

BOARD AGENDA ITEM

February 25, 2020

SUBJECT:

Changes to Policy GCQC/GCQD Resignation of Instructional Staff / Administrative Staff, First Reading

BACKGROUND INFORMATION:

Policy GCQC/GCQD establishes the basic structure for the resignation of professional staff members.

ADMINISTRATIVE CONSIDERATION:

The policy states that "Any professional staff member who wants to cancel or terminate a contract must state his/her desire in writing to the superintendent." The policy later states that "For such resignation to be effective, it must be accepted in writing by the superintendent or his/her designee." The proposed change ensures consistency across the request and acceptance process by including the addition of "or his/her designee" to all related statements.

RECOMMENDATION:

Approve changes to Policy GCQC/GCQD Resignation of Instructional Staff / Administrative Staff on first reading.

ATTACHMENTS:

Policy GCQC/GCQD Resignation of Instructional Staff / Administrative Staff

PREPARED BY:

Jennifer Hart

RESIGNATION OF INSTRUCTIONAL STAFF/ ADMINISTRATIVE STAFF

Code **GCQC/GCQD** Issued **2/0220**

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

When a certified employee has entered into a signed contract with the district, such person will be bound to that contract until the stated contract period ends except for good cause. Any professional staff member who wants to cancel or terminate a contract must state his/her desire in writing to the superintendent or his/her designee. The district is under no obligation to release a teacher from a contract. For such resignation to be effective, it must be accepted in writing by the superintendent or his/her designee.

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

Certified persons who fail to comply with the provisions of their contracts without the written consent of the superintendent or his/her designee will be deemed guilty of unprofessional conduct and subject to suspension or revocation of their certificates. By mutual agreement, the resignation may be accepted immediately.

When the superintendent or his/her designee does not accept a resignation and the employee fails to continue to perform his/her contractual duties, the superintendent may report such breach to the district board. The district board may send a formal complaint to the state board of education and request 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 district 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.

Adopted 6/89; Revised 2/14/89, 6/28/94, 2/27/01, 3/27/01, 11/27/01, 2/26/02, 2/25/2020

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 - Teacher failing to comply with provisions of contract without written consent of school board deemed guilty of unprofessional conduct and subject to revocation/suspension of certificate for up to one calendar year. Contract with any other school district in South Carolina during same employment period, without consent of first board, is void.
- B. State Board of Education Regulations:
 - 1. R-43-206 - Professional personnel resignation.
 - 2. R-43-58.1 - Reporting of terminations of certain school district employees.