

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 736

Senate Education/Higher Education Committee Substitute Adopted 7/21/93

Short Title: Local CC & School Mergers.

(Local)

Sponsors:

Referred to:

April 5, 1993

A BILL TO BE ENTITLED

1 AN ACT TO COMPLETE THE MERGER OF THE EDGECOMBE COUNTY AND
2 TARBORO CITY SCHOOL ADMINISTRATIVE UNITS, TO REQUIRE THAT
3 THE BOARDS OF TRUSTEES OF EDGECOMBE COMMUNITY COLLEGE
4 AND NASH COMMUNITY COLLEGE STUDY A POSSIBLE MERGER OF THE
5 TWO COLLEGES INTO A CONSOLIDATED COMMUNITY COLLEGE TO
6 SERVE A COMBINED SERVICE DELIVERY AREA AND TO PROVIDE THAT
7 THE CABARRUS COUNTY BOARD OF EDUCATION MAY CALL FOR A
8 SPECIAL ELECTION TO FILL A VACANCY ON THAT BOARD.
9

10 The General Assembly of North Carolina enacts:

11 Section 1. (a) Location of the Interim Superintendent's Office. Effective
12 January 1, 1993, to expedite and improve communications among the Interim
13 Superintendent, the separate boards of education, and the staff of the two school
14 systems and to improve communication with agencies outside the school's district
15 offices, the Interim Edgecombe County Board of Education may make space available
16 for the offices of the Interim Superintendent for the merged system.

17 (b) Pupil Assignment. The elected Board of Education of the merged
18 Edgecombe County School Administrative Unit, hereinafter referred to as the "Merged
19 Board", upon the effective date of the terms of office of the Merged Board, is subject to
20 the following:

- 21 (1) Student assignment boundaries for the Edgecombe County School
22 System shall not be changed for a period of three years following
23 merger except by a three-fourths majority vote of the board.

1 Following the initial three years, boundaries may be changed by a
2 simple majority vote of the Merged Board.

3 (2) All policies related to the assignment of pupils to classes in the merged
4 system shall remain unchanged for a period of two years from the date
5 of merger except by a three-fourths majority vote of the board.
6 Following the initial two-year period, a change in the assignment
7 policy may occur by a simple majority vote of the Merged Board.

8 (c) Merged Superintendent. The Merged Board may replace, reassign, or
9 terminate the contract of the Merged Superintendent, subject to the provisions and
10 agreements set forth in the superintendent's contract and G.S. 115C-274, by a simple
11 majority vote of the Merged Board.

12 (d) Assignment of Personnel. The Superintendent may reassign any and all
13 personnel across previous administrative unit boundaries.

14 (e) Adoption of the Annual Budget Resolution. The Merged Board may
15 adopt the annual budget resolution and subsequent amendments by a simple majority
16 vote of the Merged Board.

17 (f) Members of the Edgecombe County Board of Education elected in 1994
18 who are unable to take the oath of office at the first regular meeting of the board in July
19 of 1994 may take the oath of office no later than August 15, 1994.

20 Sec. 2. (a) For the purposes of this section:

21 (1) " Edgecombe Trustees Board" means the Board of Trustees of
22 Edgecombe Community College.

23 (2) " Interim Board" means an interim governing board of a new
24 community college that may be created by a merger of Edgecombe
25 Community College and Nash Community College and which could
26 govern the merged college until appointment of a board of trustees in
27 accordance with Article 2 of Chapter 115D of the General Statutes.

28 (3) " Joint Study Board" means the entity formed when the Edgecombe
29 Trustees Board and the Nash Trustees Board convene jointly, and act
30 jointly, to consider establishment of a merged college.

31 (4) " Merged college" means a new community college that would be
32 created by a merger of Edgecombe Community College and Nash
33 Community College.

34 (5) " Nash Trustees Board" means the Board of Trustees of Nash
35 Community College.

36 (6) " State Board" means the State Board of Community Colleges.

37 (b) The Joint Study Board shall study a possible merger of Edgecombe
38 Community College and Nash Community College into a new merged college serving a
39 combined service delivery area consisting of the present service delivery areas of the
40 two colleges. The State Board, if requested by the Joint Study Board, shall assist the
41 Joint Board in the study.

42 (c) In studying the merger of Edgecombe Community College and Nash
43 Community College, the Joint Study Board shall:

- 1 (1) Assess the fiscal capacities of the two colleges and the assignment of
2 fiscal responsibilities;
- 3 (2) Assess the physical facilities, programs, and resources of the two
4 colleges;
- 5 (3) Consider ways to facilitate the most efficient use of the resources of
6 the two colleges, including review of the consolidation of the
7 curricula, programs, equipment, physical plants, administration,
8 faculty, and staff, and other resources of the two colleges;
- 9 (4) Review the administration and governance of both Edgecombe
10 Community College and Nash Community College;
- 11 (5) Review long-range planning by Edgecombe Community College and
12 Nash Community College;
- 13 (6) Consider elimination of any unproductive, low quality, unnecessary, or
14 duplicative programs;
- 15 (7) Consider the composition of an Interim Board and the nature of the
16 powers and authority that the Interim Board would require in the
17 administration of a merged college; and
- 18 (8) Consider other relevant matters as determined by the Joint Board.

19 (d) By May 1, 1994, the Joint Study Board shall complete the study of the
20 possible merger of Edgecombe Community College and Nash Community College into
21 a consolidated institution of the North Carolina Community College System serving a
22 combined service delivery area consisting of the present service delivery areas of the
23 two colleges. A written report containing findings, conclusions, and recommendations
24 shall be prepared by the Joint Study Board, and copies of the report shall be submitted
25 to the General Assembly by June 1, 1994. The final decision concerning whether to
26 merge Edgecombe Community College and Nash Community College shall not be
27 prejudiced by the fact that this study was authorized.

28 Sec. 2.1. Notwithstanding Section 4(1) of the Plan of Merger of the Cabarrus
29 County Board of Education and the Concord City Board of Education filed with the
30 Office of the Secretary of State of North Carolina on June 14, 1983, at 3:50 p.m., in the
31 event of a vacancy on the Merged Board for a term expiring in December of 1994, if the
32 Merged Board does not fill the vacancy by appointment made no later than August 16,
33 1993, the Merged Board may, no later than that date, call for a special election to be
34 held on November 2, 1993, to fill the vacancy until the next election of members of the
35 Board when a member shall be elected for a four-year term as provided by Section 2(c)
36 of Chapter 102 of the Session Laws of 1989. The Cabarrus County Board of Elections
37 shall establish the filing period for the special election.

38 Sec. 3. In case of conflict between this act and any local act, this act prevails
39 to the extent of the conflict.

40 Sec. 4. This act is effective upon ratification.