

FILED

2004 APR -2 P 4: 59

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2004



ENROLLED

House Bill No. 4552

(By Delegates Tabb, Williams, Renner, Shelton,
Crosier, Long and Canterbury)



Passed March 13, 2004

In Effect Ninety Days from Passage

FILED

2004 APR -2 P 5:00

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H. B. 4552

(BY DELEGATES TABB, WILLIAMS, RENNER, SHELTON,
CROSIER, LONG AND CANTERBURY)

[Passed March 13, 2004; in effect ninety days from passage.]

AN ACT to amend and reenact §18A-3-6 of the code of West Virginia, 1931, as amended, relating to grounds for the revocation of teacher certificates; providing additional specification of grounds; and limitations.

Be it enacted by the Legislature of West Virginia:

That §18A-3-6 of the code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

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

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

- 1 The state superintendent may, after ten days' notice and
- 2 upon proper evidence, revoke the certificates of any teacher for
- 3 any of the following causes: Intemperance; untruthfulness;
- 4 cruelty; immorality; the conviction of a felony or a guilty plea

5 or a plea of no contest to a felony charge; the conviction, guilty
6 plea or plea of no contest to any charge involving sexual
7 misconduct with a minor or a student; or for using fraudulent,
8 unapproved or insufficient credit to obtain the certificates:
9 *Provided*, That the certificates of a teacher may not be revoked
10 for any matter for which the teacher was disciplined, less than
11 dismissal, by the county board that employs the teacher, nor for
12 which the teacher is meeting or has met an improvement plan
13 determined by the county board, unless it can be proven by
14 clear and convincing evidence that the teacher has committed
15 one of the offences listed in this subsection and his or her
16 actions render him or her unfit to teach: *Provided, however*,
17 That in order for any conduct of a teacher involving intemper-
18 ance; cruelty; immorality; or using fraudulent, unapproved or
19 insufficient credit to obtain the certificates to constitute grounds
20 for the revocation of the certificates of the teacher, there must
21 be a rational nexus between the conduct of the teacher and the
22 performance of his or her job. The state superintendent may
23 designate the West Virginia commission for professional
24 teaching standards or members thereof to conduct hearings on
25 revocations or certificate denials and make recommendations
26 for action by the state superintendent.

27 It shall be the duty of any county superintendent who
28 knows of any acts on the part of any teacher for which a
29 certificate may be revoked in accordance with this section to
30 report the same, together with all the facts and evidence, to the
31 state superintendent for such action as in the state superinten-
32 dent's judgment may be proper.

33 If a certificate has been granted through an error, oversight,
34 or misinformation, the state superintendent has authority to
35 recall the certificate and make such corrections as will conform
36 to the requirements of law and the state board.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Carly Hove
Chairman/Senate Committee

Greg Butcher
Chairman House Committee

Originating in the House.

In effect ninety days from passage.

Darrin Charles
Clerk of the Senate

Darryl M. Soy
Clerk of the House of Delegates

Carl Row Tomblin
ate

Robert Kiss
Speaker of the House of Delegates

The within *is approved* this the *2nd*
day of *April*, 2004.

Bob Wise
Governor

STAMPED
3/26/04
4:00 pm