RESIGNATION WITHOUT CONSENT (UNILATERAL RESIGNATION)

An educator employed under a probationary contract for the following school year, or under a term or continuing contract, may relinquish the position and leave District employment at the end of the school year without penalty by filing a written resignation with the Board or the Board's designee not later than the 45th day before the first day of instruction of the following school year.

A written resignation mailed by prepaid certified or registered mail to the Board President or the Board's designee at the post office address of the District is considered filed at the time of mailing.

Education Code 21.105(a), .160(a), .210(a)

An unequivocal resignation filed not later than the 45th day before the first day of instruction of the following school year is effective upon filing with the District and the District cannot reject such a resignation. The resignation cannot be withdrawn by the teacher based on an argument that the District has not accepted the resignation. *Fantroy v. Dallas Indep. Sch. Dist., Tex. Comm'r of Educ. Decision. No. 034-R9-0206 (Mar. 5, 2009); Garcia v. Miles Indep. Sch. Dist., Tex. Comm'r of Educ. Decision No. 055-RI-503 (Nov. 30, 2006)*

RESIGNATION WITH CONSENT

The educator may resign, with the consent of the Board or the Board's designee, at any other time. *Education Code 21.105(b), .160(b), .210(b)*

SANCTIONS FOR ABANDONMENT OF CONTRACT

On written complaint by the District, the State Board for Educator Certification (SBEC) may impose sanctions against an educator who is employed under a probationary contract, or under a continuing or term contract for the following school year, and who:

1. Resigns;
2. Fails without good cause to comply with the resignation deadline or the provision regarding resignation by consent; and
3. Fails without good cause to perform the contract.

Education Code 21.105(c), .160(c), .210(c)

Acceptance or approval of a resignation indicates consent to abandonment of contract. *Quitman Indep. Sch. Dist. v. Wilkerson, Tex. Comm'r of Educ. Decision No. 142-TTC-698 (Dec. 2, 1999); Houston Indep. Sch. Dist. v. Johnson, Tex. Comm'r of Educ. Decision No. 054-TTC-1196 (Sept. 28, 1998)*

SBEC shall not pursue sanctions against an educator who is alleged to have abandoned his or her contract unless the Board:

1. Submits a written complaint within 30 calendar days after the effective date of the educator's separation from employment from the District. Unless the District and the educator have a written agreement to the contrary, the effective date of separation from employment is the first day that, without District permission, the educator fails to appear for work under the contract.

2. Renders a finding that good cause did not exist under Education Code 21.105(c)(2) (probationary contract), 21.160(c)(2) (continuing contract), or 21.210(c)(2) (term contract). This finding constitutes prima facie evidence of the educator's lack of good cause but is not a conclusive determination.

3. Submits the following required attachments to the written complaint:

   a. The educator's resignation letter, if any;

   b. The agreement with the educator regarding the effective date of separation from employment, if any;

   c. The educator's contract; and

   d. Board meeting minutes indicating a finding of "no good cause." If the Board does not meet within 30 calendar days of the educator's separation from employment, the minutes may be submitted within 10 calendar days after the next Board meeting.

19 TAC 249.14(g)

NOTICE TO SBEC

In addition to the reporting requirement under Family Code 261.101 [see FFG], the Superintendent must file a written report with SBEC not later than the seventh day after the Superintendent first obtains or has knowledge of information indicating that an educator resigned and reasonable evidence supported a recommendation by the Superintendent to terminate the educator because he or she committed one of the acts specified at Education Code 21.006(b).

Before accepting the educator's resignation, the Superintendent shall inform the educator in writing that a report will be filed which may result in sanctions against the employee's certificate.

The Superintendent shall notify the Board before filing a report of a resignation with SBEC.

Education Code 21.006(b), (c), (d); 19 TAC 249.14(d) [See DF, DH]

INVESTIGATION

The Superintendent shall complete an investigation of an educator that is based on reasonable cause to believe the educator may have abused or otherwise committed an unlawful act with a student or minor, despite the educator's resignation from District employment before completion of the investigation. *Education Code 21.006(b-1); 19 TAC 249.14(d)(3)(C)*