

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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HOUSE BILL 1017

Short Title: Mecklenburg Education Freedom Act. (Local)

Sponsors: Representatives Rhodes and Gulley (Primary Sponsors).

Referred to: Education.

March 31, 2005

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE FOR EDUCATION FREEDOM FOR STUDENTS,
2 PARENTS, AND TEACHERS IN MECKLENBURG COUNTY BY PROVIDING
3 FOR THE MECKLENBURG COUNTY SCHOOL ADMINISTRATIVE UNIT TO
4 BE SEPARATED INTO MULTIPLE ADMINISTRATIVE UNITS.
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6 Whereas, students throughout Mecklenburg County have a right to be
7 educated in a safe and efficient environment that is conducive to learning, and

8 Whereas, parents of students throughout Mecklenburg County have the right
9 for their children to be educated in the safest and most efficient environment that is
10 conducive to their child's learning, and

11 Whereas, educators have a right to work in a safe and efficient environment
12 in which to educate students, and

13 Whereas, the public school system belongs to the citizens and taxpayers of
14 Mecklenburg County, and being a public system, citizens have the power to choose a
15 system that best, and most efficiently and successfully, educates the children of
16 Mecklenburg County; Now, therefore,

17 The General Assembly of North Carolina enacts:

18 **SECTION 1.(a)** Effective July 1, 2006, the Mecklenburg County School
19 Administrative Unit, as reconstituted by Chapter 378 of the 1959 Session Laws, is
20 divided into multiple school administrative units as provided in this act, and the
21 Charlotte-Mecklenburg County Board of Education is abolished.

22 **SECTION 1.(b)** Any vacancies occurring on the Charlotte-Mecklenburg
23 Board of Education because of election of the vacating member to a board of education
24 established by a deconsolidation plan under this act shall be filled by the Board of
25 Commissioners of Mecklenburg County.

26 **SECTION 2.** There shall be no election in 2005 for the
27 Charlotte-Mecklenburg Board of Education. The terms of members that would have
28 expired in 2005 are extended until new boards of education are elected under the plan
29 adopted under Section 3 of this act.

1 **SECTION 3.** The State Board of Education shall adopt a plan for the
2 deconsolidation of the Mecklenburg County School Administrative Unit, as
3 reconstituted by Chapter 378 of the 1959 Session Laws, into multiple school
4 administrative units. Prior to adoption of the plan, the draft shall be forwarded to the
5 Charlotte-Mecklenburg Board of Education and to the Board of Commissioners of
6 Mecklenburg County for their comments.

7 The provisions of the deconsolidation plan shall be consistent with the
8 General Statutes and shall contain, but not be limited to, the following:

- 9 (1) The name by which the new school administrative units shall be
10 identified and known.
- 11 (2) The effective date of the deconsolidation, July 1, 2006.
- 12 (3) The establishment and maintenance of a board of education which
13 shall administer all the public schools of each newly created unit,
14 including the method of constituting and continuing the board of
15 education; the manner of selection of board members, including: (i) the
16 number of members of the board, (ii) the method of their election, (iii)
17 whether members shall be nominated, elected, or appointed from
18 districts or at large or in some combination, (iv) the manner of
19 determining the nominee, and (v) whether the election shall be partisan
20 or nonpartisan; the length of the members' terms of office; the dates of
21 induction into office; the organization of the board; the procedure for
22 filling vacancies; and the compensation to be paid members of the
23 board for expenses incurred in performance of their duties. To the
24 extent that the method conflicts with G.S. 115C-35, G.S. 115C-37, or
25 with any local act, the plan of deconsolidation shall prevail.
- 26 (4) The authority, powers, and duties of the board of education with
27 respect to the employment of personnel, the preparation of budgets,
28 and any other related matters which may be particularly applicable to
29 the new unit not inconsistent with the General Statutes.
- 30 (5) The transfer of all facilities, properties, structures, funds, contracts,
31 deeds, titles, and other obligations, assets, and liabilities to the boards
32 of education of the new units.
- 33 (6) A public hearing, which shall have been announced at least 10 days
34 prior to the hearing, on the proposed plan of deconsolidation.
- 35 (7) Any other condition or prerequisite to deconsolidation, together with
36 any other appropriate subject or function that may be necessary for the
37 orderly deconsolidation of the local school administrative units.

38 The plan referred to above shall be adopted by the county board of
39 commissioners and shall be accompanied by a certification that the plan was approved
40 by the board on a given day and that the action has been duly recorded in the minutes of
41 said board, together with a certification to the effect that the public hearing required
42 above was announced and held. The plan of deconsolidation shall become final and
43 shall be deemed to have been made by authority of law and shall not be changed or
44 amended except by an act of the General Assembly. The written plan of deconsolidation

1 shall be placed in the custody of the board of education operating and administering the
2 public schools in the merged unit and a copy filed with the Secretary of State.

3 **SECTION 4.** Sections 2 and 3 of this act are effective only if approved by
4 the qualified voters of Mecklenburg County in a referendum to be conducted by the
5 Mecklenburg County Board of Elections on November 8, 2005, which election shall be
6 conducted under the laws then governing elections in the State. Ballots, voting systems,
7 or both may be used in accordance with Chapter 163 of the General Statutes. The
8 question to be used in the voting systems and ballots shall be:

9 " FOR AGAINST

10 The Charlotte-Mecklenburg School System shall be dissolved and multiple
11 school systems within Mecklenburg County shall be created by a plan adopted by the
12 State Board of Education".

13 **SECTION 5.** In the election, if a majority of the votes are cast "For", then
14 Sections 2 and 3 of this act shall become effective on the date that the Mecklenburg
15 County Board of Elections certifies the results of the election. Otherwise, Sections 2 and
16 3 of this act shall have no force and effect, and the Charlotte-Mecklenburg County
17 Board of Education shall be elected at the time of the primary election in 2006 under the
18 same provisions as if it had been elected in 2005, and the terms of office shall expire at
19 the same time they would have if the election had been held in 2005.

20 **SECTION 6.** This act is effective when it becomes law.