



RESIGNING

*Questions to consider
before leaving your
position*



arizonaaea.org/helpdesk



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(877) 828-1983

Introduction

Resigning from your job is a big decision. You may opt to resign for medical reasons, for a better job, or for personal reasons. You also may decide to resign to avoid nonrenewal or dismissal. This brochure provides factors you should consider **before** you resign.

Remember, Arizona law states, “A certificated teacher shall not resign after signing and returning his contract, unless the resignation is first approved by the governing board. A teacher who resigns contrary to this section shall be deemed to commit an unprofessional act and, upon request of the governing board, shall be subject to disciplinary action, including suspension or revocation of certificate, as the state board of education deems appropriate.” A.R.S. § 15-545. The State Board of Education routinely imposes a one-year suspension upon certificated employees for resigning without permission. Also, the State Board can share your disciplinary file with a prospective employer. Therefore, if you are a teacher under contract, your resignation could significantly limit your ability to teach in other districts or charter schools unless your request to be released from the contract is approved by the governing board.

Some districts will not approve a resignation unless a suitable replacement is found. Many districts require a teacher to pay “liquidated damages” in exchange for board approval of a resignation, and this fee can vary from \$500 to \$3000. These liquidated damages are often an estimate of the district’s cost to hire a replacement.

Your employer will often take those damages out of your last pay checks, and your employer could pursue collections for any remaining balance. However, your employer has only 1 year to bring an employment contract claim. A.R.S. § 12-541 (3).

The 2021 Arizona Legislature created a class of noncertificated employees in A.R.S. §15-505 (F) (1)(a) who work at both district and charter schools. It appears that these noncertificated employees similarly cannot resign without permission. The State Board of Education can require a school to terminate their employment, or, if they have already resigned, can prohibit a district or charter school from hiring them. Many school districts have a policy or practice of requiring some advance notice (usually two weeks) for Education Service Professionals who are not noncertificated employees as defined by A.R.S. §15-505 (F)(1)(b) to submit a resignation. A failure to follow those policy requirements can lead to bad references or other consequences as outlined in your employment contract and policies.

Seek Help

Because resignations can lead to significant consequences, consult with your local leaders, arizonaaea.org/helpdesk, or your AEA Organizational Consultant **before** you submit a resignation letter. After you submit a resignation, it is often very difficult to preserve or to protect your rights.



Key Questions

The answers to the following questions vary from district to district, and even within a district, depending upon the circumstances of the resignation. Most items are negotiable between you, your representative, and the district. However, you must negotiate these terms **before** you resign. The governing board must approve mid-year teacher resignations and some other agreements that obligate the district. Whenever possible, obtain district “promises” in writing.

- 1** After submitting your resignation, will you receive additional salary or money? Will you receive any of the following:
- Balance of your contract or salary for a shorter time period
 - Classroom Site Fund pay, including performance-based pay (many districts require that you remain an employee to be eligible for 301 money)
 - Pay for sick leave, personal leave, or other leaves
 - Deferred compensation or summer pay
 - Pay for addendum contract or extra duties
 - Pay for overtime or compensatory time (ESP only)?

Arizona law requires that when an employee is dismissed, the employer must pay the employee within seven working days from the dismissal or the end of the next pay period, whichever is sooner. A.R.S. § 23-353 (A). However, when an employee resigns, the employer shall pay all wages owed no later than the regular payday for the pay period during which the termination occurred. If requested by the employee, such wages shall be paid by mail. A.R.S. § 23-353 (B). There are a few exceptions to this, such as payment for 301 money that occurs in the following school year.

- 2** When is your last day of work? When is your resignation effective?

Many school employees elect to have their pay prorated and paid in equal bi-weekly pays over a specific number of pay periods. When an employee resigns before completing the entire anticipated term of employment, the employer will calculate ‘up-to-date pay’ using a daily rate and the actual number of days worked. Depending on when a resignation is effective during the original term of employment, the up-to-date calculation may result in a final pay that is different from the usual bi-weekly pay amount.



- 3** When will your benefits stop? If you resign a few days later, will your health insurance coverage be extended for another month?
Sometimes health insurance continues until the last day of the month in which you resign. If this is true in your district, it is better to resign January 1, rather than December 31 because your insurance will be extended for a longer period of time.
- 4** How can you continue your health insurance benefits? What will those benefits cost?
Most employees will be eligible for COBRA, but you should determine the cost before considering a resignation.
- 5** If you live in housing provided by your district, when will you have to vacate your home? Will the district ask you to pay for any cleaning or repairs?
- 6** What written or oral recommendations will the district provide to prospective employers? Will they comment on your eligibility for rehire? Will anything negative be left in your personnel file? What information or documents will the district share with prospective employers?
Try to obtain reference letters before you submit your resignation.
- 7** What is the public story of your departure? What will the district tell staff, the press, and others?
What can you tell others?
- 8** Will the district cooperate in your effort to file for unemployment compensation benefits?
Unemployment compensation is not available for most employees who resign. You may qualify for benefits if you resign in lieu of dismissal and your employer does not object. **Beware:** If you resign in lieu of termination you must reveal this to prospective employers if they ask on their application forms. Most school districts do. You may also qualify for unemployment insurance benefits if you resign for compelling personal reasons.
- 9** Until what date will you have access to your classroom or worksite? When and to whom do you turn in keys and other school property? What about your personal belongings at school?
Remove personal belongings after school hours with a coworker and an administrator present to avoid misunderstandings. Schedule and confirm a date with administration prior to removing belongings.



- 10** What options are available to you other than resignation? Have you considered a leave of absence, sick leave, sick leave bank, unpaid leave under the Family and Medical Leave Act, and short or long term disability? Information about the long term disability coverage provided by Arizona State Retirement System (ASRS) can be obtained at www.azasrs.gov.
- 11** Have you been informed about your retirement?
Go to www.azasrs.gov on the Internet, or, better, go in person to the Arizona State Retirement System to ascertain your benefits. Call ASRS for information: In Phoenix, (602) 240-2000, or in Tucson, (520) 239-3100 and toll free elsewhere, (800) 621-3778. Do not rely on your employer for retirement information. Remember you must resign to retire.
- 12** Are you eligible for early retirement benefits from your employer? When is the deadline to apply for those benefits?
Beware: You may not be able to enforce your employer's promises for part-time employment or benefits for more than one year after you retire.
- 13** Will you have access to your personnel file after resignation?
You may want to request the return of your original teaching certificate, transcripts, and other valuable documents.
- 14** Will it be possible to return to employment in the same district at some future date? Will you be given an advantage over other applicants?
- 15** Will the district report you to the State Board of Education or local police for investigation of alleged misconduct? If you are a bus driver will the district report you to the Arizona Department of Transportation or the Department of Public Safety?
- 16** What assurance can you give the district that, after an amicable settlement, you will not later file a lawsuit or a government agency complaint against the district? What assurance will the district give that it will not file a lawsuit against you?

Immediately contact arizonaaea.org/helpdesk if you are presented with a “settlement agreement.”



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A Final Note

For more information and assistance, contact your local association, arizonaaea.org/helpdesk, or your AEA Organizational Consultant.

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This brochure is a general guide for AEA members and is not intended to provide complete information or legal advice on specific problems. Changes in laws and cases may modify the information provided. To find Arizona statutes on the Internet, go to www.azleg.gov.



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