

CSBA Sample

Board Policy

Resignation

BP 4117.2 4217.2, 4317.2

Personnel

Any district employee who desires to resign his/her position shall submit, in writing, a letter of resignation which indicates the date which the employee intends as his/her last day at work. The Governing Board encourages employees to provide advance notice that is appropriate for the position they hold.

Note: Option 1 below is for use by districts in which the Board accepts the resignation of employees and fixes their effective dates. Option 2 is for use by Boards that delegate to the Superintendent or designee the authority to accept resignations and set their effective dates.

OPTION 1: An employee's written resignation shall be submitted to the Board in care of the Superintendent or designee. The Board shall set the date when the resignation takes effect. Once the date is formally set by the Board, the resignation may not thereafter be withdrawn by the employee.

OPTION 2: The Board authorizes the Superintendent or designee to accept an employee's written resignation and to set its effective date. Once the Superintendent or designee has accepted and set an effective date for this resignation, the resignation may not thereafter be withdrawn by the employee.

***Note: The remainder of this policy is for use by all districts. ***

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. However, an employee and the Board 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 Board. (Education Code 44930, 45201)

Note: Education Code 44420, as amended by SB 299 (Ch. 342, Statutes of 2001), provides that the Commission on Teacher Credentialing may take any adverse action against a credential holder who refuses, without good cause, to fulfill a valid contract with the district or leaves district service without the consent of the Superintendent or Board. Such adverse action may not include suspension of the credential for more than one year or revocation of the credential.

***Note: In addition, pursuant to Education Code 44242.5 and 5 CCR 80303, the district must file a report with the Commission on Teacher Credentialing whenever a credential holder, serving in a position requiring a credential, resigns as a result of alleged misconduct. See AR 4117.7/4317.7 - Employment Status Reports. ***

(cf. 4117.7/4317.7- Employment Status Reports)

Legal Reference:

EDUCATION CODE

35161 Board delegation of any powers or duties

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

44433 Unauthorized departure from service as unprofessional conduct

44930 Acceptance and date of resignation

45201 Power to accept resignation

CODE OF REGULATIONS, TITLE 5

80303 Reports of change in employment status

80304 Notice of sexual misconduct

COURT DECISIONS

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

(10/96 11/99) 7/01