WEST VIRGINIA CODE: §18A-4-22

§18A-4-22. Prohibition on aiding and abetting sexual abuse.

(a) No school personnel, contractor or agent, or any employee of any state, regional or local educational agency including any employee of a public or private school, may assist an individual employed as school personnel, a contractor or an agent in obtaining a new job if the individual or agency knows, or has probable cause to believe, that such school employee, contractor or agent engaged in sexual misconduct regarding a minor or student in violation of the law: Provided, That nothing in this section shall be construed to prohibit the routine transmission of administrative and personnel files.

(b) The requirements of subsection (a) of this section shall not apply if:

(1) The information giving rise to probable cause has been properly reported to a law-enforcement agency with jurisdiction over the alleged misconduct and reported to any other authorities as required by federal, state or local law; and

(2) One of the following has happened:

(A) The matter has been officially closed, or the prosecutor or police with jurisdiction over the alleged misconduct has investigated the allegations and notified school officials that there is insufficient information to establish probable cause that the school personnel, contractor or agent engaged in sexual misconduct regarding a minor or student in violation of the law;

(B) The school personnel, contractor or agent has been charged with and acquitted or otherwise exonerated of the alleged misconduct; or

(C) The case or investigation remains open and there have been no charges filed against, or indictment of, the school personnel, contractor or agent within four years of the date on which the information was reported to a law-enforcement agency.

(c) Nothing in this section shall be construed to override a statute, regulation or policy that provides greater or additional protections to prohibit any individual who is school personnel, contractor or agent, or any state, regional or local educational agency from assisting a school employee who engaged in sexual misconduct regarding a minor or student in violation of the law in obtaining a new job.

WV Legislature