

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

ENGROSSED

Committee Substitute

for

House Bill 4395

By Delegates Drennan, Hite, Crouse, Moore, Dittman,
Kyle, McCormick, Stephens, Leavitt, Hornby, and
Burkhammer

[Introduced in the Committee on Education on
February 23, 2026]

18 §6C-2-1 *et seq.* of this code, except that dismissal for a finding of abuse or the conviction of a
19 felony or guilty plea or plea of nolo contendere to a felony charge is not by itself a grounds for a
20 grievance proceeding. An employee charged with the commission of a felony, a misdemeanor with
21 a rational nexus between the conduct and performance of the employee's job, or child abuse shall
22 be suspended, placed on administrative leave, or reassigned to duties which do not involve direct
23 interaction with pupils pending final disposition of the charges.

24 (d) A county board of education has the duty and authority to provide a safe and secure
25 environment in which students may learn and prosper; therefore, it may take necessary steps to
26 suspend or dismiss any person in its employment at any time should the health, safety, or welfare
27 of students be jeopardized or the learning environment of other students has been impacted. A
28 county board shall complete an investigation of an employee that involves evidence that the
29 employee may have engaged in conduct that jeopardizes the health, safety, or welfare of students
30 despite the employee's resignation from employment prior to completion of the investigation.

31 (e) It shall be the duty of any school principal to report any employee conduct alleged to
32 jeopardize the health, safety, or welfare of students or the learning environment of other students,
33 to the county superintendent within 24 hours of the allegation. Nothing in this subsection
34 supersedes §49-2-803 of this code or the provisions therein regarding mandated reporting of child
35 abuse and neglect.

36 (f) It shall be the duty of any county superintendent to report any employee suspended, or
37 dismissed, transferred, or resigned during the course of an investigation of the employee's alleged
38 misconduct, in accordance with this section, including the reason for the investigation or rationale
39 for the suspension or dismissal, to the state superintendent within seven business days of the
40 suspension, dismissal, transfer, or resignation. Investigations of allegations of jeopardizing the
41 health, safety, or welfare of a student shall continue even if an employee transfers to another
42 school or resigns prior to the investigation being completed. The state superintendent shall
43 maintain a database of all individuals investigated, suspended or dismissed for jeopardizing the

44 health, safety, or welfare of students, or for impacting the learning environment of other students;
45 Provided, That any nonpublic school may elect to provide information to the state superintendent
46 to be housed in the database. The database shall also include the reason for the investigation or
47 rationale for the suspension or dismissal. The database shall be confidential and shall only be
48 accessible to county human resource directors, county superintendents, and the state
49 superintendent of schools.

50 (g) Notwithstanding any other provisions of law, a suspended employee may not be barred
51 from attending public events on school property while serving the suspension, nor may a
52 suspended employee who has a dependent child, grandchild, foster child, or other family member
53 be barred from entering the school to exercise normal functions of a parent or guardian while
54 suspended: *Provided, That the suspended employ's employee's presence does not jeopardize*
55 the health, safety, or welfare of students, employees, or visitors; impact the learning environment
56 or the school-sponsored activity; prejudice an investigation or disciplinary proceedings involving
57 the employee; violate an order of a court or any law; or threaten damage to property.