

## LICENSED EMPLOYEE RESIGNATION

A licensed employee who wishes to resign must notify the superintendent in writing within the time period set by the board for return of the contract. This applies to regular contracts for the licensed employee's regular duties and for an extracurricular contract for extra duty. Resignations of this nature will be accepted by the board.

The board may require an individual who has resigned from an extracurricular contract to accept the resigned position for only the subsequent school year when the board has made a good faith effort to find a replacement and the licensed employee is continuing to be employed by the school district.

Release from a contract will be contingent upon finding a qualified and suitable replacement in the judgment of the administration and board. Licensed employees requesting release from a contract after it has been signed and before it expires will be required to pay for expenses incurred to locate and hire a suitable replacement. Upon written mutual agreement between the employee and the superintendent, or in the case of the superintendent a designee of the board, the costs may be deducted from the employee's salary. Payment of these costs shall be a condition for release from the contract at the discretion of the board. Failure of the licensed employee to pay these expenses may result in action being filed in small claims court.

A licensed employee may be released from his or her contract under the following circumstances:

- a) The request for release is made prior to May 1 and a qualified and suitable replacement can be contracted for the same position.
- b) Requests made after May 1 for release from contract can be made only with the teacher paying the cost of expenses incurred to locate and hire a suitable replacement. Unless a replacement suitable to the administration and board can be found, the request may be denied.
- c) Release from contract after June 1 may be denied, unless in the judgment of the administration and board, a suitable replacement can be found and contracted. Acceptance of late resignations will be the exception rather than the rule.

The board may, however, require an individual who has resigned from an extracurricular contract to accept the resigned position when the board has made a good faith effort to find a replacement and the licensed employee is continuing to be employed by the school district.

The superintendent is authorized to file a complaint with the Board of Educational Examiners against any licensed employee who leaves without proper release from the board. Should such an instance arise, the resignation of the licensed employee may be accepted under protest or the licensed employee may be terminated so that replacement staff may be hired without jeopardizing the legal rights of the district.

Legal Reference: Iowa Code §§ 91A.2, .3, .5; 279.13, .19A.

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| Cross Reference: | 405.3 | Licensed Employee Individual Contracts |
|                  | 405.4 | Licensed Employee Continuing Contracts |
|                  | 407.3 | Licensed Employee Retirement           |

**Adopted:** 3/15/1999  
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