WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2004

ENROLLED

House Bill No. 4552
(By Delegates Tabb, Williams, Renner, Shelton, Crosier, Long and Canterbury)

Passed March 13, 2004
In Effect Ninety Days from Passage
AN ACT to amend and reenact §18A-3-6 of the code of West Virginia, 1931, as amended, relating to grounds for the revocation of teacher certificates; providing additional specification of grounds; and limitations.

Be it enacted by the Legislature of West Virginia:

That §18A-3-6 of the code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 3. TRAINING, CERTIFICATION, LICENSING, PROFESSIONAL DEVELOPMENT.

§18A-3-6. Grounds for revocation of certificates; recalling certificates for correction.

The state superintendent may, after ten days’ notice and upon proper evidence, revoke the certificates of any teacher for any of the following causes: Intemperance; untruthfulness; cruelty; immorality; the conviction of a felony or a guilty plea
or a plea of no contest to a felony charge; the conviction, guilty
plea or plea of no contest to any charge involving sexual
misconduct with a minor or a student; or for using fraudulent,
unapproved or insufficient credit to obtain the certificates:
Provided, That the certificates of a teacher may not be revoked
for any matter for which the teacher was disciplined, less than
dismissal, by the county board that employs the teacher, nor for
which the teacher is meeting or has met an improvement plan
determined by the county board, unless it can be proven by
clear and convincing evidence that the teacher has committed
one of the offences listed in this subsection and his or her
actions render him or her unfit to teach: Provided, however,
That in order for any conduct of a teacher involving intemper-
ance; cruelty; immorality; or using fraudulent, unapproved or
insufficient credit to obtain the certificates to constitute grounds
for the revocation of the certificates of the teacher, there must
be a rational nexus between the conduct of the teacher and the
performance of his or her job. The state superintendent may
designate the West Virginia commission for professional
teaching standards or members thereof to conduct hearings on
revocations or certificate denials and make recommendations
for action by the state superintendent.

It shall be the duty of any county superintendent who
knows of any acts on the part of any teacher for which a
certificate may be revoked in accordance with this section to
report the same, together with all the facts and evidence, to the
state superintendent for such action as in the state superinten-
dent’s judgment may be proper.

If a certificate has been granted through an error, oversight,
or misinformation, the state superintendent has authority to
recall the certificate and make such corrections as will conform
to the requirements of law and the state board.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

Speaker of the House of Delegates

The within is approved this the 2nd day of April, 2004.

Governor
3/26/64
4:30 P.M.