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# North Carolina Needs an Appointed Superintendent of Public Instruction

by William S. Lee



*North Carolina's public education system, which has a \$3.8 billion budget, is also one of the state's largest businesses. And, by a number of measures, the status of that business is desperate. We have a dropout rate that hovers between 25 and 30 percent and the standardized test scores of those students who remain in school are at or near the bottom in the nation.*

We may argue about the usefulness of standardized tests. We may quibble over a few points that enhance our state's standing. But the fact remains that our education system needs more than fine-tuning. It needs a major overhaul. And that overhaul will be difficult, if not impossible, without a change in the way our public schools are governed.

Right now, at the top of our education system, the overall leadership and administration is divided, ambiguous and overlapping. We have the governor, we have a chairman of the State Board of Education appointed by the governor, and we have an elected state superintendent of public instruction—not to mention a host of other state officials who hold some advisory position on public education. Who's in charge? Who's accountable?

We're fortunate at present to have two dedicated, capable individuals in the posts of superintendent and chairman of the State Board of Education, but the system itself does not work. As a business person, I find that it doesn't make sense to have an ambiguous leadership structure for our nearly \$4 billion education enterprise.

There are many steps we should take to improve the quality of educating our young people. Certainly one of those steps is to establish a clearly accountable leadership structure at the top. We must organize the state-level education bureaucracy for management efficiency. And that means amending the N.C. Constitution to provide for the appointment of the top school official.

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This would enable that leader to provide an unbiased focus on the big picture of the state's education needs, to articulate a long-term vision, and to initiate the sometimes unpopular reform measures that are needed to meet the tremendous challenges and changes our society is facing. This article reviews the history of public school governance (see sidebar on pages 13-14), outlines the problems associated with our present governance structure, and summarizes models from other states. But as the sidebar on the system's history makes clear, through more than 200 years of legislative changes, the appointed State Board of Education has developed the policies for the public school system while the elected superintendent of public instruction has implemented the policies and has overseen their funding.

### The Problems With an Elected Superintendent

The nature of the responsibilities of the board and the superintendent requires that they overlap in some of their tasks. As the policymaker, the board must in part oversee the implementation of its own policies, for the board members themselves understand the desired effects and the pos-

sible shortcomings more than someone who did not participate in the planning.

Similarly, as the official who must implement policy laid down by the board, the superintendent must also participate in the policymaking process to offer expertise derived from discussions with students, teachers, parents, and principals in the public school system.

This overlapping of responsibilities of the policymaker and the policy implementer, neither of whom is accountable to the other, may lead to a cycle of conflict. For instance, the board may make a decision which the superintendent believes lies within the superintendent's jurisdiction. Then the superintendent may respond by only marginally implementing the policy decision. The board interprets this as incompetence or a lack of commitment on the part of the superintendent. The board then leans on the superintendent even harder, encountering more resistance with each policy decision.<sup>1</sup>

While the potential exists for planning and implementation conflicts in any group where the policymakers are distinct from the implementers, the conflict in the North Carolina system of governance escalates because neither the board nor the superintendent owes accountability to a

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*Incoming State Board of Education Chair Barbara Tapscott, with former board member John Tart, now a member of the N.C. House of Representatives.*



N.C. Department of Public Instruction



Karen Tam

*Superintendent of Public Instruction Bob Etheridge, a former legislator, makes a point at a meeting of the State Board of Education.*

central mediating authority. This imprecision over accountability and responsibility often shows up in the news. Just as one recent example, a number of local boards of education began contracting with Channel One, a company that supplies schools with audio-visual equipment and a daily public affairs program in exchange for the right to broadcast advertising on those programs in the classroom. The superintendent of public instruction warned against such contracts, but not until the State Board of Education went on record against such contracts did the state actively oppose them. Regardless of the merits of Channel One and its programming, the clear fact remains that the public education system was not speaking with a strong, unified voice on this issue until months had gone by.

### **The Emerging Role of the Board Demands Reorganization**

Before the current crisis in education mounted, the board primarily set minimum standards and regulations for the public school system. Problems facing the schools rarely required more than yearly updating of standards and funding. How-

ever, changing archaic standards and increasing funding will not, in and of themselves, solve today's education problems in North Carolina. Raising student achievement scores, improving teacher performance, establishing accountability for educational quality and even reorganizing the governance system for public schools all are goals which will require the state board, the state's primary policymaking body in education, to conceive sophisticated and comprehensive solutions.<sup>2</sup>

Given these needs for a long-range plan as part of the policymaking process, a 1987 national Task Force on State Board Leadership developed a new role for state boards.<sup>3</sup> First, the board needs a long-term vision for education reform. Second, the board should provide systematic information on the extent and quality of education. Finally, the board should add some predictability, vital to sustaining a long-term vision for reform, to the policymaking process.

The ambiguous responsibilities of the state superintendent and the board will impede the board from assuming this new role of leadership, and our education crisis will continue unabated. Often the board may hesitate to form far-reaching policies because the responsibilities of the board

**Table 1. Methods of Selection and Length of Terms for Chief State Public School Officers and for State Boards of Education**

State	How Superintendent Is Chosen	Length of Term
Alabama	Appointed by Board of Education	- <sup>1</sup>
Alaska	Appointed by Board with Governor's approval	5
Arizona	Elected by Public	4
Arkansas	Appointed by Board with Governor's approval	-
California	Elected by Public	4
Colorado	Appointed by Board of Education	-
Connecticut	Appointed by Board of Education	-
Delaware	Appointed by Board of Education	-
Florida	Elected by Public	4
Georgia	Elected by Public	4
Hawaii	Appointed by Board of Education	-
Idaho	Elected by Public	4
Illinois	Appointed by Board of Education	3
Indiana	Elected by Public	4
Iowa	Appointed by Governor	4
Kansas	Appointed by Board of Education	-
Kentucky	Appointed by Board of Education	4 <sup>2</sup>
Louisiana	Appointed by Board of Education	4
Maine	Appointed by Governor with Senate approval	-
Maryland	Appointed by Board of Education	4
Massachusetts	Appointed by Board of Education	-
Michigan	Appointed by Board of Education	-
Minnesota	Appointed by Governor	-
Mississippi	Appointed by Board with Senate approval	4
Missouri	Appointed by Board of Education	-
Montana	Elected by Public	4
Nebraska	Appointed by Board of Education	-
Nevada	Appointed by Board of Education	3
New Hampshire	Appointed by Board of Education	-
New Jersey	Appointed by Governor with Senate approval	5
New Mexico	Appointed by Board of Education	-
New York	Appointed by Board of Education	-
North Carolina	Elected by Public	4
North Dakota	Elected by Public	4
Ohio	Appointed by Board of Education	-
Oklahoma	Elected by Public	4
Oregon	Elected by Public	4
Pennsylvania	Appointed by Governor with Senate approval	-
Rhode Island	Appointed by Board of Education	9
South Carolina	Elected by Public	4
South Dakota	Appointed by Board of Education	-
Tennessee	Appointed by Governor	-
Texas	Appointed by Board with Senate approval	4
Utah	Appointed by Board of Education	-
Vermont	Appointed by Board with Governor's approval	-
Virginia	Appointed by Governor with Assembly approval	-
Washington	Elected by Public	4
West Virginia	Appointed by Board of Education	-
Wisconsin	Elected by Public	4 <sup>3</sup>
Wyoming	Elected by Public	4

How Board Members Are Selected	Number of Board Members	Length of Board Terms
Elected by Public	8	4
Appointed by Governor	7	5
Appointed by Governor .... 8	8	4
Appointed by Governor	9	9
Appointed by Governor	10	4
Elected by Public ..... 5	5	4
Appointed by Governor	9	6
Appointed by Governor	7	6
Elected by Local Boards.... 8	8	4
Appointed by Governor	10	7
Elected by Public	11	4
Appointed by Governor .... 7	7	5
Appointed by Governor	17	6
Appointed by Governor	11	4
Appointed by Governor .... 9	9	6
Elected by Public	10	4
Appointed by Governor	7	4
Mixed method ..... 11	11	6
Appointed by Governor	9	5
Appointed by Governor	9	5
Appointed by Governor ... 11	11	5
Elected by Public	8	8
Appointed by Governor	9	4
Mixed method ..... 9	9	4
Appointed by Governor	8	8
Appointed by Governor	7	7
Elected by Public ..... 8	8	4
Elected by Public	9	4
Appointed by Governor	7	5
Appointed by Governor ... 12	12	6
Mixed method	15	6
Appointed by Legis.	15	7
Appointed by Governor .. 11	11	8
Appointed by Governor	7	6
Elected by Public	23	6
Appointed by Governor .... 6	6	6
Appointed by Governor	7	7
Appointed by Governor	17	6
Appointed by Governor .... 9	9	4
Appointed by Legis.	16	4
Appointed by Governor	7	5
Appointed by Governor ... 12	12	9
Elected by Public	15	6
Elected by Public	11	4
Appointed by Governor .... 7	7	6
Appointed by Governor	9	4
Elected by Public	14	6
Appointed by Governor .... 9	9	9
none	none	-
Appointed by Governor	9	6

and the superintendent are not clearly defined. And because both the board and the superintendent each have some measure of independence, turf battles are likely to be fought anytime either the board or the superintendent takes action—as happened on a number of occasions in the 1960s and 1970s.

If the superintendent were appointed by the governor or by the board itself, as is the case in 35 states (see Table 1, page 8), the top of the continuous chain of command could efficiently allocate the time and resources of the board and the superintendent in collaborative, rather than conflicting, policy solutions.

## Inherent Political Pressures on Superintendent

The inherent political nature of the job creates a number of problems, including the following:

- Rather than encouraging the superintendent to act boldly and creatively, the inherent political pressures on an elected superintendent can actually discourage development of effective policy and workable programs. In order to remain in elective office, the superintendent instead must act in accordance with the prevailing political winds.

The superintendent also must explain and defend education policies to a sometimes uninformed or under-informed public.<sup>4</sup> For example, instead of rethinking the entire way our state measures the academic achievement of its students (a remedial action that may seem radical to many), the superintendent might choose to concentrate on programs improving the state's scores on existing—though perhaps irrelevant—standards. The superintendent could adequately explain and defend the latter proposal to the public, yet that proposal might not be the most effective approach in the long term for improving education. An appointed superintendent, on the other

<sup>1</sup>The symbol - means that the length of term is not specified.

<sup>2</sup>Alone among the 16 elected superintendents, Kentucky's may not succeed to a second term. In 1991, Kentucky shifts to an appointed superintendent.

<sup>3</sup>Alone among the states, Wisconsin has no board of education.

*Sources:* National Association of State Boards of Education; Council of Chief State School Officers.

hand, would have the job stability required for effective long-term planning and for radical changes where needed.

■ An elected superintendent, who holds only a four-year lease on the office, could have a problem with program continuity and long-term vision. As the State Board of Education plans its long-term strategy for reform, it can count on having the strengths and beliefs of the current superintendent for only four years. If the superintendent is not re-elected, a new superintendent with different strengths and a new agenda could undermine the board's long-term reforms. However, if the board selected the superintendent, it could find one who would complement the reform plan for the long term, thus ensuring program continuity as well as enhancing long-term planning.

■ An elected superintendency encourages only a narrow scope for school reform when more comprehensive measures may be needed, particularly when single-issue politics are involved. Political emergencies—where the public is aroused about a single issue that may have little or nothing to do with educational progress—can mire the public school system in a morass of substandard achievement.

If the public feels particularly strongly about a peripheral issue (birth control clinics in schools, for example, or some other issue not related to academics), it may vote for a superintendent who has a thoughtful stance on only one issue. The scope of reform demanded in North Carolina mandates a comprehensive approach to change, encompassing nearly every issue of education from teacher merit pay to curriculum changes. A single-issue, elected superintendent would be unlikely to improve the system as a whole.

■ The high costs of campaigning may mean that the best candidates don't run—or cannot win—an elected super-

intendency. Campaign costs can prohibit excellent, interested candidates from entering a race in the first place, and education leaders with little experience in politics may be effectively prohibited from entering the competition. Furthermore, the superintendent must take time away from creating and implementing education policy and devote that time instead to fundraising and campaigning for re-election.

As education continues to rise to the forefront of public policy concerns, the number of candidates for superintendent may also rise, thus creating more competition for the post and driving up the amount of time and money needed to campaign successfully for it. (For more on the cost of campaigning for superintendent of public instruc-

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tion, see "Campaign Finance Research Featured Before N.C. State Board of Elections and on Cable TV," *North Carolina Insight*, Vol. 9, No. 3, March 1987, p. 103.) An appointed superintendent, on the other hand, can devote the full length of the term to education reform without having to deal with elective politics.

■ An elective superintendency can create conflicts of interests. Before the state of Mississippi switched to an appointed superintendent in 1986, charges of corruption plagued its school systems. Local superintendents would informally choose their candidate for state superintendent, and then organize the candidate's campaign. Once in office, the superintendent had the responsibility for accrediting the campaign managers' schools. This not only created the potential for conflicts of interest, but led to allegations of bribery and misconduct.

In North Carolina, the superintendent has some discretion in where to spend money on education, and while there have been no suggestions of political corruption with regard to the office, there is a potential for a conflict of interests between what is best for the state and the pressure to reward the home areas of campaign supporters. An appointed superintendent, on the other hand, would owe loyalty only to the state as a whole—and not to a group of individual political supporters.

■ An elected superintendent cannot be fired (although a Council of State member can be impeached and removed from office for a felony, certain misdemeanors, malfeasance, or neglect of duty). If the elected superintendent were to act unethically or ineffectively, the state could find it so difficult and time-consuming to go through formal impeachment proceedings that it would be impossible to dismiss the superintendent. Instead, the state would be stuck with that official at least until the end of the term. And even an incompetent official may win re-election, even indefinitely. An appointed superintendent, on the other hand, would answer directly to the State Board of Education and could be dismissed for incompetence or misbehavior while in office.

## The Advantages of an Appointed Superintendent

In addition to correcting the problems and potential problems outlined above, appointing the superintendent affords the state an opportunity to benefit directly from the knowledge and strengths

of national education leaders. While all elected superintendents must come from the state, an appointed superintendent could be selected from candidates throughout the country. Employing a superintendent from outside the state could enhance the state's exchange of ideas about education reform, and has the potential for energizing the policymaking process.

In modern times, most governors hope to make education the hallmark of their administration, and thus the governor has a great deal of clout in proposing educational programs to the General Assembly and in marketing them to the public. It is only natural, then, that the superintendent of public instruction be appointed by the governor to push for those programs and to be the chief cheerleader for them—both with the legislature and with the State Board of Education. That's not the only way to choose a superintendent, of course, but it would be among the more direct ways—with clear lines of accountability straight to the top.

Former Gov. Terry Sanford clearly saw the problem when he wrote, "No citizen of any state should tolerate the diffusion of command, the division of authority or the hamstringing of executive power. The head of a corporation could not run his firm if the vice president in charge of sales were elected by the board, the superintendent of production selected by the vice presidents with the approval of the president, the transportation chief by union members and the personnel director by a visiting committee."<sup>5</sup> What Sanford saw then is equally important today—we need a change.

Other states have chosen to switch from an elected superintendent to an appointed superintendent. A little over 40 years ago, a majority of the states elected their chief state school officers, while less than a third do so now. In 1947, 31 of the 50 states had an elected superintendent, while in 1990, that number had dropped by more than half, to 15. In 1989, Kentucky joined the list of states switching to an appointed superintendent. Earlier in the 1980s, Mississippi and Louisiana also switched to an appointive superintendent—clear evidence that the trend continues toward a professional manager and educator as the top school administrator.

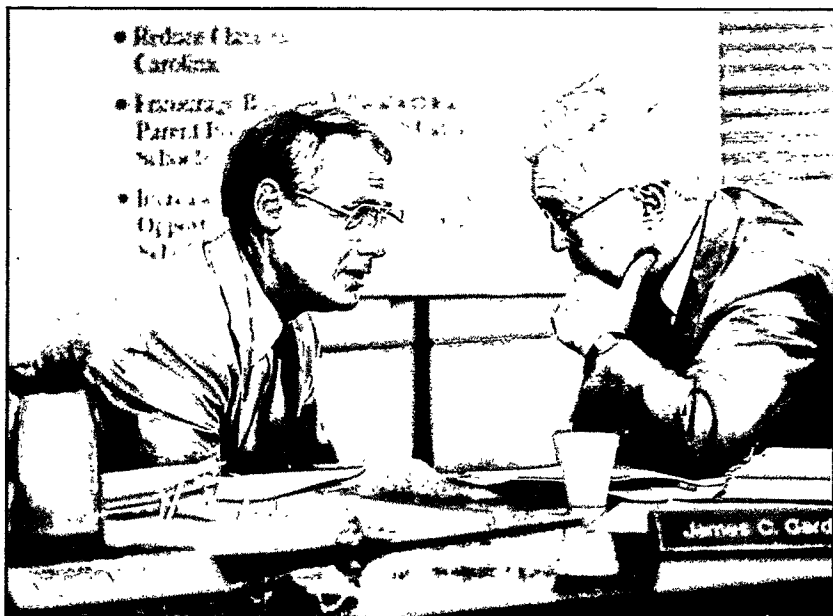
North Carolina study commissions on several occasions have raised questions about an elected superintendent and an appointive board. Study commissions appointed by the governor in 1948 and in 1968<sup>6</sup> questioned "the validity of electing

an individual to fill a position that is so demanding of the highest professional leadership abilities." Each commission urged the legislature to enact a procedure allowing the board to appoint the superintendent as its executive officer, but those proposals have gone nowhere.

The current State Board chairman, Howard Haworth, who stepped down in September 1990, says that the governance structure is one of the most important issues to resolving our education problems. "I personally feel very strongly that a change to an appointed superintendent of public instruction for the North Carolina public education system is a must if we are to ultimately achieve adequate overall reform and improvement of the endeavor. It is not the only change, by any means, that is necessary, but one of four or five critical issues to real progress in this area. To suggest that the people of North Carolina would not endorse such a change through the referendum process is perhaps more politically self-serving than it is an accurate assessment. This is simply one of a number of matters that the General Assembly seems determined to protect the citizens from re-evaluating," Haworth says.

As Table 2 on page 18 indicates, there are 10 public school governance models in the United States, though three of these models are used in nearly three-fourths of the states. In three of the top four models, the superintendent is appointed rather than elected. Several of these models would enable our state to streamline management and maximize the efficiency of the public school bureaucracy. And no matter which of the models we choose, we should make certain that the lines of command are clear.

There almost certainly will be political obstacles to overcome in achieving this revision in school governance. But we must end today's politically driven, three-headed system. It im-



*Howard H. Haworth, left, former chairman of the State Board of Education, and Lt. Gov. James Gardner, an ex-officio member of the board, confer during meeting of the board.*

pedes our ability to offer our young people the best education they can have. We simply must take the sometimes difficult steps that are necessary for the benefit of our children. One such step is to adopt a system of an appointed superintendent of public instruction in North Carolina.

#### FOOTNOTES

<sup>1</sup>For more on the potential interaction between superintendent and board, see Grady McGonagil, "Board-Staff Partnership: The Key to the Effectiveness of State and Local Boards," *Phi Delta Kappan*, a national education journal, September 1987, p. 67.

<sup>2</sup>For more on educational policymaking, see Michael Cohen, "State Boards in an Era of Reform," *Phi Delta Kappan*, September 1987, p. 61.

<sup>3</sup>"The Challenge of Leadership: State Boards of Education in an Era of Reform," National Association of State Boards of Education, 1012 Cameron St., Alexandria, Va., 22314, 1987.

<sup>4</sup>For more on this subject, see *Overview of State Education Governance Structure*, National Association of State Boards of Education, Alexandria, Va., February 1989.

<sup>5</sup>Terry Sanford, *Storm Over the States*, McGraw-Hill (New York), 1967, p. 197.

<sup>6</sup>*Education in North Carolina Today & Tomorrow: The Report of the State Education Commission*, United Forces for Education, Raleigh, December 1948, pp. 50-51; and 1968 *Report of the Governor's Study Commission on the Public School System of North Carolina*, Raleigh, 1968.