

## GOVERNOR EXCEEDED LEGAL AUTHORITY, AG RULES; LAWMAKER CALLS IT A VICTORY FOR STATE CONSTITUTION

### From House Media

■(OKLAHOMA CITY) Governor Frank Keating's headlong charge to centralize all political power in the governor's office ran into a roadblock Friday, a state lawmaker reported.

"That roadblock was the state Constitution," said Rep. Don McCorkell. "The attorney general has put a victory on the board for our state's supreme law."

The Tulsa Democrat asked the attorney general to decide whether the governor had the power under state law to create by executive order an entity with authority to direct the state's school-to-work system.

In 1995, Keating used an executive order to create the Oklahoma School-to-Work Executive Council. The governor was forced into the action because he had vetoed legislation that would have established oversight of the program.

Today, the attorney general's office issued an official opinion stating Governor Keating exceeded the authority granted to him by the Constitution, laws and people of this state by creating the panel through an executive order.

The attorney general cited a case decided by the State Supreme Court that restated a fundamental principle of constitutional government. In *Shaw v. Grumbine*, the court held: "Public officers have only such author-

ity as is conferred upon them by law, and such authority must be exercised in the manner prescribed by law."

"I was afraid the governor had gone beyond the scope of his powers with this executive order. He attempted to wrest power the people had conferred only to the Legislature," said McCorkell.

The attorney general's opinion acknowledged the governor has limited power to create an agency when the Legislature is not in session, which was the case with the school-to-work council. However, the governor must subsequently submit a proposal to the Legislature to create the agency. If the governor fails to do that and if the Legislature does not create the agency through the legislative process, the agency ceases to exist at the end of the next legislative session.

McCorkell said that means the Oklahoma School-to-Work Executive Council legally should cease to exist unless legislation is passed and signed into law before 5 p.m., Friday, May 31.

While the attorney general's opinion does not carry the force and effect of law, he is the state's attorney and his opinions carry what McCorkell called "persuasive authority."

"If this executive order is challenged in court, the governor wouldn't have much of a legal leg to stand on," he asserted.

two sites prior to recommending them to the US Department of Education.

"These two schools have been recognized as among the nation's 56 elementary and secondary schools in low-income areas with high-achieving students served by Title I," Garrett said. "They met the additional criteria of providing opportunities for all children to attain high levels of performance, working closely with their parents and communities, providing continuous professional development for their teachers and having consistent improvement in student achievement."

Title I federal funding provides direct instructional services to educationally disadvantaged children in schools and institutions with high concentrations of children from low-income families.

"The US Department of Education's recognition focuses on low-income boys and girls because these students' families, generally speaking, do not have the financial capability to supply magazines and books for recreational reading at home, or for field trips to educational destinations, or for other resources," Garrett said. "These schools have done an exceptional job in helping their students to become successful learners in spite of the fact that they may not have some of the advantages their friends do."

Schools receiving the Oklahoma Distinguished Schools recognition for their students' increasing scores in the 1992, 1993 and 1994 school years include:

Fort Cobb Lower Elementary, Fort Cobb-Broxtown District; Roosevelt Elementary, Washington Elementary, Will Rogers Elementary, and Altus Middle School, Altus District; George Washington Elementary, Durant District; Wilson Elementary, Wilson District; Noble Junior High, Noble District; Talihina Elementary, Talihina District; Byng Elementary, Byng District; Zion Elementary, Zion District; Huston Elementary and Washington Elementary, Blackwell District; Horace Mann Elementary, Hominy District; Oaks Elementary, Okemah District; Deer Creek Elementary, Deer Creek District; Preston Elementary, Preston District; Crowder Elementary, Crowder District; Emerson Elementary, McAlester District; Leonard Elementary, Leonard District; Southside Elementary and Arrow Springs Elementary, Broken Arrow District; Jenks Central Elementary and Jenks East Elementary, Jenks Elementary; Glenpool Elementary, Glenpool District; and Liberty Elementary, Liberty District.

## STATE PROGRAM HONORS 27 TOP SCHOOLS; TWO EARN NATIONAL RECOGNITION

### From State Dept. of Education

■(OKLAHOMA CITY) State Superintendent Sandy Garrett announced this week that 27 schools have been recognized as Oklahoma Distinguished Schools by the State Department of Education's Title I Program because their students had consistent, above-average achievement test score gains in core curriculum areas over a three-year period. Two of those schools were honored April 20 by US Secretary of Education Richard Riley. The State Department of Education will present a \$2,500 cash award to each of the two schools

from federal State School Support funds later this month.

"Of those schools that are recognized by us as 'Distinguished Schools,' 12 also qualified to apply for the national recognition because they had more than 60 percent of their student considered to be in poverty," Garrett said.

A peer committee of Title I directors from schools which did not qualify picked Altus' Roosevelt Elementary School and McAlester's Emerson Elementary School as deserving of national recognition. State Department of Education Title I staff also made a visit to each of the

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