

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

House Bill 4220

BY DELEGATES ESPINOSA, STATLER, UPSON, COOPER,

DEAN, WILSON, HIGGINBOTHAM AND FOLK

[Introduced January 19, 2018; Referred
to the Committee on Education then the Judiciary.]

1 A BILL to amend and reenact §18A-3-6 of the Code of West Virginia, 1931, as amended, relating
 2 generally to grounds for revocation of a teaching certificate; and providing that a teaching
 3 certificate or license shall be automatically revoked if a teacher is convicted of a criminal
 4 offense that requires him or her to register as a sex offender.

Be it enacted by the Legislature of West Virginia:

ARTICLE 18A. TRAINING, CERTIFICATION, LICENSING, PROFESSIONAL DEVELOPMENT.

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

1 (a) The state superintendent may, after ten days' notice and upon proper evidence,
 2 revoke 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 the certificates of a teacher may not be revoked for any
 7 matter for which the teacher was disciplined, less than dismissal, by the county board that
 8 employs the teacher, nor for which the teacher is meeting or has met an improvement plan
 9 determined by the county board, unless it can be proven by clear and convincing evidence that
 10 the teacher has committed one of the offenses listed in this subsection and his or her actions
 11 render him or her unfit to teach: *Provided, however*, That in order for any conduct of a teacher
 12 involving intemperance; cruelty; immorality; or using fraudulent, unapproved or insufficient credit
 13 to obtain the certificates to constitute grounds for the revocation of the certificates of the teacher,
 14 there must be a rational nexus between the conduct of the teacher and the performance of his or
 15 her job. The state superintendent may designate the West Virginia commission for professional
 16 teaching standards or members thereof to conduct hearings on revocations or certificate denials
 17 and make recommendations for action by the state superintendent: *Provided further*, That a

18 teacher convicted under §61-8D-5 of this code or convicted of any criminal offense that requires
19 such teacher to register as a sex offender, shall have his or her certificate or license automatically
20 revoked.

21 (b) It shall be the duty of any county superintendent who knows of any acts on the part of
22 any teacher for which a certificate may be revoked in accordance with this section to report the
23 same, together with all the facts and evidence, to the state superintendent for such action as in
24 the state superintendent's judgment may be proper.

25 (c) If a certificate has been granted through an error, oversight, or misinformation, the
26 state superintendent has authority to recall the certificate and make such corrections as will
27 conform to the requirements of law and the state board.

NOTE: The purpose of this bill is to revoke teaching certificate of teacher's conviction of any offense that requires the teacher to register as a sex offender.

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