

When Can A Teacher “Safely” Walk Away?



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What do we advise our members in a “teachers’ choice” economy?



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Education Code §44832

- Applies to Districts with less than 2500 ADA
- Requires Employees to advise District by **May 15** of intent to return for the following year

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Education Code §44842

**REQUIRES THE DISTRICT TO PUT EMPLOYEES ON
STATUTORY NOTICE OF INTENT TO RETURN**

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The District's notice must be provided "not later than" May 30 of the preceding year



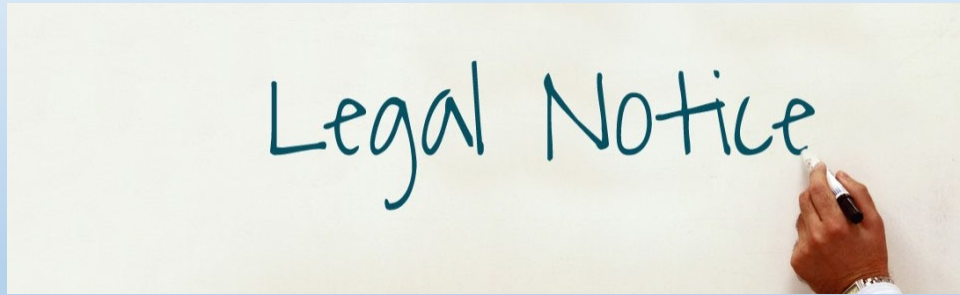
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Notice must be "personally served" or sent by "certified mail"



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Notice must “include a copy of this section”
(Ed Code § 44842)



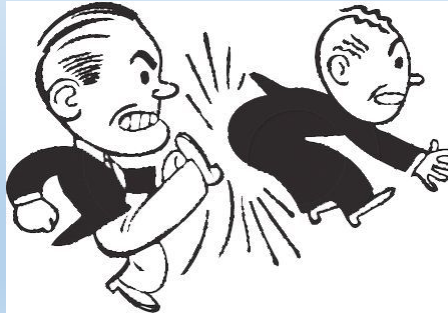
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Once Notice is received, probationary or permanent employee must notify District of intent to return by **July 1**



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Failure to respond by July 1, without “good cause,” entitles the District to deem the employee terminated as of June 30 of that year



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Failure “without good cause” to “report for duty” at the beginning of the School year may likewise be deemed a decision to “decline employment” and the District may terminate services after 20 consecutive days of absence.



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Education Code § 44420

Failure to fulfill a “valid contract” or leaving service without consent, “without good cause” can result in an “adverse action on the credential holder” by the Commission



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A “valid” contract requires:

- basic terms of agreement
- execution
- acceptance



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What constitutes “good cause?”



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The grass is greener...



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I can't stand the boss...



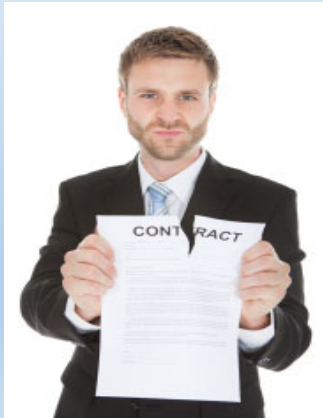
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My partner got a new job...



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WARNING: There is no guidance (case law) regarding what constitutes “good cause” for failing to fulfill a contract



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Common Sense:



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