
The Superintendent of Public Instruction: Should North Carolina's Chief Public School Officer Be Appointed or Elected?

by Jack Betts

In the decade of the 1980s, state politicians and policymakers frequently debated whether North Carolina should drop its century-old history of electing its chief public school officer and join the ranks of the states which have switched to an appointive superintendent of public instruction. The debate spans the spectrum of public issues, and touches on partisan politics, the inter-branch rivalry of the executive and judicial branches, turf battles between the superintendent and the State Board of Education, educational progress, the expectations of parents, and the desires of the business community for more accountability in education.

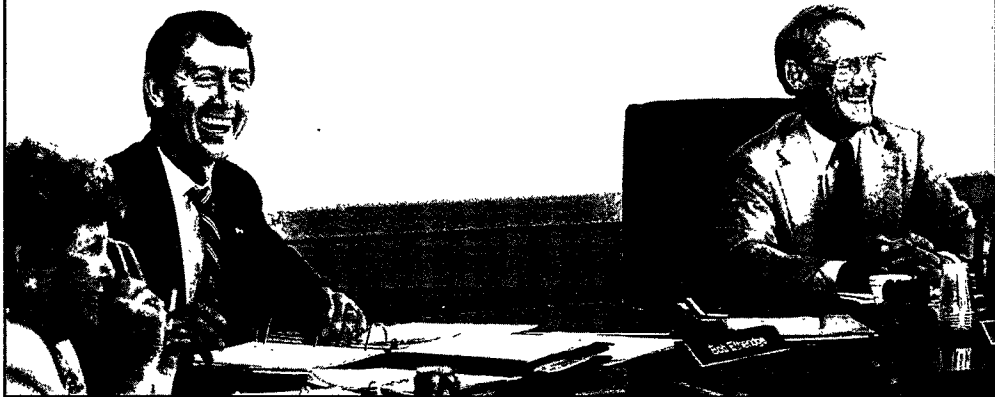
Sparring over the role of the board and the superintendent and the governor and the chairman of the board is nothing new, of course. During the 1960s and 1970s, when Dallas Herring was chairman of the State Board of Education and Craig Phillips was superintendent, the feuding was a Raleigh fixture—like Thad Eure's bow ties and straw boaters. The feuding went on for years until 1977 when newly-installed Gov. Jim Hunt put a stop to it by naming David Bruton as chairman of the board.

Even then, the governor, the superintendent, and the State Board of Education were at odds. When Hunt took the unusual step of not reappointing Herring as chairman in the spring of 1977, the board went into a momentary uproar—and before Hunt could nominate Bruton, the board temporarily elected the lieutenant governor, an ex-officio member, as chairman. The political impact of this was a slap in the face of Hunt, because the lieutenant governor was Hunt's chief rival, Lt. Gov. Jimmy Green. The actual brouhaha was short-lived, and Bruton became chairman as planned a few weeks later. But the board's swift action reverberated in Raleigh for years to come and symbolized the deep divisions between the Office of the Governor, the State Board of Education, and the Department of Public Instruction.

North Carolina, unlike many states, has clung to its traditional long-ballot Council of State offices, a vestige of Jacksonian democracy that Tar Heel legislators have been reluctant to change because they believe that the more elected offi-

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Karen Tam

Superintendent of Public Instruction Bob Etheridge, left, and former State Board of Education Chairman Howard H. Haworth, right, during a lighter moment in a state board meeting.

cialists there are, the better off the public will be.¹ Proponents of change believe the best opportunity for switching to an appointive system came in 1987, after then-Superintendent Craig Phillips announced he would not run again for the office. The State Board of Education has been on record since 1987 as supporting an appointed superintendent, and Phillips himself supported switching to an appointed superintendent in 1968 when he first was elected to the post. In the final years of his tenure, he urged the board to consider ways to make the post of superintendent a stronger one. Legislation to make the office appointive cleared the state Senate in 1987 on an overwhelming vote, thanks largely to the backing of then-Lt. Gov. Robert B. Jordan III, but it bogged down in the House—where the Appropriations Base Budget Committee Chairman, Rep. Bob Etheridge, was making it known he might run for the office. In 1988, he did—and he won.

Amending the North Carolina Constitution is a cumbersome business. To do so, the N.C. General Assembly must approve legislation by a three-fifths majority to propose an amendment to the people. Then the voters of the state must ratify the amendment in a statewide election by a

majority vote. Such an amendment would alter Article III, Section 7(1) of the N.C. Constitution, which created the elective office of Superintendent of Public Instruction, as well as several parts of Article IX, which divides responsibility for education among the superintendent, the State Board of Education, and other institutions and officers. Because the process is difficult, the constitution is not easily altered.

David Bruton, a Southern Pines physician who presided over the board during a number of political squabbles in the 1970s and early 1980s, believes the public is not sufficiently aroused about the leadership question. "Until there is a real understanding of how miserably our schools are failing, there probably will not be sufficient public pressure necessary to change the situation, he says. But he adds, "I am certain that our present system of governance is failing. We currently have no person or agency with the responsibility and authority to effect the change required [in public schools]."

The key problem, as former Gov. Bob Scott puts it, is accountability. "Given the sorry state of affairs our public education now is [in], with its babble of voices, the answer to 'Who's On First?'

is 'No one!'"

Now various groups are pushing once again for an appointed superintendent. North Carolina Citizens for Business and Industry, which functions as a statewide chamber of commerce, has endorsed moving to an appointive superintendent, and the superintendent's division of the N.C. Association of School Administrators, meeting July 16, 1990 at Wilmington, has called for restructuring of North Carolina's school management. That followed a major study a month earlier by State Auditor Edward Renfrow, who also called for change but said the state superintendent should remain an elective official, but serve as chairman of the State Board of Education rather than allowing the governor to appoint that post.² Still others say there's another way to solve the problem—retain the superintendent as an elected member of the Council of State, and also designate the superintendent as chairman of the state board, but remove all operating authority. The superintendent then would be free to advocate for schools, while the state board would choose a commissioner of education, working for the board and its chairman, to actually run the schools.³

These issues may well come before the 1991 General Assembly. In the following pages, Duke Power Company President and Chairman William S. Lee writes in favor of the switch to an appointive post, while state Sen. J. Richard Conder (D-Richmond), chairman of the Senate Education Committee, argues that the state should retain its elected superintendent but make that official chairman of the State Board of Education—and cut the length of board members' terms from eight to four years to boot.

FOOTNOTES

¹For more on the Council of State, see Ferrel Guillory, "The Council of State and North Carolina's Long Ballot—A Tradition Hard to Change," *North Carolina Insight*, Vol. 10, No. 4, June 1988, p. 40.

²Edward Renfrow, "Summary Report, Chapter XII, Overview of Performance Audit Report on North Carolina Public Schools," Office of the State Auditor, June 1990, p. 8.

³See "Proposal by the State Advisory Council on Vocational Education to the State Board of Education, August 21, 1981, pp. 8-11 and 20-21.

Provisions of the N.C. Constitution Dealing with Education Hierarchy

Article III. Executive

Sec. 7. *Other elective officers.*

(1) *Officers.* A Secretary of State, an Auditor, a Treasurer, a Superintendent of Public Instruction, an Attorney General, a Commissioner of Agriculture, a Commissioner of Labor, and a Commissioner of Insurance shall be elected by the qualified voters of the State in 1972 and every four years thereafter, at the same time and places as members of the General Assembly are elected. Their term of office shall be four years and shall commence on the first day of January next after their election and continue until their successors are elected and qualified.

Article IX. Education

Sec. 4. *State Board of Education.*

(1) *Board.* The State Board of Education shall consist of the Lieutenant Governor, the Treasurer, and eleven members appointed by the governor, subject to confirmation by the General Assembly in joint session. The General Assembly shall divide the State into eight educational districts. Of the appointive members of the Board, one shall be appointed from each of the eight educational districts and three shall be appointed from the State at large. Appointments shall be for overlapping terms of eight years. Appointments to fill vacancies shall be made by the Governor for the unexpired terms and shall not be subject to confirmation.

(2) *Superintendent of Public Instruction.* The Superintendent of Public Instruction shall be the secretary and chief administrative officer of the State Board of Education.

Sec. 5. *Powers and duties of Board.* The State Board of Education shall supervise and administer the free public school system and the educational funds provided for its support, except the funds mentioned in Section 7 of this Article, and shall make all needed rules and regulations in relation thereto, subject to laws enacted by the General Assembly.