

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023**

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**SENATE BILL 248
Redistricting and Elections Committee Substitute Adopted 5/10/23
Third Edition Engrossed 5/25/23**

Short Title: Nash Bd. of Educ/No. of Members/Districts.

(Local)

Sponsors:

Referred to:

March 9, 2023

A BILL TO BE ENTITLED

1 AN ACT TO DECREASE THE SIZE OF THE NASH BOARD OF EDUCATION TO SEVEN
2 MEMBERS; TO ALIGN THE DISTRICTS FOR THE NASH BOARD OF EDUCATION
3 WITH THE DISTRICTS OF NASH COUNTY BOARD OF COMMISSIONERS; AND TO
4 PROVIDE FOR THE BOUNDARIES OF THE NASH SCHOOL ADMINISTRATIVE
5 UNIT TO BE IDENTICAL TO THE BOUNDARIES OF NASH COUNTY EFFECTIVE
6 JULY 1, 2024.

7
8 The General Assembly of North Carolina enacts:

9 **SECTION 1.(a)** Except as provided in this section, the Nash Board of Education
10 shall consist of seven members elected to staggered four-year terms.

11 **SECTION 1.(b)** Members of the Nash Board of Education shall be elected on a
12 nonpartisan basis at the time of the general election in even-numbered years as terms expire. The
13 election shall be conducted by the nonpartisan plurality method, and the results determined in
14 accordance with G.S. 163-292. The filing period shall be from noon on the first Friday in July
15 until noon on the third Friday in July of the even-numbered year. Except as otherwise provided
16 by this act, elections shall be conducted in accordance with Chapters 115C and 163 of the General
17 Statutes.

18 **SECTION 1.(c)** Members of the Nash Board of Education shall be elected from
19 seven single-member electoral districts. The electoral districts shall be the same electoral districts
20 as those for the Nash County Board of Commissioners. No person shall be eligible to file for, be
21 elected to, or serve on the Nash Board of Education unless the person is a qualified voter and
22 resident of the district from which the person seeks to be elected. Candidates shall be voted on
23 by the voters residing in the district from which that candidate seeks election.

24 **SECTION 1.(d)** The Nash Board of Education shall organize in accordance with
25 G.S. 115C-41. Vacancies on the Nash Board of Education shall be filled in accordance with
26 G.S. 115C-37(f). To be eligible to fill a vacancy, the member shall reside in the district in which
27 the vacating member was elected to serve.

28 **SECTION 1.(e)** All members who were elected to the Nash Board of Education in
29 2022 shall continue to serve on the Nash Board of Education until the end of the elected term. If
30 a Nash Board of Education member elected in 2022 vacates office for any reason prior to the end
31 of the elected term, the vacancy shall not be filled.

32 **SECTION 1.(f)** In addition to the members serving on the Nash Board of Education
33 in accordance with subsection (e) of this section, seven members of the Nash Board of Education
34 shall be elected in 2024. In order to implement staggered terms, members shall be elected to the
35 Nash Board of Education as follows:



- 1 (1) In 2024, and every four years thereafter, members from Districts 1, 3, and 4
2 shall be elected to serve a four-year term.
- 3 (2) In 2024, members from Districts 2, 5, 6, and 7 shall be elected to serve a
4 two-year term. In 2026, and every four years thereafter, members from
5 Districts 2, 5, 6, and 7 shall be elected to serve a four-year term.

6 **SECTION 1.(g)** This section is effective when it becomes law and applies to
7 elections held on or after that date.

8 **SECTION 2.(a)** Effective July 1, 2024, the boundaries of the Nash School
9 Administrative Unit shall be identical to the boundaries of Nash County. Any territory that was
10 previously part of the Nash School Administrative Unit that is located outside of the boundaries
11 of Nash County shall be annexed to the school administrative unit of the county in which the
12 territory is located. Any local board of education gaining territory annexed into the school
13 administrative unit under this section shall revise electoral districts in accordance with
14 G.S. 115C-37(i).

15 **SECTION 2.(b)** Effective July 1, 2024, the Nash Board of Education shall operate
16 and administer all of the public schools located in the Nash School Administrative Unit.

17 **SECTION 3.(a)** S.L. 2016-14 is repealed. The "Nash-Rocky Mount School
18 Administrative Unit" shall continue to be renamed the "Nash School Administrative Unit" and
19 the "Nash-Rocky Mount Board of Education" shall continue to be renamed the "Nash Board of
20 Education."

21 **SECTION 3.(b)** No later than November 15, 2023, the boards of the school
22 administrative units of Nash and Edgecombe, in consultation with the boards of county
23 commissioners of Nash and Edgecombe Counties, shall submit a written plan of transfer to the
24 State Board of Education setting forth the agreement of all four boards as to the transfer of that
25 portion of the Nash School Administrative Unit located in Edgecombe County to the Edgecombe
26 County Public School System. The provisions of the written plan of transfer shall be consistent
27 with the General Statutes and shall contain at least the following:

- 28 (1) The power, authority, and duties of the Nash Board of Education and
29 Edgecombe County Board of Education with respect to the employment of
30 personnel, the preparation of budgets, student assignment, and any other
31 related matters relevant to the area to be transferred effective July 1, 2024, not
32 inconsistent with the General Statutes.
- 33 (2) Notwithstanding G.S. 115C-518, the transfer of all funds, contracts,
34 obligations, assets, and liabilities relevant to the area to be transferred
35 effective July 1, 2024, from the Nash Board of Education to the Edgecombe
36 County Board of Education, including consideration of real property,
37 furnishings and improvements, encumbered and unencumbered property,
38 equipment, buses, band and sports equipment, textbooks, other instructional
39 materials, and library resources, computers, and supplies.
- 40 (3) Any other appropriate subject or function that may be necessary for the
41 orderly transfer of the portion of the Nash School Administrative Unit located
42 in Edgecombe County to be transferred to the Edgecombe County Public
43 School System effective July 1, 2024.

44 **SECTION 3.(c)** If a written plan of transfer is not submitted to the State Board of
45 Education pursuant to subsection (b) of this section by November 15, 2023, the State Board of
46 Education shall prepare a written plan of transfer for the July 1, 2024, transition no later than
47 December 31, 2023.

48 **SECTION 3.(d)** Unless agreed on by both of the boards of the school administrative
49 units of Nash and Edgecombe and both of the boards of county commissioners of Nash and
50 Edgecombe Counties, the written plan of transfer prepared pursuant to subsection (b) or (c) of
51 this section shall become final and shall not be modified or amended except by an act of the

1 General Assembly. The written plan of transfer prepared pursuant to subsection (b) or (c) of this
2 section, along with any modifications to that written plan of transfer, shall be placed in the
3 custody of the Nash Board of Education and Edgecombe County Board of Education, and shall
4 be filed with the Secretary of State.

5 **SECTION 3.(e)** Except as otherwise provided for in the written plan of transfer
6 prepared pursuant to subsection (b) or (c) of this section and notwithstanding G.S. 115C-518, the
7 title to and ownership of all property of the Nash Board of Education located in Edgecombe
8 County, both real and personal of every kind and description, shall be vested in the Edgecombe
9 County Board of Education, and both boards of education shall execute all deeds and other
10 instruments of conveyance as may be necessary and appropriate to vest record title to and
11 ownership of any property located in Edgecombe County held by the Nash Board of Education
12 in and to the Edgecombe County Board of Education on the transfer date of July 1, 2024.

13 **SECTION 3.(f)** Except as otherwise provided for in the written plan of transfer
14 prepared pursuant to subsection (b) or (c) of this section, the following shall apply:

15 (1) All claims and demands of every kind related to the public schools of the Nash
16 School Administrative Unit located in Edgecombe County as of July 1, 2024,
17 shall pass and be transferred to the Edgecombe County Public School System,
18 and the Edgecombe County Public School System shall have the same powers
19 and authority to enforce said claims and demands as the Nash School
20 Administrative Unit would have had in the event of the continued control of
21 those public schools.

22 (2) Any obligations and liabilities related to the public schools of the Nash School
23 Administrative Unit located in Edgecombe County existing as of July 1, 2024,
24 shall become the obligations and liabilities of the Edgecombe County Board
25 of Education as of July 1, 2024, and such obligations and liabilities may be
26 enforced against the Edgecombe County Board of Education thereafter to the
27 same extent that they might have been enforced against the Nash Board of
28 Education prior to the transfer.

29 **SECTION 4.(a)** Chapter 391 of the 1991 Session Laws is repealed.

30 **SECTION 4.(b)** Section 4 of S.L. 2003-346 is repealed.

31 **SECTION 4.(c)** Section 1 of S.L. 2006-87 is repealed.

32 **SECTION 4.(d)** S.L. 2007-316 is repealed.

33 **SECTION 4.(e)** This section becomes effective July 1, 2024.

34 **SECTION 5.** Except as otherwise provided, this act is effective when it becomes
35 law.