

1 **ENROLLED**

2 **H. B. 4119**

3  
4 (By Delegates Perry and Lawrence)

5 [Introduced January 18, 2012; referred to the  
6 Committee on Education.]

7 [Passed March 9, 2012; in effect ninety days from passage.]  
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10 AN ACT to amend and reenact §18-1-1 of the Code of West Virginia,  
11 1931, as amended; and to amend said code by adding thereto a  
12 new section, designated §18A-2-1a, all relating to providing  
13 definition of school athletic director; authorizing employment  
14 in the public schools of the state under certain conditions;  
15 and designating responsibilities of the position.

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

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

21 **CHAPTER 18. EDUCATION.**

22 **ARTICLE 1. DEFINITIONS; LIMITATIONS OF CHAPTER; GOALS FOR**  
23 **EDUCATION.**

1 **§18-1-1. Definitions.**

2 The following words used in this chapter and in any  
3 proceedings pursuant thereto have the meanings ascribed to them  
4 unless the context clearly indicates a different meaning:

5 (a) "School" means the students and teachers assembled in one  
6 or more buildings, organized as a unit;

7 (b) "District" means county school district;

8 (c) "State board" means the West Virginia Board of Education;

9 (d) "County board" or "board" means a county board of  
10 education;

11 (e) "State superintendent" means the state superintendent of  
12 free Schools;

13 (f) "County superintendent" or "superintendent" means a county  
14 superintendent of schools;

15 (g) "Teacher" means a teacher, supervisor, principal,  
16 superintendent, public school librarian or any other person  
17 regularly employed for instructional purposes in a public school in  
18 this state;

19 (h) "Service person" or "service personnel," whether singular  
20 or plural, means any nonteaching school employee who is not  
21 included in the meaning of "teacher" as defined in this section,  
22 and who serves the school or schools as a whole, in a  
23 nonprofessional capacity, including such areas as secretarial,  
24 custodial, maintenance, transportation, school lunch and aides.

1 Any reference to "service employee" or "service employees" in this  
2 chapter or chapter eighteen-a of this code means service person or  
3 service personnel as defined in this section;

4 (i) "Social worker" means a nonteaching school employee who,  
5 at a minimum, possesses an undergraduate degree in social work from  
6 an accredited institution of higher learning and who provides  
7 various professional social work services, activities or methods as  
8 defined by the state board for the benefit of students;

9 (j) "Regular full-time employee" means any person employed by  
10 a county board who has a regular position or job throughout his or  
11 her employment term, without regard to hours or method of pay;

12 (k) "Career clusters" means broad groupings of related  
13 occupations;

14 (l) "Work-based learning" means a structured activity that  
15 correlates with and is mutually supportive of the school-based  
16 learning of the student and includes specific objectives to be  
17 learned by the student as a result of the activity;

18 (m) "School-age juvenile" means any individual who is entitled  
19 to attend or who, if not placed in a residential facility, would be  
20 entitled to attend public schools in accordance with: (1) Section  
21 five, article two of this chapter; (2) sections fifteen and  
22 eighteen, article five of this chapter; or (3) section one, article  
23 twenty of this chapter;

24 (n) "Student with a disability" means an exceptional child,

1 other than gifted, pursuant to section one, article twenty of this  
2 chapter;

3 (o) "Casual deficit" means a deficit of not more than three  
4 percent of the approved levy estimate or a deficit that is  
5 nonrecurring from year to year; and

6 (p) "Athletic director" means a person employed by a county  
7 board to work in a school's athletic program pursuant to section  
8 one-a, article two, chapter eighteen-a of this code.

9 **CHAPTER 18A. SCHOOL PERSONNEL.**

10 **§18A-2-1a. Employment of other personnel.**

11 A county board is authorized to employ athletic directors to  
12 work in the public schools under the supervision of a school  
13 principal and in accordance with the rules of the county board.

14 (a) The athletic director is responsible for planning,  
15 management, operation and evaluation of the athletic program for  
16 the school or schools to which he or she is assigned.

17 (b) The responsibilities of an athletic director may include,  
18 but are not limited to the following:

19 (1) Supervising athletic games;

20 (2) Overseeing the athletic budget;

21 (3) Hiring game officials;

22 (4) Scheduling athletic contests;

23 (5) Knowing and upholding all county, West Virginia Secondary  
24 Schools Activities Commission (WVSSAC) and league rules;

- 1           (6) Maintaining proper records as required by West Virginia  
2 Secondary Schools Activities Commission (WVSSAC) for school  
3 participation;
- 4           (7) Scheduling transportation for athletic teams;
- 5           (8) Preparing and verifying athletic eligibility lists;
- 6           (9) Supervising coaches and, if appropriately certified,  
7 observing and evaluating coaches;
- 8           (10) Securing all needed personnel for basic athletic event  
9 operations;
- 10          (11) Procuring and caring for athletic equipment; and
- 11          (12) Performing other duties involving athletics as assigned  
12 by the principal or as a part of a county job description for  
13 athletic directors.