitors Virginia Military Institute
 Board of Visitors Virginia Polytechnic Institute and
 State University
 Board of Visitors Virginia School at Hampton
 Board of Visitors Virginia School for the Deaf and
 Blind
 Board of Visitors Virginia State College

~~Central Virginia Community College Board~~
 Commission on the Arts and Humanities
 Compact for Education
 Education Commission of the States
 Eastern Virginia Medical Authority
 Institute for Higher Educational Opportunity in the South
 Interstate Agreement on Qualification of Educational
 Personnel
 Interstate Library Compact
 Private College Advisory Committee
 Southern Regional Education Board
 State Council of Higher Education for Virginia
 The Library Board

This Executive Order supersedes Executive Orders Number Nine issued May 22, 1974, Number Twenty-Two and Number Twenty-Three issued July 1, 1975.

Given under my hand and the Seal of the Commonwealth of Virginia, this ninth day of July, 1976.



 Governor

Attested:

 Secretary of the Commonwealth

APPENDIX G

GOVERNOR JOHN N. DALTON

EXECUTIVE ORDER NUMBER THIRTEEN (78):

Authority and Responsibility of Secretary of Education

June 30, 1978



COMMONWEALTH of VIRGINIA

Office of the Governor

Richmond 23219

John N. Dalton
Governor

EXECUTIVE ORDER NUMBER THIRTEEN (78)

AUTHORITY AND RESPONSIBILITY OF SECRETARY OF EDUCATION

Pursuant to Sections 2.1-39.1, 2.1-51.11, and 2.1-51.20, Code of Virginia, and subject always to my continuing, ultimate authority and responsibility to act in such matters and to reserve powers, I hereby delegate to the Secretary of Education the following powers and duties:

- (1) To provide general policy direction, acting in my behalf, to agencies subject to the Secretary's jurisdiction.
- (2) To direct the preparation of alternative policies, plans and budgets for the educational agencies subject to the Secretary's jurisdiction.
- (3) To direct, for my consideration, the formulation of comprehensive policies, plans and budgets encompassing the programs and activities of the cultural affairs agencies subject to the Secretary's jurisdiction.
- (4) To resolve administrative, jurisdictional, policy, program or operational conflicts among any of the agencies or offices subject to the Secretary's jurisdiction.
- (5) To hold assigned agency heads accountable for the administrative, fiscal and program performance of their agencies.
- (6) To coordinate communications with the Federal government and the governments of the other states, subject to guidelines established under my direction, in matters related to the programs and activities of the agencies subject to the Secretary's jurisdiction.

- (7) To examine the organization of agencies subject to the Secretary's jurisdiction and recommend changes necessary to promote the more effective and efficient operation of State government.
- (8) To sign documents related to delegated powers subject to guidelines established under my direction.
- (9) To employ such personnel and contract for such consulting services as may be required to execute his statutory and delegative powers subject to the funds available for the operation of the office and to State law and regulations pursuant thereto.
- (10) To affect the foregoing actions with respect to the following agencies and their respective collegial bodies, but not to appoint the heads or collegial body members of the assigned agencies:

Christopher Newport College
 Department of Education
 George Mason University
 Longwood College
 James Madison University
 Mary Washington College
 Norfolk State College
 Old Dominion University
 Radford College
 State Council of Higher Education for Virginia
 State Education Assistance Authority
 The College of William and Mary in Virginia
 The Science Museum of Virginia
 The Virginia Schools for the Deaf and the Blind
 University of Virginia
 Virginia College Building Authority
 Virginia Commission of the Arts and Humanities
 Virginia Commonwealth University
 Virginia Community College System
 Virginia Education Loan Authority
 Virginia Military Institute
 Virginia Museum of Fine Arts
 Virginia Polytechnic Institute and State University
 Virginia Public School Authority
 Virginia State College
 Virginia State Library
 Virginia Truck and Ornamentals Research Station

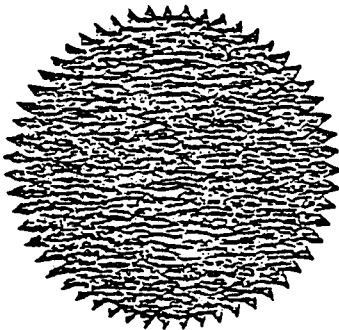
- (11) To maintain liaison with and among the following collegial bodies, non-State agencies and Virginia interstate compact representatives:

Compact for Education
 Council on Volunteerism in Public Schools
 Education Commission of the States
 Eastern Virginia Medical Authority
 George C. Marshall Research Center
 Institute for Higher Educational Opportunity in the South
 Interstate Agreement on Qualification of Educational
 Personnel
 Interstate Library Compact
 Miller School of Albemarle
 Peninsula Nature and Science Center
 Private College Advisory Committee
 Science Museum of Roanoke Valley
 Southern Regional Education Board
 The Chrysler Museum
 Virginia Naval Museum Authority
 Virginia Oceanographic Museum

This Executive Order shall become effective on the first day of July, nineteen hundred seventy-eight and remain in full force and effect until amended or rescinded by further Executive Order.

This Executive Order supersedes Executive Order Number 36 (76) issued the ninth day of July, nineteen hundred seventy-six.

Given under my hand and under the Seal of the Commonwealth of Virginia, at Richmond this thirtieth day of June, nineteen hundred seventy-eight.



Governor

Attested:

Secretary of the Commonwealth

APPENDIX H

GOVERNOR JOHN N. DALTON

• EXECUTIVE ORDER NUMBER ELEVEN (78):

Authority and Responsibility of the
Secretary of Administration and Finance

• EXECUTIVE ORDER NUMBER TWELVE (78):

Authority and Responsibility of the
Secretary of Commerce and Resources

• EXECUTIVE ORDER NUMBER THIRTEEN (78):

Authority and Responsibility of the
Secretary of Education

• EXECUTIVE ORDER NUMBER FOURTEEN (78):

Authority and Responsibility of the
Secretary of Human Resources

• EXECUTIVE ORDER NUMBER FIFTEEN (78):

Authority and Responsibility of the
Secretary of Public Safety

• EXECUTIVE ORDER NUMBER SIXTEEN (78):

Authority and Responsibility of the
Secretary of Transportation

Executive Orders Issued for the

Six Secretarial Positions

June 30, 1978



COMMONWEALTH of VIRGINIA

Office of the Governor

Richmond 23219

JOHN N. DALLON
Governor

EXECUTIVE ORDER NUMBER ELEVEN (78)

AUTHORITY AND RESPONSIBILITY OF THE SECRETARY OF ADMINISTRATION AND FINANCE

Pursuant to Sections 2.1-39.1, 2.1-51.11, and 2.1-51.26, Code of Virginia, and subject always to my continuing, ultimate authority and responsibility to act in such matters and to reserve powers, I hereby delegate to the Secretary of Administration and Finance the following powers and duties:

- (1) To direct, as the deputy planning and budget officer, the administration of the State government planning and budget process, except as to the responsibilities enumerated below, which are retained by me:
 - a. Submission of the budget and accompanying documents to the General Assembly;
 - b. Final review and determination of all proposed expenditures and of estimated revenues and borrowings to be included in the Executive Budget for each State department, division, office, board, commission, institution, or other agency or undertaking; and
 - c. Appointment of the Director of the Department of Planning and Budget.
- (2) To direct, as the deputy personnel officer, the administration of the State government personnel system, except as to the responsibilities enumerated below, which are retained by me:
 - a. Final determination with respect to employee compensation plans;

- b. Submission of reports to the General Assembly by the Governor as required by law;
 - c. Issuance, amendment or suspension of the Rules for the Administration of the Virginia Personnel Act of 1942;
 - d. Final action on appeals from appointing authorities to the Governor; and
 - e. Appointment of the Director of the Department of Personnel and Training.
- (3) To develop revenue forecasts; and to provide advice on matters of finance to me and the other Secretaries, including advice as to alternative funding mechanisms.
 - (4) To provide general policy direction, acting in my behalf, to agencies subject to the Secretary's jurisdiction.
 - (5) To direct, for my consideration, the formulation of comprehensive policies, plans, and budgets encompassing the programs and activities of the agencies subject to the Secretary's jurisdiction.
 - (6) To resolve administrative, jurisdictional, policy, program, or operational conflicts among any of the agencies or offices subject to the Secretary's jurisdiction.
 - (7) To hold assigned agency heads accountable for the administrative, fiscal and program performance of their agencies.
 - (8) To coordinate communications with the Federal government and the governments of the other states, subject to guidelines established under my direction, in matters related to the programs and activities of the agencies subject to the Secretary's jurisdiction. .
 - (9) To examine the organization of agencies subject to the Secretary's jurisdiction and recommend changes necessary to promote the more effective and efficient operation of State government.
 - (10) To approve, with respect to the procurement and provision of automated data processing equipment and services:
 - a. Requests by State agencies and institutions to contract for the purchase of or for the continuous use of any item of automated data processing equipment, or to contract for automated data processing services from a nonstate agency; and

b. State plan for the provision of automated data processing services by one State agency to another.

- (11) To sign documents related to delegated powers subject to guidelines established under my direction.
- (12) To employ such personnel and contract for such consulting services as may be required to execute his statutory and delegative powers subject to the funds available for the operation of the office and to State law and regulations pursuant thereto.
- (13) To affect the foregoing actions with respect to the following agencies and their respective collegial bodies, but not to appoint the heads or collegial body members of the assigned agencies:

Compensation Board
 Department of Accounts
 Department of Computer Services
 Department of General Services
 Department of Intergovernmental Affairs
 Department of Management Analysis and Systems Development
 Department of Personnel and Training
 Department of Planning and Budget
 Department of Taxation
 Department of the Treasury
 Office of Employee Relations Counselor
 State Board of Elections
 Virginia Public Telecommunications Council
 Virginia Supplemental Retirement System

- (14) To maintain liaison with and among the following collegial bodies, non-State agencies and Virginia interstate compact representatives:

Advisory Board on Revenue Estimates
 Advisory Commission on Intergovernmental Relations
 Deferred Compensation Commission
 Governor's Equal Employment Opportunity Committee
 Local Government Advisory Committee
 Personnel Advisory Committee
 State Commission on Local Debt
 Treasury Board

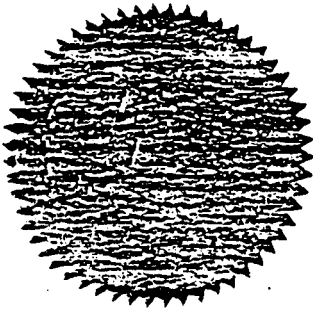
The following agencies shall report to the Secretary of Administration and Finance on administrative matters, but shall report directly to the Governor on executive policy matters:

Secretary of the Commonwealth, Division of Records
 Virginia Liaison Office

This Executive Order shall become effective on the first day of July, nineteen hundred seventy-eight and remain in full force and effect until amended or rescinded by further executive order.

This Executive Order supersedes Executive Order Number 34 (76) issued the ninth day of July, nineteen hundred seventy-six.

Given under my hand and under the Seal of the Commonwealth of Virginia, at Richmond this thirtieth day of June, nineteen hundred seventy-eight.



Governor

Attested:

Secretary of the Commonwealth



COMMONWEALTH of VIRGINIA

Office of the Governor

Richmond 23219

John N. Dalton
Governor

EXECUTIVE ORDER NUMBER TWELVE (78)

AUTHORITY AND RESPONSIBILITY OF SECRETARY OF COMMERCE AND RESOURCES

Pursuant to Sections 2.1-39.1, 2.1-51.11, and 2.1-51.8:1, Code of Virginia, and subject always to my continuing, ultimate authority and responsibility to act in such matters and to reserve powers, I hereby delegate to the Secretary of Commerce and Resources the following powers and duties:

- (1) To provide general policy direction, acting in my behalf, to agencies subject to the Secretary's jurisdiction.
- (2) To direct, for my consideration, the formulation of comprehensive policies, plans, and budgets encompassing the programs and activities of the agencies subject to the Secretary's jurisdiction.
- (3) To resolve administrative, jurisdictional, policy, program or operational conflicts among any of the agencies or offices subject to the Secretary's jurisdiction.
- (4) To hold assigned agency heads accountable for the administrative, fiscal and program performance of their agencies.
- (5) To coordinate communications with the Federal government and the governments of the other states, subject to guidelines established under my direction, in matters related to the programs and activities of the agencies subject to the Secretary's jurisdiction.
- (6) To examine the organization of agencies subject to the Secretary's jurisdiction and recommend changes necessary to promote the more effective and efficient operation of State government.

- (7) To sign documents related to delegated powers subject to guidelines established under my direction.
- (8) To employ such personnel and contract for such consulting services as may be required to execute his statutory and delegative powers subject to the funds available for the operation of the office and to State law and regulations pursuant thereto.
- (9) To affect the foregoing actions with respect to the following agencies and their respective collegial bodies, but not to appoint the heads or collegial body members of the assigned agencies:

Commission of Game and Inland Fisheries
 Commission of Outdoor Recreation
 Council on the Environment
 Department of Agriculture and Consumer Services
 Virginia State Apple Commission
 Virginia Bright Flue-Cured Tobacco Commission
 Virginia Dark-Fired Tobacco Commission
 Virginia Peanut Commission
 Virginia Pork Industry Commission
 Virginia Poultry Products Commission
 State Seed Potato Commission
 Virginia Soybean Commission
 Virginia Sweet Potato Commission
 Department of Commerce
 Department of Conservation and Economic Development
 Department of Housing and Community Development
 Division of Industrial Development
 Department of Labor and Industry
 Gunston Hall
 Health and Safety Codes Commission
 Jamestown-Yorktown Foundation
 Office of Outer Continental Shelf
 Marine Resources Commission
 Milk Commission
 State Air Pollution Control Board
 State Office of Minority Business Enterprise
 State Water Control Board
 Virginia Apprenticeship Council
 Virginia Agricultural Foundation
 Virginia Historic Landmarks Commission
 Virginia Independence Bicentennial Commission
 Virginia Institute of Marine Science
 Virginia Outdoors Foundation
 Virginia Soil and Water Conservation Commission
 Virginia World War II Memorial Commission

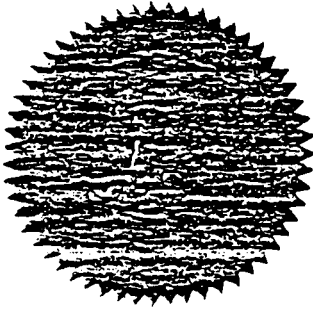
- (10) To maintain liaison with and among the following collegial bodies, non-State agencies and Virginia interstate compact representatives:

Appalachian Regional Commission
 Atlantic Rural Exposition Board
 Atlantic States Marine Fisheries Commission
 Board of Trustees of the White House of the Confederacy:
 Lee House
 Board of Visitors, Mount Vernon
 Boating Advisory Committee
 Breaks Interstate Park Commission
 Chippokes Plantation Farm Foundation, Board of Trustees
 Coastal Plains Regional Commission
 Commission on Solid Wastes
 Delmarva Advisory Council
 Governor's Manpower Services Council (subject to
 completion of a study on State manpower services)
 Housing Study Commission
 Interstate Commission on the Potomac River Basin
 Interstate Mining Compact Commission
 Middle Atlantic Interstate Forest Fire Protection Compact
 National Capital Interstate Air Quality Planning
 Committee
 Ohio River Basin Commission
 Ohio River Valley Water Sanitation Commission
 Partners of the Americas
 Pest Control Compact
 Potomac River Basin Commission of Virginia
 Potomac River Fisheries Commission
 Potomac River Sanitation Compact
 Potomac Valley Pollution and Conservation Compact
 Southern Growth Policies Board
 Virginia Beach Erosion Commission
 Virginia Thanksgiving Festival, Incorporated

This Executive Order shall become effective on the first day of July, nineteen hundred seventy-eight and remain in full force and effect until amended or rescinded by further Executive Order.

This Executive Order supersedes Executive Order Number 35 (76) issued the ninth day of July, nineteen hundred seventy-six.

Given under my hand and under the Seal of the Commonwealth of Virginia, at Richmond this thirtieth day of June, nineteen hundred seventy-eight.



Governor

Attested:

Secretary of the Commonwealth



COMMONWEALTH of VIRGINIA

Office of the Governor

Richmond 23219

John N. Dalton
Governor

EXECUTIVE ORDER NUMBER THIRTEEN (78)

AUTHORITY AND RESPONSIBILITY OF SECRETARY OF EDUCATION

Pursuant to Sections 2.1-39.1, 2.1-51.11, and 2.1-51.20, Code of Virginia, and subject always to my continuing, ultimate authority and responsibility to act in such matters and to reserve powers, I hereby delegate to the Secretary of Education the following powers and duties:

- (1) To provide general policy direction, acting in my behalf, to agencies subject to the Secretary's jurisdiction.
- (2) To direct the preparation of alternative policies, plans and budgets for the educational agencies subject to the Secretary's jurisdiction.
- (3) To direct, for my consideration, the formulation of comprehensive policies, plans and budgets encompassing the programs and activities of the cultural affairs agencies subject to the Secretary's jurisdiction.
- (4) To resolve administrative, jurisdictional, policy, program or operational conflicts among any of the agencies or offices subject to the Secretary's jurisdiction.
- (5) To hold assigned agency heads accountable for the administrative, fiscal and program performance of their agencies.
- (6) To coordinate communications with the Federal government and the governments of the other states, subject to guidelines established under my direction, in matters related to the programs and activities of the agencies subject to the Secretary's jurisdiction.

- (7) To examine the organization of agencies subject to the Secretary's jurisdiction and recommend changes necessary to promote the more effective and efficient operation of State government.
- (8) To sign documents related to delegated powers subject to guidelines established under my direction.
- (9) To employ such personnel and contract for such consulting services as may be required to execute his statutory and delegative powers subject to the funds available for the operation of the office and to State law and regulations pursuant thereto.
- (10) To affect the foregoing actions with respect to the following agencies and their respective collegial bodies, but not to appoint the heads or collegial body members of the assigned agencies:

Christopher Newport College
 Department of Education
 George Mason University
 Longwood College
 James Madison University
 Mary Washington College
 Norfolk State College
 Old Dominion University
 Radford College
 State Council of Higher Education for Virginia
 State Education Assistance Authority
 The College of William and Mary in Virginia
 The Science Museum of Virginia
 The Virginia Schools for the Deaf and the Blind
 University of Virginia
 Virginia College Building Authority
 Virginia Commission of the Arts and Humanities
 Virginia Commonwealth University
 Virginia Community College System
 Virginia Education Loan Authority
 Virginia Military Institute
 Virginia Museum of Fine Arts
 Virginia Polytechnic Institute and State University
 Virginia Public School Authority
 Virginia State College
 Virginia State Library
 Virginia Truck and Ornamentals Research Station

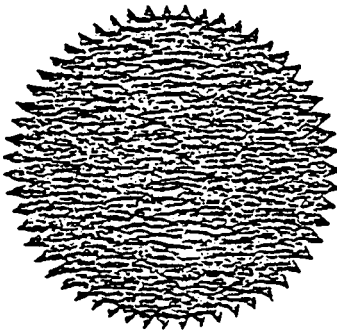
- (11) To maintain liaison with and among the following collegial bodies, non-State agencies and Virginia interstate compact representatives:

Compact for Education
 Council on Volunteerism in Public Schools
 Education Commission of the States
 Eastern Virginia Medical Authority
 George C. Marshall Research Center
 Institute for Higher Educational Opportunity in the South
 Interstate Agreement on Qualification of Educational
 Personnel
 Interstate Library Compact
 Miller School of Albemarle
 Peninsula Nature and Science Center
 Private College Advisory Committee
 Science Museum of Roanoke Valley
 Southern Regional Education Board
 The Chrysler Museum
 Virginia Naval Museum Authority
 Virginia Oceanographic Museum

This Executive Order shall become effective on the first day of July, nineteen hundred seventy-eight and remain in full force and effect until amended or rescinded by further Executive Order.

This Executive Order supersedes Executive Order Number 36 (76) issued the ninth day of July, nineteen hundred seventy-six.

Given under my hand and under the Seal of the Commonwealth of Virginia, at Richmond this thirtieth day of June, nineteen hundred seventy-eight.



Governor

Attested:

 Secretary of the Commonwealth



COMMONWEALTH of VIRGINIA

Office of the Governor

Richmond 23219

John N. Carron
Governor

EXECUTIVE ORDER NUMBER FOURTEEN (78)

AUTHORITY AND RESPONSIBILITY OF SECRETARY OF HUMAN RESOURCES

Pursuant to Sections 2.1-39.1, 2.1-51.11, and 2.1-51.14, Code of Virginia, and subject always to my continuing, ultimate authority and responsibility to act in such matters and to reserve powers, I hereby delegate to the Secretary of Human Resources the following powers and duties:

- (1) To provide general policy direction, acting in my behalf, to agencies subject to the Secretary's jurisdiction.
- (2) To direct, for my consideration, the formulation of comprehensive policies, plans, and budgets encompassing the programs and activities of the agencies subject to the Secretary's jurisdiction.
- (3) To resolve administrative, jurisdictional, policy, program or operational conflicts among any of the agencies or offices subject to the Secretary's jurisdiction.
- (4) To hold assigned agency heads accountable for the administrative, fiscal and program performance of their agencies.
- (5) To coordinate communications with the Federal government and the governments of the other states, subject to guidelines established under my direction, in matters related to the programs and activities of the agencies subject to the Secretary's jurisdiction.
- (6) To examine the organization of agencies subject to the Secretary's jurisdiction and recommend changes necessary to promote the more effective and efficient operation of State government.

- (7) To sign documents related to delegated powers subject to guidelines established under my direction.
- (8) To employ such personnel and contract for such consulting services as may be required to execute his statutory and delegative powers subject to the funds available for the operation of the office and to State law and regulations pursuant thereto.
- (9) To affect the foregoing actions with respect to the following agencies and their respective collegial bodies, but not to appoint the heads or collegial body members of the assigned agencies:

Commission on the Status of Women
 Department of Health
 Department of Health Regulatory Boards
 Department of Mental Health and Mental Retardation
 Department of Rehabilitative Services
 Department of Welfare
 Division for Children
 Office on Aging
 State Office for the Virginia Developmental
 Disabilities Protection and Advocacy System
 Virginia Commission for the Visually Handicapped
 Virginia Council for the Deaf
 Virginia Developmental Disabilities Planning Council
 Virginia Employment Commission
 Virginia Health Services Cost Review Commission

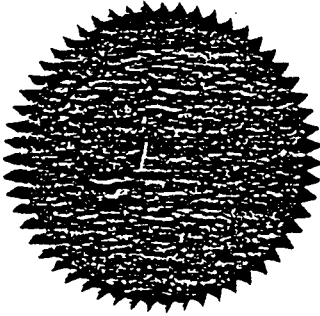
- (10) To maintain liaison with and among the following collegial bodies, non-State agencies and Virginia interstate compact representatives:

Governor's Manpower Planning Council
 Home for Needy Confederate Women
 Interstate Compact on the Placement of Children
 Migrant and Seasonal Farm Workers Commission
 Overall Advisory Council on the Needs of Handicapped
 Children and Adults
 Statewide Health Coordinating Council

This Executive Order shall become effective on the first day of July, nineteen hundred seventy-eight and remain in full force and effect until amended or rescinded by further Executive Order.

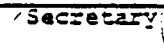
This Executive Order supersedes Executive Order Number 37 (76) issued the ninth day of July, nineteen hundred seventy-six.

Given under my hand and under the Seal of the Commonwealth of Virginia, at Richmond this thirtieth day of June, nineteen hundred seventy-eight.




Governor

Attested:


Secretary of the Commonwealth



COMMONWEALTH of VIRGINIA

Office of the Governor

Richmond 23219

John N. Dalton
GovernorEXECUTIVE ORDER NUMBER FIFTEEN (78)

AUTHORITY AND RESPONSIBILITY OF SECRETARY OF PUBLIC SAFETY

Pursuant to Sections 2.1-39, 2.1-51.11, and 2.1-51.17, Code of Virginia, and subject always to my continuing, ultimate authority and responsibility to act in such matters and to reserve powers, I hereby delegate to the Secretary of Public Safety the following powers and duties:

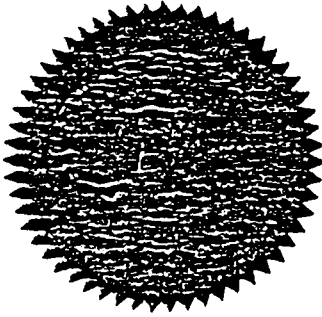
- (1) To provide general policy direction, acting in my behalf, to agencies subject to the Secretary's jurisdiction.
- (2) To direct, for my consideration, the formulation of comprehensive policies, plans, and budgets encompassing the programs and activities of the agencies subject to the Secretary's jurisdiction.
- (3) To resolve administrative, jurisdictional, policy, program or operational conflicts among any of the agencies or offices subject to the Secretary's jurisdiction.
- (4) To hold assigned agency heads accountable for the administrative, fiscal and program performance of their agencies.
- (5) To coordinate communications with the Federal government and the governments of the other states, subject to guidelines established under my direction, in matters related to the programs and activities of the agencies subject to the Secretary's jurisdiction.
- (6) To examine the organization of agencies subject to the Secretary's jurisdiction and recommend changes necessary to promote the more effective and efficient operation of State government.

- (7) To review and approve plans and specifications for construction of detention homes, group homes or other residential care facilities prior to the reimbursement of localities pursuant to Section 16.1-313.3 of the Code of Virginia.
- (8) To sign documents related to delegated powers subject to guidelines established under my direction.
- (9) To employ such personnel and contract for such consulting services as may be required to execute his statutory and delegative powers subject to the funds available for the operation of the office and to State law and regulations pursuant thereto.
- (10) To affect the foregoing actions with respect to the following agencies and their respective collegial bodies, but not to appoint the heads or collegial body members of the assigned agencies:
 - Capitol Police
 - Commonwealth's Attorneys Training and Advisory Council
 - Criminal Justice Services Commission
 - Department of Alcoholic Beverage Control
 - Department of Corrections
 - Department of State Police
 - Division of Justice and Crime Prevention
 - Office of Fire Services Training
 - Rehabilitative School Authority
 - Virginia State Fire Services Commission
- (11) To maintain liaison with and among the following collegial bodies, non-State agencies and Virginia interstate compact representatives:
 - Agreement on Detainers
 - Interstate Compact for Supervision of Parolees and Probationers
 - Interstate Compact on Juveniles
 - Vehicle Equipment Safety Compact
 - Virginia State Crime Commission

This Executive Order shall become effective on the first day of July, nineteen hundred seventy-eight and remain in full force and effect until amended or rescinded by further Executive Order.

This Executive Order supersedes Executive Order Number 38 (76) issued the ninth day of July, nineteen hundred seventy-six.

Given under my hand and under the Seal of the Commonwealth of Virginia, at Richmond this thirtieth day of June, nineteen hundred seventy-eight.



Governor

Attested:

Secretary of the Commonwealth



COMMONWEALTH of VIRGINIA

Office of the Governor

Richmond 23219

John N. Coston
Governor

EXECUTIVE ORDER NUMBER SIXTEEN (78)

AUTHORITY AND RESPONSIBILITY OF SECRETARY OF TRANSPORTATION

Pursuant to Sections 2.1-39.1, 2.1-51.11, and 2.1-51.23, Code of Virginia, and subject always to my continuing, ultimate authority and responsibility to act in such matters and to reserve powers, I hereby delegate to the Secretary of Transportation the following powers and duties:

- (1) To provide general policy direction, acting in my behalf, to agencies subject to the Secretary's jurisdiction.
- (2) To direct, for my consideration, the formulation of comprehensive policies, plans and budgets encompassing the programs and activities of the agencies subject to the Secretary's jurisdiction.
- (3) To resolve administrative, jurisdictional, policy, program or operational conflicts among any of the agencies or offices subject to the Secretary's jurisdiction.
- (4) To hold assigned agency heads accountable for the administrative, fiscal and program performance of their agencies.
- (5) To coordinate communications with the Federal government and the governments of the other states subject to guidelines established under my direction, in matters related to the programs and activities of the agencies subject to the Secretary's jurisdiction.
- (6) To examine the organization of agencies subject to the Secretary's jurisdiction and recommend changes necessary to promote the more effective and efficient operation of State government.

(7) To sign documents related to delegative powers subject to guidelines established under my direction.

(8) To employ such personnel and contract for such consulting services as may be required to execute his statutory and delegative powers subject to the funds available for the operation of the office and to State law and regulations pursuant thereto.

(9) To affect the foregoing actions with respect to the following agencies and their respective collegial bodies, but not to appoint the heads or collegial body members of the assigned agencies:

Department of Highways and Transportation
 Department of Military Affairs
 Department of Transportation Safety
 Division of Motor Vehicles
 State Office of Emergency Services
 Virginia Airports Authority
 Virginia Port Authority

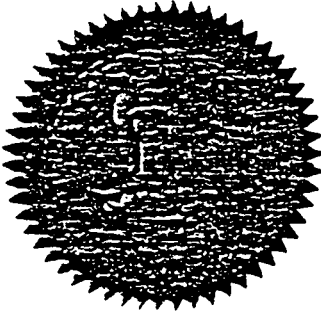
(10) To maintain liaison with and among the following collegial bodies, non-State agencies and Virginia interstate compact representatives:

Capital Region Airport Commission
 Civil Air Patrol
 Driver License Compact
 Dulles International Airport Development Commission
 Interstate Civil Defense and Disaster Compact
 Maryland-Virginia Compact on Traffic Violations
 National Guard Mutual Assistance Compact
 Non-Resident Violators Compact
 Northern Virginia Transportation Commission
 Reciprocity Board
 Richmond Metropolitan Authority
 Southern States Energy Board
 Transportation Advisory Council
 Washington Metropolitan Area Transit Authority
 Washington Metropolitan Area Transit Regulation Compact

This Executive Order shall become effective on the first day of July, nineteen hundred seventy-eight and remain in full force and effect until amended or rescinded by further Executive Order.

This Executive Order supersedes Executive Order Number 39 (76) issued the ninth day of July, nineteen hundred seventy-six.

Given under my hand and under the Seal of the Commonwealth of Virginia, at Richmond this thirtieth day of June, nineteen hundred and seventy-eight.



Governor

Attested:

Secretary of the Commonwealth

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STATE GOVERNMENT AND HIGHER EDUCATION IN VIRGINIA:
THE SECRETARY OF EDUCATION

by

Carol L. Ritchie

(ABSTRACT)

The nature of the relationship between state government and higher education is problematic for both policy makers and students of higher education governance. The purpose of this study was to provide a better understanding of the position of Secretary of Education, one facet of the multi-faceted relationship between state government and higher education in the Commonwealth of Virginia. The problem of this research effort, therefore, was to describe the historical context of the cabinet-level position and the authority and major areas of responsibility of the Secretary of Education in Virginia.

The research methodology used to execute the study was that of an exploratory field study. The investigation was conducted in five phases, with the data collected by means of: (1) reviewing legal and historical documents, and (2) conducting focused interviews.

Within the context of the historical development of the Virginia cabinet system, including the position of Secretary of Education, and the intention of the incumbent Governor to test the recommendations of the Hopkins Commission, it was

not surprising that the area of budget emerged as the major responsibility of the Secretary of Education in the Dalton Administration. The assignment of budget targets was designated as the primary area of responsibility for the Secretary of Education in order to accomplish the intent of promoting effectiveness and efficiency in state government, including higher education, and controlling its growth. The creation and subsequent development of the position of Secretary of Education, with its attendant oversight and budgetary responsibilities in relation to higher education, modified the "self-denying ordinance" relationship between state government and higher education in Virginia.

The cabinet-level education position will remain in the higher education governance structure without significant alteration of its statutory authority, including budget authority which is formally less than that granted to other functional area Secretaries. The probable future role of the position of Secretary of Education will include developing and implementing policy, especially in the area of budget, and providing executive oversight of the total education function in the Commonwealth of Virginia.