

Marion County Board of Education

Monitoring: Review: Annually, in February	Descriptor Term: Resignation	Descriptor Code: 5.204	Issued Date: 04/24/01
		Rescinds: 5.204	Issued: 12/15/97

1 **Professional Personnel**

2
3 A teacher shall give the director of schools notice of resignation at least thirty (30) days before the effective
4 date of the resignation. A teacher who fails to give such notice, in the absence of justifiable extenuating
5 circumstances, shall forfeit all tenure status. The Board may waive the thirty (30) days notice requirement
6 and permit a teacher to resign in good standing.

7
8 The conditions under which it is permissible to break a contract with the Board are as follows:

- 9
- 10 1. The incapacity on the part of the teacher to perform the contract as evidenced by the certified
11 statement of a physician approved by the Board;
 - 12
13 2. The release by the Board of the teacher from the contract which the teacher has entered into with
14 the Board.¹

15
16 Any teacher on leave shall notify the director of schools in writing at least thirty (30) days prior to the
17 date of return if the teacher does not intend to return to the position from which he/she has taken leave.
18 Failure to render such notice may be considered a breach of contract.²

19
20 Upon a breach of contract, the Board, upon a motion recorded in its minutes, may file a complaint with
21 the Commissioner and request the suspension of a teacher's certificate. After the Commissioner has
22 provided the teacher an opportunity for defense during a hearing, the Commissioner may suspend the
23 certificate for no less than thirty (30) and no more than three hundred sixty-five (365) days.³

24
25 **Support Personnel**

26
27 Support personnel shall give the immediate supervisor written notice of resignation at least two (2)
28 weeks (ten (10) working days) in advance of the effective date of voluntary termination. The ten (10)
29 working days may be waived by the superintendent for justifiable reason.

30
31 The immediate supervisor shall forward copies the day received to the director of school's office. The
32 payroll office will prepare final payment for the next appropriate scheduled pay day.

33
34
35
36

Legal References:

- 37 1. TCA 49-5-508
- 38 2. TCA 49-5-706
- 39 3. TCA 49-5-411