WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1984

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ENROLLED

Cons. Sub. Joe
HOUSE BILL No. 1477

(By Del. Spencer)

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Passed March 10, 1984

In Effect 30 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
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 teachers' 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 edu-
cation 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: Provided, however, That a teacher
holding continuing contract status with one county shall be
granted continuing contract status with any other county upon
completion of one year of acceptable employment if such
employment is during the next succeeding school year or
immediately following an approved leave of absence extend-
ing no more than one year.

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, further, That
the contract may be terminated at any time by mutual con-
sent 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 eight of this article: And 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 eighty-four and one thousand nine hundred eighty-five shall remain in full force and effect: Provided, 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 to 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, however, 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 further, That marriage of a teacher shall not be considered a failure to fulfill, or a violation of, the contract.


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

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

After three years of acceptable employment, each service
personnel employee who enters into a new contract of em-
ployment with the board shall be granted continuing contract
status: Provided, That a service personnel employee holding
continuing contract status with one county shall be granted
continuing contract status with any other county upon com-
pletion of one year of acceptable employment if such em-
ployment is during the next succeeding school year or im-
mediately following an approved leave of absence extending
no more than one year. The continuing contract of any such
employee shall remain in full force and effect except as
modified by mutual consent of the school board and the em-
ployee, unless and until terminated with written notice, stating
cause or causes, to the employee, by a majority vote of the
full membership of the board before the first day of April of
the then current year, or by written resignation of the em-
ployee before that date. The affected 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.

Those employees who have completed three years of ac-
ceptable employment as of the effective date of this legislation
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 ________ is approved this the ______ day of ________, 1984.

Governor