

*Policy*

**RESIGNATION OF PROFESSIONAL STAFF**

*Code GBO Issued 12/15/21*

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Any professional staff member who wants to be released from his/her contract must submit such a request in writing to the superintendent with at least thirty (30) days prior written notice. The Board authorizes the superintendent to accept resignations on its behalf. Acceptance of a professional employee's resignation is within the sole discretion of the superintendent and will be based upon the needs of the district. The district reserves the right not to release the teacher or other professional if written notice is not given in a timely manner, or if a suitable replacement cannot be found. Until an individual has been formally released from his/her contract, the district expects the employee to report for duty until the release is approved. The district is under no obligation to release a teacher from a contract. The superintendent generally will release a teacher from his/her timely request to be released from his/her contract for reasons beyond a teacher's control that include, but are not limited to, military/employment transfer of a spouse which requires a geographic move; promotion to another educational position; or other legitimate circumstances beyond the employee's control, as determined by the superintendent or his/her designee. For such resignation to be effective, it must be accepted in writing by the superintendent or his/her designee.

Approval will generally not be given to release a person to accept a similar position after May 31 unless the superintendent or his/her designee determines that the circumstances were beyond the teacher's control, as referenced above, and a qualified replacement can be found.

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 may recommend to the Board that a formal complaint and report of breach be sent to the State Board of Education (SBE) and ask that appropriate action be taken against the employee for unprofessional conduct. The Board will vote formally on all such recommendations. Both state law and SBE regulation provide for suspension or revocation of a professional certificate under such circumstances.

Adopted 01/30/90; Revised 12/14/21

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Legal references:

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