

These Educator and School Employee Licensure Standards are promulgated by the West Virginia Commission for Professional Teaching Standards (“Commission”), which was established by Policy 5050 of the West Virginia Board of Education. Among the Commission’s goals as set forth in said Policy is establishing high and rigorous standards for entrance to and retention in the teaching profession. The Commission’s established functions include recommending (1) standards and requirements for initial and continuing licensure, (2) a system that includes an assurance that licensed educators possess the personal characteristics to ensure the safety of the students entrusted to their care, and (3) criteria and a system for the revocation of licenses for just cause and reinstatement of licenses. The West Virginia State Legislature has established statutory grounds for revocation or suspension of educator and school employee certificates in West Virginia Code § 18A-3-6. The Commission hereby adopts these Educator and School Employee Licensure Standards in furtherance of its lawful authority, endeavoring to provide for a fair and just application of the statutory grounds for revocation or suspension of certificates and to publish notice of the expectations of certified educators. To achieve our common goal of providing a free appropriate public education to every student enrolled, the Commission exercises the opportunity to provide guidance regarding West Virginia Code § 18A-3-6.

§18A-3-6. Grounds for revocation or suspension of certificates; other authorized actions by state superintendent; required reporting by county superintendents; and recalling certificates for correction.

- (a) The state superintendent may, after 10 days’ notice and upon proper evidence, revoke or suspend 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 shall also have the authority to limit certificates, issue letters of admonishment, or enter into consent agreements requiring specific training in order for a teacher to maintain a certificate. 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. The state superintendent may issue subpoenas and subpoenas duces tecum to obtain testimony and documents to aid in the investigation of allegations against any person subject to licensure by the state superintendent.

PROFESSIONAL BEHAVIOR

Certified educators and certified school employees **shall not**:

1. Engage in any conduct that compromises a safe and healthy work environment, including bias, discrimination, harassment, intimidation, bullying, substance abuse, or violence.
2. Misrepresent, falsify, or fabricate educational or professional credentials, experience, or qualifications.
3. Commit academic dishonesty (e.g., breach assessment security measures, plagiarism, falsification, cheating, or sabotage).
4. Fail to maintain appropriate boundaries or appropriate communication (including social media) with staff, students, or parents.
5. Fabricate or alter student information or official records by creating fictitious data, modifying existing records, or changing dates, grades, attendance logs, or disciplinary reports to conceal performance, behavioral issues, or present inaccurate information.

PROFESSIONAL RELATIONSHIPS WITH STUDENTS

Certified educators and certified school employees **shall not**:

1. Commit acts of sexual misconduct and/or exploitation.
2. Use threatening, biased, or sexual language in communication.
3. Fail to provide proper supervision or allow unsafe conditions.
4. Communicate privately with P-12 students (excepting family members) via written, visual, or audio media outside the classroom—on a one-on-one basis without including a parent, guardian, or another adult or student—using any means, including social media and text messages, except via the district’s Learning Management Systems or other district-adopted applications that are capable of being monitored by the district.
5. Fail to comply with mandatory reporting requirements of suspected abuse or neglect immediately under W. Va. Code §49-2-803.

FINANCE

Certified educators and certified school employees **shall not**:

1. Misuse or divert public resources.
2. Engage in unethical or unlawful financial practices.

3. Use professional influence for personal financial benefit.

LEGAL COMPLIANCE

Certified educators and certified school employees **shall not**:

1. Engage in criminal or unlawful conduct under W. Va. Code §18A-3-6.
2. Act contrary to legal obligations under mandatory reporting of suspected abuse or neglect immediately under W. Va. Code §49-2-803.
3. Willfully or knowingly fail to protect student data privacy, follow FERPA (Family Educational Rights Privacy Act, 20 U.S.C. § 1232g; 34 CFR Part 99), follow the requirements of Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400–1482.

CONFIDENTIALITY

Certified educators and certified school employees **shall not**:

1. Willfully or knowingly violate confidentiality of student, staff, or school records.
2. Use confidential information for personal gain or gossip.
3. Breach test security procedures or confidentiality of assessments.

SUBSTANCE USE

Certified educators and certified school employees **shall not**:

1. Use or be under the influence of alcohol, illegal drugs, or non-prescribed controlled substances while on duty or at school functions.
2. Promote or glamorize substance abuse to students.
3. Fail to report substance use concerns (including vaping) about students.
4. Fail to report staff use of or actions under the influence of alcohol, illegal drugs, or non-prescribed controlled substances while on duty or at school functions.

ACCURATE REPORTING

Certified educators and certified school employees **shall not**:

1. Fail to make mandatory reports of child suspected abuse or neglect, violations of law, or safety concerns.
2. Intentionally falsify, misrepresent, omit, or be negligent in reporting student data, staff data, credentials, or financial records.

3. Fail to report serious misconduct, criminal charges, or impaired ability of staff members.
4. Provide false or misleading reasons for absences or leaves.

PROFESSIONAL AND APPROPRIATE USE OF TECHNOLOGY

Certified educators and certified school employees **shall not**:

1. Use school technology or networks for personal gain or activities unrelated to school and community activities per WVBE Policy 2460, Safety and Acceptable Use of the Internet.
2. Access harmful or inappropriate content in the presence of students, or share such content with them.
3. Fail to report or address digital harassment, bullying, or inappropriate online content involving students.