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Text of proposed city-county school merger legislation

AN ACT TO PROVIDE FOR THE MERGER AND CONSOLIDATION OF THE SCHOOL ADMINISTRATIVE UNITS IN NASH COUNTY AND THE COUNTY OF ROCKY MOUNT

The General Assembly of North Carolina enacts:

Section 1. As used in this act certain terms shall be defined as follows:

(a) The term "county board" shall mean the existing Nash County Board of Education.

(b) The term "city board" shall mean the existing Rocky Mount City Board of Education.

(c) The term "county administrative unit" shall mean the geographical territory over which the Nash County Board of Education exercises authority in administering and operating the public schools of said unit.

(d) The term "city administrative unit" shall mean the geographical territory over which the Rocky Mount City Board of Education exercises authority in administering and operating the public schools of said unit.

(e) The term "county commissioners" shall mean the Board of County Commissioners of Nash County.

(f) The term "city" shall mean the City of Rocky Mount.

(g) The term "Interim Board" shall mean a separate board of education elected pursuant to this act for the purpose of planning for the operation and administration of all public schools located in Nash County and the City of Rocky Mount, including those schools operated and administered by the county board and those operated and administered by the city board.

(h) The term "Nash-Rocky Mount Board of Education" shall mean the single administrative board elected pursuant to this act for the purpose of operating and administering all of the public schools of Nash County and the City of Rocky Mount, including those schools operated and administered by the county board and those operated and administered by the county board.

Section 2. The county administrative unit and the city administrative unit (including that portion of existing county administrative unit located within the city) shall be hereby merged and consolidated into a single school administrative unit to be known as the "Nash-Rocky Mount School Administrative Unit."

Section 3. The effective date of the merger of county administrative unit and the city administrative unit shall be July 1, 1992.

Section 4. The Nash-Rocky Mount Board of Education shall operate and administer all of the public schools in the Nash-Rocky Mount School Administrative Unit.

Section 5. The Interim Board shall be elected as a body politic and from and after the date it takes office shall have and shall exercise authority in planning for the operation and administration of all public schools located in the Nash-Rocky Mount School Administrative Unit. The Interim Board shall prepare and submit to the State Board of Education the written plan of merger and consolidation provided for herein. The Interim Board shall meet within (15) days after it takes office for the purpose of electing officers and for the transaction of other business of meetings. All vacancies occurring in the membership of the Interim Board for whatever reason shall be filled by the remaining members of said board by appointing a member from the voting district in which the vacancy occurred. For the purposes for which the Interim Board is hereby made subject it shall have all statutory powers to prepare and adopt budgets and administrative procedures, including supplemental budgets. The Interim Board shall expend all funds in conformity with approved budgets.

In addition, from and after the approval of the plan of merger and consolidation the Interim Board shall have all powers and authority to operate and administer the school system, and other policies and administrative procedures, all to the same may relate to all school matters for the school year 1992-93 and for subsequent school years.

Section 6. The Interim Board shall consist of eleven (11) members elected from eleven (11) single-member districts by the registered voters of each respective district. Each candidate for a seat on the Interim Board shall file with the Interim Board or its agents therein unless he or she is a qualified voter and resident of the district from which such person seeks to be elected.

Section 7. On or before July 1, 1991, the county commissioners shall establish eleven (11) voting districts in the Nash-Rocky Mount School Administrative Unit for the purpose of electing members of the Interim Board from voting district. The districts shall be numbered one through eleven and shall have as nearly as possible an equal population. The office of the Nash County Board of Elections and the Edgecombe County Board of Elections shall provide clerical staff and assistance to the county commissioners in establishing the aforesaid school board voting districts.

Section 8. (a) The eleven (11) members of the Interim Board shall be elected on a nonpartisan basis at a special election conducted by the Nash County Board of Elections to be held on the first Tuesday seventy-five (75) days after the date of ratification of this act, unless the election is delayed pursuant to Section 5 of the Voting Rights Act, and the runoff election, if required, shall be held on the third Tuesday following the special election. If a runoff election is required, absentee voting shall begin as soon as practicable under a timetable established jointly by the Nash County Board of Elections and the Edgecombe County Board of Elections. The runoff election shall be held on the fourth Tuesday following the special election. All members of the county board and the city board holding office on this date is proclaimed shall be eligible to run for, be elected to, and serve on the Interim Board and the Nash-Rocky Mount Board of Education without resigning their former office.

(b) Any candidate seeking election to the Interim Board shall file notice of candidacy with the Nash County Board of Elections not later than 12:00 o'clock noon on the Friday preceding the fourth Saturday before the special election and not earlier than 12:00 o'clock noon on the Friday preceding the eighth Saturday before the special election.

(c) Except as specifically provided for in this act, the election of members of the Interim Board shall be conducted according to the provisions of G.S. 163-291.

Section 9. At the special election hereinabove provided, the Interim Board shall be elected as follows:

(a) (1) Seat 1 shall be filled by that person elected from District 1;

(2) Seat 2 shall be filled by that person elected from District 2;

(3) Seat 3 shall be filled by that person elected from District 3;

(4) Seat 4 shall be filled by that person elected from District 4;

(5) Seat 5 shall be filled by that person elected from District 5;

(6) Seat 6 shall be filled by that person elected from District 6;

(7) Seat 7 shall be filled by that person elected from District 7;

(8) Seat 8 shall be filled by that person elected from District 8;

(9) Seat 9 shall be filled by that person elected from District 9;

(10) Seat 10 shall be filled by that person elected from District 10;

(11) Seat 11 shall be filled by that person elected from District 11.

(b) The term of office of each member of the Interim Board elected at the special election shall exist and continue until July 1, 1992, when each member of the Interim Board shall become a member of the Nash-Rocky Mount Board of Education.

Section 10. On July 1, 1992, the Interim Board shall become the Nash-Rocky Mount Board of Education and the members of the Interim Board shall become the members of the Nash-Rocky Mount Board of Education and shall represent the district from which they were elected in the special election.

(a) The terms of office for each member of the Nash-Rocky Mount Board of Education shall begin on July 1, 1992, and shall expire as follows:

(1) The term of office for Seats 1, 3, 5, 7, 9, and 11 shall end on the first Monday in December of 1994;

(2) The term of office for Seats 2, 4, 6, 8, and 10 shall expire on the first Monday in December of 1996.

Section 11. (a) In the year 1994, and each two (2) years thereafter, the members of the Nash-Rocky Mount Board of Education shall be elected in a nonpartisan basis as provided in Chapter 115C and Chapter 163 of the General Statutes.

(b) No person shall be eligible to file for, or be elected to, the Nash-Rocky Mount Board of Education, or to serve thereon, unless he or she is a qualified voter and resident of the district from which he or she seeks to be elected. Candidates shall be voted on by the electors residing in the district from which they seek to be elected.

(c) On the first Monday in December, 1994, and each two (2) years thereafter, the members constituting the membership of the Nash-Rocky Mount Board of Education shall be filled by elections as the said terms of the members expire, and all members so elected shall hold office for terms of four (4) years and until their successors are elected and qualified. Elections elected shall take office on the first Monday in December following their election, and the terms of their office shall end and expire at the same time.

Section 12. The Nash-Rocky Mount Board of Education, by a majority vote of all members present, shall elect a chairman to preside at meetings and a vice chairman to preside in the absence of the chairman. The duties of the chairman and the vice chairman shall have a vote on all matters considered by the Nash-Rocky Mount Board of Education. All vacancies occurring in the membership of the Nash-Rocky Mount Board of Education by reason of death, resignation, removal of residence from the district from which elected or for any cause whatsoever, shall be filled by the remaining members of said board by appointing a member from the voting district created by the vacancy for the unexpired term. The Nash-Rocky Mount Board of Education shall have all power and authority as a board of education as herein conferred by the General Statutes of North Carolina and the Constitution of North Carolina.

Section 13. From the date that the Interim Board takes office and until July 1, 1992, the city board and the county board shall continue to exercise all powers and authority with respect to the administration and operation of all existing schools in the administrative unit of each respective board of education, together with all other powers and authority as may be from which are specifically given to the Interim Board.

The financial administration of the existing city board and the existing county board until terminated as herein provided shall be governed by the provisions of the General Statutes of North Carolina, except that the Interim Board shall have specific authority from the date of its election to file with the Nash County and the Rocky Mount commissioners all necessary budgets, including supplemental budgets, and at the time required by law to prepare and submit to the county commissioners all necessary capital outlay, debt service, and current expense budgets for the operation of the Nash-Rocky Mount Board of Education, notwithstanding the fact that the Nash-Rocky Mount Board of Education shall not assume responsibility for operating and administering the public school in the Nash-Rocky Mount School Administrative Unit until July 1, 1992.

Section 14. When any vacancy occurs on the city board or the county board prior to July 1, 1992, the vacancy shall be filled in the manner now provided by law.

Section 15. As of July 1, 1992, when the Nash-Rocky Mount Board of Education assumes all of the authority of the administering and operating all schools in the existing city administrative unit and the existing county administrative unit, all authority and power of the Interim Board and the city board and the county board shall terminate and the same shall be vested in the Nash-Rocky Mount Board of Education which shall control, administer, and operate all of the public schools located in the Nash-Rocky Mount School Administrative Unit.

(a) The city board and the Nash-Rocky Mount County (120) days after it takes office the Interim Board of Education shall submit to the State Board of Education for the approval of said State Board a written plan of merger and consolidation merging and consolidating the county administrative unit and the city administrative unit. The provisions of the plan shall be consistent with the General Statutes of North Carolina and the Constitution of North Carolina.

(b) The power, authority, and duties of the Nash-Rocky Mount Board of Education with respect to the employment of personnel, the preparation of budgets, and any other related matters which may be particularly applicable to the Nash-Rocky Mount School Administrative Unit not inconsistent with the General Statutes.

(c) The Nash-Rocky Mount Board of Education, properties, structures, funds, contracts, deeds, titles, and other obligations, assets, and liabilities from the county board, the city board, and the Interim Board to the Nash-Rocky Mount Board of Education.

(c) The compensation to be paid to the members of the board for expenses incurred in the performance of their duties.

(d) A public hearing, which shall have been announced at least ten (10) days prior to the hearing, on the plan of merger.

(e) Any other condition or prerequisite to merger, together with any other appropriate subject or function that may be necessary for the orderly consolidation and merger of the county administrative unit and the city administrative unit.

Upon the failure of the Interim Board to submit a written plan of merger and consolidation of funds provided, and upon the failure of the State Board to approve prior to June 1, 1991, the plan of merger submitted by the Interim Board, the State Board shall prepare and adopt a plan of merger and consolidation for the Nash-Rocky Mount School Administrative Unit to be effective July 1, 1991.

No plan of merger and consolidation shall become effective until approval is granted by the State Board. Upon approval of the State Board of Education, the plan of merger and consolidation shall become effective as if it had been made by authority of law and shall not be changed or amended except by an act of the General Assembly. The approved written plan shall be placed in the custody of the Nash-Rocky Mount Board of Education and a copy filed with the Secretary of State.

Section 17. (a) The student enrollment in the following shall comply with the racial balance objectives set forth in this section: All schools the city administrative unit, including Rocky Mount Senior High School, Rocky, and Winfield Elementary Schools, Central, Benvenue, and Green Middle Schools; and any other school which may in the future serve pupils residing in the attendance area currently served by any of these schools including the new Winstead Avenue School.

(b) The racial balance objectives of each school shall be determined by comparing its minority student enrollment to the minority student enrollment expressed as a percentage of all schools in the Nash-Rocky Mount School Administrative Unit serving the same grade levels, elementary, middle (or junior high), or high schools.

(c) The Interim Board and the Nash-Rocky Mount Board of Education shall make their best efforts to achieve a racial balance in each school designated in paragraph (a) of this section which shall be deemed to be achieved when the combined minority student enrollment in these schools serving its same grade level as described in paragraph (b). A school will be considered to be in substantial compliance with the racial balance objectives of this section if after reaching the racial balance set forth above the racial balance is plus or minus 15 percentage points of the combined minority student enrollment of those schools serving its same grade level as described in paragraph (b).

Section 18. Upon approval of the plan of consolidation and merger by the State Board and as of July 1, 1992, the title to all property of the city board and the county board, real, personal, and mixed, of whatever nature and any kind and description, shall be vested in the Nash-Rocky Mount Board of Education; and the city board and the county board and the Interim Board shall execute all deeds and other instruments of conveyance as may be necessary and appropriate to vest unconditional title to any property held by them or held in the Nash-Rocky Mount board of Education. As of July 1, 1992, the Nash-Rocky Mount Board of Education shall be the owner of all real and personal property owned by the city board, the county board, or the Interim Board that is not designated for occupancy and use by the Nash-Rocky Mount School Administrative Unit prior to December 31, 1992, in the approved plan of consolidation and merger, and the Nash-Rocky Mount Board of Education shall have the power to sell and convey such property in any other unit of local government with or without consideration, or disposed of in the manner provided by law if done prior to June 30, 1992. All claims and demands of every kind which the city board and the county board and the Interim Board may have as of July 1, 1992, shall pass and be transferred to the Nash-Rocky Mount Board of Education, which Nash-Rocky Mount Board of Education shall have the same powers and authority to enforce said claims and demands as the county board and the city board and the Interim Board would have had in the event of their continued existence. Any obligations and liabilities of the city board and the county board and the Interim Board existing as of July 1, 1992, and such obligations and liabilities evidenced by contracts, notes, or other instruments of indebtedness thereafter in the same extent that they might have been enforced against the existing boards had they continued in existence.

Section 19. The terms of office of the members of the existing city board and the existing county board of the consolidation of each respective board of education terminate. All future elections for members to such existing boards are hereby canceled.

Section 20. Beginning July 1, 1992, and for each school year thereafter the county commissioners of Edgecombe County shall appropriate to the Nash-Rocky Mount Board of Education the same per capita funding as provided by G.S. 115C-408. In addition, beginning July 1, 1992, and for each school year thereafter, all capital outlay funds coming into the possession of the county commissioners of Edgecombe County, whether such funds be derived from taxation, the proceeds of bonds or notes, appropriations from profits of the Alcoholic Beverage Control Board, or from any other source, shall be used for the construction of such capital outlay projects in the school administrative unit or units serving that portion of Edgecombe County lying within the boundaries of the Nash-Rocky Mount School Administrative Unit on a per capita basis according to the membership of each unit, and appropriated in conformity with the method set out in G.S. 115C-429 in this manner and to the same extent as if such capital outlay funds were current expense funds.

Section 21. (a) The City shall be authorized to appropriate to the Nash-Rocky Mount School Administrative Unit, from funds of the City derived from sources other than ad valorem taxation, funds for the current expense and capital outlay needs of the Nash-Rocky Mount School Administrative Unit as herein provided.

(b) Beginning July 1, 1992, and for each school year thereafter, the City shall appropriate to the Nash-Rocky Mount School Administrative Unit, from funds of the City derived from sources other than ad valorem taxation, an amount equal to the current expenditure differential between Nash and Edgecombe County as hereinafter defined. The current expenditure differential for each school year shall be paid by the City to the Nash-Rocky Mount School Administrative Unit in the Nash-Rocky Mount Administrative Unit who reside within that portion of the City located in Edgecombe County, multiplied by the amount which the current per pupil appropriation made by Nash County Board of Commissioners to the Nash-Rocky Mount School Administrative Unit exceeds the current per pupil appropriation made by Edgecombe County Board of Commissioners to the Nash-Rocky Mount School Administrative Unit.

(c) In addition to the current expenditure differential payment provided for herein, the City shall contribute to the construction cost of a new school to be constructed on Winstead Avenue in Nash County, which school will be conveyed to the Nash-Rocky Mount School Administrative Unit as provided herein. The City shall pay to the Nash-Rocky Mount School Administrative Unit from funds of the City derived from sources other than ad valorem taxation the sum of $1,500,000 in three (3) equal annual installments of $500,000 each beginning July 1, 1992. The Nash-Rocky Mount School Administrative Unit the sum of $1,500,000 in three (3) equal annual installments of $500,000 each beginning July 1, 1992. All such funds shall be held in a separate school construction account. Beginning July 1, 1995, the City shall pay to the Nash-Rocky Mount School Administrative Unit from funds of the City derived from sources other than ad valorem taxation the sum of $500,000 annual financing cost, up to a maximum of $500,000 per year, of the construction cost of the Winstead Avenue School. In addition, the City shall pay for the extension of all electrical, water, sewer, and natural gas lines to the property line of the Winstead Avenue school site.

Section 22. The purpose of this Act is to provide for the merger and consolidation of the city board and the county board.

Section 23. If any section, subsection, sentence, clause, phrase, or portion of this act is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed separate, distinct, and an independent provision and such decision shall not affect the remaining portions of this act.

Section 24. All laws and clauses of laws in conflict herewith are hereby repealed.

Section 25. This Act shall become effective upon ratification.

Nash County Schools

REGISTRATION SCHEDULE

Kindergarten for 1991-92 School Year

Registration for all children in Nash County eligible to enter kindergarten in August will be held at the elementary school locations listed below from 8:30-10:00 a.m. on the days indicated.* Registration in kindergarten is open to every child who is five years old on or before October 16, 1991.

*Except where indicated otherwise.

WHAT TO DO BEFORE REGISTRATION DAY.

Visit the appropriate elementary school and pick up the required registration forms and complete them before coming to register your child.

WHAT TO BRING TO REGISTRATION.

Bring your completed registration forms plus a birth certificate and immunization record for each child. It is not necessary to bring the child to registration.

WHAT TO DO ABOUT PHYSICALS.

Prior to the first day of school, each child registering in kindergarten must have a physical examination. Forms are now available at all elementary schools.

REGISTRATION SCHEDULE

Registration will be held from 8:30-10:00 a.m. each day (except where indicated otherwise).

Middlesex
Monday, April 15

Cedar Grove
Tuesday, April 16

Coopers
Thursday, April 18

Spring Hope
Friday, April 19

Williford
Monday, April 22

Hubbard
Tuesday, April 23
(8:30 - 6:30 p.m.)

Swift Creek
Wednesday, April 24

Nashville
Thursday, April 25
(8:00 - 7:00 p.m.)

Benvenue
Monday, April 29

Red Oak
Monday, April 29
(8:00 - 7:00 p.m.)

Bailey
Tuesday, April 30

Get your child's education off to a good start.

Register for Kindergarten in April.
Nash County Schools

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