

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 4395

BY DELEGATES DRENNAN, HITE, CROUSE, MOORE,
DITTMAN, KYLE, MCCORMICK, STEPHENS, LEAVITT,
HORNBY, AND BURKHAMMER

[Passed March 13, 2026; in effect 90 days from
passage (June 11, 2026)]

FILED

2026 APR - 1 P 10:44

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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1 AN ACT to amend and reenact §18A-2-8 of the Code of West Virginia, 1931, as amended, relating
2 to expanding requirement for a school principal to report certain employee conduct to the
3 county superintendent within 24 hours to also require an a supervisor or administrator to
4 report the conduct; expanding the duty of the county superintendent to report certain
5 employees being investigated for alleged misconduct to the state superintendent within
6 seven days; requiring that certain investigations continue if the employee transfers or
7 resigns; expanding the individuals to be included in the database maintained by the state
8 superintendent to include those investigated for jeopardizing the health, safety, or welfare
9 of students, or for impacting the learning environment of other students; requiring
10 database to include the reason for the investigation; and allowing nonpublic schools to
11 provide information to the state superintendent to be housed in the database.

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.

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

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

17 (c) The affected employee shall be given an opportunity, within five days of receiving the
18 written notice, to request, in writing, a level three hearing and appeals pursuant to the provisions
19 of §6C-2-1 *et seq.* of this code, except that dismissal for a finding of abuse or the conviction of a
20 felony or guilty plea or plea of nolo contendere to a felony charge is not by itself a grounds for a
21 grievance proceeding. An employee charged with the commission of a felony, a misdemeanor
22 with a rational nexus between the conduct and performance of the employee's job, or child abuse
23 shall be suspended, placed on administrative leave, or reassigned to duties which do not involve
24 direct interaction with pupils pending final disposition of the charges.

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

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

37 (f) It shall be the duty of any county superintendent to report any employee suspended,
38 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 health, safety, or welfare of students, or for impacting the learning environment of other students: *Provided*, That any nonpublic school may elect to provide information to the state superintendent to be housed in the database. The database shall also include the reason for the investigation or rationale for the suspension or dismissal. The database shall be confidential and shall only be accessible to county human resource directors, county superintendents, and the state superintendent of schools.

(g) Notwithstanding any other provisions of law, a suspended employee may not be barred from attending public events on school property while serving the suspension, nor may a suspended employee who has a dependent child, grandchild, foster child, or other family member be barred from entering the school to exercise normal functions of a parent or guardian while suspended: *Provided*, That the suspended employee's presence does not jeopardize the health, safety, or welfare of students, employees, or visitors; impact the learning environment or the school-sponsored activity; prejudice an investigation or disciplinary proceedings involving the employee; violate an order of a court or any law; or threaten damage to property.

The Clerk of the House of Delegates and the Clerk of the Senate hereby certify that the foregoing bill is correctly enrolled.

Jim Paol

Clerk of the House of Delegates

Joe Linn

Clerk of the Senate

Originated in the House of Delegates.

In effect 90 days from passage.

FILED
2026 APR -1 P 10 14
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Greg Haslam

Speaker of the House of Delegates

Randy Smith

President of the Senate

The within is approved this the 1st
Day of April 2026.

PATRICK MORRIS

Governor

PRESENTED TO THE GOVERNOR

MAR 23 1975

Time 10:00am