

1 **H. B. 2377**

2
3 (By Delegates Paxton and Caputo)

4 [Introduced January 12, 2011; referred to the
5 Committee on Education then Finance.]

6 **FISCAL**
7 **NOTE**

8
9
10 A BILL to amend and reenact §18A-1-1 of the Code of West Virginia,
11 1931, as amended; and to amend said code by adding thereto a
12 new section, designated §18A-2-9a, all relating to setting
13 standards for assignment of high school athletic directors.

14 *Be it enacted by the Legislature of West Virginia:*

15 That §18A-1-1 of the Code of West Virginia, 1931, as amended,
16 be amended and reenacted; and that said code be amended by adding
17 thereto a new section, designated §18A-2-9a, all to read as
18 follows:

19 **ARTICLE 1. GENERAL PROVISIONS.**

20 **§18A-1-1. Definitions.**

21 The definitions contained in section one, article one, chapter
22 eighteen of this code apply to this chapter. In addition, the
23 following words used in this chapter and in any proceedings

1 pursuant to this chapter have the meanings ascribed to them unless
2 the context clearly indicates a different meaning:

3 (a) "School personnel" means all personnel employed by a
4 county board whether employed on a regular full-time basis, an
5 hourly basis or otherwise. "School personnel" is comprised of two
6 categories: Professional personnel and service personnel;

7 (b) "Professional person" or "professional personnel" means
8 those persons or employees who meet the certification requirements
9 of the state, licensing requirements of the state, or both, and
10 includes a professional educator and other professional employee;

11 (c) "Professional educator" has the same meaning as "teacher"
12 as defined in section one, article one, chapter eighteen of this
13 code. Professional educators are classified as follows:

14 (1) "Classroom teacher" means a professional educator who has
15 a direct instructional or counseling relationship with students and
16 who spends the majority of his or her time in this capacity;

17 (2) "Principal" means a professional educator who functions as
18 an agent of the county board and has responsibility for the
19 supervision, management and control of a school or schools within
20 the guidelines established by the county board. The principal's
21 major area of responsibility is the general supervision of all the
22 schools and all school activities involving students, teachers and
23 other school personnel;

24 (3) "Athletic director" means a professional educator who is

1 responsible for supervising the management and operation of the
2 athletic programs and activities of the school to which he or she
3 is assigned;

4 ~~(3)~~ (4) "Supervisor" means a professional educator who is
5 responsible for working primarily in the field with professional
6 and other personnel in instructional and other school improvement.
7 This category includes other appropriate titles or positions with
8 duties that fit within this definition; and

9 ~~(4)~~ (5) "Central office administrator" means a superintendent,
10 associate superintendent, assistant superintendent and other
11 professional educators who are charged with administering and
12 supervising the whole or some assigned part of the total program of
13 the countywide school system. This category includes other
14 appropriate titles or positions with duties that fit within this
15 definition;

16 (d) "Other professional employee" means a person from another
17 profession who is properly licensed and who is employed to serve
18 the public schools. This definition includes a registered
19 professional nurse, licensed by the West Virginia Board of
20 Examiners for Registered Professional Nurses, who is employed by a
21 county board and has completed either a two-year (sixty-four
22 semester hours) or a three-year (ninety-six semester hours) nursing
23 program;

24 (e) "Service person" or "service personnel", whether singular

1 or plural, means a nonteaching school employee who is not included
2 in the meaning of "teacher" as defined in section one, article one,
3 chapter eighteen of this code and who serves the school or schools
4 as a whole, in a nonprofessional capacity, including such areas as
5 secretarial, custodial, maintenance, transportation, school lunch
6 and aides. Any reference to "service employee" or "service
7 employees" in this chapter or chapter eighteen of this code means
8 service person or service personnel as defined in this section;

9 (f) "Principals Academy" or "academy" means the academy
10 created pursuant to section two-b, article three-a of this chapter;

11 (g) "Center for Professional Development" means the center
12 created pursuant to section one, article three-a of this chapter;

13 (h) "Job-sharing arrangement" means a formal, written
14 agreement voluntarily entered into by a county board with two or
15 more of its employees who wish to divide between them the duties
16 and responsibilities of one authorized full-time position;

17 (i) "Prospective employable professional person", whether
18 singular or plural, means a certified professional educator who:

19 (1) Has been recruited on a reserve list of a county board;

20 (2) Has been recruited at a job fair or as a result of contact
21 made at a job fair;

22 (3) Has not obtained regular employee status through the job
23 posting process provided in section seven-a, article four of this
24 chapter; and

1 (4) Has obtained a baccalaureate degree from an accredited
2 institution of higher education within the past year;

3 (j) "Dangerous student" means a student who is substantially
4 likely to cause serious bodily injury to himself or herself,
5 herself or another individual within that student's educational
6 environment, which may include any alternative education
7 environment, as evidenced by a pattern or series of violent
8 behavior exhibited by the student, and documented in writing by the
9 school, with the documentation provided to the student and parent
10 or guardian at the time of any offense;

11 (k) "Alternative education" means an authorized departure from
12 the regular school program designed to provide educational and
13 social development for students whose disruptive behavior places
14 them at risk of not succeeding in the traditional school structures
15 and in adult life without positive interventions; and

16 (l) "Long-term substitute" means a substitute employee who
17 fills a vacant position:

18 That the county superintendent expects to extend for at least
19 thirty consecutive days, and is either:

20 (A) Listed in the job posting as a long-term substitute
21 position of over thirty days; or

22 (B) Listed in a job posting as a regular, full-time position
23 and:

24 (i) Is not filled by a regular, full-time employee; and

1 (ii) Is filled by a substitute employee.

2 For the purposes of section two, article sixteen, chapter five
3 of this code, long-term substitute does not include a retired
4 employee hired to fill the vacant position.

5 **ARTICLE 2. SCHOOL PERSONNEL.**

6 **§18A-2-9a. Duties and responsibilities of high school athletic**
7 **directors.**

8 (a) Upon the recommendation of the county superintendent of
9 schools, the county board of education shall employ and assign
10 through written contract, athletic directors to supervise the
11 management and the operation of high school athletic activities to
12 which they are assigned. An athletic director shall hold valid
13 credentials appropriate for his or her assignment. Beginning on
14 July 1, 2011, the prerequisites for assignment as a high school
15 athletic director are:

16 (1) A minimum of five years interscholastic or intercollegiate
17 coaching experience; and

18 (2) Compliance with one of the following education
19 requirements:

20 (A) A college degree in athletic administration;

21 (B) A masters degree in educational administration; or

22 (C) Completion of the following Leadership Training Classes
23 provided through the National Interscholastic Athletic
24 Administration Association (NIAAA) Leadership Training Program:

1 LTC 501 - Athletic Administration: Philosophy, Leadership,
2 Organizations and Professional Programs;

3 LTC 502 - Athletic Administration: Principles, Strategies and
4 Methods; and

5 LTC 504 - Athletic Administration: Legal Issues I (Risk
6 Management).

7 (b) Any person employed in the capacity of athletic director
8 during, or prior to, the 2009 - 2010 school year is exempt from the
9 prerequisites set forth in subsection (a), except that the person
10 must complete the Leadership Training Courses set forth in
11 subdivision (2)(C), subsection (a) within three years of the
12 effective date of this legislation.

13 (c) Under the supervision of the school principal and in
14 accordance with the rules of the county board of education, the
15 athletic director shall assume administrative responsibility for
16 the planning, management, operation and evaluation of the total
17 athletic program for the school for which he or she is assigned.
18 The responsibilities of the athletic director include, but are not
19 limited to, the following: (1) Supervision of games; (2)
20 overseeing the athletic budget; (3) hiring of game officials; (4)
21 scheduling athletic contest; (5) knowing and upholding all county,
22 West Virginia Secondary Schools Activities Commission (WVSSAC) and
23 league rules; (6) maintain proper records which includes a
24 permanent file of players; medical forms, insurance forms,

1 participation records, parent consent forms and birth certificates;
2 (7) scheduling transportation for athletic teams; (8) prepare and
3 verify athletic eligibility lists; (9) supervise, observe and
4 evaluate coaches; (10) secure all needed personnel for basic
5 athletic event operations; (11) procure and care for athletic
6 equipment; and (12) other duties involving athletics as assigned by
7 the principal or as a part of a county job description for athletic
8 directors.

9 (d) Upon recommendation of the county superintendent of
10 schools, the county board of education shall, when needed, employ
11 and assign through written contract, assistant athletic directors
12 who shall work under the direction of the school principal and
13 athletic director. An assistant athletic director shall hold valid
14 credentials appropriate for his or her assignment. Beginning on
15 July 1, 2011, the prerequisite for assignment as a high school
16 assistant athletic director is the completion of the Leadership
17 Training Courses set forth in subdivision (2)(C), subsection (a).

18 (e) Any person employed in the capacity of assistant athletic
19 director during, or prior to, the 2009 - 2010 school year is exempt
20 from the prerequisite set forth in subsection (d), except that the
21 person must complete the Leadership Training Courses set forth in
22 subdivision (2)(C), subsection (a) within three years of the
23 effective date of this legislation.

24 (f) Beginning on July 1, 2011, the county board of education

1 shall employ an athletic director for each high school in the
2 county. Each high school that participates in twelve or less
3 varsity sports, as defined by the (WVSSAC), shall have an athletic
4 director who is assigned to those athletic activities at least one
5 half of the school day, with teaching duties not to exceed twenty-
6 four hours per week. Each school with thirteen or more varsity
7 sports, as defined by the (WVSSAC), shall have an athletic director
8 who is assigned to those athletic activities full-time and who may
9 not be assigned any teaching duties except on a temporary emergency
10 basis.

NOTE: The purpose of this bill is to set standards for school athletic directors. The bill also requires a high school to assign a full-time athletic director if the school has thirteen or more varsity sports, and at least a half-time athletic director if the school has twelve or less varsity sports.

Strike-throughs indicate language that would be stricken from the present law, underscoring indicates language that would be added.

§18A-2-9a is new, therefore, it has been completely underscored.