

WEST VIRGINIA LEGISLATURE  
REGULAR SESSION, 1939



ENROLLED

HOUSE BILL No. 303

(By Mr. Speaker, Mr. Thomas)



PASSED March 11, 1939

In Effect July 1, 1940 ~~1939~~ Passage

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**House Bill No. 303**

(BY MR. SPEAKER, MR. THOMAS)

[Passed March 11, 1939; in effect July 1, 1939.]

1940-OK *stued*  
*CLUB*

AN ACT to amend and reenact section one, article seven, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, relating to the appointment and contracts of principals and teachers, and providing penalties.

*Be it enacted by the Legislature of West Virginia:*

That section one, article seven, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted to read as follows:

**Article 7. Teachers.**

Section 1. *Appointment of Principals and Teachers; Contracts; Violations; Penalties.* The board of education shall, upon appointing teachers pursuant to section four, article five of this chapter, fix their salaries as provided by section two of this article.

6 Before entering upon their duties, all teachers shall execute  
7 a contract with their boards of education, which contract  
8 shall state the salary to be paid and shall be in the form  
9 prescribed by the state superintendent of schools. Every such  
10 contract shall be signed by the teacher and by the president  
11 and secretary of the board of education, and when so signed  
12 shall be filed, together with the certificate of the teacher,  
13 by the secretary in the office of the board.

14 A teacher's contract, under this section, shall be a continu-  
15 ing contract of employment and shall remain in full force  
16 and effect except as modified by mutual consent of the school  
17 board and the teacher, unless and until terminated with  
18 written notice, stating cause or causes, to the teacher, by a  
19 majority vote of the full membership of the board before  
20 April first of the then current year, or by written resignation  
21 of the teacher before that date. Such termination shall take  
22 effect at the close of the school year in which the contract is  
23 so terminated: *Provided, however,* That the contract may  
24 be terminated at any time by mutual consent of the school  
25 board and the teacher, and that this section shall not affect  
26 the powers of a school board to suspend or dismiss a princi-

27 pal or teacher pursuant to section six of this article: *Pro-*  
28 *vided further*, That a continuing contract shall not operate  
29 to prevent a teacher's dismissal based upon the lack of need  
30 for the teacher's services pursuant to the provisions of law  
31 relating to the allocation of teachers and pupil-teacher ratios.  
32 But in case of such dismissal, the teachers so dismissed shall  
33 be placed upon a preferred list in the order of their length  
34 of service, and the school board shall give due consideration  
35 to such list and order if and when vacancies or need occur.  
36 A superintendent shall not be deemed a teacher within the  
37 meaning of this paragraph.

38 Any teacher who fails to fulfill his contract with the board,  
39 unless prevented from so doing by personal illness or other  
40 just cause, or unless released from such contract by the board,  
41 or who violates any lawful provision thereof, shall be dis-  
42 qualified to teach in any other public school in the state for  
43 the period of the next ensuing school year: *Provided, how-*  
44 *ever*, That marriage of a teacher shall not be considered a  
45 failure to fulfill, or violation of, the contract: *Provided, fur-*  
46 *ther*, That this act shall not become effective until on, or af-  
47 ter July one, one thousand nine hundred forty.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*E. O. Wiseeman*

Chairman Senate Committee

*Dele B. Walter*

Chairman House Committee

Originated in the *House of Delegates*

Takes effect *July 1, 1939* passage

*Charles H. ...*  
Clerk of the Senate

*Wm. S. Hall*  
Clerk of the House of Delegates

*Wm. S. ...*  
President of the Senate

*James C. Thomas*  
Speaker House of Delegates

The within *thirteen* this the *16<sup>th</sup>*

day of *March*, 1939.

*John A. ...*

Governor.



Filed in the office of the Secretary of State of West Virginia **MAR 17 1939**

Wm. S. O'BRIEN, Secretary of State