

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1949



# ENROLLED

HOUSE BILL No. 53

(By Mr. Phintekship)



PASSED February 24 1949

In Effect Ninety days from Passage



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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

9 contract shall state the salary to be paid and shall be in  
10 the form prescribed by the state superintendent of schools.  
11 Every such contract shall be signed by the teacher and  
12 by the president and secretary of the board of education,  
13 and when so signed shall be filed, together with the cer-  
14 tificate of the teacher, by the secretary ~~in~~ the office of the  
15 board.

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J.R.,  
B.C.P.

16 A teacher's contract, under this section, shall be for a  
17 term of not less than one nor more than three years, and  
18 if, after three years of such employment, the teacher and  
19 the board of education enter into a new contract of em-  
20 ployment, it shall be a continuing contract and shall re-  
21 main in full force and effect except as modified by mutual  
22 consent of the school board and the teacher, unless and  
23 until terminated with written notice, stating cause or  
24 causes, to the teacher, by a majority vote of the full  
25 membership of the board before April first of the then  
26 current year, or by written resignation of the teacher  
27 before that date. Such termination shall take effect at  
28 the close of the school year in which the contract is so  
29 terminated: *Provided, however,* That the contract may

30 be terminated at any time by mutual consent of the  
31 school board and the teacher, and that this section shall  
32 not affect the powers of the school board to suspend or  
33 dismiss a principal or teacher pursuant to section six of  
34 this article: *Provided further*, That a continuing contract  
35 in full force, and effect during the school year one thou-  
36 sand nine hundred forty-eight and one thousand nine  
37 hundred forty-nine shall remain in full force and effect:  
38 *And provided further*, That a continuing contract shall  
39 not operate to prevent a teacher's dismissal based upon  
40 the lack of need for the teacher's services pursuant to  
41 the provisions of law relating to the allocation of teachers  
42 and pupil-teacher ratios. But in case of such dismissal,  
43 the teachers so dismissed shall be placed upon a preferred  
44 list in the order of their length of service, and the school  
45 board shall give due consideration of such list and order  
46 if and when vacancies or need occur. A superintendent  
47 shall not be deemed a teacher within the meaning of this  
48 paragraph.

49 Any teacher who fails to fulfill his contract with the  
50 board, unless prevented from so doing by personal illness

51 or other just cause, or unless released from such contract  
52 by the board, or who violates any lawful provision there-  
53 of, shall be disqualified to teach in any other public school  
54 in the state for a period of the next ensuing school year:  
55 *Provided, however,* That marriage of a teacher shall not  
56 be considered a failure to fulfill, or violation of, the con-  
57 tract: *Provided further,* That this section shall not be-  
58 come effective until on or after the first Monday in May,  
59 one thousand nine hundred forty-nine.

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

*Lusk L. Mower*

Chairman Senate Committee

*Al. Rauterns*

Chairman House Committee

Originated in the House of Delegates

Takes effect *Ninety days from* passage.

*Harvey Meyer*

Clerk of the Senate

*J. R. Lipp*

Clerk of the House of Delegates

*James H. Johnston*

President of the Senate

*W. E. Harvey*

Speaker House of Delegates

The within *Approved* this the *4<sup>th</sup>*  
day of *MARCH*, 1949.

*Okey L. Rollison*

Governor.

Filed in the Office of the Secretary of State  
of West Virginia

**MAR 7 1949**

**D. PITT O'BRIEN,**

SECRETARY OF STATE