




The Changing Landscape of Contract Abandonment and Resignation from a Chapter 21 Contract


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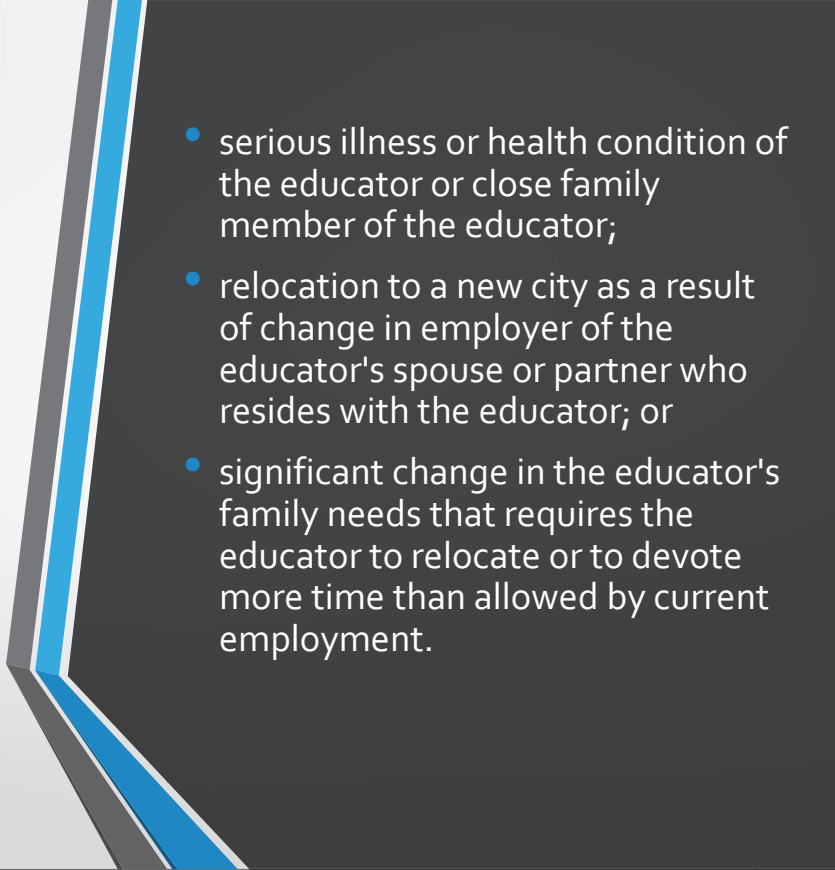
Texas
Education
Code
§§ 21.105,
21.160,
and 21.210

Teachers who resign later than 45 days prior to the first day of instruction without good cause and without the consent of the school district are subject to certification sanction. Teachers who resign later than 45 days prior to the first day of instruction without good cause and without the consent of the school district are subject to certification sanction.

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- SBEC is charged with enforcement of this statutory provision and has adopted rules that specify that the mandatory minimum sanction for contract abandonment is typically a one-year suspension.
 - The rules outline what circumstances the SBEC would consider to be "good cause," thus allowing a teacher to resign from the contract without penalty, and other "mitigating factors" that could justify a reduced sanction.



Good Cause

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- serious illness or health condition of the educator or close family member of the educator;
 - relocation to a new city as a result of change in employer of the educator's spouse or partner who resides with the educator; or
 - significant change in the educator's family needs that requires the educator to relocate or to devote more time than allowed by current employment.

Mitigating Factors

- educator gave written notice to school district 30 days or more in advance of the first day of instruction for which the educator will not be present;
- educator assisted school district in finding a replacement educator to fill the position;
- educator continued to work until the school district hired a replacement educator;
- educator assisted in training the replacement educator;
- educator showed good faith in communications and negotiations with school district; or
- educator provided lesson plans for classes following educator's resignation.

- The SBEC has had the authority to impose sanctions for contract abandonment since its creation in 1995, but for many years it considered contract-abandonment cases on an individual basis and made its determination based on the facts of the case that was presented to it.
- In July 2015 the Sunset Commission Advisory Committee issued a series of recommendations following its review of the Texas Education Agency.
- One of those recommendations was that the SBEC develop a disciplinary matrix to ensure fair and consistent application of sanctions. The recommendation further specified that such a matrix should include aggravating or mitigating factors that the SBEC would consider in imposing sanctions.
- The current rules are the product of rule amendments responsive to those recommendations.

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First appeared as part of the conference materials for the
37th Annual School Law Conference session

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