

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1989**

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SENATE BILL 612

Short Title: Guilford School Merger.

(Local)

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Sponsors: Senators Chalk and Martin of Guilford.

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Referred to: Education.

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March 23, 1989

A BILL TO BE ENTITLED

AN ACT TO MERGE ALL OF THE SCHOOL ADMINISTRATIVE UNITS IN  
GUILFORD COUNTY, SUBJECT TO A REFERENDUM.

The General Assembly of North Carolina enacts:

Section 1. The existing Guilford County School Administrative Unit, the existing Greensboro City School Administrative Unit, and the existing High Point City School Administrative Unit are merged effective July 1, 1991. The resulting consolidated school administrative unit shall be known as the Guilford County School Administrative Unit.

Sec. 2. The Board of Commissioners of Guilford County shall determine the number of members who will comprise the Board created by Section 1 of this act and shall establish single member districts for their election. In providing for the composition, size and election of the new Board, reasonable consideration should be given to the geographic and population diversity (including without limitations rural, racial and urban characteristics) of the entire county.

Sec. 3. Elections for the Board shall be held during the general election in November 1990 with the elections being nonpartisan and for a term of two years. Elections shall be determined by plurality and shall be held in accordance with the applicable provisions of Chapter 115C and Chapter 163 of the General Statutes, except that the Guilford County Board of Commissioners shall establish the candidate filing period.

Sec. 4. The Board shall take office December 1, 1990, and shall immediately assume authority and responsibility for:

- 1 (1) Supervising, coordinating, acquiring, contracting for and constructing  
2 all new school buildings to be built within the boundaries of the  
3 existing three units; and
- 4 (2) Making contracts, hiring personnel, and adopting policies and  
5 procedures for the 1991-92 and subsequent school years; and
- 6 (3) Preparing and submitting to the Guilford County Board of  
7 Commissioners all necessary budgets for school purposes beginning  
8 with that for the 1991-92 school year as well as for its own operations  
9 prior to that school year. Otherwise, except as provided by Section 9  
10 of this act, the existing Guilford County and Greensboro and High  
11 Point City Boards of Education shall continue to administer their  
12 respective school units until the merger.

13 Sec. 5. (a) The terms of the Guilford County and Greensboro City Boards of  
14 Education members elected in 1986 who are in office on January 1, 1990, shall be  
15 extended through June 30, 1991. The terms of all other members of the Guilford  
16 County and Greensboro City Boards of Education and all the members of the High  
17 Point City Board of Education in office on January 1, 1990, shall expire June 30, 1991.

18 (b) Upon merger, the existing Guilford County and Greensboro and High Point  
19 City Boards of Education are abolished and replaced by the new Guilford County Board  
20 of Education. The Board shall have all the powers and responsibilities previously  
21 provided for the Guilford County, Greensboro City and High Point City Boards and  
22 provided by State law generally for county boards of education.

23 Sec. 6. Vacancies on the new Guilford County Board of Education shall be  
24 filled by the remaining members of the Board for the remainder of the unexpired term.  
25 The Board must appoint a resident of the district where the vacancy exists.

26 Sec. 7. At the time of the merger, the title to all property of the existing  
27 Guilford County Board of Education, the existing Greensboro City Board of Education  
28 and the existing High Point City Board of Education vests in the Guilford County Board  
29 of Education established by Section 5 of this act. All claims and demands of every kind  
30 which the three boards may have at the time of merger shall pass and be transferred to  
31 the Guilford County Board of Education and that Board shall have the same authority to  
32 enforce those claims and demands as the existing Guilford County and Greensboro and  
33 High Point City Boards would have if they continued to exist. Any obligations and  
34 liabilities of the existing Guilford County and Greensboro and High Point City Boards  
35 of Education shall become the obligations and liabilities of the Guilford County Board  
36 of Education at the time of merger, and those obligations and liabilities may be enforced  
37 against that Board to the same extent they might be enforced against the existing boards  
38 had they continued to exist.

39 Sec. 8. No supplemental school tax shall be levied or remain in effect in  
40 Guilford County after the effective date of the merger except on a countywide basis.

41 Sec. 9. During the period beginning December 1, 1990, and ending with the  
42 abolition of those boards on July 1, 1991, the existing Guilford County Board of  
43 Education, the Greensboro City Board of Education, and the High Point City Board of  
44 Education may not enter into any contract for a capital outlay item, or appropriate any

1 money for such item, or grant or increase any local salary supplement, without the  
2 approval of the new Guilford County Board of Education.

3           Sec. 10. The Board of Commissioners of Guilford County shall provide  
4 adequate funding for the operations of the new Guilford County Board of Education  
5 between December 1, 1990, and June 30, 1991.

6           Sec. 11. (a) Sections 1 through 10 of this act shall become effective only if  
7 approved by the qualified voters of Guilford County in an election to be held on  
8 September 12, 1989. The question on the ballot shall be:

9           " [ ] FOR consolidation of the three school administrative units in Guilford  
10 County into one administrative unit.

11           [ ] AGAINST consolidation of the three school administrative units in  
12 Guilford County into one administrative unit."

13           (b) The election shall be conducted by the Guilford County Board of Elections in  
14 accordance with Chapter 163 of the General Statutes. If a majority of the voters voting  
15 in the election vote in favor of the question, Sections 1 through 10 of this act shall  
16 become effective; otherwise, they shall not become effective.

17           (c) If a majority of the voters voting in the election vote in favor of the question,  
18 and Sections 1 through 10 of this act have not been approved under Section 5 of the  
19 Voting Rights Act of 1965 by the time of opening of candidate filing for the Guilford  
20 County Board of Education, the Guilford County Board of Elections, with the approval  
21 of the United States Department of Justice, may delay the opening and closing dates for  
22 filing of the old Guilford County Board of Education scheduled to be elected in 1990.  
23 This is necessary because the previously scheduled election is not cancelled until  
24 Sections 1 through 10 of this act are approved under Section 5 of the Voting Rights Act.

25           Sec. 12. (a) Submission of Sections 1 through 10 of this act under Section 5 of  
26 the Voting Rights Act shall be made jointly by the attorneys for the three merging units  
27 under G.S. 120-30.9G.

28           (b) Submission of Section 11 of this act under Section 5 of the Voting Rights Act  
29 of 1965, and any decisions made under Sections 2 and 3 of this act by the Guilford  
30 County Board of Commissioners shall be made by the County Attorney of Guilford  
31 County under G.S. 120-30.9E.

32           Sec. 13. This act is effective upon ratification.