

New SBEC Rules: Contract Abandonment per HB 2519

Teachers who experience changes in their employment circumstances now enjoy additional contract considerations in five ways.

The new rules reduce the maximum sanction for abandoning a contract between 44 and 30 days prior to the first day of instruction to an inscribed reprimand.

WHAT DOES THIS MEAN?

If an educator abandons their contract after the 45th day prior to the first day of instruction but before the 30th day, then they cannot be suspended from the profession and can only receive — at the most — an inscribed reprimand on their certificate.

The new rules create “good cause” for an educator to resign after 45 days into a school year if they reasonably believed they had written permission from the school district to resign.

WHAT DOES THIS MEAN?

An educator cannot be sanctioned for contract abandonment if they receive written permission to resign from someone who may not technically be authorized to accept a resignation but does so anyway, such as a principal.

SBEC must now consider any mitigating factors that may bear upon an educator’s decision to resign mid-year.

WHAT DOES THIS MEAN?

The new rules now require SBEC to consider all reasons that led to an educator’s decision to abandon their contract, not just the ones listed in the rule and not only if the board chooses to do so. Prior to these rules, SBEC



was allowed but not required to consider mitigating factors when deciding sanctions.

The new rules include four additional mitigating factors:

If an educator changes careers within the field of education but to a position that requires a different class of educator certification or higher level of authority (e.g. teacher to librarian or assistant principal to principal); if an educator is subject to a reduction in base pay, excluding stipends, as compared to the prior year; if an educator resigns due to working conditions that reasonably pose an immediate threat of significant physical harm; or if an educator leaves their employment for any other relevant circumstance or fact, SBEC is compelled to consider these mitigating factors in the educator’s decision to abandon their contract.

WHAT DOES THIS MEAN?

The list serves as a guidepost of reasonable explanations for why an educator might need to abandon a contract, but SBEC will retain the authority to determine on a case-by-case basis if and to what extent an educator’s penalty may be reduced based upon these or any other mitigating factors.

The new rules remove a mandatory minimum sanction for contract abandonment.

WHAT DOES THIS MEAN?

SBEC will consider each contract abandonment case individually and now may decide not to take any disciplinary action at all.

If you need further guidance on the implementation of HB 2519 and how it might apply to your situation, please reach out to the TSTA Help Center at 877-ASK-TSTA.