

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5330

By Delegates Tully, Shamblin, Toney, Rohrbach, E.

Pritt, Ferrell, Dean, T. Clark, Stephens and Linville

[Introduced January 29, 2024; Referred to the
Committee on Education then the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §49-2-815, all relating to requiring the Department of Human Services to notify
 3 the county school superintendent and the local board of education president of the public
 4 school system where a child attends of any pending child protective service investigations;
 5 exempting children enrolled in private schools, parochial schools, or homeschool;
 6 requiring the outcome of the investigation to be sent; providing for documentation; and
 7 providing requirements for notification.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. STATE RESPONSIBILITIES FOR CHILDREN.

§49-2-815. Mandatory reporting to county superintendent and local board of education president of pending investigation.

1 (a) The Department of Human Services shall notify in list format, once per week, the county
 2 school superintendent and the local Board of Education president of the public school system of
 3 any pending child protective services investigations involving a child in that county.

4 (b) This section shall not apply to children enrolled in homeschool, children enrolled in
 5 micropods or microschoools, children enrolled in parochial schools, or other private school settings
 6 where children are enrolled in this state.

7 (c) The Department of Human Services shall not release the name of the individual who
 8 reported allegations leading to a pending investigation or any further details, only that an
 9 investigation is pending and the name of the child involved.

10 (d) The Department of Human Services shall also notify the county school superintendent
 11 and the local Board of Education president of the public school system of whether the allegations
 12 were founded or unfounded, once the investigation is complete, in list format once a week.

13 (e) Notification by the Department of Human Services may be by certified letter or other
 14 acceptable service of process.

15 (f) The Department of Human Services shall document notification in their respective

16 electronic documentation system. Additionally, the following provisions apply regarding
17 notification:

18 (1) The notification may be in list format for each separate county of this state.

19 (2) The list shall include, if assigned, the name and contact information for the specific
20 caseworker assigned to each child or case. This shall be updated weekly if changes occur.

21 (3) If an incident involves a known county Board of Education employee, notification shall
22 be given to the West Virginia State Superintendent of Schools and the West Virginia State Board
23 of Education president.

24 (4) Records shall not be subject to a Freedom of Information Act ("FOIA") request, Family
25 Educational Rights and Privacy Act ("FERPA"), or another similar request.

26 (5) Superintendents and Board of Education presidents shall keep information confidential
27 except in instances in which information is required to be disclosed, such as legal cases,
28 mandated reporting, multidisciplinary meetings related to education, or otherwise.

NOTE: The purpose of this bill is to require the Department of Human Services to notify the county school superintendent and the local board of education president of the public school system where a child attends of any pending child protective service investigations. The bill exempts children enrolled in private schools, parochial schools, or homeschool. The bill requires the outcome of the investigation to be sent. Finally, the bill provides for documentation and requirements for notification.

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