

# **WEST VIRGINIA LEGISLATURE**

## **2020 REGULAR SESSION**

**Introduced**

### **House Bill 4378**

BY DELEGATES HILL, PACK, KESSINGER, HANNA,  
ELLINGTON, HIGGINBOTHAM, FOSTER, P. MARTIN AND  
WORRELL

[Introduced January 16, 2020; Referred to the  
Committee on Education]

1 A BILL to amend and reenact §18A-3-6 of the Code of West Virginia, 1931, as amended, relating  
2 to disciplining teachers.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 3. TRAINING, CERTIFICATION, LICENSING, PROFESSIONAL  
DEVELOPMENT.**

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

1 (a) The State Superintendent may, after 10 days' notice and upon proper evidence, revoke  
2 or suspend the certificates of any teacher for any of the following causes: Intemperance;  
3 untruthfulness; cruelty; immorality; the conviction of a felony or a guilty plea or a plea of no contest  
4 to a felony charge; the conviction, guilty plea or plea of no contest to any charge involving sexual  
5 misconduct with a minor or a student; or for using fraudulent, unapproved or insufficient credit to  
6 obtain the certificates: *Provided*, That in order for any conduct of a teacher involving  
7 intemperance; cruelty; immorality; or using fraudulent, unapproved or insufficient credit to obtain  
8 the certificates to constitute grounds for the revocation of the certificates of the teacher, there  
9 must be a rational nexus between the conduct of the teacher and the performance of his or her  
10 job. The State Superintendent shall also have the authority to limit certificates, issue letters of  
11 admonishment, or enter into consent agreements requiring specific training in order for a teacher  
12 to maintain a certificate. The State Superintendent may designate the West Virginia commission  
13 for professional teaching standards or members thereof to conduct hearings on revocations or  
14 certificate denials and make recommendations for action by the State Superintendent.

15 ~~(b) Provided further, That~~ A teacher, as defined by West Virginia Code §18-1-1(g),  
16 convicted under §61-8D-3 or §61-8D-5 of this code or comparable statute in any other state, any  
17 criminal offense that requires the teacher to register as a sex offender, or any criminal offense  
18 which has as an element delivery or distribution of a controlled substance, shall have his or her  
19 certificate or license automatically revoked. Should the conviction resulting in automatic

20 revocation pursuant to this section be overturned by any Court of this State or the United States,  
21 the teacher's certification shall be reinstated unless otherwise prohibited by law.

22 (c) A teacher, as defined by §18-1-1(g) of this code, and including any individual holding  
23 a license granted pursuant to §18A-3-2a of this code, shall maintain a professional relationship  
24 with all students at all times, both in and out of the classroom. Any teacher found to have  
25 committed any act of sexual abuse of a student or minor or to have engaged in inappropriate  
26 sexual conduct with a student or minor; committed an act of cruelty to children or an act of child  
27 endangerment or solicited, encouraged, engaged in or consummated an inappropriate  
28 relationship with any student, minor, or individual who was a student in the preceding 24 months;  
29 or engaged in grooming a student or minor shall have his or her license revoked for a period of  
30 time not less than five years.

31 ~~(b)~~ (d) Any county superintendent who knows of any acts on the part of any teacher for  
32 which a certificate may be revoked or for which other action may be taken in accordance with this  
33 section shall report this, together with all the facts and evidence, to the State Superintendent for  
34 such action as in the State Superintendent's judgment may be proper.

35 ~~(e)~~ (e) If a certificate has been granted through an error, oversight, or misinformation, the  
36 state superintendent may recall the certificate and make such corrections as will conform to the  
37 requirements of law and the state board.

NOTE: The purpose of this bill is to authorize the State Superintendent to limit teaching certificates, admonish, or enter into consent agreements requiring specific training in order for a teacher to maintain a certificate; and provide for the revocation of a license for any teacher found to have committed sexual misconduct involving a student, minor, or individual who was a student in the preceding 24 months.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.