

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1989**

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**HOUSE BILL 818**

Short Title: Guilford School Merger.

(Local)

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Sponsors: Representatives Decker; and Wood.

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Referred to: Government.

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March 23, 1989

**A BILL TO BE ENTITLED**

**AN ACT TO ALLOW THE MERGER OF THE THREE ADMINISTRATIVE UNITS  
IN GUILFORD COUNTY UPON APPROVAL OF A PLAN OF MERGER BY  
THE BOARD OF COMMISSIONERS OF GUILFORD COUNTY, TWO OF THE  
BOARDS OF EDUCATION, THE STATE BOARD OF EDUCATION, AND  
WITH THE APPROVAL OF THE VOTERS OF ALL THREE SCHOOL  
ADMINISTRATIVE UNITS.**

The General Assembly of North Carolina enacts:

Section 1. In any county with three school administrative units, those school administrative units may be consolidated and merged into one school administrative unit upon approval by the State Board of Education of a plan for consolidation and merger submitted by at least two of the boards of education involved and bearing the approval of the board of county commissioners, and with the approval of the voters of all three school administrative units as provided by this section.

The boards of education submitting the plan may do so by entering into a written plan which shall set forth the conditions of merger. The provisions of the plan shall be consistent with the General Statutes and shall contain, but not be limited to, the following:

- (1) The name by which the merged school administrative unit shall be identified and known.
- (2) The effective date of the merger.
- (3) The establishment and maintenance of a board of education which shall administer all the public schools of the newly created unit, including:

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

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

1           The plan shall be submitted for the approval of the voters of each school  
2 administrative unit affected in a referendum or election called for such purpose, and  
3 such elections or referendums if held shall be held under the provisions governing  
4 elections or referendums as set forth in G.S. 115C-507, with the referendum conducted  
5 by the board of elections of the county. In order to be approved, it must receive a  
6 majority vote in each of the three school administrative units, with the votes in each  
7 school administrative unit totalled separately.

8           Upon approval of the plan of consolidation or merger by the voters in a  
9 referendum or election called for such purpose, and as soon as a provisional or interim  
10 board of education of the merged unit, or a permanent board of education of the merged  
11 unit, enters in and upon the duties of the administration of the public schools of the  
12 consolidated or merged unit, then the former boards of education and all public officers  
13 of the former boards of education of the separate units thus merged shall stand  
14 abolished, and said separate boards of education or administrative units thus merged  
15 shall stand dissolved and shall cease to exist for any and all purposes.

16           Sec. 2. This act applies only to Guilford County and the Guilford County,  
17 Greensboro City, and High Point City School Administrative Units. This act is an  
18 alternative procedure to that found in G.S. 115C-67.

19           Sec. 3. This act is effective upon ratification.