

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1969

ENROLLED

SENATE BILL NO. 181

(By Mr. Mc Court and Mr. Mc Kinn)

PASSED March 8, 1969

In Effect July 1, 1969 Passage

FILED IN THE OFFICE
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE

THIS DATE 3-17-69

#181

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Senate Bill No. 181

(By MR. McCOURT and MR. MCKOWN)

[Passed March 8, 1969; in effect July 1, 1969.]

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article seven, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; and that said code be amended by adding thereto a new chapter, designated chapter eighteen-a, to read as follows:

CHAPTER 18A. SCHOOL PERSONNEL.

ARTICLE 1. GENERAL.

§18A-1-1. Definitions.

1 The definitions contained in section one, article one of
2 chapter eighteen shall be applicable to this chapter. In
3 addition, the following words used in this chapter and in
4 any proceedings pursuant thereto shall, unless the con-
5 text clearly indicates a different meaning, be construed
6 as follows:

7 a. "School personnel" shall mean all personnel employ-
8 ed by a county board of education whether employed on
9 a regular full-time basis, an hourly basis or otherwise.
10 School personnel shall be comprised of three categories:
11 Professional personnel, auxiliary personnel and service
12 personnel.

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

17 c. "Professional educator" shall be synonymous with
18 and shall have the same meaning as "teacher" as defined

19 in section one, article one, chapter eighteen of this code.

20 Professional educators shall be classified as:

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

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

29 (3) "Supervisor": The professional educator who,
30 whether by this or other appropriate title, is responsible
31 for working primarily in the field with professional and/
32 or other personnel in instructional and other school im-
33 provement.

34 (4) "Central office administrator": The superintend-
35 ent, associate superintendent, assistant superintendent,
36 and other professional educators, whether by these or
37 other appropriate titles, who are charged with the admin-
38 istering and supervising of the whole or some assigned

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.

§18A-1-2. Repeal of inconsistent provisions.

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.

§18A-1-3. Constitutionality and severability.

1 If any provision of this chapter or the application there-
2 of to any person or circumstances shall be held to be

3 unconstitutional and invalid, such unconstitutionality and
4 invalidity shall not affect any one of the provisions or
5 applications of the chapter which can be given effect
6 without the invalid provisions or applications; and to this
7 end the provisions for this chapter are separable. The
8 Legislature hereby declares that it would have passed the
9 remaining parts of this chapter if it had known that such
10 other part or parts thereof would be declared unconstitu-
11 tional and invalid.

ARTICLE 2. SCHOOL PERSONNEL.

§18A-2-1. Employment, general.

1 The employment of professional personnel shall be made
2 by the board only upon nomination and recommendation
3 of the superintendent. In case the board refuses to
4 employ any or all of the persons nominated, the super-
5 intendent shall nominate others and submit the same
6 to the board at such time as the board may direct. All
7 personnel so nominated and recommended for employ-
8 ment and for subsequent assignment shall meet the cer-
9 tification, licensing, training, and other eligibility classi-
10 fications as may be required by provisions of this chapter
11 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.

1 Before entering upon their duties, all teachers shall
2 execute a contract with their boards of education, which
3 contract shall state the salary to be paid and shall be
4 in the form prescribed by the state superintendent of
5 schools. Every such contract shall be signed by the
6 teacher and by the president and secretary of the board
7 of education, and when so signed shall be filed, together
8 with the certificate of the teacher, by the secretary of
9 the office of the board.

10 A teacher's contract, under this section, shall be for
11 a term of not less than one nor more than three years;
12 and if, after three years of such employment, the teacher
13 who holds a professional certificate, based on at least
14 a bachelor's degree, has met the qualifications for the
15 same, and the board of education enter into a new con-
16 tract of employment, it shall be a continuing contract:
17 *Provided*, That any teacher holding a valid certificate

18 with less than a bachelor's degree who is employed in
19 a county beyond the said three year probationary period
20 shall upon qualifying for said professional certificate
21 based upon a bachelor's degree, if reemployed, be granted
22 continuing contract status. The continuing contract of
23 any teacher shall remain in full force and effect except
24 as modified by mutual consent of the school board and
25 the teacher, unless and until terminated (1) by a ma-
26 jority vote of the full membership of the board before
27 April first of the then current year, after written notice,
28 served upon the teacher, return receipt requested, stating
29 cause or causes, and an opportunity to be heard at a
30 meeting of the board prior to the board's action thereon,
31 or (2) by written resignation of the teacher before
32 that date. Such termination shall take effect at the close
33 of the school year in which the contract is so terminated:
34 *Provided, however,* That the contract may be terminated
35 at any time by mutual consent of the school board and
36 the teacher, and that this section shall not affect the
37 powers of the school board to suspend or dismiss a prin-
38 cipal or teacher pursuant to section nine of this article:

39 *Provided further*, That a continuing contract for any
40 teacher holding a certificate valid for more than one
41 year and in full force and effect during the school year
42 one thousand nine hundred sixty-two and one thousand
43 nine hundred sixty-three shall remain in full force and
44 effect: *And provided further*, That a continuing contract
45 shall not operate to prevent a teacher's dismissal based
46 upon the lack of need for the teacher's services pursuant
47 to the provisions of law relating to the allocation of
48 teachers and pupil-teacher ratios. But in case of such
49 dismissal, the teachers so dismissed shall be placed upon
50 a preferred list in the order of their length of service
51 with that board, and no teacher shall be employed by
52 the board until each qualified teacher upon the preferred
53 list, in order, shall have been offered the opportunity
54 for reemployment: *Provided*, That he has not accepted
55 a teaching position elsewhere. Such reemployment shall
56 be upon a teacher's preexisting continuing contract and
57 shall have the same effect as though the contract had
58 been suspended during the time the teacher was not
59 employed.

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

67 Any teacher who fails to fulfill his contract with the
68 board, unless prevented from so doing by personal illness
69 or other just cause, or unless released from such contract
70 by the board, or who violates any lawful provision there-
71 of, shall be disqualified to teach in any other public
72 school in the state for a period of the next ensuing
73 school year, and the state department of education or
74 board may hold all papers and credentials of such teacher
75 on file for a period of one year for such violation: *Pro-*
76 *vided, however,* That marriage of a teacher shall not
77 be considered a failure to fulfill, or violation of, the
78 contract.

§18A-2-3. Employment of substitute teachers.

1 The county superintendent, subject to approval of the
2 county board, shall have authority to employ and assign

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.

§18A-2-4. Employment of auxiliary personnel.

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-

11 ployee, or otherwise he shall forfeit his right to employ-
12 ment. Such personnel shall meet such criteria and guide-
13 lines as the state board may establish. Under such regula-
14 tion and policy as may be established by the county board,
15 this personnel shall work under the direction of the
16 principal and teachers to whom assigned.

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

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

**§18A-2-6. Termination of employment of auxiliary and serv-
ice personnel.**

1 After three years of acceptable employment each auxi-
2 liary and service personnel, at the end of his contractual

3 period of employment, shall be notified in writing on or
4 before the first day of May in the year in which such
5 employment shall terminate if he is not to be reemployed
6 for the ensuing year. Such notice shall be by certified
7 mail, return receipt requested, and the employee shall
8 have the right of a hearing before the board, if requested,
9 before final action is taken by the board upon the termina-
10 tion of such employment.

**§18A-2-7. Assignment, transfer, promotion, demotion and sus-
pension.**

1 The superintendent, subject only to approval of the
2 board, shall have authority to assign, transfer, promote,
3 demote or suspend school personnel and to recommend
4 their dismissal pursuant to provisions of this chapter:
5 *Provided*, That the superintendent at a meeting of the
6 board on or before the first Monday in May, shall furnish
7 in writing to the board a list of teachers and other em-
8 ployees to be considered for transfer and subsequent
9 assignment for the next ensuing school year. All other
10 teachers and employees not so listed shall be considered
11 as reassigned to the positions or jobs held at the time of

12 this meeting. The list of those recommended for transfer
13 shall be included in the minute record of such meeting
14 and all those so listed shall be notified in writing, which
15 notice shall be delivered in writing, by certified mail, re-
16 turn receipt requested, to such persons' last known ad-
17 dresses within ten days following said board meeting,
18 of their having been so recommended for transfer and
19 subsequent assignment. The superintendent's authority to
20 suspend school personnel shall be temporary only pend-
21 ing a hearing upon charges filed by the superintendent
22 with the board of education, and such period of suspen-
23 sion shall not exceed thirty days unless extended by order
24 of the board.

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

1 Notwithstanding any other provisions of law, a board
2 may suspend or dismiss any person in its employment at
3 any time for: Immorality, incompetency, cruelty, insub-
4 ordination, intemperance or wilful neglect of duty, but
5 the charges shall be stated in writing and the employee
6 so affected shall be given an opportunity to be heard by

7 the board upon not less than ten days' written notice,
8 which charges and notice shall be served upon the em-
9 ployee within five days of the presentation of the charges
10 to the board. The hearing may be held at the next regular
11 meeting of the board or at a special meeting called for
12 that purpose; and in any case when the board is not un-
13 animous in its decision to suspend or dismiss, the per-
14 son so suspended or dismissed shall have the right of
15 appeal to the state superintendent of schools.

ARTICLE 3. TRAINING, CERTIFICATION, LICENSING.

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

1 Any professional educator, as defined in article one of
2 this chapter, who is employed within the public school
3 system of the state shall hold a valid teaching certificate
4 licensing him to teach in the public schools in the spe-
5 cializations and grade levels as shown on his certificate
6 for the period of his employment. If a teacher is employed
7 in good faith on the anticipation that he is eligible for a
8 certificate and it is later determined that he was not
9 eligible, the state superintendent of schools may authorize
10 payment by the county board of education to the teacher

11 for a time not exceeding three school months or the
12 date of notification of his ineligibility, whichever shall
13 occur first. All certificates shall expire on June thirtieth
14 of the last year of their validity irrespective of the date of
15 issuance. A certificate to teach shall not be granted to any
16 person who is not a citizen of the United States, is not of
17 good moral character and physically, mentally and
18 emotionally qualified to perform the duties of a teacher
19 and who has not attained the age of eighteen years on or
20 before the first day of October of the year in which his
21 certificate is issued; except, that an exchange teacher
22 from a foreign country, or an alien person who meets
23 the requirements to teach and who has filed a declaration
24 of intention to become a naturalized citizen, may be grant-
25 ed a permit to teach within the public schools of the
26 state.

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

1 The state superintendent of free schools shall have
2 authority to issue certificates valid in the public schools
3 of the state in accordance with standards and require-

4 ments approved by the state board of education. Certifi-
5 cates authorized to be issued include:

6 (1) *Professional teaching certificate.*

7 In accordance with state board regulations and an ap-
8 proved program completed by the applicant, a profes-
9 sional certificate for teaching in the public schools may be
10 issued to a person who has completed the requirements
11 for a bachelor's degree from an accredited institution of
12 higher education. The certificate shall be endorsed to
13 indicate the grade level or levels, or areas of specializa-
14 tion in which the person is licensed to teach or to serve
15 in the public schools. The initial professional certificate
16 shall be issued provisionally and for a period of three
17 years. This certificate may be converted to a professional
18 certificate valid for five years, or renewed subject to the
19 regulations of the state board.

20 (2) *Professional administrative certificate.*

21 In accordance with an approved program completed and
22 state board regulations, a professional administrative
23 certificate, endorsed for serving in the public schools, may
24 be issued to a person who has completed requirements for

25 a master's degree in an institution of higher education ac-
26 credited to offer a master's degree. Beginning September
27 one, one thousand nine hundred seventy, the initial pro-
28 fessional administrative certificate shall be issued pro-
29 visionally for a period of three years. This certificate may
30 be converted to a professional administrative certificate
31 valid for five years or renewed, subject to the regulations
32 of the state board.

33 (3) *Other certificates; permits.*

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

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

1 . Until the person qualifies for a permanent certificate,
2 any professional or first class certificate based upon a
3 bachelor's degree shall be renewable provided the holder:

4 (1) Files application on a prescribed form with the state
5 department of education; (2) presents an official tran-
6 script of six semester hours of approved credit, as may
7 be prescribed by the state board: *Provided*, That such
8 renewal is completed after the beginning of the period
9 of validity of the certificate to be renewed and within
10 the five-year period immediately preceding the date of
11 application for renewal; and (3) submits a recommenda-
12 tion based on successful teaching experience from the
13 county superintendent of schools of the county in which
14 he last taught or resides.

15 The holder of a professional certificate, valid for five
16 years, shall have his certificate made permanent upon
17 meeting either of the following requirements: (1) Com-
18 pletion of the third renewal, in accordance with the pro-
19 visions set forth in (2) above; (2) after five years of
20 service in the public schools, presentation of a transcript
21 showing the completion of requirements for a master's
22 degree from an institution of higher education accredited
23 to offer the master's degree and in a program relevant to
24 the public school program or completes the fifth year of

25 training leading to a bachelor's degree in library science
26 from a school fully approved by the American library
27 association. In either event the person must file applica-
28 tion on a prescribed form with the state department of
29 education and must submit a recommendation from the
30 county superintendent of schools of the county in which
31 he last taught or resides.

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

35 If the applicant seeking renewal has cause to believe
36 that his county superintendent refuses to give a recom-
37 mendation without just cause, he shall have the right, in
38 such case, to appeal to the state superintendent of schools
39 whose responsibility it shall be to investigate the matter
40 and issue a certificate if, in his opinion, the county super-
41 intendent's recommendation was withheld arbitrarily.

42 A person who has reached the age of sixty and holds a
43 renewable certificate, as provided in this section, need
44 not present renewal credit but shall meet all other re-
45 newal requirements.

§18A-3-4. Validity of present certificates.

1 Nothing in this article shall be construed or interpreted
2 in such way as to invalidate or in any manner change or
3 shorten the validity period of certificates, including grade-
4 level teaching rights, in force on the effective date of this
5 act, nor the right to renew or make permanent such
6 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
2 the United States shall have the period of validity ex-
3 tended to June thirtieth of the year following his or her
4 separation from active duty or honorable discharge pro-
5 vided the certificate was valid at the time of entry into
6 the armed forces.

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

1 The state superintendent may, after ten days' notice
2 and upon proper evidence, revoke the certificates of any
3 teacher for drunkenness, untruthfulness, immorality, or
4 for any physical, mental or moral defect which would

5 render him unfit for the proper performance of his duties
6 as a teacher, or for any neglect of duty or refusal to per-
7 form the same, or for using fraudulent, unapproved, or
8 insufficient credit, or for any other cause which would
9 have justified the withholding of a certificate when the
10 same was issued.

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

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

§18A-3-7. Certificate fees.

1 The fee for the issuance or renewal of any certificate, if
2 applicable, shall be established by the state board of
3 education.

ARTICLE 4. SALARIES, WAGES, AND OTHER BENEFITS.**§18A-4-1. Definitions.**

1 For the purpose of this section, salaries shall be de-
2 fined as: (a) "basic salaries" which shall mean the
3 salaries paid to teachers with zero years of experience
4 and in accordance with the classification of certification
5 and of training of said teachers; and (b) "advanced sal-
6 aries" which shall mean the basic salary plus an experi-
7 ence increment based on the allowable years of experience
8 of the respective teachers in accordance with the sched-
9 ule established herein for the applicable classification
10 of certification and of training of said teachers. "Classi-
11 fication of certification" means the class or type of cer-
12 tificate issued by the state superintendent of schools
13 under the statutory provisions of this chapter. "Classi-
14 fication of training" means the number of collegiate or
15 graduate hours necessary to meet the requirements stipu-
16 lated in the definitions set forth in the next paragraph
17 in items (2) to (10) inclusive.

18 The column heads of the state minimum salary sched-
19 ule, set forth in section two, are defined as follows:

20 (1) "Years of experience" means the number of years
21 the teacher has been employed in the teaching profession;
22 including active work in educational positions other than
23 the public schools, and service in the armed forces of
24 the United States if the teacher were under contract
25 to teach at the time of his induction. For the purpose
26 of section two of this article, the teacher's experience
27 shall be limited to that allowed under his training classi-
28 fication as found in the minimum salary schedule.

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

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

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

39 (5) "B. A." means a bachelor's degree, from an ac-
40 credited institution of higher education, which has been

41 issued to, or for which the requirements for such have
42 been met by, a person who qualifies for or holds a pro-
43 fessional certificate or its equivalent.

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

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

56 (8) "M. A. + 15" means the above defined master's de-
57 gree plus fifteen hours of graduate work, earned in an in-
58 stitution of higher education approved to do graduate
59 work, if the person is qualified for or holds a professional
60 certificate or its equivalent.

61 (9) "M. A. +30" means the above defined master's de-
 62 gree plus thirty graduate hours, earned in an institution
 63 approved to do graduate work, if the person is qualified
 64 for or holds a professional certificate or its equivalent.

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

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

STATE MINIMUM SALARY SCHEDULE									
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Years	4th	3rd	2nd	B.A.	B.A.	M.A.	M.A.	M.A.	Doctor-
Exp.	Class	Class	Class		+15		+15	+30	ate
0	\$3670	\$4170	\$4370	\$5320	\$5570	\$5820	\$6070	\$6320	\$6570
1	3790	4290	4490	5440	5690	5940	6190	6440	6690
2	3910	4410	4610	5560	5810	6060	6310	6560	6810
3	4030	4530	4730	5680	5930	6180	6430	6680	6930
4	4150	4650	4850	5800	6050	6300	6550	6800	7050
5	4270	4770	4970	5920	6170	6420	6670	6920	7170
6	4390	4890	5090	6040	6290	6540	6790	7040	7290
7		5010	5210	6160	6410	6660	6910	7160	7410

STATE MINIMUM SALARY SCHEDULE—(Continued)

Years Exp.	4th Class	3rd Class	2nd Class	B.A.	B.A. +15	M.A.	M.A. +15	M.A. +30	Doctor- ate
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
8		5130	5330	6280	6530	6780	7030	7280	7530
9			5450	6400	6650	6900	7150	7400	7650
10			5570	6520	6770	7020	7270	7520	7770
11				6640	6890	7140	7390	7640	7890
12				6760	7010	7260	7510	7760	8010
13				6880	7130	7380	7630	7880	8130
14						7500	7750	8000	8250
15						7620	7870	8120	8370
16						7740	7990	8240	8490
17								8360	8610
18								8480	8730
19								8600	8850

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

1 In addition to the present recommended salary sched-
2 ules in each county for principals, the following schedule
3 of monthly salary increments for principals shall be paid
4 from state funds appropriated therefor, beginning with
5 the fiscal year commencing on the first day of July, one
6 thousand nine hundred sixty-nine:

7	Bachelor's Degree			
8	No. of	of Lesser	Master's	Principal's
9	Teachers	Certification	Degree	Certificate
10	2	\$ 5.50	\$ 5.75	\$10.00
11	3	7.25	7.75	12.00
12	4	9.00	10.00	14.00
13	5	11.00	12.25	16.50
14	6	13.25	14.75	19.00
15	7	15.00	16.75	21.00
16	8	16.75	19.00	23.00
17	9	18.50	21.00	25.25
18	10	20.50	23.00	27.25
19	11	22.00	25.25	29.50
20	12	23.50	27.25	31.50
21	13	25.00	29.50	33.50
22	14	26.50	31.50	35.75
23	15	28.00	33.50	37.75
24	16	28.50	34.25	38.50
25	17	29.00	34.75	39.00
26	18	29.75	35.50	39.50
27	19	30.25	36.00	40.25
28	20 or more	31.00	36.50	40.75

§18A-4-4. Responsibility of state board.

1 The state board of education shall establish the mini-
2 mum salary schedule for teachers where specialized train-
3 ing may be required for vocational, technical, and adult
4 education, and such other permits as may be authorized
5 by said board.

6 No teacher holding a valid professional certificate shall
7 have his salary reduced as a result of being assigned out
8 of his teaching field by the superintendent, with the ap-
9 proval of the county board, under any authorization or
10 regulation of the state board.

§18A-4-5. Authority of county boards.

1 County boards of education in fixing the salaries of
2 teachers shall use as a minimum the salaries established
3 under the provisions of this article. The board may estab-
4 lish salary schedules which shall be in excess of the state
5 minimums fixed by this article, such county schedules to
6 be uniform throughout the county as to the above stipu-
7 lated training classifications, experience, responsibility,
8 and other requirements; and also may fix higher salaries
9 for teachers placed in special instructional assignments,

10 for those assigned to or employed for duties other than
11 regular instructional duties, for teachers of one-teacher
12 schools; and may provide additional compensation for
13 any teacher assigned duties in addition to his regular
14 instructional duties wherein such noninstructional duties
15 are not a part of the scheduled hours of the regular school
16 day. Uniformity also shall apply to such additional
17 salary increments or compensation for all persons per-
18 forming like assignments and duties within the county:
19 *Provided*, That in establishing such local salary schedules,
20 no county, from the time of the passage of this act, shall
21 reduce local funds allocated for instructional salaries and
22 used in supplementing the state mandated salaries as pro-
23 vided for in this article, unless forced to do so by failure
24 of a special levy, or a loss in assessed values, or state aid,
25 or events over which it has no control.

§18A-4-6. Change in classification.

1 Upon the change of the training classification of any
2 teacher, his salary shall be made to comply with re-
3 quirements of this article and of any county schedule,
4 where such exist, based upon his new classification and
5 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.

→ ^A §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-

5 retary of the board in accordance with the following
6 provisions: Notwithstanding any other provisions of
7 this and chapter eighteen, the number of pays to be
8 made during the school year to the various classes of
9 employees shall be determined by the board: *Provided,*
10 That the sum of such pays for any employee does not
11 exceed the equivalent of an annual salary based upon
12 twelve calendar months. In the event a teacher or other
13 employee is not paid the full salary or wage earned in
14 the fiscal year in which the work is performed, the un-
15 paid amount may be paid during July and August of
16 the following fiscal year. Adjustments for time loss due
17 to absence may be made in the next pay check following
18 such time loss.

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

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

1 At the beginning of his employment term, any full-time
2 employee of a county board of education shall be entitled
3 annually to at least one and one-half days personal leave

4 for each employment month or major fraction thereof
5 in the employee's employment term. Unused leave shall
6 be accumulative to a total of sixty days and shall be
7 transferable within the state. A change in job assignment
8 during the school year shall in no way affect the em-
9 ployee's rights or benefits.

10 A regular full-time employee who is absent from as-
11 signed duties due to accident, sickness, death in the im-
12 mediate family, or other cause authorized or approved by
13 the board, shall be paid his full salary from his regular
14 budgeted salary appropriation during the period which he
15 is absent, but not to exceed the total amount of leave to
16 which he is entitled. Where the cause for leave had its
17 origin prior to the beginning of the employment term, the
18 employee shall be paid for time lost after the start of the
19 employment term.

20 The board may establish reasonable regulations for re-
21 porting and verification of absence for causes; and if any
22 error in reporting absences should occur it shall have
23 authority to make necessary salary adjustments in the
24 next pay after the employee has returned to duty or in

25 the final pay if the absence should occur during the last
26 month of his employment term. When such allowable
27 absence does not directly affect the instruction of the
28 pupils or when a substitute employee may not be required
29 because of the nature of the work and the duration of
30 the cause for the allowable absence of the regular em-
31 ployee, the administration, subject to board approval, may
32 use its discretion as to the need for a substitute where
33 limited absence may prevail. Any board of education
34 shall have authority to supplement such leave provisions
35 in any manner it may deem advisable.

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

§18A-4-11. Group insurance.

1 Whenever a majority of the full-time instructional and
2 administrative employees of a county or state board of
3 education, or a majority of the full-time nonteaching em-
4 ployees of such board shall indicate in writing to the
5 board of education that it has adopted a group plan or

6 plans of insurance for life, health and accident, hospital-
7 ization or surgery insurance, or death benefit plan on a
8 group basis, and such majority has selected a licensed in-
9 surance company or companies duly licensed to do busi-
10 ness in this state to write or provide for any one or more
11 of such group insurance, or death benefit coverages, the
12 board shall make proper periodical premium deductions
13 from the regular salary of any such employee as specified
14 in a written assignment furnished it by each such em-
15 ployee subscribing thereto, and pay the aggregate of such
16 salary deductions over to the insurance company or com-
17 panies or voluntary association so selected. Only those
18 companies whose plan or plans receive the majority vote
19 shall have the privilege of such deductions.

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

1 For the purpose of this section when an employee shall
2 have attained the age of eighteen years, the said employee
3 may be eligible to participate in the defined group plans.
4 A county board of education, the teachers retirement
5 board, the West Virginia board of education and the

6 board of regents of West Virginia and their agencies
7 may provide by written agreement between any such
8 board or agency and any teacher or other employee,
9 to reduce the cash salary payable to such teacher or other
10 employee, and, in consideration thereof, to pay an amount
11 equal to the amount of such reduction to an insurance
12 company licensed to do business in this state as premiums
13 on an annuity contract owned by such teacher or other
14 employee, which annuity contract shall be in such form
15 and upon such terms as will qualify the payments thereon
16 for tax deferment under the United States Internal Reve-
17 nue Code, or to pay an amount equal to the amount of
18 such reduction as voluntary deposits to the teachers re-
19 tirement board as provided by section eighteen, article
20 seven-a, chapter eighteen of this code. The amount of
21 such reduction shall not exceed the amount excludible
22 from income under section 403 (b) of the United States
23 Internal Revenue Code, and amendments and successor
24 provisions thereto, and shall be considered a part of the
25 teacher's or employee's salary for all purposes other than
26 federal and state income tax.

27 The purchase of such tax sheltered annuity for a
28 teacher or other employee by a board of education, the
29 teachers retirement board, the West Virginia board of
30 education and the board of regents of West Virginia
31 and their agencies shall impose no liability nor responsi-
32 bility whatsoever on said boards or members thereof
33 except to show that the payments have been remitted
34 for the purposes for which deducted.

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

1 Any board failing to comply with the provisions of
2 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
2 guardian in exercising authority over the school, and
3 shall have control of all pupils enrolled in the school
4 from the time they reach the school until they have
5 returned to their respective homes, except that where
6 transportation of pupils is provided, the driver in charge

7 of the school bus or other mode of transportation shall
8 exercise such authority and control over the children
9 while they are in transit to and from the school. Sub-
10 ject to the rules of the state board of education, the
11 teacher shall exclude from the school any pupil or pupils
12 known to have or suspected of having any infectious
13 disease, or any pupil or pupils who have been exposed
14 to such disease, and shall immediately notify the proper
15 health officer, or medical inspector, of such exclusion.
16 Any pupil so excluded shall not be readmitted to the
17 school until such pupil has complied with all the require-
18 ments of the rules governing such cases, or has presented
19 a certificate of health signed by the medical inspector
20 or other proper health officer. The teacher shall have
21 authority to suspend any pupil guilty of disorderly, re-
22 fractory, indecent or immoral conduct, and the district
23 board of education may expel or exclude any such pupil if,
24 on investigation, the conduct of such pupil is found to
25 be detrimental to the progress and the general conduct
26 of the school.

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

40 Teachers shall exercise such other authority and per-
41 form such other duties as may be prescribed for them
42 by law or by the rules of the state board of education
43 not inconsistent with the provisions of this chapter and
44 chapter eighteen.

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

1 Schools shall not be kept open on any Saturday nor
2 on the following days which are designated as legal

3 school holidays, namely: Independence Day, Labor Day,
4 Veterans Day, Thanksgiving Day, Christmas Day, New
5 Year's Day, Memorial Day, and any day on which a
6 primary election, general election, or special election is
7 held throughout the state or school district and any
8 day appointed and set apart by the president or the
9 governor as a holiday of special observance by the people
10 of the state. When any such holiday falls within the
11 employment term, it shall be considered as a day of
12 the employment term and the full-time school personnel
13 shall receive his pay for same. When any of the above
14 designated holidays, except a special election, falls on
15 Saturday, the schools shall be closed on the preceding
16 Friday; when any such falls on Sunday, the schools shall
17 be closed on the following Monday.

18 Special classes may be conducted on Saturdays, pro-
19 vided they are conducted on a voluntary basis, for pupils
20 and by teachers and service personnel, and that such
21 teachers and service personnel shall be remunerated in
22 ratio to the regularly contracted pay.

23 Any school or schools may be closed by proper authori-
24 ties on account of the prevalence of contagious disease,

25 conditions of weather or any other calamitous cause over
26 which the board has no control. Under any or all of the
27 above provisions, the time lost by the closing of schools
28 shall be counted as taught and as meeting a part of the
29 requirements of the minimum term of one hundred and
30 eighty days of instruction. The teacher shall receive
31 pay the same as if school were in session. Insofar as
32 funds are available or can be made available during the
33 school year, the board may extend the employment term
34 for the purpose of making up time that might affect the
35 instructional term.

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

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

1 Notwithstanding any other provision of law, profes-
2 sional personnel and other persons actively engaged in
3 school work in this state shall be required to serve on any
4 jury during the period of his contract with a board of

5 education unless excused therefrom by judge of the court.
6 In the case of service on a jury the board shall pay the
7 difference between that allowed for such jury service
8 and the amount of salary due the person for such period
9 of time.

§18A-5-4. Educational meetings.

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

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

1 Every teacher, principal, supervisor, or other person
2 employed by a board of education shall keep such records
3 and shall make such reports as may be required by the

4 state superintendent of schools, and such records shall be
5 kept and such reports shall be made according to the
6 forms and blanks prescribed and furnished by the state
7 superintendent. Teachers shall also keep such other rec-
8 ords and make such other reports as may be required by
9 the board of education employing them.

§18A-5-6. School census.

1 A school census of youths from birth through twenty
2 years of age as of September first of the year in which
3 taken, or of such ages as otherwise may locally be deter-
4 mined and of mentally and physically handicapped per-
5 sons of all ages, may be made as directed by a county
6 board of education. The school census may be taken by
7 the teachers or as otherwise directed by the county board
8 of education. Teachers taking the school census shall be
9 entitled to use school hours not to exceed a total of one
10 school day, and shall be compensated for such time as for
11 time taught.

12 The state superintendent of schools shall have authority
13 to require a statewide enumeration by the counties at such

14 times as he may direct and may establish the procedures
15 therefor.

16 In order that the census record may be as currently ac-
17 curate as possible, and a reliable source of reference
18 through the school year, it shall be the duty of each
19 county superintendent of schools to establish and ad-
20 minister through the office of the county director of school
21 attendance a system of cumulative census records which
22 may be prescribed by the state superintendent of schools.

§18A-5-7. Oath required of teachers.

1 Every teacher shall, at the time of signing his contract
2 to teach, take an oath to support the constitution of the
3 United States and the constitution of the state of West
4 Virginia, and to honestly demean himself in the teaching
5 profession and to the best of his ability execute his posi-
6 tion of teacher. Such oath shall be printed on the contract
7 form prescribed by the state superintendent.

ARTICLE 6. COUNTY RETIREMENT FUND.

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

1 Boards of education shall have authority to establish
2 and maintain a teachers retirement fund for both teachers

3 and nonteaching employees of their districts. The ad-
4 ministration of such funds shall be in accordance with
5 the rules and regulations of the state board of education
6 relating thereto.

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

William Tompa
Chairman Senate Committee

Clayton C. Davidson
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1969.

Howard Meyers
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Leahy G. Jackson
President of the Senate

Sam F. Brisley
Speaker House of Delegates

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

Arch A. Shaver Jr.
Governor



PRESENTED TO THE
GOVERNOR

Date 3/12/69

Time 2:01 p.m.