

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION PROPOSING TO PLACE
NICHOLAS JACOBS
ON UNREQUESTED LEAVE OF ABSENCE

BE IT RESOLVED by the School Board of Independent School District No. 726, as follows:

1. That it is proposed that Nicholas Jacobs, a teacher of said school district, be placed on unrequested leave of absence without pay or fringe benefits, effective at the end of the 2016 - 2017 school year on June 30, 2017, pursuant to M.S. 122A.40, subdivision 11.
2. That written notice be sent to said teacher regarding the proposed placement on unrequested leave of absence without pay or fringe benefits as provided by law and said notice shall include a date for hearing if requested and be in substantially the following form:

NOTICE OF PROPOSED PLACEMENT
ON UNREQUESTED LEAVE OF
ABSENCE AND NOTICE OF HEARING
DATE, IF REQUESTED

Dear Mr./Ms. _____:

You are hereby notified that at the _____ meeting of the School Board of Independent School District No. ____ held on _____, 20____, consideration was given to your placement on unrequested leave of absence without pay or fringe benefits as a teacher of Independent School District No. ____, and a resolution was adopted by a majority vote of the Board, proposing your placement on unrequested leave of absence effective at the end of the 20____ - ____ school year on June 30, 20____, pursuant to Minnesota Statutes 122A.40, subdivision 11 upon the grounds described in said statute and which are specifically as follows:

Discontinuance of Position, Lack of Pupils and
Financial Limitations

Under the provisions of the law, more specifically Minnesota Statutes 122A.40, subdivision 7, you are entitled to a hearing before the school board provided that you make a request in writing within fourteen days after receipt of this notice. If no hearing is requested within such period, it shall be deemed acquiescence by you to the school board's proposed action.

You are also advised that if you are an honorably discharged veteran as defined by Minnesota Statutes 197.447, you may have certain rights relating to your placement on unrequested leave of absence/layoff under the Veterans Preference Act (Minnesota Statutes 197.46 and 197.481), based on recent amendments to the Veterans Preference Act. In accordance with the Veterans Preference Act, you may have the right to either petition the district court for a writ of mandamus or the Commissioner of Veterans Affairs to determine whether your placement on unrequested leave of absence/layoff was taken in good faith. If you wish to pursue

either of these remedies, you must do so within sixty (60) days of receipt of this notice. Your failure to do so within sixty (60) days of receipt of this notice shall constitute a waiver of any right you may have to contest your placement on unrequested leave of absence/layoff under the Veterans Preference Act.

You are further advised that if you are an honorably discharged veteran, the School District's position is that, under the recent amendments to the Veterans Preference Act, you are entitled to either a hearing on your proposed placement on unrequested leave of absence pursuant to Minnesota Statutes 122A.40, or either of the remedies under the Veterans Preference Act, but not both. Therefore, the School District's position is that you must elect to proceed under either Minnesota Statutes 122A.40 or the Veterans Preference Act. Once such an election is made and assuming that it is made within the applicable time period set out above, you waive any right to proceed under the process not elected. In the event that you elect to proceed under the Veterans Preference Act, you must provide the School District with a DD Form 214 within the relevant time period to establish your veteran status.

Yours very truly,

SCHOOL BOARD OF
INDEPENDENT SCHOOL DISTRICT NO. _____

Clerk of the School Board

4. That each and all of the foregoing grounds of said notice are within the grounds for unrequested leave placement as set forth in M.S. 122A.40, subdivision 11 and are hereby adopted as fully as though separately set forth and resolved herein.

The motion for the adoption of the foregoing resolution was duly seconded by

Member _____ and upon vote being taken thereon, the

following voted in favor thereof:

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.