

18102260D

**HOUSE BILL NO. 438**

Offered January 10, 2018

Prefiled January 6, 2018

A *BILL to amend the Code of Virginia by adding a section numbered 22.1-296.5, relating to elementary and secondary schools; prohibition of job assistance when sexual misconduct suspected.*

---

Patrons—Bulova, Reid and Tran

---

Referred to Committee for Courts of Justice**Be it enacted by the General Assembly of Virginia:****1. That the Code of Virginia is amended by adding a section numbered 22.1-296.5 as follows:****§ 22.1-296.5. Probable cause of sexual misconduct; job assistance prohibited.**

A. No person who is employed by, contracted with, or an agent of a (i) local school board or (ii) private elementary or secondary school that is accredited pursuant to § 22.1-19 shall assist an employee, contractor, or agent in obtaining a new job if such person, school board, or school knows or has probable cause to believe that such employee, contractor, or agent has engaged in sexual misconduct where the victim is a minor or student in violation of Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 or § 18.2-361, 18.2-366, 18.2-370, 18.2-370.1, 18.2-370.6, 18.2-371, 18.2-374.1, 18.2-374.1:1, 18.2-374.3, 18.2-374.4, or 18.2-386.1.

B. Nothing in this section shall prohibit the routine transmission of administrative and personnel files.

C. The provisions of subsection A shall not apply if:

1. The information giving rise to probable cause has been properly reported to (i) a law-enforcement agency with jurisdiction over the alleged conduct and (ii) any other authorities as required by state and federal law, including Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.); and

2. Either (i) the matter has been officially closed; (ii) the prosecutor or law-enforcement agency with jurisdiction over the alleged misconduct has investigated the allegation and notified school officials that there is insufficient information to establish probable cause that the employee, contractor, or agent engaged in such sexual misconduct; (iii) the employee, contractor, or agent has been charged with and acquitted or otherwise exonerated of the alleged misconduct; or (iv) the case or investigation remains open and there have been no charges filed against or there has been no indictment of the school employee, contractor, or agent within four years from the date on which the information was reported to law enforcement.

INTRODUCED

HB438