

NORTH CAROLINA BOARD OF EDUCATION ELECTION LAW
GENERAL LAWS AND BACKGROUND FOR CRAVEN COUNTY

INTRODUCTION

This is an attempt to provide a short summary of information pertaining to the election of North Carolina Boards of Education in one source for Craven County, NC. This document is accurate to the best of our knowledge at the time produced but is subject to change. Most of the school administrative units in North Carolina operate under local acts, court orders, or merger plans that may vary from N.C. Gen. Stat. §§ 115C 35-37 in some respect.

Craven County

Qualifications/Requirements

- Candidates must be a qualified voter in NC who is 21 years of age
- Candidates must reside in the electoral district they seek to represent.
- Candidates must file a Notice of Candidacy and pay a filing fee at a designated time
- Candidates before entering upon the duties of the office, shall take and subscribe to an oath of the office.
- Candidates elected or appointed who are also employed by that board of education, shall resign employment before taking office as a member of that board of education.
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Current Method of Selecting Members (effective September 9, 2021)

- Members are elected on a partisan basis from seven districts who shall be nominated and elected in each even-numbered year.
- All the qualified voters of each district shall nominate and elect members for that district.
- Results shall be determined by the plurality method pursuant to the provisions of N.C.G.S. §163-292
- Member candidates receiving the majority of votes by qualified voters of the districts shall be declared the nominee of that party and name shall appear of the ballot for the general election, as provided by law.
- In 2022, and every four years thereafter, one member is elected from each of Districts 2, 4, and 6.
- In 2024, and every four years thereafter, one member is elected from each of Districts 1, 3, 5, and 7.
- 4-year terms; staggered; even-numbered years

Filling Vacancies

- Vacancies for positions elected on a nonpartisan basis in 2018 or 2020 shall be filled in accordance with the provisions of N.C.G.S. §115C-37(f). (See page 12)
- Beginning the first Monday in December 2022, vacancies for positions elected on a partisan basis in 2022 and thereafter shall be filled in accordance with N.C.G.S. §115C-37.1. (See page 13)

Number of Board Members

- The board consists of seven members from seven districts
- Members take office the first Monday of December of the year elected.

History

- **Session Law – 1967, Ch. 887.** (Effective June 22, 1967)
 - Name: Craven County Board of Education
 - 8 members
 - Districts by 8 groupings of precincts:
 - District No. 1, consisting of Jasper, Tuscarora, and Clarks precincts.
 - District No. 2, consisting of Dover and Cove City precincts.
 - District No. 3, consisting of Fort Barnwell precinct.
 - District No. 4, consisting of Vanceboro, Ernul, Maple Cypress precincts.
 - District No. 5, consisting of Bridgeton and Truitt precincts.
 - District No. 6, consisting of Grantham precinct.
 - District No. 7, consisting of Havelock, Bachelor and Croatan precincts.
 - District No. 8, consisting of the First, Second, Third, Fourth, Tisdale, Berne and Rhems precincts.
 - Candidates must reside in the district they seek to represent.
 - Partisan
 - All the qualified voters of each district shall nominate members for that district in the primary election
 - Member candidates receiving the majority of votes by qualified voters of the districts shall be declared the nominee of that party and name shall appear of the ballot for the general election, as provided by law.
 - All the qualified voters of the county shall elect members for the districts in the general election
 - Results shall be determined by the plurality method pursuant to the provisions of N.C.G.S. §163-292
 - 4-year terms; even-numbered years
 - Members take office the first Monday in December of the year elected.
 - Vacancies shall be filled for unexpired term by action of the County Executive Committee of the political party of the member causing the vacancy.

- **Session Law – 1975, Ch. 376.** (Effective May 26, 1975)
 - Name: Craven County Board of Education
 - 7 members
 - Districts by Townships:
 - District No. 1, consisting of Township #1, one member.
 - District No. 2, consisting of Township #2, one member.
 - District No. 3, consisting of Township #3, one member.
 - District No. 4, consisting of Township #5 and Township #6, two members.
 - District No. 5, consisting of Township #7, one member.
 - District No. 6, consisting of Township #9 and a portion of Township #8, lying west of Washington Forks, one member.
 - Candidates must reside in the district they seek to represent.
 - Partisan
 - All the qualified voters of each district shall nominate members for that district in the primary election
 - Member candidates receiving the majority of votes by qualified voters of the districts shall be declared the nominee of that party and name shall appear of the ballot for the general election, as provided by law

- All the qualified voters of the county shall elect members for the districts in the general election
 - Results shall be determined by the plurality method pursuant to the provisions of N.C.G.S. §163-292
 - 4-year terms; staggered; even-numbered years
 - Members take office the first Monday in December of the year elected.
 - Vacancies shall be filled for unexpired term by action of the County Executive Committee of the political party of the member causing the vacancy.
- **Session Law – 1979, Ch. 1138.** (Effective June 30, 1980)
- Merger of New Bern City Board of Education and Craven County Board of Education
 - Name: New Bern-Craven County Board of Education
 - Twelve members
- **Session Law – 1983, Ch. 236.** (Effective January 1, 1984)
- Name: New Bern-Craven County Board of Education
 - 7 members
 - Districts by Townships
 - District No. 1, consisting of Township #1 (Vanceboro, Epworth, Ernul, Maple Cypress) and Township #2 (Bridgton, Truitt): one member
 - District No. 2, consisting of Township #3 (Cove City, Dover, Fort Barnwell), #9 (Jasper) and part of #8: one member
 - District No. 3, consisting of part of Township #8: one member
 - District No. 4, consisting of part of Township #8: one member
 - District No. 5, consisting of Township #7 (Grantham) and part of #6: one member
 - District No. 6, consisting of part of Township #6 (Havelock): one member
 - District No. 7, consisting of Township #5 (Harlowe) and part of #6: one member
 - Candidates must reside in the district they seek to represent.
 - Partisan
 - All the qualified voters of each district shall nominate members for that district in the primary election
 - Member candidates receiving the majority of votes by qualified voters of the districts shall be declared the nominee of that party and name shall appear of the ballot for the general election, as provided by law.
 - All the qualified voters of the county shall elect members for the districts in the general election
 - Results shall be determined by the plurality method pursuant to the provisions of N.C.G.S. §163-292
 - 4-year terms; staggered; even-numbered years
 - Members take office the first Monday in December of the year elected.
 - Vacancies shall be filled for unexpired term by action of the County Executive Committee of the political party of the member causing the vacancy.
- **Session Law – 1991, Ch. 400.** (Effective June 26, 1991)
- Local Boards of Education elected on a district basis given similar power as cities to redistrict.

❖ **Redistricting November 1991**

- District No. 1, consisting of Township #1 (Vanceboro, Ernul, Maple Cypress) and Township #2 (Bridgton, Truitt): one member
- District No. 2, consisting of Township #1 (Epworth), Township #3 (Cove City, Dover, Fort Barnwell), #9 (Jasper) and part of #8: one member
- District No. 3, consisting of part of Township #8: one member
- District No. 4, consisting of part of Township #8: one member
- District No. 5, consisting of Township #7 (Grantham, Brices Creek) and part of #6 (Croatan): one member
- District No. 6, consisting of part of Township #6 (Havelock): one member
- District No. 7, consisting of Township #5 (Harlowe) and part of #6: one member

➤ **Session Law – 1991, Ch. 767.** (Effective June 17, 1992)

- Validation of school merger and consolidation plans.

➤ **Session Law – 1991, Ch. 851.** (Effective July 1, 1992)

- Name: Craven County Board of Education

➤ **Session Law – 1995, Ch. 67.** (Effective May 8, 1995)

- Name: Craven County Board of Education
- 7 members
- 7 Districts by Townships
 - District No. 1, consisting of Township #1 (Vanceboro, Ernul) and Township #2 (Bridgton, Truitt): one member
 - District No. 2, consisting of Township #1 (Epworth), Township #3 (Cove City, Dover, Fort Barnwell), #9 (Jasper) and part of #8 (part of New Bern- N3, N4, N5, part of Rhems, part of Clarks): one member
 - District No. 3, consisting of part of Township #8: one member
 - District No. 4, consisting of part of Township #8: one member
 - District No. 5, consisting of Township #7 (Grantham, Brices Creek) and part of #6 (part of Croatan; part of Havelock): one member
 - District No. 6, consisting of part of Township #6 (Havelock): one member
 - District No. 7, consisting of Township #5 (Harlowe) and part of #6 (part of Havelock): one member
- Candidates must reside in the district they represent.
- Non-Partisan
- If more than two candidates for each District, there will be a non-partisan primary
- All the qualified voters of each district may vote in the primary for that district
- Top two member candidates receiving the highest number of votes by qualified voters of the districts shall be declared the nominees of that district and the names shall appear on the ballot for the general election, as provided by law
- If only one or two candidates file in a district, no primary shall be held.
- All the qualified voters of the county shall elect members for the districts in the general election
- Results shall be determined by the plurality method pursuant to the provisions of N.C.G.S. §163-292
- 4-year terms; staggered; even-numbered years

- Members take office the first Monday in December of the year elected.
- Vacancies for positions elected on a nonpartisan basis shall be filled in accordance with the provisions of N.C.G.S. §115C-37(f).

❖ **Redistricting 2011**

- District No. 1, consisting of Township #1 (Ernul, Vanceboro, part of Epworth) and Township #2 (Bridgeton, Truitt, Fairfield Harbour): one member
- District No. 2, consisting of Township #1 (part of Epworth), Township #2 (part of Bridgeton), Township #3 (Cove City, Dover, Fort Barnwell), #9 (Jasper) and part of #8 (part of New Bern-N3, N4, N5, N6, part of Rhems, part of River Bend, part of Clarks): one member
- District No. 3, consisting of part of Township #8 (part of New Bern-N1, N2, N3, N4, N5, N6, part of Rhems, part of River Bend, Trent Woods): one member
- District No. 4, consisting of part of Township #8 (part of New Bern- N1, N2, N3, N4, N5 N6, part of Clarks): one member
- District No. 5, consisting of Township #7 (Grantham, Brices Creek) and part of #6 (part of Croatan): one member
- District No. 6, consisting of part of Township #5 (part of Harlowe) and part of Township #6 (part of Croatan, part of Havelock): one member
- District No. 7, consisting of part of Township #5 (part of Harlowe) and part of #6 (part of Havelock): one member

➤ **Session Law 2021, Ch. 140.** (Effective September 9, 2021)

- Name: Craven County Board of Elections
- 7 Members
- 7 Districts established in 2011
- Candidates must reside in the district they seek to represent.
- Partisan
- All the qualified voters of each district shall nominate and elect members for that district.
- Member candidates receiving the majority of votes by qualified voters of the districts shall be declared the nominee of that party and name shall appear of the ballot for the general election, as provided by law.
- Results shall be determined by the plurality method pursuant to the provisions of N.C.G.S. §163-292
- In 2022, and every four years thereafter, one member is elected from each of Districts 2, 4, and 6.
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- 4-year terms; staggered; Even-numbered years
- Members take office the first Monday in December of the year elected.
- Vacancies for positions elected on a nonpartisan basis in 2018 or 2020 shall be filled in accordance with the provisions of N.C.G.S. §115C-37(f).
- Beginning the first Monday in December 2022, vacancies for positions elected on a partisan basis in 2022 and thereafter shall be filled in accordance with N.C.G.S. §115C-37.1.

**2021 CRAVEN COUNTY
PRECINCTS/POLLING
SITES**

#	Precinct	BD OF ED	Polling Place	Address	City, State, Zip
2	Havelock	6, 7	Havelock Tourist & Event Center	201 Tourist Center Drive	Havelock, NC 28532
3	Trent Woods	3	Garber United Methodist Church Morris Hall	4202 Country Club Rd	New Bern, NC 28562
5	River Bend	2 & 3	River Bend Municipal Activity Room	51 Shoreline Drive	New Bern, NC 28562
7	Jasper	2	#9 Township Fire Department	3783 NC Hwy 55 W.	New Bern, NC 28562
11	Bridgeton	1 & 2	Tri Community Fire Department	200 Saints Delight Church Rd	New Bern, NC 28562
16	Grantham 1A	5	#7 Township Fire Department	1705 Old Cherry Point Road	New Bern, NC 28560
17	Croatan	5 & 6	#6 Township Fire Department	109 Carolina Pines Blvd.	New Bern, NC 28560
19	Harlowe	6 & 7	Harlowe Community Center	125 Godette School Road	Havelock, NC 28532
20	Fairfield Harbour	1	Fairfield Harbour Fire Department, Community Center	589 Broad Creek Road	New Bern, NC 28560
21	Brices Creek	5	#7 Township Fire Department Substation	1815 Brices Creek Road	New Bern, NC 28562
23	Grantham 2B	5	New Song Church	521 W Grantham Road	New Bern, NC 28562
CFB8	Cove -Fort Barnwell	2	Cove City Fire Department	425 S. Main Street	Cove City, NC 28523
CLR4	Clarks-Rhems	2 & 3	Rhems Fire Department	5860 US Hwy 17 S.	New Bern, NC 28562
DFB9	Dover-Fort Barnwell	2	Dover Fire Dept -Annex	100 N. Main Street	Dover, NC 28526
N1	George Street	3 & 4	Craven Co. Sr Srvs George Street Center	811 George Street	New Bern, NC 28560
N2	Fort Totten	3 & 4	Twin Rivers YMCA	100 YMCA Lane	New Bern, NC 28560
N3N5	Glenburnie-Grover C	2, 3 & 4	Grover C. Fields Middle School	2000 M L King Jr Blvd.	New Bern, NC 28560
N4	H.J. MacDonald	2, 3, & 4	H.J. MacDonald Middle School	3127 Elizabeth Avenue	New Bern, NC 28562
N6	West New Bern	2, 3, & 4	West New Bern Recreation Center	1225 Pinetree Drive	New Bern, NC 28562
TE13	Truitt-Ernul	1	Little Swift Creek Fire Department	4580 US Highway 17 N.	Ernul, NC 28527
VE14	Van-Ep	1 & 2	Vanceboro Fire Department	375 NC Hwy 43	Vanceboro, NC 28586

10/12/2021

CRAVEN COUNTY BOARD OF EDUCATION ELECTED OFFICIALS

Ref: Craven Co. Election Abstracts

This is accurate to the best of our knowledge at the time produced. If there need to be corrections, contact the Craven Co. Bd of Elections 252-636-6610.

Nov. 7, 1972

<u>Seat#</u>	<u>First Name</u>	<u>Middle</u>	<u>Last Name</u>	<u>Sf</u>	<u>Party</u>	<u>Gende</u>	<u>Rac</u>	<u>Ter</u>
				x		r	e	m
1	Samuel	L	Adams		Democrat	M	W	4 yr
3	James	W	Smith		Democrat	M	W	4 yr
5	Archie	D	White		Democrat	M	W	4 yr
7	Roger	R	Bell		Democrat	M	W	4 yr

Nov. 5, 1974

<u>Seat#</u>	<u>First Name</u>	<u>Middle</u>	<u>Last Name</u>	<u>Sf</u>	<u>Party</u>	<u>Gende</u>	<u>Rac</u>	<u>Ter</u>
				x		r	e	m
2	Elmer	P	Riggs		Democrat	M	W	4 yr
4	John	T	Whitford		Democrat	M	W	4 yr
6	Jane	C	Atkinson		Democrat	F	W	4 yr
8	J	Macon	Miller		Democrat	M	W	4 yr

1975

<u>Seat#</u>	<u>First Name</u>	<u>Middle</u>	<u>Last Name</u>	<u>Sf</u>	<u>Party</u>	<u>Gende</u>	<u>Rac</u>	<u>Ter</u>
				x		r	e	m

Seat change

- 1
- 2
- 3
- 4a
- 4b
- 5
- 6

1976

<u>Seat#</u>	<u>First Name</u>	<u>Middle</u>	<u>Last Name</u>	<u>Sf</u>	<u>Party</u>	<u>Gende</u>	<u>Rac</u>	<u>Ter</u>
				x		r	e	m

- 1
- 2
- 4a
- 6

Nov. 7, 1978

<u>Seat#</u>	<u>First Name</u>	<u>Middle</u>	<u>Last Name</u>	<u>Sf</u>	<u>Party</u>	<u>Gende</u>	<u>Rac</u>	<u>Ter</u>
				x		r	e	m
1	Roger		Forrest		Democrat	M	W	2 yr
3	James	W	Smith		Democrat	M	W	2 yr
4b	Roger	R	Bell		Democrat	M	W	2 yr
5	Jane	C	Atkinson		Democrat	F	W	2 yr

Nov. 4, 1980

<u>Seat#</u>	<u>First Name</u>	<u>Middle</u>	<u>Last Name</u>	<u>Sf</u>	<u>Party</u>	<u>Gende</u>	<u>Rac</u>	<u>Ter</u>
				x		r	e	m

**Merge with
New Bern**

1	Roger		Forrest		Democrat	M	W	4 yr
2	Robert	A	Gaskins		Democrat	M	W	2 yr
3	James	W	Smith		Democrat	M	W	4 yr
4a	Roger	R	Bell		Democrat	M	W	2 yr
4b	Roy	E	McCabe		Democrat	M	B	2 yr
5	Jane	C	Atkinson		Democrat	F	W	4 yr
6	Samuel "Tom"	L	Adams		Democrat	M	W	2 yr
7	James		Chance		Democrat	M	W	2 yr

Nov. 2, 1982

<u>Seat#</u>	<u>First Name</u>	<u>Middle</u>	<u>Last Name</u>	<u>Sf</u>	<u>Party</u>	<u>Gende</u>	<u>Rac</u>	<u>Ter</u>
				x		r	e	m
2	Robert	A	Gaskins		Democrat	M	W	2 yr

	4	Roy	E	McCabe		Democrat	M	B	2 yr
	6	Alonzo	F "Butch"	Wetherington	Jr.	Democrat	M	W	2 yr
	7	Alice	G	Underhill		Democrat	F	W	2 yr
Nov. 6, 1984	Seat#	First Name	Middle	Last Name	Sf	Party	Gende	Rac	Ter
					x		r	e	m
Seats 1,3,5,7 (4y)	1	Robert	A	Gaskins		Democrat	M	W	4 yr
2,4,6 (2yr)	2	James	W	Smith		Democrat	M	W	2 yr
Election change	3	Clifford	W	Swain		Democrat	M	W	4 yr
	4	Barbara	R	Morgan		Democrat	F	B	2 yr
	5	Jane	C	Atkinson		Democrat	F	W	4 yr
	6	Roger	R	Bell		Democrat	M	W	2 yr
	7	Roy	E	McCabe		Democrat	M	B	4 yr
Nov. 4, 1986	Seat#	First Name	Middle	Last Name	Sf	Party	Gende	Rac	Ter
					x		r	e	m
	2	James	W	Smith		Democrat	M	W	4 yr
	4	Barbara	R	Morgan		Democrat	F	B	4 yr
	6	W	Jesse	Gurganus		Democrat	M	W	4 yr
Nov. 8, 1988	Seat#	First Name	Middle	Last Name	Sf	Party	Gende	Rac	Ter
					x		r	e	m
	1	Robert	A	Gaskins		Democrat	M	W	4 yr
	3	Clifford	W	Swain		Democrat	M	W	4 yr
	5	Jane	C	Atkinson		Democrat	F	W	4 yr
	7	Roy	E	McCabe		Democrat	M	B	4 yr
Nov. 6, 1990	Seat#	First Name	Middle	Last Name	Sf	Party	Gende	Rac	Ter
					x		r	e	m
	2	James	W	Smith		Democrat	M	W	4 yr
	4	Emma	Bauco	Franks		Democrat	F	B	4 yr
	6	Arland	L	Bell		Democrat	M	W	4 yr
Nov. 3, 1992	Seat#	First Name	Middle	Last Name	Sf	Party	Gende	Rac	Ter
					x		r	e	m
	1	Linda	M	Thomas		Democrat	F	W	4 yr
	3	Carroll "Carr"	G	Ipock		Democrat	M	W	4 yr
	5	Rebecca "Becky"	M	Kafer		Democrat	F	W	4 yr
	7	Leon	C	Staton		Democrat	M	B	4 yr
Nov. 8, 1994	Seat#	First Name	Middle	Last Name	Sf	Party	Gende	Rac	Ter
					x		r	e	m
	2	Evelyn	G	Hood		Republican	F	W	4 yr
	4	Judy	C	Pierce		Republican	F	B	4 yr
	6	Arland	L	Bell		Democrat	M	W	4 yr
Nov. 5, 1996	Seat#	First Name	Middle	Last Name	Sf	Party	Gende	Rac	Ter
					x		r	e	m
changed to Non-Partisan	1	Linda	M	Thomas		Non-Partisan	F	W	4 yr
	3	Carroll "Carr"	G	Ipock		Non-Partisan	M	W	4 yr
	5	Rebecca "Becky"	M	Kafer		Non-Partisan	F	W	4 yr
	7	Leon	C	Staton		Non-Partisan	M	B	4 yr
Nov. 3, 1998	Seat#	First Name	Middle	Last Name	Sf	Party	Gende	Rac	Ter
					x		r	e	m

Nov. 7, 2000	2	Sidney	R	French	Non-Partisan	M	W	4 yr
	4	Judy	C	Pierce	Non-Partisan	F	B	4 yr
	6	Arland	L	Bell	Non-Partisan	M	W	4 yr
Seat#	First Name	Middle	Last Name	Sf	Party	Gende	Rac	Ter
				x		r	e	m
	1	Linda	M	Thomas	Non-Partisan	F	W	4 yr
	3	Carroll "Carr"	G	Ipock	Non-Partisan	M	W	4 yr
	5	Rebecca "Becky"	M	Kafer	Non-Partisan	F	W	4 yr
Nov. 5, 2002	7	Leon	C	Staton	Non-Partisan	M	B	4 yr
Seat#	First Name	Middle	Last Name	Sf	Party	Gende	Rac	Ter
				x		r	e	m
Nov. 2, 2004	2	Sidney	R	French	Non-Partisan	M	W	4 yr
	4	Beatrice "Bea"	R	Smith	Non-Partisan	F	B	4 yr
	6	Kimberly "Kim"	Rice	Smith	Non-Partisan	F	W	4 yr
Seat#	First Name	Middle	Last Name	Sf	Party	Gende	Rac	Ter
				x		r	e	m
	1	Linda	M	Thomas	Non-Partisan	F	W	4 yr
	3	Carroll "Carr"	G	Ipock	Non-Partisan	M	W	4 yr
	5	Rebecca "Becky"	M	Kafer	Non-Partisan	F	W	4 yr
Nov. 7, 2006	7	Joseph	L	Walton	Non-Partisan	M	B	4 yr
Seat#	First Name	Middle	Last Name	Sf	Party	Gende	Rac	Ter
				x		r	e	m
Nov. 4, 2008	2	Frances	H	Boomer	Non-Partisan	F	B	4 yr
	4	Beatrice "Bea"	R	Smith	Non-Partisan	F	B	4 yr
	6	Kimberly "Kim"	Rice	Smith	Non-Partisan	F	W	4 yr
Seat#	First Name	Middle	Last Name	Sf	Party	Gende	Rac	Ter
				x		r	e	m
	1	Linda	M	Thomas	Non-Partisan	F	W	4 yr
	3	Carroll "Carr"	G	Ipock	Non-Partisan	M	W	4 yr
	5	Rebecca "Becky"	M	Kafer	Non-Partisan	F	W	4 yr
Nov. 2, 2010	7	Joseph	L	Walton	Non-Partisan	M	B	4 yr
Seat#	First Name	Middle	Last Name	Sf	Party	Gende	Rac	Ter
				x		r	e	m
Nov. 6, 2012	2	Frances	H	Boomer	Non-Partisan	F	B	4 yr
	4	Beatrice "Bea"	R	Smith	Non-Partisan	F	B	4 yr
	6	Kimberly "Kim"	Rice	Smith	Non-Partisan	F	W	4 yr
Seat#	First Name	Middle	Last Name	Sf	Party	Gende	Rac	Ter
				x		r	e	m
Nov. 4, 2014	1	Linda	M	Thomas	Non-Partisan	F	W	4 yr
	3	Carroll "Carr"	G	Ipock	Non-Partisan	M	W	4 yr
	5	David	E	Hale	Non-Partisan	M	W	4 yr
	7	Joseph	L	Walton	Non-Partisan	M	B	4 yr
Seat#	First Name	Middle	Last Name	Sf	Party	Gende	Rac	Ter
				x		r	e	m
Nov. 8, 2016	2	Frances	H	Boomer	Non-Partisan	F	B	4 yr
	4	Beatrice "Bea"	R	Smith	Non-Partisan	F	B	4 yr
	6	Kimberly "Kim"	Rice	Smith	Non-Partisan	F	W	4 yr
Seat#	First Name	Middle	Last Name	Sf	Party	Gende	Rac	Ter

<u>Nov. 6, 2018</u>	<u>Seat#</u>	<u>First Name</u>	<u>Middle</u>	<u>Last Name</u>	<u>Sf</u>	<u>Party</u>	<u>Gende</u>	<u>Rac</u>	<u>Ter</u>
	1	Stefanie	A	King	x	Non-Partisan	r	e	m
	3	Carroll "Carr"	G	Ipock		Non-Partisan	F	B	4 yr
	5	David	E	Hale		Non-Partisan	M	W	4 yr
	Disqualified 7	Sarah	M	Benischek		Non-Partisan	F	W	4 yr
	apptd 7	Joseph	L	Walton		Non-Partisan	M	B	2 yr
<u>Nov. 3, 2020</u>	<u>Seat#</u>	<u>First Name</u>	<u>Middle</u>	<u>Last Name</u>	<u>Sf</u>	<u>Party</u>	<u>Gende</u>	<u>Rac</u>	<u>Ter</u>
	2	Frances	H	Boomer	x	Non-Partisan	r	e	m
	4	Beatrice "Bea"	R	Smith		Non-Partisan	F	B	4 yr
	6	Kimberly "Kim"	Rice	Smith		Non-Partisan	F	W	4 yr
	unexprd 7	Naomi	E	Clark		Non-Partisan	F	B	2 yr
<u>January 2021</u>	<u>Seat#</u>	<u>First Name</u>	<u>Middle</u>	<u>Last Name</u>	<u>Sf</u>	<u>Party</u>	<u>Gende</u>	<u>Rac</u>	<u>Ter</u>
	1	Stefanie	A	King	x	Non-Partisan	r	e	m
	3	Carroll "Carr"	G	Ipock		Non-Partisan	M	W	4 yr
	5	Kelli	S	Muse		Non-Partisan	F	W	4 yr
	7	Naomi	E	Clark		Non-Partisan	F	B	4 yr
<u>Nov. 6, 2022</u>	<u>Seat#</u>	<u>First Name</u>	<u>Middle</u>	<u>Last Name</u>	<u>Sf</u>	<u>Party</u>	<u>Gende</u>	<u>Rac</u>	<u>Ter</u>
	resigned 4	Beatrice "Bea"	R	Smith	x	Non-Partisan	r	e	m
	appointed 4	Victor		Love		Non-Partisan	F	B	4 yr
							M	B	2 yr
<u>Changed to Partisan</u>	2				x		r	e	m
	4								4 yr
	6								4 yr

Statewide Law As To School Board Elections

The following laws apply to every board of education in the state unless a local act passed by the General Assembly implements a different policy for a particular board or there is a merger plan. Session Law-1991, Chapter 767 validated prior school mergers and clarified that mergers were to be considered as acts of the General Assembly and that any conflict with the school board elections provisions in a merger plan and Chapter 115C of the General Assembly will be resolved with the merger plan provisions prevailing over the General Statutes.

There are currently 115 boards of education in NC. 100 county districts and currently fifteen (15) municipal school districts in North Carolina, with thirteen of them being elected and the remaining two appointed. There are currently 43 boards of education elected on a partisan basis. Eight (8) boards of education are elected on an odd-year schedule.

Do not assume these general laws apply to a school board without checking for exceptions listed under local provisions section.

Early School Board Election Law

Prior to 1923, county school boards were appointed by the North Carolina General Assembly. However, there were many local bills that had set up numerous special school districts through out the state, the effect of which was that most municipalities sought and were given the right to have their own school districts.

In 1923, Session Law -1923, Chapter 136 created G.S. §115-38 which set up a hybrid type method of school board elections. Starting in 1924 and every two years thereafter, at the time of county primaries, each political party would by a vote in the primary nominate persons to fill school board seats. The county board of elections would send the names to the Supt. of Public Instruction, who would then send the names to the Chairman of the Education Committee of the N.C. House. The Chairman would present the county nominations to the General Assembly who would then appointment from the nominees. Vacancies were filled by the county executive committee of political party of the vacating member until the next session of the General Assembly when a replacement would be appointed by the General Assembly.

Session Law -1927, Chapter 131, authorized the creation of additional school districts and was the source of the creation of many additional city school systems. Session Law-1931, Chapter 42, limited the number of board members on these new school districts to seven.

In 1955, Session Law-1955, Chapter 1372 replaced GS § 115-38 with a new GS §115-19 which continued the situation of nominees selected by the voters of the county being submitted to the General Assembly for selection on the county board of elections. However, direct election of school boards started to become more common by virtue of many local acts that authorized direct elections over the nominee/appointment method set out in the General Statutes.

Session Law 1967-Chapter 972 finally made direct election of school boards the general method of election effective July 1, 1969. This act allowed school boards to be elected

either on a partisan basis or a non-partisan basis under the provisions of Chapter 163 at the time of the county primary in May. This law also required staggered terms and allowed vacancies to be filled by the remaining board members until the next time for school board elections at which time any unexpired term would be placed on the ballot. It is important to note that Session Law 1967-Chapter 972 did not supersede any prior local act as the election of school boards where those acts had already allowed direct election by voters. As always, a local act as to the election of a school board supersedes the provisions of the General Statutes. Session Law-1969, Chapter 1301 was a transition act clarified how the staggered term provisions mandated by the 1967 changes would be handled in the 1970 and 1972 election and thereafter.

By 1975, GS §115-18 had been amended to create, in the General Statutes, a mandate of a five-member school board, voted on at large for four-year staggered terms, but subject to local acts that may differ the requirements as to certain school boards.

Chapter 115C

Effective July 1, 1981, Session Law-1981, Chapter 423 repealed the previous Chapter 115 and replaced it with the current Chapter 115C.

Then a few days later, that Session Law was amended by Session Law-1981, Chapter 763, Sections 4 and 14, that added G.S. 115C-37.1 that pertained to school board vacancies in counties that elected school boards on a partisan basis and listed the counties that the new session law applied to.

There have been several changes since 1981.

Preclearance (Section 5 of the Voting Rights Act of 1965)

Section 5 freezes changes in election practices or procedures in certain states or counties until the new procedures have been determined, either after administrative review by the United States Attorney General, or after a lawsuit before the United States District Court for the District of Columbia, to have neither discriminatory purpose or effect. This is commonly called preclearance. If the proposed change has not been shown to be free of the purpose and the effect the Attorney General may block implementation of the change by interposing an objection. Any changes in the electoral boundaries, the makeup of the board, or elections of boards of education that only apply to a county covered by Section 5 must be submitted the attorney for that board of education (**G.S. §120-30.9G**). Statewide laws that affect electoral boundaries, the makeup of the board, or elections of boards of education in general, are submitted by the State Board of Elections (**G.S. §120-30.9B**).

On June 25, 2013, the United States Supreme Court held that it is unconstitutional to use the coverage formula in Section 4(b) of the Voting Rights Act to determine which jurisdictions are subject to the preclearance requirement of Section 5 of the Voting Rights Act, *Shelby County v. Holder*, 133 S. Ct. 2612 (2013). The Supreme Court did not rule on the constitutionality of Section 5 itself. The effect of the *Shelby County* decision is that the jurisdictions identified by the coverage formula in Section 4(b) no longer need to seek preclearance for the new voting changes, unless they are covered by a separate court order entered under Section 3(c) of the Voting Rights Act.

The following counties and any political subdivisions within were until June 2013 subject to Section 5 preclearance provisions: Anson County, Beaufort County, Bertie County, Bladen County, Camden County, Caswell County, Chowan County, Cleveland County, Craven County, Cumberland County, Edgecombe County, Franklin County, Gaston County, Gates County, Granville County, Greene County, Guilford County, Halifax County, Harnett County, Hertford County, Hoke County, Jackson County, Lee County, Lenoir County, Martin County, Nash County, Northampton County, Onslow County, Pasquotank County, Perquimans County, Person County, Pitt County, Robeson County, Rockingham County, Scotland County, Union County, Vance County, Washington County, Wayne County, and Wilson County.

District Boundaries and Redistricting

If a local school administrative unit is divided into electoral districts, those districts shall from time to time be revised by the board. The districts shall only be revised for the purpose of (1) accounting for territory annexed to or excluded from the school administrative unit, and (2) correcting population imbalances shown by a new federal census or caused by exclusions or annexations. **N.C. Gen. Stat. § 115C-37(i).**

Number of Board Members

A local board of education consists of five members. 40 boards of education out of 115 in NC still have 5 members. This can be modified by act of the General Assembly. Craven County has 7 members. **N.C. Gen. Stat. § 115C-35(a).**

Method of Selecting Members

Board members are not elected by party, and therefore their names appear on the ballot in a non-partisan fashion without reference to any party affiliation. **N.C. Gen. Stat. § 115C-35(a).** There are eight (8) Boards of Education that are elected in odd-number years as a result of local acts that override this general provision. There are fifteen (43) partisan school board elections, elected by party, as authorized by local acts that override this general rule as to non-partisan school board elections since S.L. 2021-140. Craven County is partisan.

Filling Vacancies

Board of Education Members Elected on Non-Partisan Basis

All vacancies in the membership of the boards of education by death, resignation, or other causes whose members are elected on a non-partisan basis shall be filled by appointment by the remaining members of the board, of a person to serve until the next election of members of such board, at which time the remaining unexpired term of the office in which the vacancy occurs shall be filled by election. **N.C. Gen. Stat. § 115C-37(f)**

Board of Education Members Elected by Party (Partisan)

(a) All vacancies in the membership of county boards of education which are elected by public or local act on a partisan basis shall be filled by appointment of the

person, board, or commission specified in the act, except that if the act specifies that appointment shall be made by a party executive committee, then the appointment shall be made instead by the remaining members of the board.

(b) If the vacating member was elected as the nominee of a political party, then the person, board, or commission required to fill the vacancy shall consult with the county executive committee of that party and appoint the person recommended by that party executive committee, if the party executive committee makes a recommendation within 30 days of the occurrence of the vacancy.

(c) Whenever only the qualified voters of less than the entire county were eligible to vote for the member whose seat is vacant (either because the county administrative unit was less than countywide or only residents of certain areas of the administrative unit could vote in the general election for a district seat), the appointing authority must accept the recommendation only if the county executive committee restricted voting to committee members who represent precincts all or part of which were within the territory of the vacating school board member. **N.C. Gen. Stat. § 115C-37.1**

Length of Terms and Staggered Terms

Board members serve four-year terms. New members are qualified and begin their term by taking the oath of office at a board meeting in December of the year elected. The terms of office are staggered so as nearly equal to one half as possible expire every two years. **N.C. Gen. Stat. § 115C-37(a)**. Local acts may vary this general arrangement from county to county.

Mergers

There have been numerous mergers of multiple school systems within counties since 1991 as a result of G.S. 115C-68.1 and 115C-68.2 being enacted in that year. Prior to 1991, G.S. 115C-67 was in effect which provided for mergers of city and county school systems where both schools systems involved mutually agreed to the merger with the approval of the State Board of Elections. Approval of that merger by voter referendum was optional under G.S. 115C-67. Effective in 1991, G.S. 115C-68.1 allowed the county commissioners of a county to force a merger of school systems within a county without a voter referendum. Also effective in 1991, G.S. 115C-68.2 allows a city school district to dissolve itself, thus forcing the assumption of its system and students within the existing county school system. Such dissolution is not subject to approval in a voter referendum. These two 1991 statutes broke up the logjam in school district mergers at that time that had been held up by the failure of one school board to consent.

Session Law- 1991, Chapter 767, which created G.S. 115C-68.3, also included a remedial Section 1 which listed 15 prior school board mergers and ratified them as valid and binding with the stated intent to prevent pending and future legal challenges to the mergers. This was done in response to a pending court decision at that time. G.S. 115C-68.3 mandated that all plans of merger under the provisions of Chapter 115C were superior to general provisions of Chapter 115C and prior local acts.

Craven County and New Bern merged in 1980.

The preceding laws apply to every board of education in the state unless a local act passed by the General Assembly implements a different policy for a particular board. Local acts are covered in the next section.

Do not assume these general laws apply to a school board without checking for exceptions listed under local provisions section.

The Current Statutes:

The following are excerpts from N.C. Gen. Stat. §§ 115C and a listing of statutes from N.C. Gen. Stat. Chapter 163, both of which control school all board elections in the absence of a local act establishing a different election method or procedure.

Article 5.

Local Boards of Education.

§ 115C-35. How constituted.

(a) The county board of education in each county shall consist of five members elected by the voters of the county at large for terms of four years: Provided, that where there are multiple local school administrative units located within the county, and unless the county board is responsible for appointing members of the board of education of a city administrative unit located within the county, only those voters who reside within the county school administrative unit boundary lines shall be eligible to vote for members of the county board of education. Where the county board is responsible for appointing members of the board of education of a city administrative unit located within the county, the voters residing within that city school administrative unit shall be eligible to vote for members of the county board of education.

The terms of office of the members of boards of education of all school administrative units in this State, who serve on June 25, 1975, shall continue until members are elected and qualified as provided in this section unless modified by local legislation.

(b) No person residing in a local school administrative unit shall be eligible for election to the board of education of that local school administrative unit unless such person resides within the boundary lines of that local school administrative unit. (1955, c. 1372, art. 5, s. 1; 1967, c. 972, s. 1; 1969, c. 1301, s. 2; 1975, c. 855, ss. 1-3; 1981, c. 423, s. 1.)

§ 115C-36. Designation of board.

All powers and duties conferred and imposed by law respecting public schools, which are not expressly conferred and imposed upon some other official, are conferred and imposed upon local boards of education. Said boards of education shall have general control and supervision of all matters pertaining to the public schools in their respective administrative units and they shall enforce the school law in their respective units. (1955, c. 1372, art. 5, s. 18; 1957, c. 262; 1963, c. 425; 1965, c. 1185, s. 1; 1969, c. 517, s. 2; 1981, c. 423, s. 1.)

§ 115C-37. Election of board members.

(a) Method of Election. - The county boards of education shall be elected on a nonpartisan basis at the time of the primary election in 1970 and biennially thereafter. The names of the candidates shall be printed on the ballots without reference to any party affiliation and any qualified voter residing in the county shall be entitled to vote

such ballots. Except as otherwise provided herein, the election shall be conducted according to the provisions of Chapter 163 of the General Statutes then governing primary elections.

The terms of office of the members shall be staggered so as nearly equal to one half as possible shall expire every two years.

(b) County Board of Elections to Provide for Elections. - The county board of elections under the direction of the State Board of Elections, shall make all necessary provisions for elections of county boards of education as are herein provided for. The county board of elections of each county shall file with the State Board of Elections a statement specifying the size and method of election of members of its county board of education.

(c) City Board of Education. - The board of education for any city administrative unit shall be appointed or elected as now provided by law. If no provision is now made by the law for the filling of vacancies in the membership of any city board of education, such vacancy may be filled by the governing body of the city or town embraced by said administrative unit. In the event that any such vacancy is not filled in this manner within 30 days, the State Board of Education may fill such vacancy.

(d) Members to Qualify. - Each county board of education shall hold a meeting in December following the election. At that meeting, newly elected members of the board of education shall qualify by taking the oath of office prescribed in Article VI, Sec. 7 of the Constitution.

This subsection shall not have the effect of repealing any local or special acts relating to boards of education of any particular counties whose membership to said boards is chosen by a vote of the people.

(e) Vacancies in Nominations for Membership on County Boards. - If any candidate nominated on a partisan basis shall die, resign, or for any reason become ineligible or disqualified between the date of his nomination and the time for the election, such vacancy caused thereby may be filled by the actions of the county executive committee of the political party of such candidate.

(f) Vacancies in Office. - All vacancies in the membership of the boards of education whose members are elected pursuant to the provisions of subsection (a) of this section by death, resignation, or other causes shall be filled by appointment by the remaining members of the board, of a person to serve until the next election of members of such board, at which time the remaining unexpired term of the office in which the vacancy occurs shall be filled by election.

(g) Eligibility for Board Membership; Holding Other Offices. - Any person possessing the qualifications for election to public office set forth in Article VI, Sec. 6 of the Constitution of North Carolina shall be eligible to serve as a member of a local board of education: Provided, however, that any person elected or appointed to a local board of education, and also employed by that board of education, shall resign his employment before taking office as a member of that board of education.

Membership on a board of education is hereby declared to be an office that, with the exceptions provided above, may be held concurrently with any appointive office, pursuant to Article VI, Sec. 9 of the Constitution, but any person holding an elective office shall not be eligible to serve as a member of a local board of education.

(h) Death or Disqualification of Candidate in Nonpartisan Election. - If a candidate dies or becomes disqualified after the filing period has closed and before the election, and the ballots have not been printed, the county board of elections shall immediately reopen the filing period for five days so that additional candidates may file for election. If the ballots have been printed at the time the board of elections receives

notice of the death or disqualification, the board shall reopen the filing period for three days if the board determines it will have time to reprint the ballots before the election.

In the event the board of elections determines that there is not time enough to reopen the filing period for three days and to reprint the ballots, then the ballots shall not be reprinted and the name of the deceased or disqualified candidate shall remain on the ballot. Votes cast for such candidate shall not be considered and the candidates receiving the highest number of votes equal to the number of positions to be filled shall be elected.

(i) The local board of education shall revise electoral district boundaries from time to time as provided by this subsection. If district boundaries are set by local act or court order and the act or order does not provide a method for revising them, the local board of education shall revise them only for the purpose of (i) accounting for territory annexed to or excluded from the school administrative unit, and (ii) correcting population imbalances among the districts shown by a new federal census or caused by exclusions or annexations. After the General Assembly has ratified an act establishing district boundaries, the local board of education shall not revise them again until a new federal census of population is taken or territory is annexed to or excluded from the school administrative unit, whichever event first occurs. After the local board of education has revised district boundaries in conformity with this act, the local board of education shall not revise them again until a new federal census of population is taken or territory is annexed to or excluded from the school administrative unit, whichever event occurs first, except that the board may make an earlier revision of district boundaries it has drawn if it must do so to comply with a court order or to gain approval of a district-revision plan by the U.S. Justice Department under Section 5 of the Voting Rights Act. In establishing district boundaries, the local board of education shall use data derived from the most recent federal census. (1955, c. 1372, art. 5, ss. 2-8; 1967, c. 972, ss. 2-6; 1969, c. 1301, s. 2; 1971, c. 704, s. 6; 1973, c. 1446, s. 1; 1977, c. 662; 1981, c. 423, s. 1; 1985, c. 404; c. 405, ss. 1, 2; 1985 (Reg. Sess., 1986), c. 975, s. 10; 1991, c. 400, s. 1; 2017-6, s. 3; 2018-146, ss. 3.1(a), (b), 6.1.)

§ 115C-37.1. Vacancies in offices of county boards elected on partisan basis in certain counties.

(a) All vacancies in the membership of county boards of education which are elected by public or local act on a partisan basis shall be filled by appointment of the person, board, or commission specified in the act, except that if the act specifies that appointment shall be made by a party executive committee, then the appointment shall be made instead by the remaining members of the board.

(b) If the vacating member was elected as the nominee of a political party, then the person, board, or commission required to fill the vacancy shall consult with the county executive committee of that party and appoint the person recommended by that party executive committee, if the party executive committee makes a recommendation within 30 days of the occurrence of the vacancy.

(c) Whenever only the qualified voters of less than the entire county were eligible to vote for the member whose seat is vacant (either because the county administrative unit was less than countywide or only residents of certain areas of the administrative unit could vote in the general election for a district seat), the appointing authority must accept the recommendation only if the county executive committee restricted voting to committee members who represent precincts all or part of which were within the territory of the vacating school board member.

(d) **(Effective December 7, 2020)** This section shall apply only in the following counties: Alleghany, Beaufort, Brunswick, Carteret, Cherokee, Clay, Cleveland, Dare,

Davie, Graham, Guilford, Harnett, Hyde, Iredell, Lee, Madison, New Hanover, Onslow, Pender, Rutherford, Stanly, Stokes, Surry, Vance, Washington, and Yancey

(d) **(Effective September 9, 2021)** This section shall apply only in the following counties: Alleghany, Beaufort, Brunswick, Burke, Caldwell, Carteret, Cherokee, Clay, Craven, Dare, Davie, Graham, Guilford, Harnett, Hyde, Iredell, Lee, Lincoln, Madison, New Hanover, Onslow, Pender, Rutherford, Stanly, Stokes, Surry, Vance, Washington, and Yancey. (1981, c. 763, ss. 4, 14; c. 830; 1983, c. 493, s. 1; 1987 (Reg. Sess., 1988), c. 974, s. 5; 1989, c. 497, s. 3; 2009-277, ss. 1, 2; 2013-220, s. 2; 2013-361, s. 2; 2014-6, s. 5(b); 2015-35, s. 4(a); 2015-242, s. 2; 2017-78, s. 12(a), (b); 2019-63, s. 4; 2019-102, s. 2(d); 2021-28, 2021-51, 2021-99, 2021-140, s. 1.)

§ 115C-38. Compensation of board members.

The tax-levying authority for a local school administrative unit may, under the procedures of G.S. 153A-92, fix the compensation and expense allowances paid members of the board of education of that local school administrative unit.

Funds for the per diem, subsistence, and mileage for all meetings of county and city boards of education shall be provided from the current expense fund budget of the particular county or city.

The compensation and expense allowances of members of boards of education shall continue at the same levels as paid on July 1, 1975, until changed by or pursuant to local act or pursuant to this section. (1955, c. 1372, art. 5, s. 12; 1975, c. 569, ss. 1-3; 1977, c. 802, s. 39.5; 1981, c. 423, s. 1.)

§ 115C-39. Suspension of duties by State Board.

(a) Repealed by Session Laws 2007-498, s. 1, effective August 30, 2007.

(b) In the event the State Board of Education has appointed an interim superintendent under G.S. 115C-105.39 and the State Board determines that the local board of education has failed to cooperate with the interim superintendent, the State Board shall have the authority to suspend any of the powers and duties of the local board and to act on its behalf under G.S. 115C-105.39. (1955, c. 1372, art. 5, s. 13; 1981, c. 423, s. 1; 1995 (Reg. Sess., 1996), c. 716, s. 5; 2007-498, s. 1.)

§ 115C-40. Board a body corporate.

The board of education of each county in the State shall be a body corporate by the name and style of "The _____ County Board of Education," and the board of education of each city administrative school unit in the State shall be a body corporate by the name and style of "The _____ City Board of Education." The several boards of education, both county and city, shall hold all school property and be capable of purchasing and holding real and personal property, of building and repairing schoolhouses, of selling and transferring the same for school purposes, and of prosecuting and defending suits for or against the corporation.

Local boards of education, subject to any paramount powers vested by law in the State Board of Education or any other authorized agency shall have general control and supervision of all matters pertaining to the public schools in their respective local school administrative units; they shall execute the school laws in their units; and shall have authority to make agreements with other boards of education to transfer pupils from one local school administrative unit to another unit when the administration of the schools can be thereby more efficiently and more economically accomplished. (1955, c. 1372, art. 5, s. 10; 1981, c. 423, s. 1; 1985 (Reg. Sess., 1986), c. 975, s. 24.)

§ 115C-41. Organization of board.

(a) Unless otherwise provided by local law, all local boards of education shall have an organizational meeting no later than 60 days after the swearing in of members following election or appointment and as often thereafter as the board shall determine appropriate. The board may fix the date and time of its organizational meeting. At the organizational meeting the members of all boards shall elect one of their members as chairman for a period of one year, or until his successor is elected and qualified. The chairman of the local board of education shall preside at the meetings of the board, and in the event of his absence or sickness, the board may appoint one of its members temporary chairman. The superintendent of schools, whether a county or city superintendent, shall be ex officio secretary to his respective board. He shall keep the minutes of the meetings of the board but shall have no vote: Provided, that in the event of a vacancy in the superintendency, the board may elect one of its members to serve temporarily as secretary to the board.

(b) All local boards of education shall meet on the first Monday in January, April, July, and October of each year, or as soon thereafter as practicable. A board may elect to hold regular monthly meetings, and to meet in special session upon the call of the chairman or of the secretary as often as the school business of the local school administrative unit may require. (1955, c. 1372, art. 5, ss. 9, 11; 1981, c. 423, s. 1; 1983, c. 408.)

§ 115C-42. Liability insurance and immunity.

Any local board of education, by securing liability insurance as hereinafter provided, is hereby authorized and empowered to waive its governmental immunity from liability for damage by reason of death or injury to person or property caused by the negligence or tort of any agent or employee of such board of education when acting within the scope of his authority or within the course of his employment. Such immunity shall be deemed to have been waived by the act of obtaining such insurance, but such immunity is waived only to the extent that said board of education is indemnified by insurance for such negligence or tort.

Any contract of insurance purchased pursuant to this section shall be issued by a company or corporation duly licensed and authorized to execute insurance contracts in this State or by a qualified insurer as determined by the Department of Insurance and shall by its terms adequately insure the local board of education against liability for damages by reason of death or injury to person or property proximately caused by the negligent act or torts of the agents and employees of said board of education or the agents and employees of a particular school in a local administrative unit when acting within the scope of their authority. The local board of education shall determine what liabilities and what officers, agents and employees shall be covered by any insurance purchased pursuant to this section. Any company or corporation which enters into a contract of insurance as above described with a local board of education, by such act waives any defense based upon the governmental immunity of such local board of education.

Every local board of education in this State is authorized and empowered to pay as a necessary expense the lawful premiums for such insurance.

Any person sustaining damages, or in case of death, his personal representative may sue a local board of education insured under this section for the recovery of such damages in any court of competent jurisdiction in this State, but only in the county of such board of education; and it shall be no defense to any such action that the negligence or tort complained of was in pursuance of governmental, municipal or

discretionary function of such local board of education if, and to the extent, such local board of education has insurance coverage as provided by this section.

Except as hereinbefore expressly provided, nothing in this section shall be construed to deprive any local board of education of any defense whatsoever to any such action for damages or to restrict, limit, or otherwise affect any such defense which said board of education may have at common law or by virtue of any statute; and nothing in this section shall be construed to relieve any person sustaining damages or any personal representative of any decedent from any duty to give notice of such claim to said local board of education or to commence any civil action for the recovery of damages within the applicable period of time prescribed or limited by statute.

A local board of education may incur liability pursuant to this section only with respect to a claim arising after such board of education has procured liability insurance pursuant to this section and during the time when such insurance is in force.

No part of the pleadings which relate to or allege facts as to a defendant's insurance against liability shall be read or mentioned in the presence of the trial jury in any action brought pursuant to this section. Such liability shall not attach unless the plaintiff shall waive the right to have all issues of law or fact relating to insurance in such an action determined by a jury and such issues shall be heard and determined by the judge without resort to a jury and the jury shall be absent during any motions, arguments, testimony or announcement of findings of fact or conclusions of law with respect thereto unless the defendant shall request a jury trial thereon: Provided, that this section shall not apply to claims for damages caused by the negligent acts or torts of public school bus, or school transportation service vehicle drivers, while driving school buses and school transportation service vehicles when the operation of such school buses and service vehicles is paid from the State Public School Fund. (1955, c. 1256; 1957, c. 685; 1959, c. 573, s. 2; 1961, c. 1102, s. 4; 1977, 2nd Sess., c. 1280, s. 3; 1981, c. 423, s. 1; 1985, c. 527.)

§ 115C-43. Defense of board of education members and employees.

(a) Upon request made by or in behalf of any member or employee or former member or employee, any local board of education may provide for the defense of any civil or criminal action or proceeding brought against him either in his official or in his individual capacity, or both, on account of any act done or omission made, or any act allegedly done or omission allegedly made, in the scope and course of his duty as a member of or employee of the local board of education. The defense may be provided by the local board of education by its own counsel, or by employing other counsel, or by purchasing insurance which requires that the insurer provide the defense. Nothing in this section shall be deemed to require any local board of education to provide for the defense of any action or proceeding of any nature.

(b) Any local board of education may budget funds for the purpose of paying all or part of a claim made or any civil judgment entered against any of its members or employees or former members and employees, when such claim is made or such judgment is rendered as damages on account of any act done or omission made, or any act allegedly done or omission allegedly made, in the scope and course of his duty as a member of the local board of education or as an employee. Nothing in this section shall authorize any local board of education to budget funds for the purpose of paying any claim made or civil judgment entered against any of its members or employees or former members and employees if the local board of education finds that such member or employee acted or failed to act because of actual fraud, corruption or actual malice on his part. Any local board of education may budget for and purchase insurance coverage for payment of claims or judgments pursuant to this section. Nothing in this section shall

be deemed to require any local board of education to pay any claim or judgment referred to herein, and the purchase of insurance coverage for payment of any such claim or judgment shall not be deemed an assumption of any liability not covered by such insurance contract and shall not be deemed an assumption of liability for payment of any claim or judgment in excess of the limits of coverage in such insurance contract.

(c) Subsection (b) of this section shall not authorize any local board of education to pay all or part of a claim made or civil judgment entered or to provide a defense to a criminal charge unless (i) notice of the claim or litigation is given to the local board of education prior to the time that the claim is settled or civil judgment is entered and (ii) the local board of education shall have adopted, and made available for public inspection, uniform standards under which claims made, civil judgments entered, or criminal charges against members or employees or former members and employees shall be defended or paid. (1979, c. 1074, s. 1; 1981, c. 423, s. 1.)

§ 115C-44. Suits and actions.

(a) A local board of education shall institute all actions, suits, or proceedings against officers, persons, or corporations, or their sureties, for the recovery, preservation, and application of all money or property which may be due to or should be applied to the support and maintenance of the schools, except in case of the breach of his bond by the treasurer of the county school fund, in which case action shall be brought by the board of county commissioners.

(b) In all actions brought in any court against a local board of education, the order or action of the board shall be presumed to be correct and the burden of proof shall be on the complaining party to show the contrary. (1955, c. 1372, art. 5, s. 14; 1981, c. 423, s. 1.)

§ 115C-45. Judicial functions of board.

(a) Power to Subpoena and to Punish for Contempt. - Local boards of education shall have power to issue subpoenas for the attendance of witnesses. Subpoenas for the attendance of witnesses may be issued in any and all matters which may lawfully come within the powers of the board and which, in the discretion of the board, require investigation. Local boards of education may request the chief district court judge or the judge's designee to grant approval for the local board of education to issue a subpoena for the production of all tangible things in matters where an employee is suspected of committing job-related misconduct and which, in the discretion of the board, require investigation. Subpoenas for the production of tangible things may include, but are not limited to, documents, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic communications, electronic data-processing records, artifacts, or other documentary material, regardless of physical form or characteristics. In making the determination to approve the subpoena, the judge shall consider the following: (i) whether the subpoena allows reasonable time for compliance; (ii) if the subpoena requires disclosure of privileged or other protected matter and if any exception or waiver applies to the privilege or protection; (iii) whether the individual would be subject to undue burdens or expenses; and (iv) whether the subpoena is otherwise unreasonable or oppressive.

It shall be the duty of the sheriff or any process serving officer to serve any such subpoenas upon payment of their lawful fees.

Local boards of education shall have power to punish for contempt for any disorderly conduct or disturbance tending to disrupt them in the transaction of official business.

(b) Witness Failing to Appear; Misdemeanor. - Any witness who shall wilfully and without legal excuse fail to appear before a local board of education to testify in any manner under investigation by the board shall be guilty of a Class 3 misdemeanor.

(c) Appeals to Board of Education and to Superior Court. - An appeal shall lie to the local board of education from any final administrative decision in the following matters:

- (1) The discipline of a student under G.S. 115C-390.7, 115C-390.10, or 115C-390.11;
- (2) An alleged violation of a specified federal law, State law, State Board of Education policy, State rule, or local board policy, including policies regarding grade retention of students;
- (3) The terms or conditions of employment or employment status of a school employee; and
- (4) Any other decision that by statute specifically provides for a right of appeal to the local board of education and for which there is no other statutory appeal procedure.

As used in this subsection, the term "final administrative decision" means a decision of a school employee from which no further appeal to a school administrator is available.

Any person aggrieved by a decision not covered under subdivisions (1) through (4) of this subsection shall have the right to appeal to the superintendent and thereafter shall have the right to petition the local board of education for a hearing, and the local board may grant a hearing regarding any final decision of school personnel within the local school administrative unit. The local board of education shall notify the person making the petition of its decision whether to grant a hearing.

In all appeals to the board it is the duty of the board of education to see that a proper notice is given to all parties concerned and that a record of the hearing is properly entered in the records of the board conducting the hearing.

The board of education may designate hearing panels composed of not less than two members of the board to hear and act upon such appeals in the name and on behalf of the board of education.

An appeal of right brought before a local board of education under subdivision (1), (2), or (4) of this subsection may be further appealed to the superior court of the State on the grounds that the local board's decision is in violation of constitutional provisions, is in excess of the statutory authority or jurisdiction of the board, is made upon unlawful procedure, is affected by other error of law, is unsupported by substantial evidence in view of the entire record as submitted, or is arbitrary or capricious. (1955, c. 1372, art. 5, ss. 15-17; 1971, c. 647; 1981, c. 423, s. 1; 1993, c. 539, s. 881; 1994, Ex. Sess., c. 24, s. 14(c); 2001-260, s. 1; 2001-500, s. 6; 2011-282, s. 5; 2013-360, s. 9.6(c); 2014-115, s. 65; 2016-116, s. 2.)

§ 115C-46. Powers of local boards to regulate parking of motor vehicles.

(a) Any local board of education may adopt reasonable rules and regulations with respect to the parking of motor vehicles and other modes of conveyance on public school grounds and may enforce such rules and regulations. A violation of a rule or regulation concerning parking on public school grounds is an infraction punishable by a penalty of not more than ten dollars (\$10.00) unless the regulation provides that the violation is not punishable as an infraction. Rules and regulations adopted hereunder shall be made available for inspection by any person upon request.

(b) Any local board of education may adopt written guidelines governing the individual assignment of parking spaces on school grounds. Such guidelines shall give first priority treatment to the physically handicapped.

(c) Any local board of education, by rules and regulations adopted hereunder, may provide for the registration of motor vehicles and other modes of conveyance maintained, operated or parked on school grounds. Any local board of education, by rules and regulations adopted hereunder, may provide for the issuance of stickers, decals, permits or other indicia representing the registration status of vehicles or the eligibility of vehicles to park on school grounds and may prohibit the forgery, counterfeiting, unauthorized transfer or unauthorized use of them.

(d) Any motor vehicle parked in a parking lot on school grounds, when such lot is clearly designated as such by a sign no smaller than 24 inches by 24 inches prominently displayed at each entrance thereto, in violation of the rules and regulations adopted by the local board of education, or any motor vehicle otherwise parked on school grounds in violation of the rules and regulations adopted by the county or city local board of education, may be removed from school grounds to a place of storage and the registered owner of that vehicle shall become liable for removal and storage charges. Any person who removes a vehicle pursuant to this section shall not be held liable for damages for the removal of the vehicle to the owner, lienholder or other person legally entitled to the possession of the vehicle removed; however, any person who intentionally or negligently damages a vehicle in the removal of such vehicle, or intentionally or negligently inflicts injury upon any person in the removal of such vehicle, may be held liable for damages. (1979, c. 821; 1981, c. 423, s. 1; 1981 (Reg. Sess., 1982), c. 1239, s. 2; 1983, c. 420, s. 3; 1985, c. 764, s. 37; 1989, c. 644, s. 4.)

§ 115C-46.1. Limitation on the use of public funds.

A local board of education shall not use public funds to endorse or oppose a referendum, election or a particular candidate for elective office. (2010-114, s. 1.5(c).)

§ 115C-46.2. Probation officer visits at school; limitations.

(a) Except as provided in this section, probation officers are not authorized to visit students during school hours on school property.

(b) Probation officers of the Section of Community Corrections of the Division of Adult Correction and Juvenile Justice, when working as a part of the Section's School Partnership Program, may visit students during school hours on school property with prior authorization by school administrators. For purposes of this section, "authorization" includes requests for assistance from guidance counselors or school resource officers.

(c) Each local board of education shall develop policies and guidelines for coordinating with probation officers of the Section of Community Corrections of the Division of Adult Correction and Juvenile Justice in the planning and scheduling of school visits as provided in this section, utilizing existing administrative capacity to manage scheduling. Visits shall be conducted in a private area designated for such use and located away from contact with the general student population. The probation officer shall not initiate direct contact with a student while the student is in class or between classes. Initial contact with the student shall be made by a school administrator or other designated school employee, who shall direct the student to a private area to meet with the probation officer. (2011-145, s. 19.1(k); 2012-149, s. 6; 2017-186, s. 2(xxxx).)

§ 115C-47. Powers and duties generally.

In addition to the powers and duties designated in G.S. 115C-36, local boards of education shall have the power or duty:

(1) To Provide the Opportunity to Receive a Sound Basic Education. - It shall be the duty of local boards of education to provide students with the opportunity to receive a sound basic education and to make all policy decisions with that objective in

mind, including employment decisions, budget development, and other administrative actions, within their respective local school administrative units, as directed by law.

- (1a) a. To Establish and Maintain Kindergartens. Local boards of education shall provide for their respective local school administrative unit kindergartens as a part of the public school system for all children living in the local school administrative unit who are eligible for admission pursuant to sub-subdivision c. of this subdivision provided that funds are available from State, local, federal, or other sources to operate a kindergarten program as provided in this subdivision.
 - b. All kindergarten programs so established shall be subject to the supervision of the Department of Public Instruction and shall be operated in accordance with the standards adopted by the State Board of Education, upon recommendation of the Superintendent of Public Instruction. Among the standards to be adopted by the State Board of Education shall be a provision that the Board will allocate funds for the purpose of operating and administering kindergartens to each school administrative unit in the State based on the average daily membership for the best continuous three out of the first four school months of pupils in the kindergarten program during the last school year in that respective school administrative unit. Such allocations are to be made from funds appropriated to the State Board of Education for the kindergarten program.
 - c. Any child who meets the requirements of G.S. 115C-364 shall be eligible for enrollment in kindergarten. Any child who is enrolled in kindergarten and not withdrawn by the child's parent or legal guardian shall attend kindergarten.
 - d. Notwithstanding any other provision of law to the contrary, subject to the approval of the State Board of Education, any local board of education may elect not to establish and maintain a kindergarten program. Any funds allocated to a local board of education which does not operate a kindergarten program may be reallocated by the State Board of Education, within the discretion of the Board, to a county or city board of education which will operate such a program.
- (2) To Exercise Certain Judicial Functions and to Participate in Certain Suits and Actions. - Local boards of education shall have the power and authority to exercise certain judicial functions pursuant to the provisions of G.S. 115C-45 and to participate in certain suits and actions pursuant to the provisions of G.S. 115C-44.
 - (3) To Divide Local School Administrative Units into Attendance Areas. - Local boards of education shall have authority to divide their various units into attendance areas without regard to district lines.
 - (4) To Regulate Extracurricular Activities. - Local boards of education shall make all rules and regulations necessary for the conducting of extracurricular activities in the schools under their supervision, including a program of athletics, where desired, without assuming liability therefor; provided, that all interscholastic athletic activities shall be conducted in accordance with rules and regulations prescribed by the State Board of Education.

- (5) To Fix Time of Opening and Closing Schools. - The time of opening and closing the public schools shall be fixed under G.S. 115C-84.2.
- (6) To Regulate Fees, Charges and Solicitations. - Local boards of education shall adopt rules and regulations governing solicitations of, sales to, and fund-raising activities conducted by, the students and faculty members in schools under their jurisdiction, and no fees, charges, or costs shall be collected from students and school personnel without approval of the board of education as recorded in the minutes of said board; provided, this subdivision shall not apply to such textbooks fees as are determined and established by the State Board of Education. The local board of education shall publish a schedule of fees, charges, and solicitations approved by the local board on the local school administrative unit's Web site by October 15 of each school year and, if the schedule is subsequently revised, within 30 days following the revision.
- (7) To Accept and Administer Federal or Private Funds. - Local boards of education shall have power and authority to accept, receive and administer any funds or financial assistance given, granted or provided under the provisions of the Elementary and Secondary Education Act of 1965 (Public Law 89-10, 89th Congress, HR 2362) and under the provisions of the Economic Opportunity Act of 1964 (Public Law 88-452, 88th Congress, S. 2642), or other federal acts or funds from foundations or private sources, and to comply with all conditions and requirements necessary for the receipt, acceptance and use of said funds. In the administration of such funds, local boards of education shall have authority to enter into contracts with and to cooperate with and to carry out projects with nonpublic elementary and secondary schools, community groups and nonprofit corporations, and to enter into joint agreements for these purposes with other local boards of education. Local boards of education shall furnish such information as shall be requested by the State Board of Education, from time to time, relating to any programs related or conducted pursuant to this subdivision.
- (8) To Sponsor or Conduct Educational Research. - Local boards of education are authorized to sponsor or conduct educational research and special projects approved by the Department of Public Instruction and the State Board of Education that may improve the school system under their jurisdictions. Such research or projects may be conducted during the summer months and the board may use any available funds for such purposes.
- (9) To Assure Accurate Attendance Records. - When the governing board of any local school administrative unit shall have information that inaccurate school attendance records are being kept, the board concerned shall immediately investigate such inaccuracies and take necessary action to establish and maintain correct records and report its findings and action to the State Board of Education.
- (10) To Assure Appropriate Class Size. - It shall be the responsibility of local boards of education to assure that the class size requirements set forth in G.S. 115C-301 for kindergarten through third grade are met. Any teacher who believes that the requirements of G.S. 115C-301 have not been met shall make a report to the principal and

superintendent, and the superintendent shall immediately determine whether the requirements have in fact not been met. If the superintendent determines the requirements have not been met, he or she shall make a report to the next local board of education meeting. The local board of education shall take action to meet the requirements of the statute. If the local board cannot organizationally correct the exception, it shall immediately apply to the State Board of Education for additional personnel or a waiver of the class size requirements, as provided in G.S. 115C-301(g).

Upon notification from the State Board of Education that the reported exception does not qualify for an allotment adjustment or a waiver under provisions of G.S. 115C-301, the local board, within 30 days, shall take action necessary to correct the exception, as required in G.S. 115C-301(g).

At the end of October and end of February of each school year, the local board of education, through the superintendent, shall file a report with the Superintendent of Public Instruction, in a format prescribed by the Superintendent of Public Instruction, describing the organization for each school in the local school administrative unit, as required by G.S. 115C-301(f).

In addition to assuring that the requirements of G.S. 115C-301 are met, each local board of education shall also have the duty to provide an adequate number of classrooms to meet the requirements of that statute.

- (11) To Determine the School Calendar. - Local boards of education shall determine the school calendar under G.S. 115C-84.2.
- (12) Repealed by Session Laws 2017-126, s. 12, effective July 20, 2017.
- (13) To Elect a Superintendent. - The local boards of education shall elect superintendents subject to the requirements and limitations set forth in G.S. 115C-271.
- (14) To Supply an Office, Equipment and Clerical Assistance for the Superintendent. - It shall be the duty of the various boards of education to provide the superintendent of schools with an office, equipment and clerical assistance as provided in G.S. 115C-277.
- (15) To Prescribe Duties of Superintendent. - The local boards of education shall prescribe the duties of the superintendent as subject to the provisions of G.S. 115C-276(a).
- (16) To Remove a Superintendent, When Necessary. - Local boards of education shall remove a superintendent for cause, pursuant to the provisions of G.S. 115C-274(a).
- (17) To Employ Assistant Superintendent and Supervisors. - Local boards of education have the authority to employ assistant superintendents and supervisors pursuant to the provisions of G.S. 115C-278 and 115C-284(g).
- (17a) To adopt anti-nepotism policies. - Local boards of education shall adopt policies requiring that before any immediate family, as defined in G.S. 115C-12.2, of any board of education member or central office staff administrator, including directors, supervisors, specialists, staff officers, assistant superintendents, area superintendents, superintendents, or principals, shall be employed or engaged as an employee, independent contractor, or otherwise by the board of

education in any capacity, such proposed employment or engagement shall be (i) disclosed to the board of education and (ii) approved by the board of education in a duly called open-session meeting. The burden of disclosure of such a conflict of interest shall be on the applicable board member or central office staff administrator.

- (18) To Make Rules Concerning the Conduct and Duties of Personnel. - Local boards of education, upon the recommendation of the superintendent, shall have full power to make all just and needful rules and regulations governing the conduct of teachers, principals, and supervisors, the kind of reports they shall make, and their duties in the care of school property.

Prior to the beginning of each school year, each local board of education shall identify all reports, including local school required reports, that are required at the local level for the school year and shall, to the maximum extent possible, eliminate any duplicate or obsolete reporting requirements and consolidate remaining reporting requirements. No additional reports shall be required at the local level after the beginning of the school year without the prior approval of the local board of education.

Prior to the beginning of each school year, each local board of education shall also identify software protocols such as NC Wise that could be used to minimize repetitious data entry by teachers and shall make them available to teachers.

Each local board of education shall appoint a person or establish a local paperwork control committee to monitor all reports and other paperwork required of teachers by the central office and to monitor teachers' access to software protocols that minimize repetitious data entry.

- (18a) To Adopt Rules and Policies Limiting the Noninstructional Duties of Teachers. - Local boards of education shall adopt rules and policies limiting the noninstructional duties assigned to teachers. A local board may temporarily suspend the rules and policies for individual schools upon a finding that there is a compelling reason the rules or policies should not be implemented. These rules and policies shall ensure that:

- a. Teachers with initial certification are not assigned extracurricular activities unless they request the assignments in writing and that other noninstructional duties assigned to these teachers are minimized, so these teachers have an opportunity to develop into skilled professionals;
- b. Repealed by Session Laws 2015-241, s. 8.45, effective July 1, 2015.
- c. The noninstructional duties of all teachers are limited to the extent possible given federal, State, and local laws, rules, and policies, and that the noninstructional duties required of teachers are distributed equitably among employees.

- (19) To Approve the Assignment of Duties to an Assistant Principal. - Local boards of education shall permit certain duties of the principal to be assigned to an assistant or acting principal pursuant to the provisions of G.S. 115C-289.

- (20) To Provide for Training of Teachers. - Local boards of education are authorized to provide for the training of teachers as provided in G.S. 115C-300.
- (21) It is the duty of every local board of education to provide for the prompt monthly payment of all salaries due teachers and other school officials and employees, and of all current bills and other necessary operating expenses. All salaries and bills shall be paid as provided by law for disbursing State and local funds.
The local board shall determine salary schedules of employees pursuant to the provisions of G.S. 115C-273, 115C-285(b), 115C-302.1(j), and 115C-316(b).
The authority for boards of education to issue salary vouchers to all school employees, whether paid from State or local funds, shall be a monthly payroll prepared on forms approved by the State Board of Education and containing all information required by the State Board of Education. This monthly payroll shall be signed by the principal of each school.
- (22) To Provide School Food Services. - Local boards of education shall provide, to the extent practicable, school food services as provided in Part 2 of Article 17 of this Chapter.
- (23) To Purchase Equipment and Supplies. - Local boards shall contract for equipment and supplies under G.S. 115C-522(a) and G.S. 115C-528.
- (24) Purchase of Activity Buses with Local Capital Outlay Tax Funds. - Local boards of education are authorized to purchase activity buses with local capital outlay tax funds, and are authorized to maintain these buses in the county school bus garage. Reimbursement to the State Public School Fund shall be made for all maintenance cost including labor, gasoline and oil, repair parts, tires and tubes, antifreeze, etc. Labor cost reimbursements and local funds may be used to employ additional mechanics so as to insure that all activity buses owned and operated by local boards of education are maintained in a safe mechanical condition. Replacement units for activity buses shall be financed with local funds.
- (25) To Secure Liability Insurance. - Local boards of education are authorized to secure liability insurance, as provided in G.S. 115C-42, so as to waive their immunity for liability for certain negligent acts of their employees.
- (25a) To Reimburse the Additional Cost of Automobile Liability Coverage for School Social Workers Required to Transport Students. - Unless a local board of education otherwise provides for liability insurance coverage of a school social worker who is required to transport students under G.S. 115C-317.1, a local board of education may require a school social worker who is required to transport students as provided under G.S. 115C-317.1 to increase the liability limits or add a business-use rider, or both, on that employee's personal automobile liability insurance policy for the purpose of transporting students within the course of that employee's work duties, only if the board reimburses the employee for the additional premium charged, up to the maximum additional amount charged to a person with up to two points assessed under the Safe Driver Incentive Plan pursuant to

G.S. 58-36-65, for the increased liability limits or the added rider, or both.

- (26) If a local board of education provides access to its buildings and campus and the student information directory to persons or groups which make students aware of occupational or educational options, the local board of education shall provide access on the same basis to official recruiting representatives of the military forces of the State and of the United States for the purpose of informing students of educational and career opportunities available in the military.
- (27) Repealed by Session Laws 1987, c. 571, s. 2.
- (28) To Enter Lease Purchase and Installment Purchase Contracts. - Local boards may enter into lease purchase and installment purchase contracts as provided in G.S. 115C-528.
- (28a) To Enter Guaranteed Energy Savings Contracts for Energy Conservation Measures. - Local boards may purchase energy conservation measures by guaranteed energy savings contracts pursuant to Part 2 of Article 3B of Chapter 143 of the General Statutes.
- (29) To Authorize the Observance of a Moment of Silence. - To afford students and teachers a moment of quiet reflection at the beginning of each day in the public schools, to create a boundary between school time and nonschool time, and to set a tone of decorum in the classroom that will be conducive to discipline and learning, each local board of education may adopt a policy to authorize the observance of a moment of silence at the commencement of the first class of each day in all grades in the public schools. Such a policy shall provide that the teacher in charge of the room in which each class is held may announce that a period of silence not to exceed one minute in duration shall be observed and that during that period silence shall be maintained and no one may engage in any other activities. Such period of silence shall be totally and completely unstructured and free of guidance or influence of any kind from any sources.
- (29a) To Require the Display of the United States and North Carolina Flags, and to Require the Recitation of the Pledge of Allegiance. - Local boards of education shall adopt policies to (i) require the display of the United States and North Carolina flags in each classroom, when available, (ii) require that recitation of the Pledge of Allegiance be scheduled on a daily basis, and (iii) provide age-appropriate instruction on the meaning and historical origins of the flag and the Pledge of Allegiance. These policies shall not compel any person to stand, salute the flag, or recite the Pledge of Allegiance. If flags are donated or are otherwise available, flags shall be displayed in each classroom.
- (29b) Repealed by Session Laws 2014-13, s. 2, effective June 19, 2014. See now G.S. 115C-407.30 et seq.
- (29c) To Allow and Encourage the Reading and Posting of Documents on the History of the United States and With Historical Significance for the United States.
 - a. Local boards of education shall allow and may encourage any public school teacher or administrator to read or post in a public school building, classroom, or event excerpts or

portions of writings, documents, and records that reflect the history of the United States, including, but not limited to:

1. The preamble to the North Carolina Constitution.
 2. The Declaration of Independence.
 3. The United States Constitution.
 4. The Mayflower Compact.
 5. The national motto.
 6. The National Anthem.
 7. The Pledge of Allegiance.
 8. The writings, speeches, documents, and proclamations of the founding fathers and Presidents of the United States.
 9. Decisions of the Supreme Court of the United States.
 10. Acts of the Congress of the United States, including the published text of the Congressional Record.
- b. Local boards, superintendents, principals, and supervisors shall not allow content-based censorship of American history in the public schools of this State, including religious references in these writings, documents, and records. Local boards and professional school personnel may develop curricula and use materials that are limited to specified topics, provided the curricula and materials are aligned with the standard course of study or are grade level appropriate.
- c. A local school administrative unit may display on real property controlled by that local school administrative unit documents and objects of historical significance that have formed and influenced the United States legal or governmental system and that exemplify the development of the rule of law, such as the Magna Carta, the Mecklenburg Declaration, the Ten Commandments, the Justinian Code, and documents set out in sub-subdivision a. of this subdivision. Such displays are subject to the following requirements:
1. The display may include, but shall not be limited to, documents that contain words associated with a religion; provided, however, no display shall seek to establish or promote religion or to persuade any person to embrace a particular religion, denomination of a religion, or other philosophy.
 2. The display of a document containing words associated with a religion shall be in the same manner and appearance generally as other documents and objects displayed and shall not be presented or displayed in any fashion that results in calling attention to it apart from the other displayed documents and objects. The display also shall be accompanied by a prominent sign quoting the First Amendment of the United States Constitution as follows: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the

people peaceably to assemble, and to petition the government for a redress of grievances."

- (30) To Appoint Advisory Councils. - Local boards of education are authorized to appoint advisory councils as provided in G.S. 115C-55 and Article 10 of this Chapter.
- (31) Local boards of education shall determine the hours of employment for teacher assistants. The Legislative Commission of Salary Schedules for Public School Employees shall include in its report to the General Assembly recommendations regarding hours of employment for teacher assistants and other employees.
- (32) To Refer All Students Who Drop Out of the Public Schools to Appropriate Services. - Local boards of education shall refer all students who drop out of the public schools to appropriate services. When appropriate public school services such as extended day programs are available, the local boards shall refer the students to those services. When appropriate public school programs are not available or are not suitable for certain students, the local board shall refer the students to the community college system or to other appropriate services.
- (32a) To Establish Alternative Learning Programs and Develop Policies and Guidelines. - Each local board of education shall establish at least one alternative learning program and shall adopt guidelines for assigning students to alternative learning programs. These guidelines shall include (i) a description of the programs and services to be provided, (ii) a process for ensuring that an assignment is appropriate for the student and that the student's parents are involved in the decision, and (iii) strategies for providing alternative learning programs, when feasible and appropriate, for students who are subject to long term suspension or expulsion. In developing these guidelines, local boards shall consider the State Board's standards developed under G.S. 115C-12(24).

The General Assembly urges local boards to adopt policies that prohibit superintendents from assigning to any alternative learning program any professional public school employee who has received within the last three years a rating on a formal evaluation that is less than above standard.

Notwithstanding this subdivision, each local board shall adopt policies based on the State Board's standards developed under G.S. 115C-12(24). These policies shall apply to any new alternative learning program or alternative school that is implemented beginning with the 2006-2007 school year. Local boards of education are encouraged to apply these standards to alternative learning programs and alternative schools implemented before the 2006-2007 school year.

Local boards shall assess on a regular basis whether the unit's alternative schools and alternative learning programs comply with the State Board's standards developed under G.S. 115C-12(24) and whether they incorporate best practices for improving student academic performance and reducing disruptive behavior, are staffed with professional public school employees who are well trained and provided with appropriate staff development, are organized to provide

coordinated services, and provide students with high quality and rigorous academic instruction.

(33) Local boards of education shall have sole authority to select and procure supplementary instructional materials, whether or not the materials contain commercial advertising, pursuant to the provisions of G.S. 115C-98(b).

(33a) To Approve and Use Textbooks Not Adopted by State Board of Education. - Local boards of education shall have the authority to select, procure, and use textbooks not adopted by the State Board of Education as provided in G.S. 115C-98(b1).

(34) To Encourage the Business Community to Facilitate Student Achievement. - Local boards of education, in consultation with local business leaders, shall develop voluntary guidelines relating to after-school employment. The guidelines may include an agreement to limit the number of hours a student may work or to tie the number of hours a student may work to his academic performance, school attendance, and economic need. The General Assembly finds that local boards of education do not currently have information regarding how many of their students are employed after school and how many hours they work; the General Assembly urges local boards of education to compile this critical information so that the State can determine to what extent these students' work affects their school performance.

Local boards of education shall work with local business leaders, including local chambers of commerce, to encourage employers to include and adopt as part of their stated personnel policies time for employees who are parents or guardians to attend conferences with their children's teachers.

The Superintendent of Public Instruction shall provide guidance and technical assistance to the local boards of education on carrying out the provisions of this subdivision.

(34a) To Establish Work-Based Opportunities and Encourage High School to Work Partnerships. - Each local board of education shall offer at least two work-based learning opportunities that are related to career and technical education instruction in the local school administrative unit as required by G.S. 115C-157. Local boards of education shall also encourage high schools and local businesses to partner, specifically to target students who may not seek higher education, and facilitate high school to work partnerships. Local businesses shall be encouraged to work with local high schools to create opportunities for students to complete a job shadow, internship, or apprenticeship. Students may also be encouraged to tour the local business or clinic, meet with employees, and participate in career and technical student organizations. Waiver forms shall be developed in collaboration with participating businesses for the protection of both the students and the businesses.

Each local board of education shall encourage high schools to designate the Career Development Coordinator or other designee of the local Career and Technical Education administrator to be the point person for local businesses to contact. If the person selected is a teacher, the teacher shall work with the principal and the local Career and Technical Education administrator to find time in the school day to

contact businesses and develop opportunities for students. The high school shall include a variety of trades and skilled labor positions for students to interact with and shadow and shall encourage students who may be interested in a job-shadowing opportunity to pursue and set up the job shadow.

Each local board of education shall develop a policy with provisions for students who are absent from school while doing a job shadow to make up the work. Students shall not be counted as absent when participating in these work-based learning opportunities or in Career and Technical Education student organization activities. Local boards may determine maximum numbers of days to be used for job-shadowing activities.

- (35) To produce school building improvement reports. - Each administrative unit shall produce school building improvement reports for each school building in the local school administrative unit, in accordance with G.S. 115C-12(9)c3.
- (36) To Report All Acts of School Violence. - Local boards of education shall report all acts of school violence to the State Board of Education in accordance with G.S. 115C-12(21).
- (37) To purchase group accident and health insurance for students. - Local boards of education may purchase group accident, group health, or group accident and health insurance for students in accordance with G.S. 58-51-81.
- (38) To Establish School Improvement Teams. - Local boards shall adopt a policy to ensure that each principal has established a school improvement team under G.S. 115C-105.27 and in accordance with G.S. 115C-288(l) and that the composition of the team complies with G.S. 115C-105.27(a). Local boards shall direct the superintendent or the superintendent's designee to provide appropriate guidance to principals to ensure that these teams are established and that the principals work together with these teams to develop, review, and amend school improvement plans for their schools.
- (39) To Adopt Policies Related to Student Retention Decisions. - Local boards shall adopt policies related to G.S. 115C-45(c) that include opportunities for parents and guardians to discuss decisions to retain students.
- (40) Adopt School Risk Management Plans. - Each local board of education shall, in coordination with local law enforcement and emergency management agencies, adopt a School Risk Management Plan (SRMP) relating to incidents of school violence for each school in its jurisdiction. In constructing and maintaining these plans, local boards of education and local school administrative units shall utilize the School Risk and Response Management System (SRRMS) established pursuant to G.S. 115C-105.49A. These plans are not a public record as the term "public record" is defined under G.S. 132-1 and shall not be subject to inspection and examination under G.S. 132-6.
- (41) To Encourage Recycling in Public Schools. - Local boards of education shall encourage recycling in public schools and may develop and implement recycling programs at public schools. Local boards of education shall comply with G.S. 160A-327.

- (42) Recodified as G.S. 115C-375.3 by Session Laws 2005-22, s. 3(a), effective April 28, 2005.
- (43) Local boards of education are encouraged to adopt policies that require superintendents to assign to the core academic courses, in seventh through ninth grades, teachers who have at least four years' teaching experience and who have received within the last three years an overall rating on a formal evaluation that is at least above standard.
- (44) Recodified as G.S. 115C-375.4 by Session Laws 2005-22, s. 4(a), effective April 28, 2005.
- (45) To Report Certain Incidents of Seclusion and Restraint. - Local boards of education shall maintain a record of incidents reported under G.S. 115C-391.1(j)(4) and shall provide this information annually to the State Board of Education.
- (46) At the discretion of the board, to adopt policies and procedures authorizing schools that operate programs under G.S. 115C-307(c) to utilize unlicensed health care personnel to perform the technical aspects of medication administration to students. If adopted, the policies and procedures shall be consistent with the requirements of Article 9A of Chapter 90 of the General Statutes and shall include the following:
- a. Training and competency evaluation of medication aides as provided for under G.S. 131E-270.
 - b. Requirements for listing under the Medication Aide Registry as provided for under G.S. 131E-271.
 - c. Requirements for supervision of medication aides by licensed health professionals or appropriately qualified supervisory personnel consistent with Articles 5, 6, 10, and 16 of Chapter 131E of the General Statutes.
- (47) To Address the Use of Pesticides in Schools. - Local boards of education shall adopt policies that address the use of pesticides in schools. These policies shall:
- a. Require the principal or the principal's designee to annually notify the students' parents, guardians, or custodians as well as school staff of the schedule of pesticide use on school property and their right to request notification. Such notification shall be made, to the extent possible, at least 72 hours in advance of nonscheduled pesticide use on school property. The notification requirements under this subdivision do not apply to the application of the following types of pesticide products: antimicrobial cleansers, disinfectants, self-contained baits and crack-and-crevice treatments, and any pesticide products classified by the United States Environmental Protection Agency as belonging to the U.S.E.P.A. Toxicity Class IV, "relatively nontoxic" (no signal word required on the product's label).
 - b. Require the use of Integrated Pest Management. As used in this sub-subdivision, "Integrated Pest Management" or "IPM" means the comprehensive approach to pest management that combines biological, physical, chemical, and cultural tactics as well as effective, economic, environmentally sound, and

socially acceptable methods to prevent and solve pest problems that emphasizes pest prevention and provides a decision-making process for determining if, when, and where pest suppression is needed and what control tactics and methods are appropriate.

- (48) To Address Arsenic-Treated Wood in the Classroom and on School Grounds. - Local boards of education shall prohibit the purchase or acceptance of chromated copper arsenate-treated wood for future use on school grounds. Local boards of education shall seal existing arsenic-treated wood in playground equipment or establish a time line for removing existing arsenic-treated wood on playgrounds, according to the guidelines established under G.S. 115C-12(33). Local boards of education are encouraged to test the soil on school grounds for contamination caused by the leaching of arsenic-treated wood.
- (49) To Address Mercury in the Classroom and on School Grounds. - Local boards of education are encouraged to remove and properly dispose of all bulk elemental mercury, chemical mercury, and bulk mercury compounds used as teaching aids in science classrooms, not including barometers. Local boards of education shall prohibit the future use of bulk elemental mercury, chemical mercury compounds, and bulk mercury compounds used as teaching aids in science classrooms, not including barometers.
- (49a) To Address Science Safety Requirements. -
 - a. Each local board of education shall certify annually to the State Board of Education that its high school and middle school science laboratories are equipped with appropriate personal protective equipment for students and teachers.
 - b. Each local board of education shall ensure that its high schools and middle schools comply with all State Board of Education policies related to science laboratory safety.
- (50) To Address Exposure to Diesel Exhaust Fumes. - Local boards of education shall adopt policies and procedures to reduce students' exposure to diesel emissions.
- (51) To Ensure that Schools Provide Information Concerning Cervical Cancer, Cervical Dysplasia, Human Papillomavirus, and the Vaccines Available to Prevent These Diseases. - Local boards of education shall ensure that schools provide parents and guardians with information about cervical cancer, cervical dysplasia, human papillomavirus, and the vaccines available to prevent these diseases. This information shall be provided at the beginning of the school year to parents of children entering grades five through 12. This information shall include the causes and symptoms of these diseases, how they are transmitted, how they may be prevented by vaccination, including the benefits and possible side effects of vaccination, and places parents and guardians may obtain additional information and vaccinations for their children.
- (52) To Ensure That Certain Students Receive Information Annually on Lawfully Abandoning a Newborn Baby. - Not later than August 1, 2008, local boards of education shall adopt policies to ensure that students in grades nine through 12 receive information annually on

the manner in which a parent may lawfully abandon a newborn baby with a responsible person, in accordance with G.S. 7B-500.

- (53) To Encourage Programs for Successful Transition Between the Middle School and High School Years. - Local boards of education are encouraged to adopt policies to implement programs that assist students in making a successful transition between the middle school and high school years. The programs may include Ninth Grade Academies, programs to effectively prepare eighth grade students for the expectations and rigors of high school, early warning systems to flag students not ready for ninth grade and develop plans for those students, mentoring programs that pair upperclassmen with incoming students, and graduation plans for students who have fallen behind and are off track for graduation.
- (54) To Increase Parental Involvement in Student Achievement and Graduation Preparation. - Local boards of education are encouraged to adopt policies to promote and support parental involvement in student learning and achievement at school and at home and to encourage successful progress toward graduation. These policies may include strategies to increase school communications with parents regarding expectations for students and student progress, graduation requirements, and available course offerings, to provide increased opportunities for parental involvement in schools, and to create an environment in the schools conducive for parental involvement.
- (54a) To ensure funding for graduation projects. - A local board of education shall not require a high school graduation project as a condition of graduation from high school unless the board provides from local funds a method of reimbursement of up to seventy-five dollars (\$75.00) for expenses related to the high school graduation project for any student identified as an economically disadvantaged student.
- (55) To Reduce Suspension and Expulsion Rates and Provide for Academic Progress During Suspensions. - Local boards of education are encouraged to adopt policies and best practices to reduce suspension and expulsion rates and to provide alternative learning programs for continued academic progress for students who have been suspended.
- (56) To Notify Parents or Legal Guardians of Students Alleged to be Victims of Acts Required to be Reported to Law Enforcement and the Superintendent. - Local boards of education shall adopt a policy on the notification to parents or legal guardians of any students alleged to be victims of any act that is required to be reported to law enforcement and the superintendent under G.S. 115C-288(g).
- (57) To adopt a code of ethics. - Local boards of education shall adopt a resolution or policy containing a code of ethics, as required by G.S. 160A-86.
- (58) To Inform the Public About the North Carolina School Report Cards Issued by the State Board of Education. - Each local board of education shall ensure that the report card issued for it by the State Board of Education receives wide distribution to the local press or is otherwise provided to the public. Each local board of education shall

ensure that the overall school performance score and grade earned by each school in the local school administrative unit for the current and previous four school years is prominently displayed on the Web site of the local school administrative unit. If any school in the local school administrative unit earned an overall school performance grade of D or F, the local board of education shall provide notice of the grade in writing to the parent or guardian of all students enrolled in that school.

- (59) To Encourage Student Voter Registration. - Local boards of education are encouraged to adopt policies to promote student voter registration. These policies may include collaboration with county boards of elections to conduct voter registration in high schools. Completion and submission of voter registration forms shall not be a course requirement or graded assignment for students.
- (60) Repealed by Session Laws 2012-194, s. 55(a), effective July 17, 2012.
- (61) To Provide a Safe School Environment. - Local boards of education may enter into an agreement with the sheriff, chief of police of a local police department, or chief of police of a county police department to provide security at the schools by assigning volunteer school safety resource officers who meet the selection standards and criteria developed by the head of the appropriate local law enforcement agency and the criteria set out in G.S. 162-26 or G.S. 160A-288.4, as appropriate.
- (62) To Establish Nonprofit Corporations to Further Authorized Purposes. - Local boards of education may establish, control, and operate a nonprofit corporation that is created under Chapter 55A of the General Statutes and is a tax-exempt organization under the Internal Revenue Code to further their authorized purposes. A nonprofit corporation established as provided in this section shall not have regulatory or enforcement powers and shall not engage in partisan political activity or policy advocacy. Any local board of education that establishes a nonprofit corporation shall make a report annually to the Joint Legislative Education Oversight Committee.
- (63) Repealed by 2017-4, s. 1, effective March 30, 2017.
- (64) To adopt a child sexual abuse and sex trafficking training program. - Each local board of education shall adopt and implement a child sexual abuse and sex trafficking training program for school personnel who work directly with students in grades kindergarten through 12, as required by G.S. 115C-375.20. (1955, c. 1372, art. 5, ss. 18, 28, 30, 33; art. 6, s. 6; art. 17, s. 7; c. 1185; 1959, c. 1294; 1963, c. 425; c. 688, s. 3; 1965, c. 584, ss. 4, 6; c. 1185, s. 1; 1969, c. 517, s. 2; c. 538; 1973, c. 770, ss. 1, 2; c. 782, s. 31; 1975, c. 150, s. 1; c. 965, s. 3; 1977, c. 1088, s. 4; 1981, c. 423, s. 1; c. 901, s. 1; 1983 (Reg. Sess., 1984), c. 1019, s. 2, 1; c. 1034, s. 16; 1985, c. 436, s. 1; c. 479, ss. 55(c)(4), 55(c)(6); c. 637; c. 757, s. 145(i); 1985 (Reg. Sess., 1986), c. 975, ss. 3, 11; c. 1014, s. 58; 1987, c. 340; c. 414, s. 2; c. 571, s. 2; c. 738, s. 182; 1987 (Reg. Sess., 1988), c. 1025, ss. 9, 15; c. 1086, s. 89(b); 1989, c. 585, s. 2; c. 752, s. 65(b); 1989 (Reg. Sess., 1990), c. 1074, s. 23(b); 1991, c. 706, s. 1; 1991 (Reg. Sess., 1992), c. 900, s. 75.1(f); 1993, c. 114, s. 1; c. 321, s. 139(c); 1993

(Reg. Sess., 1994), c. 716, s. 2; c. 775, s. 5; 1995, c. 455, s. 1; c. 497, ss. 1, 2; 1995 (Reg. Sess., 1996), c. 716, ss. 11, 12, 17; 1997-443, s. 8.38(j)-(l); 1998-194, s. 3; 1998-202, s. 12; 1999-96, s. 7; 1999-237, s. 8.25(a); 1999-373, s. 3; 1999-397, s. 4; 1999-456, s. 35; 2000-67, s. 8.18(b); 2000-140, s. 77; 2001-424, s. 28.17(c); 2001-500, s. 3; 2001-512, s. 12; 2002-103, s. 2; 2002-178, s. 3; 2003-147, s. 4; 2004-118, s. 2; 2004-203, s. 72(b); 2005-22, ss. 3(a), 4(a); 2005-205, s. 5; 2005-276, s. 10.40D(f); 2005-355, s. 2; 2005-446, s. 3; 2006-137, s. 1; 2006-143, s. 2; 2007-59, s. 1; 2007-126, s. 1; 2009-223, s. 1; 2009-330, ss. 1, 2; 2009-403, s. 2; 2009-410, s. 2; 2009-451, s. 7.28; 2009-541, s. 29(a); 2011-91, s. 1; 2011-145, s. 7.13(b), (w); 2011-185, s. 9(a); 2011-379, s. 3; 2011-391, s. 14(b); 2012-142, s. 7A.3(b); 2012-194, s. 55(a); 2013-360, ss. 8.37(a), 8.45(c); 2013-363, s. 3.3(b); 2013-381, s. 12.1(h); 2014-13, s. 2; 2014-111, s. 4; 2015-241, ss. 8.26(a), 8.45, 8A.2; 2015-248, s. 6(b); 2015-264, s. 56.5; 2016-3, 2nd Ex. Sess., s. 1.1; 2017-4, s. 1; 2017-9, s. 2(a); 2017-10, s. 2.3; 2017-57, ss. 7.23H(a), 7.26(b); 2017-126, ss. 6-8, 12; 2017-157, s. 1(a); 2019-212, s. 4(b); 2019-245, s. 4.4(a); 2020-78, s. 2.1(a).)

§ 115C-48. Penalties for certain conduct.

(a) Members of local boards of education are criminally liable for certain conduct as provided in G.S. 14-234.

(b) Members of local boards of education are civilly liable for certain conduct as provided in G.S. 115C-441. (1981, c. 423, s. 1; 1995, c. 509, s. 60; 2001-409, s. 4.)

§ 115C-49: Repealed by Session Laws 1995, c. 501, s. 1.

§ 115C-50. Training of board members.

(a) All members of local boards of education, whether elected or appointed, shall receive a minimum of 12 clock hours of training every two years. The 12 clock hours of training may be earned at any time during the two-year period and may include the ethics education required by G.S. 160A-87.

(b) The training shall include but not be limited to public school law, public school finance, and duties and responsibilities of local boards of education.

(c) The training may be provided by the North Carolina School Boards Association, the School of Government at the University of North Carolina at Chapel Hill, or other qualified sources at the choice of the local board of education. (1991, c. 689, s. 200(d); 2006-264, s. 29(h); 2009-403, s. 3; 2015-241, s. 8.44.)

§ 115C-51. Public comment period during regular meetings.

The local board of education shall provide at least one period for public comment per month at a regular meeting of the board. The board may adopt reasonable rules governing the conduct of the public comment period, including, but not limited to, rules (i) fixing the maximum time allotted to each speaker, (ii) providing for the designation of spokesmen for groups of persons supporting or opposing the same positions, (iii) providing for the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the hall, and (iv) providing for the maintenance of order and decorum in the conduct of the hearing. The board is not required to provide a public comment period under this section if no regular meeting is held during the month. (2005-170, s. 1.)

§ 115C-52. Reserved for future codification purposes.

§ 115C-53. Reserved for future codification purposes.

Do not assume these general statutes apply to a school board without checking for exceptions listed under local provisions section.

§ 115C-505. Boards of education must consider petitions.

The board of education to whom the petition requesting an election is addressed shall receive the petition and give it due consideration. If, in the discretion of the board of education, the petition for an election shall be approved, it shall be endorsed by the chairman and the secretary of the board, and a record of the endorsement shall be made in the minutes of the board. Petitions for an election to enlarge a city administrative unit shall be subject to the approval and endorsement of both county and city boards of education which are therein affected. Local boards of education shall have no discretion in granting an election to abolish a special school tax in any local school administrative unit, or district, or other school area, which has previously voted a supplemental tax, whenever a majority of the qualified voters residing in said local school administrative unit, district or school area shall petition for an election. When such a petition, showing the proper number of names of qualified voters, is presented to a board of education, it is hereby made mandatory that such petition shall be granted, and the election held. If at the election a majority of those in the district who have voted thereon have voted "against local tax," the tax shall be deemed revoked and shall not be levied: Provided, that in Alexander, Anson, Beaufort, Buncombe, Carteret, Catawba, Chatham, Chowan, Cleveland, Craven, Currituck, Davidson, Duplin, Franklin, Gates, Greene, Henderson, Hoke, Hyde, Iredell, Jackson, Johnston, Lenoir, Martin, Mecklenburg, Moore, Nash, Onslow, Pamlico, Pitt, Randolph, Richmond, Robeson, Rockingham, Transylvania, Vance, Wake, Warren and Wilkes Counties, petition of twenty-five percent (25%) of the number of voters in the election creating said special tax district, said petition to be signed by qualified voters residing in such special tax district, shall be sufficient. The provisions of this section as to abolishing local tax districts shall not be applied when such local tax district is in debt in any sum whatever, or has obligated or committed its resources in any contractual manner: Provided, that no election for revoking a local tax in any local tax district shall be ordered and held in the district within less than one year from the date of the election at which the tax was voted and the district established, nor at any time within less than one year after the date of the last election on the question of revoking the tax in the district; and no petition seeking to revoke a school tax shall be approved by a board of education more often than once a year. (1955, c. 1372, art. 14, s. 5; 1957, c. 1100; 1981, c. 423, s. 1; 1985 (Reg. Sess., 1986), c. 975, s. 24.)

References:

North Carolina Association of School Boards. General Counsel Allison Schafer and Assistant General Counsel Kendra Dockery.

The Institute of Government (UNC-CH). Attorney Robert (Bob) Joyce.

The North Carolina Department of Justice, Education Section. Special Deputy Attorney General Tom Ziko.

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North Carolina General Statutes

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