

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1967

ENROLLED

SENATE BILL NO. 107

(By Mr. McKern and Mr. Carigan)

PASSED March 11, 1967

In Effect Ninety days from Passage

FILED IN THE OFFICE
ROBERT D. BAILEY
SECRETARY OF STATE
THIS DATE 3-21-67

#107

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Senate Bill No. 107

(By MR. McKOWN and MR. CARRIGAN)

[Passed March 11, 1967; in effect ninety days from passage.]

AN ACT to amend and reenact section seven, fifteen and twenty-three, article seven, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to teacher certification and requirements for teacher certification.

Be it enacted by the Legislature of West Virginia:

That sections seven, fifteen and twenty-three, article seven, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and re-enacted to read as follows:

ARTICLE 7. TEACHERS.

**§18-7-7. Authority of teachers and other school personnel;
exclusion of pupils having infectious diseases; suspen-
sion or expulsion of disorderly pupils.**

The teacher shall stand in the place of the parent or
2 guardian in exercising authority over the school, and shall
3 have control of all pupils enrolled in the school from the
4 time they reach the school until they have returned to
5 their respective homes, except that where transportation
6 of pupils is provided, the driver in charge of the school
7 bus or other mode of transportation shall exercise such
8 authority and control over the children while they are in
9 transit to and from the school. Subject to the rules of the
10 state board of education, the teacher shall exclude from
11 the school any pupil or pupils known to have or suspected
12 of having any infectious disease, or any pupil or pupils
13 who have been exposed to such disease, and shall immedi-
14 ately notify the proper health officer, or medical inspector,
15 of such exclusion. Any pupil so excluded shall not be
16 readmitted to the school until such pupil has complied
17 with all the requirements of the rules governing such

18 cases, or has presented a certificate of health signed by
19 the medical inspector or other proper health officer. The
20 teacher shall have authority to suspend any pupil guilty
21 of disorderly, refractory, indecent or immoral conduct,
22 and the district board of education may expel or exclude
23 any such pupil if, on investigation, the conduct of such
24 pupil is found to be detrimental to the progress and the
25 general conduct of the school.

26 For the purpose of this section: (1) "Pupil" shall in-
27 clude any child, youth, or adult who is enrolled in any
28 instructional program or activity conducted under board
29 authorization and within the facilities of or in connection
30 with any program under public school direction:
31 *Provided*, That in the case of adults the pupil-teacher re-
32 lationship shall terminate when the pupil leaves the school
33 or other place of instruction or activity; (2) "Teacher"
34 shall include principals, regular teachers, substitute
35 teachers, teacher aides and other school employees or per-
36 sons assigned responsibility for directing or supervising
37 instructional programs or board-approved activities.

§18-7-15. Teacher certification; general qualifications and requirements; certification of aliens.

No person employed as a teacher in the free schools of
2 this state shall receive for such services any part of any
3 free school funds who does not hold a valid teaching
4 certificate licensing him to teach in the public schools for
5 the period of his employment and showing the grade
6 levels and subject areas in which he is qualified to teach:
7 *Provided*, That if a teacher is employed in good faith on
8 the anticipation that he is eligible for a certificate and it
9 is later determined that he was not eligible, the state
10 superintendent of schools may authorize payment by the
11 county board of education to the teacher for a time not
12 exceeding three school months. All certificates shall ex-
13 pire on June thirtieth of the last year of their validity
14 irrespective of the date of issuance. A certificate to teach
15 shall not be granted to any person who is not a citizen of
16 the United States, is not of good moral character and
17 physically, mentally and emotionally qualified to perform
18 the duties of a teacher and who has not attained the age
19 of eighteen years on or before the first day of October of

20 the year in which his certificate is issued; except, that an
21 exchange teacher from a foreign country, or an alien per-
22 son who meets the requirements to teach and who has
23 applied for a permanent residence certificate to become a
24 naturalized citizen, may be granted a provisional permit
25 to teach within the public schools of the state.

26 The term "teacher" as used in this section is intended to
27 include the classroom teacher, school librarian, school
28 principal, school superintendent, assistant superintendent,
29 supervisor of instruction and other persons employed in
30 similar positions.

**§18-7-23. Authority of state superintendent of free schools to
issue certificates; kinds of certificates.**

The state superintendent of free schools shall have
2 authority to issue certificates valid in the public schools of
3 the state in accordance with standards and requirements
4 approved by the state board of education. Certificates
5 authorized to be issued include:

6 A professional certificate for teaching in the public
7 schools may be issued for a five-year period to a person
8 who has completed the requirements for a bachelor's de-

9 gree from an approved institution of higher education, in
10 which case, the certificate shall be endorsed for teaching
11 in the elementary or secondary schools or both in ac-
12 cordance with an approved program completed by the
13 applicant. A professional certificate for teaching in the
14 public schools may be issued provisionally, in which case,
15 it shall be valid for a three-year period.

16 Professional certificates, as provided by this section,
17 shall be valid for teaching in grades one through nine, or
18 seven through twelve, or one through twelve, or in any
19 other combination of grades approved by the state board
20 of education in accordance with the program of collegiate
21 training completed.

22 A professional administrative certificate may be issued
23 for a five-year period to an applicant who has completed
24 the requirements for a master's degree in an institution of
25 higher education approved to give graduate training, in
26 which case, the certificate shall be endorsed in accordance
27 with an approved program completed by the applicant.

28 Other teaching certificates and permits may be issued,
29 subject to the approval of the state board, to persons who

30 do not qualify for the professional certificate. Such cer-
31 tificates or permits shall not be given permanent status
32 and persons holding such shall meet renewal require-
33 ments provided by law and/or state board regulation.

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

William Tompkins
Chairman Senate Committee

Clayton C. Davidson
Chairman House Committee

Originated in the Senate.

To take effect 90 days from passage.

Thomas Meyers
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Howan E. Carson
President of the Senate

H. Laban White
Speaker House of Delegates

The within approved this the 17
day of March, 1967.

Hullett C. Smith
Governor

**PRESENTED TO THE
GOVERNOR**

Date 3/17/67

Time 4:00 p.m.