WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1963

ENROLLED

HOUSE BILL No. 73

(By Mr. Wilson and Mr. Givens)

PASSED__________Mar. 4——__1963

In Effect______________Passage

Filed in Office of the Secretary of State
of West Virginia 3-12-63
JOE F. BURDETT
SECRETARY OF STATE
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 Terminated; Failure of Teacher to Perform Contract or Violation Thereof.—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 certificate of the teacher, by the secretary of
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 who
holds a professional certificate, based on at least a bache-
lor's degree has met the qualifications for the same, and
the board of education enter into a new contract of em-
ployment, it shall be a continuing contract: Provided,
however, That any teacher holding a valid certificate with
less than a bachelor's degree who is employed in a county
beyond the said three-year probationary period shall upon
qualifying for said professional certificate based upon a
bachelor's degree, if reemployed, be granted continuing
contract status. The continuing contract of any teacher shall remain 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 for any teacher holding a certificate valid for more than one year and in full force and effect during the school year one thousand nine hundred sixty-two and one thousand nine hundred sixty-three 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 with that board, 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 para-
graph.

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

Any teacher who fails to fulfill his contract with the
board, unless prevented from so doing by personal ill-
ness or other just cause, or unless released from such
contract by the board, or who violates any lawful pro-
vision thereof, shall be disqualified to teach in any other public school in the state for a period of the next ensuing school year, and the state department of education or board may hold all papers and credentials of such teacher on file for a period of one year for such violation:

Provided, however, That marriage of a teacher shall not be considered a failure to fulfill, or violation of, the contract.
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.

Takes effect 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 11th day of March, 1963.

Governor