

POLICY TITLE: PERSONNEL RESIGNATION (RELEASE FROM CONTRACT)

Certificated Personnel

Applicants for teaching positions with the Canyon-Owyhee School Service Agency (COSSA) who are issued a contract and employees who are on contract should recognize that their contract with the Agency carries responsibilities. Certified personnel will generally be expected to fulfill the terms of their contract unless:

1. There are clearly compelling, mitigating circumstances which prevent the certified or exempt individual from doing so; and
2. Until such time as the Board releases the certified individual from the terms of the contract upon the recommendation of the Superintendent.

Employees, including those employees who have just signed their first contract, will not be released from contract during the school year or within 45 days of the start of the school year unless a suitable replacement can be found. The Board may make exceptions to this rule for serious health problems or if a replacement can be found to fill the position being vacated.

The employee may make a written request for release from contract during the school year or immediately prior to the start of the school year, stating the date of requested release. The request should be submitted to the Agency offices so that a search for a suitable replacement can be initiated. The request for release will be submitted to the Board at the time specified by the employee. If finding a replacement is not imminent, the Agency offices will advise the person submitting the request that the administration will recommend to the Board that the request be denied. The Agency offices will also give the person making the request the opportunity to hold the request until finding a suitable replacement is imminent at which time the resignation would then be submitted to the Board. If no time is specified for the request to be submitted to the Board, it will be submitted when the administration feels that finding a suitable replacement is imminent. The person making the request will be advised of that action.

A determination of availability of a suitable replacement, approved by the building principal as per Idaho Code, will be made by the administration before recommendation will be made to the Board that the employee be released from contract. If, in the judgment of the administration, there is not a suitable replacement, and/or if retention of a new employee is not approved by the building principal, recommendation will be made that the Board NOT release the employee from contract.

Classified Personnel

Classified employees not under contract are expected to give due written notice that will permit the Agency to conduct a search for a suitable replacement. Generally speaking, the Board expects a two-week notice.

All resignations should be in writing. Requests for resignation shall be transmitted to the Board as part of the regular personnel report.

Any classified personnel who, without approval or without taking leave, does not show up for work for more than three (3) consecutive days will be considered to have abandoned his or her position, and shall be deemed to have resigned.

Resignations

Resignation by certified personnel must be presented in writing to the Chief Executive Officer (CEO) of the Canyon-Owyhee School Service Agency (COSSA) at least one month prior to the date requested for separation. The date of the request and reasons therefor will be filed in the personnel record of the individual making the request.

The CEO of COSSA is authorized to accept staff resignation letters when in his/her opinion such acceptance is in the best interest of COSSA. All resignation letters shall be presented to the COSSA Board of Trustees at the next scheduled meeting.

Breaking Contract

Should any certified employee desire release from the ensuing contract after the first day of June, or should abandon the contract of employment with the Agency without the prior written release from the contract by the Board, the Board of Trustees will report such event to the Professional Standards Commission, alleging that the certificated employee is guilty of unethical practices and has violated the Code of Ethics for Idaho Professional Educators. In addition, should any certificated employee abandon a contract of employment with the Agency without the prior written release from the contract by the Board, the Agency and/or Board may, in its discretion, pursue any and all available legal remedies, including damages to recoup all losses caused by such breach of contract, including without limitation costs for substitutes, recruiting, loss of State funding, and legal fees.

LEGAL REFERENCE:

I.C. § 33-524 Principals to Determine New Staffing
I.D.A.P.A. 08.02.02.076.09 Code of Ethics for Idaho Professional Educators
I.C. § 72-1366 Personal Eligibility Conditions

POLICY HISTORY:

Original Policy 305 adopted: 1992, Reauthorized 10-15-2018
Original Policy 305.1 adopted: 1992, Reauthorized 10-15-2018
Policies 305 and 305.1 combined, revised and reissued as Policy 5350 10-18-21