

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 5584

By Delegates Hamilton, Hornbuckle, Lewis, and

Williams

[Introduced February 16, 2026; referred to the
Committee on Education]

1 A BILL to amend and reenact §18A-4-8e of the Code of West Virginia, 1931, as amended, relating
2 to require county school boards to provide one day in-service training to prepare county
3 employees for annual competency tests.

Be it enacted by the Legislature of West Virginia:

ARTICLE 4. SALARIES, WAGES AND OTHER BENEFITS.

§18A-4-8e. Competency testing for service personnel; and recertification testing for bus operators.

1 (a) The state board shall develop and make available competency tests for all of the
2 classification titles defined in section eight of this article and listed in section eight-a of this article
3 for service personnel. The board shall review and, if needed, update the competency tests at least
4 every five years. Each classification title defined and listed is considered a separate classification
5 category of employment for service personnel and has a separate competency test, except for
6 those class titles having Roman numeral designations, which are considered a single
7 classification of employment and have a single competency test.

8 (1) The cafeteria manager class title is included in the same classification category as
9 cooks and has the same competency test.

10 (2) The executive secretary class title is included in the same classification category as
11 secretaries and has the same competency test.

12 (3) The classification titles of chief mechanic, mechanic and assistant mechanic are
13 included in one classification title and have the same competency test.

14 (b) The purpose of these tests is to provide county boards a uniform means of determining
15 whether school service personnel who do not hold a classification title in a particular category of
16 employment meet the definition of the classification title in another category of employment as
17 defined in section eight of this article. Competency tests may not be used to evaluate employees
18 who hold the classification title in the category of their employment.

19 (c) The competency test consists of an objective written or performance test, or both.
20 Applicants may take the written test orally if requested. Oral tests are recorded mechanically and
21 kept on file. The oral test is administered by persons who do not know the applicant personally.

22 (1) The performance test for all classifications and categories other than bus operator is
23 administered by an employee of the county board or an employee of a multicounty vocational
24 school that serves the county at a location designated by the superintendent and approved by the
25 board. The location may be a vocational school that serves the county.

26 (2) A standard passing score is established by the state Department of Education for each
27 test and is used by county boards.

28 (3) The subject matter of each competency test is commensurate with the requirements of
29 the definitions of the classification titles as provided in section eight of this article. The subject
30 matter of each competency test is designed in such a manner that achieving a passing grade does
31 not require knowledge and skill in excess of the requirements of the definitions of the classification
32 titles. Achieving a passing score conclusively demonstrates the qualification of an applicant for a
33 classification title.

34 (4) Once an employee passes the competency test of a classification title, the applicant is
35 fully qualified to fill vacancies in that classification category of employment as provided in section
36 eight-b of this article and may not be required to take the competency test again.

37 (d) An applicant who fails to achieve a passing score is given other opportunities to pass
38 the competency test when applying for another vacancy within the classification category.

39 (e) Competency tests are administered to applicants in a uniform manner under uniform
40 testing conditions. County boards are responsible for scheduling competency tests, notifying
41 applicants of the date and time of the one day of training prior to taking the test, and the date and
42 time of the test. County boards may not use a competency test other than the test authorized by
43 this section.

44 (f) When scheduling of the competency test conflicts with the work schedule of a school
45 employee who has applied for a vacancy, the employee is excused from work to take the
46 competency test without loss of pay. (g) Competency tests are used to determine the qualification
47 of new applicants seeking initial employment in a particular classification title as either a regular or
48 substitute employee.

49 (g) A minimum of one day of appropriate in-service training is provided to employees to
50 assist them in preparing to take the competency tests.

51 (h) Notwithstanding any provisions in this code to the contrary, once an employee holds or
52 has held a classification title in a category of employment, that employee is considered qualified
53 for the classification title even though that employee no longer holds that classification.

54 (i) The requirements of this section do not alter the definitions of class titles as provided in
55 section eight of this article or the procedure and requirements of section eight-b of this article.

56 (j) Notwithstanding any other provision of this code to the contrary and notwithstanding any
57 rules of the school board concerning school bus operator certification, the certification test for
58 school bus operators shall be required as follows, and school bus operators may not be required to
59 take the certification test more frequently:

60 (1) For substitute school bus operators and for school bus operators with regular employee
61 status but on a probationary contract, the certification test shall be administered annually;

62 (2) For school bus operators with regular employee status and continuing contract status,
63 the certification test shall be administered triennially; and

64 (3) For substitute school bus operators who are retired from a county board and who at the
65 time of retirement had ten years of experience as a regular full-time bus operator, the certification
66 test shall be administered triennially.

67 (4) School bus operator certificate. —

68 (A) A school bus operator certificate may be issued to a person who has attained the age of
69 twenty-one, completed the required training set forth in state board rule, and met the physical
70 requirements and other criteria to operate a school bus set forth in state board rule.

71 (B) The state superintendent may, after ten days' notice and upon proper evidence, revoke
72 the certificate of any bus operator for any of the following causes:

73 (i) Intemperance, untruthfulness, cruelty or immorality;

74 (ii) Conviction of or guilty plea or plea of no contest to a felony charge;

75 (iii) Conviction of or guilty plea or plea of no contest to any charge involving sexual
76 misconduct with a minor or a student;

77 (iv) Just and sufficient cause for revocation as specified by state board rule; and

78 (v) Using fraudulent, unapproved or insufficient credit to obtain the certificates.

79 (vi) Of the causes for certificate revocation listed in this paragraph (B), the following causes
80 constitute grounds for revocation only if there is a rational nexus between the conduct of the bus
81 operator and the performance of the job:

82 (I) Intemperance, untruthfulness, cruelty or immorality;

83 (II) Just and sufficient cause for revocation as specified by state board rule; and

84 (III) Using fraudulent, unapproved or insufficient credit to obtain the certificate.

85 (C) The certificate shall be automatically revoked if the bus operator is convicted under
86 §61-8D-3 or §61-8D-5 of this code or comparable statute in any other state, of any criminal offense
87 that requires the bus operator to register as a sex offender, or of any criminal offense which has as
88 an element the distribution of a controlled substance: *Provided*, That should the conviction
89 resulting in automatic revocation pursuant to this section be overturned by any Court of this state
90 or the United States, the bus operator's certificate shall be reinstated unless otherwise prohibited
91 by law.

92 (D) The state superintendent shall designate a review panel to conduct hearings on
93 certificate revocations or denials and make recommendations for action by the state

94 superintendent. The state board, after consultation with employee organizations representing
95 school service personnel, shall promulgate a rule to establish the review panel membership and
96 composition, method of appointment, governing principles and meeting schedule.

97 (E) It is the duty of any county superintendent who knows of any acts on the part of a bus
98 operator for which a certificate may be revoked in accordance with this section to report the same,
99 together with all the facts and evidence, to the state superintendent for such action as in the state
100 superintendent's judgment may be proper.

101 (F) If a certificate has been granted through an error, oversight or misinformation, the state
102 superintendent may recall the certificate and make such corrections as will conform to the
103 requirements of law and state board rules.

104 (5) The state board shall promulgate, in accordance with ~~article three-b, chapter twenty-~~
105 ~~nine-a~~ §29A-3B-1 et seq. of this code, revised rules in compliance with this subsection.

NOTE: The purpose of this bill is to require county school boards to provide one day in-service training to prepare county employees for annual competency tests.

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