

You Are Legally Bound to the Terms of Your Contract

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November 2012

Every year the PAGE legal department gets questions about contracts. We are just two months into this school year and I have received a number of calls from members asking how to get out of a contract without a sanction from the Georgia Professional Standards Commission. So, I would like to share the most up to date information with you about this issue. First, if you are in this situation call the PAGE legal department immediately so we can assist you. While everyone's situation is different, in a general way there are things I would like for you to know.

As an educator, you cannot just submit a letter of resignation with a two-week notice and leave. This is because of contract law and the Code of Ethics for Educators. Once an educator signs a contract, the educator is legally bound by the terms of that contract. The educator cannot then submit a letter of resignation from the school system; to resign would mean that the educator was breaching the contract. In theory the school system could then sue the educator for breach of contract, but that is not the usual course of action. What we typically see is that the school system will send a letter of complaint to the Georgia Professional Standards Commission alleging abandonment of contract – a violation of standard 8 under the Code of Ethics for Educators. (The idea behind this is that we do not want a group of students to suddenly be without a teacher.)

In order to avoid a Georgia Professional Standards Commission investigation and a possible sanction to the educator's certificate, a good approach to take is to submit a letter to a principal, human resources officer, or superintendent and ask to be "released" from the contract. A good release letter will include a solid explanation. Educators will want to give schools systems as much notice as possible; certainly that would mean at least a two week notice but 30 days or 60 days is a wonderful amount of notice so that the school system has adequate time to locate a replacement educator.

The Georgia Professional Standards Commission has published new criteria about the abandonment of contract issue under standard 8 of the Code of Ethics for Educators. Here are the most recent guidelines for abandonment of contract:

The Georgia Professional Standards Commission will find no probable cause on an educator that is referred to them for abandonment of contract where the educator:

1. The Educator submits a letter of resignation prior to June 1st for the upcoming school year.
2. The Educator submits a letter of resignation with at least a two week notice after June 1st for the following reasons.
 - a. A documented personal health problem or family medical problem that requires the Educator's full-time care and attention.

- b. A documented spousal transfer and relocation out of a reasonable commuting distance of the contracted position.
- c. A documented promotion within the field of education.

Note: In the situations described above the PSC will not impose a certification sanction, but it does not preclude school systems from seeking other remedies, civil or professional.

In the situations described below, the Professional Standards Commission will recommend a 90 day suspension to the educator's certificate:

1. The Educator makes no effort to fulfill the duties of his contract and leaves the contracted position without the effort to comply with system's requirements and with no regard to smooth transition.
 2. System (BOE) terminates the educator or does not accept the resignation from an educator and documents notification. Once a resignation is accepted the contract has been dissolved.
3. The Educator does not have a valid reason for resigning.

Disclaimer: These are strictly guidelines. The Commission has the authority to investigate any complaint and issue a sanction for violation of any standard based upon the facts of an individual case. The PSC will consider each complaint and case summary. Decisions will be made based on the facts and circumstances presented.

Note: The PSC expects educators to honor contracts. The PSC also expects school systems to make a reasonable effort to release educators from their contracts whenever possible. The PSC is concerned with how either party's conduct affects the students, and will act in the best interest of those students.

I think it is important to understand which situations the PSC will investigate and which situations they do not investigate. Step one is to let us assist with a letter asking to be released and explaining the reasons for the request to be released; and after that we will want to take it a step at a time as you work with your PAGE attorney. Have a good school year and please call the PAGE legal department if we can assist you in any way at 770.216.8555 or 800.334.6861.