

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

### **Introduced**

## **House Bill 4090**

By Delegates Coop-Gonzalez, White, Pinson,  
Crouse, Pritt, Dillon, Mallow, Jennings, Kimble, and  
Mazzocchi.

[Introduced January 14, 2026; referred to the  
Committee on Education]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section,  
2 designated §18-5-55, relating to authorizing county boards of education to employ or  
3 accepting as volunteers certified chaplains; and limitation of liability.

*Be it enacted by the Legislature of West Virginia:*

**Article 5. COUNTY BOARD OF EDUCATION.**

**§18-5-55. School chaplains; employment; volunteer.**

1 (a) County boards of education may employ or accept as a volunteer a certified chaplain to  
2 provide support, services, and programs for students, staff, and parents as assigned by a county  
3 school board..

4 (1) The school chaplain shall be selected by and be responsible to the county school  
5 board.

6 (2) Any school chaplain employed or accepted as a volunteer pursuant to the provisions of  
7 this section is not required to meet certification requirements of the state, licensing requirements of  
8 the state, or both, and includes a professional educator and other professional employee.

9 (3) Nothing in this section may prohibit any county school board from employing or  
10 accepting as a volunteer more than one chaplain for any school.

11 (4) A county school board that employs or accepts as a volunteer, a chaplain, under this  
12 section, shall ensure that the chaplain submits to a fingerprint based state and federal background  
13 check, as provided for licensed child care facilities, before the chaplain begins employment or  
14 volunteering at a school.

15 (5) A county school board may not employ or accept as a volunteer a chaplain who has  
16 registered or is required to register as a sex offender or child predator.

17 (b) Limitation of liability; school chaplain.

18 (1) No person may have a cause of action against a chaplain for any action taken or  
19 statement made in adherence with the provisions for service, support, and programs for students.

20 (2) The immunity from liability provided for in subdivision (1) of this section, may not apply

- 21 to any action or statement by such chaplain, if that action or statement was maliciously, willfully,  
22 and deliberately intended to cause harm to harass or intimidate those seeking support, services,  
23 and programs.

NOTE: The purpose of this bill is to authorize county boards of education to employ or accepting as volunteers certified chaplains. The bill also provides for limitation of liability.

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