

A resignation is a voluntary decision by an employee to discontinue their employment. The Board acknowledges the right of staff to make such a decision without coercion, with knowledge of their rights, and with finality. At the same time, the Board expects resignation decisions to be made and communicated to the Board without undue disruption or delay. This policy will govern the resignation process.

A. PROFESSIONAL EMPLOYEES

Professional employees who intend to resign for any reason are encouraged to indicate their plans in writing at as early a date in the school year as possible, such as when plans become firm and/or the decision to leave the school system is made. A resignation becomes effective at the end of the school year in which it is submitted. A resignation for any other time requires 30 days' notice unless the superintendent consents to a shorter notice period.

If a teacher has not been recommended for dismissal but fails to meet the notice requirements and the superintendent does not consent to a waiver of notice, the superintendent shall inform the board and recommend to the board whether a request should be made to the State Board of Education to revoke the teacher's license for the remainder of the school year. The superintendent shall place a copy of the request in the teacher's personnel file.

Resignation without notice or consent: If a career employee who has been recommended for dismissal under G.S. 115C-325(e)(1) resigns without the written consent of the superintendent, then: (1) the superintendent shall report the matter to the State Board of Education; (2) the employee shall be deemed to have consented to the placement of the written notice of the superintendent's intention to recommend dismissal in the employee's personnel file; (3) the employee shall be deemed to have consented to the release to prospective employers, upon request, of the fact that the superintendent has reported this employee to the State Board of Education; and (4) the employee shall be deemed to have voluntarily surrendered his or her license pending an investigation by the State Board of Education to determine whether to seek action against the employee's license. For purposes of this section, "career employee" means (1) a teacher or administrator with career status, or (2) an administrator or probationary teacher during the term of his or her contract.

B. ALL EMPLOYEES

Letters of resignation must be submitted to the superintendent. Resignations may be accepted, on behalf of the board, by the superintendent or designee. To help ensure the smooth operation of the schools, 30 days' notice from professional employees and two weeks' notice from other employees is requested whenever possible.

Each employee who is leaving the school system may arrange to meet with any director, supervisor or administrator to discuss his or her reasons for leaving and to identify any practices or policies that he or she feels are detrimental to the objectives of the school system. To the extent possible, statements made by employees will be confidential.

C. EMPLOYEES ON LEAVE WITH OR WITHOUT PAY

With respect to any resignation from an employee who is on leave with or without pay, whether for investigative, disciplinary or any other reason, the following shall apply in addition to the preceding paragraphs:

- (a) The employee may not be pressured or coerced to resign by the Board or staff;
- (b) No promises or conditions may be offered by staff to such an employee to persuade them to resign;
- (c) The employee should be given a copy of this policy;
- (d) By receipt of this policy, the employee is advised that: (i) in cases of employee discipline, there may be a right to request a hearing before the Board; (ii) by resigning, the employee will be deemed to waive any hearing rights; and (iii) in cases of dismissal for disciplinary reasons, the reasons for the final action must be set forth in a letter which would be a public record; (iv) the employee should take at least 24 hours to consider their decision before making a formal decision to resign; (v) the employee has the right to discuss the effects of resignation with their own legal counsel at their own cost; and (vi) when an employee resigns, the only information that will be released to the public regarding the ending of their employment is that they resigned, but the reasons therefore will not be released to the public;

- (e) No employee is authorized to promise or represent: (i) that by resigning, the employee will avoid criminal prosecution or sanctions by the State Board of Education or investigation by the Department of Social Services or any other agency; (ii) that a resignation will have any positive or negative impact on their right to any future employment; or (iii) that, in the absence of resignation, the Board would take any specific disciplinary action against the employee;
- (f) The employee may be asked to confirm their decision to resign by signing a form resignation letter;
- (g) The Superintendent is authorized to waive any specific period of notice before the resignation becomes effective; after a notice of resignation is submitted by an employee, it may not be rescinded or withdrawn without the consent of the Superintendent or the Board

Legal References: G.S. 115C-47, -325(e), -325(o)

Adopted: July 22, 2004

Revised: May 6, 2013