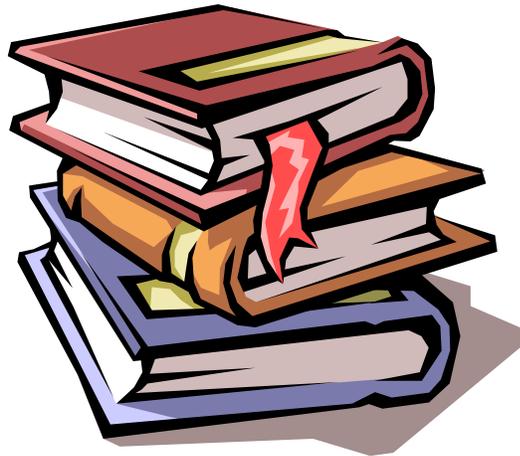


OUR REORGANIZATION VOTE WAS A SUCCESS! NOW WHAT DO WE DO?



SUGGESTED ACTIVITIES, PROCEDURES, TIMELINES

A Joint project by Hal Habermann and
Debby Marshall

December 2001

Department of Public Instruction
Dr. Wayne G. Sanstead, State Superintendent
600 E. Boulevard Avenue, Dept. 201
Bismarck, North Dakota 58505-0440
www.dpi.state.nd.us



ACTIVITIES TO CONSIDER AFTER A SUCCESSFUL REORGANIZATION VOTE:

1. A reorganization vote must be held in participating districts sometime between July 1st and December 31st of the year in which the reorganization plan is approved by the school boards of the separate districts. Due to the timeline restrictions for activities following the vote, the date of election should be held as soon as possible, but no later than the first Tuesday in November, to allow sufficient time for election of new school board and curriculum hearing by February 1st. The vote must adhere to statutes outlined in NDCC 15.1-12-11.
2. After a vote of all participating districts, each school board must canvass and certify the election results and deliver the results to the county superintendent or designee within three days after the vote. (NDCC 15.1-12-11(5))
3. The school boards involved should schedule a joint meeting to discuss and establish proposed timelines for activities following a successful vote. All actions taken should be recorded in the minutes by each board. The following actions should be taken:
 - Determine date for election of new school board members as outlined by the reorganization plan. The election of board members should be scheduled absolutely no later than January 14th to provide time for determining course offerings and staffing mandated to be presented at a public hearing on or before February 1st (15.1-12-15). Because of filing deadlines, which must be at least 33 days prior to the special election or as much as 60 days if held in conjunction with a statewide election, an adequate period of time should be allowed after the reorganization election 1) for persons to consider whether they want to run and 2) for candidates to meet the filing deadline. (NDCC 15.1-09-08 and 15.1-09-23)
 - Notice of election, establishment of polling places, tallies, absentee ballots, voting hours, etc. should be established. (NDCC 15.1-09-09 through 15.1-09-13)
 - A date to canvass and certify the election results should be established. (NDCC 15.1-09-14 through 15.1-09-24)
 - A date for an organizational meeting for the new school board should be established. The meeting should take place immediately after the election results are certified with the county superintendent or designee. It may be helpful for the old boards and new board to agree regarding who should call the organizational meeting.
4. The new school board members shall meet to organize and establish terms of office as outlined by the reorganization plan and to elect a chairperson and vice-chairperson. (NDCC 15.1-09-25 through 15.1-09-29) They should consider the following actions at their initial meeting:
 - Review the limited authority and duties of the new school board as defined by NDCC 15.1-12-15 and NDCC 15.1-12-16.
 - Review the reorganization plan as approved by the voters.
 - Appoint an interim business manager to keep minutes of the school board and other duties as defined in establishing the new district. Recommended

compensation, if any, should be established and given to old school boards for action and approval.

- Select an official newspaper
- Establish date for a public hearing to present the curriculum, course offerings, and staff positions to be available during the coming school year. This hearing must be held on or before February 1st. (NDCC 15.1-12-15)
- Establish timelines and procedures for notification in writing to all teachers as to whether or not they will be offered a contract of employment in the new district. Notification must be given prior to 5:00 p.m. on April 15th. (NDCC 15.1-12-15)
- Determine whether or not teachers and support staff may bring years of experience, accumulated leave, etc. into the new district, except as specified by the reorganization plan. (Attachment C)
- Appoint a committee of two or three school board members (less than a quorum) to meet with teachers' representatives, in an open meeting, for the purpose of negotiating a master agreement according to items outlined in NDCC 15.1-12-15. Teacher representatives should be recognized according to the guidelines established in NDCC 15.1-16-01 through 19. The task of the representatives of the school board and teacher association shall be to create a negotiated agreement prior to July 1 that will be effective for the next school year. (NDCC 15.1-12-15) If a new agreement is not reached prior to July 1st, no teacher employed by the new district may receive less in salary and benefits than received the preceding year in the old school districts. (NDCC 15.1-12-15) Hal, what do you mean by the language I have in bold? A "committee" meeting is open if there is more than one person on the committee.
- Establish or reaffirm existing board-appointed advisory committees to discuss and make recommendations regarding curriculum, building issues, school board policies, transportation, budget, extracurricular, or others as determined by the school board. These committees (preferably composed of citizens, teachers, students, school board members, etc) are advisory in nature only and will report to the new school board any recommendations or findings at regular or special meetings of the board. Each committee will function according to guidelines established by the board and may be disbanded by the board at any time prior to June 30th. Each committee should record minutes of actions taken or discussions held and provide these to the school board as requested. The school board may assign specific tasks to these committees as follows:
 - a. Curriculum – grade level divisions, course offerings, course descriptions, scope and sequence of courses, student schedule, textbook selections, class size, class length, grading policy, GPA considerations and class rankings for merged students, meshing of graduation requirements, etc.
 - b. Building – utilization of existing buildings and classrooms, building construction issues, disposition of buildings and other school district property, sale or reuse of existing equipment and furniture, movement of equipment and supplies to attendance locations, evaluation of building efficiencies and

condition, location of old buildings and possible new building in district attendance areas, etc.

- c. School Board Policies – review existing board policies of districts (similarities and differences) and make recommendations for policy adoptions, create job descriptions, etc.
 - d. Transportation – location of students in districts; bus routes needed; inventory, age and condition of buses; drivers needed; whether or not to provide extracurricular and kindergarten transportation, transfer locations, pick-up and drop-off times and locations, etc.
 - e. Extracurricular – team divisions, number and kind of extracurricular offerings, numbers of participants anticipated, facilities and fields, transportation needs, practice times, coaching and advisor needs, uniforms needed, including color, size, number, equipment and supplies needed, etc. Also discuss procedures for selection of the school mascot, school song, school colors, etc. The board could direct the principals/student councils of the reorganizing high schools to establish procedures for the selection process and report back to the committee.
 - f. Budget – possible savings of reorganization, bond issue discussion if new construction is anticipated, building fund issues for repair and remodeling needs of existing buildings, etc.
- Establish search criteria, job descriptions, and recommended salaries and benefits for hiring a permanent business manager and superintendent for the new district as determined by the reorganization plan. It is recommended they be hired as soon as possible to help guide the new district in its establishment. If compensation is to be offered during the interim period, it must be approved and contracted by the old boards. (NDCC 15.1-09-33 subsections 25-29 and NDCC 15.1-07-21) It must be noted that the old school board cannot obligate their districts to expenditures without the approval of the county committee. (NDCC 15.1-12-14)
 - Establish search criteria, job descriptions, and recommended salaries and benefits for hiring principals for the new district according to the reorganization plan. (NDCC 15.1-09-33(26))
 - Determine school board meeting schedule for regular monthly meetings and procedures for calling special meetings of the board. (NDCC 15.1-09-30)
 - All minutes of the new school board should be made available immediately to the old school boards after each meeting. Any recommendations for action by the old boards should be relayed to the new school board in a timely manner.
 - Minutes of new board should be published in the official newspaper. (NDCC 15.1-09-31)
 - The manner of communication should be established for dissemination of information between the school board and the community, staff, etc.; such as news releases, web postings, etc. (NDCC 15.1-09-31)

5. At the February or March meeting of the old school boards, the old school boards shall issue individual letters of contemplated non-renewal to each licensed professional employee of their respective district indicating the date and time of a special meeting to be held on or before to April 21st for the purpose of considering and acting on the contemplated non-renewal. (NDCC15.1-15-05) The reason stated should include a statement that the district will cease to exist after June 30th of this year. (Attachment A) Administrators for the old school districts may make "agreement To Reduction In Force" forms available to all licensed professionals. (Attachment D and E) Signed documents by the employee should be kept on file and a copy provided to them. These documents may be presented to the old boards for acceptance in lieu of the hearings. Those not signing the agreement to reduction in force will be granted all rights of the non-renewal hearing according to NDCC 15.1-15-05 and 06.
6. Prior to the special meeting to consider the contemplated non-renewal of each teacher, the new school board should determine the staffing requirements for the new district and should solicit teacher profiles for the positions needed. Each teacher of the existing districts desiring a position in the new district should submit his/her intent and qualifications for the positions needed. (Attachment B) These applications and profiles should be reviewed by the new school board and administrators hired for the new district to determine which teachers will be offered contracts in the new district. All conditions outlined by the reorganization plan must be adhered to in the consideration.
7. Prior to April 15 those teachers who the school board selects for a position in the new school district shall be provided with a written notice that they will be offered contracts in the new district (NDCC 15.1-12-15(3)) (Attachment F). Teachers, who the school board has determined will not be given a contract in the new district, will be notified in writing. (NDCC 15.1-12-15(3)) (Attachment F)
8. Prior to the end of the school year, the new school board shall determine support staff needs for the new district. The old school board shall provide notice to all support staff in writing that their contract with the old districts will cease at the conclusion of the school year or no later than June 30th. The new school board shall determine job descriptions, support staff profiles, and compensation for support staff needed. Employment shall be offered effective July 1st or for the start of the new school year.
9. The business manager appointed for the new district shall establish the following for the new district and shall report such actions to the school board:
 - If a new school district number is selected, according to the reorganization plan, ND Dept of Public Instruction must be contacted to make certain the number is available for said county.
 - Contract with a legal representative to complete the legal description of the district as outlined in NDCC 15.1-12-07.
 - Contact the department of public instruction regarding all changes in foundation aid and weighting factors, census payments, transportation payments, federal program identification, address changes, etc.

- File a SS-4 form, Application for Employer Identification Number (EIN) with the Internal Revenue Service.
 - Establish new checking and savings accounts, if a new district name and number is used. Close old accounts on June 30th by issuing a check to a new account and depositing monies in the new account on July 1st.
 - Order new stationary, envelopes, return address labels, purchase orders, etc for those requiring a new name, address or district number.
 - Contact North Dakota Unemployment Compensation (NDUC) Group Account; Workers Compensation; ND Teachers Fund for Retirement; ND Public Employees Retirement System; and ND Job Service about the reorganization.
 - Contact the ND Tax Commissioner and any other state regarding state tax withholding changes and acquire a new tax exemption number.
 - Contact depositories regarding electronic payment transfers.
 - Contact health and dental insurance providers regarding the reorganization. Health group plan administrator must notify all members of Consolidated Omnibus Budget Reconciliation Act (COBRA) rights.
 - Contact companies holding annuity contracts with the districts.
 - Contact all providers of other insurances with the districts; such as disability, cancer, etc.
 - Contact the State Fire and Tornado Fund and liability insurance carriers.
 - Contact Child Nutrition and Food Distribution regarding new contracts between the district and all federal programs.
 - Notify accounting software support providers regarding closing out old district records and help in setting up new books.
 - Cancel any old credit cards effective June 30th and order new ones.
 - Send out notices to all vendors the district does business with regarding new district information, sales tax exemption, address changes, etc.
 - Print W-2 forms for employees of the old districts after June 30th and order W-2 forms for the new district at end of the calendar year.
10. The school boards of the former districts shall individually authorize fiscal audits to be conducted of its district's general-purpose financial statements as soon as possible after ending the fiscal year on June 30th. The results of the audit shall be submitted to the school board of the new district for review and to the ND State Auditor's office. (NDCC 54-10-14)
11. The school boards of the former districts shall notify the special education units and vocational centers to which they belong, prior to the deadline outlined in the

agreement, that the agreements between them shall be terminated at the conclusion of the school year. The school board of the new district should proceed with determining which special education unit and vocational centers will serve the new district and shall make application within the specified deadlines outlined by the units.

12. On or before June 30th (before the effective date of the reorganization) the old school boards shall meet to conduct final financial affairs of the old school districts; such as approving the final school district financial reports, hear final reports, etc., and act to officially close out the school year for each district.
13. At the July meeting of the new school board, the following actions need to be taken:
 - All previous motions made by the school board during the interim period should be approved by the new school board and entered into the minutes of the new district.
 - Motions should be made to elect a chairperson and vice-chairperson or to reconfirm the selections made previously. (NDCC 15.1-09-27 and 28)
 - The board may establish standing board committees for the new district, such as dealing with policies, curriculum, transportation, budget, negotiations, etc. All other advisory committees existing prior to this should be disbanded or reaffirmed according to specific school board action.
 - Receive final reports from old committees.
 - Review all school board powers as outlined by NDCC 15.1-09-33.

NOTICE OF CONTEMPLATED NONRENEWAL

Date

Dear _____: (teacher's name)

You are hereby advised that the school board of _____ (Old District) Public School District No. _____ has voted to contemplate not renewing your contract for the coming school year given that _____ (Old District) Public School District No. _____ will cease to exist as of July 1, 20____.

A special meeting of the school board, for the purpose of considering and acting upon this contemplated nonrenewal, will be held on * _____, 20____, at _____ o'clock __.m at _____ (place) at which time the school board will discuss and determine whether or not the administrator has, in fact, substantiated the reasons with written or oral evidence presented at the meeting. You will be given an opportunity to present witnesses and evidence to refute the reasons for the contemplated nonrenewal if you so desire. All witnesses will be subject to questioning for the purpose of clarification.

You are also advised that the meeting will be an executive session unless you and the board agree to admit the public. You are further advised that you have the right to be represented at the meeting by any two representatives of your choosing. Your spouse or one other family member may be present if you so desire, If requested at the meeting, a continuance will be granted for a period of time not to exceed seven days.

If, as a result of the meeting, the school board determines that your contract will not be renewed, you will be so advised in writing of that fact by _____, 20____.

Very truly yours,

_____ Business Manager

_____ (Old District) School Board

I acknowledge receipt of the original of the above letter this ____ day of _____, 20____.

(Teacher's Signature)

***Note:** The date for this meeting must be no later than April 21.

DATE

_____ (New District) Public School District

ATTN: _____ (Superintendent Name)

Address

City, State, Zip

Dear _____ (Superintendent):

With the dissolution of _____ (Old District #1) Public School District No. ____, and _____ (Old District #2) Public School District No. ____, and the termination of my employment from either or both of these districts on June 30, 20____, I wish to submit this letter of application, by no later than 4:00 p.m., on _____, 20____ to be considered for employment in the _____ Public School District No. ____, (New District)

I further give my permission for the administration of the _____ (New District) Public School District No. ____ to be able to review by current personnel file, located in either district office, to determine my areas of qualifications, certification, years of experience, etc.

My preferred area of assignment in the new district would be in grade(s): _____

and/or subject area (s) _____

My next preferred area of assignment in the new district would be in grade(s): _____

and/or subject area (s) _____

Sincerely,

(Teacher's Signature)

TO: Licensed Staff (NAME)

FROM: Business Manager

DATE:

RE: Leave Days History

The following is a history of your leave days for the 20__-20__ (current school year) as of _____, 20____. Please verify the information, sign below and return to me by _____, 20____. If there are any errors please let me know. The balance of the remaining hours will be used to calculate what will be carried into the next year in the new school district. Thanks so much.

	SICK LEAVE	EMERGENCY	PERSONAL	OTHER
Beg. Balance	_____	_____	_____	_____
Hours Taken	_____	_____	_____	_____
Bal. Remaining	_____	_____	_____	_____

I certify that the above information is correct: _____
(Teacher's Signature)

* Not recommended by NDSBA unless negotiating agreement has a buy-back provision. Don't recommend transferring to the new school district.

_____ (Old District)
PUBLIC SCHOOL DISTRICT NO. _____

CONDITIONAL RESIGNATION

On July 1, 20____, _____ (1st Old District) Public School District No. ____ and _____ (2nd Old District) Public School District No. ____ will reorganize as _____ (New District) Public School District No. _____. Because _____ (1st Old District) Public School District will no longer exist, the undersigned hereby submits his or her voluntary resignation as a teacher in _____ (1st Old District) Public School District, effective the last day of 20____ - 20____ (current) school year.

This resignation is conditioned upon the undersigned being offered a contract by _____ (New District) Public School District No. ____ for the 20____ -20____ (new) school year.

This resignation constitutes a waiver by the undersigned of notice of contemplated nonrenewal, the right to a statutory nonrenewal hearing before the school board and the right to written notice of the school board's determination to not renew the undersigned's teacher's contract, all of which are provided for in Section 15.1-15-06 of the North Dakota Century Code.

The undersigned acknowledges that salary and all other fringe benefits provided by _____ (1st Old District) Public School District No. ____ will terminate as of the effective date of this resignation.

The undersigned further acknowledges this resignation is subject to the approval of and acceptance by the school board.

Dated this _____ day of _____, 20____.

(Teacher's Signature)

(Old District)
PUBLIC SCHOOL DISTRICT NO. ____

RESIGNATION

On July 1, 20____, _____ (1st Old District) Public School District No. ____ and _____ (2nd Old District) Public School District No. ____ will reorganize as _____ (New District) Public School District No. _____. Because _____ (1st Old District) Public School District will no longer exist, the undersigned hereby submits his or her * "voluntary resignation" as a teacher in _____ (1st Old District) Public School District, effective the final day of 20____-20____ (current) school year.

This resignation constitutes a waiver by the undersigned of notice of contemplated nonrenewal, the right to a statutory nonrenewal hearing before the school board and the right to written notice of the school board's determination to not renew the undersigned's teacher's contract; all of which are provided for in Section 15.1-15-06 of the North Dakota Century Code.

The undersigned further acknowledges that salary and all other fringe benefits provided by _____ (1st Old District) Public School District No. ____ will terminate as of the effective date of this resignation. The teacher will be allowed to continue in the existing group health insurance coverage(s) as required by COBRA regulations.

The parties mutually acknowledge that *"this consent to nonrenewal" has been offered by the teacher and accepted by the school district in lieu of a staff reduction nonrenewal proceeding for the purposes of unemployment compensation. No misconduct on the part of the teacher has been alleged.

The undersigned further acknowledges this resignation is subject to the approval of/and acceptance by the school board.

Dated this _____ day of _____, 20_____.

(Teacher's Signature)

*Use one or the other. Recommend use of Appendix A in 06-91-01 of Handbook for School Board Members. Only one approved by Job Service.

Date:

Dear: (Teacher's Name)

Pursuant to Section 15.1-12-15 of the North Dakota Century Code, you are hereby notified that you **(will not) or (will)** be offered a contract with the new district. The School Board of the new district at a special meeting held on _____, 20____ made the determination.

Sincerely,

Business Manager of New District

I acknowledge receipt of the original of the above letter this _____ day of _____, 20____.

(Teacher Signature)