

PERSONNEL - ALL PERSONNEL

SUBJECT: Resignation

An employee shall submit his/her resignation in writing. Such statement is to be directed to the County Superintendent of Schools/designee. The employee shall specify the date which the employee intends as his/her last day at work.

The County Superintendent of Schools or his designee may accept the resignation and fix its effective date. Once the letter of resignation is accepted by the County Superintendent of Schools, or his/her designee, it cannot be withdrawn by the employee. The letter should include the reason for the resignation, and normally, no less than two weeks' notice should be given.

The effective date of the resignation shall be a date not later than the close of the school year during which the resignation is received, except as provided in the following paragraph.

An employee and the County Superintendent of Schools may agree that a resignation will be accepted at a mutually agreed upon date not later than two years beyond the close of the school year during which the resignation is received by the County Superintendent of Schools. (Education Code 44930, 45201)

Certificated

The Superintendent discourages certificated employees from resigning during the school year in which they are contracted. Release from contract may depend on one of the following conditions:

- the employee has acted in good faith in fulfilling her/his obligation to the County Office of Education;
- an acceptable, qualified replacement is identified and available.

When a certificated staff member leaves the employ of the County Superintendent of Schools during the school year without obtaining acceptance of his/her resignation from the Superintendent or leaves before the effective date of the resignation, the Superintendent is obligated to report this fact with supporting evidence to the Commission on Teacher Credentialing. The Commission may suspend the credentials of an employee who leaves the County Office of Education in this manner.

For purposes of this section, formal rejection or refusal to sign the employer's Offer of Employment by the date required thereon may be considered by the employer as a resignation.

Legal Reference:

Education Code

1294 Rights of certificated employees

35160 - 35160.1 - Authority of Boards; County Superintendent

44420 Failure to fulfill contract as ground for suspension
of diplomas and certificates

44930 Acceptance and date of resignation

COURT DECISIONS

American Federation of Teachers, Local #1050 v. Board of Education of Pasadena Unified School District, (1980) 107 Cal.App. 3d 829, 166 Cal. Rptr. 89