Committee Substitute

for

House Bill 2378

BY DELEGATE ESPINOSA, WESTFALL AND LAVENDER-BOWE

[Passed March 8, 2019; in effect ninety days from passage.]
Committee Substitute for House Bill 2378

By Delegate Espinosa, Westfall and Lavender-Bowe

[Passed March 8, 2019; in effect ninety days from passage.]
Enr. CS for HB 2378

AN ACT to amend and reenact §18A-3-6 of the Code of West Virginia, 1931, as amended, relating generally to grounds for revocation of a teaching certificate; and providing that a teaching certificate or license shall be automatically revoked if a teacher is convicted of certain crimes.

Be it enacted by the Legislature of West Virginia:

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

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

(a) The state superintendent may, after 10 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 in order for any conduct of a teacher involving intemperance; 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: Provided further, That a teacher, as defined by West Virginia Code §18-1-1(g), convicted under §61-8D-3 or §61-8D-5 of this code or comparable statute in any other state, any criminal offense that requires the teacher to register as a sex offender, or any criminal offense which has as an element delivery or distribution of a controlled substance, shall have his or her certificate or license automatically revoked. Should the conviction resulting in automatic revocation pursuant to this section be overturned by any Court
of this State or the United States, the teacher's certification shall be reinstated unless otherwise
prohibited by law.

(b) 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 shall report this, together with all the
facts and evidence, to the state superintendent for such action as in the state superintendent's
judgment may be proper.

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

Chairman, House Committee

Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

Clerk of the House of Delegates

Clerk of the Senate

Speaker of the House of Delegates

President of the Senate

The within is approved this the 26th day of March, 2019.

Governor
PRESENTED TO THE GOVERNOR

MAR 21 2019

Time 12:40 p.m.