

State Superintendent Filing Lawsuit on K-12 Governance Issue

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Superintendent of Public Instruction June Atkinson will sue to attempt to regain her authority as chief administrative officer of North Carolina's schools, a legal advocacy group said Thursday. The North Carolina Institute for Constitutional Law said Atkinson will file a lawsuit today challenging the constitutionality of actions by the executive and legislative branches that allegedly took away her power. The institute is led by former state Supreme Court Justice Bob Orr.

Atkinson, elected to a second term as State Superintendent in last November's statewide election with nearly 2.2 million votes, has publicly challenged the authority of Governor Beverly Perdue to name her choice for Chairman of the State Board of Education to also become Chief Executive Officer of Public Schools.

The State Board elevated Dr. Bill Harrison, former Superintendent of Cumberland County Schools, to both positions last month. Perdue said she wanted to consolidate power so that she and her appointees would become ultimately responsible for the state's nearly 1.5 million-student system. Atkinson has few inherent powers thanks to rules approved over the years by both the Legislature and the State Board. Perdue said in January that Atkinson would remain an "ambassador" for the schools.

Atkinson asked legislative leaders earlier this year to either work to pass a law to restore authority to her job, give the Governor complete control over the Department of Public Instruction or let voters decide in a constitutional referendum. Lawmakers have filed bills with statewide referenda to make the State Superintendent's post an appointed position or to abolish it.

The state constitution calls the State Superintendent the chief administrative officer of the State Board, whose voting members largely are appointed by the Governor and are directed to supervise and administer the public schools. Legislation approved in 1995 gave the board flexibility to craft the State Superintendent's job. The power of the post has ebbed and flowed since then, depending on who was on the job. During Atkinson's first term, the board gave most of the day-to-day authority of the schools to a deputy superintendent.