

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

**Introduced**

### **House Bill 5650**

By Delegates Foggin, Gearheart, Foster, Heckert,

Ellington, Statler, Toney, Hornby, and Young

[Introduced February 13, 2024; Referred to the

Committee on Education]



18 §6C-2-1 *et seq.* of this code, except that dismissal for a finding of abuse or the conviction of a  
19 felony or guilty plea or plea of nolo contendere to a felony charge is not by itself a grounds for a  
20 grievance proceeding. An employee charged with the commission of a felony, a misdemeanor with  
21 a rational nexus between the conduct and performance of the employee's job, or child abuse shall  
22 be suspended, placed on administrative leave, or reassigned to duties which do not involve direct  
23 interaction with pupils pending final disposition of the charges.

24 (d) A county board of education has the duty and authority to provide a safe and secure  
25 environment in which students may learn and prosper; therefore, it may take necessary steps to  
26 suspend or dismiss any person in its employment at any time should the health, safety, or welfare  
27 of students be jeopardized or the learning environment of other students has been impacted. A  
28 county board shall complete an investigation of an employee that involves evidence that the  
29 employee may have engaged in conduct that jeopardizes the health, safety, or welfare of students  
30 despite the employee's resignation from employment prior to completion of the investigation.

31 (e) It shall be the duty of any school principal to report any employee conduct alleged to  
32 jeopardize the health, safety, or welfare of students or the learning environment of other students,  
33 to the county superintendent within 24 hours of the allegation. Nothing in this subsection  
34 supersedes §49-2-803 of this code or the provisions therein regarding mandated reporting of child  
35 abuse and neglect.

36 (f) It shall be the duty of any county superintendent to report any employee suspended or  
37 dismissed, or resigned during the course of an investigation of the employee's alleged  
38 misconduct, in accordance with this section, including the rationale for the suspension or  
39 dismissal, to the state superintendent within seven business days of the suspension, dismissal, or  
40 resignation. The state superintendent shall maintain a database of all individuals suspended or  
41 dismissed for jeopardizing the health, safety, or welfare of students, or for impacting the learning  
42 environment of other students. The database shall also include the rationale for the suspension or  
43 dismissal. The database shall be confidential and shall only be accessible to county human

44 resource directors, county superintendents, and the state superintendent of schools.

45 (g) Notwithstanding any other provisions of law, a suspended employee who presents no  
46 clear and present danger of disruption, disorder, riot of the event, or an immediate threat to public  
47 safety, may not be barred from attending public events on school property while serving their  
48 suspension, nor may a suspended employee who has children or grandchildren be barred from  
49 attending the school to exercise normal functions of a parent or guardian while suspended.

NOTE: The purpose of this bill is to permit a suspended employee who presents no clear and present danger of disruption, disorder, riot of the event, or an immediate threat to public safety to attend public events on school property while serving their suspension; and permitting the suspended employee who has children or grandchildren attending the school to exercise normal functions of a parent or guardian with regards to the school while suspended.

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