When Can A Teacher “Safely” Walk Away?

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

Education Code §44842

REQUIRES THE DISTRICT TO PUT EMPLOYEES ON STATUTORY NOTICE OF INTENT TO RETURN
The District’s notice must be provided “not later than” May 30 of the preceding year.

Notice must be “personally served” or sent by “certified mail.”
Notice must “include a copy of this section” (Ed Code § 44842)

Once Notice is received, probationary or permanent employee must notify District of intent to return by July 1
Failure to respond by July 1, without “good cause,” entitles the District to deem the employee terminated as of June 30 of that year.

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.
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.

A “valid” contract requires:
- basic terms of agreement
- execution
- acceptance
What constitutes “good cause?”

The grass is greener...
I can’t stand the boss...

My partner got a new job...
**WARNING:** There is no guidance (case law) regarding what constitutes “good cause” for failing to fulfill a contract

Common Sense: