

GENERAL ASSEMBLY OF NORTH CAROLINA
1993 SESSION

CHAPTER 468
HOUSE BILL 736

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

The General Assembly of North Carolina enacts:

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

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

- (1) Student assignment boundaries for the Edgecombe County School System shall not be changed for a period of three years following merger except by a three-fourths majority vote of the board. Following the initial three years, boundaries may be changed by a simple majority vote of the Merged Board.
- (2) All policies related to the assignment of pupils to classes in the merged system shall remain unchanged for a period of two years from the date of merger except by a three-fourths majority vote of the board. Following the initial two-year period, a change in the assignment policy may occur by a simple majority vote of the Merged Board.
- (c) Merged Superintendent. The Merged Board may replace, reassign, or terminate the contract of the Merged Superintendent, subject to the provisions and agreements set forth in the superintendent's contract and G.S. 115C-274, by a simple majority vote of the Merged Board.
- (d) Assignment of Personnel. The Superintendent may reassign any and all personnel across previous administrative unit boundaries.

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

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

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

- (1) "Edgecombe Trustees Board" means the Board of Trustees of Edgecombe Community College.
- (2) "Interim Board" means an interim governing board of a new community college that may be created by a merger of Edgecombe Community College and Nash Community College and which could govern the merged college until appointment of a board of trustees in accordance with Article 2 of Chapter 115D of the General Statutes.
- (3) "Joint Study Board" means the entity formed when the Edgecombe Trustees Board and the Nash Trustees Board convene jointly, and act jointly, to consider establishment of a merged college.
- (4) "Merged college" means a new community college that would be created by a merger of Edgecombe Community College and Nash Community College.
- (5) "Nash Trustees Board" means the Board of Trustees of Nash Community College.
- (6) "State Board" means the State Board of Community Colleges.

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

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

- (1) Assess the fiscal capacities of the two colleges and the assignment of fiscal responsibilities;
- (2) Assess the physical facilities, programs, and resources of the two colleges;
- (3) Consider ways to facilitate the most efficient use of the resources of the two colleges, including review of the consolidation of the curricula, programs, equipment, physical plants, administration, faculty, and staff, and other resources of the two colleges;
- (4) Review the administration and governance of both Edgecombe Community College and Nash Community College;
- (5) Review long-range planning by Edgecombe Community College and Nash Community College;
- (6) Consider elimination of any unproductive, low quality, unnecessary, or duplicative programs;

(7) Consider the composition of an Interim Board and the nature of the powers and authority that the Interim Board would require in the administration of a merged college; and

(8) Consider other relevant matters as determined by the Joint Board.

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

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

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

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 23rd day of July, 1993.

Dennis A. Wicker
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives