WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1969

ENROLLED
SENATE BILL NO. 181

(By Mr. Joe Court and Mr. Lawborn)

PASSED 1969

In Effect July 1, 1969

FILED IN THE OFFICE
JOHN D. ROBINSON, IV
SECRETARY OF STATE
THIS DATE 3-12-69
AN ACT to repeal article seven, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend said code by adding thereto a new chapter, designated chapter eighteen-a, relating to school personnel.

Be it enacted by the Legislature of West Virginia:

That article seven, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; and that said code be amended by adding thereto a new chapter, designated chapter eighteen-a, to read as follows:
ARTICLE 1. GENERAL.

§18A-1-1. Definitions.

The definitions contained in section one, article one of chapter eighteen shall be applicable to this chapter. In addition, the following words used in this chapter and in any proceedings pursuant thereto shall, unless the context clearly indicates a different meaning, be construed as follows:

a. "School personnel" shall mean all personnel employed by a county board of education whether employed on a regular full-time basis, an hourly basis or otherwise. School personnel shall be comprised of three categories:

Professional personnel, auxiliary personnel and service personnel.

b. "Professional personnel" shall mean persons who meet the certification and/or licensing requirements of the state, and shall include the professional educator and other professional employees.

c. "Professional educator" shall be synonymous with and shall have the same meaning as "teacher" as defined
Professional educators shall be classified as:

1. "Classroom teacher": The professional educator who has direct instructional or counseling relationship with pupils, spending the majority of his time in this capacity.

2. "Principal": The professional educator whose duties relate to the instructional program but whose major time is devoted to responsibility for the whole of the school and the teachers and other personnel therein.

3. "Supervisor": The professional educator who, whether by this or other appropriate title, is responsible for working primarily in the field with professional and/or other personnel in instructional and other school improvement.

4. "Central office administrator": The superintendent, associate superintendent, assistant superintendent, and other professional educators, whether by these or other appropriate titles, who are charged with the administering and supervising of the whole or some assigned
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39 part of the total program of the county-wide school sys-
40 tem.
41 d. “Other professional employee” shall mean that per-
42 son from another profession who is properly licensed and
43 is employed to serve the public schools.
44 e. “Auxiliary personnel” shall mean those persons
45 selected and trained for teacher-aide classifications such
46 as monitor aide, clerical aide, classroom aide, general aide.
47 f. “Service personnel” shall mean those who serve the
48 school or schools as a whole, in a nonprofessional capacity,
49 including such areas as secretarial, custodial, mainte-
50 nance, transportation, school lunch.


1 The provisions of any articles or parts of articles, of the
2 code of West Virginia, one thousand nine hundred thirty-
3 one, as amended, which are inconsistent with the provi-
4 sions of this chapter, are hereby repealed to the extent
5 of such inconsistency.


1 If any provision of this chapter or the application there-
2 of to any person or circumstances shall be held to be
unconstitutional and invalid, such unconstitutionality and
invalidity shall not affect any one of the provisions or
applications of the chapter which can be given effect
without the invalid provisions or applications; and to this
end the provisions for this chapter are separable. The
Legislature hereby declares that it would have passed the
remaining parts of this chapter if it had known that such
other part or parts thereof would be declared unconstitu-
tional and invalid.

ARTICLE 2. SCHOOL PERSONNEL.

§18A-2-1. Employment, general.

The employment of professional personnel shall be made
by the board only upon nomination and recommendation
of the superintendent. In case the board refuses to
employ any or all of the persons nominated, the super-
intendent shall nominate others and submit the same
to the board at such time as the board may direct. All
personnel so nominated and recommended for employ-
ment and for subsequent assignment shall meet the cer-
tification, licensing, training, and other eligibility classi-
fications as may be required by provisions of this chapter
and by state board regulation.
§18A-2-2. Employment of teachers, contracts; how terminated; dismissal for lack of need; released time; failure of teacher to perform contract or violation thereof.

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 bachelor's degree, has met the qualifications for the same, and the board of education enter into a new contract of employment, it shall be a continuing contract:

Provided, 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 (1) by a majority vote of the full membership of the board before April first of the then current year, after written notice, served upon the teacher, return receipt requested, stating cause or causes, and an opportunity to be heard at a meeting of the board prior to the board's action thereon, or (2) 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 nine 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 no teacher shall be employed by the board until each qualified teacher upon the preferred list, in order, shall have been offered the opportunity for reemployment: Provided, That he has not accepted a teaching position elsewhere. Such reemployment shall be upon a teacher's preexisting continuing contract and shall have the same effect as though the contract had been suspended during the time the teacher was not employed.
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 illness or other just cause, or unless released from such contract by the board, or who violates any lawful provision 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.


1 The county superintendent, subject to approval of the county board, shall have authority to employ and assign
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3 substitute teachers to any of the following duties: (a) To
4 fill the temporary absence of any teacher or an unexpired
5 school term made vacant by resignation, death, suspen-
6 sion or dismissal; (b) to fill a teaching position of a regu-
7 lar teacher on leave of absence, and (c) to perform the
8 instructional services of any teacher who is authorized by
9 law to be absent from class without loss of pay, providing
10 such absence is approved by the board of education in
11 accordance with the law. Such substitute shall be a duly
12 certified teacher.


1 The board is authorized to employ auxiliary personnel
2 for the purpose of assisting professional personnel in such
3 duties and services as the board may approve. Before enter-
4 ing upon their duties such personnel shall execute with
5 the board a written contract which may be in letter form
6 and shall state the classification and terms of work, the
7 employment period and pay, and shall certify that said
8 employment has been made a matter of minute record.
9 The letter shall provide space for an acceptance provision
10 and shall be signed and returned to the board by the em-
ployee, or otherwise he shall forfeit his right to employment. Such personnel shall meet such criteria and guidelines as the state board may establish. Under such regulation and policy as may be established by the county board, this personnel shall work under the direction of the principal and teachers to whom assigned.

§18A-2-5. Employment of service personnel.

1 The board is authorized to employ such service personnel as is deemed necessary for meeting the needs of the county school system. Before entering upon their duties such personnel shall execute with the board a written contract which may be in letter form and shall state the classification and terms of work, the employment period and pay, and shall certify that said employment has been made a matter of minute record. The letter shall provide space for an acceptance provision and shall be signed and returned to the board by the employee, or otherwise he shall forfeit his right to employment.

§18A-2-6. Termination of employment of auxiliary and service personnel.

1 After three years of acceptable employment each auxiliary and service personnel, at the end of his contractual
period of employment, shall be notified in writing on or before the first day of May in the year in which such employment shall terminate if he is not to be reemployed for the ensuing year. Such notice shall be by certified mail, return receipt requested, and the employee shall have the right of a hearing before the board, if requested, before final action is taken by the board upon the termination of such employment.

§18A-2-7. Assignment, transfer, promotion, demotion and suspension.

The superintendent, subject only to approval of the board, shall have authority to assign, transfer, promote, demote or suspend school personnel and to recommend their dismissal pursuant to provisions of this chapter: Provided, That the superintendent at a meeting of the board on or before the first Monday in May, shall furnish in writing to the board a list of teachers and other employees to be considered for transfer and subsequent assignment for the next ensuing school year. All other teachers and employees not so listed shall be considered as reassigned to the positions or jobs held at the time of
this meeting. The list of those recommended for transfer shall be included in the minute record of such meeting and all those so listed shall be notified in writing, which notice shall be delivered in writing, by certified mail, return receipt requested, to such persons' last known addresses within ten days following said board meeting, of their having been so recommended for transfer and subsequent assignment. The superintendent's authority to suspend school personnel shall be temporary only pending a hearing upon charges filed by the superintendent with the board of education, and such period of suspension shall not exceed thirty days unless extended by order of the board.

§18A-2-8. Suspension and dismissal of school personnel by the board.

Notwithstanding any other provisions of law, a board may suspend or dismiss any person in its employment at any time for: Immorality, incompetency, cruelty, insubordination, intemperance or wilful neglect of duty, but the charges shall be stated in writing and the employee so affected shall be given an opportunity to be heard by
the board upon not less than ten days' written notice, which charges and notice shall be served upon the employee within five days of the presentation of the charges to the board. The hearing may be held at the next regular meeting of the board or at a special meeting called for that purpose; and in any case when the board is not unanimous in its decision to suspend or dismiss, the person so suspended or dismissed shall have the right of appeal to the state superintendent of schools.

ARTICLE 3. TRAINING, CERTIFICATION, LICENSING.

§18A-3-1. Teacher certification; limitations; expiration.

Any professional educator, as defined in article one of this chapter, who is employed within the public school system of the state shall hold a valid teaching certificate licensing him to teach in the public schools in the specializations and grade levels as shown on his certificate for the period of his employment. If a teacher is employed in good faith on the anticipation that he is eligible for a certificate and it is later determined that he was not eligible, the state superintendent of schools may authorize payment by the county board of education to the teacher
for a time not exceeding three school months or the
date of notification of his ineligibility, whichever shall
occur first. All certificates shall expire on June thirtieth
of the last year of their validity irrespective of the date of
issuance. A certificate to teach shall not be granted to any
person who is not a citizen of the United States, is not of
good moral character and physically, mentally and
emotionally qualified to perform the duties of a teacher
and who has not attained the age of eighteen years on or
before the first day of October of the year in which his
certificate is issued; except, that an exchange teacher
from a foreign country, or an alien person who meets
the requirements to teach and who has filed a declaration
of intention to become a naturalized citizen, may be grant-
ed a permit to teach within the public schools of the
state.

§18A-3-2. Authority of state superintendent to issue certifi-
cates; kinds of certificates.

The state superintendent of free schools shall have
authority to issue certificates valid in the public schools
of the state in accordance with standards and require-
ments approved by the state board of education. Certificates authorized to be issued include:

(1) *Professional teaching certificate.*

In accordance with state board regulations and an approved program completed by the applicant, a professional certificate for teaching in the public schools may be issued to a person who has completed the requirements for a bachelor's degree from an accredited institution of higher education. The certificate shall be endorsed to indicate the grade level or levels, or areas of specialization in which the person is licensed to teach or to serve in the public schools. The initial professional certificate shall be issued provisionally and for a period of three years. This certificate may be converted to a professional certificate valid for five years, or renewed subject to the regulations of the state board.

(2) *Professional administrative certificate.*

In accordance with an approved program completed and state board regulations, a professional administrative certificate, endorsed for serving in the public schools, may be issued to a person who has completed requirements for
a master's degree in an institution of higher education accredited to offer a master's degree. Beginning September one, one thousand nine hundred seventy, the initial professional administrative certificate shall be issued provisionally for a period of three years. This certificate may be converted to a professional administrative certificate valid for five years or renewed, subject to the regulations of the state board.

(3) Other certificates; permits.

Other certificates and permits may be issued, subject to the approval of the state board, to persons who do not qualify for the professional certificate. Such certificates or permits shall not be given permanent status and persons holding such shall meet renewal requirements provided by law and by regulation, unless the state board declares certain of these certificates to be the equivalent of the professional certificate.

§18A-3-3. Certificate renewals; permanent certification.

Until the person qualifies for a permanent certificate, any professional or first class certificate based upon a bachelor's degree shall be renewable provided the holder:
(1) Files application on a prescribed form with the state department of education; (2) presents an official transcript of six semester hours of approved credit, as may be prescribed by the state board: *Provided*, That such renewal is completed after the beginning of the period of validity of the certificate to be renewed and within the five-year period immediately preceding the date of application for renewal; and (3) submits a recommendation based on successful teaching experience from the county superintendent of schools of the county in which he last taught or resides.

The holder of a professional certificate, valid for five years, shall have his certificate made permanent upon meeting either of the following requirements: (1) Completion of the third renewal, in accordance with the provisions set forth in (2) above; (2) after five years of service in the public schools, presentation of a transcript showing the completion of requirements for a master's degree from an institution of higher education accredited to offer the master's degree and in a program relevant to the public school program or completes the fifth year of
training leading to a bachelor's degree in library science from a school fully approved by the American library association. In either event the person must file application on a prescribed form with the state department of education and must submit a recommendation from the county superintendent of schools of the county in which he last taught or resides.

All certificates and permits, other than the professional certificate, shall be renewed in accordance with state board regulations.

If the applicant seeking renewal has cause to believe that his county superintendent refuses to give a recommendation without just cause, he shall have the right, in such case, to appeal to the state superintendent of schools whose responsibility it shall be to investigate the matter and issue a certificate if, in his opinion, the county superintendent’s recommendation was withheld arbitrarily.

A person who has reached the age of sixty and holds a renewable certificate, as provided in this section, need not present renewal credit but shall meet all other renewal requirements.
§18A-3-4. Validity of present certificates.

1 Nothing in this article shall be construed or interpreted in such way as to invalidate or in any manner change or shorten the validity period of certificates, including grade-level teaching rights, in force on the effective date of this act, nor the right to renew or make permanent such certificates.

§18A-3-5. Validity of certificates held by members of armed forces.

1 A certificate held by a member of the armed forces of the United States shall have the period of validity extended to June thirtieth of the year following his or her separation from active duty or honorable discharge provided the certificate was valid at the time of entry into the armed forces.

§18A-3-6. Grounds for revocation of certificates; recalling certificates for correction.

1 The state superintendent may, after ten days' notice and upon proper evidence, revoke the certificates of any teacher for drunkenness, untruthfulness, immorality, or for any physical, mental or moral defect which would
render him unfit for the proper performance of his duties
as a teacher, or for any neglect of duty or refusal to per-
form the same, or for using fraudulent, unapproved, or
insufficient credit, or for any other cause which would
have justified the withholding of a certificate when the
same was issued.

It shall be the duty of any county superintendent who
knows of any immorality or neglect of duty on the part
of any teacher to report the same, together with all the
facts and evidence, to the state superintendent for such
action as in his judgment may be proper.

If a certificate has been granted through an error, over-
sight, or misinformation, the state superintendent of
schools shall have authority to recall the certificate and
make such corrections as will conform to the require-
ments of law and the state board of education.


The fee for the issuance or renewal of any certificate, if
applicable, shall be established by the state board of
education.
ARTICLE 4. SALARIES, WAGES, AND OTHER BENEFITS.

§18A-4-1. Definitions.

For the purpose of this section, salaries shall be defined as: (a) "basic salaries" which shall mean the salaries paid to teachers with zero years of experience and in accordance with the classification of certification and of training of said teachers; and (b) "advanced salaries" which shall mean the basic salary plus an experience increment based on the allowable years of experience of the respective teachers in accordance with the schedule established herein for the applicable classification of certification and of training of said teachers. "Classification of certification" means the class or type of certificate issued by the state superintendent of schools under the statutory provisions of this chapter. "Classification of training" means the number of collegiate or graduate hours necessary to meet the requirements stipulated in the definitions set forth in the next paragraph in items (2) to (10) inclusive.

The column heads of the state minimum salary schedule, set forth in section two, are defined as follows:
(1) "Years of experience" means the number of years the teacher has been employed in the teaching profession; including active work in educational positions other than the public schools, and service in the armed forces of the United States if the teacher were under contract to teach at the time of his induction. For the purpose of section two of this article, the teacher's experience shall be limited to that allowed under his training classification as found in the minimum salary schedule.

(2) "Fourth class" means all certificates previously identified as (a) "certificates secured by examination," (b) "other first grade certificates," and

(3) "Third class" means all certificates previously identified as (a) "standard normal certificates" and (b) "third class temporary (sixty-four semester hours) certificates."

(4) "Second class" means all certificates previously identified as "second class temporary certificates based upon the required ninety-six hours of college work."

(5) "B. A." means a bachelor's degree, from an accredited institution of higher education, which has been
issued to, or for which the requirements for such have been met by, a person who qualifies for or holds a professional certificate or its equivalent.

(6) "B. A. +15" means a bachelor’s degree as defined above plus fifteen hours of graduate work, from an accredited institution of higher education certified to do graduate work, in an approved planned program at the graduate level which requirements have been met by a person who qualifies for or holds a professional certificate or its equivalent.

(7) "M. A." means a master's degree, earned in an institution of higher education approved to do graduate work, which has been issued to, or the requirements for such have been met by, a person who qualifies for or holds a professional certificate or its equivalent.

(8) "M. A. +15" means the above defined master's degree plus fifteen hours of graduate work, earned in an institution of higher education approved to do graduate work, if the person is qualified for or holds a professional certificate or its equivalent.
(9) "M. A. + 30" means the above defined master's degree plus thirty graduate hours, earned in an institution approved to do graduate work, if the person is qualified for or holds a professional certificate or its equivalent.

(10) "Doctorate" means a doctor's degree, which is of the type normally associated with the educational system, from a university qualified and approved to confer such a degree, which has been issued to or the requirements for such have been met by a person who qualifies for or holds a professional certificate or its equivalent.

§18A-4-2. State minimum salary schedule.

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§18A-4-3. Salary increments for principals.

1. In addition to the present recommended salary schedules in each county for principals, the following schedule of monthly salary increments for principals shall be paid from state funds appropriated therefor, beginning with the fiscal year commencing on the first day of July, one thousand nine hundred sixty-nine:
### Bachelor's Degree

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<th>Master's Degree</th>
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§18A-4-4. Responsibility of state board.

The state board of education shall establish the minimum salary schedule for teachers where specialized training may be required for vocational, technical, and adult education, and such other permits as may be authorized by said board.

No teacher holding a valid professional certificate shall have his salary reduced as a result of being assigned out of his teaching field by the superintendent, with the approval of the county board, under any authorization or regulation of the state board.

§18A-4-5. Authority of county boards.

County boards of education in fixing the salaries of teachers shall use as a minimum the salaries established under the provisions of this article. The board may establish salary schedules which shall be in excess of the state minimums fixed by this article, such county schedules to be uniform throughout the county as to the above stipulated training classifications, experience, responsibility, and other requirements; and also may fix higher salaries for teachers placed in special instructional assignments,
for those assigned to or employed for duties other than
regular instructional duties, for teachers of one-teacher
schools; and may provide additional compensation for
any teacher assigned duties in addition to his regular
instructional duties wherein such noninstructional duties
are not a part of the scheduled hours of the regular school
day. Uniformity also shall apply to such additional
salary increments or compensation for all persons per-
forming like assignments and duties within the county:

Provided, That in establishing such local salary schedules,
no county, from the time of the passage of this act, shall
reduce local funds allocated for instructional salaries and
used in supplementing the state mandated salaries as pro-
vided for in this article, unless forced to do so by failure
of a special levy, or a loss in assessed values, or state aid,
or events over which it has no control.

§18A-4-6. Change in classification.

Upon the change of the training classification of any
teacher, his salary shall be made to comply with re-
quirements of this article and of any county schedule,
where such exist, based upon his new classification and
allowable years of experience.
§18A-4-7. Substitute teacher.

1 The pay of the substitute teacher shall be based upon
2 his training classification and experience and shall be
3 in accordance with the salary schedule of the regularly
4 employed teachers of the county in which he is employed.

§18A-4-8. Minimum pay for service personnel.

1 Until such time as a state minimum pay scale is estab-
2 lished for service personnel, not less than fifty percent
3 of the allowance made for supporting services and other
4 current expense, under the provisions of section seven-b,
5 article nine-a of chapter eighteen, shall be used to employ,
6 to adjust, and/or to increase the pay of service personnel:
7 Provided, That fifty percent of the increase for supporting
8 services for the school year one thousand nine hundred
9 sixty-nine—one thousand nine hundred seventy shall be
10 used to provide a pay increase for all service personnel.

§18-4-9. Payment of teachers and other employees; with-
holdings.

1 Teachers and all other employees whose salaries or
2 wages are payable out of the school current fund shall
3 be paid for their services by orders drawn upon the sheriff
4 or treasurer and duly signed by the president and sec-
retary of the board in accordance with the following provisions: Notwithstanding any other provisions of this and chapter eighteen, the number of pays to be made during the school year to the various classes of employees shall be determined by the board: Provided, That the sum of such pays for any employee does not exceed the equivalent of an annual salary based upon twelve calendar months. In the event a teacher or other employee is not paid the full salary or wage earned in the fiscal year in which the work is performed, the unpaid amount may be paid during July and August of the following fiscal year. Adjustments for time loss due to absence may be made in the next pay check following such time loss.

The board may withhold the pay of any teacher or employee until he has made the reports required by the board or the state superintendent.

§18A-4-10. Personal leave for illness and other causes.

At the beginning of his employment term, any full-time employee of a county board of education shall be entitled annually to at least one and one-half days personal leave
for each employment month or major fraction thereof in the employee's employment term. Unused leave shall be accumulative to a total of sixty days and shall be transferable within the state. A change in job assignment during the school year shall in no way affect the employee’s rights or benefits.

A regular full-time employee who is absent from assigned duties due to accident, sickness, death in the immediate family, or other cause authorized or approved by the board, shall be paid his full salary from his regular budgeted salary appropriation during the period which he is absent, but not to exceed the total amount of leave to which he is entitled. Where the cause for leave had its origin prior to the beginning of the employment term, the employee shall be paid for time lost after the start of the employment term.

The board may establish reasonable regulations for reporting and verification of absence for causes; and if any error in reporting absences should occur it shall have authority to make necessary salary adjustments in the next pay after the employee has returned to duty or in
the final pay if the absence should occur during the last
month of his employment term. When such allowable
absence does not directly affect the instruction of the
pupils or when a substitute employee may not be required
because of the nature of the work and the duration of
the cause for the allowable absence of the regular em-
ployee, the administration, subject to board approval, may
use its discretion as to the need for a substitute where
limited absence may prevail. Any board of education
shall have authority to supplement such leave provisions
in any manner it may deem advisable.

If funds in any fiscal year, including transfers, are in-
sufficient to pay the full cost of substitutes for meeting the
provisions of this section, the remainder shall be paid on
or before the thirty-first day of August from the budget
of the next fiscal year.

§18A-4-11. Group insurance.

Whenever a majority of the full-time instructional and
administrative employees of a county or state board of
education, or a majority of the full-time nonteaching em-
ployees of such board shall indicate in writing to the
board of education that it has adopted a group plan or
plans of insurance for life, health and accident, hospital-
ization or surgery insurance, or death benefit plan on a
group basis, and such majority has selected a licensed in-
surance company or companies duly licensed to do busi-
ness in this state to write or provide for any one or more
of such group insurance, or death benefit coverages, the
board shall make proper periodical premium deductions
from the regular salary of any such employee as specified
in a written assignment furnished it by each such em-
ployee subscribing thereto, and pay the aggregate of such
salary deductions over to the insurance company or com-
panies or voluntary association so selected. Only those
companies whose plan or plans receive the majority vote
shall have the privilege of such deductions.

§18A-4-12. Tax sheltered annuities for teachers and other em-
ployees.

For the purpose of this section when an employee shall
have attained the age of eighteen years, the said employee
may be eligible to participate in the defined group plans.
A county board of education, the teachers retirement
board, the West Virginia board of education and the
board of regents of West Virginia and their agencies may provide by written agreement between any such board or agency and any teacher or other employee, to reduce the cash salary payable to such teacher or other employee, and, in consideration thereof, to pay an amount equal to the amount of such reduction to an insurance company licensed to do business in this state as premiums on an annuity contract owned by such teacher or other employee, which annuity contract shall be in such form and upon such terms as will qualify the payments thereon for tax deferment under the United States Internal Revenue Code, or to pay an amount equal to the amount of such reduction as voluntary deposits to the teachers retirement board as provided by section eighteen, article seven-a, chapter eighteen of this code. The amount of such reduction shall not exceed the amount excludible from income under section 403 (b) of the United States Internal Revenue Code, and amendments and successor provisions thereto, and shall be considered a part of the teacher's or employee's salary for all purposes other than federal and state income tax.
The purchase of such tax sheltered annuity for a teacher or other employee by a board of education, the teachers retirement board, the West Virginia board of education and the board of regents of West Virginia and their agencies shall impose no liability nor responsibility whatsoever on said boards or members thereof except to show that the payments have been remitted for the purposes for which deducted.

§18A-4-13. Compliance with this article.

1 Any board failing to comply with the provisions of this article may be compelled to do so by mandamus.

ARTICLE 5. AUTHORITY; RIGHTS; RESPONSIBILITY.

§18A-5-1. Authority of teachers and other school personnel; exclusion of pupils having infectious diseases; suspension or expulsion of disorderly pupils.

1 The teacher shall stand in the place of the parent or guardian in exercising authority over the school, and shall have control of all pupils enrolled in the school from the time they reach the school until they have returned to their respective homes, except that where transportation of pupils is provided, the driver in charge
of the school bus or other mode of transportation shall exercise such authority and control over the children while they are in transit to and from the school. Subject to the rules of the state board of education, the teacher shall exclude from the school any pupil or pupils known to have or suspected of having any infectious disease, or any pupil or pupils who have been exposed to such disease, and shall immediately notify the proper health officer, or medical inspector, of such exclusion.

Any pupil so excluded shall not be readmitted to the school until such pupil has complied with all the requirements of the rules governing such cases, or has presented a certificate of health signed by the medical inspector or other proper health officer. The teacher shall have authority to suspend any pupil guilty of disorderly, refractory, indecent or immoral conduct, and the district board of education may expel or exclude any such pupil if, on investigation, the conduct of such pupil is found to be detrimental to the progress and the general conduct of the school.
For the purpose of this section: (1) "Pupil" shall include any child, youth, or adult who is enrolled in any instructional program or activity conducted under board authorization and within the facilities of or in connection with any program under public school direction: Provided, That in the case of adults the pupil-teacher relationship shall terminate when the pupil leaves the school or other place of instruction or activity; (2) "teacher" shall include principals, regular teachers, substitute teachers, student teachers, teacher aides and other school employees or persons assigned responsibility for directing or supervising instructional programs or board-approved activities.

Teachers shall exercise such other authority and perform such other duties as may be prescribed for them by law or by the rules of the state board of education not inconsistent with the provisions of this chapter and chapter eighteen.

§18A-5-2. Holidays; closing of schools; time lost because of such; special Saturday classes.

Schools shall not be kept open on any Saturday nor on the following days which are designated as legal
school holidays, namely: Independence Day, Labor Day, Veterans Day, Thanksgiving Day, Christmas Day, New Year's Day, Memorial Day, and any day on which a primary election, general election, or special election is held throughout the state or school district and any day appointed and set apart by the president or the governor as a holiday of special observance by the people of the state. When any such holiday falls within the employment term, it shall be considered as a day of the employment term and the full-time school personnel shall receive his pay for same. When any of the above designated holidays, except a special election, falls on Saturday, the schools shall be closed on the preceding Friday; when any such falls on Sunday, the schools shall be closed on the following Monday.

Special classes may be conducted on Saturdays, provided they are conducted on a voluntary basis, for pupils and by teachers and service personnel, and that such teachers and service personnel shall be remunerated in ratio to the regularly contracted pay.

Any school or schools may be closed by proper authorities on account of the prevalence of contagious disease,
conditions of weather or any other calamitous cause over which the board has no control. Under any or all of the above provisions, the time lost by the closing of schools shall be counted as taught and as meeting a part of the requirements of the minimum term of one hundred and eighty days of instruction. The teacher shall receive pay the same as if school were in session. Insofar as funds are available or can be made available during the school year, the board may extend the employment term for the purpose of making up time that might affect the instructional term.

In addition to any other provisions of this chapter, the board is further authorized to provide in its annual budget for meetings, workshops, vacation time and/or other holidays through extended employment of personnel at the same rate of pay.

§18A-5-3. Exemption from jury service.

Notwithstanding any other provision of law, professional personnel and other persons actively engaged in school work in this state shall be required to serve on any jury during the period of his contract with a board of
education unless excused therefrom by judge of the court.

In the case of service on a jury the board shall pay the
difference between that allowed for such jury service
and the amount of salary due the person for such period
of time.


A county board of education may approve the at-
tendance of any or all teachers at educational conven-
tions, conferences, or other professional meetings of
teachers on school days when in the judgment of the
superintendent it is necessary or desirable. Attendance at
such meetings may be substituted for an equal amount
of teaching and teachers so attending shall not suffer loss
of pay. Further, the board is authorized to pay all or any
part of expenses of any personnel whom it may designate
to represent it at any such professional or educational
meetings or in visitation to another school system.

§18A-5-5. Records; reports by professional and other personnel.

Every teacher, principal, supervisor, or other person
employed by a board of education shall keep such records
and shall make such reports as may be required by the
state superintendent of schools, and such records shall be kept and such reports shall be made according to the forms and blanks prescribed and furnished by the state superintendent. Teachers shall also keep such other records and make such other reports as may be required by the board of education employing them.


A school census of youths from birth through twenty years of age as of September first of the year in which taken, or of such ages as otherwise may locally be determined and of mentally and physically handicapped persons of all ages, may be made as directed by a county board of education. The school census may be taken by the teachers or as otherwise directed by the county board of education. Teachers taking the school census shall be entitled to use school hours not to exceed a total of one school day, and shall be compensated for such time as for time taught.

The state superintendent of schools shall have authority to require a statewide enumeration by the counties at such
times as he may direct and may establish the procedures therefor.

In order that the census record may be as currently accurate as possible, and a reliable source of reference through the school year, it shall be the duty of each county superintendent of schools to establish and administer through the office of the county director of school attendance a system of cumulative census records which may be prescribed by the state superintendent of schools.


Every teacher shall, at the time of signing his contract to teach, take an oath to support the constitution of the United States and the constitution of the state of West Virginia, and to honestly demean himself in the teaching profession and to the best of his ability execute his position of teacher. Such oath shall be printed on the contract form prescribed by the state superintendent.

ARTICLE 6. COUNTY RETIREMENT FUND.

§18A-6-1. Retirement fund for school employees.

Boards of education shall have authority to establish and maintain a teachers retirement fund for both teachers
and nonteaching employees of their districts. The ad-
ministration of such funds shall be in accordance with
the rules and regulations of the state board of education
relating thereto.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Clayton E. Davidson
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1969.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 17th day of March, 1969.

Governor
PRESENTED TO THE GOVERNOR

Date 3/12/69
Time 2:07 p.m.