

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 457*
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Short Title: Guilford School Reorganization.

(Local)

Sponsors: Senators Martin of Guilford; and Seymour.

Referred to: Education.

April 1, 1991

A BILL TO BE ENTITLED

1 AN ACT TO CONSOLIDATE ALL OF THE SCHOOL ADMINISTRATIVE UNITS
2 IN GUILFORD COUNTY OR TO PROVIDE FOR THE TWO CITY SCHOOL
3 ADMINISTRATIVE UNITS IN THAT COUNTY TO HAVE BOUNDARIES
4 COTERMINOUS WITH THE CITIES, SUBJECT TO A REFERENDUM.
5

6 Whereas, commitments have been made by the school administrative units in
7 Guilford County to pursue the goals of excellence and equity predicated on school
8 integration as a base from which such goals can be attained. While progress has been
9 made in achieving such goals of excellence and equity, more remains to be done if we,
10 as citizens of Guilford County, are to live up to our potential and our responsibility to
11 all the citizens of Guilford County and, most importantly, to the children and youth of
12 Guilford County upon whom our future depends. This commitment is hereby
13 reaffirmed. In order to achieve these goals, it is imperative that equity in educational
14 opportunity be assured to each student, regardless of where that student resides and
15 regardless of where that student attends school within Guilford County. It is imperative
16 that each school within Guilford County truly become and remain a school of
17 excellence. It is imperative that the needs of all Guilford County students – regardless
18 of race, gender, social or economic condition – be addressed to the extent that each
19 student's academic, vocational, civic and human potential can be maximized and that the
20 resources are available through which this can be accomplished. It is also imperative
21 that the governance structure, the administrative, teaching and educational support
22 personnel appropriately reflect the demographic makeup of Guilford County. Further, it

1 is imperative that greater opportunity be provided for parents to become involved in
2 supporting, enhancing and nurturing the educational process as it affects their children.

3 Should any plan be prepared for implementing a system of magnet schools –
4 or any other similar plan – that plan should be based upon strong academic programs
5 and fair and equitable processes for student assignment. Such plan should provide
6 reasonable opportunity for students to enroll at the school, or one of the schools,
7 offering a curriculum that is desired by the student. At a minimum, the academic
8 program and curriculum at each school, regardless of whether it is a magnet school,
9 should provide the foundation for students to meet the standards for admission to a four-
10 year institution of higher education within The University of North Carolina System.
11 Any magnet school plan – or other similar plan – should be designed in such a manner
12 that the availability of any given curriculum is adequate, as far as is reasonably possible,
13 to meet the demand for that curriculum, even to the extent that it is made available at
14 two or more school sites; Now, therefore,

15 The General Assembly of North Carolina enacts:

16 **PART I. CONSOLIDATION OF ALL THREE SYSTEMS**

17 Section 1. The existing Guilford County School Administrative Unit, the
18 existing Greensboro City School Administrative Unit, and the existing High Point City
19 School Administrative Unit are consolidated effective July 1, 1993. The resulting
20 consolidated school administrative unit shall be known as the Guilford County School
21 Administrative Unit.

22 Sec. 2. (a) The Board of Education of the Guilford County School
23 Administrative Unit shall be composed of eleven members elected on a nonpartisan
24 primary basis at the time of the regular county primary and general elections except that
25 in 1992 the dates of the primary and general election shall be in accordance with
26 subsections (a1) and (b) of this section. One shall be elected from each of nine single-
27 member districts established under subsection (g) of this section, and two shall be
28 elected at large from within the entirety of Guilford County. The results shall be
29 determined in accordance with G.S. 163-294.

30 The terms of office of members are staggered to allow for continuity on the
31 Board, and all terms, following the initial terms, shall be for four years.

32 (a1) The initial primary election for the Guilford County Board of Education
33 shall be held on Tuesday, March 10, 1992, and the initial general election shall be held
34 on Tuesday, May 5, 1992.

35 (b) On Tuesday, May 5, 1992, members for Districts 2, 4, 6 and 8 shall be elected
36 for two-year terms and members for Districts 1, 3, 5, 7 and 9 shall be elected for four-
37 year terms. Also, on Tuesday, May 5, 1992, one of the two at-large members shall be
38 elected for a two-year term; and the other at-large member shall be elected for a four-
39 year term. In 1992, the candidate receiving the highest number of votes is elected to a
40 four-year term, and the candidate receiving the next highest number of votes is elected
41 to a two-year term. Thereafter, all members shall be elected for four-year terms at the
42 same time as the regular primary and general election dates for county officers.

43 (c) The members elected in 1992 shall take the oath of office on Monday, June 1,
44 1992. At that time, this elected Board shall have and assume the powers and duties set

1 forth in Section 4 of this act. On July 1, 1993, this Board shall have and assume all
2 duties granted by law and shall supersede the previous board or boards that had
3 previously administered and governed the schools in Guilford County.

4 (d) The districts set out in subsection (g) of this section are devised and
5 constituted to meet the requirements of the Voting Rights Act of 1965, as amended, and
6 other applicable constitutional provisions. These districts shall remain the same until
7 changed as provided by law and constitutional mandate.

8 (e) The qualified voters of Guilford County shall elect the at-large members
9 of the board of education.

10 (f) The qualified voters of each district shall elect the member of the board of
11 education for that district. Candidates must reside in the district for which they seek to
12 be elected.

13 (g) The districts are as follows:

14 (1) District 1 consists of High Point precincts 3, 5, 6, 7, 9, 11, 12, 17, 18,
15 21, and 22.

16 (2) District 2 consists of High Point precincts 1, 2, 4, 8, 10, 13, 14, 15, 16,
17 19, 20, 23 and 24, and Deep River.

18 (3) District 3 consists of Greensboro precincts 20, 27B, 27C, 34A, 34B,
19 37B, 38 and 39, and Bruce, North Center Grove, Friendship 1, Oak
20 Ridge and Stokesdale.

21 (4) District 4 consists of Greensboro precincts 19, 35B, 35C, 40B and 45,
22 and Gibsonville, GIB-G, North Jefferson, South Jefferson, North
23 Madison, South Madison, North Monroe, South Monroe, North
24 Washington and South Washington.

25 (5) District 5 consists of Greensboro precincts 24C and 43, and Clay,
26 Fentress 1, Greene, Friendship 2, Jamestown 1, Jamestown 2,
27 Jamestown 3, South Sumner and Whitsett.

28 (6) District 6 consists of Greensboro precincts 14, 17, 18, 22, 23, 24A,
29 26B and 36, and Fentress 2 and North Sumner.

30 (7) District 7 consists of Greensboro precincts 10, 11, 12, 13, 16, 21, 27A,
31 28, 31, 32, 35A, 37A, 40A, 41A and 41B, and South Center Grove.

32 (8) District 8 consists of Greensboro precincts 2, 4, 5, 7, 9, 15, 24B, 25,
33 26A and 30.

34 (9) District 9 consists of Greensboro precincts 1, 3, 6, 8, 29, 33, 42 and 44.

35 Sec. 3. Elections shall be held in accordance with the applicable provisions
36 of Chapter 115C and Chapter 163 of the General Statutes, except that the Guilford
37 County Board of Elections shall establish the candidate filing period and for 1992 shall
38 establish absentee voting timetables.

39 Sec. 4. The Board shall take office June 1, 1992, and shall immediately
40 assume authority and responsibility for:

41 (1) Electing a chairperson and other officers of the Board for one year
42 terms;

- 1 (2) Supervising, coordinating, acquiring, contracting for and constructing
2 all new school buildings to be built within the boundaries of the
3 existing three units;
- 4 (3) Making contracts, hiring personnel and adopting policies and
5 procedures for the 1993-94 and subsequent school years;
- 6 (4) Otherwise planning for the implementation and operation of the
7 consolidated system; and
- 8 (5) Preparing and submitting to the Guilford County Board of
9 Commissioners all necessary budgets for school purposes beginning
10 with that for the 1993-94 school year as well as for its own operations
11 prior to that school year.

12 Otherwise, except as provided by Section 9 of this act, the existing Guilford County and
13 Greensboro and High Point City Boards of Education shall continue to administer their
14 respective units until June 30, 1993.

15 Sec. 5. (a) The terms of the Guilford County, Greensboro City and High Point
16 City Boards of Education members elected in 1990 who are in office on January 1,
17 1992, shall be extended through June 30, 1993. The terms of all other members of the
18 Guilford County and Greensboro City Boards of Education and all the members of the
19 High Point City Board of Education in office on January 1, 1992, shall also expire June
20 30, 1993.

21 (b) Notwithstanding G.S. 163-125, a member of one of the three existing boards
22 of education shall not be required to resign from the board in order to seek election to
23 the new Guilford County Board of Education.

24 (c) Upon the effective date of consolidation, the existing Guilford County and
25 Greensboro and High Point City Boards of Education are abolished and replaced by the
26 new Guilford County Board of Education. The Board shall have all the powers and
27 responsibilities previously provided for the Guilford County, Greensboro City and High
28 Point City Boards and provided by State law generally for county boards of education.

29 (d) During the period from June 1, 1992 through June 30, 1993, the new Board
30 shall be known as the Interim Guilford County Board of Education and on July 1, 1993,
31 without the necessity of further action by any governmental body, that Board shall
32 thereafter be known as the Guilford County Board of Education.

33 Sec. 6. Vacancies on the new Guilford County Board of Education shall be
34 filled by vote of a majority of the remaining members of the Board present and voting
35 for the remainder of the unexpired term. In instances in which the member being
36 replaced was elected from within a single member district, the Board must appoint a
37 resident of the district where the vacancy exists.

38 Sec. 7. Upon the effective date of consolidation, the title to all property of the
39 existing Guilford County Board of Education, the existing Greensboro City Board of
40 Education and the existing High Point City Board of Education vests in the new
41 Guilford County Board of Education established under this Part. All claims and
42 demands of every kind which either of the three boards may have at the time of
43 consolidation shall pass and be transferred to the Guilford County Board of Education
44 and that Board shall have the same authority to enforce those claims and demands as the

1 existing Guilford County and Greensboro and High Point City Boards would have if
2 they continued to exist. Any obligations and liabilities of the existing Guilford County
3 and Greensboro and High Point City Boards of Education shall become the obligations
4 and liabilities of the Guilford County Board of Education at the time of consolidation,
5 and those obligations and liabilities may be enforced against that Board to the same
6 extent they might be enforced against the existing boards had they continued to exist.

7 Sec. 8. Any existing school tax in effect in Guilford County as of the
8 effective date of this legislation shall continue in full force and effect until changed on a
9 county-wide basis as provided by law.

10 Sec. 9. During the period beginning December 1, 1992, and ending with the
11 abolition of those boards on July 1, 1993, the existing Guilford County Board of
12 Education, the Greensboro City Board of Education, and the High Point City Board of
13 Education may not enter into any contract for a capital outlay item, or appropriate any
14 money for such item, or grant or increase any local salary supplement, or sell, lease,
15 trade or otherwise encumber any property, real or personal, of any of the existing boards
16 of education, without the approval of the Interim Guilford County Board of Education.

17 Sec. 10. (a) The Interim Guilford County Board of Education shall conduct a
18 facilities study for the consolidated school system. The purpose of the study will be to
19 identify the extent to which new facilities, modification or rehabilitation to existing
20 facilities, or closing of existing facilities are needed. The study shall be conducted with
21 emphasis on assuring the most efficient use of facilities and the most equitable manner
22 in which facilities can be made available throughout Guilford County. The study shall,
23 further, emphasize achieving the highest level of fiscal responsibility related to capital
24 expenditures consistent with providing an excellent and equitable system of education.

25 (b) The Interim Guilford County Board of Education, as a part of such study,
26 shall determine what portion, if any, of the identified capital needs it recommends be
27 funded through bonded indebtedness. Should it be determined that bonded indebtedness
28 is appropriate, the determination shall be in accordance with G.S. 115C-506.

29 Sec. 11. The Interim Guilford County Board of Education shall conduct an
30 organizational study for the consolidated school system. The purpose of the study will
31 be to determine the appropriate number and categories of administrative, supervisory
32 and operational staff for the new system, and to determine the appropriate assignment
33 and duties of such personnel. As a part of the study, the Board shall establish an
34 equitable process relative to employment of such persons who held such positions in
35 one of the existing three school systems. Where positions are not available for such
36 persons because of any reduction in force relative to administrative, supervisory or
37 operational personnel, the Board shall establish fair and equitable policies through
38 which such persons can be given consideration for available vacant positions in which
39 their past experience in that position, or as a principal or classroom teacher, or other
40 certified personnel, can best be utilized for the benefit of the students in the new
41 consolidated system.

42 Sec. 12. Any student enrolled in a given school at the end of the 1992-93
43 school year shall have the option, if otherwise qualified, of continuing to attend that
44 school, if operational, until completion of the grades at that school.

1 Sec. 13. The rights provided under Article 22, Part 3 of Chapter 115C of the
2 General Statutes to persons who are employed by either of the three existing school
3 systems at the time of consolidation shall continue under the new consolidated system
4 to the same extent as if they were still employed in one of the three existing school
5 systems.

6 Sec. 14. The Guilford County Board of Commissioners shall provide funds
7 to the new Guilford County Board of Education sufficient to fund at least five positions
8 in the Guilford County School Administrative Unit with such personnel's sole or
9 primary responsibility being the development, implementation, maintenance,
10 enhancement and coordination of parent involvement and student advocate initiatives.
11 Such positions shall be funded at least for the period beginning July 1, 1993, through
12 June 30, 1998, unless the new Guilford County Board of Education shall request that the
13 positions not be funded. The duties and responsibilities of such personnel shall be such
14 as will maximize cooperation and coordination with community, parental, civic,
15 business, and other organizations that can be beneficial in assuring parental involvement
16 and student success. Advisory councils representative of the demographics existing at
17 each school and representative of the community in which the school is located shall be
18 established by the new Guilford County Board of Education to advise and assist the
19 parental involvement/student advocacy personnel in fulfilling their purposes.

20 Sec. 15. (a) The Board of Commissioners of Guilford County shall provide
21 adequate funding for the operations of the Interim Guilford County Board of Education
22 in fulfillment of its responsibilities as are set out in this act during the period from June
23 1, 1992, through June 30, 1993.

24 (b) To assist in assuring that the quality of the educational programs existing
25 within Guilford County shall not decline, local funding for current operating expenses
26 for the consolidated system from 1993-94 will be provided by the Guilford County
27 Commissioners at a per student rate which equals the budgeted local expense per
28 student (average daily membership) of the Greensboro Public School System for fiscal
29 year 1989-90 provided by and appropriated to said system by the Commissioners
30 including the local supplemental tax as found in the adopted budget resolution of the
31 Greensboro City Board of Education dated October 2, 1989, adjusted as follows. For
32 years 1990-91, 1991-92, 1992-93, 1993-94, and 1994-95, the per student rate shall be
33 increased annually by the percentage of salary increase for teachers funded by the State
34 of North Carolina for each previous fiscal year. As used in this paragraph, local funding
35 is not inclusive of any funding that was furnished by the State of North Carolina or the
36 United States. For academic years, 1993-94 through 1998-99, the Guilford County
37 Board of Education, through the use of generally accepted accounting principles, shall
38 identify any net savings achieved as a direct result of consolidation. Such savings shall
39 be reported to the Guilford County Board of Commissioners and those savings may be
40 considered by the Board of Commissioners during its budgeting process.

41 **PART II. COTERMINOUS CITY UNITS**

42 Sec. 16. From and after the effective date of this Part, the Greensboro City
43 School administrative unit shall become, and thereafter shall be, coterminous with the
44 city limits within Guilford County of the City of Greensboro. Upon any expansion

1 within Guilford County of the city limits and concomitant jurisdiction of the City of
2 Greensboro by annexation, or by other means, the Greensboro City School
3 administrative unit shall expand, by operation of law, to include all the area within
4 Guilford County that is added to and which becomes a part of the jurisdiction of the
5 City of Greensboro within the city limits thereof, but shall not include, and shall not be
6 a part of any extraterritorial jurisdiction that the City of Greensboro may, in its
7 discretion as a government, decide to assume.

8 The Greensboro Board of Education shall plan for expansion of its
9 administrative unit when it is apprised, by any means, of the proposed expansion of the
10 city limits within Guilford County of the City of Greensboro, and shall be made aware
11 of any proposed expansion of the city limits within Guilford County of the City of
12 Greensboro by the elected officials of the City of Greensboro, by letter, at the time the
13 City of Greensboro, through its elected officials, formally decides to expand its limits.
14 The giving of such notice by the elected officials of the City of Greensboro shall not be
15 a prerequisite to the duty of the Greensboro Board of Education to plan for expansion of
16 such Board's administrative unit. Such planning for expansion shall be a continuing
17 duty of the Greensboro Board of Education.

18 Sec. 17. From and after the effective date of this Part, the school
19 administrative unit of the High Point Board shall become and thereafter shall include
20 the current boundaries of the City of High Point within Guilford County and will,
21 further, include the High Point area specified in the Greensboro-High Point Joint
22 Annexation Agreement adopted December 20, 1988, and duly placed on file in the
23 Offices of the City Clerks in Greensboro and High Point, respectively, and will further
24 include any future annexations within Guilford County. Provided, that if by September
25 1, 1991, the City of High Point and the Town of Jamestown have adopted a joint
26 annexation agreement duly placed on file in the Offices of the City Clerks in High Point
27 and Jamestown respectively, the school administration unit of the High Point Board
28 shall not include the Jamestown area specified in the agreement.

29 The High Point Board shall plan for expansion of its administrative unit when
30 it is apprised, by any means, of the proposed expansion of the city limits in Guilford
31 County of the City of High Point, and shall be made aware of any proposed expansion
32 of the city limits in Guilford County of the City of High Point by the elected officials of
33 the City of High Point by letter at the time the City of High Point, through its elected
34 officials, formally decides to expand its limits. The giving of such notice by elected
35 officials of the City of High Point shall not be a prerequisite to the duty of the High
36 Point Board to plan for expansion of the High Point Board's administrative unit, which
37 shall be a continuing duty of the High Point Board.

38 Sec. 18. After the effective date of this Part, students living in Guilford
39 County outside the city limits of the City of Greensboro or outside of the boundaries
40 that establish the extent to which the City of High Point city limits can be extended as
41 set out in the Greensboro-High Point Joint Annexation Agreement adopted December
42 20, 1988, and duly placed on file in the Offices of the City Clerks in Greensboro and
43 High Point, shall become and shall be students of the County Board, and the County
44 Board shall assign such students to school in the administrative unit of the County

1 Board. The County Board shall do all things necessary and proper, according to law,
2 for the assigning of students to school within the administrative unit.

3 Sec. 19. The respective Boards of Education of Greensboro, High Point and
4 Guilford shall continue to have all the powers and all the authority that are presently
5 reposed in and delegated to them by law, and the three shall have all the duties and
6 responsibilities presently reposed in them by law, and shall have all authority and power
7 to effect the purposes of this Part.

8 Sec. 20. (a) The enactment of this Part shall not change the membership and
9 composition of the Greensboro Board of Education, the High Point Board of Education
10 nor of the Guilford County Board of Education. The three boards shall remain as they
11 are by law presently composed except as provided by subsection (b) of this section. If
12 the enactment of this Part shall later evince or suggest a need to change the membership
13 or composition of any board which the enactment of this Part may affect, then such
14 change may be made through appropriate legislation at that time, but no change is
15 contemplated by this Part.

16 (b) The electoral districts of the three boards of education shall be changed by the
17 respective boards when areas are added to or deleted from their respective school
18 administrative units. After any such areas are added to or deleted, in order to conform to
19 the purposes and provisions of this Part, such changes to the respective electoral
20 districts shall be made no later than 60 days prior to the next filing date for election of
21 members to the respective boards.

22 Sec. 21. (a) The respective boards of the three administrative units herein
23 defined shall presently continue to use their respective buildings, property, equipment
24 and other personalty and real estate as they have done in the past. The immediate effect
25 of constituting the city limits in Guilford County of the named municipalities as the
26 limits and outer boundaries of the administrative units of the City Board and the High
27 Point Board may require that one or the other of the board's buildings and property shall
28 be physically within the geographic limits of one of the other boards as defined by this
29 act, or it may occur, upon the effective date of this act, or in the future, upon the
30 expansion of the boundaries and jurisdictional limits of one or the other of the
31 municipalities defined herein owing to the exercise of statutory annexation or some
32 other reason, that the buildings, property, equipment, and other personalty of one of the
33 boards shall be physically within the new limits of one of the boards defined in this act.
34 In such an event or upon the happening of such an event, the administrative unit inside
35 of whose boundaries the property is located shall have the authority to use real and
36 personal property of the other board until such time as the ownership of the property
37 shall be determined and payment or other consideration is made therefor, including
38 payment of the use of all such property, by the Special Compensation Board, which is
39 hereby provided for.

40 (b) Authority to create a Special Compensation Board, for the purpose of
41 providing fair and equitable compensation to a board for the use and appropriation of its
42 property by another board under the authority of this act is hereby given, delegated, and
43 otherwise provided for.

1 (c) The number of the members of the Special Compensation Board shall be
2 seven. One each shall be named to serve, by proper nomination and resolution of the
3 respective boards and bodies, by the County Board, the City Board, the High Point
4 Board, the City of Greensboro, the City of High Point, the Guilford County Board of
5 Commissioners, and the State Board of Education.

6 (d) The Special Compensation Board shall meet and adopt a plan of procedure
7 and such bylaws and other devices of governance as it deems necessary. It may elect
8 officers and a chairperson. This Board shall determine the just compensation that
9 should be paid by a board that appropriates the property of another board for use when
10 property of the one board comes within the area and limits of another board.

11 (e) The Special Compensation Board shall determine the properties that were
12 financed, in whole or in part, by funds from the State of North Carolina, and for
13 properties, real or personal, that were so financed no compensation shall be made. Only
14 when the properties were financed by funds from the County of Guilford or the special
15 school tax, or both, or from some other local source (such as the forfeiture of bonds by
16 criminal defendants) shall compensation be made.

17 (f) The Special Compensation Board should make its findings of
18 compensation within six months of the use or the appropriation by one education board
19 from another.

20 (g) The Special Compensation Board need not use the fair market value
21 approach to value in determining the compensation, but may consider that approach.
22 The Special Compensation Board shall itemize its findings and conclusions in a report
23 in which it makes its compensation report and this report shall be distributed to each of
24 the boards and bodies represented by a member thereon.

25 (h) The Special Compensation Board shall, as a body with all members
26 present, hear such evidence as the State Board of Education, the County of Guilford, the
27 City of Greensboro, the City of High Point, and the three school administrative units
28 defined herein wish to present. The Board shall also hear any evidence that any
29 financial institution that has an interest in any of the property involved wishes to
30 present. The Board shall hear any evidence that indenture trustees of, or offices
31 concerned with, any outstanding bond issue that may or might affect the property wish
32 to give. The Board may hear such other evidence that it wishes to hear.

33 (i) The Special Compensation Board shall not change the security of any
34 financial institution, the obligations under any bonds, or the manner of financing any of
35 the affected property, but it may and should recommend ways in which any affected
36 bonds, financial arrangements, mortgages, security devices, indentures, or other devices
37 can be assumed, assigned, or continued in effect by using an appropriating board or by
38 other means, such as refinancing or refloating of a bond issue.

39 (j) The decision of the Special Compensation Board shall be based upon a
40 majority vote of all the members, and the decision shall be presented in writing to all the
41 parties. Upon its presentation the decision shall be final. Appeal may be taken to the
42 Superior Court of Guilford County within 10 days of the presentation of the Special
43 Compensation Board's written report, but the Superior Court shall affirm the Special
44 Compensation Board's findings and conclusions unless it finds by clear and convincing

1 proof from the evidence presented to it that the Special Compensation Board did not
2 make its findings based on the evidence or on fair methods of appraisal.

3 (k) The board required by the Special Compensation Board to make
4 compensation to another board shall take all the necessary steps to make the payments
5 required and to assume all the obligations required thereunder. The board whose
6 property is used or appropriated, or both, shall take all the necessary steps to convey
7 property and otherwise to comply with the Special Compensation Board's decision.

8 Sec. 22. The tax rates currently applicable for support of the schools in the
9 administrative units involved herein shall not be changed by the enactment of this Part,
10 and all such taxes shall remain in full force and effect.

11 Sec. 23. The methods and legally instituted means of financing any of the
12 property that might be affected by the use or appropriation, or both, of any such
13 property by one of the three respective boards of education shall not be changed by
14 enactment of this Part, and the board or entity responsible for paying or otherwise
15 compensating any financial institution or other entity or person to whom payment or
16 compensation is owed under any indenture, contract or other security or financing
17 device shall continue to make all required payments or other compensation. Such
18 payment or other compensation shall continue until such time as the using or
19 appropriating board has assumed the payments and any other obligations and until such
20 time as the affected institution, entity or person agrees to accept the new board as the
21 responsible legal entity under the obligation and until such time as all legal documents
22 required by the transfer, assignment, assumption or other legal or contractual devices
23 are executed and approved. In lieu of assumption or assignment by an appropriating or
24 using board, refinancing may be considered as a means of paying any outstanding
25 obligations.

26 PART III. ELECTION AND OTHER PROVISIONS

27 Sec. 24. If a majority of the voters voting in the election vote in favor of Part
28 I of this act, and it has not been approved under section 5 of the Voting Rights Act of
29 1965 by the time of opening of candidate filing for the Guilford County Board of
30 Education or the Greensboro City Board of Education, then the Guilford County Board
31 of Elections, with the approval of the United States Department of Justice, may delay
32 the opening and closing dates for filing of the old Guilford County Board of Education
33 and the Greensboro City Board of Education scheduled to be elected in 1992. This is
34 necessary because the previously scheduled election is not canceled until Part I of this
35 act is approved under section 5 of the Voting Rights Act.

36 Sec. 25. Submission of this act under section 5 of the Voting Rights Act of
37 1965 shall be made jointly by the attorneys for the three consolidating units under G.S.
38 120-30.9G.

39 Sec. 26. Any student enrolled in a given school at the effective date of Part II
40 of this act will have the option, if otherwise qualified, of continuing to attend a school
41 within that school system until completion of the highest grade that was available at the
42 school in which the student was enrolled.

43 Sec. 27. Part I or II of this act shall not become effective unless approved by
44 the voters of Guilford County. The Guilford County Board of Elections shall place the

1 question of approval of Part I or Part II of this act before the citizens of Guilford County
2 through referendum on the Tuesday after the first Monday in November, 1991.

3 Sec. 28. (a) The form of the ballot shall be:

4 **"VOTE FOR ONLY ONE CHOICE**

- 5 1. FOR consolidation of the three school administrative units in
6 Guilford County into one administrative unit.
7 2. FOR the Greensboro City School Administrative Unit to have the
8 same boundaries in Guilford county as the current City of Greensboro,
9 and shall expand to include all areas in Guilford County that might
10 hereafter be added to the City of Greensboro; and the High Point City
11 School Administrative Unit to have the current boundaries of the City
12 of High Point within Guilford County, including the area specified in
13 the Greensboro-High Point Joint Annexation Agreement adopted
14 December 20, 1988, and duly placed on file in the Offices of the City
15 Clerks in Greensboro and High Point, respectively, and will include
16 any future annexations within Guilford County."

17 (b) If a majority of the votes cast are in favor of question 1, then Part I of this act
18 shall become effective upon the date of certification of the election results, and Part II of
19 this act shall have no force or effect.

20 (c) If a majority of the votes cast are in favor of question 2, then Part II of this act
21 shall become effective upon the date of certification of the election results, and Part I of
22 this act shall have no force or effect.

23 Sec. 29. The Guilford County Board of Elections shall certify the results of
24 any election held under this act to the Secretary of State of North Carolina.

25 Sec. 30. Notwithstanding any provisions of this act to the contrary, if each of
26 the three existing boards of education in Guilford County should agree to and adopt a
27 Plan of Consolidation in accordance with law prior to August 1, 1991, and should the
28 State Board of Education approve the plan prior to September 1, 1991, then Part II and
29 Part III of this act shall be void, and consolidation of the three school systems shall
30 occur as specified in this act and in accordance with any other provisions that may be
31 contained in the Plan of Consolidation that are not in conflict with any provision of this
32 act. After such approval by the State Board of Education, none of the parties to that
33 Plan may withdraw their approval.

34 Sec. 31. This act is effective upon ratification.