

# **WEST VIRGINIA LEGISLATURE**

## **2019 REGULAR SESSION**

**Introduced**

### **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 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 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 convicted under §61-8D-5 of this code or convicted of any criminal offense that requires  
19 the 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~~ shall report  
23 ~~the same~~ this, together with all the facts and evidence, to the state superintendent for such action  
24 as in 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~~ may 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.