**Georgia Professional Standards Commission**

**Guidelines for Breach of Contract**

**Effective August 1, 2023**

1. Standard 9: Professional Conduct
   1. An educator shall demonstrate conduct that follows generally recognized professional standards and preserves the dignity and integrity of the education profession. Unethical conduct includes but is not limited to a resignation that would equate to a breach of contract; any conduct that impairs and/or diminishes the certificate holder’s ability to function professionally in his or her employment position; or behavior or conduct that is detrimental to the health, welfare, discipline, or morals of students.
   2. An educator shall fulfill all of the terms and obligations detailed in the contract with the local board of education or education agency for the duration of the contract. Unprofessional conduct includes but is not limited to:
      1. Breach of the contract for professional services without prior release from the contract by the employer; or
      2. Willfully refusing to perform the services required by a contract.
2. Educators are expected to honor their contracts and school systems are expected to work with each other to resolve issues and concerns that arise from employees wishing to leave their current contractual obligation and enter into another.
3. Administrators who are offering contracts to educators after June 1 who are currently under contract with another district may have their license sanctioned if the educator does not have a letter of release.
4. A breach of contract occurs when the educator does not professionally honor a valid signed contract, the system does not release the educator from his/her contract, and the resignation does not meet the criteria established by the Georgia Professional Standards Commission (GaPSC) for resignations submitted after June 1.
5. It is the responsibility of the school system to explain how the breach impacted students negatively.
6. The GaPSC will not sanction a certificate if resignation is submitted prior to June 1.
7. After June 1, the GaPSC will not sanction a certificate if the educator left for one of the following reasons:
   1. Transfer of spouse that requires an unreasonable commuting distance;
   2. Documented illness of the educator or illness in the immediate family which requires educator to care for family member and prevents the educator from performing his/her duties; or
   3. Promotion in the field of education.

* A promotion must meet each of the following criteria: increase in job responsibility, increase in prestige, and an appropriate and reasonable increase in salary. The burden of proof will be on the educator who is breaching the contract. Movement to a service area will be accepted even if salary is less (i.e. instructional coach, librarian, guidance counselor, technology specialist, etc.).

1. Payment of liquidated damages by an educator is considered a release from the contract.
2. Educators working under an “At Will” contract will not be sanctioned should they leave for another education position.