

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

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]

A BILL to amend and reenact §18A-2-8 of the Code of West Virginia, 1931, as amended, relating to investigations of allegations that school personnel have jeopardized the health, safety, or welfare of a student; expanding duties of state superintendent to report employees; requiring that investigations continue if the employee transfers or resigns; requiring that investigations and the reasons therefore be retained in the state database; and allowing nonpublic schools to provide information to the state superintendent.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. SCHOOL PERSONNEL.

§18A-2-8. Suspension and dismissal of school personnel by board; appeal.

(a) Notwithstanding any other provisions of law, a board may suspend or dismiss any person in its employment at any time for: Immorality, incompetency, cruelty, insubordination, intemperance, willful neglect of duty, unsatisfactory performance, a finding of abuse by the Department of Human Services in accordance with §49-1-1 *et seq.* of this code, the conviction of a misdemeanor or a guilty plea or a plea of nolo contendere to a misdemeanor charge that has a rational nexus between the conduct and performance of the employee's job, the conviction of a felony or a guilty plea or a plea of nolo contendere to a felony charge. Upon the commencement of any fact-finding investigation involving conduct alleged to jeopardize the health, safety, or welfare of students or the learning environment of other students, whether being conducted internally, or in cooperation with police or Department of Human Services, the affected employee shall be suspended, placed on administrative leave, or reassigned to duties which do not involve direct interaction with pupils.

(b) A charge of unsatisfactory performance shall not be made except as the result of an employee performance evaluation pursuant to §18A-2-12 of this code. The charges shall be stated in writing served upon the employee within two days of presentation of the charges to the board.

(c) The affected employee shall be given an opportunity, within five days of receiving the written notice, to request, in writing, a level three hearing and appeals pursuant to the provisions of

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

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

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

(f) It shall be the duty of any county superintendent to report any employee suspended, or dismissed, transferred, or resigned during the course of an investigation of the employee's alleged misconduct, in accordance with this section, including the reason for the investigation or rationale for the suspension or dismissal, to the state superintendent within seven business days of the suspension, dismissal, transfer, or resignation. Investigations of allegations of jeopardizing the health, safety, or welfare of a student shall continue even if an employee transfers to another school or resigns prior to the investigation being completed. The state superintendent shall 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 presence does not jeopardize the health,*
55 *safety, or welfare of students, employees, or visitors; impact the learning environment or the*
56 *school-sponsored activity; prejudice an investigation or disciplinary proceedings involving the*
57 *employee; violate an order of a court or any law; or threaten damage to property.*