

## Facilitator Notes for Principle 8: Commitment to Contract

The facilitator notes include discussion points for scenarios that raise awareness and increase understanding of *Principle 8* of the *Licensure Code of Professional Conduct*. Please reference the [Facilitator Instructions](#) to help you prepare professional development using these scenarios.

### Scenario 1

*A teacher is licensed as both a science teacher and an intervention specialist. She was hired by a district to teach science. Four months into the school year, the district notifies her that beginning next month she will no longer be teaching science. Instead she will serve as an intervention specialist. The teacher plans to quit and look for a new job because her passion is teaching science.*

<b>Area of Concern Under Principle 8</b>	<ul style="list-style-type: none"> <li>In this scenario, the teacher could be considered in violation of Principle 8b for willfully refusing to perform services and duties required by the contract.</li> <li>The teacher could also be considered in violation of Principle 8a for abandoning the contractual agreement without the consent of the board of education.</li> </ul>
<b>Primary Users</b>	<ul style="list-style-type: none"> <li>All licensed educators</li> </ul>
<b>Key Considerations</b>	<ul style="list-style-type: none"> <li>The teacher is licensed in the area that the district is requiring her to teach.</li> <li>Unless prohibited by the employment contract or collective bargaining agreement, the district has the flexibility to change an educator’s teaching assignment.</li> </ul>
<b>Strategies to Mitigate Risk</b>	<ul style="list-style-type: none"> <li>Understand the conditions of the employment contract and/or collective bargaining agreement.</li> <li>Work with your district and HR Department to get permission from your local board to end your contract.</li> </ul>
<b>Related Code of Conduct Principles</b>	<ul style="list-style-type: none"> <li>N/A</li> </ul>
<b>Resources</b>	<ul style="list-style-type: none"> <li><a href="#">Tip Sheet #9—Broken Contracts</a></li> </ul>

**Scenario 2**

*A teacher had been interviewing with several school districts in the area. One district called to offer him the position, which he verbally accepted. He attended the first day of onboarding with the district. While he was there, another district called and offered him a different position, which he wanted. He accepts this new position since he hadn't signed a contract with the first district.*

<b>Area of Concern Under Principle 8</b>	<ul style="list-style-type: none"> <li>• If the contract is valid, then teacher is abandoning a contractual agreement for professional services, violating Principle 8a.</li> </ul>
<b>Primary Users</b>	<ul style="list-style-type: none"> <li>• All licensed educators</li> </ul>
<b>Key Considerations</b>	<ul style="list-style-type: none"> <li>• Under Ohio law, contracts do not have to be in writing to be considered valid.</li> <li>• While the school district can't suspend the teacher's license, they may refer the broken contract to the Office of Professional Conduct.</li> <li>• Factors such as time of year, if the employee started working for the district, and the hardship on the district are considered when evaluating a violation of Principle 8.</li> <li>• What if the teacher had been working in the district for several years, but had not yet received their written contract for the new year? In this scenario, the evidence for an implied contract is stronger.</li> </ul>
<b>Strategies to Mitigate Risk</b>	<ul style="list-style-type: none"> <li>• Consult with a private employment attorney to help determine if you have entered into a valid contract.</li> <li>• Review rules under <a href="#">ORC 3319.15 Termination of contract by teacher</a> and <a href="#">3314.103 Termination of contract prior to termination of annual session</a>.</li> <li>• Work with your school district and HR department to get permission to end your contract.</li> <li>• The last date to submit resignation before the start of a new school year is July 10.</li> </ul>
<b>Related Code of Conduct Principles</b>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>
<b>Resources</b>	<ul style="list-style-type: none"> <li>• <a href="#">Tip Sheet #9—Broken Contracts</a></li> </ul> <p>Ohio Revised Code</p> <ul style="list-style-type: none"> <li>• <a href="#">ORC 3319.15 Termination of contract by teacher</a></li> <li>• <a href="#">ORC 3314.103 Termination of contract prior to termination of annual session (Community Schools)</a></li> </ul>

**Scenario 3**

*When learning that her family needs to relocate to a new city, a teacher submits a letter of resignation to her principal stating that she will be leaving her position at the end of the month. The principal responds, “Oh I understand, but we hate to see you go and we’ll miss you!” After talking with her principal, the teacher begins to prepare for her last day.*

<b>Area of Concern Under Principle 8</b>	<ul style="list-style-type: none"> <li>In this scenario the teacher may be in violation of Principle 8a for breaking her contract without the approval of the board of education.</li> </ul>
<b>Primary Users</b>	<ul style="list-style-type: none"> <li>All licensed educators</li> </ul>
<b>Key Considerations</b>	<ul style="list-style-type: none"> <li>Although the teacher notified her principal, she needs to obtain the approval of the board of education or similar governing entity. The school principal may not have the authority to approve the breaking of the contract.</li> <li>The language of the principal’s response is vague. It does not clearly state that the teacher has received approval to break the contract. There may be additional steps either the teacher or principal must take to gain approval without risking the teacher’s license.</li> <li>The teacher may have a valid reason for terminating her contract, but she needs to follow the proper procedures for terminating her contracts.</li> <li>Consider what additional information is necessary to determine if the teacher has a valid reason to terminate her contract. How far away is the new city?</li> </ul>
<b>Strategies to Mitigate Risk</b>	<ul style="list-style-type: none"> <li>Go through the proper channels and follow procedures.</li> <li>Document reasons for needing to terminate your contract.</li> </ul>
<b>Related Code of Conduct Principles</b>	<ul style="list-style-type: none"> <li>N/A</li> </ul>
<b>Resources</b>	<ul style="list-style-type: none"> <li><a href="#">Tip Sheet #9—Broken Contracts</a></li> <li>Ohio Revised Code             <ul style="list-style-type: none"> <li><a href="#">ORC 3319.15 Termination of contract by teacher</a></li> <li><a href="#">ORC 3314.103 Termination of contract prior to termination of annual session (Community Schools)</a></li> </ul> </li> </ul>