

MINUTES OF THE MEETING OF THE BOARD  
OF ROWAN COUNTY COMMISSIONERS  
ADJOURNED MEETING (SCHOOL MERGER)  
APRIL 15, 1989

The Board of Rowan County Commissioners met in Adjourned Session in the Community Building on April 15, 1989 at 9:00 a.m.

PRESENT: J. Newton Cohen, Sr., Chairman  
Wilborn S. Swaim, Vice-Chairman  
Henry H. Palmer, Member  
George C. Knox, Member  
Jamima P. DeMarcus, Member

The County Manager, County Attorney, and Clerk to the Board were also present as well as the Rowan County School Board and the Salisbury City School Board, staff support, and concerned citizens. The purpose of this Adjourned Meeting was to discuss Dr. Donald Martin's, Superintendent of the Merged School System, proposal for merger.

Chairman Cohen called the meeting to order and Commissioner Palmer gave the invocation.

Chairman Cohen stated that at the meeting last week it was agreed by the two (2) Boards of Education that Dr. Martin head a Committee to meet this past week to come up with some recommendations as to the proposed guidances and attendance lines and what the County wanted to see happen in a merged school system.

Dr. Martin stated that the "Special Safety Net Committee" met twice in very productive meetings with all members present. A Draft Report was provided to the Commission as attached to these Minutes. Dr. Martin stated that he hoped the three (3) Boards could use this proposal and reach some type of agreement that will allow them to move forward.

Dr. Martin reported that the first paragraph does pick up the language of the original merger agreement as it cites references. The interim board will be governed by and limited to the guidelines established by the Rowan County-Salisbury Board of Education. It is setting forth a condition that these guidelines will go into place and that condition would be that a final attendance zone plan would not be adopted by July 1, 1989. Also, a final attendance zone plan is the language in the original merger agreement meaning "redistricting".

Condition 1 contains several components:

It picks up on the comment made last Saturday of a 2/3 majority vote to approve a plan by the Interim Board. It is a 2/3 majority positive vote of the Interim Board. In discussion of this, they felt like this was very protective to both groups as it would encourage coalition building between the Interim Board.

Item A meets the intent of the Federal Law and all Governing Agencies as the plan shall. The original merger agreement did not use the word "shall" as the original merger agreement used the word "suggest". This is exactly out of the original document without any change.

Item B is a new item not included in the original document. This sets forth to postpone any discussion on this issue at a later date. If there were going to be replacement facilities, they would not be ready during the Interim Board's tenure.

Item C replaces one of the items in the original agreement. The original agreement contained a statement about building capacities, utilization of ninety (90) percent. Item C now states providing minimum enrollment of 750 students in each high school.

Item D is a change from one of the original statements about minority enrollment in the schools providing that there be no more than 45 percent minority enrollment in any school. It could be that the statement could represent a range agreeable to identify and realize it is not a suggestion but a "shall" that would be a requirement of the new redistricting plan.

Item E is a restatement of the original document minimizing the number of students reassigned so there is not a significant increase in the distance pupils travel to school.

The "Note" is an intent to clarify who is being counted when talking about percentages and who they are dealing with in the 750-student minimum enrollment. In regards to "grandfathering", considering those students in their home school for the next three (3) or four (4) years, as that grandfathering works it way out, they would not be able to be in another school if their attendance zone were changed. This note says that students would be counted in Items C and D by those who reside in the school attendance area regardless of the grandfathering meaning whatever data is used, they would use the number of students counted in a given area and "pretend" they were going to the high school they were reassigned.

The final statement says that if a final attendance zone plan is agreed upon after July 1, 1989, then these guidelines would in fact supersede those inclusion of parts A,B,C, and D of Section II of the original agreement. Commissioner Swaim asked what would

happen if an agreement is made before July 1, 1989. Dr. Martin replied that the agreement before would follow the original guidelines. The original guidelines state "suggest" and do not have restrictions on them. It could very well be this proposed agreement but essentially it would go back to the original A, B, C, and D.

Condition 2 states that there has been some discussion about doing redistricting for North. At last Saturday's Meeting, the County School Board indicated this desire. In discussion, the point was made that either Board could make some kind of change on June 30, 1989 assuming no final attendance zone plan had been agreed upon. Each Board independently could have a special meeting of June 30, 1989 and do other kinds of things as a last action. This gets at not making any changes without the other Board's approval with the exception of the County Board dealing with North's situation. There could also be a phrase added in Condition 2 stating "without approval of the City of Salisbury's City Board". The last sentence simply says that when a final attendance zone plan is approved prior to July 1, then those students would certainly be allowed to finish at North because they had been placed there and would be allowed to finish and complete their high school career if one of the areas that were changed did fall into another high school attendance zone. This is protecting those students so that they could finish out their career at North High School and not be moved a second time. If they wanted to change, they could and transportation would be provided and is exactly like grandfathering in case something were to happen. Mr. Carl Eagle estimated that approximately 140 students would be involved in the areas discussed (Grades 9-12). The 9th graders would consist of approximately 35 or 1/4. The areas in concern are 601, Corbin Hills, Stokes Ferry Road, and Earnhardt Road.

Item 3, Alternate 1 of 3, and Alternate 2 of 3. The original 3 was the first idea discussed on Tuesday. Essentially it says that if the Interim Board failed to approve a final attendance zone plan, the Interim Board would be required to submit a budget in the 1990-1991 school year requesting the Commissioners to appropriate local funds equal to the amount appropriated during this school year, 1988-1989. This school year's appropriation is roughly \$8.5 Million and is anticipated based on the need of the per pupil average expenditure from last year, would end up being roughly \$10.2 Million this year. This would then result in a reduction of 1.7 Million. The very last paragraph references NC GS 115C-426(e). Relative to the requirement that there be provision for sufficient appropriations for the current operating expenses of the public school funds, this Statute states the responsibility of a school board to request funds sufficient for operation. That

responsibility of the existing board is somewhat in conflict with requesting less money.

Alternate 1 and 2 are similar. Alternate 2 says that the Rowan County Commissioners would authorize local funds for this next school year 1988-1990 in an amount equal to or greater than the State Average for pupil expenditure. The most recent figures available are those for the 1987-1988 school year. The amount proposed would be authorized by the Commissioners but the amount in excess of this year's appropriation would be escrowed until such time as the Interim Board approves the final attendance zone plan. State money may be expended first which is typical. Ultimately funds would not be provided until November or December. Therefore, a period of time from now until November or December would be available to come up with a plan. One consequence of Alternate 2 is that at the Budget Presentation to the County Commissioners two (2) budgets would have to be presented--one for the \$10.2 Million and if the escrowed money were never allocated, then a budget would be presented on the \$8.5 Million.

Alternate 1 is the same principle, it gets at the Commissioners authorizing funds and then escrowing them until such time as a plan is presented except that it moves everything forward one year. There would be escrow occurring during the 1990-1991 school year and not during the 1989-1990 school year. You could use the exact same language in Alternate 2 and Alternate 1 and say that the County Commissioners will authorize for the 1990-1991 school year an amount equal or greater than the State Average per pupil for 1988-1989. If it were not done by \_\_\_\_ date then the excess amount over 1989-1990 would be escrowed until such time as an acceptable final attendance zone plan is approved. The only preference of Alternate 1 over 2 would be that two (2) budgets would not have to be submitted. The last sentence would be the same for all of them but more compatible for Alternate 1 and 2 than it is with the Original.

Dr. Martin stated that it would be reasonable to insert a date in Alternate 1 prior to January, 1990. He feels sometime after November 1, 1989 would be a realistic date to insert in Alternate 1.

Mr. Marcelle Williams stated that his only concern is with the percentage of minority enrollment. He stated that they have worked with different plans over the past six (6) months and there may be a problem in keeping all the schools as well as the elementary schools within the guidelines. He thinks it would be sufficient to have a range between 45 and 47 percent to provide more flexibility.

Commissioner Knox stated that as a part of the minority

community, he feels they are for anything that improves the quality of education in Rowan County, however, he stated that it would be more respected if there was a cap rather than an exact figure. Therefore, Commissioner Knox was in agreement of Mr. Williams' statement. Commissioner Knox felt that the Boards should be very sensitive to this factor and not put any more burden than is necessary on the children of Rowan County.

Chairman Cohen endorsed Commissioner Knox's statement and stated that this is a "double edged sword" being dealt with and the more they reduce minorities, the more busing they involve. The more busing involved, the smaller the minority enrollment they will have in schools. Mr. Reid Leonard stated that as long as there is no doubt of the commitment being made in this connection, that the Salisbury Board would go along with this too. It was noted that there would be a cap and certainly a range of 45 to 47 percent and to provide the cap at 47 percent would be a realistic approach. Chairman Cohen asked what would happen when the cap is reached. Dr. Martin stated that the plan would not be approved unless it were less than 47 percent. Once it is active and years down the road a particular school exceeded this, this would require another kind of action that the new Board by policy would have to judge of how redistricting would be dealt with. Mr. Leonard stated that new facilities would recognize that particular aspect of redistricting and Dr. Martin stated that new facilities would impact the ability to redistrict without additional busing.

Chairman Cohen asked Dr. Martin's opinion on redistricting first talked about in the County as it was not a sure feeder system. Dr. Martin stated that a sure feeder system is very desirable. Dr. Martin stated that this would be an ultimate goal and in looking at the plans that both boards have worked on have been a sure feeder system. It was suggested to fill in the blank for Condition 2 to say "approximately 35 ninth grade students..." and delete "Provided, however," and start the sentence with "The Rowan County Board of Education...".

Alternate 1 and 2 clearly involve the Commissioners with a direct mission whereas the original refers to the Interim Board requesting the Commissioners to do something.

Commissioner DeMarcus stated that she liked Alternate 2 except that she would like a date to be included there. Commissioner Palmer endorsed her statement and noted that it would bother him to appropriate money to both school systems and at some future date take the money back. To place the money in escrow and would be more sufficient even though it does mean preparing two (2) budgets.

Commissioner Swaim stated that a date would not really be

necessary and Commissioner Palmer stated that as well. The County Manager stated that one problem without a date is that the School Board used local money for local funded positions, maintenance people, supplies, and things that would not want to be delayed. If a person is not hired by the first of the school year, then the program will not be started after the school year starts. Unless the date would be set to coincide with the school year, this would be sufficient.

Dr. Martin stated that you cannot make an obligation for an employee to pay a salary contractual to the year and then there may be some possibility that the funds will not be there to pay. The things that fall into the category that go into this other budget are the things that are coming out of the real budget such as supplements that are identifiable and can be handled contractual so that they can be paid when available. This only accounts for about 30 percent of \$1.7 Million. Dr. Martin stated that a supplement is different than a contract to employ someone. For example, when a custodian is hired, there is an obligation to pay his salary but they could have language saying that the supplement would be paid if funds are available because they will still receive a contract salary as required by the State of North Carolina. Dr. Martin stated that if they are going to cut \$1.7 Million out of the merged budget, something undesirable will have to be cut such as supplies, maintenance, etc. Supplements and Continuing Positions will have to be identified.

Commissioner Palmer stated that supposing they do arrive at the point where they are rolling this back, who will they have to let go to get the budget back in shape? Chairman Cohen stated that he understood it to be not more than 9 or 10 new employees in next year's budget. They are also considering approximately a 5 percent raise for all locally funded positions, and this alone is a substantial amount of money.

Mr. Carl Eagle stated that the Fair Employment Dismissal Act (Tenure Act) of North Carolina does forbid reduction of any employee's salary without just cause and most court decisions in this case have regarded local supplements as part of salaries and felt there would be some difficulty in taking a supplement back once received.

Commissioner Knox stated that Dr. Martin has given a very good plan and thinks that this problem could be solved by agreeing and eliminating the hypothetical situations.

Chairman Cohen called for a five-minute recess. Chairman Cohen then called the meeting back to order. Commissioner DeMarcus made a motion that the Commission accept Alternate 2 with an added

sentence as follows: "The Rowan County Commissioners shall authorize local funds for Schools for the 1989-1990 School Year in an amount equal to or greater than the State Average per pupil expenditure for the 1987-1988 School Year but will escrow the amount in excess of the 1988-1989 appropriations of Local Funds for Schools until such time as the Interim Board approves a final attendance zone plan. Excess to Escrowed Funds for the 1989-1990 School Year shall not be granted after August 15, 1989." Commissioner Palmer seconded with unanimous approval.

Mr. Leonard stated that they are very much in favor of this. Commissioner DeMarcus stated that Alternate 2 says that the Budget will have to be in place by July 1, 1989. This acts as a Safety Net. Also, this interprets to the citizens that something will happen by July 1 but if not it gives about six (6) weeks for the Interim Board to move into a void and do something.

A Resolution was read by Mr. Donald Carrigan re-establishing Merger on April 15, 1989. Mr. Glenn Ketner made a motion that the two (2) Boards of Education adopt the Resolution and Ms. Anne Fuller seconded with unanimous approval. Mr. Jonathan Shores made motion to approve the Resolution to be adopted by the two school Boards and Mr. Carl Eagle seconded with unanimous approval.

Dr. Martin stated that in regards to Building Capacities and the latest building capacity from the Department of Public Instruction is the merger study 1983-1984. Dr. Charles Weaver is committed to assign an architect/engineer to help with this as soon as practical.

In looking at small space requirements, the central office staff, this could be underway fairly quickly.

A Study Committee on the Life Expectancy would involve the Department people to assist with the architect/engineer. They would also try to get a university person (UNCC and UNCG) to assist in the planning. He proposed a representative from each Board as well as a number of citizens to serve.

Planning and Zoning Documents will be the responsibility of Dr. Martin.

Dr. Martin had obtained back-up information on Enrollment Projections from the Department of Public Instruction. They use a 4-year period in determining growth for the school district. Assuming growth occurs the same as it did in the last 4-year period, it is anticipated to be 83 to 87 percent. Assuming this, the district as of last year was 16,070. It is anticipated by 1997-1998 that it will be 18,518 based on the existing retention

ratios. This is an increase of 2,448 which would translate into 25 to a classroom and 98 classrooms in 10 years. Last year in the high school enrollment in 1987-1988, it was 4,712 in the two (2) districts combined. The high school enrollment in 1997-1998 is 4,923 which is only growth of 211 but is a growth of nine (9) classrooms additional assuming 25 per classroom. Many high school programs have less than this due to their specialty nature. In regards to the drop out rate, the percent of 9th graders graduating last year was approximately 73 percent. If this even improved by a percent or two then another 50 to 80 children will graduate. Any improvement in the drop out rate would be over 5,000 high school students in graduating 1997-1998. The large enrollment in K-12 suggest larger graduation classes on the way.

All this can be used by a Final District Line Committee to come up with a final attendance zone plan. He stated that he sees this occurring in stages. A Review Committee of citizens to work with this Committee would be very appropriate. Dr. Martin suggested four (4) ways citizens could be involved:

- 1) Each Board of Education could appoint some number and could be appointees from each Board of Education to serve on such a Review Committee.
- 2) There are Advisory Councils in every County School and each have a President (Total of 23 in the County), and the City Board even though they do not have an Advisory Council could have a parent from each School appointed.
- 3) Every School has a PTA President (A Group of 28). They are parents that are active in their individual school.
- 4) Random selection method, which could consist of advertisements in the paper and on the radio, or send in a postcard and randomly select persons to serve on two (2) committees (Life Expectancy of Buildings and District Lines).

Afterwards, an appropriate step would be to visit each high school or each area of the County to give a proposed plan that comes out of the Committee should be available for public review, public comment, and public explanation. This is another public opportunity but not as formal as a committee.

Finally, a recommendation before July 1 to each individual Board or after July 1 to the Interim Board.

Mr. Williams stated that he felt the PTA Presidents would be highly qualified since the majority have served on programs with their children in their school. They are also knowledgeable in

several issues. Mr. Leonard endorsed this suggestion.

It was also suggested to give concerned citizens an opportunity to serve as well. It was also suggested that two (2) school board members from both school boards work with facility needs instead of just one (1) board member. Mr. Carl Eagle stated that he hoped the Black Community would be represented in the suggestion for the PTA Presidents to serve on a Committee. It was stated that this Community would be very well represented.

Commissioner DeMarcus stated that the Commission has realized that the Boards had a very tough subject to deal with but feel that no one could have done any better. She then thanked the Boards for their efforts to Rowan County.

Commissioner Knox apologized to the two (2) School Boards as well as to Clyde Miller for his hasty reactions at the meeting last Saturday.

Chairman Cohen then opened the meeting for public comment. A desire was indicated to participate on a Committee.

With no further discussion the meeting was adjourned at 10:53 a.m.

Respectfully submitted,

Wendy S. Powell  
Clerk to the Board