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PLANNING, OUTCOMES, OVERSIGHT: A LINGUISTIC ANALYSIS OF NEW JERSEY STATUTES AND REPORTS FROM 1970 TO 1999

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by

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Dedication

This dissertation is in memory of, and in tribute, to my mother, Claire Flanagan McCann. A brilliant woman, she never had the chance to get the education she deserved. It was through her efforts that her daughters were educated when many considered educating women a waste of time.

Acknowledgements

While I dedicate this work in memory of my mother, I cannot forget to acknowledge, and thank, the enormous number of people who supported and guided me through this process. The very first is, of course, my husband Bill, without whom I would certainly have never finished. His ongoing encouragement and patience have been my foundation. My children have accommodated endless hours of my time glued to the computer and supported my goals. My colleagues at Rowan University, who encouraged me to even start this journey, who offered endless advice and encouragement; and who supported me, deserve more thanks than I can put on paper.

I would like to thank the midwives of this effort, my committee members. Dr. James Coaxum, my chair, made certain that this work was coherent. Dr. Carol Thompson made certain this work was correct, and Dr. Jay Chaskes made certain it was, eventually, complete.

I could not have done this without the help of the Librarians of New Jersey who generously gave of their time, and Gloria Pineda who gave of her editing and formatting expertise. Without them this would not have existed.

While all members were vital to this process, Dr. Chaskes got the endless phone calls, the tearful discouraged lapses in faith, and remained a steadfast cheerleader. I cannot thank him for all the time he gave me. He has been a mentor for over a decade and has had a profound impact on my life course.

Abstract

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Between the decades of 1970 through 1999, there were major shifts in higher education in New Jersey. Utilizing a grounded theory approach this dissertation created a database of legislation, hearings transcripts, and education reports. Searching this database for commonly used terminology, this dissertation was seeking a pattern in language use that could demonstrate the incursion of neoliberal economic terminology into the way high education was discussed during these years.

A grounded theory exploration, this dissertation does not claim to have achieved a proven connection between the language shift and decisions made by education leadership. All it can demonstrate is that there is a linguistic shift including very specific terminology. Demonstrating that there is such a pattern in the over 3,000 documents reviewed lays out the theory that this incursion exists.

Thoughtful insights into the use of language as it impacts higher education, this dissertation highlights the way linguistic shifts can change attitudes and therefore outcomes.

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Chapter 1

Introduction

One of the most important things that has occurred in higher education in the last 50 years was the shift in the culture of higher education to a market-based model (Altbach, et al., 2011; Geiger, 2011; Slaughter & Leslie, 1997; Slaughter & Rhoades, 2004). A market-based model treats education like any other commodity which can be bought and sold (Giroux & Myrsiades, 2001; Levy, 2006). Commodification of a social institution reorients the purpose of the institution to one based on business theories (Levy, 2006; Slaughter & Leslie, 1997). Often its purpose becomes focused on money and profit (Lish, 2019; Slaughter & Leslie, 1997; Slaughter & Rhoades, 2004; Smith & Mazlish, 2002). The commodification, and then marketization, of higher education has been written about extensively (Altbach, Gumpert & Berdahl, 2011; Aronowitz, 2000; Dileo, 2016; Giroux & Giroux, 2004; Kerr, 1991; Kronman, 2007; Tandberg, 2010).

Starting in the 70's, and picking up momentum in the 80's, the slashing of state and federal funding for higher education created a series of problems for institutions that wished to remain open (Kerr, 1991; Kronman, 2007; Labaree, 2017; McLendon, 2009; McLendon, Tandberg & Hillman, 2014; Titus, 2008). Institutions needed to make massive infrastructure investments to meet new technological demands, and to make campuses more appealing (McLendon, et al., 2017). They also still needed to appear to be exclusive, while attracting as many students as possible (Titus, 2008). They needed to cultivate alternative funding streams, and donations were not enough (Kerr, 1991; Slaughter & Rhoades, 2004; Tandberg, 2010).

During this time there was a shift in the tenor of the public conversations about higher education. The language of the discussion shifted from intellectual advancement to job readiness (Aronowitz, 2000; Kerr, 1991). Externally, the language shifted from supporting higher education for the good of the state, to demanding that higher education be held accountable for return on the student's investment (Ball, 2015; Cantanzaro, & Arnold, 1989; Fantauzzi et al., 2019; Gordon, 1974). This allowed political leaders to appear to be supportive of education while continuing to shift the financial burden onto the students (Kerr, 1991; Tandberg, 2010; Williams, 2016).

However, there remain underlying questions about how, and why, higher education as a social institution altered its role in society, and its sense of itself (Giroux & Giroux, 2004; Kerr, 1991). Few in academia in 2023 can recall the times before the commodification of higher education (Tandberg, 2010; Zumeta, 2013). They do not fully understand how those in the field came to embrace a construct which had been an anathema before (Aronowitz, 2000). We must discuss the commodification of higher education as a long process in which people slowly adopted a belief that higher education was not a social good, but solely an individual good (McLendon, et al. 2019; Tandberg, 2010). As such an idea is a departure from formerly held beliefs, not only must it have taken some time, but it had to have grown in levels of the government that were able to effect governmental support of higher education (Adler, 2018; Durand, 2011; Financing college opportunity… 2014).

Some of the most basic tenets of neoliberal economics mirror general business principles (Slaughter & Leslie, 1997; Slaughter & Rhoades, 2004; Spence & Oliver,

1989). The goal is to win, or at the very least, profit. Inculcating this ethos into higher education utterly altered higher education's essential habitus (Adler, 2018; DiLeo, 2017). When sociologist Bourdieu speaks of habitus, he means not only a place, but a mind set (Aronowitz, 2000; Bourdieu, 2020; DiLeo, 2017). He speaks to the construct that we get our sense of ourselves from our social cues (Ball, 2013; DiLeo, 2017). Bourdieu speaks of "structure as crystallized history" that our habitus consists of the many facets of the physical structure, the social structure, and our understanding of both (Bourdieu, 2020, p. 260). Social structure is conveyed often through physical structure, however it is often most evident in the language which we use within that structure. The very language which we use to discuss and communicate our structure conveys with it the overarching habitus of social meaning (Bourdieu, 2020). As legislators began speaking of higher education using neoliberal economic terminology - the terminology of business - they altered the habitus of higher education leaders (Ball, 2013; DiLeo, 2017; Geiger, 2004; Giroux & Myrsiades, 2001).

Linguistic shifts can occur when someone is trained in a new field or discipline (Rozumka, 2017). It can occur when one is introduced to a new language or culture (DeFina et al.,2006). Bilingual people will often say that a word or phrase does not have a translation. Such a statement is a testament to the fact that sometimes an entire construct is housed within a word or phrase that does not exist in another locale (Davis & Sumara, 2002, deFina et al., 2006; Halliday & Matheissen, 2006). Such a shift can highlight the Sapir-Whorfian belief that language creates reality (Halliday & Matheissen, 2006; Hussein, 2012). The introduction of a new phrase, or term, creates a new reality for the adopters (deFina, et, al., 2006; Hussein, 2012).

The market-based sense of self is so pervasive that one of the most preeminent news sources in academia, The Chronicle of Higher Education, has run numerous articles about how to draw more market share - a clearly business oriented phrasing (Stripling, 2017). External authorities of the field were telling higher education leadership that this was who they were (Keeling & Hersh, 2012). So where and how did this start?

The objective of this study is to derive a grounded theory concerning the linguistic changes that transpired in higher education. Significant shifts in society, even within a single institution, exert long-term and wide-ranging influences (Adler, et al., 1995; Posecznick, 2014). Many higher education leaders went into crisis mode as funding vanished and demographic shifts began lowering the number of applicants (Altbach, et al., 2011; Aronowitz, 2000; Ball, 2012). Strategic planning was about survival rather than education (Tandberg, 2010). Leaders still in survival mode with COVID can recognize how the language used to discuss the pandemic impacted the options leaders had in responding to it (Blumer, 1969; Rehm, et al., 2021). However, an analysis of this nature has not been undertaken to investigate the commodification of higher education. Consequently, leaders often overlook the influence of language on their decision-making processes (Kelly, 2013; Rehm, et al., 2021). The subsequent research will involve a secondary analysis of decision-making to ascertain whether this linguistic shift is discernible in leaders' choices, further advancing the development of the grounded theory. It is crucial for leaders to gain a clear understanding of how this shift in their thinking was achieved (Mahmood, et al., 2016). A more robust, data-driven comprehension of the major shift in thinking can assist leaders in recognizing the impact that language has on their self-perception and their perception of the nature of their

institutions (DeFina, et al., 2006; DiLeo, 2016). In doing so, they can enhance their understanding of how to address the challenging issues currently faced by academia. (Berger & Luckman, 1967; DiLeo, 2013; DiLeo, 2016; Donohugh, 2018; Mahmood, et al., 2016).

Problem Statement

The commodification of higher education has led to major changes in the ethos of higher education (Kerr, 1991). Institutions which once prided themselves on how many students they turned away, now train staff in customer service (Kelly, 2013, Kerr, 1991; Labaree, 2017). State and federal funding for higher education have been slashed for decades, so institutions have had to work harder to attract and keep students (Longden & Belanger, 2013). This has fomented further commodification (Bastedo & Gumport, 2003; Keeling & Hersh, 2012).

The social covenant between higher education and society has been altered since the introduction of neoliberal economics (Aronowitz, 2000; DiLeo, 2013; Keeling & Hersh, 2012). This is a term poorly understood in educational circles, so this dissertation must delve into its constructs. (Schneider et al., 2014). From 1980 to 2020, higher education costs have skyrocketed, becoming a genuine drag on the economy (Gandara & Jones, 2020; Ingram et al., 2007). While many writers and educational leaders acknowledge that the nature of higher education has undergone irreversible changes, only a few specifically delve into the mechanisms through which this alteration was achieved (Aronowitz, 2000; Bacchi, 2000).

Though it might not be feasible to undo this transformation, designed to be nearly irreversible, shedding light on how it transpired could be within reach (Babb & Kentikelenis, 2021). This understanding could empower members of the academy to make informed choices about the desired nature of higher education, rather than succumbing to external pressures that might not align with its essence. (Aronowitz, Ball, 2015; Bok, 2009; DiLeo, 2016; Gandara & Jones, 2020; Geiger, 2004; Keeling & Hersh, 2012).

Higher education now has an identity crisis. It is trying to be too many different things to too many different stakeholders (Ingram, 1996; Tandberg, 2010; Tandberg, 2019). There are arguments over student support, versus student pandering (Posecznick, 2014; Stripling, 2017). There are debates about the need for "practical degrees" which all but gutted many of the humanities programs (Atbach, et al., 2011; Aronowitz, 2000; Kronman, 2007; Posecnick, 2014). Students are not sure what they're getting into debt for (Gorard, 2008). Parents still try to push students toward "occupational degrees" even while the nature of occupations has shifted dramatically (Kronman, 2007; Posecnick, 2014). Students will hold positions that have not even been invented yet, nevertheless society pushes them to choose to study something that will "pay off" (Soederberg, 2014; Sperling & Tucker, 1997).

A social institution whose identity is determined by people outside of it needs to understand how the language being used impacts the identity of the institution (Hensley, et al., 2013; Hirsch & Weber, 2002; Ingram, 1996; Keeling & Hersch, 2012). The way that higher education's identity was changed through the use of specific language has not

been studied in depth (Ingram, et al., 2007; Ingram, 1996). A study of the language used to discuss the academy is needed to develop a data-based theory regarding how the shift in language impacted higher education as an institution.

Purpose of the Study

This dissertation aims to uncover a grounded theory of the linguistic shifts in discussions about higher education. Focusing on the legislative process in New Jersey, this dissertation analyzes the evolution of language in legislation, regulations, hearings, and other public documents. Through the identification of patterns in linguistic shifts, I anticipate the emergence of a dataset supporting this theory (Mahmood, et al., 2016).

The development of a grounded theory regarding the process through which higher education, its people and social institutions altered their perspective on themselves, and their societal role is explored in this dissertation, using the legislative process as a focal point. This work establishes the groundwork for further investigations into this transformative process. By gaining a comprehensive understanding of how this shift occurred, leaders in higher education may become more aware of how their language choices, and the language used to describe their institutions, influence the mindset and behaviors of individuals in the academic community (Bell, 2020; Davis & Sumera, 2002; Ingram, 1996). These insights may also enable current higher education leaders to recognize that the field did not always exist in its current state, providing a basis for formulating better approaches to address its current challenges (Tandberg, 2010; Zumeta, 2013).

Research Questions

To determine how a linguistic shift occurred over time, this research seeks to answer several questions about the manner in which higher education was discussed by the government of New Jersey during the time frame of this shift. Occupational dialectic shift may cause significant cultural, and mindset shifts across occupations, particularly if the terms do not share the same meanings across occupations (Davis & Sumara, 2002; Kiesling & Paulson, 2005; Koerner, 2002; Mahmood, et al., 2016). Demonstrating that such a dialectic migration occurred, during the years since the neoliberal economic revolution of the 80s, can provide insight to higher education leaders about how new ideas and frames become a core part of their decision-making process without their fully recognizing the influence (Davis & Sumara, 2002; Naif Qaiwer, 2019).

Developing a grounded theory requires the researcher to enter into the data seeking the problem, not with a problem firmly in mind (Charmaz, 2020). The development of the problem statements comes through as the data is examined and analyzed (Charmaz, 1995; Charmaz, 2006). However, broad constructs that I am seeking can be understood through the following questions. These are not "research questions" per se so much as they are developing questions determined by the data.

1.) How did educational leaders come to understand their institutions through the lens of classic capitalism?

a.) Were educational leaders coerced through the loss of funding, or were they persuaded through the use of language?

2.) Are there patterns of language used in the transcripts and laws, written in New Jersey, roughly in the time period of the 1980s and 1990s, that show a shift in the manner in which leaders discussed higher education?

a.) Did the language used to discuss higher education shift before or after the changes in funding began to take place?

b.) Are there differences in the way laws and regulations were written or in how higher education was discussed in hearings and committees?

3.) Are there terms and phrases which belong to other fields that began to be used that highlight the process of this shift in thinking?

a.) Was there an inculcation of the language of business into the language used to discuss higher education in New Jersey?

b.) Was the accountability movement the genesis of this or a result of it?

Definitions of Terminology

Accountability - An assurance that an entity's performance and behavior will be measured against statutory, regulatory, and market requirements.

Commodification - A process within the construct of capitalism in which a good, product, idea, or information becomes an asset which can be bought or sold.

Discourse - Written or spoken language exchanged, or a method of organizing ideas, and the exchange of ideas through written or spoken language.

Habitus - A personal sense of self within physical location, time and setting. Often resting on background or social cues, these are socially constructed habits and predispositions.

Higher education - The level of education beyond high school, or the schooling mandated by a society. This is a level of education that is considered to be optional.

Linguistic relativity - Resting on the Spair-Whorf hypothesis, this term indicates that the way that one views and interacts with the world is predicated on the language one speaks.

Linguistic shift - (see definition for linguistic relativity) Language within a culture can change as new ideas or constructs are introduced or removed. Closely connected to disciplines, such shifts often occur when a person is trained in a new way of thought or introduced to a new culture.

Marketization - A restructuring process during which legal frameworks are altered to allow for state, or privately owned, assets, duties, or institutions to be placed into a capitalistic market.

Neoliberal economics - An economic school of thought which eschews any form of governmental control over the market. This construct supports the idea that "the market" is itself a form of control and will provide all of the guidance an economic system requires.

Occupational dialects - Terms, phrases, acronyms and slang utilized within a specific occupation. They are used to convey significant bodies of knowledge, but to also establish belonging and identification of the speaker.

Occupational dialectic drift - All occupational dialects are fundamentally changing all of the time. However, sometimes when people from varied occupations need to communicate, they'll choose an alternate third occupation's dialect as a neutral third. These dialectic drifts can be problematic if both parties do not fully understand the full meaning of the terms used.

Oversight - A term meant to imply that some person or process needs to be supervised to prevent poor outcomes. Also, a process by which one person or institution proposes or provides supervision over another.

Outcomes – A term to describe desired or achieved results from an alteration of the variables involved.

Regulations - A response by governmental agencies to statutes. Regulations are detailed, procedural guidelines enacted and enforced by governmental agencies.

Semantics - The study of the expression of ideas and constructs through language, and an examination of how meaning is developed. Legal semantics can be translated int common language terminology for the purpose of generating understanding for non-legal readers.

Semiotics - The study of the expression of ideas and constructs through signs and symbols and an examination of how their meanings are developed and interpreted. Semiotics in the law refers to how people understand the language of a law as a symbol of state and governmental power giving the semantics a symbolic weight.

Statute - A law written by a legislative body and affirmatively passed or accepted by elected officials.

Significance of the Study

The rising tide of debt that burdens college graduates has been causing alarms across the economy and government (Brooks & Levitin, 2020; Montgomerie & Tepe-Belfrage, 2017; Mulig, 2015; Soederberg, 2014; Sommer, 2020). However, little work has been done to fully grapple with what happened to cause this situation. The majority of the focus has been on the economics rather than the method of its implementation (Hirsch & Weber, 2002; Keeling & Hersch, 2012; Kelly 2013). The social sciences demonstrate that social problems can be extremely difficult to unravel, as their causes may be difficult to discern (Blumer, 1969; Mahoney & Rueschmeyer, 2003). A problem that is both financial and social, like student loan debt, can become a political football, tossed into any argument to score points (Abrams, 1982; Slaughter & Leslie, 1997; Soederberg, 2014). However, underlying the entire argument is a set of beliefs, held by banks, institutions of higher education, and the general public, which must be examined (Buchanan, 1967; Slaughter & Leslie, 1997; Slaughter & Rhoades, 2004).

How is it possible that the American public abandoned the belief that higher education was a public good, while promoting it as an absolute necessity for individuals seeking the American dream? The process that caused this is incredibly complex and requires a strong understanding of the economic theoretical trends prevalent during the time frame where this shift occurred (Altbach, et al., 2011; Aronowitz, 2000; Ball, 2015). It requires a grasp of linguistic analysis and occupational dialects (Bacchi, 2000;

Chomsky, 1983; Durand, 2011; Zufferey, 2020). It requires a knowledge of political and legal thought, particularly of the time period (Curtis, 2007; Filip, 2020; McLendon, 2019).

The development of such a theory is a beginning (Glaser & Strauss, 1967). A theory which ties these constructs together could be invaluable to leaders in the field of education (Giroux & Myrsiades, 2001). Determining the validity of the presence of the linguistic shifts can give researchers a solid foundation to explore the linguistic shifts that occurred on the national level (Halliday & Mathiessen, 2006). Furthermore, researchers may be able to find patterns that can be used to inform policy makers how to begin to control the language used in the conversation (Lish, 2019; Matthews, et al., 1991; Naif Qaiwer, 2019)). These advances require a grounded theory upon which to grow (Charmaz, 2017).

Overview of the Dissertation

This dissertation moves through three fundamental components of previous literature that lay the foundation for understanding the significance of the data. To comprehend the nature of the data, a review of all three fields of study—grounded theory, neoliberal economics (or neoliberal capitalism), and linguistic relativity—is necessary. Within the framework of these different fields of study, examinations of the evolution of the field of thought surrounding higher education is explored. These explorations cannot be an exhaustive presentation of these fields and are not intended to be such. Key definitions of specific terms and phrases need to be identified and contextualized in order to find the meaning of the data within the historical analysis.

For this data to be meaningful to higher educational leaders, a review of these theoretical frames must be completed to create the foundations for the data to rest upon (Bryant, 2017; Charmaz, 2017). These frameworks are followed by an explanation of the manner of data identification and collection, the choice of the historical documents under scrutiny, and an analysis of the contextual and historical meanings constructed. Finally, I demonstrate that these data, and this grounded theory, will be foundational to new research and studies (Glaser & Strauss, 1967). These studies can aid higher educational leadership to determine their own ideas and visions by recognizing the influences that impact them.

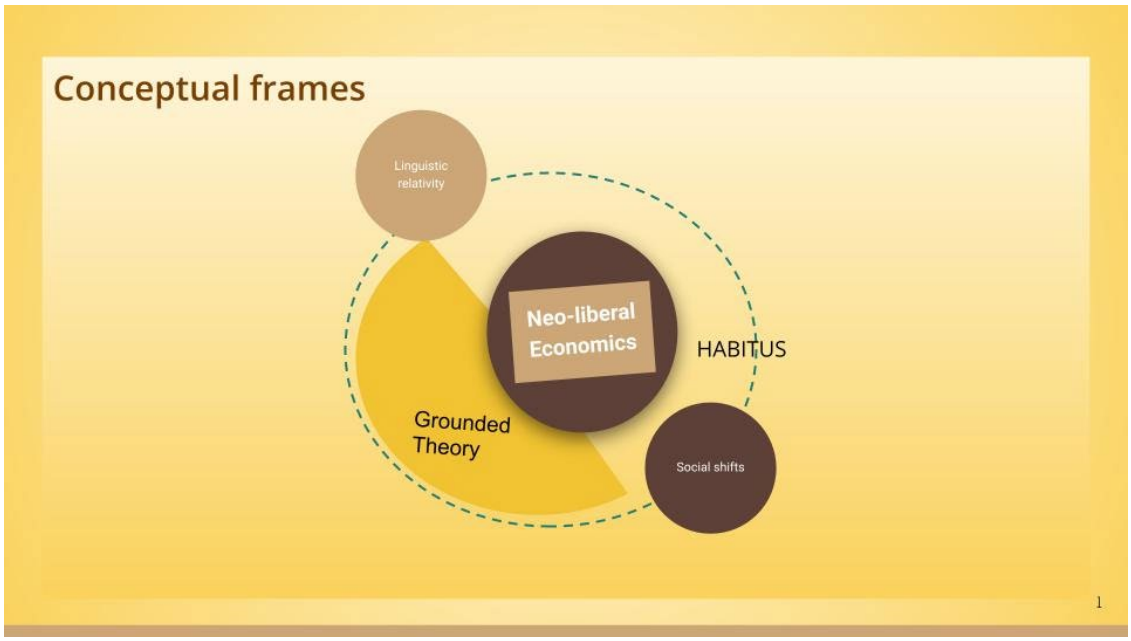
For any way of thought to become dominant, a conceptual apparatus has to be advanced that appeals to our intuitions and instincts, to our values and our desires, as well as to the possibilities inherent in the social world we inhabit. If successful, the conceptual apparatus becomes so embedded in common sense as to be taken for granted and not open to question (Harvey, 2005 p 5).

It is our task to question the 'conceptual apparatus' David Harvey (2005) mentions, so that educational leaders may see more clearly what that apparatus is, and how they can make better decisions about its influences (Davis & Sumera, 2002; DiLeo, 2016; Lish, 2019; Williams, 2016). Being able to see the patterns of language used in bringing about this way of thought can provide opportunities for educational leaders to determine for themselves what they do, or do not, believe (Harvey, 2005; Matthews, et al., 1991).

Construction of the Study

The question this dissertation seeks to answer cannot be answered solely in one study. The issue is far too large, far too complex, to determine in one study. This is why this is the development of a grounded theory. Future research will need to be completed to determine the full strength of the theory (Becker, 1993). Simply laying out the nature of the issue being examined is complicated. Having laid out the bare bones of the issues under discussion, the literature review examines the schools of thought within these areas of study. These reviews are not intended as a comprehensive course of study into any one of these constructs, but rather an examination of the seismic shifts that occurred during the latter half of the 20th century. Constructs such as neoliberal economics, game theory, semiotics, and legal rhetoric are not subjects that can be explained simply. These constructs must be explained as foundational to the use of language. Then we examine the patterns of language use in New Jersey to see how those dialectic shifts match these schools of thought. The intent is to provide evidence of these shifts for higher education leadership, as well as, to create a foundation for future research in this area.

Figure 1
Conceptual Framework



Conceptually, this dissertation is a determination of the confluence of several different fields of thought. Some of the manner in which ideas are constructed socially become clearer as the constructs behind the ideas are explained. However, the actual method or manner, in which ideas themselves become part of the social ethos, is more difficult to explain. There is very little previous research in the area of how linguistic shift in legislation impacts society (Trosborg, 1997, Wagner 2010). While there have been thousands of articles and texts written to address concerns regarding semiotics in legal language, the vast majority focus on the language of jurisprudence.

There are industries built around the impact of semiotics on judges and juries. DiLucia et al, (2023), discuss the nature of how normative language can both emerge

from the law and how laws emerge from normative language. These are largely theories regarding a fine parsing of philosophical differences in how laws are solely words, and words are what constructs legal meaning (DiLucia et al., 2023; Matilla, 2016; Wagner, 2010). However, in terms of research to provide validity to these theories, few focus so specifically on the legislative language to such a fine point (DiLucia, 2023).

There are also industries built around helping attorneys to sway juries. Millions of dollars are made aiding attorneys in swaying judges to their side. Millions more are made in trying to parse out, particularly international, translated, contracts (Matilla, 2016). DiLucia et al. (2023) provides clear insight into the theorists who discuss normative extraction of meaning from legal terminology. But very few address the type of structural legislation we are discussing in this dissertation. Structural legislation addresses the administrative issues of society, for example, legislation on traffic lights. Such legislation is of little import to most outside of the agencies who are impacted by the language.

What research there is has largely been from other countries examining the impact of English and Latin lexical words on native languages (DeFina, et al., 2006; Matilla, 2016; Trosborg, 1997).

In 1967, around the same time that Glaser and Strauss were developing grounded theory, Berger and Luckman were writing about how reality is socially constructed. Blumer, in 1969, was working on the symbolic interactionist theory. The Sapir-Whorf theory had been posited in 1929, so none of this was necessarily new. But, in the late 60s, there were new thinkers delving into how individual people's action within a society actually created that society (Halliday & Mathiessen, 2006). This construction rested on

Sapir-Whorf's theories about how language creates culture (Hussein, 2012; Perlovsky, 2009).

One of the most fascinating questions of society is how a society changes its mind (Arendt, 1993; Babb & Kentikelenis, 2021; Curtis, 2007; Halliday & Mathiessen, 2006). How does a society that holds to one idea change that idea? How do people shift their entire worldview as a group? One of the theories that addresses this concept was linguistic relativity (Berman, et al., 2022; DeFina, et al., 2006; Lucy, 1997). Linguistic relativity holds that language shapes reality, and linguistic shifts therefore alter that reality (Berman, et al., 2022; DeFina, et al., 2006; Lucy, 1997). In order to examine this there are three different constructs that make these shifts clear. Morphology is the way that language changes, syntax is the way that the language is presented and how its presentation can shift the construct behind a term or phrase; and semantics explains how people construct meaning within a language (Berman, et al., 2022; Chomsky, 1983). These three constructs, explored further in the section on linguistics, allow us to discern a clearer picture of the nature of the shifts (Halliday & Matheissen, 2006). The shift in meaning of the language of neoliberal economics may have been used as part of the social movement in which we altered the social institution that is higher education (Davis & Sumara, 2002; DiLeo, 2013; DiLeo, 2016; Gandara & Jones, 2020).

Chapter 2

Historical Social Construction of Higher Education

Fiscal Starvation of Higher Education

This study's intent is to find data in which to ground the theory that it was through the use of language that some of these neoliberal economic ideas were legislated into higher education (Gee, 2006; Koerner, 2002). The grounding begins in the evidence (Posecznick, 2014; Urquhart, 2013). While we can talk more closely about the manner in which marketization was legislated into being, no one can deny the basic facts (Altbach, et al., 2011; Aronowitz, 2000; Babb & Kentikelenis, 2021). From the 1980's on, funding for public institutions of higher education plummeted (Adler, 2018; Altbach, et al., 2011; Aronowitz, 2000; Williams, 2016). One of the basic tenets of neoliberalism is that everyone is an individual working to advance themselves (Babb & Kentikelenis, 2021; Bok, 2009). It also espouses that the government should be as small as possible (Buchanan, 1967; DiLeo, 2016). These ideas were the foundation for the political shifts that caused higher education to be commodified.

Commodification of Higher Education

From the 1970s on, social support for educational funding at the higher education level had already waned (Adler, 2018; Altbach, et al., 2011; Bok, 2009). The social unrest of the 60s and 70s had largely started on college campuses (Altbach, et al., 2011; Aronowitz, 2000). People had begun to associate college students with long haired hippies with nothing to do but disrupt the government, or the functioning of society

(Altbach, et al., 2011; Aronowitz, 2000). Terms began appearing in multiple education related journals and magazines such as “The higher education market” and “return on investment” (Altbach, et al., 2011; Aronowitz, 2000; Bok, 2009; Buchanan, 1967). Schools began discussing new ways to attract more students. The power balance began to shift without many leaders even recognizing what was occurring (Aronowitz, 2000; Babb & Kentikelenis, 2021). In a market-based economy, power lies with the person/institution that has what people want (Babb & Kentikelenis, 2021; Tandberg, 2010; Titus, 2008). The supplier is in control of the exchange. Institutions held the thing people wanted - an education (Titus, 2008). Now, due to budgetary losses, institutions needed students more than students needed them (Striplin, 2017).

Institutions continued to try to tout their exclusivity to potential students and parents, while touting their inclusivity to governmental figures and marginalized groups (Bastedo & Gumport, 2003; Hensley, et al., 2013; Tandberg, 2010; Williams & Oumlil, 2015a). Intent on increasing their market share, an escalating war of amenities began to rage (Stripling, 2017). American institutions of higher education began spending enormous amounts of money on new dorms, new sports fields, new recreational amenities and eventually gourmet food (Ingram, 1996; Stripling, 2017). Gone were the days when bragging about how awful your dorm was had been the norm. Now complaints about dorm conditions led to many new amenities being constructed to draw more discerning, and more demanding, students (Slaughter & Rhoades, 2004).

However, one of the more overlooked problems institutions had during this time was the need to keep up technologically (McMillam Cottom & Darity, 2017). The

marketization, or commodification, process was already underway when several new technological storms converged at once (Adler, 2018; Aronowitz, 2000). Computers became the tool on which all students wanted to be trained. Universities had to build computer labs and begin bringing coding classes to colleges (Adler, 2018; Aronowitz, 2000). But the leap from needing to construct incredibly expensive computer labs, and the switch to everyone owning a desktop, happened quickly in institutional funding time frames (Adler, 2018; Aronowitz, 2000). Institutions had needed to wire all dorms and buildings with phone lines so that all students could have dial-up internet access in their rooms. Many schools borrowed hundreds of thousands of dollars to make these infrastructure improvements. Public institutions floated bonds in order to get this money. But the bonds needed to be paid back. By the time some of those bonds were paid off, the technology they had paid for lay dormant in walls. The advent of Wi-Fi and cell phones required new hardware, new training for people, new classes for students. Every time institutions made new investments in their technological infrastructure, the technology advanced faster than they could pay for them (Adler, 2018; Aronowitz, 2000).

A dramatic crisis was occurring. Public funding for institutions was waning exactly at the moment that infrastructure investment needed to increase rapidly (Adler, 2018; Aronowitz, 2000; DiLeo, 2013; DiLeo, 2016). This left many institutions in a dangerous, unsustainable situation. Some did not survive the stricture.

Institutions scrambled to determine if they would get more funding from states or the federal government, how to elicit more donations, how to bring in more grants, and how to manage to raise tuition without losing their student bodies (Clark, 2004:

Fantauzzi, 2019; Gandara & Jones, 2020). Suddenly, universities' advertising budgets exploded. There were new vice presidents to work out the best ways to increase enrollments. Admissions was rebranded as strategic enrollment. But it was clear schools must make changes. When students are customers, you need to solicit their attention (Stripling, 2017). Rather than having them beg for schools to let them in, schools are begging students to enter (Ingram, 1996; Titus, 2008). It is vital to understand how these overlapping forces were all at play in changing how legislators were determining funding for higher education (Ingram, 1996; Ness & Tandberg, 2013; Tandberg, 2010; Williams & Oumlil, 2015b). From the federal government to states, legislators began to insist that higher education was a private good, not a public one (Hensley, et al. 2013; Lish, 2019; Longden & Belanger, 2013; Tandberg, 2010: Titus, 2008).

Advent of Neoliberal Economics

Neoliberal economic theory is not a new construct (Curtis, 2007; Duggan, 2019; Filip, 2020; Harvey, 2007; Mudge, 2008). The general construct, profoundly simplified, is that absolutely everything can, and should be, commodified (Harvey, 2007; Mudge, 2008). Modern neoliberalism came about from Friedrich Hayek, Milton Friedman, Karl Popper, George Stigler and Ludwig von Mises (Filip, 2020; Mudge, 2008). In 1947, the Mont Pelerin Club, consisting largely of the listed members, began meeting to discuss how they would save global economies following World War II (Filip, 2020; Mudge, 2008). With countries' infrastructures decimated across Europe; and the United States the only nation whose infrastructure was fully operational, the global economies were bound to bend to the ideas of American theorists (Harvey, 2007). However, these theorists had some serious fundamental differences of opinion. Hayek's belief in demand side

economics largely ruled post World War II economics (Filip, 2020; Mudge, 2008). By all standards, the United States had its most socialist government in 1952-53. Friedman and von Mises had a very different view. They referred to their theory as neoliberal economics (Babb, & Kentikelenis, 2021; Filip, 2020; Hayek, 1994; Mudge, 2008). It wasn't long before this group of men were introduced to a woman named Ayn Rand. Rand had created a theory of "objectivism" (Harvey, 2007).

Friedman, von Mises, and Alan Greenspan - who became the longest serving federal reserve chair - became strong advocates of Rand's theory (Harvey, 2007; Mudge, 2008). Brewing since the 1930s, some of the economic struggles that began to highlight cracks in the social welfare state between the early 1950s and the 1970s, made the ideas coming out of the Chicago School, where several of the Mont Pelerin club were professors, seem more appealing to business leaders and the wealthy (Babb, & Kentikelenis, 2021; Filip, 2020; Mudge, 2008). Referred to as the "Chicago Boys", their theories became preeminent on a global scale. In most cases, neo-liberalism was not adopted voluntarily (Babb, & Kentikelenis, 2021; Mudge, 2008).

It is crucial to understand the connections of all of these people in order to grasp how long it took neoliberalism to become so common a part of economic discussion (Aronowitz, 2000; DiLeo, 2013; DiLeo, 2016; Kuhn, 2012). It became so entrenched that for several decades, it has been considered heresy to contend that the idea was flawed (Duggan, 2019; Kuhn, 2012). At its roots, the construct of individualism and freedom, works well in American culture. The construction of Game Theory by John Nash is actually a key component in neoliberalism's radical turn. John Nash was an extremely

well-respected mathematician (Kuhn, 2012; Posecznick, 2014). He believed, and proved, that it was possible to mathematically determine what an opponent was most likely to do in any conflict (Posecznick, 2014; Richter, & Rubinstein, 2021; Schmidt, 2002). His assumptions were based on his paranoid belief that people were always going to be out to get you. This dovetailed quite well with objectivism (Schmidt, 2002). If people will always turn on you in the end, then you should always make the decision that is in your best interest (Richter, & Rubinstein, 2021; Schmidt, 2002). Randian objectivism stated that altruism was immoral (Peikoff, 1991). Nash's game theory appeared to prove it (Richter & Rubinstein, 2021).

Buchanan (1967), and other economists of the time found the socialistic leanings of the American government, post WWII, to be alarming. Buchanan (1967) and others, believed that businesses would only operate in such a way as to improve the business (Buchanan, 1967; Richter & Rubinstein, 2021). By viewing everything as a business transaction Greenspan, Buchanan, and Friedman instituted widespread changes in all things considered a social good (Duggan, 2019; Harvey, 2007).

As a result of the growth in popularity of neoliberal constructs', the United States' economy has a specific and clear pivot point (Filip, 2020; Harvey, 2007; McMillan Cottom& Darity, 2017). The election of Ronald Reagan, in 1980, introduced "Reaganomics" as central economic policy. Alan Greenspan became Reagan's Federal Reserve chair, a position he held for 5 terms (Filip, 2020). The influence of the objectivist version of neoliberalism held sway for the next 20 years (Barr, 2016; Curtis, 2007; Filip, 2020). There were naysayers at the time who were concerned (Curtis, 2007; Dill, 1997;

Harvey, 2007). Yet they were overshadowed by the number of people who strongly believed in supply side economics - a more consumer friendly term for neoliberalism (Harvey, 2007; Hayek, 1994; Mudge, 2008). Game theory, which was a way of calculating the degree to which someone will make a decision based upon their own best interest, by this time, had been applied to everything from war, which it was actually designed for, to marriage, which it most decidedly had not been designed for (Curtis, 2007; Filip, 2020; Smith, 1990). These constructs became such a part of the culture of the United States that to openly criticize neoliberalism is still to invite vicious attacks in academic settings as well as on social media (Harvey, 2007; Hensley, et al., 2013; Mars & Metcalfe, 2009).

In such a state of economic and cultural change, thus began a profound shift in the way Americans thought about its social institutions - all of them. "Neoliberalism's transformation from a marginalized set of intellectual convictions into a full-blown hegemonic force began with economic crisis, which weakened existing governments and rendered political elites amenable to a different system of thought. (Mudge, 2008, p. 709)."

Advent of Private Loan Industry

Prior to the 1980s, the federal government provided direct aid and loans through a governmental entity referred to as Sallie Mae (Adler, 2018; Aronowitz, 2000; Geiger, 2004). Founded in 1972, Sallie Mae was initially a government run organization. The Student Loan Marketing Association was one of several federal formed and funded enterprises that were designed to oversee the distribution of federal monies (Geiger,

2004; Palfreyman & Tapper, 2014). But, at its core, it was a collective of monetary institutions who were giving loans to students (Giroux & Myrsiades, 2001). The banking industry had long held that giving people loans for something intangible, that could not be repossessed if the lendee failed to pay their debt, was bad business. Education cannot be repossessed. So, the federal government created what was essentially an agency of lenders paired with the financial backing of the federal government who could give loans to students (Kelly, 2013). In these cases, the banks were assured of their loans by the government guaranteeing that the loans would be repaid (Kelly, 2013; Kronman, 2007). In many cases, the government already planned to pay off the loans themselves if the student entered into a societally necessary profession (Aronowitz, 2000; Kelly, 2013; Kronman, 2007; Longden & Belanger, 2013). These loans opened doors for many young people.

The drive to make more and more loans, backed by the government, was a financial lure few in neoliberal thought could resist (Lynch, 2006; Posecznick, 2014; Slaughter & Rhoades, 2004). Currently it is simply considered good business for a school to funnel students toward the bank that holds the school's loans (Morgan, 2018; Slaughter & Leslie, 1997; Slaughter & Rhoades, 2004).

As Sallie Mae grew, banks lobbied to run the program themselves. The government acquiesced and fully privatized Salle Mae by 2004 (Slaughter & Leslie, 1997). Banks had begun offering private loans to students and parents, and if too many of them failed, they would still turn to the government to be reimbursed (Slaughter & Leslie, 1997; Slaughter & Rhoades, 2004). Banks even took tax breaks to support their community service of

holding these risky debts. Behind the scenes, they lobbied to make it so that educational loans would become the only form of debt that an individual could not discharge in bankruptcy (Slaughter & Leslie, 1997; Slaughter & Rhoades, 2004; Soederberg, 2014). Since the Biden administration has begun to consider student debt forgiveness in 2020, industry insiders who are fighting any new regulation have provided position pieces discussing how the industry works and why the short-term debt forgiveness would not work (Morgan, 2018; Peters, 2005).

At the exact moment that institutions needed more money, banks were able to lend students more money (Brooks & Levitin, 2020). But the more students they accepted the more amenities they needed to provide (Brooks & Levitin, 2020; Fantauzzi, et al., 2019; Felicio & Piendiadz, 1999).

Why Language Matters

In order to fully understand how the incursion of certain economic language may have occurred, we must recognize that most of the people legislating and regulating the higher education field are not educators (DeFina, et al., 2006; Hensley, et al., 2013; Ingram, et al., 2007). Much of the language they use reflects their own personal occupational dialect, and is often written, or said, for public consumption (Ingram, et al., 2007; Lush, 2019). We must first establish an understanding of occupational dialects, as well as how the study of discourse applies to both spoken language and historical documents (Mahmood, et al., 2016). This is particularly important for the understanding of the language used in legislation and regulation; as these are very constrained and

written so that the general public often struggles to understand the meaning at all (Lyon, 2013; McLendon, 2009).

As a person who has engaged in work in a variety of professional fields, I see the use of language as integral to the production of meaning (Chomsky, 1983; Naif Qaiwer, 2019). Trained in legal writing, and social work writing, learning to write in the social sciences was the first transition I had to make. However, pursuing a degree in education meant confronting a large number of linguistic alterations, both in style, and in meaning (Davis & Sumara, 2002; Ravitch, 2007). Terms which had appeared familiar, had a different meaning in this setting (Hussein, 2012; Ravitch, 2007). There are numerous examples of this. The word Canvas in education means a commonly used commercial educational support software platform. In politics it means to engage in polling, or information gathering, by going door to door to speak to people. In the social sciences the meaning is the same, door to door polling, yet the reason for doing it is different than it is for politics. And, clearly, canvas is still a type of material. Similarly, inclusion conveys an entire construct around including disabled children in the classroom (Ravitch, 2007). We call it inclusive education. In the law, inclusion is a noun used as ‘an inclusion’ referring to a phrase, or clause, added to a legal document to clarify some aspect of meaning in the document (Drinoczi & Novak, 2015; Grewendorf & Rathert, 2009).

Assessment in social work means an analysis of the functional state of the patient (Bloom, et al., 1991). This is close to, but not exactly the same as, assessment in the law, which can mean to establish a value for something (Berk-Seligson & Eades, 2012). But, in education, generally, assessment refers to the process of testing, or the testing tool

itself (Ravitch, 2007). These terms are the same. The meanings are similar, however, the constructs they convey are not.

Occupational dialects evolve as both a function of a specific occupation, and as a means of conveying culture and broad constructs (Davis & Sumara, 2002; Kollars, 2014; Maher, 2017). Every occupation develops their own linguistic style (Davis & Sumara, 2002; Maher, 2017). Within that linguistic style many develop a form of shorthand. They can be terms that are closed to the outsider, perhaps initials, or a flippant slang term. This type of language is prevalent in the military (Gillespie, 2012; Kollars, 2014). The slang used there conveys a rich body of knowledge in one or two terms and serves to exclude outsiders and identify who does not belong (Gillespie, 2012; Kollars, 2014). There are, sometimes, security reasons for this in the military, but that simply justifies the vast plethora of acronyms they use (Eliason & Tuleja, 2012).

Some occupational dialects are designed to convey a full picture to another person without by-standers understanding the conversation (Gillespie, 2012; Bloom, et al., 1991; Halliday & Mathiessen, 2006; Janocova, 2012). Social workers often do this to convey information in front of a client without the client understanding the entirety of the message (Bloom et al., 1991). In the past, memorized DSM (Diagnostic and statistical manual) designations served as shorthand for psychiatric diagnoses (Bloom, et al., 1991). The number for the laws that allow you to commit someone was shorthand for "I need help, the person I am with needs an emergency committal." Stating "I have an F33.3 and need a 504" means I am with a patient who is having a major depressive episode with psychotic features, and they need an emergency committal (Bloom, et al., 1991).

The problem with such shorthand is two-fold. As with the military and social work, some of it is to prevent other people from understanding what you are talking about, to prevent them from being included in the information exchange (Halliday & Mathiessen, 2006). The second is to convey large amounts of information with one or two terms. However, this can go badly awry if the speakers do not share the same vast understanding of the meaning of the term (Halliday & Mathiessen, 2006; Kiesling & Paulson, 2005).

Language use like this conveys a sense of professional identity and belonging (Mahmood, et al., 2016; Perlovsky, 2009). It constructs the reality of the speaker and the listener (Hussein, 2012). To speak this language means that I belong, this is who I am. It helps create the boundaries of in groups and out groups; key to self and group identity (Hussein, 2012; Mahmood, et al., 2016; Perlovsky, 2009). If Sapir-Whorf theory tells us that language creates reality rather than reflecting it, these differences are a phenomena worthy of study (Hussein, 2012).

Discourse Analysis

The nature of discourse analysis is the examination of that which is said to determine that which is meant and that which is heard (Berger & Luckman, 1967; Chomsky, 1983; DeFina et al., 2006). Discourse, as an exchange, requires a shared set of beliefs and understandings (DeFina, et.al., 2006). The analysis of this exchange is based upon a thorough examination of all of the parties involved, the context of the exchange, and all of the historical and social dynamics within the exchange (Berger & Luckman, 1967; Chomsky, 1983; DeFina et al., 2006). Discourse analysis is a thorough examination

of the social construction of reality (Gee, 2006). Going back to the 1920s, theorists from multiple disciplines sought to determine how words became ideas (Gee, 2006).

Foucault delved deeply into the question of how we know what it is that we know (Berger & Luckman, 1967; Fuchs, 2001). There are numerous fields of study contained within discourse analysis, as the field itself is a construct (Gee, 2006). The further this field of study dove, the clearer it became to theorists that agreed with Sapir-Whorf's construct that language created reality, that reality is a social construct (Gee, 2006; Godfrey-Smith, 2021). Language is a means of conveying information and ideas, but at all points there is an exchange of meanings that must rest on a bedrock of shared realities (Gee, 2006; Godfrey-Smith, 2021).

However, discourse includes many other aspects than solely the language used (Halliday & Mathiessen, 2006). For example, a person may display contrasting discourses in which either the body language or other nonverbal communications do not match in meaning (Blumer, 1969). A person speaking about a tragedy but interspersing their words with laughter is conveying two contrasting emotional states (Blumer, 1969). Doing so is interpreted by the recipient on two axes (Berger & Luckman, 1967; Blumer, 1969; Chomsky, 1983). The interpreter may understand that the person is feeling conflicting emotions (Berger & Luckman, 1967; Blumer, 1969). They may perceive that the person is attempting to self soothe. Or they may understand the person to be a sociopath who feels no empathetic reaction to tragedy. The only way for the recipient to know how to interpret the contrasting discourse is by examining contextual clues (Blumer, 1969; DeFina et al., 2006). The exchanges prior to this one, the relationship

between the speaker and the listener, and the setting may all offer clues regarding the meaning (Blumer, 1969; Halliday & Mathiessen, 2006).

Syntax is the examination of how words fit together, how they relate. Syntax is vital to help the listener establish the actor from the person or object being acted upon (Halliday & Mathiessen, 2006; Janovcova, 2012). English syntax is remarkably different than the syntax of many of the Germanic languages despite English's Germanic origins (Kiesling & Paulson, 2005). In English you'd say, 'Throw some hay over the fence to the cow." German would say 'Throw the cow over the fence some hay' This construct sounds absurd to native English speakers because the syntax understanding of defining the actor and the acted upon are not the same (Kiesling & Paulson, 2005). Throw is the action; hay is what gets thrown. In German throw is the action, but the recipient of the action is named next, the item to be thrown is identified last. A native English speaker would believe they'd just been advised to throw the cow. Morphology is the study of words and how those words relate to other words in the same language (Gee, 2006; Koerner, 2002). This would refer to the discussion of words such as train, indicated earlier in this text as being utterly meaningless in English unless it is surrounded by a great deal of contextual clues such as other words, location, and the identity of the speakers (Gee, 2006; Koermer, 2002). Semantics can cover the construction of meaning, melding morphology, and syntax to complete the construction of meaning (Gee, 2006; Koermer, 2002).

In discourse analysis a researcher must consider that an alternative culture may change the meaning of information that is exchanged (Kiesling & Paulson, 2005). The

terms etic and emic help clarify the nuances of the analysis. ‘Etic’ study is to examine cross-cultural differences, whereas 'emic’ is research that examines one culture. It is, however, an etic study to discuss speakers using one language but the varied cultures that exist within occupations and occupational settings (DeFina, et al., 2006; Gee, 2006; Kiesling & Paulson, 2005).

Occupational dialects supersede some aspects of syntax and semantics. Since most occupations use the common base language - in this case English (American English to be specific) - there are several occupations that use another base language which becomes embedded in the social language of the speaker. Legal writing, and legal language is based in Latin. Much of American jurisprudence rests on roots that can be followed all the way back to ancient Roman philosophers. Even early leaders recognized that intercultural communication required some basis to produce shared meaning. Early Roman emperors spread their approach to maintaining an orderly and safe society by sharing their legal systems and the embodiment of the force used to enforce those constructs. Rome was the empire that took over most of Europe, Latin therefore was the language of trade (Berger & Luckman, 1967; Blumer, 1969; Chomsky, 1983). It was the language of international relationships. In more recent times, American English became known as the lingua franca of global trade. Even the term lingua franca is a Latin root to say the language of money or trade. A lingua franca was meant to be a bridge language between groups conducting exchanges (Berger & Luckman, 1967; Blumer, 1969; Chomsky, 1983). It relies upon the Latinate roots to even identify itself.

Discourse analysis is widely used to study the exchanges within court rooms where the legal system bumps up against the general public (Grewendorf & Rathert, 2009). In a court room, the legal system must exchange information within its moving parts, prosecutor, plaintiff, and judge (Bancroft-Billings, 2020; Grewendorf & Rathert, 2009). But it must also speak to the jury of ordinary citizens untrained in legal rhetoric (Berk-Seligson & Eades, 2012). How this exchange is managed has been the basis of many studies (Bancroft-Billings, 2020; Grewendorf & Rathert, 2009; Lyon, 2013; Pryal, 2013). The language used in statutes has been less closely examined (Startman, 2004; Trosborg,1997).

For the most part, legislation is not considered an exchange (Bacchi, 2000; Bancroft-Billings, 2020). It is a proclamation from an unidentified source of power (Rojo, et al., 2017), The power behind the language of legislation rests in the acceptance of the society bound by it (Startman, 2004). Society bequeaths that power on those that produce the language (Rojo, et al., 2017; Startman, 2004). The power then spreads to the language in use. However, society creates the legislation to govern itself, but it often does not understand the legislation at all (Rojo, et al., 2017; Startman, 2004).

To analyze legislative language through discourse analysis, the study must be etic in nature. It must understand the cultural differences between English and Latin. It must understand the cross-cultural nature of laws written to govern extremely varied occupational cultures (Rozumko, 2017; Startman, 2004).

Context of Language

The field in which discourse occurs can utterly alter the meaning of a single term regardless of the nature of the discourse (DeFina et al., 2006). An example of this is the use of the word train. A single, brief word, but what does it mean? Not only does the occupation of the speaker matter, but so does the context of the speech, since even within one occupational field it can still have multiple meanings. For example, most people are familiar with trains as a means of conveyance on tracks. Most English-speaking people would agree if someone identified a number of cars, pulled by an engine running on tracks, as a train. People inside the railroad industry call an engine with its concurrent tenders and all the cars attached as a consist. Again confusingly, the term literally harkens to the phrase 'to consist of'. To them, a train is an engine. However, even within this system, these people will have to take training to understand their trains.

In these cases, the ability, or inability, to conjugate the word helps contextualize the meaning. To train someone is a verb, I need training, I have been trained. This does not happen to the word train as a noun. 'Here comes a train' does not translate into I have been training. Most listeners to this term within a context will make some leaps of logic based on the context (Berman, et al., 2022). But, if you add a chemical engineer to the conversation, and she refers to problems on a train, you're left wondering about her commute to work, when she is actually discussing a series of chemical reactions occurring in concurrent and connected reaction vessels. You can imagine the number of children of train engineers who are extremely confused that their parents do not drive a train on tracks!

Often, the issue of context can also be overridden by the tenor of the exchange. A chemical engineer speaking to another chemical engineer does not need to clarify the term train. The same chemical engineer speaking to her family would have to explain the meaning or use a description of the process she is discussing. Therefore, the context of the language used must be clarified (Halliday & Mathiessen, 2006; Kiesling & Paulson, 2005).

Temporaneous Nature of Language

Our society has suffered many occasions in which the meaning of a word shifted, or altered over time, so that contemporaneous speakers have different meanings of a word Mahmood et al., 2016). Intergenerational conversations may be derailed by these. When my mother said the phrase tick tock, she was talking about the sound of a clock, but using it to tell me I was running late. For my children TikTok is a social media site for sharing short videos. Goats are four legged mammals, now it is an acronym for 'greatest of all time' and is applied to people. Generations have been doing this since language evolved. New ideas, new technologies, new social norms all create, and are created by, shifts in language over time (Mahmood, et al., 2016).

A strong example of how this can shift an entire national mindset is the use of the word entitlement (Lyon, 2013). This particular word has been used to shift the tone and tenor of the national conversation. The word entitlement can mean a state of mind in which a person is, or believes themselves to be, entitled to something, an object, or a privilege. To be entitled is to expect so completely that the absence of this privilege is simply unanticipated. The problem is that the word entitlement was - and still is - an

accounting term. It means that a certain category of funds is already titled to someone else. Essentially, in your home budget when you get paid, you know that the bank already owns some of that money, such as a mortgage or car payment. It's just passing through you from your employer to the bank. You know you cannot spend it because it has already been titled as belonging to them.

What was done with entitlements was to attach an image to certain funds that are administered by the federal government as belonging to, or expected by people who thought they were entitled to it (Lish, 2019; Mehan, 1997; Naiyf Qaiwer, 2019). In this vernacular, the term conveys a sense of privilege. The term was used by federal offices to mean that the taxpayers had paid their taxes into the system - particularly social security - and therefore that money was entitled to be returned to them when they were elderly. By calling the money an entitlement, politicians made it seem as if the money was being taken from one group and handed to another who thought they were, well, entitled to it. The accounting term is a verb. The descriptive word is usually an adjective or a noun. Interestingly, as the majority of the money in entitlements goes to the elderly, it was puzzling how quickly the elderly accepted the idea that some people were getting money that they should not be getting. Entitled people meant someone else, not them.

In this context, we discover that the use of language can change a conversation, but it can also change an group of people's attitudes. As with the weaponization of the term entitlement, higher education has come under increasing pressure in the last five decades as the purpose and role of higher education began to be referred to using different language. The use of different terms and phrases to discuss higher education

shifted the understanding that influential members of society had regarding whether or not funding should flow from the taxpayer coffers into higher education.

This came about at a time when our national conversations about individual people's obligations to others were being challenged at many levels. As the belief took hold that higher education did not benefit anyone other than the person who received the education, the funding for it began to dry up. This loss of support required institutions to develop new means of accessing funds.

Economic Terms

Economics, business, and accounting are related fields, but they are not the same. To an extent these fields identify which part of a society's financial system you are studying. Economics tends to be more theoretical, discussing large societal actions and reactions. Business is very pragmatic and refers to how one goes about exchanging goods and services. Accounting is the detail of following and documenting those exchanges. These differences become blurred in many settings where people use these terms almost interchangeably.

As I mentioned previously, the word entitlement is an accounting term which became a political term. But some terms commonly used in business and accounting ended up shifting economic frameworks. Following WWII, the United States was a fairly controlled economy. Economists consider this to be socialistic. The ethos of the nation was of us as a group, belonging together, and working together for the benefit of all. As the latter half of the century moved on, a different economic paradigm was being introduced, slowly and starting in the rarefied circles that most people do not move

through. The economic idea of neoliberalism has multiple facets, each of which impact different groups differently. It is vital to note that there are no economic systems which are not political, and no political systems which do not rest on economics. As a social worker and social scientist, I began to study economics as I recognized that most social problems were, in fact, economic problems.

Sapir-Whorf Hypothesis

The Sapir-Whorf hypothesis essentially says that language creates reality. Sapir-Whorf theory is a controversial linguistic theory. Essentially, the theory postulates that language creates reality; that languages shape how we think and how we perceive the world. Sapir Whorf or Whorfian theory lost favor between the 30s and when Noam Chomsky and others called it into question (Chomsky, 1983; Hussein, 2012; Maher, 2017). Chomsky (1983) believes language shapes how we see the world, not that it creates it. I personally am only nominally able to read or speak any other languages. I am nonetheless fluent in several disciplines' languages. The languages of different disciplines do lend credence to the construct of differential language changing the way you see the world (Perlovsky, 2009). Each discipline has its own terms and phrases which in some cases sound very much alike, however, can have very different meanings or implications.

While this has been the explanation that people who speak different languages genuinely see the world differently, it is sometimes difficult to imagine (Rojo, et al., 2017). Speakers of Guugu Yimithirr give directions based on actual cardinal directions. An object is to the north of you rather than to your right. They never have to concern

themselves with ‘my right or your right’ types of questions. As a result, almost all speakers are very good at determining where north is at any given time. English speakers stuck with phrases such as “Patient’s left” to ensure the listener understands on who’s left they should be looking, are terrible at determining the cardinal directions without help. Interestingly there is data indicating that this also impacts their perception of the passage of time, supporting the idea that reality is constructed through the way our language allows us to discuss it.

Within the confines of different disciplines, this use of language can foster different ways of interacting with the world. Legal thinking is incredibly complex, yet very straightforward. The only words that matter are those that can be proven, or that force another to prove something. Once you get into that mindset, stories that people tell you, statements that they make, are boiled down to individual terms and actions, devoid of emotion, or concern. People can tell you long recitations of terrible things that had happened to them. The social worker in me would be looking for triggering trauma, for the current emotional stability of the patient. The lawyer would be listening for what the patient could prove. It focuses on what can be proven in court, what laws could potentially have been broken, and sometimes the impact of this on the person. Even looking solely at ‘impact’ would be about provable losses and damages. The person themselves becomes of less interest to the lawyer than the provable facts. The ability to shift these perspectives can be very handy. But these are perspectives, not language. To what degree does the language used form the perspective? Is it the training that produces the language, or does the language enhance the training?

The construction of language regarding higher education had rested on some of the concepts of education itself, as it was explained in the writing of Plato and Aristotle. “Education” was reserved for those whose families could afford both the leisure time to pursue it and the capital to pay teachers. Our word for school is quite literally derived from the ancient Greek word “schole”, which meant leisure. The goal of education was not commerce, nor was it to learn a trade. It was to learn how to be a better citizen. Learning to read and write was time consuming and often expensive. However, it was considered a necessity of the citizens of early Greek civilizations. Democracy rested on the need for an educated populace. Granted, citizens of Athens were a modest portion of the population who were wealthy landowners.

Before we decry this exclusivity, recall what education was considered to be for: running a society. The idea that everyone would, or should be, educated would not have crossed their minds. Education was for elevating man to a civilized level where he could contemplate society, governance, and the philosophies of both. The arts, writing, music, and painting were considered to be important aspects of civilization. Therefore, these were important constructs to be taught.

Hundreds of years later the vestiges of these constructs remain. But they are indeed vestiges. The belief that a democracy required an educated citizenship survived well into the 1900s. The idea that education was necessary for the advancement of society survived well into the 1980s. The idea that education is a sole good, providing an advantage only to the person who is educated is relatively new. Forty years is a small

amount of time in the grand scale, but it is two generations who do not conceive of education as being a benefit to society.

It was clear that it was not for the betterment of society, or its governance, that education was created. Education was meant to meet the needs of employers, i.e., capitalism. Many statements address the need of institutions to provide employees with the technical expertise to meet the needs of employers and explained that institutions should be looking to employers to determine what courses and degrees they should offer.

This language created an new reality. Institutions existed for the benefit of the economy, not the society as a whole, and not societal leadership. Institutional cost effectiveness was bound to specific capitalism related markers. Are employers getting skilled entry level workers? One of the more astonishing constructs that shifts with this language is the use of the phrase “entry level”. In times gone by, higher education was designed to start people above positions labeled as “entry level”. The point of attending was to skip over the lowest level of jobs. Entry level positions were for high school graduates. The phrase "entry level" has evolved over time, reflecting changes in the workforce, the economy, and societal attitudes towards work and career progression. In the early 20th century, entry-level jobs were often low-skilled and low-paying positions that provided a starting point for workers to gain experience and develop their skills. However, over time, the definition of an entry-level job has shifted to include a wider range of positions and skill levels (Maxwell, 2007). By 1999, the government of New Jersey declared higher education as the path to entry level.

It is unclear from these records what the overall intent was in regard to determining that college was necessary for entry level positions actually was. The overall expectation seems to be that "modern" entry level positions required specific technological skills which were not being taught in high schools. While there are other documents in this time frame that address the desire for more of these skills to be taught in high schools as well, the Report on Higher Education (1999) was clear. And it was intended to be the overall guidance for institutions of higher education in New Jersey for the following decade.

Occupational Dialectic Framing

Occupational dialectic framing is a way to understand how people, even within one occupation, can have very different viewpoints because they use differing terms. Within education the terms used may have very different meanings than they do for people writing laws about education. This framing is impactful when assessing meaning in legislative processes.

Market Redefinitions of Access and Equity

In 2003, Bastedo & Gumport, wrote about mission differentiation in academia as it applies to the construct of access. Access, broadly speaking, infers that there is a group of people who do not have the ability to go to college due to socially constructed barriers (Bastedo & Gumport, 2003; Gandara & Jones, 2020). The implication is that if the barriers are socially constructed, they can be deconstructed to allow marginalized and disadvantaged groups access to college (Bastedo & Gumport, 2003; Gandara & Jones, 2020; Gorard, 2008).

The problem with all of this occurs when it is juxtaposed over the neoliberal market desire to not only increase the sales of access to college, but to allow for an increased number of students to access debt (Gorard, 2008; Hensley et al., 2013; Seamster, 2019). This is another example of how the use of language manages to obscure meaning and outcome. Schools attracted more and more students who would otherwise not have access to schools, to believe that higher education would be their ticket to middle class security (Bastedo & Gumport, 2003; Gandara & Jones, 2020; Gorard, 2008; Larabee, 2017).

Attend to the terms used (Lish, 2019). Access, which literally means can get or can get into, does not define what it is that they can get into (Gorard, 2008; McMillam Cottom, & Darity, 2017). Marginalized or disadvantaged groups are terms used to identify people who have been oppressed by societal systems (Masse et al., 2010; McLaren, 2005; McLendon, et al., 2014). The identification merely highlights who those people are. It does nothing to change their circumstances (Naif Qaiwer, 2019). As a matter of record, it may make their circumstances worse, as people highlighted for aid are resented by those who perceive them as undeserving (Schneider & Ingram, 1993; Schneider & Ingram, 2005; Schneider et al., 2014). This resentment, particularly of the use of taxpayer dollars, becomes fuel to promote the acceptance of neoliberal constructs of individualism (Brooks & Levitin, 2020; Schneider et al., 2014). If I, as an individual, do not, or will not, perceive societally constructed advantages, I am likely to believe that I had gained my privilege solely through my own work (Curtis, 2007; Filip, 2020). If I believe that my success is solely due to my work, I resent my tax dollars going to help people who should work harder to get what I was given (Curtis, 2007; Filip, 2020;

Gandara & Jones, 2020). This dissertation intends to demonstrate that it is this resentment that is often tapped into in the linguistic shifts used to promote cutting funding for higher education (Adler, 2018; Davis & Sumara, 2002; Lish, 2019).

Grounded Theory

In 1967, Glaser & Strauss, wrote the seminal text on grounded theory: The Discovery of Grounded Theory: Strategies for Qualitative Research. The text landed in the middle of a seismic shift in qualitative research. Qualitative research was under scrutiny and criticism. Considered unscientific and speculative, qualitative research was on the cusp of losing scientific credibility as a methodology when Glaser and Strauss (1967) proposed that such examinations of data are completely valid as a method. Glaser's explanation of how to determine whether the data actually leads to a theory gave researchers an explicit methodology with specific strategies. These strategies were designed to create a transparent research process with which to create transparency in the theory.

Glaser & Strauss' (1967) text was groundbreaking in and of itself, proposing not just a theory of research but by demonstrating the methodology for the discovery of the grounded theory process, they laid out a pathway for future researchers to grow theories organically without sacrificing scientific validity. Grounded theory exists in the spot where two competing constructs existed at the time period in which grounded theory was developed.

The contemporaneous nature of this particular study highlights the very development of the theory which is being used to study the phenomena. Grounded theory

emerged in the same time frame that the Chicago school began spreading their version of neoliberal capitalism. The Chicago school was pragmatic in all regards; therefore, it is not shocking that an approach of how to quantify qualitative constructs would emerge from a milieu heavily focused on numeric understandings. Glaser's theory is full of admonishments to maintain empiricism and rigorous coding methods. But Strauss came from the Chicago School and believed, as does neoliberal economic theory, that humans are agents within their own lives and are less prone to being swayed by larger social forces. Glaser's focus was on using data to bring data driven understanding to constructs that appeared too soft to quantify.

Glaser believed that humans are best understood in the construct of the society in which they live. This inherent tension is part of what led to their later disagreements, and tension. Glaser remained focused on the method and how grounded theory is a means of discovering. Strauss moved further into seeing grounded theory as a method of verification, a way to find data to support a pre-existing theory. Later writers in the field remained conflicted over how to retain rigorous scientific method in a process where data collection and analysis leads to emergent theories which led to more data collection and analysis. The construct of the data leading the research, rather than the research seeking the data, remains a bedrock aspect of grounded theory development.

Chapter 3

Methods

Between 1970 and 1999, New Jersey legislative bodies enacted 6,327 statutes. Of this body, 388 were related to higher education. It was with this extraordinarily large dataset, that the journey to discovering a grounded theory began.

This research seeks to establish a grounded theory that it was through the use of language that New Jersians began to see higher education as an individual issue, rather than as a communal issue. The intent to establish the impact of this must be grounded on adequate data to support this construct and allow further research to determine its impact (Glaser & Strauss, 1967). While this research does not definitively establish the impact of this shift, it does provide evidence to support the grounded theory which can be solidified in future research (Glaser, 1992, Glaser, 2013). This research seeks to determine if patterns can be found in the language used by New Jersey legislative bodies, and stakeholders that altered the way people viewed higher education. If this language appears in the legislative discussions around higher education spending, it may allow future research to determine if the use of language preceded the alterations in fundings.

Seeking data in grounded theory research requires a different technique than is utilized in much other research, however, the validity of the process must remain clear to both the researcher and to the reader (Charmaz, 1995; Charmaz, 2006). The initial phase of study involved an examination of current legislative documents regarding higher education law in New Jersey. Much of the language alluded to accountability and outcomes. To examine whether this type of language was used in prior iterations of these

types of laws, a small collection, determined through purposive sampling, of the legislative documents of the past 40 years were examined simply to determine if there was a shift in the language at all (Glaser & Strauss, 1967; Glaser, 1992). It became clear fairly early on that a shift had occurred, but when, how and why remained unclear.

In general, research requires a theory, a method of testing the theory, a plan to address ethical treatment of participants, the collection of data, and the analysis of the results of the data collection (Charmaz, 2006; Glaser, 2013). As such, the result would be a dissertation disseminating the findings of the study. Grounded theory research does not adhere to all of these patterns, and as such must avoid simply becoming a descriptive account of a phenomena (Becker, 1993; Charmaz, 2008).

As most of the population is involved with education at some point of their lives, to include everyone as potentially interested in this theory would not be an overreach. However, more narrowly, there are at least two audiences for whom this research will be of import. The first is higher education leadership (Charmaz, 2008; Geiger, 2004).

Across the board, it is clear to educational leaders that they are bound by the educational policies of any given state, region, or political body (Altback, et al., 2011; Aronowitz, 2000; Kerr, 1991). These influences are endemic to the field and require a deft political management. Failure to manage these may result in catastrophic losses in funding (Giroux & Myrsiades, 2001; McKlendon, 2009; McLendon et al. 2014). Therefore, one thing higher educational leaders must learn to do, is to change their language to fit their intended audience (Chomsky, 1983; Davis & Sumara, 2002). Leadership generally speak differently to potential donors than to legislators, parents, or

regulators (Naiyf Qaiwer, 2019). This ability to code switch is a vital tool, and most are adept at it. However, sometimes even the most adept leader may code switch without giving real thought to how what they are saying changes in the translations (Davis & Sumara, 2002; Naiyf Qaiwer, 2019; Rozumka, 2017). Additionally, while many are bound by legislation, legalities, regulation, and accreditation bodies, other than in law schools, few educational leaders are fully versed in legal writing (Davis & Sumara, 2002; Rozumka, 2017). While perusing regulatory language to find specific, applicable passages, they need to be shown how that language can impact the habitus of the institution if used incorrectly (Davis & Sumara, 2002; Naiyf Qaiwer, 2019; Rozumka, 2017). This construct is addressed in this section.

The second audience is legislators and policymakers. In most political arenas, a significant number of members of the legislature have a legal background. But this is not always the case. Being an attorney is not a prerequisite to being elected. As a result, you have people writing laws about areas which they do not understand, such as lawyers writing about education, and people, with no legal training whatsoever, crafting laws (Arendt, 1993; Bacchi, 2000).

Finally, we must address the fact that higher education is a social institution in crisis. The pandemic, declining enrollments, increasing demand from students and their families, falling numbers of people entering the professoriate, and a disconnect between the Ivory Tower and society, are all merging to create an untenable situation. (The citations on such a statement could run several pages. For additional reading, focusing on Adler, 2018, and Babb & Kentikelenis, 2021, would be a good start. However, a general

review of The Chronicle of Higher Education over the last decade shows this pattern clearly.) But those who do not understand their history are doomed to repeat it (Santanaya, 1905). It is not simply a matter of learning our history, it is a matter of fully understanding how the ethos of higher education was shifted into commodification, which will allow all of these audiences to determine how they wish to proceed; and how they can proceed, within the extant frameworks (Adler, 2018; Aronowitz, 2000; Bok, 2009; DiLeo, 2016).

Research Questions

1.) How did educational leaders come to understand their institutions through the lens of classic capitalism?

a.) Were educational leaders coerced through the loss of funding, or were they persuaded through the use of language?

2.) Are there patterns of language used in the transcripts and laws, written in New Jersey, roughly in the time period of the 1980s and 1990s, that show a shift in the manner in which leaders discussed higher education?

a.) Did the language used to discuss higher education shift before or after the changes in funding began to take place?

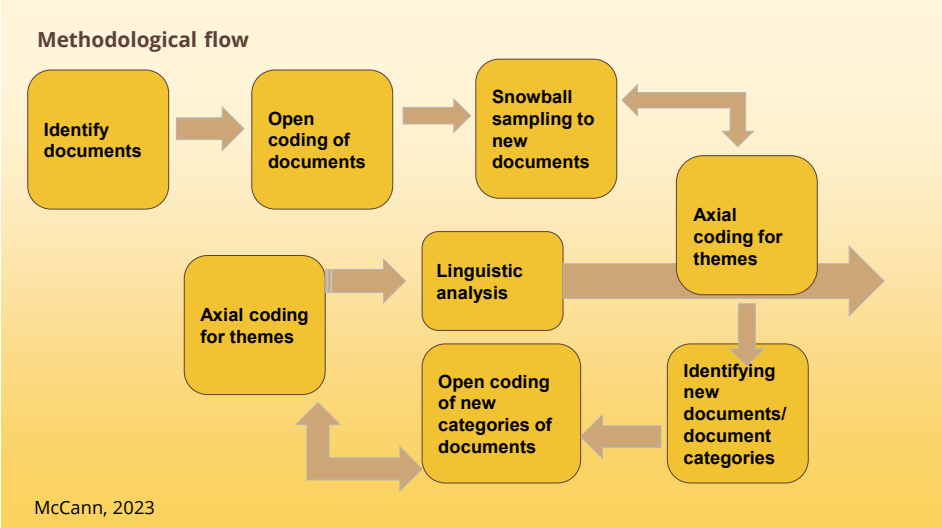
b.) Are there differences in the way laws and regulations were written or in how higher education was discussed in hearings and committees?

3.) Are there terms and phrases which belong to other fields that began to be used that highlight the process of this shift in thinking?

a.) Was there an inculcation of the language of business into the language used to discuss higher education in New Jersey?

b.) Was the accountability movement the genesis of this or a result of it?

Figure 2
Methodological Flow



Historical Document Analysis

Historical document analysis requires a nuanced and contextualized understanding (Charmaz, 2006, Mahmood, et al., 2016; Strauss & Corbin, 1990). Counting solely the number of times that a term is used, is not helpful if the term being counted cannot be placed in its meaning so that the modern reader can grasp it (Lucy, 1997; Titan Ligata, 2020). Qualitative analysis is also helpful in grappling with the

complexities of legal language (Pryal, 2013; Ravitch & Riggin, 2012; Trosborg, 1997). For example: A person may say, “You may have this orange.” A legal document is more likely to say, ‘You, the purchaser, are entitled to the entirety of the single citrus fruit presented at the time of sale. You are entitled to the skin, zest, juice, pips and/or seeds produced by said fruit, in perpetuity, including any and all potential progeny derived from the planting of the seeds of this singular fruit. However, the purchaser indemnifies and holds seller blameless for any reactions, dislike of the fruit, or its juices, skins, or other created products; and further indemnifies the seller for the seeds of the fruit should they fail to produce further plants and/or fruit.’ In a legal document the term “other created products” would have its own paragraph explaining the details of this.

It is due to this issue that this study needs to be curtailed to the development of a grounded theory (Charmaz, 2014; Charmaz, 2017; Urquart, 2013). The only way to extract real meaning across documents which are written or spoken, against documents written in such a style, is to create cross stylistic equivalencies (Bancroft & Billings, 2020; Berk-Seligson & Eades, 2012; Trosborg, 1997). These equivalencies can then be used to create a lexicon for terms used in speech against terms used in legal writing as they appear and are used in the documents (Charmaz, 2014; Ligita, 2020; Thornberg & Charmaz, 2014).

The issue of how to measure the nature of language rests in coding terms and phrases as being the same, or at least equivalent (Ligita, et al, 2020; Thornberg & Charmaz, 2014). Given the complexities of legal documents, the fact that legal writing often uses terms unfamiliar to the general public, and the fact that legal writing uses

familiar terms in unfamiliar ways, coding cannot be completed by a software package (Drinoczi & Novak, 2015). Coding of terms is clarified for the reader so that it is clear why some terms in one type of writing can mean, or not mean, the same thing as it does in another type of document (Mahmood, et al., 2016; Perlovsky, 2009; Pryal, 2013; Trosborg, 1997).

It is these nuances that require the use of qualitative study. If the data collected is presented clearly enough, then reliability can be determined by examining other states' documents in the same way (Berg, 2004; Charmaz, 2017; Chiovitti & Piran, 2003; Urquhart, 2013).

Grounded Theory

Qualitative study, particularly using grounded theory, is a way to discern meaning in data that is either difficult to quantify, or where quantification does not capture the construct (Charmaz, 2006; Denzin & Lincoln, 2003).

Grounded theory is both a method of study and an outcome of the method. "...grounded theory methods consist of systematic, yet flexible guidelines for collecting and analyzing qualitative data to construct theories 'grounded' in the data itself." (Charmaz, 2006, pg. 2). An inductive approach to the data allows the data to lead to the theory, rather than starting with a theory and seeking to find data to support it (Charmaz, 2006). Nonetheless, this analysis needs to incorporate Sapir-Whorf hypothesis, neoliberal economic theory, discourse analysis, and constructivist linguistic theory (Adler, 2018; Bacchi., 2000, Charmaz, 2006; Glaser, & Strauss,1967; Hussein, 2012; Ravitch, &

Riggin, 2012). Each is discussed in order to lead to the grounded theory resting on the data.

The battle over grounded theory methodology, as the split between Glaser and Strauss showed, reveals aspects of the issue of the zeitgeist of the 1990s very well. When Glaser and Strauss wrote The Discovery of Grounded Theory in 1967 it was considered revolutionary in its thinking. Urquhart (2013) reiterates Melia's (1996) statement that the 1967, Glaser and Strauss, text has "near mystical passages" (p.15).

In their 1967 text, Glaser and Strauss speak frequently about the "spirit of the time" (example: pp 14's use of the phrase "Fit the mood of the day"). These phrases reflect the mood socially, publicly, and within the field of sociology, at the time. There was a tension then, between the radicals speaking truth to power, and those theorists and others trying desperately to "prove" sociology as a science, and to maintain tenure track positions in institutions threatened on many sides by social upheaval (Bryant, 2017 b; Glaser & Strauss, 1967). Glaser and Strauss pointed out that the desire for empiricism - even in 1967 - was creating data in search of a theory, and theories divorced from data. Their ideological split in the 80s culminated in Strauss and Corbin's text in 1990. This text was less a blockbuster shock, and more a culmination of the movement still prevalent to empiricism. Strauss' (1990) text is prescriptive and formulaic, stating firmly that "Unless you make use of this model your grounded theory analysis will lack density and precision" (pg 99).

Glaser's (1998) later retort against this formulaic position continues to eschew this level of empiricism. Glaser (1998) disavowed himself from the newer version of

grounded theory, believing that the Strauss and Corbin (1990) manual deviated from the more fluid flow of data collection, theorizing and more data collection of what he called "classical grounded theory" (Charmaz, 2006, Charmaz & Thornburg, 2021). By 2008, Strauss was backing away from this stance, and edging more closely to the original ideas presented in the 1967 text. There are no black and white constructs that can determine now, or even in retrospect, which of these frames is correct; however, it is a fascinating reflection of the general mood and social norms of the time periods in which they were written (Charmaz, 2006). It is necessary to grapple with the history of grounded theory when using it to address historical documents (Urquhart, 2013). The goal in this is not to prove grounded theory methodology as valid, or even reliable, so much as it is to show that grounded theory methodology remains somewhat controversial. Allowing the data to lead the researcher where they need to go, versus a random wandering through data, is what differentiates grounded theory methodology from general theorizing (Becker, 1993; Bryant, 2017a; Bryant, 2017b).

Because this dissertation is working from the premise that very large societal constructs can be found in very specific and minute uses of language, the need to follow the data allows for the construction of a theory on how major shifts in societal thinking are enacted (Charmaz, 2006; Naif Qaiwer, 2019). Additionally, it can show how leaders, particularly education leaders, can recognize these sometimes-subtle pressures, when they occur, so they can avoid, or embrace, their influences (Rojo, et al., 2017).

These complicated influences are what is referred to as a person's habitus (Masse, et al., 2010). Habitus is a way to encompass the entirety of how a person places

themselves within a social construct, and how they see their relationship to that construct (Adler, et al., 1995; DiLeo, 2016; Masse, et. at., 2010). Habitus can include a person's physical shape. For example, I am short, so I frequently get hit by doors that have windows above my head. The door is designed for people taller than I. The door, my height, and the regular experiences all create part of my habitus at work. Additionally, this is related to how people within the institution view themselves and each other. These doors were designed and installed by someone who did not consider people who significantly differed from themselves (DiLeo, 2016). Getting literally hit in the face every day, by objects designed with male averages in mind, creates a sense of the habitus of the institution. The habitus supports both male physiology and presents significant ableism. Such an ongoing imposition of hardship can be discouraging to people forced to deal with it (DiLeo, 2016). This can create a habitus that, for those who do not conform, can feel hostile. These leave individuals with the decision of either conforming, or feeling a sense of not belonging, or not being welcome (Halliday & Mathiessen, 2006).

When language is used regularly, that implies a mindset specific to the institution, leaders are creating a habitus that signals members of the institution of the institution's values (Halliday & Mathiessen, 2006; Kiesling & Paulson, 2005). If a leader has adopted the language of a group whose ethos differs from the existing habitus, s/he signals to the members of the habitus that something fundamental about the setting is occurring (Adler, et al., 1995; DiLeo, 2016; Masse, et. at., 2010). Most people in education today are somewhat familiar with this shift and the terms associated with the commodification of education (Adler, 2018; Aronowitz, 2000; DiLeo, 2013; DiLeo, 2016). Leadership may

not have fully grappled with the impact this shift has on the institution's overall habitus (Aronowitz, 2000; DiLeo, 2013; DiLeo, 2016; Kerr, 1991; Kezar & Lester, 2011).

Grounded theory provides a framework for these questions, in order to establish a dataset from which further research can be done (Charmaz, 2006; Glaser, 1978). There are multiple theoretical frameworks that can be utilized in discussing the broader issues of language, economics, and shifts in societal ethos, however, none appeared to capture the complexity of the intersection of these constructs. What follows is a breakdown of the different theoretical frames underpinning the development of this grounded theory. One of the more concrete issues in research is the question of how the data is identified, sampled, and coded (Titan Ligita, et al., 2020; Urquhart, 2013).

Positionality

Determination of Theory

Glaser & Strauss (1967) determined that a grounded theory must meet certain criteria to be a genuinely applicable theory. A primary concern is whether or not the theory closely fits the area in which it is to be used. It must also be fully understandable to the average reader. Glaser & Strauss (1967) insisted applicability was a litmus test of grounded theory. However, in reality, applicability is the bedrock of all theory, regardless of how it was formulated. Determining whether or not a theory is valid requires that it be tested against a variety of structures. To be able to do this, the theory must allow the researcher to have control, or at least partial control, over the variables involved.

In this study the examination of the language used in legislation allows the variables to be clearly identified and challenged. Either patterns exist or they do not. However, this grounded theory of linguistic drift should be able to be applied to legislation across the nation, from one state to another. It also should be applicable to ancillary documents related to legislation production, such as hearings. Additionally, the development of this grounded theory complies with the observations of grounded theorists, from Glaser to Urquhart. Of course, including Kathy Charmaz' decades of writing in the field leads to the same conclusion. By comparing language over several decades, the theory demonstrates that its applicability remains consistent.

Ethical Considerations

In the case of this research, the ethical issues were fairly straightforward to address. Secondary analysis of existing public documents poses no harm to any subjects. No people were interviewed. There were no subjects, no experiments, no potential emotional harm. It remained possible, albeit unlikely, that speakers from the past would appear inappropriate to readers of the present. A concern remained regarding dissemination of political figures' speech from the past, as potentially damaging to their current political careers. During the examination of the records, it became clear that restricting the examination to documents produced prior to 2000, meant that the vast majority of writers and speakers were either dead, or retired from political life. Since the speakers were speaking publicly, most had avoided speech that would be considered offensive in most regards, and few examples of this have made it into the data and had sacrificed their right to privacy.

Nonetheless, the decision was made to protect some speakers by anonymizing the comments, particularly if the statement would be considered offensive by current social standards of speech. The records are public so anonymizing the comments was not necessary, however, in this process the identity of the speaker was irrelevant. Again, there is rich data for future research here.

Procedures

Sampling

Sampling in the development of a grounded theory is a complex dance between the researcher and the data (Urquhart, 2013). Sampling in this instance is concurrent with the emerging theory. (Becker, 1993). The problem shows itself through theoretical sampling. A key component of grounded theory is to grapple with collection, coding and analysis occurring simultaneously (Becker, 1993; Urquhart, 2013). Rather than entering into the data with a problem stated in mind, the theorist enters the data with an open mind and allows the theory to present itself in the data (Charmaz, 1995; Urquhart, 2013).

In this research of linguistic use in New Jersey, the original query was related to my ongoing fascination about how ideas are adopted by social groups, particularly if the idea is antithetical to what had been believed prior or was not in the best interest of the adopters. The type of adaptive infusion that inherently alters a social construct requires a significant level of persuasion (Bacchi, 2000; Halliday & Mathiessen, 2006). However, there must be more to this than simple persuasion. To get truly inculcated, most new constructs must appear to be the adopters' own decision. Social ideas that are entrenched in a society's ethos do not change from external pressures (Halliday & Mathiessen,

2006). Members of society must integrate the construct and then become identified with the construct (Halliday & Mathiessen, 2006). The data collection and analysis has led from the legislation to the documents regarding the hearings, and discussions about the legislation in which the proposed legislation is discussed, debated, and clarified (Bacchi, 2000; Grewendorf & Rathert, 2009). It is in these exchanges that the truth of the adoption of language begins to emerge. Therefore, the sampling shifted during the data collection in keeping with the emerging theory (Charmaz, 2017).

Identifying and Choosing Documents

To begin, we must establish the difference between historical records and historical documents. Records are legally produced, or governmentally assured, recordings of legal opinions, legislative process, and laws (Bacchi, 2000; Bancroft-Billings, 2020; Berk-Seligson & Eades, 2012). Documents are more personal. They are documents produced by individuals to produce meaning for others. There are issues of the use of slang, occupational terminology, and inside meanings between the writer and the recipient which may confound any attempt by historians to interpret (Berk-Seligson & Eades, 2012; Trosborg, 1995; Trosborg, 1997).

Qualitative analysis of historical documents and records presents myriad concerns (Charmaz, 2017; Halliday & Mathiessen, 2006). The actual point of this research is to discuss the meaning of terminology and phrasing used by the stakeholders who determined the legal relationship between the state of New Jersey and its institutions of higher education (Davis & Sumara, 2002; Startman, 2004). The examination is to parse out the development of meaning within the laws themselves (Naif Qaiwer, 2019). In

historical documents and records there are a large number of concerns regarding shifts in meaning and contextualized meanings (Mahmood et al., 2016; Naif Qaiwer, 2019). This issue must be addressed, as must the question of the stylized nature of legislative documents (Trosborg, 1995; Trosborg, 1997).

As many of the existing theoretical frames focus on spoken words, the attention to written language, especially within a series of legal documents presents some additional difficulties (Lyon, 2013; Mahmood, et al., 2026; Trosborg, 1997). Ball (2013) reflects that the difficulties in studying policy as language is the difference between policy as words and policy as discourse. This is one of the reasons to choose to combine both the language of the laws, and regulations, with the policies that arose from those laws, and the public discourse about them (Halliday & Mathiessen, 2006; Lyon, 2013). To prevent the strictures of legally structured language from obscuring the intent behind the language, it is important to add the voices of the stakeholders in open forums (Startman, 2004). Since this process is to develop a grounded theory on how the language was used and how it shifts before we can determine if the language shift had an impact on leadership's beliefs, it is less necessary that like documents be compared solely to like documents (Ball, 2013; Berk-Seligson & Eades, 2012; Lyon, 2013; Trosborg, 1995; Trosborg, 1997).

In New Jersey, there have been legislated requirements to produce education plans for public consumption. The list of these plans, produced between 1970 and 1999 is to be found in Appendix B. During some time periods the plans were written annually and covered both K-12 and higher education. During other time periods the plans were

only written every 3 to 5 years. As the governmental bodies which oversaw higher education moved from being a separate entity from K-12 education, to belonging under the same educational umbrella, to being brought back out into their own agency; the policies regarding plan production shifted. Political expediency and the financial and resource toll of producing the plans very likely played a role in when and why plans were produced for the public. There is very little evidence to support how often these plans were actually made available to the public. Determining dissemination would be yet another multiyear research project. These plans tended to run to hundreds of pages.

Therefore, one key plan from each decade was selected for further scrutiny and coding analysis. Allowing the data to lead the researcher allowed me to uncover and examine these documents whose very existence was unknown to me at the outset of this process. These plans, written for common consumption, contained a rich body of data with which to advance my research agenda. Some data comparing the plan to the legislation that it either preceded, or followed, was examined. Sometimes the correlation was clear, sometimes it was obscured by the byzantine legislative process.

Linguistic Relativity

Linguistic analysis is about more than coding (or decoding) words and grammar. It is a matter of understanding, or inferring, the relevance of such words and phrases (Koerner, 2002). We do not write or speak a language, we speak a “social language". (Gee, 2006, p. 46). Social languages are given meaning by the identities, context, and temporaneous nature of the language used (Gee, 2006; Ligita, et al., 2020, Maher, 2017; Startman, 2004). Discourse analysis refers more specifically to spoken language but is

used more broadly when analyzing exchanges (Bacchi, 2000; Bancroft-Billings, 2020; Startman, 2004). In this case, exchanges occurred in public settings and were less conversations than pronouncements. However, snatches of conversation slip into the transcripts of the varied hearings. In these exchanges people use terms and references that harken to the past exchanges, past relationships, and the historic past without the scholarly reference that would permit delving deeper into the construction of meaning by the speaker (Grewendorf & Rathert, 2009; Maher, 2017). Through these analyses we can find the varied discourses used by the participants and allow their underpinnings and historical flavorings to be engaged in the coding process (Mahoney & Rueschmeyer, 2003; Mahmood, et al., 2016).

This project requires a significant engagement of form to determine the meaning of words and terms, therefore the form of the discourse matters a great deal (Drinoczi, et al., 2015). It also demands an examination of structure, as the differing forms and contexts create differing structures in sentence formation (Startman, 2004; Trosborg, 1995; Trosborg, 1997). It is of particular fascination to see how readily the occupational background of a writer can be seen simply in their sentence structure. Both legal and academic writing tend to be intentionally, and unironically, obfuscating in their forms. An assumption that academic writing would be clear, and designed to educate, would be to overlook higher education's tendency to deliberately write in such a way that the general public cannot understand what is being said (Davis & Sumara, 2020; Janovcova, 2012). The social language of academics is to speak to other academics, not the general public. To write academically, in a manner designed to be read by the general public, requires regular examination of the social language being used. This is a perfect example

of how what is written, and said, must be analyzed through the lens of social language (Grewendorf & Rathert, 2009; Halliday & Mathiessen, 2006).

Linguistic relativity needs to be clarified in order to code meaning between educational leaders and legislators (Lucy, 1996). In the context of educational policy, language acquisition follows from repeated exchanges and exposures. In attempts to code switch, and speak to their audience, occasional misuses of terms will occur, perhaps unwittingly (Bancroft-Billings, 2020; Davis & Sumara, 2002). Worse, in these exchanges the translation of the language can be lost altogether as speakers from two different disciplines begin to inculcate the language of a third without recognizing this process (Lucy, 1997; Mahmood, et al., 2016).

It is this pattern that is being sought in this research. As speakers shift their alignments, or their footing in the language, they may adopt a third frame in order to feel that the exchange has equal footing (Halliday & Mathiessen, 2006; Hussein, 2012; Lucy, 1997; Kiesling & Paulson, 2005). The translations are being accomplished on the fly, occasionally with little real thought, until these conversations are translated into law (Bancroft-Billings, 2020; deFina et al., 2006; Drinoczi & Novak, 2015). Once they become legal language, they obtain more meaning, and more power, despite the fact that they may be resting on a shifting, unstable footing (deFina et al, 2006). “Speakers' experience of social meaning is primarily stance focused” (Kiesling & Paulson, 2005, p. 101). Because of this, intended social meaning may become inaccurate during inter-occupational translation.

Data Collection

To discern the nature of the language used by legislators when discussing higher education in New Jersey truly would be the task of several lifetimes. There are thousands of statutes, hundreds of "reports", thousands of pages of hearing testimony, and even more regulations pursuant to those statutes.

The supposition is that the language used to discuss higher education in legislative bodies of New Jersey, shifted between 1970 and 1999; and in doing so, altered the way higher education was perceived. To glean data from this enormous dataset, in order to find a grounded theory, involved more than 6,000 statutes which were reviewed based on their titles and summaries, over 300 statutes, and 104 "reports'" which were all subjected to axial coding. Essentially, I examined these by their titles, and summaries, or descriptors, seeking general patterns of language. I highlight the term "report" here due to the shifting nature of the reports.

There were two clear patterns that were evident from the beginning, one of which had nothing to do with language, but heavily impacted this examination. The sheer volume of the information grew with each passing decade. The number of statutes exploded between 1970 and 1990. The statute's volume grew exponentially in the 1990's and the reports leave some key indicators as to why. The tenor shifted from trusting our institutions of higher education, to controlling them. Again, this was visible in the most basic level of coding the titles of the reports and statutes. (See Appendix 'reports')

The second pattern was that the reports, released by whatever governing body was currently writing them, altered. In the 1970's the language was about "planning." In the

1980s the language had shifted from planning to "outcomes, assessment and evaluation." By the 1990's the key term was "oversight." This was all evident from the most basic of examinations of the document titles alone.

The final clarifying piece of data which became apparent in reading the reports was that New Jersey was not taking a public good and turning it into a private good, it was taking a private good and attempting to turn it into a public good at a key moment in the cultural shift. In New Jersey it appears that education had been considered largely a private good, and it was only in the early 1970s that New Jersey attempted to push back against the emerging trend against higher education as a system which served society, into one which damaged society. This did not become clear until all of the pieces were examined together.

New Jersey Higher Education is not a single entity. It has no single governing body. It has no single funding stream. It has no single set of rules or regulations which govern it. New Jersey's Higher Education is a system; a complex, redundant, needlessly complicated, oft interfered with by political powers, and used as a political football, system.

The system is dictated by multiple entities, legislative bodies, statutory bodies, and funding. It is expected to respond to these requirements through a wide variety of reporting methods which have shifted and morphed through time. Examining any complicated system is difficult. Examining any large system over three decades of time is difficult. Examining both the system and the enormous time frame led to a data overload that created a variety of examination and reporting problems of their own.

Because New Jersey's legislative system is so complex the starting point for the examination and its ending point do not match. Because it is so complex there was literally no way to get the dataset without an extraordinary amount of open coding of pieces of information in order to find what pieces best embodied the language being examined. To find even the most basic information required the examination of over 6,000 documents. Every document's title had to be checked. Since most of the legislative documents' titles were not particularly descriptive, it was necessary to examine the legislative record for the description of the bills passed. It was in this process that the very first piece of important data presented itself. The vast majority of the bills that were relevant to this examination were labeled as "education." However, education could mean anything related to K-12 programs. It could mean any vocational program regardless of level. It could refer to training programs for state employees- for example one bill established an educational program to guide state retirees through the retirement process.

Over 300 statutes needed to be coded or read to determine if they even pertained to higher education. The titles of the 300 statutes examined can be found in the appendix along with a descriptor of what the bill was actually about. Problematically, even after initial review, many bills had multiple layers. For example, a bill about education may pertain to educating the public about fishing licenses and the right to fish for pollock. Another bill that appeared to be about land included a method for granting land rights to institutions of higher education. This set of findings is in no way a 100% review of every statute, written during this 3-decade time span, which relates to higher education.

Additionally, many statutes had lengthy back stories. Many had "sponsor statements" attached to the bill. Some more controversial bills had extensive hearings records where the public was encouraged to weigh in on educational decisions. Some bills had governor statements, especially those during Governor Chirstine Todd Whitman's era, where she vetoed many original bills regarding higher education. These eventually led to reports from the various governing bodies responsible for higher education in New Jersey.

Setting

As for the reports, these came from governing bodies whose titles, roles, responsibilities and budgets changed during this 30 year time span. To give you a feel for its complexity, this is the structure and governance of higher education as reported on in 1970. The report ED 038097 H.E. 001 432 titled: Goals for Higher Education in New Jersey: Master Plan for Higher Education, Number 1. Gave us this quote:

> The Department of Higher Education is a principal department of the state government, responsible to the Governor and Legislature. The Department consists of the Board of Higher Education, the Chancellor and his staff, and the following divisions and branches: The Educational Opportunity Fund; the Higher Education Assistance Fund; the Higher Education Facilities Commission; the New Jersey Educational Facilities Authority and the Scholarship Commission. In addition, the Chancellor and Board appoint advisory committees and other ad hoc groups as needed to carry out the functions conferred upon the Department. The Department is advised by the Council of State Colleges, and the Council of

> County Colleges on matters relating to state colleges and county college affairs. The Department also acts with the cognizance of the Association of Independent Colleges and Universities in New Jersey, the New Jersey Association of Colleges and Universities, and the New Jersey Junior and Community College Association.
>
> 1970, Master Plan, page 26.

There are two significant issues which impact this examination: the complexity of New Jersey's governing bodies and the complexity of New Jersey's method of identifying statutes (Greif, 2004). The complexities of the system of enumerating statutes and regulations have to do with the system of all legislatures. Bills are brought up for vote in the assembly (this term is often house or congress in other states) and if they pass, they go to the senate. Each body gives the statute a number. These numbers do not match.

It is also possible that a bill began in the senate, was sent to the assembly which passed it back to the senate. Fortunately, most legislation was given a legislative history sheet which mapped its path. But, the same bill, when passed, might say assembly, it might say senate. For example, 1976 Senate bill number 1262, chapter 19, amends section 4 of P.L. 1975 chapter 213. This is written as "section 4 of P.L. 1975, c. 213 (c40:45B)" For the purpose of further discussion and proper citations I list all citations as LYEAR,CNumber.

If you have the year and the chapter number, it is possible to find almost every statute passed in New Jersey. (See Appendices for best sources for statute locations.) This citation form is the simplest method that allows the reader to find the statute in question without having a background in law.

Document examination is a matter of seeking documents that reflect the social facts which are produced in documents. Outside of diaries and personal journals, most documents are produced with the intent that they be shared with others (Bowen, 2009). Documents must be examined in context, they must be understood of the time period, the writer, the original purpose of the document, and the intended audience for the document (Atkinson & Coffey, 2004; Bowen, 2009; Charmaz, 2006).

Contextual Analysis

Examining 30 years' worth of documentation in search of a grounded theory requires patience and curiosity. Searching 30 years of documentation for linguistic drift in an analysis of records in search of a grounded theory, requires that those documents be located. New Jersey has its own specific issues which impact the ability of this research to get to all of the materials sought. But, seeking linguistic drift in grounded theory, as a process, requires the researcher to follow the data. The data collection in this case started out huge, was narrowed into manageable data points, and then analyzed contextually.

In The Discovery of Grounded Theory, Glaser & Strauss (1967) explain the process of theorizing as a path to the theory. Charmaz (2006) posits that "when you theorize, you reach down to fundamentals, up to abstractions and probe into experience. The process of theorizing cuts to the core of the studied life and poses new questions about it." (p. 135). This examination delves into the sweeping change in language across multiple decades. In the desire to see a thematic convergence between differing document sources, in an inductive manner, some hearings led to statutes, which led to reports.

Bowen, (2009) summarizes document use as providing background, and through the lens of history, context as a means of tracking change and development. Further, document analysis provides opportunities to verify findings, assist in the triangulation of findings, additional questions to be researched, and supplementary data (Hodder, 2000).

Hearings are often the politicians' starting point. They propose a bill and then take public comments. After public comments are taken into concern, the bill may be brought up for a vote. The vote could create a statute, or the bill could die right there. If a bill became statute and sweeping changes were enacted, later reports from the Department of Higher Education could demonstrate how that language became performed.

In linguistics a performative document is one that causes actions. These documents create impetus to act. This is similar to the legal system which has performative contracts which require one, or both, parties to perform certain acts. However, in politics the same word refers to politicians backing bills, or even passing bills that they know will either never pass, or if passed, are designed to fail in implementation. These performative bills are created for political showmanship, not out of any real effort to alter the habitus of whatever system the bill is about.

Recently a political figure announced a bill that would get rid of the federal department of education. This is an example of a performative bill. It consisted of one sentence and had no construction for the vast systems which would be impacted, or need to be unwound, for this bill to pass. However, politicians and lawmakers are often the same group of people who may be recommending a performative legal document, and yet

they may mean the opposite of the other. One wants a law with requirements and consequences, the other wants a bill too vague to do anything.

It is possible to find language in the reports reflecting the language used in the statutes in order to comply with it. The tale of the constructs can be found through trailing the constructs through their contexts. All statutes are a result of a system that rests on previous legislation, political whims, and public performance. Hearings are held about proposed statutes, stakeholders speak at the hearings, often as part of political campaigns, and then statutes are composed, or not, to enact the results of those hearings. Eventually, a report is created by the body politic that is impacted by these statutes and the cycle begins anew.

Document analysis, then, is not a matter of lining up a series of excerpts from printed material to convey whatever idea comes to the researcher's mind. Rather, it is a process of evaluating documents in such a way that empirical knowledge is produced and understanding developed (Bowen, 2009, p 34).

Contextualizing data from documents produced for another purpose requires coding with a theoretical sensitivity to the milieu in which the document was created. Hearing records are very different documents than statutes, and both are very different from reports from governing bodies. However, these combinations allow us to see the life cycle of ideas that can be dismissed or enacted. Even in the dismissal of ideas presented publicly, sometimes alterations in thinking can be observed by the dispassionate eye.

The extraction of a grounded theory from complicated data requires a level of patience and discretion that tests the abilities of the researcher at every level. Collecting

data under such circumstances is both painstaking and labor intensive. Coding is the pivotal link between collecting data and developing an emergent theory to explain these data. Through coding, you (the researcher) define what is happening in the data and begin to grapple with what it means". (Charmaz, 2006, p 46)

The first step to taming a very large data set is to engage in sample sorting. To do this I sought very simple parameters. Of the over 6,000 statutes passed in New Jersey between 1970 and 1999, only a portion would relate to higher education. In many cases, the document would need to be examined line by line to determine if it was applicable to the sample being sought.

The very first step in engaging the dataset, open coding is deductive in nature, allowing for very broad categories to be identified. Starting with the essential records of New Jersey's statutory records I began open coding. The first sample sort created a sample in the hundreds. (List of the initial statutes culled from the database is in Appendix A.)

The first parameter was statutes specifically related to higher education. This became problematic when it became apparent that New Jersey was sloppy in its linguistic use of the term education. There were statutes about the education of teachers so they could teach other teachers. There were statutes about educating fishermen about "catch limits." Most problematically there were few occasions when the title and/or descriptors differentiated between high education and K-12 education. This meant that narrowing the sorting required close reads to determine dataset applicability or not. The size of this

dataset, its accessibility, and its readability, all supported using a grounded theory method to seek core data from which future research could be conducted.

Axial coding gives an overview of the document sample set, seeing linkages to determine if the source is related to, or germane to, the theme. Grounded theory requires that the researcher enter without any preconceptions other than the broadest frames, the hypothesis and evidence are discovered together. Inductive coding meant slowly following documents that led to other documents. One theme identified early on, which altered the data collection process was the amendment problem. Many statutes in New Jersey from this time period were passed as amendments to earlier statutes, or to federal law. To contextualize the language, it became necessary to locate the original document. Sometimes this meant delving into documents outside of the dataset in order to fully grapple with the implications of the language in the document that was in the second-round dataset.

In grounded theory, the data sources can shift or be altered as the open coding and examination of the documents leads to new data sources. This allows the researcher to shift the evidentiary line to discern the thematic pattern. In a dataset search looking for a pattern of language use, the hierarchical nature of the coding is similar to doing an exploratory study of the data. It involved taking a large dataset, and then seeking datapoints within that dataset, through an increasingly narrow set of parameters seeking the coded terms.

Once specific documents were chosen for coding, line by line coding seeking repeated words, and phrases was done. Thematic coding allowed the themes across the

terms to appear. In some cases, terms could be grouped to cover specific ideas, or constructs. As these terms were found the themes across the terms began to appear. In some cases, terms could be grouped to cover specific ideas or constructs. For example, words like employment, employability, employable, could be thematically joined together. As the examination continued, words like job, jobs, job readiness could be folded into the larger category of employment.

In this particular exercise, these terms all alluded to the same general construct. The construct of the connection between higher education and employment emerges despite the terms being different. Contextually despite themes emerging across the dataset, the differing nature of the documents required further contextualization to discern if coded terms were meant in the same way.

One fundamental issue was that seeking thematic constructs across differing document types required different approaches. The language of the hearings can be understood through discourse analysis. The language is meant to be heard and responded to. The speakers are aware of the different listeners to the language and gear their language toward reaching that audience. The language of the statutes is often very much at odds with the language of the hearings. However, once a statute is passed, the language of the statutes does appear to begin to infiltrate the reporting process.

Grounded theory allows for the research to go in somewhat blindly, sorting documents, finding documents, determining if there would be new or separate datasets of documents, that related to the theme, by following the data. This is in contrast to examinations which start with a very clear dataset or demographic to study, which

precludes other variables from impacting the data. As a grounded theory search, the documents interconnectivity became part of the examination in ways which would not have been visible had multiple documents from different datasets not been compared. The freedom of grounded theory allows the researcher to follow the trail rather than being excessively constrained.

Large social themes such as seeking a shift in linguistic patterns, requires the foundation of a grounded theory to determine what datasets and datapoints could then be examined in more narrowly defined future research. This study is creating an image that could allow significant future studies to be designed.

Document Location

Locating documents in such a broad search became a singularly important portion of the research process. The reports following 1994 had largely been digitized, and thus were relatively easy to locate. However, prior to 1994, these types of legislative records had no single repository. The state Office of the Secretary of Higher Education had been formed, reformed, and moved multiple times during those decades. Rutgers University appeared to have the most complete data set, however, finding these reports presented the challenge that, unless reference to the report was found in the legislative language, it was difficult to locate them without knowing the title or the nature of the entity writing the reports. Many of these types of reports are written by committees formed specifically to write the report. These committees disbanded upon achieving their purposes.

In 1973 one report was titled: A Program analysis of the New Jersey Educational Opportunity Fund and was written by the Office of Fiscal Affairs. By 1994, the Higher

Education Restructuring Act of 1994 report was included, in its entirety, in the legislative history of the Act. During this time period there were hundreds of books, articles and dissertations written about each of these upheavals. Some upheavals were relatively minor, but others, like the aforementioned Higher Education Restructuring Act completely rewrote the way in which Higher Education was governed and funded in the state.

My concerns over making sure that I had found every piece of data that was available escalated as the true impossibility of achieving such a record became more apparent. I had begun with a general sense that the reports and legislative histories would be held centrally, and be organized, or catalogued, as part of the legislative histories of each specific Act. (This type of organization is common in other states.) Unfortunately, this was not the case. In addition to a fairly scattered means of cataloging, the digitization process had begun in the early 1990s and had not worked backwards but jumped back. For example, you can read New Jersey's legislative histories of every piece of legislation written after 1776 until the late 1800s. The 1800s are well recorded, but when you are seeking documents from the mid 1960's, the ability to access this information becomes much more difficult.

There are programs working on gathering these data and making them available digitally, but they not only have not been completed, but they have also been stymied by the COVID pandemic. In person access to many records was strictly controlled to those doing research for legal cases. Ancillary research did not qualify me for access during this time frame. There is no way to know, at this juncture, as restrictions ease, if access to

these data would have made the situation any easier. Even if it had become more straightforward, close coding of the tens of thousands of pages would have taken decades.

Credibility, Trustworthiness, and Accessibility

The validity of the data analysis depended on the strategies of prolonged engagement, and triangulation (Creswell, 2007). Credibility, and trustworthiness can be found by making the accessibility of these documents available (see Appendix B) and cross examination of representative documents by colleagues to determine if they found the same themes. Triangulation across the different types of documents further supported the thematic analysis.

In some cases, the work was only coded for a handful of terms: Efficiency, and all of its permutations, economics with its permutations, and accountability. What had become evident fairly early was that these terms exploded in the late 1990s, but they have been a single thread throughout the history of higher education in New Jersey. Engagement with the data, reading and rereading, axial coding, cross referencing legislation with reports and hearings, allowed for patterns to emerge from the data. The legislatures of New Jersey simply put their money where their mouth was. The language of the final legislation was often heavily formatted by the strictures of legal language, but the appropriations showed how the view of higher education had changed.

The bulk of the statutes (with the exception of the Restructuring Act of 1994) were brief. The reports were generally in the hundreds of pages. Even brief reports, for example, the report in 1973 was merely 36 pages long, but had four addendum sections that were each approximately 50 pages long. Hearing transcripts could be 50 to 100 pages

long, and often the documents were held in colleges which hosted the event, or local jurisdictions where the hearings were held. Some hearings would be referenced in a report, but the transcript of the hearings could not be located. In some lucky cases, hearing transcripts were attached to the legislative reports. Triangulation of these cross-referenced data sources aided in observing an overall pattern.

Data Analysis

Secondary Analysis Issues

Secondary analysis of historical documents presents a set of unique problems and concerns. The documents were not created with the intent that they be analyzed in this manner. The purpose for their creation must be considered. However, some of the biggest issues with secondary analysis is the availability of the documents, and the lack of consistency between documents of the same type. All New Jersey Statutes are meant to be available to the general public. However, historical documents have not always been filed correctly, maintained with any integrity, or codified in a singular unified manner. In New Jersey, most statutes are public record, maintained at the New Jersey State Archives. However, it is Rutgers University that maintains scholarly internet access to these records. Records prior to 1970 do not fall into this category and records maintained after 1988 are codified differently creating issues in locating them and matching them to similar documents from earlier years.

New Jersey maintains statutes that have been encoded into law in a system of chapters. They also re-use numbers from one legislative session to the next but archive the statutes by year rather than legislative sessions which overlap calendar years.

Additionally, background documents such as hearing transcripts and previous iterations of the statutes are somewhat haphazardly available. In the early 1970s such documents were maintained by the governmental body which had produced them, therefore a hearing held by the house would maintain their hearings transcripts in their archives, and hearings held by the Senate would be held in the Senate archives. Finally, the ancillary documents are numbered differently in the house and the senate and given another number when passed into law.

Hearings records from prior to the 1970s are held haphazardly. Many can be found in the State archives, but many are held in various state libraries. These libraries were very generous in allowing me access to original documents from the 1950s, however, in particular to COVID restrictions, some libraries were not willing to allow access to non-digitized documents.

In the initial phases of this research, I had believed I would begin in 1970. However, I quickly saw that many of the pertinent laws in the 1970s were amendments of earlier laws which required delving further back into the past to retrieve the original statutes being amended. These amendments became valuable when patterns began to emerge regarding how, and why, those earlier statutes were being changed. Some hearings records from pre 1980 were simply missing from the records.

I must express my gratitude to the librarians at Rowan University, Rutgers University and the New Jersey State Law Library for their patience and assistance. As librarians and archivists, they too, often struggled to determine where some older documents were kept, or how they were archived. I am aware that several spent a great

deal of time seeking records on my behalf. In the interest of future research, these searches continue. I learned that archivists take missing documents quite personally. Moving into future research to determine the impacts of the linguistic patterns' impact on leadership, I am hopeful that more records will be found to support and expand the present work.

Finally, the locations, access, and formatting of the archival materials prevented the use of qualitative analytical software such as NVivo. This may become feasible in the near future as microfiched documents become digitized, so that they can be uploaded to this type of software. For the purposes of this research in establishing a grounded theory, while large numbers of statutes were initially reviewed, a smaller number of documents were analyzed by hand. The initial review involved 6,327 statutes passed between 1970 and 1999. Of these, 388 were appropriate, or tangentially appropriate, to the discussion at hand. Using the term "education" and "higher education" did not always ensure that the statute was about higher education.

More problematically, in some cases, statutes which appeared to have nothing to do with education of any sort, sometimes did contain issues of asset divestiture, or asset gifts, to higher education institutions. These types of gifts are often unofficial or 'back door' ways to increase funding for higher education. That they are also used for K-12 funding as well, simply muddies the waters even more.

Legal Writing Coding Issues

Laws are written in a formulaic pattern which is stilted, difficult to read, and often arcane (Berk-Seligson & Eades, 2012; Drinoczi & Novak, 2015; Trosborg, 1995). This is

a deliberate choice on the part of lawmakers in order to make any future interpretation irrefutable (Trosborg, 1995; Trosborg, 2000). Changing the word ‘and’ to the word ‘or’ in a regulation, completely alters the nature of the options for the citizen governed by those words. Lawyers and lawmakers are extremely cautious in their parsing of phrases due to the far-reaching impacts of laws (Berk-Seligson & Eades, 2012; Drinoczi & Novak, 2015; Trosborg, 1995). Additionally, they are aware, as they write, that other lawyers will make every attempt to find areas of obfuscation, or potential loopholes, they can exploit (Startman, 2004). The differences in legal language used in statutes and regulations, versus the language used in legal jurisprudence are examined briefly. However, people trained in legal rhetoric are more inclined to use adverbs which absolve them of responsibility (Rozumko, 2017). More precisely, legal language is often very specifically vague.

As a result, a significant percentage of the data were gleaned from the legislative hearings and public hearings held regarding changes to higher education law and regulation in New Jersey. Differentiation between proposed law, and the law or regulation that eventually is enacted, are examined. But it is in the language used in the hearings that the shift in language is most likely to be evident. As noted, legislative documents are written in a specific stylized manner (Rozumko, 2017). These statutes do show the shift in language; however, the hearings documentation gave a clearer picture of how this new language was used in discourse.

Meaning is inherently socially embedded (Chomsky, 1983; Fuchs, 2001; Hussein, 2012). Within the society of the law and its practitioners, meaning is encoded in the

manner in which legal writing is done (Ingram, et al., 2007; Trosborg, 1995). People often ask if legal documents are written so that no one can understand them, when the exact opposite is true (Startman, 2004). They are written so that there can be no doubt precisely what the author intended. However, the standard does indeed make the documents all but incomprehensible to the average reader. In light of this, a combination of records and documents are examined to cover both, what laws and regulations were actually written, as well as documents from the hearings and public conversations about these issues. Newspapers are being excluded, as their intent is to reach a specific audience, and this has recently been done by Lish (2019). In addition, as with the legal record, the conversation is one sided, there is no response from the reader. (This has clearly changed in the era of social media but remained true in the time period under investigation).

The documents which are examined were largely transcripts from open public hearings held by the legislature for the purpose of allowing public commentary. However, the general public rarely spoke at such events; as a result, the hearings' transcripts largely consist of speeches and comments by stakeholders involved in higher education (Startman, 2004; Thornberg & Charmaz, 2014). Some of these stakeholders had both financial and professional stakes in either maintaining or changing the status quo (Bastedo & Gumport, 2003). As a result, their language was intended to be persuasive, rather than detached and legal (Grewendorf & Rathert, 2009).

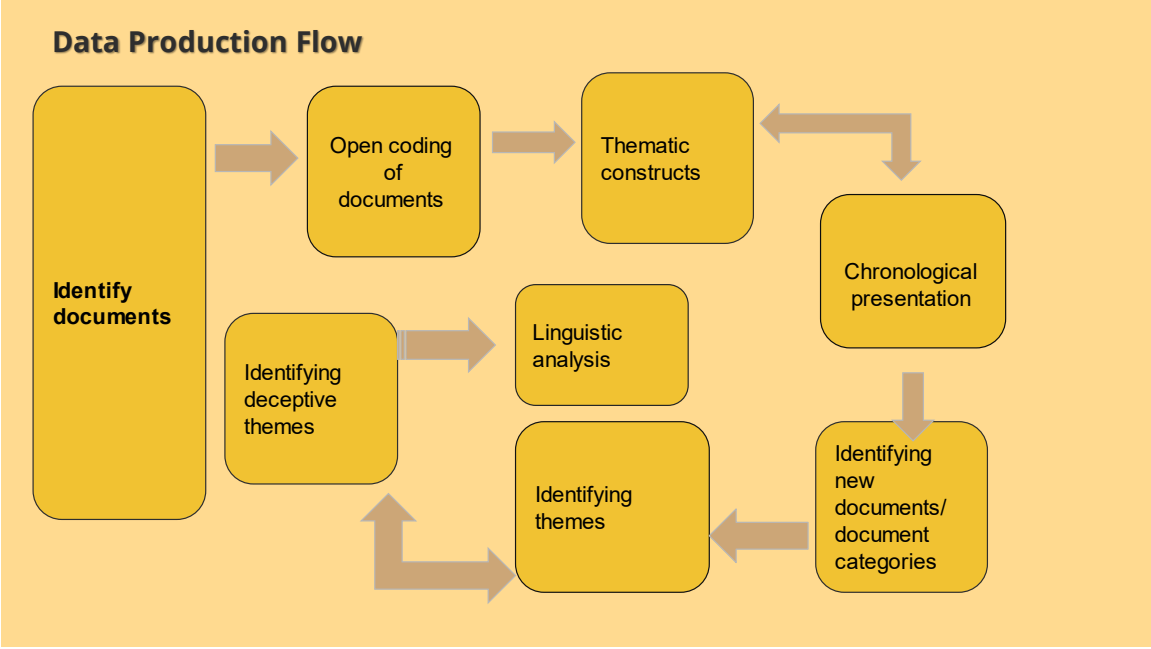
Coding in Grounded Theory

Grounded theory coding works in phases (Saldana, 2016; Thornberg & Charmaz, 2014). The construct of open coding can be confusing as there is no hypothesis in existence prior to the beginning of the coding (Saldana, 2016; Thornberg & Charmaz, 2014). In the most initial phases, I examined a variety of historical documents. I wanted to have some idea of whether or not there was anything to hang research on. In the initial coding I formulated a general idea that the shift in language did exist. Axial coding is when the initial phase's data is broken down into more discrete sections (Saldana, 2016; Thornberg & Charmaz, 2014). This allows you to take the codes you discovered in open coding and begin the process of making connections between the codes (Saldana, 2016; Thornberg & Charmaz, 2014). For researchers, it is common to not consider some of the most initial open coding as being somehow disconnected from the coding which comes later (Saldana, 2016; Thornberg & Charmaz, 2014). By recognizing the open coding, it becomes easier for the researcher to follow the data and easier for the reader to follow the researcher (Charmaz, 2006; Corbin & Strauss, 1990).

Open coding exists in several forms within this particular research. Initial hearings records were the part that struck me as something I wished to learn more about. I coded in large open categories. Complete documents could fit into one code. The documents either did or did not have the coded words and phrases in them. Initially, one of the larger problems was the definition of higher education. Not only did this term shift over time, but in legal parlance a mention of education without the "higher" qualifier could still signal a document relational to the study. Community colleges were often categorized separately from universities as society appeared to have strong

differentiations about their purposes and funding (Angel &Gares, 1989; Brightman, 1989).

Figure 3
Data Production Flow



Determining when and where to seek data was a lesson in patience. Open coding allowed for the review of the 6,000 statutes. There was no way that I could code all 6000 and do so without assistive software before I was old and gray. Open coding allowed me to search broadly for words and terms such as education, higher education, university, college, community college, and funding (Charmaz, 2006; Corbin & Strauss, 1990). Searching the documents made clear that statutes labeled historic land preservation could easily be a higher education funding source or a gift of public land to the institution.

Admittedly, the statute about the length of the pollock you could fish off of the New Jersey coastline surprised me with the word education. However, this education referred to the teaching of fishermen regarding the new rules. In the open coding phase, such a document went into the pool simply because it contained the word education. There is a lot of room for human error here. This large of a dataset, without assistive software, meant reading or scanning all 6,000 documents.

Limitations

Grounded theory methodology has several distinct limitations which this methodological construction seeks to address, but can never fully overcome (Charmaz, 1995; Glaser, 2001; Saldana, 2016) . Grounded theory is incredibly time intensive (Charmaz, 2020; Glaser, 2001; Saldana, 2016). It relies on qualitative data and the researcher's existing knowledge for interpretation (Charmaz, 2020; Glaser, 2001). It may have very limited application (Corbin & Strauss, 1990). This dissertation's methodology seeks to overcome these limitations through, researcher reflexivity, triangulation of data between reports, legislation and hearings, peer review, and ongoing researcher reflexivity (Charmaz, 2020; Urquhart, 2013).

Chapter 4

Data & Analysis

Data Analysis in Grounded Theory

Grounded theory work brings a multitude of challenges that impact data analysis. To address this, we must discuss the constructs of validity and credibility. A grounded theory is a presentation of a potential theory grounded in the existing data which remains as yet unproven. Validity generally requires that anyone reading the same data would come to the same conclusion as the researcher. In grounded theory there is more room for researcher analysis of the dataset. In this data, I am proposing a theory which is emergent in the data. This grounded theory process did find a large number of the constructs that I was originally considering when I began this journey as a researcher. However, the conclusions will require further research to determine if this grounded theory has true merit.

Developing theory requires some leaps of faith. In a grounded theory process, it is possible that your original ideas may be completely lost in what the data reveals. It can also be difficult to demonstrate the sweeping patterns in a concise presentation of data as the data comes rom full immersion into the dataset. Only some portions of data can be provided in this dissertation. It is original research, in large part to determine if there is enough data to support further research to create validity of the data.

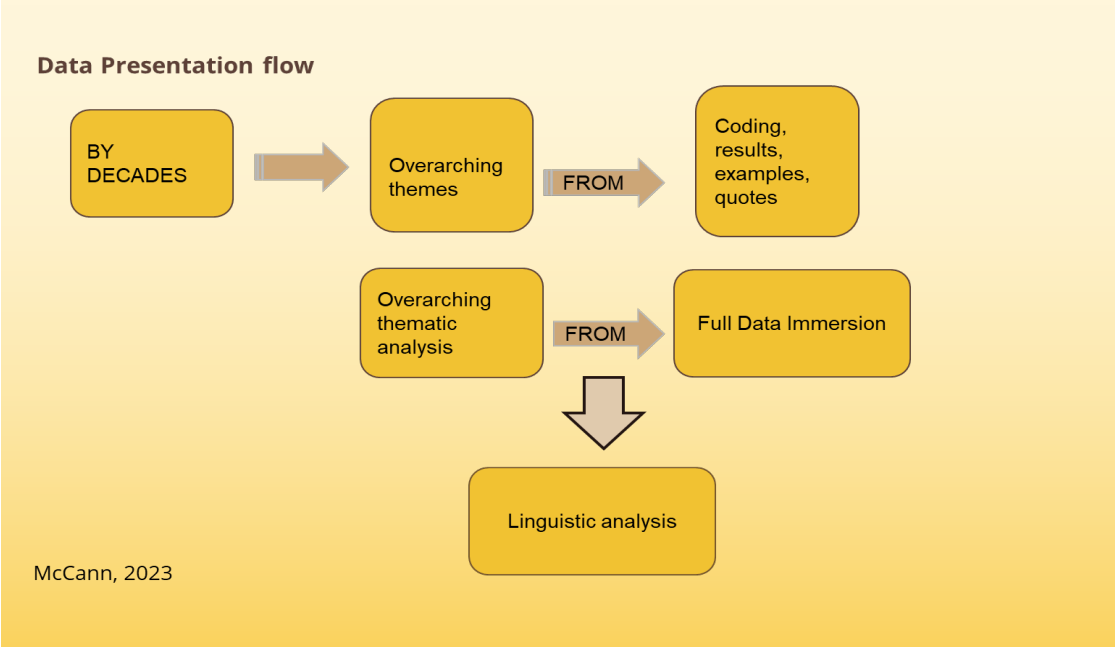
One of the key points of this dissertation is that many different disciplines use terms differently and that these uses matter tremendously in how people view the world. Having

been trained in multiple disciplines, this has been an ongoing concern. The dissertation must be readable to multiple disciplines, and as such, requires a level of explicit and implicit interpretation that may be difficult for some to follow. Legal writing and reading are extremely concerned with minutiae; single words often make a massive difference in legal writing. In sociology you are looking for the grand sweep of societal change, it is often a level of abstraction that some people truly struggle to see. In education that point of the language is to be as clear as possible to the largest group of people.

This data analysis dances on the edge of Occam's razor. An abductive heuristic is diving into the data in development of an explanatory hypothesis. An abductive heuristic is a theoretical construction of a grounded interpretation of the dataset.

Throughout this dissertation I am seeking to provide examples of explanatory data to support an abductive hypothesis. Readers from specific disciplines may not all see the data in quite the same way. One reader spoke about some people wanting data to support their understanding of a sugar cube while another is seeking an explanation of sugar plantations impact on the global economy. Both of these perspectives are incredibly valuable in the production of grounded theory.

Figure 4
Data Presentation Flow



Overarching Thematic Presentation

A strict examination of the data required six solid months of scooping out sections of data from the three separate datasets. Coding specific documents in search of recurring terms and emerging themes. Identifying and labeling themes across the documentation can be an enormous struggle. Occam's razor does not promote that all ideas must be presented as simplistically as possible. It posits that a series of data points support a conclusion. Using simplicity and elegance as a design the following data presents an abbreviated window into the sweeping change of three decades.

Overarching Thematic Analysis

Over the three decades in question many, many researchers have reported on and demonstrated the massive changes high education withstood. The changes in the economic paradigm are well documented. However, the changes in the spreading of linguistic shifts remains under examined.

One primary theme, that emerged over the entire dataset, was the argument over higher education as a public good versus higher education as a private good. There is a secondary potential theory here regarding how the general public has determined these statuses, but in this study, we are examining how the stakeholders in higher education in New Jersey set about making those determinations.

"Abduction is the inference scheme that lets an intelligent system raise hypotheses, and reason about them, in order to find explanation for some evidence. Abduction has been used within many fields of artificial intelligence such as diagnosis, natural language understanding…" (Hazarika, 2007 p 216)

More work is being done on large databases and the best methods of discerning patterns are determining theory and the data to ground those theories (Hazarika, 2007; Timmonen, 2018). This dataset required abductive approaches due to the size and variety of data sources.

In developing grounded theory, differentiating method from results can be difficult (Corbin & Strauss, 1990; Saldana, 2016). Axial coding is the laborious task of specifically coding the remaining documents and digging more deeply into the language

used (Saldana, 2016, Urquhart, 2013). Using axial coding to seek connections between the coding from the open coding and eliciting more codes and more nuanced understanding of the codes, required the ongoing interplay between findings and method (Corbin & Strauss, 1990; Saldana, 2016). Open coding was primarily involved in eliciting new codes to seek and determining what documents that may have used one word of the open coding would still not make the next stage (Saldana, 2016; Urquhart, 2013). The earlier example of the pollock shows how single word seeking still required a full document review.

It was during open coding that the research trail led to both older statutes and the historical documents of the hearings. As I had started with statutes alone, it was the use of open coding that elicited the path to the new material. In the search for the data that would bear a theory, I returned to open coding several times, each time with a new dataset. Hearings records were reviewed for hearings about higher education. Problematically, hearings sometimes did not differentiate between K-12 education and higher education. I was also given the new code of special education which I had not used in the first open coding.

As the potential theory had led to a new construct I had overlooked in the earlier coding, this required a return to the initial dataset for a new review. The second review was easier as I had already found the documents related to education. The second review failed to elicit any further information that applied to higher education. This is an area of potential future research to determine how this theory could apply to the emergence of the construct of special education as a term (Schneider & Ingram, 1993). There may also

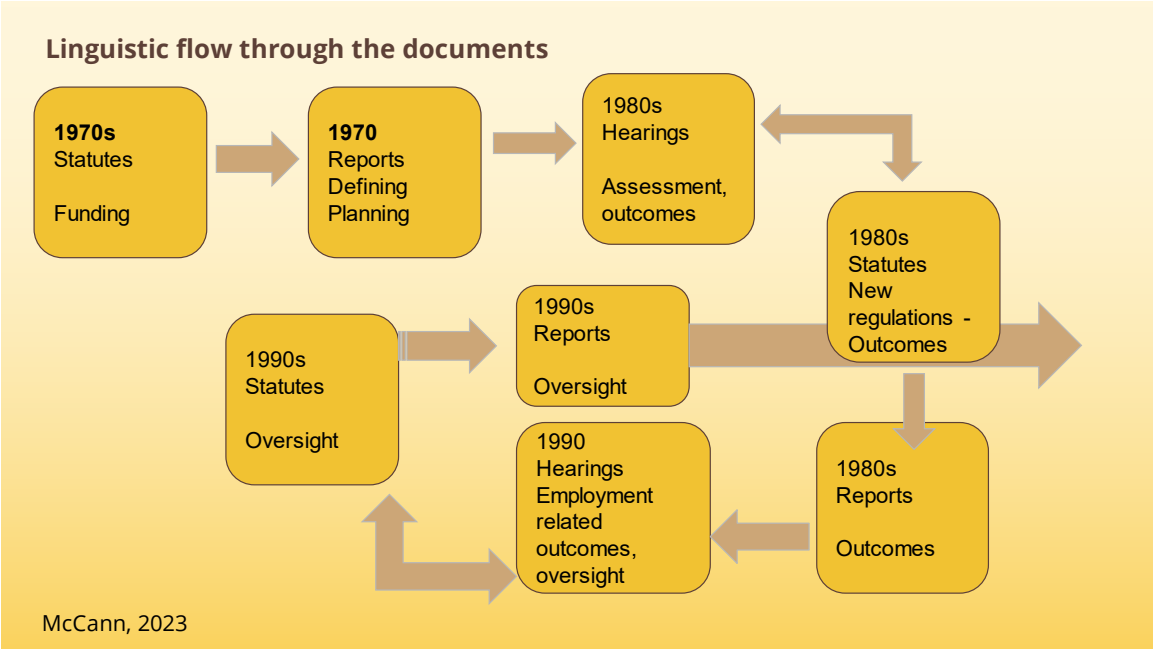
be a pattern of when special education and college began to appear together (Schneider & Ingram, 1993; Wehmeyer, 2022). In the 1970s and 1980s it is clear that the expectation bar for students in the category special education did not include any higher learning (Schneider & Ingram, 1993; Wehmeyer, 2022). I determined that this would be an unhelpful offshoot and tabled it for a future project.

Axial coding showed that the pattern is there, but it could be spurious. Historical document analysis involves content analysis. The material must also be contextualized in its time period. Just as language can change between disciplines, it can also change over time. Preparing for content analysis was stage two of the process of coding. The grounded theory method requires the theorist to approach the data with an open mind. Corroboration of the documents in this case is fairly straightforward as the documents are all government archived. But this does not mean that some corroboration would not need to happen.

Many people are somewhat vague in their understanding of the legal processes in their region. New Jersey's legal system is known for its complexity (Webb, 2020). Therefore, it may mean that legislation mentioned in reports or hearings need to be corroborated by seeking the document being referenced in the hearing or report. The key difference between a researcher simply following their curiosity is the data which reins it in (Glaser, 1978; Glaser, 2013).

Figure 5

Linguistic Flow through the Documents



Planning, Outcomes, Oversight

The following passage was actually the passage which caused me to embark on this journey.

> Never before has education been so necessary for the development of the individual and his participation in society, for it is through education that man acquires the capacity to deal effectively with complexity and change. Education enables a person to achieve more fully his potential as a human being and is essential for understanding and participating in the social, political, economic, and cultural life of our society. Education benefits society as well as the individual. Our economy cannot operate without millions of highly educated persons. (Goals, 1970, p 9).

Such a poetic and profound vision of education was not one I had ever seen in my experience in education. Determining when and how the language we use to discuss higher education had shifted became something of an obsession. This dissertation defines the themes that emerged in each decade. This chapter presents the track of the research involved, and the manner in which the emerging grounded theory revealed itself.

The linguistic flow, the way the language shifted between the different documents and evolved over time, required a close read of the historic documents and discernment through coding of the primary themes and the language used to create them. This required coding these documents in order to find the themes involved, rather than the themes I was anticipating.

But, following data in a grounded theory process, showed things which a simple review of the statutes alone would not have shown (Thompson, 2011). The linguistic flow moved between hearings, statutes, and reports. However, the flow from hearings, to statutes, to reports is not linear. The search was a non-linear process, and the linguistics followed a non-linear path (Startman, 2004; Urquhart, 2013).

Utilizing grounded theory on a very large database presents the need for another approach to grounded theory (Timonen, Foley, and Conlon, 2018). The differences between using grounded theory on interviews and on large databases lie in the data density and depth. Interviews offer rich, personal narratives that dive deeply into individual experiences. Large databases provide broader insights through the analysis of a larger dataset, even though they might lack the same level of individual depth (Timonen, et al., 2018). Researchers must adapt their analysis techniques and expectations based on

the type of data source they're working with while still adhering to the core principles of grounded theory. The data density and depth in Grounded Theory analysis differ between interviews and large databases. Interviews offer deep and context-rich data, providing insights into the individual experiences, emotions, and nuances of participants. The focus is on understanding the "why" behind their actions and perceptions.

In contrast, large databases provide a broader overview of trends, opinions, and behaviors within a larger population or dataset. While the data might lack the depth of individual stories, the advantage lies in the ability to identify patterns and trends that might be missed in a smaller sample like interviews. The goal is often to identify generalizable concepts or processes.

This data analysis offers rich pinpoints of data and analysis; however, it requires some sweeping characterizations in order to prevent the reader from being lost in the weeds of three decades of data. Most big datasets are analyzed using computers. This dataset could not be analyzed that way due to the nature of the documents. This process will not create a fully manifested theory for this dissertation. This highlights the fact that there are instances in which the change in language is clearly demonstrated over the decades and that some of those changes had real world implications for higher education leaders.

Before the journey begins, we must lay out the circumstances and history in which the documents were created. The context of the documents and the order of their production matter to the analysis of the data.

Document Identification

In the process of revealing the grounded theory and discerning the themes, every one of the statutes, hearings and reports needed to be sorted (Ligita, et al., 2020; Saldana, 2016; Thompson, 2011).

In a perfect world, a proposed bill would generate a public hearing. The public hearing would influence legislators; and the statute would reflect the outcome of the hearing. In due time, the entity the statutes addressed would produce a report to identify how well the statute was working (Greif, 2004). But the political arena is never that linear, or even logical. Sometimes, it does work that way, but more often, it is messier, less linear, and more of a spiral in nature (Greif, 2004). Attempting to follow an idea through the political process until it becomes statute reveals the myriad ways in which the documents are changed. It reveals the ways the thinking around the intent of the proposed bills can shift following a hearing. So, a proposed bill may have 5 or more edits following hearings, reports and votes, before the final wording of the statute is turned into law.

Every bill that is proposed is not subjected to hearings. Many hearings lead to bills being scrapped. If a political figure determined that the public pushback was too strong, or that they did not have enough political capital to get the bill passed, sometimes they remove the proposed bill from the docket entirely. Sometimes such a bill will be proposed again in another year. Sometimes the bills return with significant alterations which may completely change the outcomes.

Many statutes are amendments of earlier statutes. Hearings cover multiple bills. The reports are released on a rolling basis. Some reports are not related to specific

statutes. New Jersey's political system is known for its complexity, and its historical data can be difficult to find, poorly stored, or inaccessible, under the best of circumstances (Greif, 2004).

Linguistic Flow in Document Selection. The language this examination was seeking was traceable through these messy processes (Mahmood, et al., 2016). However, the terminology of the hearings, and reports, did not match the language of the statutes. Statutory language is too prescribed for most of the terminology to appear directly (Bacchi, 2000; Berk-Seligson & Luckman, 1967; Berman, et al., 2022). This section speaks to the legal semantics of translating legal terminology (Berk-Seligson & Luckman, 1967; Berman, et al., 2022; Trosborg, 1997). Referring back to the literature review in Chapter two, translating what statutory language said into what the impact of that statutory language was, became an essential piece of the grounded theory puzzle (Berk-Seligson & Luckman, 1967; Berman, et al., 2022; Charmaz, 2017).

Nonetheless, the statutory language ended up being linguistically performative (Drinoczi & Novak, 2015; Grewendorf & Rathert, 2009). Statutes are political documents. It is common for legislative language to be politically expedient while covering its true intent (Ingram, et al., 2007; Startman, 2004; Trosborg, 1995). As the data demonstrates, terms used in statutory language do not precisely match the language used in the hearings and reports (Ingram, et al., 2007; Startman, 2004; Trosborg, 1995). Understood within context, it becomes clear how the statutes and the reports speak to the same constructs, but the lens is dichotomous (Grewendorf & Rathert, 2009; Trosborg,

1997). The pattern, non-linear and occluded, still showed the essential path of moving from hearings to statutes to reports which analyzed the implementation of statutes.

There are patterns and themes which would not be clear without the full grand scope of the three decades. While this makes presenting the data somewhat more difficult, it is necessary to occasionally indicate to the reader, when a term or phrase is introduced, how that term or phrase reappears later either as action or statute (Gumperz & Levinson, 1996; Mahmood, et al., 2016).

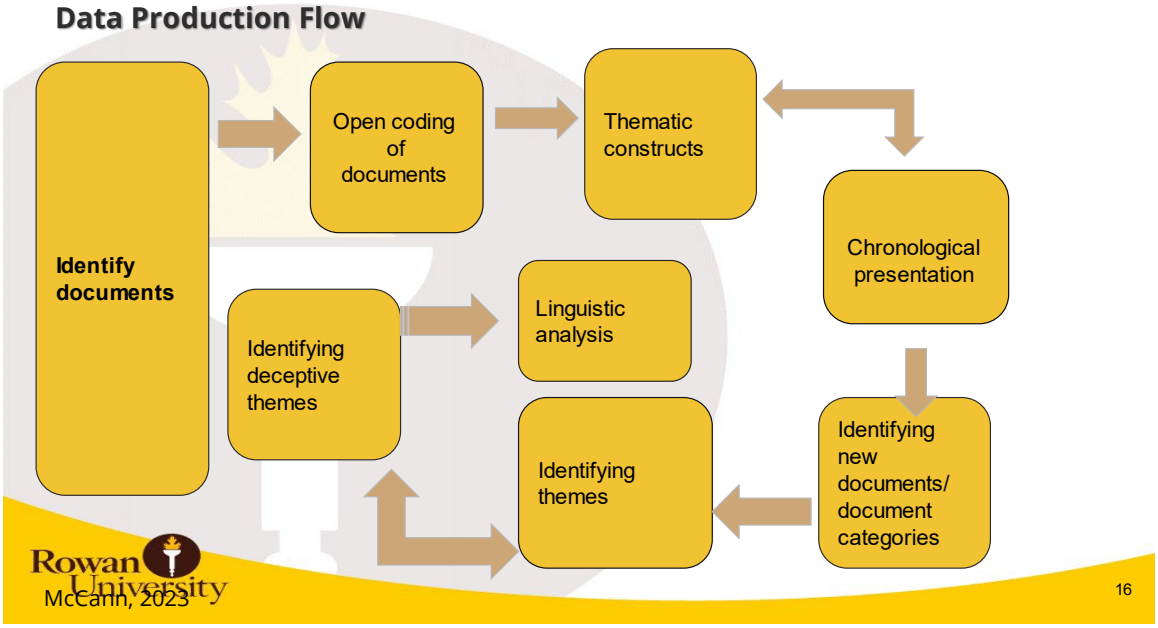
There are singular differences which have strong meanings that are not readily apparent (Grewendorf & Rathert, 2009; Mahmood, et al., 2016; Trosborg, 1997). In the 1970s the word “funding" appeared many, many times, across all document types. In the 1980s the word became “appropriations.” While the terms both speak of money, the terms levy distinctly different meanings. A complete explanation requires more context.

While the data collection reflected the grounded theory process, and was far from straightforward or linear, the examination had to start somewhere (Charmaz, 2020; Chiovitti & Piran, 2003; Glaser, 1992).

> An account of themes ‘emerging’ or being ‘discovered’ is a passive account of the process of analysis, and it denies the active role the researcher plays in identifying patterns/themes, selecting which are of interest, and reporting them to readers. (Braun & Clark, 2019)

Figure 6

Data Production Flow (Reiteration)



Braun & Clark (2019) speak of how researchers often fail to explain their processes. In the case of a process like the one performed here, there are differences between analysis of interviews and analysis of historical documents. There are also differences in how one examines a dataset that is so large and has led to so many twists and turns. The grounded theory process means that even determining the data corpus let alone the dataset being examined, requires allowing for data emergence. Braum & Clark's (2019) advice is to "code for as many potential themes/patterns as possible" and "code extracts of data inclusively" so that the contexts of the codes/terms are not lost.

As was explained in the contextual analysis discussion of Chapter Three, in this case context mattered far more than simply coded terms. Occupational dialectics were

needed to fully grapple with meaning and meaning construction. This was particularly vital in understanding how singular terms are used descriptively in one case but deceptively in another. Political speech is another occupational dialect largely utilized for deception. Simple coding of a term or phrase did not always fully reveal the theme of the terms. Themes of terms used deceptively are still themes that must be examined. Redefining whether or not higher education is a private good or a public good was the construct that follows through the secondary themes. The theme of defining higher education runs through the three decades under study and will rear its head again and again.

Redefining education through is the overarching multi-decadal theme. To make the data analysis readable each of the themes is listed as one overarching term. The first theme under this redefinition is a theme of planning. Redefining education is the theme that runs through funding. The purpose of higher education and who it is meant to help runs through the section thematically called access. If higher education is a private good, the government has no obligation to fund it. If it is a public good, then the public needs to address the funding. If redefining the nature of higher education in New Jersey remains incomplete, then a politician can use the term access but then write laws that provide more access only to those who are attempting to obtain graduate education.

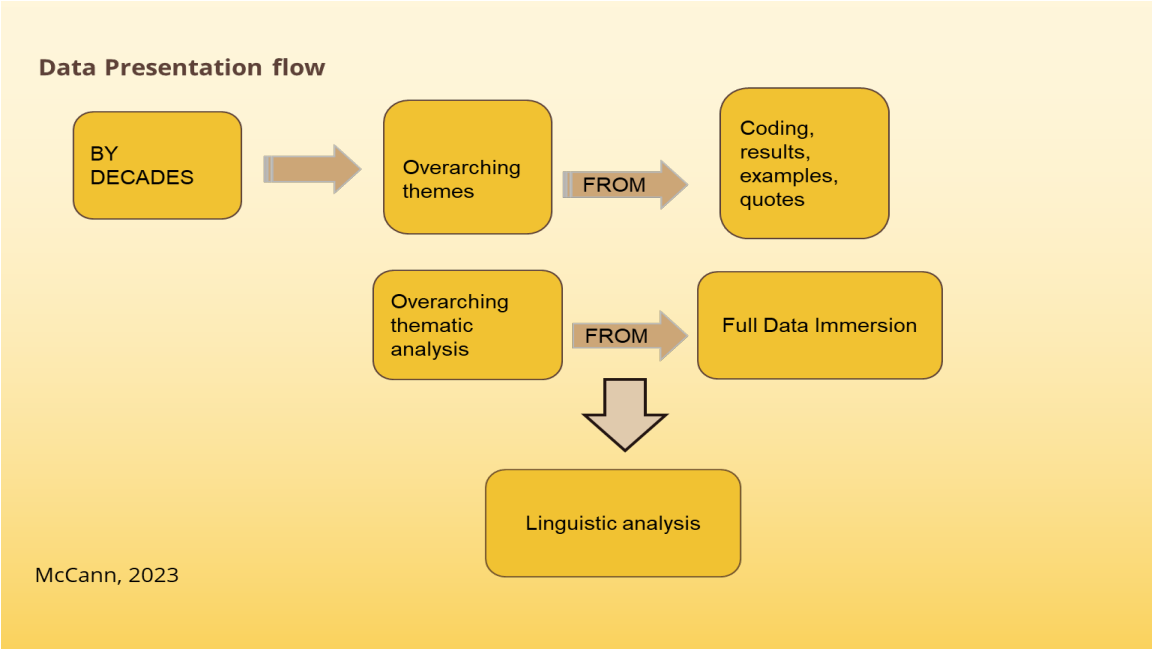
Employing coding for terms is a standard practice for the foundational analysis of language. However, the contextualization of these terms within their respective phrases and even paragraphs is crucial. The size of this dataset, methodologically speaking, influences how themes are identified. It is imperative to acknowledge that, at this

juncture, the interpretation of the data in grounded theory work cannot be quantified. Grounded theory is inherently designed to establish a foundation for future research.

The following sections explain the manner in which language can be followed between historic documents. It explains the coding of documents and how statutory language needed to be interpreted in order to discern its thematic meaning. Having laid out the historic milieu in which these documents were produced, having explained how nonlinear the linguistic path would be, we can begin to explore the language.

Figure 7

Data Presentation Flow (Reiteration)



Linguistic flow analysis is vital to the examination of historical documents, particularly when seeking the patterns between documents intended for different audiences. A close examination of sentence structure, rhetorical devices, and overall coherence of meaning provided valuable insights into the authors of these documents, their intended audience, and their ability to reflect times and attitudes.

Problematically, linguistic data flow in politics is circular (Bacchi, 2000; Berk-Seligson, 2012). Reports are written about the recent past, statutes are written in response to the reports, new statutes are proposed in hearings. The hearings lead to new statutes. These statutes lead to new reports. Since each document connects to the other, and the flow is circular in its logic, it was necessary to start with the first report of 1970: New Jersey Master Plan, Number 1, Goals for Higher Education in New Jersey, hereafter cited as Goals. That report, whose emotive language was intended to set the tone for the Master Plan, led to new statutes throughout the decade.

The order of events is not really as clean as that because production of all of these, reports, hearings and statutes, remains ongoing rather than linear and discrete. Snowball sampling led to the discovery of hidden documents and data such as hearings transcripts, public forum transcripts, and proposed legislation amendments (Charmaz, 2014; Glaser, 1992). This snowball sampling allowed the data to lead the research rather than for the research to lead the data (Glaser, 1992). Entering the data collection process, I had anticipated a narrow field of data collection specific to legislation. But grounded theory research is led by the researcher's questions and curiosity (Glaser & Strauss, 1967;

Glaser, 1992). New questions develop as the data is examined (Glaser, 1992). These new questions lead to seeking new data sources (Glaser, 1992).

Additionally, locating and differentiating which pieces of data were relevant and allowing the data to lead the research meant that the data collection process was also not entirely linear (Bryant, 2017; Chiovatti & Piran, 2003; Strauss & Corbin, 1998). A phrase in a report, such as the one quoted above, would force me into searching for the statutory milieu into which the report had been written. The statutes may be nothing but references to older statutes. This would require searching for the original statutes, which could be outside of the delineated time frame. It would require searching for hearings transcripts about those statutes, and then often back to the same report. Then, a construct would appear in a report in 1970 and be fully contradicted in 1980.

Because of the issue of the non-linear dataset, the data cannot be presented fully differentiated by report, statutes, and hearings (Bryant, 2017a; Charmaz, 2014). The themes may not be visible as they cross through the statutes, but the meaning comes through (Grewendorf & Rathert, 2009; Mahmood, et al., 2016; Trosborg, 1997). I present the data broken up by the decades which the data represents. Each section is then broken down into the primary themes that were revealed in the document analysis (Charmaz, 2014; Denzin & Lincoln, 2003). Occasionally, themes refer back to the themes mentioned in earlier sections, sometimes themes foreshadow themes which are more readily discerned if the foundational issue is highlighted when it occurred (Bryant, 2017; Chiovatti & Piran, 2003).

1970s - Defining Higher Education

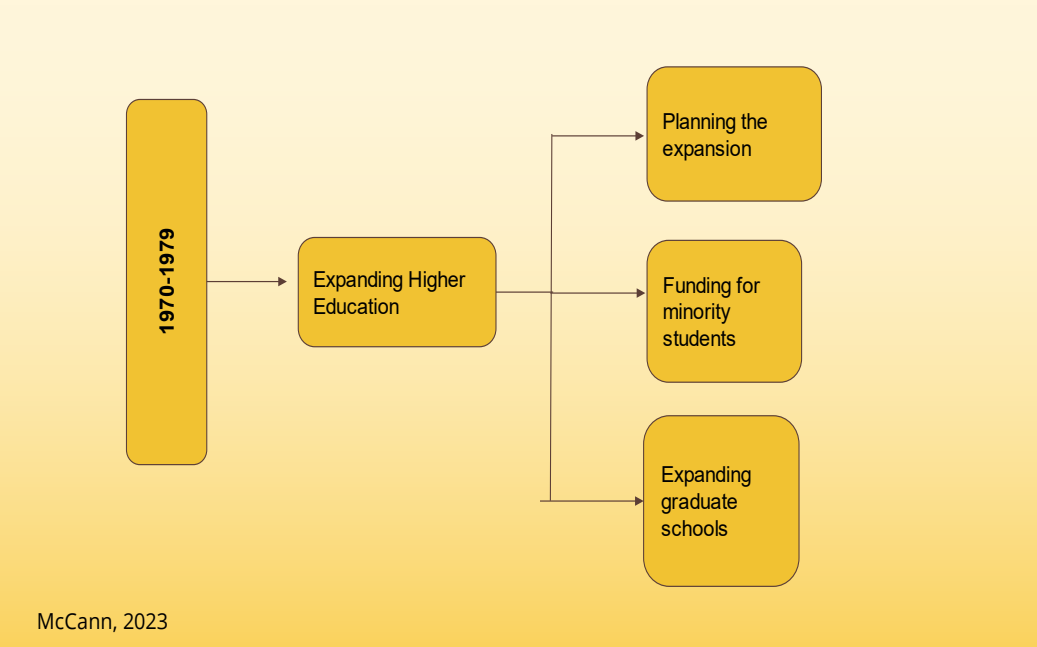
Between 1970 and 1999, there were literally thousands of statutes written that impacted higher education in New Jersey. New Jersey has many state higher education institutions, such as Rutgers and Rowan, as well as many private institutions, such as Princeton. The commitment to higher education has been present in the state since before the American Revolution (Hoeveler, 2002). But the relationship between the state and its institutions of higher education has always been a fairly volatile one. Higher education was always considered important enough for the state to provide land and grants, but it has also generally been considered a private good (Hoeveler, 2002; Palmedessa, 2017). However, the construct of it as a private good has also always been, if nothing else, malleable (McLendon, 2019; Ness & Tandberg, 2013; Palmedessa, 2017). A private good indicated something that only helped the person receiving it. However, the language of the quote used to open this chapter shows that it did not remain perceived as a private good. In a rapidly changing society, it began to be seen as a necessary public good.

So, statutes are written, have been written, and will continue to be written, that have direct impacts on those institutions (McLendon, 2019; Ness & Tandberg, 2013; Palmedessa, 2017). Each of these statutes attempts to either define higher education's role in society, or to force institutions into the role political figures saw it as having. To discover how the machines of the government push and pull at New Jersey's higher education institutions, statutes need to be examined over extended periods of time. The grand sweep of social ideas does not reveal itself in small glances.

The report that was released in January of 1970 was a great place to start. This language was the very language which prompted this researcher to start this journey. The language was so positive, so supportive of the identification of the purpose for higher education, and yet was so at odds with my lived experience in the field, that I had to find out what had changed. The journey is not linear for the reader, any more than it was for the researcher. It is the curious journey of grounded theory.

Starting in 1970, the opening quote is emblematic of how higher educations' leaders were attempting to set the tone for the next decade of higher education funding. They wanted to establish the parameters in which decisions could be made. Legislators weren't shy in pushing back. What ensued was not at all clear when viewed alone but became quite clear when viewed over the decades.

Figure 8
1970-1979



Overarching Decadal Theme

During the 1970's the primary theme that was evident was that of planning for the future expansion by defining what higher education was – a public good. Within that theme, three sub themes emerged: planning the expansion, funding for minority students and access. The term access was thematically deceptive as politicians spoke of access but used the term only to expand graduate education. What was evident though the decade; the point of many of the reports, was that higher education was a public good. Much of the writing in this time is an attempt to define this in statute in order to make it stick. Leadership was clear in saying that definitive planning was needed to protect and foster the growth of higher education in New Jersey. Secondarily, they wanted to be certain that

funding was allocated to ensure that the growth the system needed would be able to occur. Expansion of higher education appears to have been agreed upon on all sides. Everyone wanted to be part of the planning process for that expansion. Finally, they also wanted to create plans which would increase the access of New Jersey's less advantaged students to the private good that higher education could be for them.

Data was being presented to both higher education leadership and political leaders that the population of college age students was expected to grow immensely in the coming decades. That data impelled them all to begin to wrestle with the fact that higher education in New Jersey had to expand. But the two sides had different opinions on how that should be accomplished. So, the decade started with planning -planning to expand, planning to increase state funding, planning on how to create more educated laborers for the labor market.

When you know change is coming, it is better to help define the nature of what you are intending to change; and control the plan to guide that change. So planning is a major theme, but it is not what it appears to be as the plans all wrestled with the redefinition of higher education would determine who wrote the plans, who funded the plans and who should benefit from that plan.

In the interest of making this readable, one or two reports, or hearings, and a handful of statutes may be used to demonstrate themes in specific decades. The dataset is too large to present in any other manner.

I would advise the reader to be cautious of applying singular terms to overarching themes. For instance, planning, or planning for the future, is overridden by the battles

between planning for expansion and redefining what education is to society. Planning specifically for expansion was only mentioned once in this document. Terms like access were used to deflect the general public from seeing what was actually happening. Politicians use language as a tool.

Primary Theme: Planning for the Expansion of Higher Education

The phrasing that reeled me into this journey (quoted above) came from one of the first reports of 1970. In January 1970, the New Jersey Department of Higher Education released a report called Goals for Higher Education in New Jersey. It was later archived as the New Jersey Master Plan, Number 1, Goals for Higher Education in New Jersey, hereafter cited as Goals. The Higher Education Act of 1966 (memo regarding pre-1970 hearings leading to this report is in Appendix E) dictated that New Jersey "develop and maintain a comprehensive plan" and this was their first attempt at compliance with that act.

"...planning is the way by which institutions can act to shape the forces of growth and change", (Goals, 1970, p 1). The report's overall message was that New Jersey Higher Education needed to be expanded and funded more fully. The desire to greatly increase access to higher education translated fairly quickly, by the standards of legislation, to statutes that provide funding for institutions. They quickly created systems for providing further loan opportunities, and to entice private banks to enter the loan arena. But they placed strict guidelines on those institutions.

The authors of this report, all from within higher education, stated clearly that they wanted this report to be a template, or guideline, to plan for the future growth of

New Jersey higher education. They intended it to be a design with which they all agreed. After recounting the reason for why planning was needed, the report recounts the fact that fewer than half of New Jersey's college-eligible students had the chance to attend college in New Jersey. The report assigns this situation to the fact that New Jersey had two private institutions before the Declaration of Independence was signed (Hoeveler, 2002). Therefore, the defining of higher education in New Jersey had been set over 200 years ago.

> New Jersey began with a strong commitment to independent private higher education. As in all states of the Northeast, higher education was considered primarily a private matter and not a proper concern of the state.
>
> (Goals, 1970, p.6).

The language speaks to the construct that the state did not need to play a role in this private good. However, they were attempting to demonstrate that this particular private good had public impact and meaning (Geiger, 2011; Hensley, et al., 2013). The issue of a state school versus a private school is one that was already murky in the inception of The College of New Jersey- which later became Princeton University (Johnstone, 2004; Larabee, 2017). It was started as a "state asset" but it was privately funded through donations and tuition. It was considered a social necessity, but primarily a private good (Greif, 2004, Larabee, 2017).

The 1970s plan extrapolates out that the state needed to become involved in this private good. The first stage of planning was to enforce the definition of higher education as a public good. This ties the overall themes and the underlying themes. What was

occurring in the state was a clarification of the definition of higher education. Legislators and leaders were attempting to ensure that the planning for the expansion of higher education in New Jersey would follow their plans to enshrine that definition.

The word(s) “plan”, “planning”, “plans" appeared 67 times. It is clearly central to the construct of the report. The terms “economy”, “economics” and “economical" appeared 20 times. However, the context of the terms meant that their use was meant differently than how it would be used in later reports. The word “expand” or “expansion” appeared only twice. The words “economic” and “economy" both appear here, but in the context of insisting that education is necessary for a strong economy; and the “productive roles” educated citizens will play in such a society. These codes supported the emerging themes and support the analysis. “Extensive availability of higher education was recognized as being essential to a healthy society, both socially and economically” (Goals, 1970, p. 6).

Interestingly however, the report later states; “It is neither wise nor beneficial for educational programs to be planned solely in anticipation of state manpower needs” (Goals, p 13). This single statement echoes throughout the decades. Identifying the purpose of higher education, this statement is repeated and refuted for decades - and continues to be today. The report is unstinting in its language. Education needs to be “responsive to the needs of citizens.” It should be “striving for excellence and seeking to help in meeting the needs of society.” The report is an ode to the importance of, and value of, higher education. The term “investment" appears 6 times throughout the document, but it, too, is couched in terms of asking the state to invest in higher education.

"In an era when higher education was not the individual and social necessity that it is today, a policy of restricted state provision for higher education may have been better justified." (Goals, 1970, p16). Further, the document uses the word economy repeatedly on one page (Goals, 1970, p20). However, the entire page is explaining how New Jersey's economy can afford higher taxes to support higher education. "There is no evidence that New Jersey's economy is faltering" (Goals, 1970, p.16).

This report waxes philosophical about the state's universities and colleges in an almost florid description of their meaning. "Upon them rests a major responsibility for expanding and transmitting the store of man's knowledge and for educating and preparing young men and women for the social, economic, scientific and political complexities of the future" (Goals, 1970, p14). They were clearly planning to extensively expand on New Jersey higher education. However, this mention is the only time they actually reference expansion; and it is in terms of expanding the "body of knowledge."

"Education benefits society as well as the individual. Our economy cannot operate without millions of highly educated persons" (Goals, 1970, p 6). Such statements are part of the defining of education as a public good.

In order to make this possible, the report requests a large increase in funding to be given to the colleges and universities as well as directly to students. "...a policy which would deprive thousands of New Jersey young people of the opportunity for a college education for the sake of economy in state government is unthinkable." (Goals, 1970, p 16). Over and over, the language of the hearings, statutes, and reports spoke of planning.

When discussing the legislative language, again recall that the language used may not precisely mirror that of the themes, it is in their impact that the themes emerge. There were clear demarcations of those pushing to increase state funding from those who wished to rein it in. In 1971, bills such as L1971c12, and L1971c261 were passed to address very different aspects of the implementation of the plans. L1971c12 was an act to increase funding for community colleges. "An act concerning the county colleges and supplementing Chapter 64A of Title 18A." The Act itself speaks largely of planning rather than funding. This is typical of some of the most important and impactful acts. The Act is a very brief addendum to multiple acts, from 1956 on, that address community colleges. This act, L1971c12 provides additional funding for community colleges to address their existing financial shortfalls. It tells legislators that the funds are needed in the future but does very little to actually provide the funds.

"Whenever the board of higher education shall determine that is unable to provide state support for a capital project of a county college pursuant to N.J. S. 18A 16A-22 … the chancellor shall certify to the state treasurer the amount of state support recommended… (L1971c12 p 63)"

It speaks to planning for future growth, but the funding the bill actually provides is for already incurred shortfalls. Additionally, the "bonds and notes" which the act mentions are repayable forms of funding, it is not direct funding, it simply allows them to raise their debts. But L1971c261 was the first attempt at funding what would be the planned expansion of the state's institutions. L1971c261 created a funding scheme for new construction necessary for these plans.

…to the Department of Higher Education from the Public Building Construction Fund the sum of $21,273,600… for land acquisition and the planning, construction, rehabilitation and equipment of facilities, services, and buildings at the various public institutions of higher education. (L1971cc265 p1425).

Legislative funding is how plans become reality. Sometimes when these bills often spoke of planning, they meant funding. Sometimes they spoke primarily of funding but meant planning and expansion. Hearings and reports spoke of planning. Statutes enacted the plans - mostly. But the statutes also planted the seeds for future difficulties. A key statement in the 1973 report hints at the battle about who was in control of the planning. “The results of decentralization without effective centralized control have been cited throughout the report.” (EOF fund report, 1973) Additionally, “the result has been a variation in the quality of programs, a lack of coordination of programs and a maldistribution of resources in terms of actual state manpower needs.” (L1977S1387). The battle ensued throughout the decade: who would control higher education in New Jersey? Who is higher education meant to serve?

The terminology used to discuss planning, and how those plans were to be funded, was sometimes indicative of the intentions of the legislature’s intentions to maintain control of higher education funding. Higher education leadership's plans still required legislative funding, and funding can significantly alter the outcome of what had been planned.

Secondary Theme: Funding for Minority Students

Funding is addressed in a wide variety of reports, statutes and hearings during the 1970s. Seeking a decade long theme across hundreds of documents, this section presents the funding theme through one key report which garnered a large amount of political, and higher education leadership, pushback. More than half of the reports generated in this decade were about funding. The statutes were largely about funding the plan.

In 1973, one of the early reports was a program analysis of the New Jersey Educational Opportunity Fund Report for the New Jersey Legislature Pursuant to R.S. 53-11-43 released by the Law Revisions and Legislative Services Commission, Office of Fiscal Affairs, Division of Program Analysis, January 1973. This report about the EOF, appears to be about access – discussed later – but in reality, it is an indicator of how programs such as this should be funded. This report was produced after the creation of the Office of Fiscal Affairs. It was the first, the office only having been staffed in October 1972, producing the report in only 2- and one-half months. The report opined, "this new policy may not be consistent with the original intent of the program (EOF, 1973 p.iii)." They spoke of a "number of shortcomings" such as the ways that students have developed to game the system, by declaring themselves independent. This lowered their household income, making the students eligible for more aid. It stated that private institutions are not providing enough support to "disadvantaged students." They differentiate economically disadvantaged from academically disadvantaged.

The report claimed that providing EOF funds for economically disadvantaged, but academically gifted students reduce the reach of the program. They clarified that the

program was meant to be targeted specifically at those who are both economically, and educationally, disadvantaged. It implied without outright stating, that students who are economically disadvantaged, but educationally gifted, should be being supported through other funding avenues. It is this designation of "other funding avenues" which becomes emblematic of the funding struggles.

Despite the fact that this report was specifically a report of an audit of financial affairs, the word "inefficiencies" only appears twice. The importance of this becomes clear when compared to similar reports in future decades. The inefficiencies are specific to an understanding of issues in the administration of these programs. This search counted "inefficiency," "inefficiencies," "inefficiently," and "inefficient". The document was also coded for the terms "economic," "economy," and "economically." The term "economically disadvantaged" was used repeatedly, the word appeared 6 times, but always as applied to the student. Again, despite the fact that this was an audit report, these terms appeared rarely. The term "accountability," "accountable," and its permutations, did not appear at all.

"Dependence on loans or part time work for freshmen, or students having academic difficulties is discouraged by the Board. Parents are not expected to contribute more than $625 and most contribute less" (OEF, 1973, page v.). Inflation translation makes this $5,000 in 2022 money. What is not clear is whether this was intended to be over any specific time frame. The language of the report does not specify; however, it appears that they mean over the complete academic career of the student. Public colleges' tuition in New Jersey was cheaper than average, but the national average for one year of

tuition to a public college was in the neighborhood of $430. (This number was averaged out from multiple data sources, many data sources that track collegiate tuition do not have data back that far. Even the Education Finance Statistics Center - nces.ed.gov - gave limited data on this issue.)

> The (State Scholarship) Commission believes, as I do, that it is essential to identify and assist students of outstanding character and leadership potential whose comparative underachievement or low test score performance is associated with poor school training - in other words, boys and girls whose scholastic weakness is not their fault, but our collective fault.
>
> Governor Hughes as quoted in OEF, 1973, page 1.

Governor Hughes' statement refers again, to the issue of identifying higher education as a public or private good, by stating that some students could not go to school through no fault of their own, he was reiterating that higher education was a public good that all deserved.

By 1974, Assembly bill 1301 was posited to the Assembly to provide for the higher education assistance authority which would allow students, who could not get other loans, to "apply directly to the Higher Education Assistance Authority and receive a loan from its designated agent using public funds." Sadly, this wording did not make it to the statutes with this language. The Assembly wished to make the state agency directly responsible for the administration of student loans. However, the final statute placed bans between state funds and student borrowers. This highlights the linguistic flow between documents and how an idea may be lost with a terminology shift.

It took until 1975 for some of the specifics to be worked into the statutes. L1975 Ass. 1735 became L1975c287 which specified careful loan parameters. It does not appear that the idea that people could apply directly to the fund was popular. In a flurry of bills, strict guidelines were established on how banks could write student loans, who was eligible, and how the interest could be accumulated. Student loan debt holders in 2023 would be overjoyed with some of these terms. It did cap loans to not exceed a total of $20,000, or the ability to pay it off in 7 years.

There was also a flurry of new scholarships. L1975c225 provides a small scholarship to "war orphans," oddly including those orphaned in the Spanish American War. It may be that the bill was intended to cover the anticipated increase in such children of Viet Nam's dead, but instead it tried, and failed, to establish whether or not a "national emergency" or a "police action" qualify as war. As with other seemingly minor bills, or passages within bills, the minor issue snowballs into real problems later. It only took a year for banks to get what they were really after, the right "to buy and sell approved notes evidencing loans."

The year 1975 also saw the state establish parameters for what kind of institutions could receive aid (no religious institutions). "No student shall be eligible for a tuition aid grant who is enrolled in a course of study leading to a degree in theology, divinity or religious education (L1975c351 p.1). L1975c351 which establishes this, rests on hearings and bills that were proposed in 1965. The trails were so interwoven in the legislative documents that connecting that one statute to its history took weeks of digging.

L1976c87 gave banks the chance to buy and sell student loan debt. Initially, it granted the (higher education) authority to "grant or guarantee loans" (L1976c87 p. 435). This singular transition has become extremely important in the intervening decades as the ability to sell this debt. This increased banks' willingness to write loans for education, which could not be repossessed. It also led to massive debt accumulations. However, even here the term plans and planning were used repeatedly.

The seeds of what is enacted in later statutes were already appearing. By 1979 the statutes enacted a different attitude. The Independent College and University Assistance Act (1979) "revised funding policy for the state's 16 independent public institutions with a public mission." Funding had been based almost solely on enrollment, but now it would be tied specifically to how many New Jersey citizens the institution enrolled. Funding is always the cudgel. But the language remained supportive.

This State remains committed by law and public policy to the development and preservation of a planned and diverse system of higher education which encompasses both public and independent institutions. Independent institutions make an important contribution to higher education in the State, and it is in the public interest to assist these institutions in the provision and maintenance of quality academic programs (L1979c132).

The language used in the reports and comments is not matched in the statutes. The comments make it clear that the institutions are seeking expanded funding. The statutes show a pushback of legislators attempting to address funding through the provision of loans over grants. Grants were given to institutions; loans were given to students.

Every piece of language in every statute, hearing and report, funding for EOF students, funding for orphans, funding for loans all address the question of who will pay for the services? If it is a public good, who pays for it?

To discern the theme over a decade of material required a grounded theory analysis by seeking terms such as funding, grants, scholarships, loans, & financial aid, as parts of the overall theme of funding. It becomes important in later decades to note that the term appropriations was used rarely and only specifically in budgetary statutes, not organizational statutes. As the shift from appropriations as a solely accounting term to a term with much broader meaning is a primary support to the grounded theory of the interdecadal shift, it is important to note how paying the bills is addressed during the 70s.

Tertiary Theme: Expanding Graduate Education

One of the keys ways New Jersey addressed access was in funding graduate programs. During this decade, there are a great deal said about things like the EOF. There are enormous debates about who does and does not qualify for various forms of aid. Interestingly, political figures instead used access as a term to influence the public to fund graduate programs. This was a very politically performative use of the term access. While many would assume they would focus on undergraduate access, outside of the reports, there is little legislation to demonstrate the desire to actually change access to undergraduate education. The term access appears throughout the decade showing the desire of the political forces to demonstrate their concern about access. What they were giving funds to, under the term access, was not what it appeared to be.

In 1971, there was a proposal to fund a new veterinary school in New Jersey. They did not get that bill into law, so L1971c191 offers additional aid to provide to students who attend veterinary schools outside of the state of New Jersey. The bill admits that New Jersey is an agricultural state but

That at the present time there is no educational program in the State for the professional training of students in the field of veterinary medicine. That only two schools of veterinary medicine are willing to accept very limited numbers of students from New Jersey without contractual agreement between the states That it is essential that New Jersey assist in providing for the education of veterinarians in order to provide for the health and protection of all animals and the production of food and fibre for man (L1971c191).

Some attempts were made to increase funding for access of more economically disadvantaged students. L1975c351 is an amendment to L1968c429. Chapter 351 addresses a concern from State Senator Merlino that state aid in the form of scholarships, was based on a formula that counted student's summer income against their eligibility for aid. Senator Merlino adjusted the formula that only half of the student's summer income counted. This bill notes that it was written "in recognition of the fact that tuition fees are substantially higher now than they were when the 1968 law was enacted" (1975c351, p 3.)

More statutes like L1975c351 were written in the latter half of the 70s decade, all appear to be minor amendments, but all of which expand eligibility to state aid for college students. These expansions of access were so piecemeal that the public did not

seem to notice them. L1975c167 had increased the cap for student loans to students attending medical and graduate schools on the assumption that these students had the capacity to earn more. Additionally, if they had more students able to access this education they would have more funding to expand these institutions.

Statutes such as L1977c390 address the need to provide further funding to the state's medical schools. The "Medical and Dental Education Act of 1970", P1970c102, and the "Health Care Facilities Planning Act", L1971c136, were intended to provide funding to address the lack of graduate medical and dental schools in New Jersey. It combined the theme of managing to provide access to as many students as possible as well as planning for new programs and schools that the state needed. It took until 1977 for these constructs to face financial constraints which L1977c390 addressed. However, it continued to not fund these programs, merely offer to guarantee larger loans for graduate school students.

The point of this endeavor was to "create opportunities" to increase people of higher training from New Jersey, in New Jersey. The issue of access had been intended to address undergraduate access, but the first major endeavors were directly designed to increase access to Medical School and Dental School.

They created an Advisory Graduate Medical Education Council of New Jersey to accomplish both tasks. True access was expanded in small increments, but the term access was used to generate large sources of funding for the people least likely to require help in gaining access to higher education.

Redefining Education: How the 70s Ended

Over and over, the language of the hearings, statutes, and reports spoke of planning. There were clear demarcations of those pushing to increase state funding from those who wished to rein it in. Hearings and reports spoke of planning. Statutes enacted the plans - mostly. But the statutes also planted the seeds for future difficulties.

What wasn't visible then, but appeared in later reports, was that in 1979 The Independent College and University Assistance Act "revised funding policy for the state's 16 independent public institutions with a public mission (L1979c132)." Funding had been based almost solely on enrollment, but now it would be tied specifically to how many New Jersey citizens the institution enrolled. Funding is always the cudgel. But the language remained supportive.

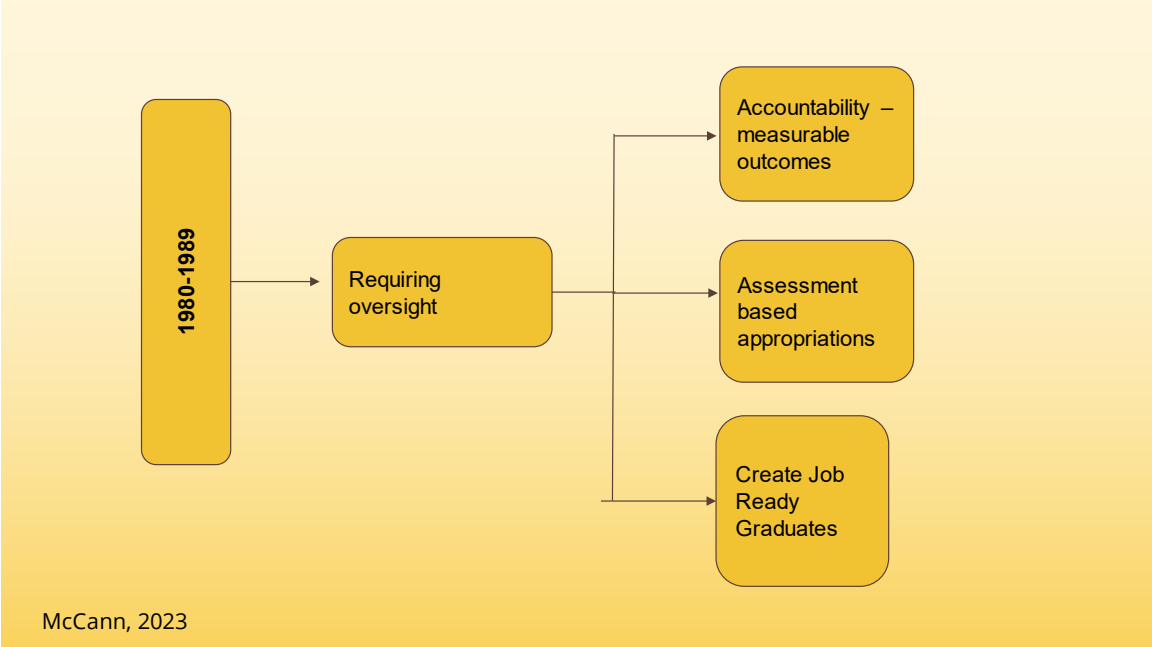
The 70s marked a massive expansion in New Jersey's higher education system. The language used: Planning, funding, and access, showed the different forces' attempts to control or benefit from the expansion.

While it seemed that most people acknowledged the importance of higher education, the efforts of higher education leaders to characterize it as a public good, encountered resistance in political circles. The maneuvering for a share of the resources is thinly veiled behind these overarching themes. The language used was sometimes meant to obfuscate the intent. Access meant access for marginalized students, and to some degree they did increase this. But professional graduate schools saw the opportunity to expand and did. Banks heard funding and access and saw that they could be involved in ways that would become lucrative for them in the 80s. On the national stage neo-liberal

economics were really taking hold in the 80s, so its language shows up in New Jersey as well.

The push and pull of multiple constituencies around what higher education was actually for illustrated leadership's desires. To ensure higher education access by defining it as a public good, planning for its expansion, ensuring its continued funding and expanding access for disadvantaged students may have been clear in the reports that started the decade, but it was already beginning to unravel as the decade ended.

Figure 9
1980-1989



1980s - Assessing the Outcomes of the Plans

By the 1980's taxpayers, or more accurately, the leaders they elected, wanted to know if the plans they had created in the previous decade were paying off. Higher education funding continued to escalate even while costs continued to outpace funding. A massive technological shift was taking place and institutions were struggling to keep up. Computing technology was the new rage. The issue was that computer technology was changing extremely rapidly. Computing was expensive. The hardware was incredibly expensive, the training took time, and schools needed to create new majors to address the "manpower needs" of a state whose employers wanted people trained in this new technology.

As neoliberal economic theory took hold, people started objecting to the involvement of government in many areas, including higher education (Barr, 2016; Dill, 2006; Gerardo, 2018). The issue of private good versus public good returned as the public began to demand measurable outcomes on their investment in higher education (Gerardo, 2018; Heller, 2011). They shifted the language of funding into appropriations. This evidently minor terminology change has significant implications for how the good was viewed. Things everyone wanted and would benefit from were funded by the government and taxpayers agreed to that use of their money. Appropriations were taken from taxpayers to provide services that only benefited some people.

The primary group establishing the rules during the 1980s was business owners. Their manpower needs, eschewed by higher education leadership in the 70s became a driving force in the 80s. Calling manpower needs job readiness switched the viewpoint from the business to the student. Terminology shifts were perspective changes.

Primary Theme: Produce Measurable Outcomes

In the 1980s, there were still "Master Plans" for higher education. But once within the statutes, hearings, and reports, the word planning vanishes. The beginning of the new decade was heralded by the defeat of Jimmy Carter, and the election, in November of 1980, of Ronald Reagan. It is well noted that this marks a distinct change in the political character of the United States (Dill, 1997; Slaughter & Rhoades, 2004). Prior to this, higher education reports had envisioned what they saw as the shift of higher education as a private good, to higher education as a public good. What we see in the 1980s is the shift back to higher education being a private good, not a public one. The push began for

institutions to be able to demonstrate that the money being poured into them was producing “outcomes”.

The decade began as the 1970s ended - with appropriations. It started literally with the funding of a new endowed chair for Seton Hall. The appropriation of $65,000 was granted to endow one chair.

Seton Hall University may utilize funds appropriated for the purposes of this act for the provision of equipment, supplies, clerical and research assistants, and such other appropriate support as is necessary for the research conducted by the holder of the Hughes Chair, and for development and scholarly use of the Hughes Archives. (L1980c.154).

Another early warning came in L1980c169, an anti-hazing bill. This bill included some harsh language. “The schools involved disassociate themselves from fraternity hazing deaths and disclaim any responsibility.” The bill attempted to make institutions responsible for hazing deaths.

The next year, 1981, there was a report assessing manpower needs of industries in New Jersey. So much for the idea that educating specifically to meet manpower needs was “neither wise, nor beneficial” (Goals, 1970, p 13). In early 1982, the report on Basic Skills insisted that “sound instruction should be designed to impart a sound understanding of basic principles rather than focus on discrete aspirations or processes simply to raise test scores. (Basic Skill, 1982, p. vii) This type of commentary peppered the reports from the early 1980s. They were referring to what was taught in high schools, but the exams

are about college readiness. “Students are broadly deficient in critical thinking, logical reasoning and problem solving skills”. (Basic Skills, 1982, p. vii)

But the squabbling over what the reports are saying and how money is being appropriated commenced. L1983c186 abolished the education improvement centers.

It is the intent of the Assembly Education Committee that the Educational Information and Resource Center provide a mechanism for making the State responsive to local decision-making, providing services "on request," based upon priorities determined by local teaching staff members, boards, parents and citizens (L1983c186).

Again, while it addressed K-12 education, this statute impacted higher education institutions in large part because some of the services provided by the education centers came from higher education institutions. So, higher education institutions were benefiting. The language dissolved these Educational Improvement Centers and reorganized them into the same essential construct - into Educational Information and Resources Centers. These were now governed more closely by the districts and allocated the money to the district. Higher education is relegated to a seat on the board.

There are three reports released in the mid to late 80s that are of particular note. During the 1970s, it was statutorily mandated that the Department of Higher Education release an annual report. There is little evidence that they actually produced publicly released reports annually. December of 1986 saw the release of the “annual report” 85-86. This is where the words “assessment” and “outcomes” start to really play a significant role in the conversation. Another term that showed up often during this time frame is “excellence”.

Thematically, the department started to use assessment and outcomes measures to prove either excellence or the need for remediation. Governor Kean was quoted as saying that New Jersey needed "to create, sustain, and defend conditions that great teaching demands" (85-86, 11). To affect this outcome, there were seminars and colloquia held to ask faculty what they needed. "The Department's three technological literacy seminars" were for humanities and social sciences faculty to learn how to use and teach technology throughout the curriculum. These results led to "differential funding of remediation programs" (85-86, p 11). Differential funding generally means that the funding is based on performance rather than need. One section of this report discussed "computer integrated manufacturing" and how New Jersey had identified "a shortage of qualified engineering faculty" (85-86, p. 12). It became clear that educting to meet manpower needs was now the norm.

Secondary Theme: Assessment Based Appropriations

By the mid-eighties, political figures were beginning to push for the state to make a determination of the success of the plans created in the 70s. There began to be a notable shift in how education was discussed. The data based ethos of the 1980s required that higher education would need to produce more data to prove their worth. they discussed both success and funding.

In 1984, the Board of Higher Education created the Commission on the Future of State Colleges. This Commission's task was to move the state colleges into a state of "autonomy." The legislation was vetoed by Governor Kean, until amendments "that ran counter to the concept of autonomy" were removed. In keeping with this mandate the

Board of Higher Education stated; “In accordance with the statute, the Board of Higher Education is required to oversee an orderly transition to autonomy that must be fully accomplished by June 30, 1989” (85-85, p 24).

“Autonomy” as a construct, is a neoliberal term for “you’re on your own.” Creating autonomy between the institutions did allow for creative and innovative ideas - on how to boost funding. This report marks the emergence of “appropriations” as a significant topic of the reports. While earlier reports spoke about the appropriations of funding, they rarely used the term outside of the actual appropriations statutes. The term appropriations was a legalistic financial term, not something used in conversation.

By 1985 the term appropriations appears everywhere. This is one of the easiest to spot movements of an accounting term into the lexicon of those discussing higher education. In essence, funding is money that is given, appropriations are monies that are taken from others. Funding places the focus on the thing which needs the money. Funding infers need. Appropriations literally stems from the term to appropriate, or to take from someone else, sometimes without their permission.

Appropriations remained a theme throughout the 80s and 90s, and appropriations was the way the government pushed higher education to behave the way they wanted them to. The 85-86 report spoke at length about the “challenges” New Jersey institutions face (almost all had to do with technology). But they also began setting up performance based, or assessment based funding. As a result, “outcomes” became a central point of reports. To review remediation programs “A new site visitation program will afford the opportunity to examine closely individual colleges remedial curricula.” However, this

initiative was neither identified nor funded. Who was going to do site visits and how they were to be paid remained unclear.

In 1987 a hearing entitled Assembly Higher Education and Regulated Professions Committee: Meeting the Challenge of Rising Higher Education Costs; Final Draft Report of the Student Assistance Committee to the Board of Higher Education began showing thematic changes in the context of external changes. The thematic concern of externalities impacting decisions, more than language being of influence, is clear in this comment by Assemblyman Doria:

> Those students in the middle are being cut out. Those are the ones, I think – it is ironic–I am not going to be partisan here – that a President who continuously talks about the middle class has, in the last six years, destroyed almost all of the financial aid programs for that middle class.
>
> (Assembly hearing, 1987, P. 26.)

In this hearing, specifically around costs, the word costs, economics, and debt appear continuously. But so does the word efficiency. But, again, the context for the term matters. Mr. Merck (Chairman of the Student Assistance Committee) was proposing that much of the financial aid programs, which he complained were excessively difficult to compile and manage, would be made more efficient with the addition of an extended computer network. The term did not apply to the provision of education, merely the provision of aid to students.

This hearing is of specific interest because Assemblyman Doria held his position through two of the three decades under study and was heavily involved in higher

education throughout his career. Some constructs that he espoused early on, in the early 1980s, did not become embodied into statute until the early 1990s.

As these were public hearings, commentary from the general public was permitted. However, unlike in 2023, where the public feels free to comment on everything ad nauseum, in 1987 it required a visit to the hearing to comment. In this hearing,

Dr. Patricia Kenschaft, then President of the American Association of University Professors, New Jersey Conference asked to speak. Her comments were lengthy, and you can hear the beginning of tired frustrations from the elected officials at the end of the hearing. But, she stated two things of interest: the first was that she had not been notified of the hearing until someone at the location (Montclair State) notified her. The second was more philosophical and grounded in the construction of how we as a society view education.

> We are competing with countries where …the other major economic countries in this world pay automatic college scholarships and living expenses to any student deemed worthy of attending college. Other countries believe that young people should put in the work to learn to prepare to take the reins of society… In other countries you do not find as many young people working in McDonalds as we do here, whiling away some of their best learning hours of their youth to pay the bills. (Assembly hearing, 1987, p 48).

Later on, she mentions the theme already emerging during this decade: assessment based outcomes. Directly referencing the committee report on outcomes, she

stated: “I am really terribly upset that the underlying idea of this new competitive exam, that would pit me against my friends at Morris County College…” (Assembly hearing, 1987, p 55).

She complained extensively about the “media thrust” that told people to want things that they cannot afford so they didn’t want to spend money on education. Assemblyman Collins retorted in a presentient comment; “And your children’s children will still be dealing with some of the frustrations you deal with (Assembly hearing, 1987, p 57).” He continued “...this society has decided that color TVs are more important.”

Dr. Kenschaft’s concerns were well mirrored in the later reports, many of which are entitled with the term outcomes, such as Outcomes of the EOF, Outcomes of Basic Skills Testing (See Appendices B and C).

Assemblyman Doria noted that this issue is showing in other ways as well. He noted that “I’ll make a bet that your number of business majors… is at least 2 to 3 times as great as it was five years ago” (Assembly hearing, 1987, P 58). Dr. Kenschaft noted that it was actually ten times larger. She then commented that in 1973 there were 136 teachers certified to teach high school mathematics, but in 1987 there was not one applicant for the program. The issue of larger social forces was one that came across clearly as politicians and educators struggle to cope with a rapidly shifting topography.

Money was rapidly moving from education into other arenas. These were the earliest rumblings of later issues regarding students seeking degrees in which they believe they can make more money. “Who is letting and encouraging our young people to go into business… when we have them come out of college with the kinds of debts they do?” Dr.

Kenschaft protested. But the Assemblyman's comment is "unfortunately our teachers are inculcating the same values that society as a whole is inculcating."

It was a vivid use of language that showed a group of people struggling to come to terms with a rapid series of social changes with which they did not agree. But Assemblyman Doria's ongoing complaints did not get the bills he wanted to become statute.

The legislative squabbling commenced by the middle of the decade. Assemblyman Doria, was pushing very hard for investment in higher education. He proposed multiple bills, most of which never became law.

A-1765, sponsored by Assemblyman Doria, establishes the Advanced Technology Center in Industrial Ceramics.

> Located at Rutgers University, the Center will receive $9 million in capital funding from the bond issue. Industrial ceramics are characterized by durability, light weight and high strength and have a wide variety of applications in industry, aeronautics and space technology. A second aspect of the Center will focus on fiber optics materials research. (L1985c105)

What was eventually passed included millions of dollars in funding to research being conducted in technology centers.

> "Innovation partnership grants" means matching grants to 20 academic researchers performing applied research in emerging 21 technologies at any of the State's public and private institutions 22 of higher education which are of strategic

> importance to the New 23 Jersey economy under regulations adopted by the commission pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 25 (C. 52 :14B-1 et seq.).

As has been mentioned before, a good deal of this statute was resting on previously passed legislation. It also included a literal statement regarding the interplay between reports and statutes. “This bill implements Recommendation 1 of the report of the Governor's Commission on Science and Technology. (L1985c105 Statement.)

Tertiary Themes: Produce Job Ready Graduates

By 1986, the trend was becoming overtly clear. Learning for the sake of learning was waning. The messages in the documentation made clear that the purpose of higher education was to produce “job ready graduates.” Students’ learning was solely to create new workers for the economy. The Annual Report on Higher Education in New Jersey 1985-86 started with a startling difference in tone.

> Echoing the major emerging theme in higher education nationally - to strengthen undergraduate education - most of the undertakings emphasize improving instructional quality, introducing computers throughout the curriculum, and bringing technological literacy to all students, and reexamining the fundamental assumptions of college curricula. (Annual report 1985-86 p. 7)

Phrases such as “applied learning” and “paid work experiences” nestle between discussions of assessments and outcomes. The goal was to ensure that the graduates were individually ready for the jobs out there. Performance meant not wasting students’ time

learning for its own sake but learn to earn. This growth in terms related to workforce applications foreshadows what is to come in the next decade.

This is also the true beginning of "competitive funding." Competitive grants, striving for excellence grants, are all connected to one construct: outcomes and assessments. The metrics are set, and the state wants proof that they're being achieved.

Redefining Education – How the 80s Ended

The 80s began with a fundamental shift in attitude toward education as a private good. This is in keeping with the zeitgeist of the time where everything was based solely on what was in the individual's best interest. Did the language change the attitudes of higher education leaders? During the 90s the trend continued, but in many ways the situation became more fraught with tension as the push pull between the private versus public good continued to be fought in the legislatures (Greif, 2004; Hensley et al. Kelly & McShane, 2013; London & Belanger, 2013).

Throughout the 1980s the redefinition of education continued apace. The movement toward seeing higher education as a means of training citizens to be solid workers in the workforce settled in. The loss of trust between political leaders and educational leaders grew. Political leaders fostered the sense among the population that those who attended universities were financially benefiting from this opportunity but that they were benefiting at the expense of the rest of the taxpayers. The requests by political figures for measurable outcomes and proof that students would be trained to join the workforce, thereby providing a return on investment for business leaders, multiplied. Educational leaders along with much of the rest of society were being coerced into

providing quantifiable data that suited the ethos of neoliberal business leaders rather than seeking evidence of critical thinking skills.

1990's - Oversight and Accountability of Higher Education

During the 1990s the theme shifted to a clear pattern of a lack of trust between institutions of higher education and their state government. The lack of trust became so intrusive that the Governor eliminated the Department of Higher Education. The move was under the guise of providing autonomy to the individual institutions. What it did was break up the bargaining and political power of the institutions, as each now had to bargain directly with the governor alone. Universities had no union as a group, but the layer of administration between the institutions and the government allowed them to cooperate rather than compete.

There was a distinct loss of respect. State administration no longer assumed that the leadership of these institutions were spending taxpayers' dollars wisely. The shift in attitude is interestingly reminiscent of the construct of the public good of the 1970s, but with a twist. If it is a public good, then the government, which funded parts of it, had to regulate it carefully.

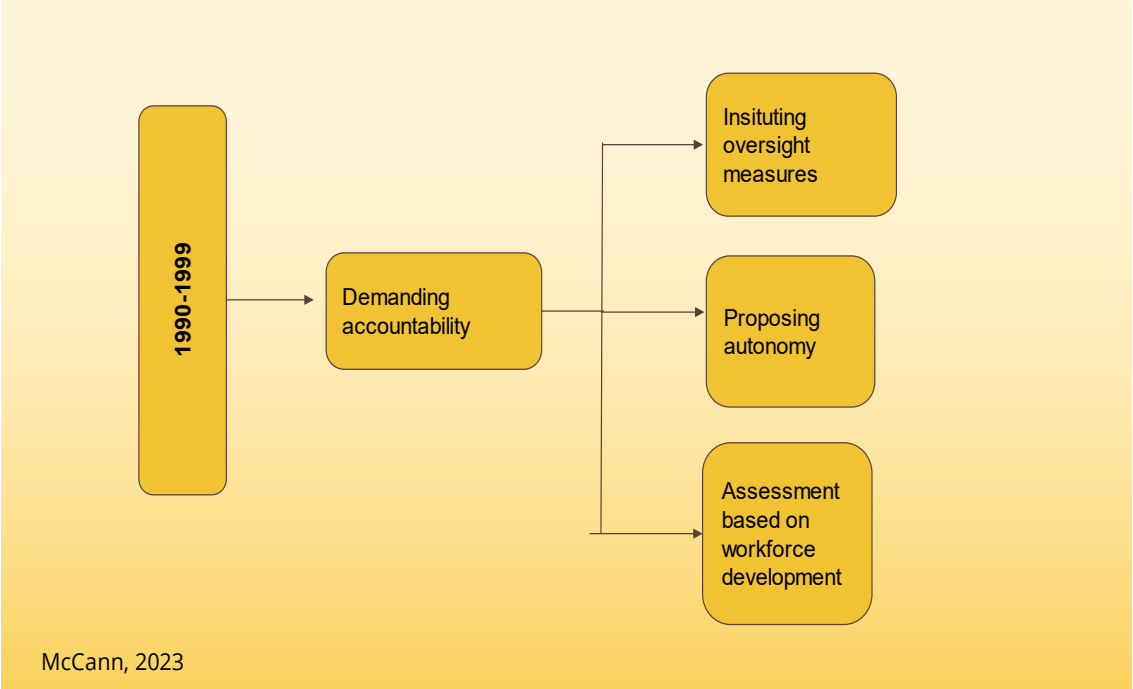
In 1994, Dr. Robert Scott, then President of Ramapo Collge wrote a report called "Access, Affordability, and Excellence after restructuring." The restructuring that took lace under the higher education restructuring act had created a President's Council a mere 7 month earlier. In his comments he lays out the concerns of the presidents.

> What is the role of higher education? What is it's purpose? What is the nation's vision for colleges and universities? Such apparently naïve questions beg for answers. We used to know, why don't we now? We used to believe that higher education served a public purpose as well as a private purpose. Now, most federal policy seems to assume that higher education is a private gain, not a public good. Even the new Americorps concepts of community service seems to be more about jobs than about nation-building through higher learning (Scott, ED380040, p. 5).

This redefining of higher education played out, but even Dr. Scott was on board with some of the new structure's goals.

He insisted that the public wanted specific outcomes: "Graduation rates, not just open enrollment. (Scott, ED380040, p. 14)" It was tied to "results of direct assessments of student abilities on exit consistent with both institutional and societal goals… (Scott, ED 380040, P. 14)" Assessments, outcomes, measurable goals became accountability nd oversight of instiutions and return on investment for students all became the point of higher education.

Figure 10
1990-1999



Primary Theme: Oversight - Requiring Measurable Outcomes

In the 1990's through legislation, speeches, and reports, the governor made it clear that institutions needed to prove that the appropriations were helpful to the economy and the students. While they were not yet saying appropriations were tied directly to assessments, it was made clear that they were requiring measurable outcomes to be reported to the state. Additionally, these outcomes were tied to economic improvement for the students and the state. These improvements would be all external and financial.

It was in the early 1960s that John F. Kennedy stated, "Liberty without learning is always in peril; learning without liberty is always in vain." (Kennedy, May 18, 1963). Such a statement was clear in its meaning; it tied education to the good of society.

Education was necessary for a free society. Consider this in light of what was being said by New Jersey legislators in 1999:

> ...heighten awareness of higher education's fundamental value to society and the economy, developing a broader constituency and support for continuing investments in higher education and recognizing the invaluable return on investment (NJ Plan, 1999, p 4).

In the 1990s the language's tone had shifted again. There were multiple bills supporting the ability of "middle class" families to be able to send their children to college. One bill (ACR - 172) was passed in the assembly simply to concur with the federal guidance about supporting higher education from the Federal Higher Education Act of 1986. So, 5 years after the federal law was actually passed, New Jersey assemblymen felt compelled to pass a concurrence to support that act. The concurrence resolution was a mere single page in length and uses the term "middle income" 7 times.

However, the bill never defined what middle income actually meant. This bill passed in the assembly, but quickly vanished from the record, never having made it to the point of becoming state statute. Whatever point the assembly was trying to make is not clear, but it did appear that the point was made that it was supported - but that it was not supported everywhere. When a concurrence bill cannot pass, there is usually internal dissension.

The statute L1991c268 discussed the state's needs to maintain funding of the CLASS (College Loans to Assist State Students) loan fund, intended for student aid. It specified, at this point, that the fund would have to send a "certificate" of their funding

needs to the governor, and the governor would make appropriations. This process placed the primary, state funded financial aid package, directly under the aegis of the governor's office, removing it from state treasury.

The statute L1991c467 clarified the teaching loans scholars fund, a forgiveness fund under which banks would be made whole, but teachers' student loan debts would be forgiven. This needed to be clarified because the word teacher was poorly defined in the original statute. This clarification identified who was considered a teacher, and allowed that people who taught at private schools, or colleges and universities, could also qualify for forgiveness, after they had taught in the public schools, and only if they had applied before they began teaching.

The wording would come to haunt them later on this as well. This phrasing undeniably prevented a number of students who became teachers from getting this debt forgiveness if they made the decision to teach without knowing this was an option. It was also vague enough that student teaching was never defined. Was teaching as a student disqualifying teaching, or not?

Secondary Theme: Autonomy or End Higher Education's Union

In 1994, Governor Whitman had signed off on the "Higher Education Restructuring Act" (L1994c48). This act completely upended higher education in New Jersey. It repealed many earlier acts: L1971c164, L1977c235, L1984c99, L1988c78, L1992c136, L1993c375, L1991c268. It dismantled the department of higher education.

"...institutions of higher education are one of the most valuable and underutilized resources in the state and the elimination of unnecessary state oversight and its accompanying bureaucracy will serve to unleash the creativity and innovation of these institutions (L1994c48, p 1).

"The elimination of unnecessary state oversight" sounds like autonomy. Additionally, the governor used the term autonomy frequently in her speeches and in the legislation itself. But what this autonomy did was dismantle the union of higher education institutions who had before negotiated for funding as a group rather than individually. From here on, institutions - and their leadership - would be negotiating their budgets with the state individually.

In a pattern of increasing oversight, the quote above stood out. Then the statute went on to create an entirely different system which created several new committees and councils, with differing agendas and compositions. The New Jersey Presidents' Council was to consist of institutions' presidents and a few governor's appointees. The New Jersey Commission of Higher Education was made up of a large number of governor's appointees. Everything related to student aid was folded "into but not of" the Division of Budget and Accounting.

Amidst these changes was the single line that had all the impact. The institutions were commanded "to submit a request for State support to the Division of Budget and Accounting in the Department of the Treasury and to the Commission in accordance with the provisions of this act (L1994c48, p. 3)." This was added to "...to be accountable to the

public for fulfillment of the institution's mission and Statewide goals and for effective management of the institution (L1994c48, p. 3)."

In this case, as with many laws written to do things that are politically unpopular, the language barely said what it intended. The statute is 194 pages long. It is full of minute details reorganizing every single aspect of higher education governance. The trend of the 1990s seemed to be headed into an era of freedom for higher education to have more autonomy. But, in keeping with neoliberal economic theory, what the governor was doing was cutting the institutions off. By having them submit their "requests for state support" directly to the Department of the Treasury they removed a great deal of the process from the political arena. There would be no more hearings regarding appropriations, previously known as funding, so no public push back.

Autonomy meant the institutions would be fighting one another for funding rather than the state department of higher education fighting for them all collectively. Autonomy meant an accountability system that directly tied 1980's outcomes to 1990's oversight. Autonomy and the Act which ensured it, was designed to break up the union of institutions and begin the process of having them compete with one another for funding.

While the Five-Year Assessment of Higher Education Restructuring: A Joint Report of the New Jersey President's Council was designed to assess the impact of the restructuring, the report starts out mostly as a cheering section for the restructuring. The restructuring, at this point, is called a "tripartite, entrepreneurial governance model." The assessment was completed by a restructuring assessment committee whose home base was one of the universities. The committee "summarized the activities and

accomplishments" (Assessment, 1999, p 7), not the failures or problems. In order to get better data, the commission fielded a survey designed by its members and one of the universities' internal institutes. The findings were presented in minute detail and were mostly supportive, speaking again of activities and accomplishments and very little of issues.

They admitted readily that the response rate was so low that the data was not conclusive but presented it anyway. During this time frame there were day long committees, symposiums, and conferences. There was a great deal of discussing the impact, but little genuine assessment. They touted that approximately 85000 students received some form of state aid to attend college. They talked about the $168 million they spent on this. But simple math showed that this averages out to less than $2,000 per student.

Tertiary Theme: Assessing Workforce Development

Statements of "meeting manpower needs" pepper the Higher Education Restructuring Act. Again, the statement about choosing what institutions should teach, based on manpower needs, returned in reverse. The old, 'we should not teach based on manpower needs' is completely overturned at this point. Manpower needs of industry is the sole driver of education at the collegiate level.

The 1999 report, the update on restructuring, was heavily peppered with phrases about manpower needs. They requested reports that should highlight "employers to assist faculty in designing programs and curricula that are responsive to their needs. (New Jersey's plan, 1999)." They insisted that programs should be created based on "projected

labor demands" and that programs should be phased out when demand cannot be demonstrated.

The phrases are rife throughout. Institutions should routinely "report on state and national information on occupational demand." "Workforce preparation should ensure that courses meet employers needs." They ask if institutions get information from employers regarding "new types of training." Somehow, the construct of higher education being Vo-Tech is never discussed. Higher educations' turn is clear. The institutions exist to meet workforce demands and to develop a new fully trained, desirable, workforce.

Terms like value, investment, and return on investment, make clear that education is a business transaction. This statement is followed by the use of words like "viable," "weak;" and phrases such as "cost effective," "eliminate disincentives," "redundancies," and "capitalizing on these assets." These were all business model terminology used to quantify the value of the asset that higher education provided. When leaders were discussing education this way, they were only nodding to the genuine value of an educated populace.

They were talking about making money from their investment in education. These terms were used in a report released in 1999 discussing why universities should also be funded on "performance-based funding" systems. They would require institutions to eliminate programs that are not deemed "cost effective." Programs that had low enrollments, or were considered not "job ready," were on the chopping block. "Every

institution should strive for optimum use of time, facilities, and human resources (L1994c48)." This statement was followed by a series of thinly veiled admonishments.

"To better meet the state's needs for entry-level workers, higher education should increase their focus on skills, and personal qualities, most valued by employers (L1994c48)."

This restructuring act utterly, and irrevocably, altered higher education in New Jersey and its results remain controversial. However, there are no doubts that the language of the restructuring act became pivotal in the language of statutes and reports which followed.

That same year, 1994, there was a convention on "New Jersey Black Issues" called Access, Affordability and Excellence After Restructuring (Scott, 1994). While neither outcomes nor accountability are present in the title, the terms peppered this report.

> The goals for Higher education as expressed in the Act include access, affordability, and excellence. This paper discusses membership and activities of the Commission and the Council and responds to criticisms that the new governance structure is lacking in accountability, authority, and stature.
>
> (Access, 1994, p. 1)

The report discussed many issues in the provision of access for minorities and otherwise disadvantaged state residents. But it was evident that the issues of accountability remained paramount. "The statute specifies the goals of accessibility, affordability, quality, and accountability", was followed up by a stronger statement (Access, 1994, p. 2).

> It also increases the forms of accountability for boards to follow. For example, trustee boards are now the final authority (for new degree) programs that conform to an institution's mission and are not unduly redundant or costly. As examples of increased accountability, boards must make external audits public, develop a code of ethics, and report annually on certain expenditures for advertising, lobbying, and legal services. Before a board can raise tuition, it must hold public hearings.
>
> (Access, 1994, p. 3)

Hearkening back to Dr. Scott's earlier comments, he stated

> These goals of access, affordability and excellence must be viewed n totality… When one speaks of access, one asks, "Access to what?' When one speaks of affordability, one asks 'affordable to whom?' … Of what good is access to poor quality? Does it matter that something is affordable if it lacks value?
>
> (Scott, ED380040, p. 14)

The construction of this new freedom created complete autonomy for institutions, but also complete autonomy for remaining financially viable. Furthermore, the author of the report included this statement:

> "We used to believe that higher education served a public purpose as well as a private purpose. Now, most federal policy seems to assume that higher education is a private gain, not a public good. Even the new AmeriCorps concept of community service seems to be more about jobs than about nation-building through higher learning." (Access, 1994, p. 5)

Further,

> Think of the grand visions for higher education in the past: population movement and settlement; scientific agriculture and food production; servicemen's re entry and expansion of the middle class; national defense and equal opportunity. While we purists like to believe that higher learning is good for its own sake, the past 200 years have shown that it can serve a large public purpose as well. But what is the national vision now? (Access, 1994, p.5)

The questions of oversight and the conflict between what institutions thought they were doing and what politicians appeared to be asking of them remained.

The Restructuring Act had required annual plans, the five-year assessment stated in bold, large print "The restructuring act required the development of a master plan. In October 1996, the Commission adopted the first statewide plan for higher education since 1981 (Five year, 1999, p. 38)." This statement is factually correct, but technically inaccurate. There were many reports in the intervening years. There were simply no further "Master Plans." There is a possibility that the statewide plans were only being written when major changes were, or were about to be, implemented, but that would require further research to ascertain any potential correlation.

The five-year assessment report had appeared to be a concrete assessment of the capacity of the higher education system in New Jersey. However, when the later reports appeared to rest upon it, I went back and gave it a closer read as well. As the report largely was charts and tables, I had not originally thought it to be linguistically important; but later I realized its language was fascinating.

Governor Whitman said, at the restructuring conference, that it was too early to analyze the impact of the restructuring but that she thought it had "improved coordination and collaboration within the higher education system and made it more responsive to students, the business community, and the state" (5 year plan, 1999, p16). She additionally added that it provided for more "accountability."

However, one of the primary concerns about the ability of a non-centralized office to promote advocacy for the higher education system in New Jersey was addressed by the national panel of experts who attended to assess the restructuring. The national panel stressed "To be the most effective, the higher education community must approach advocacy with clear common goals and a strong central voice (5 year plan, 199, p 17)." Nonetheless they offered no directions on how a decentralized system could manage to create a centralized voice for advocacy.

Redefining Higher Education – How the 90s Ended

Interestingly, if you remove the times the word education was used in the phrase higher education, the plan does not use the term education at all. The term accountability appears repeatedly. The term accessibility appears many times. Institutional autonomy and entrepreneurial also make appearances. But education was missing. The closest it came was discussing the quality of academic programming and deciding that some form of assessment of quality should be done. This idea did not make it to the final recommendations.

This assessment done in the waning months of the decade highlighted the focus on structure, responsiveness to external stakeholders and accountability without

managing to discuss assessment of the quality of research or of the education itself. In essence, the document is about oversight of the system, not even oversight of what the system actually does.

Discussion of Findings

The language shift definitely occurred, but it wasn't just the neoliberal economics intrusion that created this shift. The larger cultural shift was not from seeing a social institution as a public good into a private good. It was a valiant, and possibly foolhardy, attempt to make what had been seen in the Northeast as a private good into a public good. Perhaps it was a way to protect higher education against the socio-political backlash of the late 60s. That is what the 1970s statutes and reports demonstrate. This attempt was well intended on the parts of many of its architects but began to backfire pretty quickly - by 1975 or so - when a variety of stakeholders began to attempt to leverage the willingness of the state to support higher education into ways to profit themselves.

Many of us in the field would love to hear our politicians make statements like these:

> American democratic ideals of freedom under law, the maintenance of academic freedom must be an imperative planning goal (Goals, 1970, p. 14).

> Society dares not let temporary turmoil and frightening frustrations lead to actions which would negate or undermine the basic character of higher education. Colleges and universities are organized for, and dedicated to, the pursuit of truth; this pursuit can be carried on only under conditions of freedom, and society itself

> as we know it would not survive the destruction of these institutions, either by hampering restrictions or overt attack (Goals, 1970, p. 14).

Given the state of the academy in 2023, and the current passage of laws in multiple states which directly prevent colleges and universities from teaching ideas which have long been held as important parts of democracy, these statements have a particular poignancy.

"Research and advancement of knowledge must be encouraged; academic freedom with its correlative obligations must be sustained as essential to the welfare of the institutions and society; a concern for community welfare must be fostered; and the effective use of all resources must be mandated" (Goals, 1970, p. 16).

Throughout all of these discussions, the one word whose importance did not become evident until when it was compared to later reports and statutes was the word "effective" and its companion's effectiveness, and effectively. The term efficient appears once in the report and not once in the statutes reviewed. Throughout the 1970s New Jersey was trying to push back against social forces intending to undermine the importance of higher education as a social good. For the most part they succeeded in staving off what was to come, likely adding decades of solidly statutorily supported protections for the institutions, if not for its student body.

"Effective" carries meaning regarding purpose. The purpose of something is utterly necessary to understand in order to determine if something is effective. The goal must be clear in order to determine if the actions designed to achieve it are effective. But between 1970 and 1990 the terms shifted from effective to efficient. Efficiency has its

own intimations. Efficiency is required to save or protect some asset or resource. Efficiency is about attaining some goal but curating your resources as a limited commodity. Resources can mean almost anything, but efficiency is about using those resources carefully. It is not about specifying goals or committing to achieving those goals regardless of cost. Effective is about judging how a goal was to be achieved, it is assessing. 'Efficiency' is a method of planning. 'Effective' cannot be judged until the goal is met. 'Efficiency' is judged during the process of meeting a goal, based on resource use.

The planning of the 1970s became an odd form of oversight in the 1990s. Looking forward - 'planning and effective' had become a backwards look in 'efficiency and oversight'. The shift in language reflected a strong sense of a shift in the very purpose of higher education. The language of the hearings and reports is enacted in the statutes. The language in the statutes does not always match the terminology of the reports and hearings, what it does is make the language have concrete impacts.

By the 1980s things had shifted. If education was solely a private good, then taxpayers should not pay to advance the careers of others. However, employers needed properly educated workers and expected the state to aid in providing them. The shift in specific terminology shifted the point of view on the issues. As such this shift also shifted the responsibility. Funding - something given - became appropriations - something taken. Workforce needs - something employers and states needed, became job readiness - something employees needed to be prepared to become (Ness & Tandberg, 2013). The change in language reflected the change in attitude (Ness & Tandberg, 2013).

Planning led to funding and expansion. Oversight led to a loss of funding and a complete overhaul of the nature of the relationship between the institutions in the state and the mechanisms of power. In the 1970s the institutions were autonomous from one another yet connected to one another. Bundled together under the aegis of the Department of Higher Education, the institutions were motivated to support and aid one another in seeking funds from the government. During the 1980s when funding became appropriations institutions began having to fight against one another for funds. By the 1990s the department was gone, the institutions' coherence as a block was also gone.

The shift has been well documented (DiLeo, 2013; Kerr, 1991). During those three decades the fact that higher education changed tremendously has been documented and discussed (Durand, 2011; Gerardo, 2018; Heller, 2011). The shift in the language was sought to determine how the language shift could presage the changes. In reality, the language cannot be tied closely enough to the shift to say clearly that the language presaged the changes. It cannot be clearly shown to have been a causative agent in the linguistic adoption of neoliberal economic language by New Jersey higher education. However, there is evidence, within the data, to show that the change occurs. While, to some degree the legislative language appears almost simultaneously to the shift in language used by higher education leadership.

In legal semiotics the discussion is about to whom are legislators speaking to when they craft legislation (Hensley, et al., 2013). To many, it is the lawyers who will be enacting the law through establishment of its parameters. To some, legislation is written

for the general public (Hensley, et al., 2013; Lyon, 2013). In reality, legislative language is written for an administrative audience (McLendon & Ness, 2003).

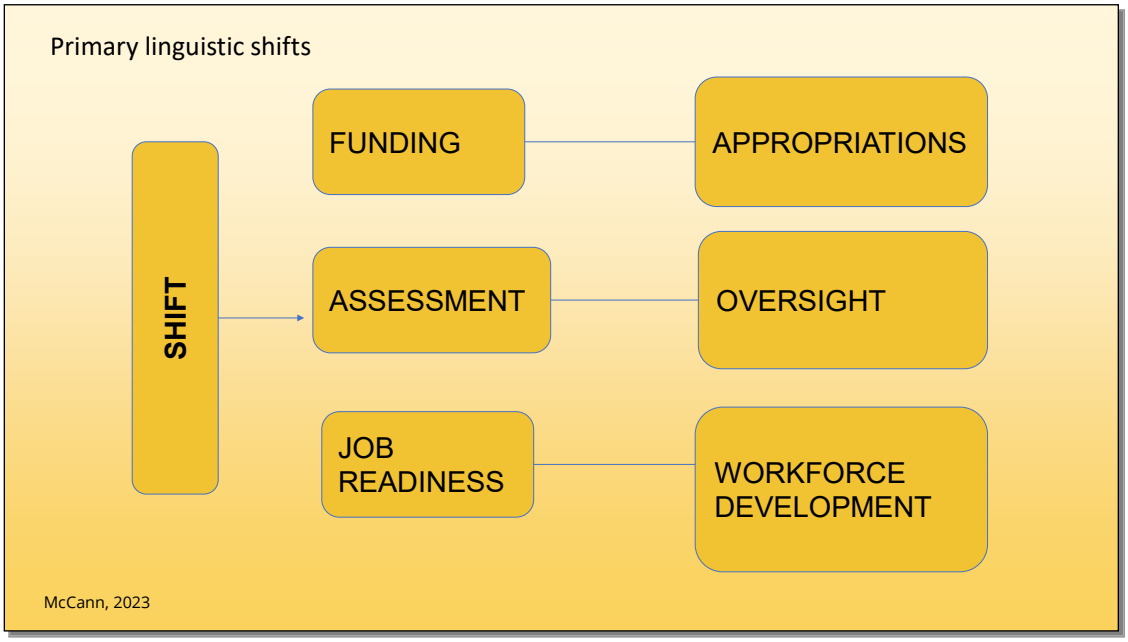
The process of turning legislation into policy occurs administratively. It is here, in some specialized office within institutional administrations that the legislation becomes action (Hensley, et al., 2013; Lyon, 2013; McLendon & Ness, 2003). It is here that the linguistic shift has the clearest impact and is most likely the pivot point. When administrative bodies handed the legislative policies down, they mimicked the language of the legislation and required, through the created reporting processes, that institutions adopt it as well.

This step would not have been clear without the sweeping examination. Having awareness of the impact of the language used by administrators in requesting specific reporting from higher education leadership can provide insight to leadership. In return they can openly choose, or shoes not, to craft institutional level policies that match the language.

Having generated the dataset of this examination, the grounded theory appears valid, but the theory remains inconclusive. The abductive nature of the data analysis allows that readers may disagree on the deeper investigation into the policies of specific institutions needs to be done to determine how quickly policies mimicked the regulatory language that emerged from the legislative language.

Summary of Findings

Figure 11
Primary Linguistic Shifts



Higher education had shifted so thoroughly during those decades that many books were written about the change (Altbach et al., 2001; Aronowitz, 2000; Slaughter & Rhoades, 2004). Texts were written even as people continued to debate whether or not the change was for the better or not (Tandberg, 2019). In the relationship between higher education legislatures, the legislature always has the upper hand (Ness & Tandberg, 2013; Slaughter & Rhoades, 2004; Tandberg, 2019). It is legislators who have the ability to grant, or withhold, financial support. This clearly gives the legislators the upper hand in their dealings with higher education leaders (Ness & Tandberg, 2013; Slaughter & Rhoades, 2004; Tandberg, 2019). Such a power imbalance may have led higher education leaders to adopt the language of the legislators in order to feel that they can speak with

them more comfortably. It may have encouraged them to use their terminology in order to demonstrate that they were able to understand what the legislators were saying.

What this examination demonstrates is that a shift did indeed occur. But it remains impossible to discern whether the legislators' language changed the leadership language or the leadership's language was altered by larger social forces. Having created this database and demonstrated that the theory of linguistic shift can be discerned, this study relies heavily on future research to make a finer point of this cause and effect concern. Correlation does not prove causality, but this grounded theory research does demonstrate that a correlation does exist.

Chapter 5

Summary, Implications & Conclusion

Developing a grounded theory regarding linguistic shifts, in New Jersey higher education, between the years of 1970 to 1999, required an enormous amount of patience and organization. The dataset, which included all legislation written about higher education during that three decade time span, all of the hearing's transcripts available from that time span, and all of the reports generated by higher education administrative leadership, was vast. (See Appendices C) However, its very size was necessary to see if the data supported the construct that larger linguistic shifts could even be discerned.

Linguistic shifts occur gradually at the societal level. While new slang and new terminology appear almost constantly, it takes time for new words and terms to infiltrate the common language (DeFina, et al., 2006; DeFina, et al., 2017). The infiltration needs to be thorough enough for it to become the accepted normative manner of speaking about a topic. Terms from one field of study may be adopted by another (Bloom, 1991; Blumer, 1969; Bourdieu, 2020; Rozumko, 2017. Slang from one group may be adopted by another group (Domeshevskaya & Solsoev, 2022; Eliason, 2012; Manning, 2007; Trosborg, 2000). Terms related to cultural items, and ideas, may be adopted by other cultures, as they assimilate that item, or cultural idea, into their own (Bacchi, 2000; Domeshevskaya & Solsoev, 2022; Zufferey, 2020).

Linguistic shifts are well known and studied (Berman, et al., 2022; DeFina , et al., 2006; DeFina, et al., 2017; Gumperz & Levinson, 1996; Kiesling & Paulson, 2005; Koerner, 2002; Mahmood, et al., 2016; Mahmood, et al., 2016; Rojo, et al., 2017).

However, this examination was seeking to discern a pivot point in a societal use of language that altered the society through the language, rather than the language altering to adapt to the society (Hussein, 2012; Naif Qaiwer, 2019; Perlovsky, 2009).

Evaluation of Research Objectives

In total transparency, it is unrealistic to believe that this research can fully reach the objectives established in the research questions. But grounded theory research is a journey of discovery more than the testing of a theory. The grounded theory process was used in this case specifically due to this issue (Strauss & Corbin, 1998; Urquhart, 2013). What this process sought was to determine if the theory had any merit whatsoever. After many hours of research, thousands of documents, lengthy consultations with political, linguistic and legal theorists, the pattern appears (Thomson, 2011). Grounded theory is a scary prospect for a researcher. Giving yourself over to the process rather than simply seeking specific evidence requires an enormous faith in the grounded theory prospect (Strauss & Corbin, 1998; Urquhart, 2013). However, to achieve the research objectives, grounded theory was the only option.

Response to Research Questions

There are three areas in which this type of shift can be discovered. The first is in language contact and borrowing (Gumperz & Levinson, 1996). Discussed before, this refers to the likelihood that people who speak different languages will often adapt by adopting the majority groups' language (Gumperz & Levinson, 1996; Kiesling & Paulson, 2005). If one group is numerically smaller, or operationally at a disadvantage they are more likely to surrender their language to use that of the majority (Berman, et

al., 2022; Hussein, 2012). Language shift or language acculturation happens when one group abdicates its language in order to assimilate into the group with more power (Gumperz & Levinson, 1996). These types of shifts occur constantly.

Sadly, at the macro level they often lead to language loss (Perlovski, 2009). This loss can be deliberate as in the Native peoples of North America whose language was driven out through eradication policies (Romero-Little, McCarty, Warhol, & Zepeda, 2007). But sometimes they can occur slowly over generations. Perhaps, if a family emigrated to a new country, and must learn the language in order to survive, their children may find themselves lacking the fluency in the family's language of origin simply out of lack of use and exposure (Romero-Little, et al., 2007).

Language adaptation may relate to specific types of power mimicry (Gumperz & Levinson, 1996; Kiesling & Paulson, 2005). People garner a good bit of their social identity from their language (Kiesling & Paulson, 2005). People will attempt to use the language of those they see as having more authority and power than they had themselves (Kiesling & Paulson, 2005). It is not uncommon for people whose education was largely from texts to find that they mispronounce terms which they had read and understood but never used in conversation. Mothers with a college education impart significant linguistic advantages to their children (DeFina, et al., 2017).

Exposure to a stronger, larger, vocabulary simply through the child listening to adult conversations changes the child's linguistic options (DeFina, et al., 2017; Gumperz & Levinson, 1996; Kiesling & Paulson, 2005). It is, in part, some aspects of this tendency that led to this examination.

The research questions here cannot all be answered in this one study. Developing a grounded theory requires first seeing if there is anything there to study. The question of how higher education leadership responded to some of these changes cannot be competed until the language found here can be compared to the language that leadership used in subsequent speeches and documentation. Were leaders coerced by the language or the loss of funding cannot be determined with this data. Hints of it lay in the language and remain enticingly out of reach until this data is used to address leadership's response timelines.

However, the rest of the questions such as "2.) Are there patterns of language used in the transcripts and laws, written in New Jersey, roughly in the time period of the 1980s and 1990s, that show a shift in the manner in which leaders discussed higher education?" was eventually answered. Yes, there was indeed a shift. The language shift is evident most particularly in the hearings in which educational leadership spoke about their funding woes. The sub questions: a.) Did the language used to discuss higher education shift before or after the changes in funding began to take place? b.) Are there differences in the way laws and regulations were written or in how higher education was discussed in hearings and committees? Revealed themselves as the decades progressed. The linguistic shift did indeed precede the shift in funding as simply as the shift from using funding to using the term appropriations ushered in the funding changes.

The language used directly in the legislation remained fairly pro form, however the language used in the hearings and reports shifted dramatically from the early 1970s through the 1990s.

Question 3 and its sub-questions present more evidence. 3.) Are there terms and phrases which belong to other fields that began to be used that highlight the process of this shift in thinking a.) Was there an inculcation of the language of business into the language used to discuss higher education in New Jersey. b.) Was the accountability movement the genesis of this or a result of it? The language of neo-liberal economics begins creeping in in the 70s but is used sparingly and rarely by educational leadership. But, by the 80s the terms really begin to shift. This is where funding became appropriations. But, the question of whether or not the accountability movement started the new oversight approach or if the new terms, like oversight were simply mirrors of the accountability movement. There are clearly several more studies which could and should be done to bring scientific validity to the claims of this theory.

Key Findings

1. The language used in 1970 was wholly supportive of the independence of academia from financial or employer influence. However, this language was a response to threatened governmental involvement rather than continuation of earlier positions.
2. The language used in the 1980s begins to demonstrate that the interconnectedness of the political climate, and the support for higher education, could not be differentiated as much as higher education leadership wanted.
3. By the mid-1980s higher educational leadership were producing reports which relied heavily on the type of linguistic parameters utilized by political leaders. These linguistic traits could be found in a semiotic interpretation of the legislative language, as well as the language used in hearings.

4. During the 1980s, more, and more of the reports were written for a larger audience than previous reports had anticipated accessing them. This remains a potential area of coercion in the linguistic drift. As reports became digital, larger constituencies tended to read them than had been the pattern prior to the internet age.

There are frequent conversations within higher education regarding using the language that the "bean counters" understand (Soederberg, 2014). There are discussions about determining future directions of higher education by accepting the ethos of the financial sources in order to maintain financial support. There are discussions about polling employers about workforce development programs. However, there are several key problems with these ideas in 2023 that the language of 1970 shows. The first is the general construct of turning higher education from a liberal education which included many subjects designed to broaden the mind and encourage critical thinking into vo-tech programs (Bastedo & Gumport, 2003; Peters, 2005; Posecznick, 2014). Recall from 1970 "It is neither wise nor beneficial for educational programs to be planned solely in anticipation of state manpower needs" (Goals, p 13).

In the intervening 50 years obviously much has changed. But, this argument remains. Prior to the 1970s fewer than 10% of U.S. citizens had a college degree. By 2020 that number had risen to 37% (National Center for Educational Statistics, 2022). With that number creeping closer to 50%, and students getting life altering debt to achieve that goal, it might be time for higher education to do some reflection on what the purpose of higher education is (Bacchi, 2000; Perna, et al., 2014; Peters, 2005;

Richardson & Martinez, 2009). Currently, in New Jersey the state has introduced what it calls “outcome based funding.”

Figure 12

Outcomes Based Funding

20-22 OBA funding Prioritizes the following outcomes:	2023 OBA funding Prioritizes the following outcomes:
Number of Pell Grant Recipients	Number of Students with $0-$65K AGIs
Degree and Certificate Completions	Degree and Certificate Completions
Underrepresented Minority Completions	Underrepresented Minority Completions
	STEM and Healthcare Completions
	Transfer Completions
	Low-Income ($0-$65K AGI) Completions
	Doctoral Degree Completions

Office of the Secretary of Higher Education (OSHE) 's (May 3, 2022). Responses to follow up questions from the Higher Educational Services budget hearing before the Senate Budget and Appropriations Committee.

These processes are cyclical. They focus on quantitative data. Quantitative data can be made to say what people want it to say. Institutional identity is a product of language and discourse (Davis & Sumara, 2002). Public policy is a product of discourse (Davis & Sumara, 2002; DeFina, et al., 2006) . Adopting the language of other disciplines and cultures without a full understanding of the implications of that language can allow those other disciplines to impose an identity on the institutions.

Significance and Implications of the Findings

The nature of the linguistic shifts that occurred over a thirty-year period in New Jersey could not ever be seen without a deep dive into the data. However, by creating this dataset, this dissertation creates a grounded theory that can be examined from several different angles in order to discern the impact of this language shift. Future research into more specific terms and institutions is now feasible. A long-term comparison of speeches given by institutional leadership during the time period may show when leadership began using the terms, and whether or not they used those terms correctly.

1. The data supports the possibility that higher educational leadership who are attempting to influence legislation that impacts them, may be pursuing that influence in the wrong areas.
2. It is in the interpretation of the legislation that occurs at administrative levels that direct impact on institutions is found, yet institutions are apparently not included in those discussions as much as they could be.
3. New Supreme Court decisions regarding the ability of administrative regulatory power may further impact this dynamic. (See American Hospital Association v Becerra, West Virginia v EPA; Loper Bright v Raimondo; these are all recent court cases addressing the language used by administrative agencies and how much authority that language had. The decisions conflicted with one another, measuring the authority in tight terms which limited administrative authority.)

These implications should weigh heavily on the minds of anyone in higher educational leadership, not only in New Jersey, but around the country. While this

grounded theory offers up no solid evidence, nor claims to, that this theory is applicable on the national stage, the implication of its possibility is motivation to consider such research duplicating this dataset in other states.

One of the discussions supported in the Literature Review is the way in which disciplinary dialogue shapes the way members of those disciplines see the world around them. Learning the shift, myself, when switching from social sciences to law showed me clearly how much I myself changed my world views when I changed disciplines. Listening to people steeped in neoliberal economic terminology you can discern their manner of thinking as being primarily focused on how much value is created or exchanged in every discussion. But value itself is a fungible construct. Society itself determines whether or not something has value. Capitalistic approaches determine value solely on one aspect: money. Educating the populace is good for the economy (Reread Adam Smith to see how he felt about education.) It is, however, expensive up front with the payoff being unclear in most areas other than individual earnings.

The degree to which industry leaders took for granted that we had a social and physical infrastructure that would support their businesses led them to advocate for less and less funding toward things like education and even highways. As a result, we have seen a half century of infrastructure dis-investment. Reconditioning leaders of industry to respect the investment that education provides for them will be a long road. But, if they are not aware of the implications of the language, they themselves are using, higher educational leadership will continue to inadvertently support this disinvestment in education at all levels. Leadership may need to stop trying to sound like bankers and remember to educate the populace about their value.

When educational leaders listen to those speaking in either performative or neoliberal terms it may be the role of the leadership to begin education by educating political powers on the value of education to the economy, not by acquiescing to attempting to make education a profitable enterprise. As public institutions struggle with constantly rising costs and enrollment cliffs, the tendency to focus on cost/benefit analysis is understandable. However, institutions purportedly exist to educate the citizenry. Inevitably, educated citizens are good for society. Businesses are not always good for anyone but a very few.

The very fact that we are returning to the language of 30 years ago without apparently having learned anything from the experience remains striking and distinctly troublesome. Educating leaders should be a paramount endeavor.

Developing a grounded theory is merely the beginning of this type of research endeavor. The results require both a thorough examination by other researchers and further research to seek further evidence and unearth new theories. But these results were rich in data points. I assessed, reexamined, and compared the language through the various platforms that the language permeated. Theoretical sampling in grounded theory meant relying on the data to lead the research, to allow for side turns and detours and dead ends. The emerging theory appeared, disappeared, reappeared and demanded clarifying. The process generated literally hundreds of memos and future research opportunities. In the end the data was data rich, fully saturating the research concepts, and showed the interconnectedness of the data points thoroughly.

Limitations

A document review of documents that are a half century in the past and largely prior to the advent of the internet is bound to present some challenges. In some cases, documents were missing. In some cases, documents were illegible. In other cases, a hint or mention of a document within the body of another document could precipitate a week long adventure in attempting to locate the new document. These adventures were only sometimes successful. This journey has been under way for two years, coming out of a global pandemic which often hindered my access to libraries. These missing documents are the clearest limitation to the overall examination.

However, grounded theory research has a number of its own limitations regardless of the diligence of the researcher. Researcher bias is always present and positionality statements can only go so far to prevent it from clouding the data. Ongoing reflexivity led to the production of dozens of memos discussing offshoot information which initially felt like it could be important but later turned out not to be. Worse was that during the process the theory kept appearing and disappearing and I spent many months unsure of whether or not the data supported any of the ideas this research had begun with.

Accepting that grounded theory required open mindedness to any finding had to be checked again and again to ensure I did not find data to support a preexisting theory but allowed the data to lead the theory. The only way to attempt to mitigate the bias issue is through thorough triangulation of the data. Constructs that appeared in the data were only considered genuine if it could be found across multiple documents and multiple data points. In addition, peer discussions and presentation of data were ongoing, however, outside researchers would need to also examine the data to truly ensure reliability.

Often grounded theory suffers from an overly small sample size, while this examination suffered from an overly large sample size (Thompson, 2011). Such a size means that the likelihood of some key piece of evidence having been overlooked is fairly high. But the desire for full data saturation in order to assure a fully grounded theory was both impossible and impossible to avoid (Charmaz, 2006; Thompson, 2011; Thornberg, 2012). There was so much data that drilling into each document became untenable, but there was also so much data that there was no way to avoid being thoroughly saturated in the data. This data set may provide years of data to myself and other researchers.

Grounded theory's open-ended nature remains a limitation in that it is not at all clear what evidence the researcher is seeking in the beginning of the data collection. Allowing the data to lead the researcher meant often finding myself overwhelmed in data and struggling to find the key points. It is possible that another researcher could find different evidence to support differing theories within the same data set.

Additionally, as an examination of only New Jersey data, the findings may only be relevant in New Jersey. Indeed, it appears that the brief fight put up by leadership in the 1970s may have only happened in New Jersey and that other states did not have this mitigating experience. The structure of every state's relationship with its institutions of higher education varies to such a degree that it presents its own level of evidence.

Relevance

During the two plus years of this journey most of my colleagues listened patiently to me discussing the data I was seeing and helped tremendously with the peer reviewing of my findings. Inevitably they began to integrate some of this new information into their own body of understanding and would come to me frequently lamenting that they were

seeing evidence of what I was researching everywhere. They complained that once the language use was shown to them, they could not stop hearing it. If nothing else, if no one but my dissertation committee ever actually read this document, the very process has altered the way my colleagues and I view the discussions about higher education which are going on continuously.

While the specifics of this data may only reflect New Jersey processes, and the words of New Jersey legislators, getting a grasp on how this language changed the discussions in the past may make it easier for current leadership to consider their words more carefully. Endlessly attempting to use language that politicians and funding sources wish to use can erode the very ethos of higher education itself. Indeed, there is evidence here that it already had during the 1990s, and 30 years has only entrenched this language and self-perception.

Frankly, as higher education enters into a new business-oriented realm, as shown by the outcomes measures shown in table 5.0, it is in how these terms and phrases are understood that policy arises. When leadership tries to fit itself to the phrasing it may miss out on the opportunity to shape the policy.

The re-emergence of "outcomes-based funding" demonstrates quite clearly that the construct has not gone away. New Jersey legislature induing this new policy as if it actually were new merely reminds us that we often fail to learn from history.

Contribution to the Field

There are always more researchers out there working on finding out information that may impact this data. Semiotics is a massive field with ongoing and expansive new understandings being brought to light regularly. The number of texts written about the

shift in higher education between 1970 and 1990 is so high it would not be possible to even cite them all. But semiotics in legislative language is only sparsely studied. Interestingly much of the research comes from international entities trying to understand how to work under the legislative languages of other countries. The International Journal of Legal Semiotics has regular articles on aspects of legislative language, but again, the vast majority speak to either issues of translation, or issues of cultural mistranslations. There is a movement in legislation inside the United States to write legislation in clear language so that it can be readily understood by the public. Most attorneys will explain that, often, such "plain language" legislation leaves open enormous loopholes for other lawyers to exploit (Schriver, 2017; Webb & Geyer, 2020).

In the last few years, theorists using grounded theory to address very large databases have largely used quantitative data, but as more and more aspects of our lives become automated the ability to communicate across disciplines has become vital. An extended grounded theory which allows for multiple disciplines to address disparity in terminology may be what the field needs. Milani & Hashemi (2020) published an extended grounded theory tying together medicine and data science. Their theory added to phases to traditional grounded theory. By adding description and combination phases they were able to combine two apparently disparate themes to discern new ontologically matching concepts into merged extracted concepts that help cross barriers.

Currently, these processes seem largely to be restricted to data science and business as data scientist struggle to grapple with what businesses are actually requesting. Using this sort of extended grounded theory to match concepts from legislation to regulation to business practice can be extremely helpful to higher education leadership.

This is part of why examining linguistic drift between legislation and enactment is so important. Legal writing is its own language and higher education leaders must wrestle with it regularly. Economics is a topic with which education leaders must also struggle. They must be able to speak across many disciplines' lines of communication both inside, and outside, of their own institutions (Durand, 2011). It seems an almost impossible task to expect them to understand it all in a meaningful manner. However, there are two key takeaways in this theory.

The first is that higher education leaders need to be more cognizant of the language they use when discussing their role in society. Making an internal decision regarding how they view themselves and their institutions may help. Leaders should ask themselves if higher education is a public or private good (Keeling & Hersch, 2012; Kelly, 2013; Longden & Belanger; 2013). They should ask themselves what purpose they serve in society and craft a mission that accomplishes these goals, using language that supports them.

The second is that the gap between legislation and regulation can be large. How institutions interpret legislative language matters (Bacchi, 2000; Dill, 1997; Durand, 2011). While they rarely get to determine this for themselves, they may make more progress being involved in the formation of the procedures designed by regulatory bodies to enact legislation than in trying to influence legislation.

This theory is grounded in the data, but it remains unproven and untested. Further research is needed. But the data demonstrates that the theory has merit and now creates a database for further exploration.

Concluding Remarks

With the advent of artificial intelligence into the higher education sphere, it is time to re-evaluate the purpose of higher education. The way we talk about it does influence how we and the public view it. Recently a New Jersey higher education leader was introducing their framework for meeting the new “outcomes-based funding” expectations. In the speech he used the word efficiency 12 times and the word investment more often than I could count without a transcript. The words that were missing from the discussion were education, or learning. The speech could have been discussing a widget factory. Currently, higher education does not exist to create a better society, it exists to create manpower for capitalism.

This role may be the best option higher education has in light of the disruption A.I. will bring to education and society as a whole. However, during this time of major disruptions in the field, leaders should be active partners in crafting the discussion rather than reactive responders to economic and political shifts. This research shows how the language shifted inside the system in New Jersey. Current events show us that these shifts are somewhat cyclical. When leaders of organizations use externally created vocabularies in both external and internal discussions, they allow the externalities to determine the shape and purpose of the organization. This is true of all organizations.

Change in higher education organizations is very difficult, but when they must, they can. These institutions demonstrated their ability to pivot rapidly and make major, fundamental changes due to the COVID outbreak. This shift was difficult and even painful to some, however, the shift “back" is proving to be equally challenging. Language matters immensely in framing internal and external perceptions and identities.

Universities and colleges are knowledge creators. They should be in front of society, not reactive to it. Current political and societal trends are creating major problems for running, funding, and leading institutions of higher education. If they are not careful about the language they adopt, they will be buffeted into becoming high school 2.0 or Vo-Tech schools. Bottom line: Educational leaders must watch their language.

In closing, I would like to thank the archivists and librarians who demonstrated enormous knowledge, patience, and persistence in aiding this research. Without them we would not know our history, and the knowledge universities create would remain unavailable.

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Appendix A

Statutes and Bills

Axial Coding Stage One

In New Jersey bills are proposed in the New Jersey State House and the State Senate. Depending on the entity making the initial proposal, the proposed bill is enumerated by that entity first. Bills frequently pass back and forth, with revisions between both houses of the state legislature.

I did not examine all iterations of these bills, I only examined those that were passed into law. Problematically, many statutes did not differentiate between Education from K through 12, from higher education, particularly in the titles. In some cases, despite the statute being clearly aimed at K-12, the lack of clarifying language in the statute allowed for potential confusion for institutions attempting to comply. Statutes that were clearly identified as being solely related to K-12 were often eliminated in this first round. Some of these are noted in this list just to keep track of statutes that had been eliminated in round 1.

In keeping with linguistic simplicity, most of these "titles" are versions of the titles used in the datasets, or my own explanation of a general construct. Many laws needed to be read regardless of the name, or listing, because data impacting education could be buried in laws that were extremely disparate. Higher education, in particular, was hard to winnow out. In a number of cases, assets were transferred into the hands of the institutions through land grants, or historical assignment transfers. Once I had heard the Higher Education Act of 1970 being referenced in later years, I had to return to the actual text to determine what that law was, and why so few statutes had been written in that particular legislative year.

The issue was not that few statutes had been written or passed, it was that very few made it to the uploaded dataset. In some cases, statutes that existed historically are not available to the public, so as to prevent them from confusing historical versions of a statute from its contemporary counterpart. Title 18A of the New Jersey Code is where all education related statutes reside. The current, most up to date iteration of all of the statutes related to 18A are readily available. However, they are 22 years past the period in which this inquiry ended, rendering them largely useless for this dataset.

I used multiple databases to locate these bills, statutes and statements. Unfortunately, these databases did not always agree with one another requiring checking multiple sites for information.

I do not claim that I came close to examining every single statute that was passed during this 3 decade period. But, I believe that I reviewed a substantial number of them in the initial stages. First round reviews were simply seeking to determine if the statute related to higher education. Second round, which required reading the document, sought to determine if the document was higher education related.

Databases Used:

New Jersey State Library Digital Jerseyana Collection

New Jersey State Publications Digital Library

This database allowed searching by year, but did not always give all of the statutes sought.

New Jersey Law Library

Rutgers University, archival collections

This had digitized versions of microfiched pages from old statutes bound books. These could be searched to a small degree. The only way to find out if the statute was related to education was to literally read every page. I did read the texts for the first three years of the 1970s as the data in the Jersyana collection was questionable. Each text numbered in the thousands of pages.

The third datasource was the New Jersey Legislative database. This database is designed to be used by attorneys doing current research. It will give you the current status of an active piece of legislation and references to all of that statute's antecedents. However, it did not hold databases of legislation that were archived. https://lis.njleg.state.nj.us/

1970's Statutes.

* The uploaded statutes held only 4 and none of them were education related. The following list is from a page by page read of the legislative documents.

Chapter 3 - District school boards must meet monthly

Chapter 41 - Validate district's ability to seek bonds

Chapter 86 - Establish a summer program to educate teachers about substance abuse

Chapter 96 - Department of Education Appropriations Extensive data set, no commentary, entirely budgetary - the lack of commentary is striking.

Chapter 102 - pg 524 -An act concerning medical and dental schools. Later known as the Higher Education Act of 1970. (This act combined the Rutger's School of Medicine and the New Jersey College of Medicine and Dentistry into the College of Medicine and Dentistry of New Jersey.)

1971 statutes.

11 statutes were uploaded, none were education related. Again, a close read of the legislative document showed a vastly different story.

Chapter 6 - Emergency appropriation to one school district without any explanation

Chapter 10 pg 48 - legislative history missing - bill was unprintable/corrupted.

Chapter 12 pg 62. Appropriations for county college capital allowances and system for allowing issuance of bonds not to exceed $40 million.

Chapter 13 - school district bonds

Chapter 19 - appropriations for a marching band to attend an out of state festival

Chapter 33 - school district bonds

Chapter 36 - school district bonds

Chapter 42 - requirement to educate disabled persons (Specified K-12).

Chapter 46 - Bonds. Linguistically muddy but clearly not meant for higher education despite the fact that higher education was starting to float bonds for infrastructure development at this time.

Chapter 53 - School district owned art can be transferred to the municipality. Does not mention art owned or created by institutions of higher education.

Chapter 74 - pg 164 - construction funds for 2 new dormitories. Allows for institutions to lease or sublease facilities. Sneaky little addendum at the end opens up the bill to expansion.

Chapter 77 - pg 169 - more on dorms

Chapter 113 - pg 221 - Facilities, but defining what that means (includes dorms and administrative buildings).

Chapter 114 - boards of professional licensure

Chapter 121 - teachers' pension

Chapter 135 pg 300 - school bonds

Chapter 145 - specific regulation regarding nursing education boards

Chapter 150, pg 159 - drug education must be included in "normal" schools (Normal schools was, at the time, the name for schools for those who would be school teachers.)

Chapter 166 - pg 649 Classification system for school districts.

Chapter 167 - pg 650 - school bonds (specifies districts)

Chapter 191 - pg 763 - veterinary medicine education lacking in state - New Jersey to pay other states to educate New Jersey veterinarians. Contract directly with those states for this "service".

Chapter 214 - district bonds

Chapter 243 - contracts with non-public schools for “certain secular educational services”.

Chapter 261 - pg 1425 - construction of higher education buildings.

Chapter 265 - pg 1431 - higher education fees

Chapter 270 - handicapped children must be educated

Chapter 271 - Handicapped children must be educated regardless of depth of disability or age.

Chapter 292 - school district land use - disallows subleasing to for profit entities.

Chapter 305 - page 1494 - emergency aid to school district

Chapter 322 - defines education as k-12

Chapter 335 - school districts apportionment

Chapter 336 - pg - 1596 -financial aid to parents who send their children to private schools k-12 (earliest iteration of vouchers)

Chapter 377 - dissolution process for school districts (absorbed into others)

Chapter 382 - school district pensions

Chapter 389 - school district proceedings requirements

Chapter 390 - require student physicals K-12 without parental consent

Chapter 414 - pg 1857 - releases teachers and staff from civil suit if reporting substance use or abuse of students, faculty or staff.

Chapter 430 - pg 1901 - establishes appropriations to build schools “for industrial education” does not specify k-12 or higher education

Chapter 435 - process for suspension of teachers from employment - does not specify k-12 or higher education

Chapter 436 - pg 1906 - nature of continued employment for contractual, non-tenured faculty, K-12 implied but not specified.

Chapter 440 - g 1914 - school district debt.

Note: This is the year of the eminent domain act which allowed for land seizures to be used for things other than public works.

1972’s statutes

Chapter 64 - Compensation of school nurses

Chapter 80 - Creating a school budget review board in Department of education - (is K-12)

Chapter 151 - Prohibiting disqualification of employees in public educational system for elective or appointive positions. (mentions colleges)

1973’s Statutes.

Chapter 380 - prohibit discrimination in schools

1974’s Statutes

21 statutes - none school related

1975's Statutes.

Chapter 11 - School board campaign finance reform

Chapter 16 - Joint Committee on the public schools

Chapter 132 - Updates 1972 (P.L. 1971 c.436) Regarding language clarification - the term "school board" does not apply to Boards of Trustees or Boards of Directors of institutions of higher education. This is a language clarification related to the issue of acts failing to identify and some laws being stretched to both

Chapter 132 - an act concerning education and providing continued employment of non-tenured teaching staff members probably K-12, but unclear

Chapter 331 - an act providing scholarships to armed forces dependants

Chapter 222 - an act concerning education relating to classes + facility for handicapped children

Chapter 167 - loans to certain graduate + professional students Increases caps for these loans along with a supposition about earnings potential

Chapter 244 - an act concerning State Aid to education

Chapter 225 - act concerning the education of "war orphans"

Chapter 287 - pertaining to educational loans made by banking institutions - this is an ugly little bill allowing banks to manipulate interest rates.

Chapter 345 - supplement to Medical + Dental Education Act of 1970 - continued to address the budgetary shortfalls.

Chapter 351 - amendment to “New Jersey High Education Tuition Aid Act” - Procedural

Chapter 233 - Board of Education to purchase accident insurance - meant for automobiles

Chapter 16 - Joint Committee on the Public schools K-12.

Chapter 169 - Newark schools - organized structure

Chapter 304 - procedure for charges against board of education employee - language made it fairly clear this was in relation to a specific employee, but established how it should be addressed in the future.

Chapter 212 - public school Education Act of 1975 - K-12

1976’s Statutes

Chapter 84 - College student - additional exemption - specifically designed to clarify the language

Chapter 39 - School Qualified Bond Act

Chapter 87 - Student loans - increase ceiling

Chapter 19 - replaces A1824 - Specific to municipality elections

1977’s Statutes.

Chapter 123 - Institution of Educational Loan Act

Chapter 120 - Educational Improvement Centers

Chapter 161 - Evaluation of Non-tenured teachers

Chapter 82 - Developmental Disabled Rights Act

Chapter 322 - Director become Asst Commission of Education

Chapter 346 Confidentiality of Pupil_Record specific to K-12 (pupil means K-12)

Chapter 290 - Contracts with Private Vocational Records - only applies to K-12

Chapter 133 - County College operational costs - increase limit of state support for full term students - essentially a increase in student ability to obtain more loans

Chapter 447 - Board of Education may convey land for non profit child care service organization

Chapter 271 - Aid to private colleges - reduce enrollment requirement

Chapter 177 - Investment securities transfer from Title 40 to Title 18A

Chapter 399 - NJ Educational Research Museum Development Act -

Chapter 192 - Non-Public schools - state aid for auxiliary services

Chapter 114 - Public schools contracts how

Chapter 330 - Replaces Scholarship Comm___ w/ Student Assistant Board

Chapter 370 - Tax exemption to schools on facilities used to provide retail establishments

Chapter 149 - Vocational school districts - formula for State Aid

1978's Statutes.

Chapter 97 - Scoliosis must be tested annually

Chapter 136 - revised timetable for school budgets

1979's Statutes.

Chapter 37 - Board of Education Regional membership K-12

Chapter 356 - Educational Services Commission School Board representation K-12

Chapter 429 - transportation of handicapped children

Chapter 39 - Higher Education Institutions endowed Einstein chairs

Chapter 361 - Higher Education - residents tuition - eligibility requirements

Chapter 23 - Municipal Budget - revise method of computing reserve for uncollected taxes; non tenured teachers extend time for notification of non-renewal, of contracts

Chapter 50 - Nonprofit educational radio associations property tax exemptions

Chapter 428 - Parents Right to Conscience Act re: sex ed - allows parents to remove their children from sex ed courses. Implied K-12 due to parental rights issue.

Chapter 425 - Practice Marriage Counseling Act revise educational requirements - high school program

Chapter 450 - Pre-retirement education - state employees retirement

Chapter 229 - Scholarship program - widows + children of firemen, etc killed in the line

Chapter 47 - School buildings + land - unoccupied allow to lease to any municipal board etc - again overlooked the implications for higher education

About 8 Chapters relating to "schools"but they all look k-12

403, 82

Chapter 69 - Schools Commission on the Business of Efficiency of the Public Schools

Chapter 241 - High school Graduation standards

Chapter 263 - Instructional programs in alcohol use + abuse

Chapter 424 - “impacted areas” repeal

Chapter 42 - sexual assault response school programs

Chapter 21 - State + county College - non faculty professional - allow leave up to 1 year

Chapter 353 - state compensatory education pupils - state aid

Chapter 207 - “State Facilities Education Act of 1979” -

Chapter 320 + 26 - State property

Chapter 194 - Textbooks - equal expenditures in public + non public schools - only K-12

Chapter 267 - Workforce - public work job - workforce development

1980’s Statutes.

Chapter 31 - Educational Facilities Authority Higher Ed mortgage

Chapter 149 - Hazing

Chapter 162 - School Bond - Building aid

Chapter 71 - School Bond Reserve

Chapter 33 - Extend time for submission

Chapter 49 - School field trips

*Others relate to school buses + pupils

Chapter 154 - Seton Hall Law School established Rechard Hughes chair for Con Law

Chapter 150 - State college libraries purchasing

Chapter 8 - REMOVE

Chapter 149 - Libraries

1981's Statutes.

Chapter 531 - Anti-poverty training accreditation

Chapter 550 - Board of Education - provides investment alternative for tax shelter salary reduction agreement

Chapter 39 - College faculty alternate benefits program - permit tax sheltering of more than 10% of retirement savings

Chapter 122 - Creates Department of Commerce + Economic Development

Chapter 351 - Coordinator of Dept Education

Chapter 329 - County colleges various amendments

Chapter 174 - Custodian of school monies

Chapter 345 - Dues collection + review

Chapter 529 - Economy in Government Loan Act

Chapter 350 - Regional Consultants for Hearing Impaired Students

Chapter 206 - Higher Education Assistance Authority enable parents of students to participate in Federal Student Loans program

Chapter 440 - municipalities transfer land to nonprofit organizations

Chapter 53 - New products, new jobs act of 1980 provides assistance to inventors + entrepreneurs

Chapter 418 - Prohibits school board member from accepting appointment for 6 months

Chapter 59 - *Pupils* - suspension or expulsion possession consumption or use of alcoholic beverages or controlled dangerous substance - use of the term pupil is K-12.

Chapter 199 - Rutgers extension services - retired employees - provide state health program

Chapter 300 - Scholarships - KIA Leo Chil____ (unclear record) appears to be a single person

Chapter 5 - School audit allow 1 month complete

Chapters 51, 227, Children Specific

Chapter 381 - School district + public authority bones interest eliminate _____ rate cap 6%

Chapter 222 - School elections - polling plan allow use od

Chapter 410 - School facilities - permits joint ownership

Chapter 186 - Food service - schools permit 2 renewed w/o public bidding

Chapter 239 - State agencies + institution - debtor uniform procedures

Chapter 181 - State college - tenured faculty removal - clarify procedures

Chapter 43 - State - Council on the Arts - translate to Dept of Education

Chapter 431 - Teacher Pension Fund - allows continuation of membership while in Peace Corps

1982's Statutes.

Chapter 223 - Campus violence - Higher Ed to report on - requirements

Chapter 209 - Country Colleges - Trustees - corrects technical error in prior law

Chapter 189 - Country college contracts law - governs purchase of materials and contracts for work

Chapter 42 - County colleges - consolidate certain educational institutions

Chapter 121 - County institutions - defines

Chapter 135 - Educational Opportunity Loan Fund - establish college loan fund

Chapter 7 - evening schools - raise age of admission and allow students from other districts

Chapter 165 - Marine Academy of Sciences + Technology contractual relationship w/ state marine science

Chapter 205 - moment of silence - public school students to observe

Chapter 16 - Public college Auxiliary Organization Act

Chapters -

118 - reelections,

196 - school board audits

Chapter 74 - school related transportation bidding threshold raised

Chapter 161 - schools electronic data processing equipment - permit joint contracts

Chapter 137 - Senior citizens - higher education - credit or non-credit free enrollment at public institutions -

Chapter 117 - State employees - delinquent in student loan payments allow garnish wages

Chapter 155 - Students residing on federal property - tuition charges procedure

Chapter 126 - University of Medicine + dentistry - exempts certain employees from retirement system

Chapter 163 - Violence in the schools - extends monitoring by the Commission of Education prohibits retaliation against employees filing report. Again no clarification.

1983's Statutes

Chapter 339 - Afro-American History Program establish within Historical Commission appropriate $25.000

Chapter 4 - Scholarships for children of police and firemen in certain cases (killed in the line of duty)

Chapter 67 - county colleges - bids - advertise in various ways - establishes that the colleges are permitted to advertise in order to increase bids for contracts.

Chapter 518 - county vocational school board members - county colleges trustees - allow dual office holding

Chapter 541 - dental examination graduates of unapproved schools - requires study of approved school

Chapter 108 - Education, Board of insurance regulators

Chapter 186 - Educational improvement centers - abolishes

Chapter 204 - educational institution allow some leasing of property without loss of exemption status. Correlates with earlier statutes allowing schools to use state properties to generate income

Chapter 470 - job training courses at county colleges - free enrollment for laid off factory workers

Chapter 328 - job training program - unemployed, underemployed, displaced workers

Chapter 469 - Job training public courses at colleges free enrollment for laid off factory workers - encourage retraining to get employees back into the workforce.

Chapter 487 - Libraries state aid - eliminate proration where municipality supports

Chapter 341 - Marine Academy of Science and Technology transfer to Monmouth County Vo-Tech

Chapter 244 - NJ School of Arts claims against trustees authorize payments

Chapter 512 - Nursing schools allow state aid for part time students

Chapter 23 - Public colleges auxiliary organizations act include county colleges

Chapter 266 - public school contract law qualifications for bidders increase minimum to $20,000

Chapter 171 - Public school contracts increase threshold to $7,500

Chapter 458 - School Bonds annual installments - increase amount

Chapter 218 - School bonds invalidating act

Chapter 1 - School boards procedure

Chapter 119 - School budgets - defeated by voters - timetable for revision

Chapter 373 - School buildings - substandard regulates use

Chapter 262 - School buildings - unused permit rental to government agencies and non-profits

Chapter 48 - School contracts - certain awards without bid if state contract exists

Chapter 101 - School employees - attempts to cause injury aggravated assault

Chapter 13 - School purchases - supplies allow contracts up to 2 years

Chapter 302 - School vandalism - public and non-public - parental liability for damages

Chapter 347 -State and county Colleges - tenured staff - under suspension - receive full salary if determination is not made in 180 days

Chapter 205 - state facilities education act - extend allowable uses of funds for salaries and equipment

Chapter 327 - Student Assistance Board - establish tuition grant levels for public and private colleges

Chapter 151- student loan checks - payable to student and college - allows lenders to disburse funds to the student not just the institution

Chapter 396 - Sussex County Vo-Tech board and budgets

Chapter 221 - Unemployment compensation educational employees - non-professional

1984's Statutes.

163 Statutes passed/reviewed, 11 relate to education

Chapter 122 - Auxiliary services for non-public schools - State Aid

Chapter 89 - Capital Budgeting And Planning Commission review all bills providing for capital projects

Chapter 241 - County colleges - contracts - increase bid threshold

Chapter 94 - Gives student assistance board authority over Garden State Scholarship award amounts

Chapter 200 Higher Education employees eligibility for alternate benefits program retained if transferred or promoted

Chapter 189 - Minority Faculty Advancement Loan and Loan Redemption Program Act

Chapter 149 - New Jersey Institute on Conflict Resolution and Peace Studies

Chapter 49 - Public Schools Contract Law - energy conservation

Chapter 80 - Qualifying academic certifications increase application fees

Chapter 239 - State college contracts - Increase bid threshold to $7,500

Chapter 226 - State School Aid Act for asbestos

1985's Statutes.

410 statutes passed/reviewed, 23 related to education

Chapter 260 - Schools - real property - allow conveyance of any property no longer in use

Chapter 105 - Advanced Technology Center in Bio-Tech

Chapter 366 - Advanced Technology Center in Biomolecular Research established in Agriculture and Environmental Sciences (Review 103, 397, 104 if codeable)

Chapter 367 - Campus Police - carrying weapons off duty

Chapter 263 - Colleges and universities - independently allow participation in state purchasing contracts

Chapter 173 - Council of Community Colleges - trustees - allow alternate voting members

Chapter 136 - County College bonds - increase for capital projects - state support

Chapter 204 - County Colleges - allow [participation in joint self-insurance funds

Chapter 372 - Effective school program

Chapter 193 - Fund for Improvement of Collegiate Education

Chapter 322 - Governor's Annual Teacher Recognition Act

Chapter 231 - Higher Education resident tuition fees - military personnel and dependents

Chapter 493 - Higher Education Services for disabled Students

Chapter 71 - Higher Education Employees Pension Minimum contribution of state

Chapter 189 - Job Training for Urban Women Act

Chapter 50 - School budgets expenses per pupil increases

Chapter 527 - School contracts food services exempt from bidding

Chapter 480 - Schools standards for pupil promotion and retention

Chapter 161 - State College Governing Board Association - establish

Chapter 321 - Teacher Quality Employment Act

Chapter 427 - technical training for women Act - requires technical programs to admit women

Chapter 114 - Viet Nam veteran's scholarship appropriate $1 million.

Chapter 365 - Will and Ariel Durant Chair

1986's Statutes.

164 statutes passed/reviewed 17 related to education

Chapter 87 - college and professional degrees - fraudulent or illegal use - prohibit

Chapter 193 - College credits for high school seniors

Chapter 194 - Colleges and high school corporate programs

Chapter 9 - Educational services commission state compensation

Chapter 180 - Governor's Teaching SCHOLars Program

Chapter 10 - Public School Education Act of 1975 - amend to include private schools under contract with Human Services

Chapter 55 - Raoul Wallenberg - visiting professorship

Chapter 116 - school employees background checks

(a large number of small bills specific to K-12)

(Unrelated but of note - Shareholders Protection Act - discourage takeovers.)

Chapter 43 - State College Contracts law

Chapter 42- State Colleges - increased financial autonomy

Chapter 136 - State College Board of Trustees - provide youth representation

Chapter 158 - State institutions - teacher and institutional staff - tenure

Chapter 191 - Student loans - delinquent - Department of Labor to give quarterly wage reports

Chapter 12 - Student loans overdue deduct from wages of local government employees

Chapter 155 - Tuition and grant programs - extend eligibility for one half year

1987's Statutes.

325 passed/reviewed, 23 education related

Chapter 123 - Boards of Education salaries and policies

Chapter 425 - High school curriculum requires civics

Chapter 53 - Higher education gifts from foreign sources - reveal terms and conditions

Chapter 88 - Higher Education early retirement for faculty

Chapter 65 - Homeless - allows Board of education to provide shelters

Chapter 71 - Job Training Program - amendments

Chapter 214 - Local government education program

Chapter 52 High School curriculum must include New Jersey government and history

Chapter 316 - NJ Institute of Technology - Board of trustees

Chapter 457 - Occupational Information Coordination Committee

Chapter 105 - Regional Women's Center at Centenary College

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Chapter 44 - School board residency

Chapter 159 - School board candidacy

Chapter 328 - Prevents school board members to have certain criminal records

289, 161,

Chapter -160 - school buildings -K-12

343, 165, 196, 163, 164 - LIST?

Chapter 222 - Senior Citizens Education Programs

Chapter 398 - State Operated school districts - authorize

Chapter 399 - State operated school districts - system of governing

Chapter 400 - school districts Joint Commission - file corrupted

Chapter 187 - Student loans - allow NJEAA to guarantee loans outside of NJ

Chapter 357 - Vocational Schools - file corrupted

1988's Statutes.

31 statutes passed/reviewed, 3 educational related

Chapter 12 - school contracts in child care

Chapter 37 - school contracts - set aside programs

Chapter 159 - State colleges - allow construction of certain non-revenue producing facilities

1989's Statutes.

128 statutes passed/reviewed, 5 education related

Chapter 43 - Boards of Education - exempt from building and construction fees

Chapter 88 - Change name of Division of Public welfare to Division of economic Assistance

Chapter 42 - Fires in schools

Chapter 46 - School Budgets - line items

Chapter 156 - School employees disqualified crimes

1990 - 99 statutes passed/reviewed, 8 education related

Chapter 49 - Advisory *Graduate* Medical Education Council

Chapter 13 - Commissioner of Education - term - serve at the pleasure of the governor

Chapter 34 - Joint Commission on Public Schools membership increase

Chapter 52 - Quality Education Act of 1990

Chapter 23 - School construction plans - approved by local code official limit - Department of education review

Chapter 84 - School Desegregation DOE grants

Chapter 38 - Special services school district

Chapter 119 - Veterans tuition credit program

1991's Statutes

409 statutes passed, 26 education related

Chapter 12 Bilingual education - revise English proficiency requirement

Chapter 327 - Campus Police Powers

Chapter 26 - Clinical laboratories - exemption from licensing requirements

Chapter 268 - College Loans to assist state students

Chapter 293 - County special services school districts

Chapter 363 - County tax administrators (mostly about educational taxes)

Chapter 519 - Discrimination - sexual orientation prohibit

Chapter 62 - Education state aid temporary revision in method of calculation

Chapter 467 - Governor's Training Scholarship Program

Chapter 38 - Higher Education - continue financial aid

Chapter 246 Higher Education - employees under TPAF (pension fund question)

Chapter 193 - Holocaust Education Commission - established

Chapter 458 - Local government and school investments

Chapter 435 - Millicent fenwick Research Professorship

Chapter 296 - National Guard members and survivors free tuition

Chapter 128 - non-public schools - state - clarify

Chapter 226 - Non-public schools - nursing service

Chapter 37 - School District Purchases

Chapter 77 - School elections - increase pay

Chapter 393 - School Ethics Law

Chapter 477 - School lease purchase agreements

Chapter 172 - School property leasing

Chapter 267 - School superintendents - revise tenure procedure

Chapter 3 - Schools evaluations and monitoring - revise

Chapter 500 - Student Assistance Board - eligibility

Chapter 39 - Veteran's Children - Orphan education

1992's Statutes.

171 statutes passed/reviewed, 12 Education related

Chapter 55 - County vocational schools - adjust county tax levy for vocational schools

Chapter 142 - Eliminate spousal privilege

Chapter 49 - Higher Education institutions - establish literacy tutorial programs

Chapter 45 - Higher Education public institutions tuition waivers for unemployed workers

Chapter 33 Pupil transportation to no-public schools

Chapter 178 - School bonds - Type II - amend provisions on publication of notice of sale

Chapters 72, 93 and 42 were about school buses

Chapter 159, 126, 158 - elections, benefits and student drug use K-12

Chapter 122 - School emergency siren - file corrupted

Chapter 61 - State colleges contract bid awards

Chapter 127 - teachers provisional certification - K-12

Chapter 94 - weapons in educational institutions

Chapter 44 - Workforce development partnership fund

Chapter 43 - Workforce development partnership program

1993's Statutes.

287 passed/reviewed, 18 education related

Chapter 314 - Adopt A School Program

Chapter 136 - Higher Education Equipment Leasing Fund Act

Chapter 375 - Higher education Facilities Trust Fund

Chapter 60 - Higher education Contracts

Chapter 116 - Kelsey School - Edison State

Chapter 225 - Limited Purpose regional schools - procedure for dissolution

Chapter 302 - New Jersey Council on Vocational Schools muddy lnguage

Chapter 145 - Premedical education requirements

Chapter 102 - Public schools construction

Chapter 308 - Pupils - medications

Chapter 380 - Residency - schools

Chapter 146 - School Board proceedings - eliminate requirement of approval by Attorney General

Chapter 83 - School budgets - remove certain requirements for approval

Chapter 18 - School contracts - withholding a percentage of amount due

Chapter 80 - school funds - unanticipated free balances

Chapter 100 - School teachers non-tenure evaluation

Chapter 384 - Schools sending and receiving relationships

Chapter 374 - St. Joseph's college - Acute Care

1994's Statutes.

150 statutes passed/reviewed, 9 educational related

Chapter 160 - Campus Sexual Assault Victims Bill of rights

Chapter 48 - Higher education Restructuring Act of 1994

Chapter 13 - Holocaust - schools

Chapter 169 - Military duty - child of parent called to deploy - free public education

Chapter 172, 96, Education related but all K-12

Chapter 39 - School budgets (K-12)

Chapter 40 - Trespassing school property

Chapter 73 Workforce Development Property

1995 375 statutes passed, 27 education related

Chapter 190 - Anatomical gifts to schools of mortuary science

Chapter 256 - At Risk Youth Employment

Chapter 327 - Bilingual Education

Chapter 59 - Bilingual education waivers

Chapter 29 - Board of Education - property - historical preservation

Chapter 426 - Charter Schools - file corrupted

Chapter 409 - Environmental education

Chapter 21 - Ethical conduct - county college employees

Chapter 146 - Higher Education Trust

Chapter 63 - Higher Education - student organizations - allow only positive check off to add to tuition bills

Chapter 422 - Job Training

Chapter 398 - New Jersey Commission on Capital Budgeting

Chapter 400 - New Jersey Institute of Technology Act

Chapter 32 - POW?MIA Tuition

Chapter 10 - School Budgets - permit deduction of Federal Aid from General Fund

Chapter 236 - School Efficiency Program

Chapter 34 - School employees - personnel file - removal of child abuse charges (partially redacted)

Chapter 125 School employment

Chapter 68 - School facilities - construction standards

Chapter 235 - School Report Card Program

Chapter 8 - Schools sending & receiving contracts

Chapter 394 - Self-Employment assistance and Entrepreneurial Training Act

Chapter 237 - sexual assault dress - file not available

Chapter 104 - Special Education Week

Chapter 93 - State Colleges Bank deposits

Chapter 283 - State Community Partnership Grant

Chapter 92 - Tax deferred plans - State Colleges

1996's Statutes

112 statutes passed/reviewed, 8 education related

Chapter 138 - Comprehensive Educational Improvement and Financing Act of 1996

Chapter 129 - Educational Technology Training

Chapter 145 - Graduation requirements

Chapter 153, 103, 96 - minor administrative issues (using schools as polling places, reinstalling board members.

Chapter 93 - School dress codes

Chapter 100 School employees physicals

Chapter 159 Student Loans

Chapter 69 - Surplus Lines Law

Chapter 58 - Tenure teaching staff

1997's Statutes

385 statutes passed/reviewed, 11 education related

Chapter 360 - County College Capital Projects Fund Act

Chapter 238 - Higher Education Technology Infrastructure

Chapter 237 - New Jersey Educational Saving trust Program

Chapter 118 - Scholarships - Miss New Jersey

Eliminated for being solely K-12

148 - school board investments

367 - school buses - LPG

432 - school district monitoring

368 - school nurses

140 - school psychologists

53 - school pupils transportation

Chapter 232 State aid public schools

Chapter 292 - State College Contracts

Chapter 220 - student scholarships

Chapter 377 - students - National Guard

Chapter 202 - Tuition - pupils - orphans

Chapter 38 - Work First New Jersey Act

Chapter 37 Work First NJ

1998's Statutes.

124 statutes passed/reviewed. 4 education related

Chapter 140 - Cost sharing options - county college joinder

Chapter 12 - Remedial programs - non public schools

55 - school boards specific K-12

80 - School buses - specifically k-12

31 - school buses - specifically k-12 private schools

Chapter 42 - Tenure hearings expedited - Teachers Bill 587 NJSA 52 - 14B 10 et al.

Chapter 145 Volunteer fireman tuition credit A 1517 (Bill 3698) NJSA: 18A: 71- 78.1

1999's Statutes

347 Statutes passed/reviewed, 17 education related

Chapter 286 - Amends the Comprehensive Educational Improvement and Financing Act of 1996

Related: NJSA 18A - 7F - 10 Bill: A2312

Chapter 295 - DARE Funding

Chapter 256 - Eliminate prohibition against school official acting on certain matters

Chapter 323 - Establishes the Senator Wyonna Lipman Chair

Chapter 54 - Failure to pay student loans - suspension of professional licenses

Chapter 382 - Health care benefits county college employees

Chapter 217 - Higher education Capital Improvement Fund (2 documents)

Chapter 368 - Higher Education Incentive Funding

Chapter 226 - Higher education Incentive Funding Act

Chapter 46 - New Jersey Higher Education - consolidated student assistance functions

Chapter 301 - Non-tenured teachers - dismissal rights

Chapter 111 - Parent's Education Program

Chapter 51 - Public Schools and colleges - Social security excludes student employees

Chapter 270 - requires Board of Education - driver education

5, 167, 153 - all K-12

Chapter 55 - School purchasing irregularities - limits state imposed penalties (2 documents)

Chapter 350 - NO TITLE placed title chapter 275.1 and chapter 349-370 as PDFs

Chapter 107 State Council for Adult Literacy Education Sites (2 documents)

Appendix B

Archival Listing of Statutes

Title/ archival listing	Notes	Theme
1970		
L1970c 96 - Department of Education Appropriations	Extensive data set, no commentary, entirely budgetary - the lack of commentary is striking.	Planning, budget
L1970 c102 - pg 524 -An act concerning medical and dental schools.	Later known as the Higher Education Act of 1970. (This act combined the Rutger's School of Medicine and the New Jersey College of Medicine and Dentistry into the College of Medicine and Dentistry of New Jersey.)	Planning, improvement, access
1971		
L1971 c74 - pg 164 - construction funds for 2 new dormitories.	Allows for institutions to lease or sublease facilities. "With respect to revenue producing facilities, that is to say structures or facilities which produce revenue.".	Planning, growth, allows for revenue generation (but does not use the language)
L1971c 77 - pg 169 - more on dorms	Appropriates funds for building construction	Planning, construction, need
L1971c 113 - pg 221 - Facilities, but defining what that means (includes	Appropriates funds for upkeep and improvements	Planning, construction

Title/ archival listing	Notes	Theme
dorms and administrative buildings).		
L1971c261 - pg 1425 - construction of higher education buildings.	Allows for appropriations and contracting	Planning, construction, growth
L1971c265 - pg 1431 - higher education fees	Appropriations and establishing limits	Planning, student cost containment
L1971c322 - defines education as k-12	Attempts to clarify muddy language regarding appropriations	*Problem appears again and again, imprecise language has financial consequences for appropriations
1972		No statutes met parameter
1973		No statutes met parameter
1974		No statutes met parameter
1975		
L1975c167 - loans to certain graduate + professional students	Increases caps for these loans along with a supposition about earnings potential	Planning, opportunity, earnings, debt
L1975c244 - an act concerning State Aid to education	Establishes state aid to higher education as a requirement of state budgetary processes	Planning, appropriations

Title/ archival listing	Notes	Theme
L1975c287 - pertaining to educational loans made by banking institutions	This is an ugly little bill allowing banks to manipulate interest rates. Overturns earlier statutes preventing "usury" in establishing student loans, opens the doors to increased deregulation of banks	Debt, loans, interest
1976		
L1976c84 - College student -	additional tax exemption - specifically designed to clarify the language (Addresses muddy language)	Student, loans, taxes
1977		
L1977c123 - Institution of Educational Loan Act	Uses the phrase middle income without determining what that means. Caps interest rates on student loans to between ¾ and 1%	Students, loans
L1977c 120 - Educational Improvement Centers	Creates teacher improvement programs - run and staffed by higher education institutions - early version of CEUs	Students, training, appropriations
L1977c133 - County College operational costs - increase limit of state support for full term	Appropriations increase mid academic year	Planning, costs

Title/ archival listing	Notes	Theme
	*This is an emergency response to a shortfall but includes no language requiring further oversight, just planning	
L1977c 271 - Aid to private colleges - reduce enrollment requirement	Appropriations formula alteration	Enrollment, appropriations
L1977c - NJ Educational Research Museum Development Act	Appropriations for museums aided by or run by higher education institutions	Education, planning
1978		No statutes met parameter
1979		
L1979c39 - Higher Education Institutions endowed Einstein chairs	Endowed chairs for research	Education, research
L:1979c 361 - Higher Education - residents tuition - eligibility requirements	Sets parameters for state residency	Access
L1979c229 - Scholarship program - widows + children of firemen, etc killed in the line	Provides for certain state residents to have their tuition waived	Access
L1979c69 - Schools Commission on the Business of Efficiency of the Public Schools	Creates new board, applies only to K-12	Oversight (applicable?)

Title/ archival listing	Notes	Theme
1980		No statutes met parameter
1981		
L1981c351 - Coordinator of Dept Education	Creates new position, K-12	
L1981c206 - Higher Education Assistance Authority	Enable parents of students to participate in Federal Student Loans program	Access, debt, loans
1982		
L1982c135 - Educational Opportunity Loan Fund	Establish college loan fund	Loans, debt, access
L1982c155 - Students residing on federal property - tuition charges procedure	Applies to an extremely low number of students, intended to bring tuition into federal guidances	Federal law, access
1983		
L1983c151 student loan checks payable directly to students	Meant to address student need for stipends	Access, loans
1984		
L 1984c89 Capital Budgeting and Planning Commission	Commission to review all bills which provide funding for capital projects (beginning to rein in higher education spending)	Education, assessment

Title/ archival listing	Notes	Theme
L1984c200 Higher education employees transfers	Allows employees to retain benefits if they are transferred or promoted	Employment, incentives
L1984c189 Minority Faculty advancement loan and loan redemption act	Allows minority undergraduates and graduate students to get loan relief if they go into education (title sounds like higher education, but it is not required)	Loans, Incentives
L1984c149 New Jersey Institute on conflict resolution and peace studies	Establishes and funds new institute	
1985		
L1985c105 Advanced technology center on bio-tech	Creates & funds new centers	Employment, assessment, workforce
L1985c366 Advanced technology center in biomolecular research established in agriculture and environmental science	Creates and funds new centers	Workforce, assessment, research
L1985c136 Increased county college capital bonds	Funding through institutional loans	Funding, access
L1985c372 Effective schools program	Addresses K-12 concerns but first introduction of Effective as a major adjective for schools	

Title/ archival listing	Notes	Theme
L1985193 Fund for Improvement of Collegiate Education	Starts with assessment, lays groundwork for performance related funding later.	Assessment, employment
L1985c Higher education tuition and fees for military personnel & dependants	Provides tuition for military personnel created to bring the state into compliance with federal statutes	Access
L1985c493 Higher education services for disabled students		Access
L1985c189 Job training for urban women act	Funds specific types of training for women in impoverished areas	Access, workforce
L1985c161 Establish state college governing board association		
L1985c427 technical training for women act	Requires technical programs at all levels to admit women	
L1985c114 Viet Nam veterans' scholarships	Appropriates funds for $1million solely for Viet Nam veterans	
L1985c365 Will & Ariel Durant Chair		
1986		
L1986c87 College and professional degrees	Establishes penalties for illegal or fraudulent use of a degree of professional	

Title/ archival listing	Notes	Theme
	certification or licensure	
L1986c193 college credits for high school seniors		
L1986c194 College and high school corporate programs		
L1986c55 Raoul Wallenberg visiting professorship		
L1986c43 State college contracts law		
L1986c42 State colleges increase autonomy	Increases financial autonomy (allows them to lower appropriations individually)	
L1986c136 Youth representation college boards of trustees	Student voices must be heard	
L1986c191 Delinquent student loans	Allows department of Labor to provide quarterly wage reports on students with delinquent loans	
L1986c12 Overdue student loans	Government employees' overdue loan payments will be deducted directly from their pay	
L1986c155 Tuition & Grant program	Extends eligibility by one half year - administrative in nature addresses bureaucratic processing	

Title/ archival listing	Notes	Theme
	issues	
1987		
L1987c53 Higher education gifts from foreign sources	Institutions must reveal terms and conditions for accepting funds from foreign countries for research	Assessment, outcomes, interference
L1987c88 early retirement for faculty	Encourages older faculty to retire	Assessment, outcomes
L1987c71 Job Training program - amendments		
L1987c222 Senior citizen education programs	Allows seniors to audit classes	
L1987c187 Student loans	Guarantees loans to students attending college outside of New Jersey	Loans, debt, access
1988		
L1988c159 Capital projects	Allows capital funds to be used for “non-revenue producing” facilities	
1989		No statutes met parameters
1990		
L1990c49 Advisory graduate medical eduction council	Establishes council to assess and monitor medical education	Education, oversight, workforce

Title/ archival listing	Notes	Theme
L1990c52 Quality Education Act of 1990	Oversight, assessment and standards of K-12 only	
1991		
L1991c327 Campus police powers	Expands campus police powers to include detaining	Safety, oversight
L1991c268 College loans	Appropriates funds for more student loans for New Jersey residents	Access. funding
L1991c38 Higher education financial aid	Appropriations and continuances	Access, funding, debt
L1991c435 Miillicent Fenwick Research Professorship	Funds new faculty line, sets outcomes parameters	Appropriations, outcomes, research
L1991c485 Minority undergraduate fellowship	Establishes loan forgiveness to minorities who become faculty in "eligible disciplines"	Access, appropriations, STEM
1992		
L1992c49 Higher Education literacy	Requires institutions to establish literacy tutorial programs -	Appropriations, access, assessment
L1992c45 Waivers for unemployed workers	State institutions must waiver tuition for unemployed workers (appears to mean county colleges' retraining programs, but the language is vague) No appropriation to cover the expense.	Access, workforce

Title/ archival listing	Notes	Theme
L1992c94 Weapons in educational institutions	Disallows weapons on campuses	Safety, oversight
L1992c44 Workforce development partnership fund	Alternate funding appropriations for L1992c45 includes method for direct funds from corporations	Access, workforce
L1992c43 Workforce development partnership program	Establishes relationships between higher education institutions and industry partners	Workforce
1993		
L 1993c136 Higher Education Equipment Leasing Fund Act	Establishes specific fund for "training equipment" Partly partnership with industry, partly oversight of funds	Appropriations, workforce, Funding
L1993c375 Higher education facilities trust fund	Capital expenditures and revenue go into the same fund	Oversight, funding
L1993c116 Kelsey School - Edison State		
L1993c145 Premedical requirements	Sets standards for collegiate premed programs	Oversight
1994		
L1994c160 Campus Sexual Assault Victims Bill of Rights	Sets standards by which institutions must respond to assault	Oversight

Title/ archival listing	Notes	Theme
L1994c48 Higher Education Restructuring Act	Abolishes the State Department of Higher Education - massive divestiture of state obligation	Funding, oversight
1995		
L1995c21 ethical conduct	Sets standards of ethical conduct for county college employees	Oversight
L1995c146 Higher Education Trust	Reauthorizes appropriations to the fund	
L1995c63 Higher Ed fees	Prevents institutions from adding student government fees unless the student checks off that they agree to the fee	Oversight
L1995c398 New Jersey Commission on capital Budgeting	Reauthorizes the commission to continue to oversee institutional capital projects	Oversight
L1995c400 New Jersey Institute of Technology Act		
L1995c236 School efficiency program	Applies to K–12 but first statute that actually names efficiency as the desired result	Oversight
1996		

Title/ archival listing	Notes	Theme
L1996c138 Comprehensive Educational Improvement and Financing Act of 1996	Blends assessment with funding	Assessment, Oversight, Funding
L1996c159 Student Loans	Creates non-profit corporation to disperse student loans (Also allows it to hold "raffles" as fund raisers)	Funding
L1996c69 Surplus Lines Law	Addresses institutional hiring practices	Oversight
1997		
L1997c360 County Colleges Capital Projects Fund Act	Establishes parameters for disbursement of funds	Oversight, Funding
L1997c238 Higher Education Technology Infrastructure	Addresses institutional need for new computers	Funding, Workforce
L1997c237 New Jersey Educational Saving Trust Program	Establishes savings accounts for parents that can only be used for tuition	Access, Debt, Costs
L1997c37 Work First New Jersey	Appropriations for retraining programs	Workforce
L1997c38 Work First New Jersey Act	Establishes partnerships with industry for retraining programs	Workforce
1998		No Statutes Met Parameters
1999		

Title/ archival listing	Notes	Theme
L1999c286 Amends the Comprehensive Educational Improvement and Financing Act of 1996	Addresses appropriations formulas	Oversight, Funding
L1999c323 Establishes Senator Wyonna Lipman Chair	Appropriations for academic faculty line with stipulations	Funding , Research
L1999c54 Suspension of Licenses	Failure to pay student loan debt will lead to suspension of professional licenses	Oversight of individuals, Debt
L1999c217 Higher education Capital Improvement Fund	Establishes appropriations for capital expenditures. Creates another layer of oversight on capital projects	Oversight
L1999c368 Higher Education Incentive Funding	Essentially rewrites the funding formulas for state institutions including private institutions based on outcomes and datapoints like graduation rates and employment rates	Financing, Oversight, Access, Return On Investment
L1999c46 New Jersey Higher education consolidated student assistance functions	Lays out rules regarding how and when institutions must provide ancillary supports to students	Students, Oversight, Financing

Appendix C

Education Reports

The following reports are the reports written, published, or distributed by the agencies of Higher Education who speak on behalf of the state. They are organized in order of DATE released to the public. If there was an author listed, the name is given. Most are credited to the agency that produced the document, not individual authors.

1970-1979

New Jersey State Dept. of Higher Education, T. (1970). Goals for Higher Education in New Jersey. New Jersey Master Plan for Higher Education, Number 1.

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Palmer, D. (1972). Library education in New Jersey, report and recommendations of a study. NJ government documents number: ED067120.

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Puerto Rican Congress of New Jersey. (1974). Final report on needs assessment of the processes, programs, and services used to enroll Spanish-speaking students in higher education in New Jersey: Educational opportunities and the hispanic college student. NJ government documents number: ED094091.

Potts, R.S. (1975). Graduate education in librarianship at Glassboro State College, 1967-74: A description of the graduates and their evaluations of the program. NJ Government documents number: ED 118076.

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Undergraduate Enrollment Projections for New Jersey Institutions of Postsecondary Education. 1976-1990. (released 1975). New Jersey State Department of higher education. NJ government documents number: ED 129161.

Family Financial Circumstances and Patterns of financing a college education, Special analysis. (1975). New Jersey State Department of higher education. NJ government documents number: ED129162.

The needs and resources of undergraduate students in post-secondary education in the state of New Jersey. 1974-1975. (Released 1975). New Jersey State Department of higher education. NJ government documents number: ED 129163.

An analysis of family incomes of full-time collegiate students in New Jersey, (1975). New Jersey State Department of higher education. NJ government documents number: ED 129164.

Student resource survey of selected New Jersey residents attending college in another state, (1975). New Jersey State Department of higher education. NJ government documents number: ED129165.

Sim, Y.S. (1975). An individualized library orientation program in Mercer County Community College Library: Curriculum Development. NJ government documents number ED119651.

Alfred, L. (1976). Pricing policy, social equity and institutional survival in tertiary education in New Jersey. NJ government documents number: ED 127873.

Smith, M. (1977). State descriptive profiles of state student-assistance programs. Vol II, Kentucky/York. NJ government documents number: ED 148226.

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Bilingual higher education resources in New Jersey colleges and universities. NJDHE Survey 77-13. (Released 1978). New Jersey State Department of higher education. NJ government documents number: ED191333.

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O'Connor, L. (1981). Profile of full-time, first-time freshman: Fall 1980 and recent trends. Data BRIDGE? Series. New Jersey State Department of Higher Education; NJ Government Documents number ED 208717.

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New Jersey State Department of Higher Education; (1987). NJ Government Documents number: ED 238354.

Simmons, F. (1984). Declining enrollments among full-time undergraduates in N.J. colleges and universities, 1980-1983. New Jersey State Department of Higher Education; (1987). NJ Government Documents number: ED 255109.

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Harkness, S. (1985). [Hightstown high school]: New Jersey State Assessment Program, college basic skills placement test results, 1985. East Windsor regional school district. NJ government documents number: ED 285879.

Degrees and Awards conferred by New Jersey colleges and universities, State and County totals, FY 1985 (1986). New Jersey State Department of Higher Education; (1987). NJ Government Documents number: ED 278316.

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Bender, L. (1987). Transfer and articulation among the public institutions of higher education in New Jersey: A report to the chancellor. NJgovernment documents number: ED 283586.

A policy prospectus for graduate medical education in New Jersey. (1985). New Jersey State Department of Higher Education; (1987). NJ Government Documents number: ED 304977.

Results of the New Jersey college basic skills placement testing, Fall 1985. (1985) New Jersey State Department of Higher Education; (1987). NJ Government Documents number: ED 269059.

Affirmative action status report, New Jersey Public colleges and universities, 1982-1985. (1986). New Jersey State Department of Higher Education; (1987). NJ Government Documents number: ED 280333.

Effectiveness of remedial programs in New Jersey public colleges and universities, Fall 1983-Spring 1985. Report to the Board of Higher Education. New Jersey State Department of Higher Education; (1987). NJ Government Documents number: ED 304999.

Annual report on higher education in New Jersey, 1985-86. New Jersey State Department of Higher Education; (1987). NJ Government Documents number: ED 304983.

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Thematically Coded First Round

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Annual report on higher education in New Jersey, 1985-86. New Jersey State Department of Higher Education; (1987). NJ Government Documents number: ED 304983.

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1990s

Proposed master plan for higher education in New Jersey. (1996) New Jersey State Commission on Higher Education. NJ government documents number: ED 394398.

Renewing the public investment. Final report and recommendations of the advisory commission on investing in state colleges (1994) New Jersey State College Governing

Boards Association. New Jersey State Department of Higher Education. NJ government documents number: ED 377812.

New Jersey's Plan for Higher Education: 1999 update, adopted June 25, 1999.

Appendix D

Hearings and Meetings Per Decade

Hearings and Meetings 1970-1979

Public hearing before Senate and Assembly Education Committees on Senate bill no. 575: increased State aid for public schools. New Jersey. Legislature. Senate. Committee on Education. (Trenton,N.J.: The Committee, 1970-06-09)

Public hearing before Senate Committee on Education on Senate bill no. 2266 : ("Public school financing act") and Senate bill no. 2267 (establishing permanent Commission on Public Schools). New Jersey. Legislature. Senate. Committee on Education. (Trenton, N.J. : The Committee, 1971-11-22)

Public hearing before Senate Committee on Education on Senate bill 674 : "Teacher standards and certification act." New Jersey. Legislature. Senate. Committee on Education. (Trenton, N.J. : The Committee, 1974-03-04)

Public hearing before Assembly Education Committee on Assembly bill no. 929 : requiring observation and evaluation of non-tenure teaching staff members and Assembly bill no. 960 : prescribing non-tenure teacher's rights New Jersey. Legislature. General Assembly. Committee on Education (Trenton, N.J. : Assembly Committee on Education, 1974-03-11)

Public hearing on S441 (Education of handicapped children) : held April 24, 1974.

New Jersey. Legislature. Senate. Committee on Education. (Trenton, N.J. : The Committee, 1974-04-24)

[Responses by New Jersey educators to research questions from the Joint Education Committee regarding "thorough and efficient" education] manuscript

Granger, Robert L. (Trenton, N.J.: State of New Jersey, 1974-05)

Report of the Joint Education Committee to the New Jersey Legislature.

New Jersey. Legislature. Joint Economic Committee. (Trenton, N.J.: The Committee, 1974-06-13).

Public hearing before Senate Education Committee on Senate no. 3068 (an act concerning free county libraries and supplementing chapter 33 of Title 40 of the revised statutes) held April 27, 1977, Freeholders Public Meeting Room, Morris County Court House, Morristown, New Jersey. New Jersey. Legislature. Senate. Committee on Education. (Trenton, N.J. : The Committee, 1977-04-27)

Public hearing before Senate Judiciary Committee on nomination of Fred G. Burke as Commissioner of Education : held March 15, 19, 23, 29, [and] April 5, 1979 ... Trenton, New Jersey. New Jersey. Legislature. Senate. Judiciary Committee. (Trenton, N.J.: The Committee, 1979-0

Public hearing before Senate Judiciary Committee on nomination of Fred G. Burke as Commissioner of Education : held March 15, 19, 23, 29, [and] April 5, 1979 ... Trenton, New Jersey. New Jersey. Legislature. Senate. Judiciary Committee. (Trenton, N.J.: The Committee, 1979-03-15)

Hearings and Meetings 1980-1989

Public hearing before Assembly Higher Education and Regulated Professions Committee on impact of cutbacks on [i.e. in] student tuition aid on students, families, and institutions on [i.e. of] higher education. New Jersey. Legislature. General Assembly. Higher Education and Regulated Professions Committee (Trenton, N.J. : Office of Legislative Services, Public Information Office, Hearing Unit, 1982-05-21)

Public hearing before Assembly Education Committee on statewide testing : held November 19, 1982, ... West Orange, New Jersey.

New Jersey. Legislature. General Assembly. Committee on Education (Trenton, N.J. : Assembly Committee on Education, 1982-11-19)

Public hearing before Assembly Labor Committee on A-585, "proposes various amendments to the Employer-Employee Relations Act" : held December 14, 1982, Rutgers Labor Education Center, Rutgers University, New Brunswick, New Jersey.

New Jersey. Legislature. General Assembly. Labor Committee (Trenton, N.J. : Office of Legislative Services, Public Information Office, Hearing Unit, 1982-12-14)

Public hearing before Assembly Higher Education and Regulated Professions Committee on impact of cutbacks on [i.e. in] student tuition aid on students, families, and institutions on [i.e. of] higher education. New Jersey. Legislature. General Assembly. Higher Education and Regulated Professions Committee (Trenton, N.J. : Office of Legislative Services, Public Information Office, Hearing Unit, 1982-05-21)

Public hearing before Assembly Labor Committee on A-585, "proposes various amendments to the Employer-Employee Relations Act" : held December 14, 1982, Rutgers Labor Education Center, Rutgers University, New Brunswick, New Jersey.

New Jersey. Legislature. General Assembly. Labor Committee (Trenton, N.J. : Office of Legislative Services, Public Information Office, Hearing Unit, 1982-12-14)

Public hearing before Assembly Higher Education and Regulated Professions Committee on A-2093, "Jobs and Technology Bond Act" : held February 16, 1983 ... Trenton, New Jersey. New Jersey. Legislature. General Assembly. Higher Education and Regulated Professions Committee (Trenton, N.J. : Assembly Higher Education and Regulated Professions Committee, 1983-02-16)

Public Hearing before Assembly Education Committee on Senate Bill 1934: October 13, 1983 New Jersey. Legislature. General Assembly. Education Committee ([Trenton, N.J.]: Assembly Education Committee, 1983-10-13)

Public hearing before Assembly Education Committee and Assembly Higher Education and Regulated Professions Committee on Assembly, no. 3851 and Assembly, no. 3974 : held October 3, 1983, State House, Trenton, New Jersey. New Jersey. Legislature. General Assembly. Committee on Education; New Jersey. Legislature. General Assembly. Higher Education and Regulated Professions Committee (Trenton, N.J.: Assembly Committee on Education, 1983-10-03)

Public hearing before Assembly Higher Education and Regulated Professions Committee on A-2093, "Jobs and Technology Bond Act" : held February 16, 1983 ... Trenton, New Jersey. New Jersey. Legislature. General Assembly. Higher Education and Regulated Professions Committee (Trenton, N.J. : Assembly Higher Education and Regulated Professions Committee, 1983-02-16)

Public hearing before Assembly Education Committee and Assembly Higher Education and Regulated Professions Committee on Assembly, No. 3851 and Assembly, No. 3974.

New Jersey. Legislature. General Assembly. Committee on Education; New Jersey. Legislature. General Assembly. Higher Education and Regulated Professions Committee ([Trenton, N.J.] : Assembly Committee on Education, 1983-10-17)

Public Hearing before Assembly Higher Education and Regulated Professions Committee on Reorganization of the University of Medicine and Dentistry Community Mental Health Center, May 30, 1984 New Jersey. Legislature. General Assembly. Higher Education and Regulated Professions Committee (Trenton, N.J.: Assembly Higher Education and Regulated Professions Committee, 1984-05-30)

Public hearing before Assembly Higher Education and Regulated Professions Committee on Assembly bill no. 1761 : (designated the "Science and Technology Bond Act of 1984", provides for a $80,000,000 bond issue) : held March 22, 1984 ... Trenton, New Jersey.

New Jersey. Legislature. General Assembly. Higher Education and Regulated Professions Committee (Trenton, N.J. : The Committee, 1984-03-22)

Public hearing before Assembly Education Committee on Assembly bill 2170 : (designated the "Master Teacher Pilot Program Act")

New Jersey. Legislature. General Assembly. Committee on Education (Trenton, N.J. : Assembly Committee on Education, 1984-11-27)

Public Hearing before Assembly Higher Education and Regulated Professions Committee on Reorganization of the University of Medicine and Dentistry Community Mental Health Center, May 30, 1984

New Jersey. Legislature. General Assembly. Higher Education and Regulated Professions Committee (Trenton, N.J.: Assembly Higher Education and Regulated Professions Committee, 1984-05-30)

Public hearing before Assembly Higher Education and Regulated Professions Committee on Assembly bill 1951 : (designated the "University of New Jersey Act of 1984", establishes the University of New Jersey). New Jersey. Legislature. General Assembly. Higher Education and Regulated Professions Committee (Trenton, N.J. : Office of Legislative Services, Public Information Office, Hearing Unit, 1984-10-05)

Public hearing before Assembly Higher Education and Regulated Professions Committee on Assembly bill 1951 : (designated the "University of New Jersey Act of 1984", establishes the University of New Jersey). New Jersey. Legislature. General Assembly. Higher Education and Regulated Professions Committee (Trenton, N.J. : Office of Legislative Services, Public Information Office, Hearing Unit, 1984-10-05)

Public hearing before Assembly Higher Education and Regulated Professions Committee on Assembly bill no. 1761 : (designated the "Science and Technology Bond Act of 1984", provides for a $80,000,000 bond issue) : held March 22, 1984 ... Trenton, New Jersey.

New Jersey. Legislature. General Assembly. Higher Education and Regulated Professions Committee (Trenton, N.J. : The Committee, 1984-03-22)

Public hearing before Assembly Higher Education and Regulated Professions Committee on Assembly bill 1951 : (designated the "University of New Jersey Act of 1984", establishes the University of New Jersey).

New Jersey. Legislature. General Assembly. Higher Education and Regulated Professions Committee (Trenton, N.J. : Office of Legislative Services, Public Information Office, Hearing Unit, 1984-10-05)

Public hearing before Senate Education Committee and Assembly Education Committee on Senate bills 2355, 2356 and Assembly bills 2926, 2927 : (establishment and governance of state-operated school districts). New Jersey. Legislature. Senate. Committee on Education. (Trenton, N.J. : Office of Legislative Services, Public Information Office, Hearing Unit, 1986-09-16)

Public hearing before Assembly Education Committee on Assembly bills 430, 2320, & 2323 (early childhood education). New Jersey. Legislature. General Assembly. Committee on Education (Trenton, N.J. : Office of Legislative Services, Public Information Office, Hearing Unit, 1986-06-20)

Public hearing before Senate Education Committee and Assembly Education Committee on Senate bills 2355, 2356 and Assembly bills 2926, 2927 : (establishment and governance of state-operated school districts). New Jersey. Legislature. Senate. Committee on Education. (Trenton, N.J. : Office of Legislative Services, Public Information Office, Hearing Unit, 1986-09-16)

Public hearing before Senate Education Committee : Senate bill 2499 (an Act Establishing a Guaranteed College Tuition Investment Program).

New Jersey. Legislature. Senate. Committee on Education. (Trenton, N.J. : Office of Legislative Services, Public Information Office, Hearing Unit, 1987-02-11)

Public hearing before Assembly Higher Education and Regulated Professions Committee : meeting the challenge of rising higher education costs, final draft report of the Student Assistance Committee of the Board of Higher Education.

New Jersey. Legislature. General Assembly. Higher Education and Regulated Professions Committee (Trenton, N.J. : Office of Legislative Services, Public Information Office, Hearing Unit, 1987-04-27)

Public Hearing before Assembly Education Committee: Assembly bill 3345 (Prohibition of certain services in school-based health facilities), May 7, 1987. New Jersey. Legislature. General Assembly. Education Committee (Trenton, N.J.: Office of Legislative Services, Public Information Office, 1987-05-07)

Public hearing before Assembly Education Committee and Assembly Economic Development and Agriculture Committee : the problem of adult illiteracy and proposals to remedy the problem, including A-4196, which establishes a New Jersey Adult Literacy Partnership Program. New Jersey. Legislature. General Assembly. Committee on Education (*Trenton, N.J. : Office of Legislative Services, Public Information Office, Hearing Unit*, 1987-06-25)

Public hearing before Assembly Education Committee : Assembly bill 3199 (designated the "New Jersey Cultural Center Development and Historic Preservation Bond Act" and authorizes issuance of bonds in the amount of $90 million).

New Jersey. Legislature. General Assembly. Committee on Education (Trenton, N.J. : Office of Legislative Services, Public Information Office, Hearing Unit, 1987-05-19)

Public Hearing before Assembly Education Committee: Assembly bill 3345 (Prohibition of certain services in school-based health facilities), May 7, 1987

New Jersey. Legislature. General Assembly. Education Committee (Trenton, N.J.: Office of Legislative Services, Public Information Office, 1987-05-07)

Public hearing before Assembly Education Committee and Assembly Economic Development and Agriculture Committee : the problem of adult illiteracy and proposals to remedy the problem, including A-4196, which establishes a New Jersey Adult Literacy

Partnership Program. New Jersey. Legislature. General Assembly. Committee on Education (Trenton, N.J. : Office of Legislative Services, Public Information Office, Hearing Unit, 1987-06-25)

Public Hearing before Assembly Education Committee: Assembly bill 3345 (Prohibition of certain services in school-based health facilities), May 7, 1987 New Jersey. Legislature. General Assembly. Education Committee (Trenton, N.J.: Office of Legislative Services, Public Information Office, 1987-05-07)

Joint public hearing before Assembly Labor Committee and Assembly Education Committee : to discuss dispute resolution reforms for labor disputes in the field of education. New Jersey. Legislature. General Assembly. Labor Committee (Trenton, N.J. : Office of Legislative Services, Public Information Office, Hearing Unit, 1988-05-05)

Public hearing before Assembly Education Committee : Assembly bill 2928 (establishes an eleventh grade high school graduation test). New Jersey. Legislature. General Assembly. Committee on Education (Trenton, N.J. : Office of Legislative Services, Public Information Office, Hearing Unit, 1988-04-07)

Public hearing before Sub-committee on Governmental Operations, Public Investments and Finance of the Assembly Appropriations Committee : Assembly bill number 2768 (2R), (Jobs, Education and Competitiveness Bond Act of 1988). New Jersey. Legislature. General Assembly. Appropriations Committee. Subcommittee on Governmental Operations, Public Investments, and Finance (Trenton, N.J. : Office of Legislative Services, Public Information Office, Hearing Unit, 1988-06-13)

Public hearing before Assembly Education Committee : Assembly bill 2928 (establishes an eleventh grade high school graduation test).

New Jersey. Legislature. General Assembly. Committee on Education (Trenton, N.J. : Office of Legislative Services, Public Information Office, Hearing Unit, 1988-04-07)

Public meeting before Senate Legislative Oversight Committee : to review the management and operations of the Division of Vocational Education in the Department of Education, focusing primarily on issues concerning the grant and award process.

New Jersey. Legislature. Senate. Legislative Oversight Committee. (Trenton, N.J. : Office of Legislative Services, Public Information Office, Hearing Unit, 1988-04-19)

Committee meeting before Senate Education Committee: Senate bill 2405 (provides for the use of current year expenditures in the determination of equalization aid for school districts). New Jersey. Legislature. Senate. Committee on Education. (Trenton, N.J. : Office of Legislative Services, Public Information Office, Hearing Unit, 1988-05-26)

Public Hearing before Assembly Education Committee: Assembly Bill 4342 (Public School Facilities Grant Fund Act), Assembly Bill 4343 (Classrooms of the Future Bond Act; $400,000,000), Assembly Bill 4344 (Public School Facilities Loan Fund Act), April

18, 1989 New Jersey. Legislature. General Assembly. Education Committee (Trenton, N.J.: Office of Legislative Services, Public Information Office, 1989-04-18)

Public meeting before Senate Legislative Oversight Committee : to continue its review of the management and operation of the Division of Vocational Education in the Department of Education. New Jersey. Legislature. Senate. Legislative Oversight Committee. (Trenton, N.J. : Office of Legislative Services, Public Information Office, Hearing Unit, 1988-06-15)

Public hearing before Senate Education Committee : Senate bill no. 3125 (the Education Reform Act of 1989). New Jersey. Legislature. Senate. Committee on Education (Trenton, N.J. : Office of Legislative Services, Public Information Office, Hearing Unit, 1989-02-07)

Public Hearing before Assembly Education Committee: Assembly Bill 4342 (Public School Facilities Grant Fund Act), Assembly Bill 4343 (Classrooms of the Future Bond Act; $400,000,000), Assembly Bill 4344 (Public School Facilities Loan Fund Act), April 18, 1989 New Jersey. Legislature. General Assembly. Education Committee (Trenton, N.J.: Office of Legislative Services, Public Information Office, 1989-04-18)

Public hearing before Senate Education Committee : Senate bill no. 3125 (the Education Reform Act of 1989). New Jersey. Legislature. Senate. Committee on Education (Trenton, N.J. : Office of Legislative Services, Public Information Office, Hearing Unit, 1989-02-07)

Public Hearing before Commission on Sex Discrimination in the Statutes: Discrimination in Education, July 13, 1989 New Jersey. Legislature. Commission on Sex Discrimination in the Statutes (Trenton, N.J.: Office of Legislative Services, Public Information Office, 1989-07-13)

Hearings and Meetings 1990-1999

Public Hearing before Assembly Education Committee: Assembly Bills NO. 3743, 4140, 4153, 4185, 4191, 4215 (State aid for teacher pension costs), December 14, 1990

New Jersey. Legislature. General Assembly. Education Committee (Trenton, N.J. : Office of Legislative Services, Public Information Office, Hearing Unit, 1990-12-14)

Public hearing before Assembly Education Committee: current regulations and procedures for State Department of Education monitoring of local school districts under the "T&E" law (P.L. 1975, c. 212), as these regulations and monitoring effect overall educational quality in local school districts. Committee meeting before Senate Education Committee and Assembly Education Committee: Quality of Education Act of 1990 (QEA).

Committee meeting before Senate Education Committee and Assembly Education Committee : Quality of Education Act of 1990 (QEA).New Jersey. Legislature. Senate. Committee on Education (Trenton, N.J. : Office of Legislative Services, Public Information Office, Hearing Unit, 1992-04-06

Committee Meeting of Subcommittee on School Finance of the Joint Committee on Public Schools: "Subcommittee guest speakers will include Dr. Ernest Reock, who will continue his testimony regarding the "Public School Education Act of 1975" and provisions for the constitutionally mandated "thorough and efficient system of free public school" and Dr. Philip Burch who will discuss measures of educational attainment with emphasis on drop-out rates," February 20, 1990 and March 7, 1990

New Jersey. Legislature. Joint Committee on the Public Schools. Subcommittee on School Finance (Trenton, N.J. : Office of Legislative Services, Public Information Office, Hearing Unit, 1990-02-20)

Public Hearing before Assembly Education Committee: Assembly Bills NO. 3743, 4140, 4153, 4185, 4191, 4215 (State aid for teacher pension costs), December 14, 1990

New Jersey. Legislature. General Assembly. Education Committee (Trenton, N.J. : Office of Legislative Services, Public Information Office, Hearing Unit, 1990-12-14)

Public hearing before Assembly Education Committee : current regulations and procedures for State Department of Education monitoring of local school districts under the "T&E" law (P.L. 1975, c. 212), as these regulations and monitoring effect overall educational quality in local school districts. New Jersey. Legislature. General Assembly. Education Committee (Trenton, N.J. : Office of Legislative Services, Public Information Office, Hearing Unit, 1990-03-06)

Public hearing before Assembly Higher Education Committee : Passaic County Community College accreditation. New Jersey. Legislature. General Assembly. Higher Education Committee (Trenton, N.J. : Office of Legislative Services, Public Information Office, Hearing Unit, 1990-05-22)

Committee meeting before Assembly Higher Education Committee : consideration of A-1878, A-5129, A-5181, A-5182, ACR-171, and ACR-172 : also a presentation by the chancellor of higher education, Dr. Edward D. Goldberg, on recent efforts to make New Jersey colleges and universities more affordable.

New Jersey. Legislature. General Assembly. Higher Education Committee (Trenton, N.J. : Office of Legislative Services, Public Information Office, Hearing Unit, 1991-09-19)

Committee meeting before Senate Education Committee and Assembly Education Committee : Senate bill no. 1370 and Assembly bill no. 3 (the Public School Reform Act of 1992). New Jersey. Legislature. Senate. Education Committee (Trenton, N.J. : Office of Legislative Services, Public Information Office, Hearing Unit, 1992-11-23)

Public Hearing before Senate Education Committee: Senate Concurrent Resolution 23 (1R) (Proposed constitutional amendment to prohibit State from forcing school districts to regionalize), June 8, 1992 New Jersey. Legislature. Senate. Education Committee (Trenton, N.J.: Office of Legislative Services, Public Information Office, Hearing Unit, 1992-06-08)

Committee meeting before Senate Education Committee and Assembly Education Committee : Quality of Education Act of 1990 (QEA).

New Jersey. Legislature. Senate. Committee on Education (Trenton, N.J. : Office of Legislative Services, Public Information Office, Hearing Unit, 1992-04-06)

Committee meeting of Assembly Education Committee : to receive testimony from the commissioner of education, Mary Lee Fitzgerald, Department staff, and others concerning the Department's skills testing program, including the Early Warning Test and High School Proficiency Test, pursuant to Assembly resolution no. 113.

New Jersey. Legislature. General Assembly. Education Committee (Trenton, N.J. : Office of Legislative Services, Public Information Office, Hearing Unit, 1993-04-19)

Public hearing before Education Funding Review Commission : components of an education funding formula New Jersey. Education Funding Review Commission. (Trenton, N.J. : Office of Legislative Services, Public Information Office, Hearing Unit, 1993-10-25).

Public hearing before Education Funding Review Commission : components of an education funding formula

New Jersey. Education Funding Review Commission. (Trenton, N.J. : Office of Legislative Services, Public Information Office, Hearing Unit, 1993-10-25)

Public hearing before Assembly Labor Committee: Testimony on undocumented aliens in New Jersey and their impact on jobs and money spent for them in health care, education, prisons, and other services, April 11, 1994

New Jersey. Legislature. General Assembly. Labor Committee (Trenton, N.J. : Office of Legislative Services, Public Information Office, Hearing Unit, 1994-04-11)

Public hearing before Senate Education Committee and Assembly Education Committee : Senate bill no. 1118 and Assembly bill no. 75, the Higher Education Restructuring Act of 1994 : [May 26, 1994, Trenton, New Jersey].

New Jersey. Legislature. Senate. Education Committee (Trenton, N.J. : Office of Legislative Services, Public Information Office, Hearing Unit, 1994-05-26)

Committee meeting of Senate Education Committee : the potential impact of the Abbott v. Burke decision on New Jersey's education and fiscal policy: [May 12, 1994, Trenton,

N.J.]. New Jersey. Legislature. Senate. Education Committee (Trenton, N.J. : Office of Legislative Services, Public Information Office, Hearing Unit, 1994-05-12)

Public Hearing before Senate Education Committee: Senate Concurrent Resolution 23 (1R) (Proposed constitutional amendment to prohibit State from forcing school districts to regionalize), June 8, 1992 New Jersey. Legislature. Senate. Education Committee (Trenton, N.J.: Office of Legislative Services, Public Information Office, Hearing Unit, 1992-06-08)

Public Hearing before Senate Education Committee: Senate Concurrent Resolution 23 (1R) (Proposed constitutional amendment to prohibit State from forcing school districts to regionalize), June 8, 1992 New Jersey. Legislature. Senate. Education Committee (Trenton, N.J.: Office of Legislative Services, Public Information Office, Hearing Unit, 1992-06-08)

Committee meeting of Assembly Education Committee : to receive testimony from the commissioner of education, Mary Lee Fitzgerald, Department staff, and others concerning the Department's skills testing program, including the Early Warning Test and High School Proficiency Test, pursuant to Assembly resolution no. 113. New Jersey. Legislature. General Assembly. Education Committee (Trenton, N.J. : Office of Legislative Services, Public Information Office, Hearing Unit, 1993-04-19)

Public hearing before Senate Education Committee and Assembly Education Committee : Senate bill no. 1118 and Assembly bill no. 75, the Higher Education Restructuring Act of 1994 : [May 26, 1994, Trenton, New Jersey]. New Jersey. Legislature. Senate. Education Committee (Trenton, N.J. : Office of Legislative Services, Public Information Office, Hearing Unit, 1994-05-26)

Public hearing before Assembly Labor Committee: Testimony on undocumented aliens in New Jersey and their impact on jobs and money spent for them in health care, education, prisons, and other services, April 11, 1994 New Jersey. Legislature. General Assembly. Labor Committee (Trenton, N.J. : Office of Legislative Services, Public Information Office, Hearing Unit, 1994-04-11)

New Jersey. Legislature. General Assembly. Education Committee (Trenton, N.J. : Office of Legislative Services, Public Information Office, Hearing Unit, 1990-03-06)

Public hearing before Senate Education Committee and Assembly Education Committee : Comprehensive plan for educational improvement and financing : [December 12, 1995, Trenton, New Jersey]. New Jersey. Legislature. Senate. Education Committee (Trenton, N.J. : Office of Legislative Services, Public Information Office, Hearing Unit, 1995-12-12)

Public hearing before Senate Education Committee : the proposed excessive administrative penalty program : [February 21, 1995, Trenton, New Jersey].

New Jersey. Legislature. Senate. Education Committee (Trenton, N.J. : Office of Legislative Services, Public Information Office, Hearing Unit, 1995-02-21)

Public hearing before Senate Education Committee and Assembly Education Committee : Comprehensive plan for educational improvement and financing [Dec. 5, 1995, , New Jersey] New Jersey. Legislature. Senate. Education Committee (Trenton, N.J. : Office of Legislative Services, Public Information Office, Hearing Unit, 1995-12-05).

Public hearing before Senate Education Committee and Assembly Education Committee : Comprehensive plan for educational improvement and financing : [December 12, 1995, Trenton, New Jersey]. New Jersey. Legislature. Senate. Education Committee (Trenton, N.J. : Office of Legislative Services, Public Information Office, Hearing Unit, 1995-12-12).

The legislative hearing on public school funding: the impact of educational funding reform on the Newark school system : [August 14, 1996, Newark, New Jersey].

New Jersey. Legislature (Trenton, N.J.: Office of Legislative Services, Public Information Office, Hearing Unit, 1996)

Public hearing before Senate Education Committee and Assembly Education Committee: Senate bill no. 40 and Assembly bill no. 20 (the Comprehensive Educational Improvement and Financing Act of 1996): [July 25, 1996, Trenton, New Jersey] hearing recorded and transcribed by the Office of Legislative Services, Public Information Office, Hearing Unit. New Jersey. Legislature. Senate. Committee on Education (Trenton, N.J.: Senate Committee on Education, 1996)

The legislative hearing on public school funding: the impact of educational funding reform on the Newark school system : [August 14, 1996, Newark, New Jersey].

New Jersey. Legislature (Trenton, N.J.: Office of Legislative Services, Public Information Office, Hearing Unit, 1996)

Committee meeting of Senate Education Committee : development of a model for a thorough and efficient education system: [March 21, 1996, Trenton, New Jersey].

New Jersey. Legislature. Senate. Education Committee (Trenton, N.J. : Office of Legislative Services, Public Information Office, Hearing Unit, 1996)

Public hearing before Senate Education Committee : Senate bill no. 40 (the Comprehensive Educational Improvement and Financing Act of 1996) : [July 17, 1996, Morris Plains, New Jersey]. New Jersey. Legislature. Senate. Education Committee (Trenton, N.J. : Office of Legislative Services, Public Information Office, Hearing Unit, 7/17/1996)

Public hearing before Senate Education Committee : Senate bill no. 40 (the Comprehensive Educational Improvement and Financing Act of 1996) : [July 17, 1996, Morris Plains, New

Jersey]. New Jersey. Legislature. Senate. Education Committee (Trenton, N.J. : Office of Legislative Services, Public Information Office, Hearing Unit, 7/17/1996)

Public hearing before Assembly Education Committee : the Charter School Program Act of 1995 : [May 11, 1998, Trenton, New Jersey]

New Jersey. Legislature. General Assembly. Education Committee (Trenton, N.J. : Office of Legislative Services, Public Information Office, Hearing Unit, 1998)

Committee Meeting of Joint Committee on the Public Schools, Abbott Subcommittee: "Early childhood education in the Abbott Districts: Children's needs and the need for high quality programs," January 28, 1999 New Jersey. Legislature. Joint Committee on the Public Schools. Abbott Subcommittee (Trenton, N.J.: Office of Legislative Services, Public Information Office, 1999-01-28)

Appendix E

Memo on Pre-1970 Hearings and Reports

1966 - A Report to the New Jersey State Legislature of the Senate omission on Senate Bill no 434 (1966) Spec. N.J. KFN2196.A2 1966 - Concerns the Higher Education Act of 1966.

"No one defends the fact that so many New Jersey youth - specifically 55% - still must be accommodated in colleges and universities out of state; that New Jersey continues to rank third from the bottom of the fifty states in per capita expenditures for public higher education despite the fact that we are sixth in per capita wealth; that other states are beginning to close the door to New Jerseys college bound youth." (Higher Ed Act 1966, pg 2).

New Jersey had a separate board for higher education from 1929 called a board of regents which was dissolved in 1945 to establish a single board over higher and lower education. In 1966, despite some push back from the then President of the State Board of Education who called such a separation an "unwarranted experiment," the passage of S - 434 moved forward to give state colleges and universities more autonomy.

The Act contains extensive discussion about the differences in the nature of higher education as being necessary to the growth of the state (not economy) but also includes the term choice repeatedly. The student chooses to study in higher education, chooses to go to college at all and has more freedom and personal responsibility to his education and intellectual growth. "Higher education is not compulsory."

The Act contains concerns that separating lower and higher education would reduce the apportionment of funds to higher education. However, they believe that the creation of a new board of regents specifically for higher education would increase the visibility of higher education. They note that traditionally higher education ets short changed when there is a battle over funds. The concern that a chancellor of higher education would end up being a political operative but that a "public official so important to the welfare of the people of this state as the Chancellor of Higher education" (Higher Ed Act 1966, p.15) cannot be a political appointee. The hearings created a change of the Chancellor from being a gubernatorial appointee to someone elected by the board. An additional concern was that separating the boards would create transitional issues between lower and higher education and that fewer students would enter schools to become teachers. The testimony indicates that teacher preparation "is best conducted in an academic atmosphere which is strongly imbued with the liberal arts" and that collegs that "have broadened their curricular offerings have seen their student enrollment in teacher education grow rather than diminish" (Higher Ed Act 1966, p 17).

Another desired outcome of this new level of autonomy would be a more active involvement of faculty in affairs of the college. The testimony encourages the "greatest possible faculty influence on the administrative procedures which they deem consistent with their rights and their need for academic freedom." (Higher Ed Act 1966, p 28). The testimony also provides for the establishment of line item budgetary control by the state college presidents and a minimum admission standards for all public institutions.

While structure is important “it cannot do the job where there is a deficiency in public interest or in PUBLIC FUNDS” (Higher Ed Act 1966, p 32). “The truth of the argument lies in the fact that adequate public funds will continue to be a matter of prime concern, regardless of the structure we choose.” or “The young people of New Jersey deserve no less” (Higher Ed Act 1966, p 32).

There is the use of the term “efficient use” and “institutions of excellence”, themes which remain consistent for the next 4 decades. But the term “efficiency” was used twice despite there being an addendum section regarding how appropriations will be determined and governed. The concern was that while appropriations may be spent as the colleges now see need, the inability to petition for more funds during the fical year will be lost.

1968 - A report to the New Jersey legislature of the Senate Committee on Education on Senate Bill no 434, 1966: The HIgher Education act of 1966”

The Strayer Report in 1968 assumed the increase of the number of students heading into college would mean the need for 4135 million more to be spent on higher education in New Jersey alone. The 1966 report states that “a number of the most distinguished industrialists…. Tell us that we are desperately short of scientists, engineers and technicians our vigorous and complex economy requires.” One paragraph later they also pointed out that there were “comprable (sic) shortages in nurses, social workers, and other “human service” personnel.” This plan speaks positively about the need for a new department to address a massive, rapid increase in the size of colleges and universities

"rapid expansion without sacrifice in quality." The role of the Master Plan, as it was called, included the need to "increase greatly the autonomy of the individual state colleges."

It is here that the structure of New Jersey's Department of Higher Education was delineated. The complicated structure of the 1970 "master plan" is laid out in the 1966 Master Plan. The foundations of the master plan of 1966 was laid in 1956. Every plan is a tweaking of every plan that came before. But, the commonality is the fact that it's a plan.

But during one hearing a witness (who is unnamed in the records) stated: "In the first place, higher education is not compulsory. It is not compulsory, either for the student to go to college, nor is it compulsory for the state to provide it." But, this witness' statement was overridden quickly by every related concurring letter and amicus brief.

The push was designed to respond to the upcoming explosion of the baby boomers reaching college age. The waffling back and forth between the 'we need to pay for college' to let them all manage on their own wends its way through all of the hearings records. This included an administrative move to remove "high achievers" from the EOF program. The working theory was that high achievers could find their own way to college. "If high achievers were not served, costs could be reduced." However, those are the only statements of anyone in dissent and the use of the word efficiency and inefficiency occurred once each. The two words came from the testimony of the Office of Fiscal Affairs.

The degree to which hearings, legislation, and reports all rested on previous plans, required some research on items prior to the time period examined in order to clarify context.