

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 954

Short Title: School Merger Procedures.

(Public)

Sponsors: Senator Shaw.

Referred to: Education.

April 19, 1989

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE THAT WHEN TWO OR MORE SCHOOL
2 ADMINISTRATIVE UNITS IN THE SAME COUNTY ARE MERGED SUBJECT
3 TO A REFERENDUM, IT MUST BE APPROVED BY THE VOTERS OF EACH
4 UNIT, EXCEPT THAT IF THE PROPOSAL IS FOR MERGER OF THREE OR
5 MORE UNITS, THE UNITS APPROVING OF MERGER MAY BE MERGED
6 DESPITE THE REJECTION BY ONE OR MORE OF THE OTHER UNITS.

7 The General Assembly of North Carolina enacts:

8 Section 1. G.S. 115C-67 reads as rewritten:

9 **"§ 115C-67. Merger of units in same county.**

10 City school administrative units may be consolidated and merged with contiguous
11 city school administrative units and with county school administrative units upon
12 approval by the State Board of Education of a plan for consolidation and merger
13 submitted by the boards of education involved and bearing the approval of the board of
14 county commissioners.

15 County and city boards of education desiring to consolidate and merge their school
16 administrative units may do so by entering into a written plan which shall set forth the
17 conditions of merger. The provisions of the plan shall be consistent with the General
18 Statutes and shall contain, but not be limited to, the following:

- 19 (1) The name by which the merged school administrative unit shall be
20 identified and known.
21 (2) The effective date of the merger.
22

- 1 (3) The establishment and maintenance of a board of education which
2 shall administer all the public schools of the newly created unit,
3 including:
4 a. The termination of any terms of office proposed in the
5 reorganization of the board.
6 b. The method of constituting and continuing the board of
7 education, the length of the members' terms of office, the dates
8 of induction into office, the organization of the board, the
9 procedure for filling vacancies, and the compensation to be paid
10 members of the board for expenses incurred in performance of
11 their duties.
- 12 (4) The authority, powers, and duties of the board of education with
13 respect to the employment of personnel, the preparation of budgets,
14 and any other related matters which may be particularly applicable to
15 the merged unit not inconsistent with the General Statutes.
- 16 (5) The transfer of all facilities, properties, structures, funds, contracts,
17 deeds, titles, and other obligations, assets and liabilities to the board of
18 education of the merged unit.
- 19 (6) Whether or not there shall be continued in force any supplemental
20 school tax which may be in effect in either or all local school
21 administrative units involved.
- 22 (7) A public hearing, which shall have been announced at least 10 days
23 prior to the hearing, on the proposed plan of merger.
- 24 (8) A statement as to whether the question of merger, in accordance with
25 the projected plan, is to be contingent upon approval of the voters in
26 ~~the affected area~~each affected school administrative unit.
- 27 (9) Any other condition or prerequisite to merger, together with any other
28 appropriate subject or function that may be necessary for the orderly
29 consolidation and merger of the local school administrative units
30 involved.

31 The plan referred to above shall be mutually agreed upon by the city and county
32 boards of education involved and shall be accompanied by a certification that the plan
33 was approved by the board of education on a given day and that the action has been
34 duly recorded in the minutes of said board, together with a certification to the effect that
35 the public hearing required above was announced and held. The plan, together with the
36 required certifications, shall then be submitted to the board of county commissioners for
37 its concurrence and approval. After such approval has been received, the plan shall be
38 submitted to the State Board of Education for the approval of said State Board and the
39 plan shall not become effective until such approval is granted. Upon approval by the
40 State Board of Education, the plan of consolidation and merger shall become final and
41 shall be deemed to have been made by authority of law and shall not be changed or
42 amended except by an act of the General Assembly. The written plan of agreement shall
43 be placed in the custody of the board of education operating and administering the
44 public schools in the merged unit and a copy filed with the Secretary of State.

1 The plan may be, but it is not required that it be, submitted for the approval of the
2 voters of ~~the geographic area~~ each school administrative unit affected in a referendum or
3 election called for such purpose, and such elections or referendums if held shall be held
4 under the provisions governing elections or referendums as set forth in G.S. 115C-507,
5 with authority of the board of county commissioners to have such election or
6 referendum conducted by the board of elections of the county.

7 If the plan is subject to approval in a referendum, it is only approved if the voters in
8 each of the units subject to the referendum approve. The votes shall be counted
9 separately on the question in each of the affected units. The plan of merger may
10 provide that in the case of merger of three or more school administrative units, the
11 merger may be effective in those two or more units approving merger even if one or
12 more units do not approve the plan in the referendum. The plan may provide alternate
13 language in case it is approved in two or more but not all of the units voting.

14 Upon approval of the plan of consolidation or merger by the State Board of
15 Education, or upon approval of the plan of consolidation or merger by the voters in a
16 referendum or election called for such purpose, and as soon as a provisional or interim
17 board of education of the merged unit, or a permanent board of education of the merged
18 unit, enters in and upon the duties of the administration of the public schools of the
19 consolidated or merged unit, then the former boards of education and all public officers
20 of the former boards of education of the separate units thus merged shall stand
21 abolished, and said separate boards of education or administrative units thus merged
22 shall stand dissolved and shall cease to exist for any and all purposes. All consolidations
23 and mergers of county and city boards of education and of county and city school
24 administrative units heretofore agreed to and finally approved, and all consolidation or
25 merger proceedings entered into prior to June 9, 1969, are hereby declared to be
26 effective, legal and according to law notwithstanding any defect in the merger or
27 consolidation proceedings and notwithstanding any dissolution of the separate boards of
28 education and public officers of the former, separate school units."

29 Sec. 2. This act shall become effective with respect to all referenda held on
30 or after July 1, 1989.