

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1963



ENROLLED

HOUSE BILL No. 73

(By Mr. Wilson and Mr. Given)



PASSED Mar. 4 - 1963

In Effect from Passage



Filed in Office of the Secretary of State
of West Virginia 3-12-63

JOE F. BURDETT
SECRETARY OF STATE

73

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House Bill No. 73

(By MR. WILSON and MR. GIVEN)

[Passed March 4, 1963; in effect 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 appointment of teachers.

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
2 Terminated; Failure of Teacher to Perform Contract or
3 Violation Thereof.**—The board of education shall, upon
4 appointing teachers pursuant to section four, article five
5 of this chapter, fix their salaries as provided by section
6 two of this article.

7 Before entering upon their duties, all teachers shall
8 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
11 schools. Every such contract shall be signed by the
12 teacher and by the president and secretary of the board
13 of education, and when so signed shall be filed, together
14 with the certificate of the teacher, by the secretary of
15 the office of the board.

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 who
19 holds a professional certificate, based on at least a bache-
20 lor's degree has met the qualifications for the same, and
21 the board of education enter into a new contract of em-
22 ployment, it shall be a continuing contract: *Provided,*
23 *however,* That any teacher holding a valid certificate with
24 less than a bachelor's degree who is employed in a county
25 beyond the said three-year probationary period shall upon
26 qualifying for said professional certificate based upon a
27 bachelor's degree, if reemployed, be granted continuing

28 contract status. The continuing contract of any teacher
29 shall remain in full force and effect except as modified by
30 mutual consent of the school board and the teacher, un-
31 less and until terminated with written notice, stating
32 cause or causes, to the teacher, by a majority vote of
33 the full membership of the board before April first of the
34 then current year, or by written resignation of the
35 teacher before that date. Such termination shall take
36 effect at the close of the school year in which the con-
37 tract is so terminated: *Provided, however,* That the con-
38 tract may be terminated at any time by mutual consent
39 of the school board and the teacher, and that this section
40 shall not affect the powers of the school board to suspend
41 or dismiss a principal or teacher pursuant to section six
42 of this article: *Provided further,* That a continuing con-
43 tract for any teacher holding a certificate valid for more
44 than one year and in full force and effect during the
45 school year one thousand nine hundred sixty-two and
46 one thousand nine hundred sixty-three shall remain in
47 full force and effect: *And provided further,* That a con-
48 tinuing contract shall not operate to prevent a teacher's

49 dismissal based upon the lack of need for the teacher's
50 services pursuant to the provisions of law relating to the
51 allocation of teachers and pupil-teacher ratios. But in
52 case of such dismissal, the teachers so dismissed shall be
53 placed upon a preferred list in the order of their length
54 of service with that board, and the school board shall
55 give due consideration of such list and order if and when
56 vacancies or need occur. A superintendent shall not be
57 deemed a teacher within the meaning of this para-
58 graph.

59 In the assignment of position or duties of a teacher
60 under said continuing contract, the board shall have
61 authority to provide for released time of a teacher for
62 any special professional or governmental assignment
63 without jeopardizing the contractual rights of such
64 teacher or any other rights, privileges, or benefits under
65 the provisions of this chapter.

66 Any teacher who fails to fulfill his contract with the
67 board, unless prevented from so doing by personal ill-
68 ness or other just cause, or unless released from such
69 contract by the board, or who violates any lawful pro-

70 vision thereof, shall be disqualified to teach in any other
71 public school in the state for a period of the next ensuing
72 school year, and the state department of education or
73 board may hold all papers and credentials of such
74 teacher on file for a period of one year for such violation:
75 *Provided, however,* That marriage of a teacher shall not
76 be considered a failure to fulfill, or violation of, the
77 contract.

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

O. Roy Parker
Chairman Senate Committee

Esther L. Crandall
Chairman House Committee

Originated in the House.

Takes effect from passage.

Howard Meyers
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Howard W. Baum
President of the Senate

Julius W. Singleton Jr.
Speaker House of Delegates

The within approved this the 11th
day of March, 1963.

Howard W. Baum
Governor

