

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

ENGROSSED

Committee Substitute

for

House Bill 2378

BY DELEGATE ESPINOSA, WESTFALL AND LAVENDER-BOWE

[Introduced January 14, 2019; 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 certain
4 crimes.

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 the certificates of any teacher for any of the following causes: Intemperance; untruthfulness;
3 cruelty; immorality; the conviction of a felony or a guilty plea or a plea of no contest to a felony
4 charge; the conviction, guilty plea or plea of no contest to any charge involving sexual misconduct
5 with a minor or a student; or for using fraudulent, unapproved or insufficient credit to obtain the
6 certificates: ~~*Provided*, That the certificates of a teacher may not be revoked for any matter for
7 which the teacher was disciplined, less than dismissal, by the county board that employs the
8 teacher, nor for which the teacher is meeting or has met an improvement plan determined by the
9 county board, unless it can be proven by clear and convincing evidence that the teacher has
10 committed one of the offenses listed in this subsection and his or her actions render him or her
11 unfit to teach: *Provided, however*, That in order for any conduct of a teacher involving
12 intemperance; cruelty; immorality; or using fraudulent, unapproved or insufficient credit to obtain
13 the certificates to constitute grounds for the revocation of the certificates of the teacher, there
14 must be a rational nexus between the conduct of the teacher and the performance of his or her
15 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, as defined by West Virginia Code §18-1-1(g), convicted under §61-8D-3 or §61-8D-5 of
19 this code or comparable statute in any other state, any criminal offense that requires the teacher
20 to register as a sex offender, or any criminal offense which has as an element delivery or
21 distribution of a controlled substance, shall have his or her certificate or license automatically
22 revoked. Should the conviction resulting in automatic revocation pursuant to this section be
23 overturned by any Court of this State or the United States, the teacher's certification shall be
24 reinstated unless otherwise prohibited by law.

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

29 (c) If a certificate has been granted through an error, oversight, or misinformation, the
30 state superintendent ~~has authority to~~ may recall the certificate and make such corrections as will
31 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.