

RESIGNATION OF INSTRUCTIONAL STAFF/ ADMINISTRATIVE STAFF

Code **GCQC/GCQD** Issued **08/16**

Purpose: To establish the basic structure for the resignation of professional staff members.

Any professional staff member who wants to cancel or terminate a contract must state his/her desire in writing to the superintendent. The district is under no obligation to release a teacher from a contract except as set out below. For such resignation to be effective, it must be accepted in writing by the superintendent.

The board will be formally advised of all resignations. When the superintendent does not accept a resignation and the employee fails to continue to perform his/her contractual duties, the superintendent will report the breach of contract to the board. The board may send a formal complaint to the state board of education requesting that appropriate action be taken against the employee for failure to comply with contractual obligations. If there is conclusive evidence, the state board will take action on a complaint signed by the appropriate administrator; however, there must be documentation that the board voted to send the complaint. Both state law and state board of education regulation provide for suspension or revocation of the professional certificate under such circumstances.

Contract releases (teachers)

The board will not release a teacher from his/her contract ~~after July 1~~ except under one of the following conditions.

- circumstances beyond the teacher's control (ex., military/business transfer of spouse)
- serious illness of teacher
- recommendation by superintendent

The teacher must submit a request for contract release in writing to the superintendent ~~30 days prior to the deadline set forth in this policy.~~

The district reserves the right ~~to not to~~ release the teacher ~~if written notice is not given before the date specified above or~~ unless a suitable replacement has ~~not~~ been found.

Until a teacher has been formally released from his/her contract, the district expects the teacher to report for duty on the first day of the school year or to continue to report for duty if the request for release is made mid-year.

If a teacher signs a new contract without having been properly released from a previous contract, the new contract is considered to be void.

Adopted prior to 1974; Revised 9/27/93, 11/26/12, 8/22/16

Legal references:

- A. S. C. Code of Laws, 1976, as amended:
1. Section 59-25-150 - State Board of Education may revoke/suspend certificate for just cause.
 2. Section 59-25-160 - "Just cause" for revocation/suspension of certificate by State Board.
 3. Section 59-25-530 - Unprofessional conduct; breach of contract.
- B. State Board of Education Regulation:
1. R43-206 - Professional personnel resignation.
 2. R43-58 - Disciplinary action on educator certificates.
 3. R43-58.1 - Reporting of terminations of certain school district employees.