

**RESOLUTION
OF THE BOARD OF TRUSTEES OF THE
SUNRAY INDEPENDENT SCHOOL DISTRICT**

At a lawfully called meeting on December 8, 2014, pursuant to its authority under Chapter 551 of the Texas Government Code, the Sunray Independent School District Board of Trustees does hereby make the following Resolution regarding an Early Resignation Notice Incentive Plan for voluntary resignations of certified personnel:

WHEREAS, the Sunray Independent School District (the "District") has always been and will remain committed to providing the best possible educational opportunities for its students while at the same time being good stewards of available public funds; and,

WHEREAS, in the past, the District was required to fill vacant positions shortly before upcoming school years due to resignations submitted just before or at the "penalty-free" resignation deadline, which made it difficult for the District to hire the most qualified teachers and make definite plans regarding personnel for the next school year; and,

WHEREAS, the District desires to be proactive in the hiring process after contract employees' resignations, including being able to attend job fairs and solicit potential employees as early as possible before the upcoming school year; and,

WHEREAS, in the best interest of the District and its students and for appropriate public purposes, the District's Board of Trustees should attempt to obtain an accurate forecast prior to the end of the current 2014-2015 school year of those certified personnel with standard or lifetime certificates who do not intend to return for the 2014-2015 school year; and,

WHEREAS, obtaining such a forecast is in the best interest of the District and allows the District to further its educational mission by assisting the District to assess its certified personnel needs for the 2015-2016 school year, and allowing the District have time to make personnel hiring decisions for the 2015-2016 school year by providing a financial incentive to certain certified professional employees for providing notice of their resignation before the penalty-free resignation deadline; and,

WHEREAS, the Board of Trustees believes that such expenditure is for a public purpose necessary in the conduct of the District in accordance with §45.105(c) of the Texas Education Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE SUNRAY INDEPENDENT SCHOOL DISTRICT, that the statements and recitals contained in the preamble of this Resolution are true and correct and adopted as official findings of the Board and operative provisions hereof; and,

BE IT FURTHER RESOLVED, that the District seeks to obtain a forecast of certified personnel positions needed for the 2015-2016 school year as early as possible. In an attempt to project such a forecast, the District shall implement an Early Resignation Notice Incentive Plan (the "Plan") for those contract certified employees, with standard or lifetime teaching

certificates, who plan to resign their positions with the District at the end of the 2014-2015 school year on the following terms and conditions:

1. Eligible Employees. District employees who meet all of the following criteria shall be eligible to participate in the Plan on a voluntary basis:
 - a. Be employed with the District under a term or probationary contract;
 - b. Hold an active standard or lifetime teaching certificate; and
 - c. Have already planned to resign or retire at the end of the 2014-2015 school year.
2. Terms of the Plan. The terms of the Plan shall be as follows:
 - a. Employees who meet the eligibility requirements in paragraph 1 above may participate regardless of age.
 - b. Participation in the Plan is strictly voluntary. No eligible employee will be required to participate and no eligible employee will be adversely affected in any way by the District for choosing not to participate in the Plan.
 - c. Each eligible employee who elects to participate in the Plan shall be a "Participant" in the Plan, and shall be required to execute a written Plan Agreement (the Plan Agreement), in a form provided by the District.
 - d. Each Participant shall execute a Plan Agreement and voluntarily resign his or her employment with the District by _____, 2015 (the "Early Resignation Deadline"), and such resignation shall be effective on the last day of his or her contract or last scheduled work day for the position in the 2014-2015 school year, whichever is earlier, but in no event no later than **June 30, 2015**.
 - e. In consideration for providing early notice of his or her voluntary resignation of employment with the Sunray Independent School District and executing the Plan Agreement, each participant shall be paid the amount of \$_____ (the "Payment"). The Payment shall be paid on or about 30 days following the Plan Participant's last day of employment with the District.
 - f. Each participant shall agree that he or she will not seek reinstatement or reemployment with the District for the 2015-16 school year.
3. Method of Election.
 - a. The Superintendent shall notify all eligible employees of the Plan as soon as possible.
 - b. Each eligible employee must submit an executed Plan Agreement with his or her resignation to the Superintendent's Office no later than **4:00 p.m. on the Early Resignation Deadline**.

c. All eligible employees are encouraged in writing to consult with an attorney of his or her choice prior to executing the Plan Agreement.

4. Authorization. The Superintendent or his designee is hereby authorized to send notices to the employees of Sunray ISD regarding the Plan. In addition, the Superintendent or his designee is hereby authorized, (i) in conjunction with the District's school attorney, to prepare the proposed Plan Agreement containing the foregoing provisions, and containing further provisions that comply with District policy and federal and state law; (ii) to execute the Plan Agreements on behalf of the District; and (iii) to take further actions and execute other documents which the District, in its sole discretion, deems necessary or appropriate to implement the Plan.

BE IT FURTHER RESOLVED, that the Board of Trustees for the District makes the following findings regarding the expenditure of District funds for the Plan:

1. The expenditure's predominant public purpose is obtain an early, accurate forecast of contract employees intending to resign their employment with the District at the end of the 2014-2015 school year, not to benefit private parties; and
2. The public purpose described herein is necessary in the conduct of the District; and
3. The District will retain sufficient control over the expenditure to ensure that the public purpose is accomplished; and
4. The District will receive significant benefits associated with the Plan authorized herein.

BE IT FURTHER RESOLVED, that the Board of Trustees finds, determines, and declares that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be conducted at such meeting, including this Resolution, was given, all as required by Texas Government Code, Chapter 551, as amended. *See* TEX. GOV'T CODE Chapter 551.

The foregoing Resolution was approved and adopted by the Sunray Independent School District Board of Trustees on December 8, 2014.

Brian Lee, President

ATTEST:

Merrill Harp, Secretary