

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2005**

**H**

**D**

**HOUSE DRH30124-LB-100C (2/21)**

Short Title: Mecklenburg Education Freedom Act.

(Local)

---

Sponsors: Representatives Rhodes and Gulley (Primary Sponsors).

---

Referred to:

---

A BILL TO BE ENTITLED

1  
2 AN ACT TO PROVIDE FOR EDUCATION FREEDOM FOR STUDENTS,  
3 PARENTS, AND TEACHERS IN MECKLENBURG COUNTY BY PROVIDING  
4 FOR THE MECKLENBURG COUNTY SCHOOL ADMINISTRATIVE UNIT TO  
5 BE SEPARATED INTO MULTIPLE ADMINISTRATIVE UNITS.

6       Whereas, students throughout Mecklenburg County have a right to be  
7 educated in a safe and efficient environment that is conducive to learning, and

8       Whereas, parents of students throughout Mecklenburg County have the right  
9 for their children to be educated in the safest and most efficient environment that is  
10 conducive to their child's learning, and

11       Whereas, educators have a right to work in a safe and efficient environment  
12 in which to educate students, and

13       Whereas, the public school system belongs to the citizens and taxpayers of  
14 Mecklenburg County, and being a public system, citizens have the power to choose a  
15 system that best, and most efficiently and successfully, educates the children of  
16 Mecklenburg County; Now, therefore,

17 The General Assembly of North Carolina enacts:

18       **SECTION 1.(a)** Effective July 1, 2006, the Mecklenburg County School  
19 Administrative Unit, as reconstituted by Chapter 378 of the 1959 Session Laws, is  
20 divided into multiple school administrative units as provided in this act, and the  
21 Charlotte-Mecklenburg County Board of Education is abolished.

22       **SECTION 1.(b)** Any vacancies occurring on the Charlotte-Mecklenburg  
23 Board of Education because of election of the vacating member to a board of education  
24 established by a deconsolidation plan under this act shall be filled by the Board of  
25 Commissioners of Mecklenburg County.

26       **SECTION 2.** There shall be no election in 2005 for the  
27 Charlotte-Mecklenburg Board of Education. The terms of members that would have

1 expired in 2005 are extended until new boards of education are elected under the plan  
2 adopted under Section 3 of this act.

3         **SECTION 3.** The State Board of Education shall adopt a plan for the  
4 deconsolidation of the Mecklenburg County School Administrative Unit, as  
5 reconstituted by Chapter 378 of the 1959 Session Laws, into multiple school  
6 administrative units. Prior to adoption of the plan, the draft shall be forwarded to the  
7 Charlotte-Mecklenburg Board of Education and to the Board of Commissioners of  
8 Mecklenburg County for their comments.

9         The provisions of the deconsolidation plan shall be consistent with the  
10 General Statutes and shall contain, but not be limited to, the following:

- 11         (1) The name by which the new school administrative units shall be  
12 identified and known.
- 13         (2) The effective date of the deconsolidation, July 1, 2006.
- 14         (3) The establishment and maintenance of a board of education which  
15 shall administer all the public schools of each newly created unit,  
16 including the method of constituting and continuing the board of  
17 education; the manner of selection of board members, including: (i) the  
18 number of members of the board, (ii) the method of their election, (iii)  
19 whether members shall be nominated, elected, or appointed from  
20 districts or at large or in some combination, (iv) the manner of  
21 determining the nominee, and (v) whether the election shall be partisan  
22 or nonpartisan; the length of the members' terms of office; the dates of  
23 induction into office; the organization of the board; the procedure for  
24 filling vacancies; and the compensation to be paid members of the  
25 board for expenses incurred in performance of their duties. To the  
26 extent that the method conflicts with G.S. 115C-35, G.S. 115C-37, or  
27 with any local act, the plan of deconsolidation shall prevail.
- 28         (4) The authority, powers, and duties of the board of education with  
29 respect to the employment of personnel, the preparation of budgets,  
30 and any other related matters which may be particularly applicable to  
31 the new unit not inconsistent with the General Statutes.
- 32         (5) The transfer of all facilities, properties, structures, funds, contracts,  
33 deeds, titles, and other obligations, assets, and liabilities to the boards  
34 of education of the new units.
- 35         (6) A public hearing, which shall have been announced at least 10 days  
36 prior to the hearing, on the proposed plan of deconsolidation.
- 37         (7) Any other condition or prerequisite to deconsolidation, together with  
38 any other appropriate subject or function that may be necessary for the  
39 orderly deconsolidation of the local school administrative units.

40         The plan referred to above shall be adopted by the county board of  
41 commissioners and shall be accompanied by a certification that the plan was approved  
42 by the board on a given day and that the action has been duly recorded in the minutes of  
43 said board, together with a certification to the effect that the public hearing required  
44 above was announced and held. The plan of deconsolidation shall become final and

1 shall be deemed to have been made by authority of law and shall not be changed or  
2 amended except by an act of the General Assembly. The written plan of deconsolidation  
3 shall be placed in the custody of the board of education operating and administering the  
4 public schools in the merged unit and a copy filed with the Secretary of State.

5 **SECTION 4.** Sections 2 and 3 of this act are effective only if approved by  
6 the qualified voters of Mecklenburg County in a referendum to be conducted by the  
7 Mecklenburg County Board of Elections on November 8, 2005, which election shall be  
8 conducted under the laws then governing elections in the State. Ballots, voting systems,  
9 or both may be used in accordance with Chapter 163 of the General Statutes. The  
10 question to be used in the voting systems and ballots shall be:

11  FOR  AGAINST

12 The Charlotte-Mecklenburg School System shall be dissolved and multiple  
13 school systems within Mecklenburg County shall be created by a plan adopted by the  
14 State Board of Education".

15 **SECTION 5.** In the election, if a majority of the votes are cast "For", then  
16 Sections 2 and 3 of this act shall become effective on the date that the Mecklenburg  
17 County Board of Elections certifies the results of the election. Otherwise, Sections 2 and  
18 3 of this act shall have no force and effect, and the Charlotte-Mecklenburg County  
19 Board of Education shall be elected at the time of the primary election in 2006 under the  
20 same provisions as if it had been elected in 2005, and the terms of office shall expire at  
21 the same time they would have if the election had been held in 2005.

22 **SECTION 6.** This act is effective when it becomes law.