

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1974

ENROLLED

SENATE BILL NO. 307

(By Mr. Palumbo)

PASSED March 1, 1974

In Effect ninety days from Passage



FILED IN THE OFFICE
EDGAR F. HEISKELL III
SECRETARY OF STATE
THIS DATE 3-11-74

307

ENROLLED
Senate Bill No. 307
(By MR. PALUMBO)

[Passed March 1, 1974; in effect ninety days from passage.]

AN ACT to amend article seventeen, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto two new sections, designated sections eight and nine, relating to continuing contract status for teachers and nonteaching personnel at schools for the deaf and blind; dismissal and suspension procedures.

Be it enacted by the Legislature of West Virginia:

That article seventeen, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto two new sections, designated sections eight and nine, to read as follows:

ARTICLE 17. WEST VIRGINIA SCHOOLS FOR THE DEAF AND THE BLIND.

§18-17-8. Continuing contract status established; dismissal and suspension procedures.

1 Before entering upon their duties, all teachers shall exe-
2 cute a contract with the state board of education, which
3 contract shall state the salary to be paid and shall be in
4 the form prescribed by the state superintendent of schools.
5 Every such contract shall be signed by the teacher and by
6 the president and secretary of the state board of education.
7 A teacher's contract, under this section, shall be for a
8 term of not less than one nor more than three years; and
9 if, after three years of such employment, the teacher who
10 holds a professional certificate, based on at least a bache-

11 lor's degree, has met the qualifications for the same, and
12 the board of education enter into a new contract of em-
13 ployment, it shall be a continuing contract.

14 Notwithstanding any other provisions of law, the state
15 board of education may suspend or dismiss any teacher
16 subject to the provisions of this article, with continuing
17 contract status, for immorality, incompetency, cruelty,
18 insubordination, intemperance or willful neglect of duty,
19 but the charges shall be stated in writing and the teacher
20 affected shall be given an opportunity to be heard by the
21 state board upon not less than ten days' written notice,
22 which charges and notice shall be served on the teacher
23 within five days of the presentation of the charges to the
24 state board. The hearing may be held at a regular meeting
25 of the state board or at a special meeting called for that
26 purpose.

**§18-17-9. Employment of auxiliary and service personnel, dis-
missal and suspension procedures.**

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

13 After three years of acceptable employment each
14 auxiliary and service personnel, at the end of his con-
15 tractual period of employment shall be notified in writing
16 on or before the first day of May in the year in which
17 such employment shall terminate if he is not to be re-
18 employed for the ensuing year. Such notice shall be by
19 certified mail, return receipt requested, and the employee
20 shall have the right of a hearing before the state board, if
21 requested, before final action is taken by the board upon
22 the termination of such employment.

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

H. Darrel Darby
Chairman Senate Committee

Clarence M. Thurston
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Howard W. Carson
Clerk of the Senate
C. Blankenship
Clerk of the House of Delegates

J. P. Bretherton Jr.
President of the Senate

Lewis J. McManus
Speaker House of Delegates

The within approved this the 11th
March, 1974.
day of _____

Archie A. Moore Jr.
Governor

PRESENTED TO THE
GOVERNOR

Date 3/5/14

Time 4:38 p.m.