WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1949

ENROLLED

HOUSE BILL No. 53

(By Mr. Blankenship)

PASSED February 24, 1949

In Effect Ninety days from Passage
AN ACT to amend and reenact section one, article seven, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to teachers' contracts.

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, as amended, be amended and reenacted to read as follows:

Section 1. Appointment of Teachers; Contracts; How Terminated; Failure of Teacher to Perform Contract or Violation Thereof; When Section Effective.—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.

Before entering upon their duties, all teachers shall execute a contract with their boards of education, which
contract shall state the salary to be paid and shall be in
the form prescribed by the state superintendent of schools.
Every such contract shall be signed by the teacher and
by the president and secretary of the board of education,
and when so signed shall be filed, together with the cer-
tificate of the teacher, by the secretary in the office of the
board.
A teacher’s contract, under this section, shall be for a
term of not less than one nor more than three years, and
if, after three years of such employment, the teacher and
the board of education enter into a new contract of em-
ployment, it shall be a continuing contract and shall re-
main in full force and effect except as modified by mutual
consent of the school board and the teacher, unless and
until terminated with written notice, stating cause or
causes, to the teacher, by a majority vote of the full
membership of the board before April first of the then
current year, or by written resignation of the teacher
before that date. Such termination shall take effect at
the close of the school year in which the contract is so
terminated: Provided, however, That the contract may
be terminated at any time by mutual consent of the school board and the teacher, and that this section shall not affect the powers of the school board to suspend or dismiss a principal or teacher pursuant to section six of this article: Provided further, That a continuing contract in full force and effect during the school year one thousand nine hundred forty-eight and one thousand nine hundred forty-nine shall remain in full force and effect: And provided further, That a continuing contract shall not operate to prevent a teacher's dismissal based upon the lack of need for the teacher's services pursuant to the provisions of law relating to the allocation of teachers and pupil-teacher ratios. But in case of such dismissal, the teachers so dismissed shall be placed upon a preferred list in the order of their length of service, and the school board shall give due consideration of such list and order if and when vacancies or need occur. A superintendent shall not be deemed a teacher within the meaning of this paragraph.

Any teacher who fails to fulfill his contract with the board, unless prevented from so doing by personal illness
or other just cause, or unless released from such contract
by the board, or who violates any lawful provision there-
of, shall be disqualified to teach in any other public school
in the state for a period of the next ensuing school year:
Provided, however, That marriage of a teacher shall not
be considered a failure to fulfill, or violation of, the con-
tract: Provided further, That this section shall not be-
come effective until on or after the first Monday in May,
one thousand nine hundred forty-nine.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House of Delegates

Takes effect Thirty days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within Approved this the 4th day of March, 1949.

Governor.

Filed in the Office of the Secretary of State of West Virginia MAR 7, 1949

D. Pitt O'Brien,
Secretary of State