

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 2378

BY DELEGATE ESPINOSA, WESTFALL AND LAVENDER-

BOWE

[Passed March 8, 2019; in effect ninety days from
passage.]

OFFICE WEST VIRGINIA
SECRETARY OF STATE

2019 MAR 29 A 10:43

FILED

HB 2378

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2019 MAR 26 A 10:43

FILED

1 AN ACT 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 in order for any conduct of a teacher involving intemperance; cruelty;
7 immorality; or using fraudulent, unapproved or insufficient credit to obtain the certificates to
8 constitute grounds for the revocation of the certificates of the teacher, there must be a rational
9 nexus between the conduct of the teacher and the performance of his or her job. The state
10 superintendent may designate the West Virginia commission for professional teaching standards
11 or members thereof to conduct hearings on revocations or certificate denials and make
12 recommendations for action by the state superintendent: *Provided further*, That a teacher, as
13 defined by West Virginia Code §18-1-1(g), convicted under §61-8D-3 or §61-8D-5 of this code or
14 comparable statute in any other state, any criminal offense that requires the teacher to register
15 as a sex offender, or any criminal offense which has as an element delivery or distribution of a
16 controlled substance, shall have his or her certificate or license automatically revoked. Should the
17 conviction resulting in automatic revocation pursuant to this section be overturned by any Court

18 of this State or the United States, the teacher's certification shall be reinstated unless otherwise
19 prohibited by law.

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

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

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

Noel Capito
.....
Chairman, House Committee

Mark Herring
.....
Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

Steve Harrison
.....
Clerk of the House of Delegates

Joe Lavin
.....
Clerk of the Senate

Ray Haskew
.....
Speaker of the House of Delegates

Walter B. Combs
.....
President of the Senate

OFFICE WEST VIRGINIA
SECRETARY OF STATE

2019 MAR 26 A 10:44

FILED

The within *is approved* this the *26th*
March day of 2019.

James Justice
.....
Governor

PRESENTED TO THE GOVERNOR

ENR 21 218

Time 12:40 pm