

No. 1477

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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1984



ENROLLED

Com. Sub. for
HOUSE BILL No. 1477

(By ~~Mr.~~ *Del. Spencer*)



Passed March 10, 1984

In Effect Thirty Days from Passage



ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 1477
(By DELEGATE SPENCER)

[Passed March 10, 1984: in effect ninety days from passage.]

AN ACT to amend and reenact sections two and six, article two, chapter eighteen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to further amend said article by adding thereto a new section, designated section two-a, relating to the continuing contract of teachers and school service personnel; providing that teachers and service personnel with continuing contracts be granted such status after one year acceptable employment with another county in certain instances; relating to rights of teachers returning from certain approved leaves of absence; and requiring restoration to former assignment and retention of seniority rights and other privileges upon such return.

Be it enacted by the Legislature of West Virginia:

That sections two and six, article two, chapter eighteen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that article two, chapter eighteen-a of said code be further amended by adding thereto a new section, designated section two-a, all to read as follows:

ARTICLE 2. SCHOOL PERSONNEL.

§18A-2-2. Employment of teachers; contracts; continuing contract status; 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 execute

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

9 A teachers' contract, under this section, shall be for a term
10 of not less than one nor more than three years; and if, after
11 three years of such employment, the teacher who holds a
12 professional certificate, based on at least a bachelor's degree,
13 has met the qualifications for the same, and the board of edu-
14 cation enter into a new contract of employment, it shall be
15 a continuing contract: *Provided*, That any teacher holding
16 a valid certificate with less than a bachelor's degree who is
17 employed in a county beyond the said three-year probationary
18 period shall upon qualifying for said professional certificate
19 based upon a bachelor's degree, if reemployed, be granted
20 continuing contract status: *Provided, however*, That a teacher
21 holding continuing contract status with one county shall be
22 granted continuing contract status with any other county upon
23 completion of one year of acceptable employment if such
24 employment is during the next succeeding school year or
25 immediately following an approved leave of absence extend-
26 ing no more than one year.

27 The continuing contract of any teacher shall remain in full
28 force and effect except as modified by mutual consent of the
29 school board and the teacher, unless and until terminated
30 (1) by a majority vote of the full membership of the board
31 before April first of the then current year, after written notice,
32 served upon the teacher, return receipt requested, stating
33 cause or causes, and an opportunity to be heard at a meeting
34 of the board prior to the board's action thereon, or (2) by
35 written resignation of the teacher before that date. Such
36 termination shall take effect at the close of the school year
37 in which the contract is so terminated: *Provided, further*, That
38 the contract may be terminated at any time by mutual con-
39 sent of the school board and the teacher, and that this section
40 shall not affect the powers of the school board to suspend

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

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

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

§18A-2-2a. Leaves of absence for teachers.

1 Any teacher who is returning from an approved leave of

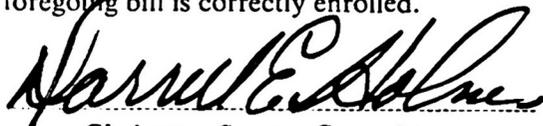
2 absence that extended for a period of less than one year shall
3 be reemployed by the board with the right to be restored to the
4 same assignment of position or duties held prior to the ap-
5 proved leave of absence. Such teacher shall retain all seniority,
6 rights and privileges which had accrued at the time of the
7 approved leave of absence, and shall have all rights and privi-
8 leges generally accorded teachers at the time of the reem-
9 ployment.

**§18A-2-6. Continuing contract status for service personnel; termi-
nation.**

1 After three years of acceptable employment, each service
2 personnel employee who enters into a new contract of em-
3 ployment with the board shall be granted continuing contract
4 status: *Provided*, That a service personnel employee holding
5 continuing contract status with one county shall be granted
6 continuing contract status with any other county upon com-
7 pletion of one year of acceptable employment if such em-
8 ployment is during the next succeeding school year or im-
9 mediately following an approved leave of absence extending
10 no more than one year. The continuing contract of any such
11 employee shall remain in full force and effect except as
12 modified by mutual consent of the school board and the em-
13 ployee, unless and until terminated with written notice, stating
14 cause or causes, to the employee, by a majority vote of the
15 full membership of the board before the first day of April of
16 the then current year, or by written resignation of the em-
17 ployee before that date. The affected employee shall have
18 the right of a hearing before the board, if requested, before
19 final action is taken by the board upon the termination of
20 such employment.

21 Those employees who have completed three years of ac-
22 ceptable employment as of the effective date of this legislation
23 shall be granted continuing contract status.

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



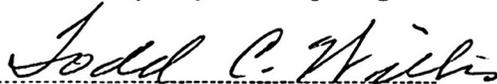
Chairman Senate Committee



Chairman House Committee

Originating in the House.

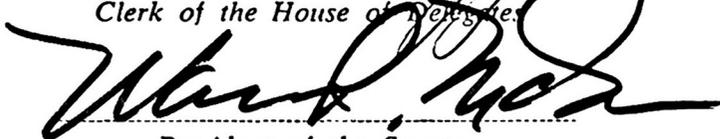
Takes effect ninety days from passage.



Clerk of the Senate



Clerk of the House of Delegates



President of the Senate



Speaker House of Delegates

The within in general this the 26
day of March, 1984.



Governor

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