

CONTINUING CONTRACT

After three (3) years of successful experience, all professional personnel who enter into a new contract shall receive a continuing contract. A year of experience shall require successful employment for at least 133 days during a school year.

A professional personnel employee holding a continuing contract status with one district shall be granted continuing contract status with any other district upon completion of one (1) year of acceptable employment if such employment is during the next succeeding school year or immediately following an approved leave of absence extending no more than one (1) year.

The continuing contract of any professional personnel employee shall remain in full force and effect except as modified by mutual consent of the school board and the employee, unless and until terminated:

- A. By a majority vote of the full membership of the Board on or before May 1st of the then current year, after written notice, served upon the employee, 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.
- B. By written resignation of the employee on or before May 1st to initiate termination of a continuing contract. The termination shall take effect at the close of the school year in which the contract is so terminated.

- C. By mutual consent, at any time, of the School Board and the employee.
- D. By termination under WV Code 18A-2-8.
- E. By dismissal based upon the lack of need for the employee's services pursuant to the provisions of law relating to the allocation of teachers and student-teacher ratios. The written notification of employees being considered for dismissal for lack of need shall be limited to only those employees whose consideration for dismissal is based upon known or expected circumstances which will require dismissal for lack of need. An employee who was not provided notice and an opportunity for a hearing pursuant to Section (A) of this policy may not be included on the list. In case of such dismissal, the employee so dismissed shall be placed upon a preferred list in the order of their length of service with that board, and no employee shall be employed by the Board until each qualified employee upon the preferred list, in order, shall have been offered the opportunity for re-employment in a position for which they are qualified, provided that he or she has not accepted a position elsewhere. Such re-employment shall be upon an employee's preexisting continuing contract and shall have the same effect as though the contract had been suspended during the time the employee was not employed.

A teacher is disqualified to teach in any public school in the State for the duration of the next ensuing school year, if that teacher fails to fulfill his or her 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 violates any lawful provision of his or her contract. Marriage of an employee shall not be considered a failure to fulfill, or violation of, the contract. The State Department of Education or Board may hold all papers and credentials of such teacher on file for a period of one (1) year for such violation and shall report such disqualification status in the National Association of State Directors of Teacher Education and Certification database system.

In the assignment of position or duties of an employee under a continuing contract, the Board may provide for released time of an employee for any special professional or governmental assignment without jeopardizing the contractual rights of such employee or any other rights, privileges or benefits. Released time shall be provided for any professional employee while serving as a member of the Legislature during any duly constituted session of that body and its interim and statutory committees and commissions without jeopardizing his/her contractual rights or any other rights, privileges, benefits or accrual of experience for placement on the State minimum salary schedule in the following school year under the provisions of State law and Board policy. An employee who is a member of the Legislature will not receive pay from the Board while executing legislative duties. Such employee may use the three (3) days of personal leave without cause for that purpose or vacation days if applicable. An employee, who is granted leave under this policy, shall accrue seniority during the period of time that the employee is on this Board-approved leave of absence.

WV Code 18A-2-2