

**WEST VIRGINIA LEGISLATURE**  
SECOND REGULAR SESSION, 2012



**ENROLLED**

**House Bill No. 4119**

(By Delegates Perry and Lawrence)



Passed March 9, 2012

To Take Effect Ninety Days From Passage

# ENROLLED

## H. B. 4119

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(BY DELEGATES PERRY AND LAWRENCE)

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[Passed March 9, 2012; to take effect ninety days from passage.]

AN ACT to amend and reenact §18-1-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §18A-2-1a, all relating to providing definition of school athletic director; authorizing employment in the public schools of the state under certain conditions; and designating responsibilities of the position.

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

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

### **CHAPTER 18. EDUCATION.**

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

##### **§18-1-1. Definitions.**

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

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

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

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

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

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

13 (f) "County superintendent" or "superintendent" means  
14 a county 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  
18 school in this state;

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

29 (i) "Social worker" means a nonteaching school  
30 employee who, at a minimum, possesses an undergraduate  
31 degree in social work from an accredited institution of higher

32 learning and who provides various professional social work  
33 services, activities or methods as defined by the state board  
34 for the benefit of students;

35 (j) “Regular full-time employee” means any person  
36 employed by a county board who has a regular position or job  
37 throughout his or her employment term, without regard to  
38 hours or method of pay;

39 (k) “Career clusters” means broad groupings of related  
40 occupations;

41 (l) “Work-based learning” means a structured activity that  
42 correlates with and is mutually supportive of the school-based  
43 learning of the student and includes specific objectives to be  
44 learned by the student as a result of the activity;

45 (m) “School-age juvenile” means any individual who is  
46 entitled to attend or who, if not placed in a residential facility,  
47 would be entitled to attend public schools in accordance with:  
48 (1) Section five, article two of this chapter; (2) sections  
49 fifteen and eighteen, article five of this chapter; or (3) section  
50 one, article twenty of this chapter;

51 (n) “Student with a disability” means an exceptional  
52 child, other than gifted, pursuant to section one, article  
53 twenty of this chapter;

54 (o) “Casual deficit” means a deficit of not more than three  
55 percent of the approved levy estimate or a deficit that is  
56 nonrecurring from year to year; and

57 (p) “Athletic director” means a person employed by a  
58 county board to work in a school’s athletic program pursuant  
59 to section one-a, article two, chapter eighteen-a of this code.

**CHAPTER 18A. SCHOOL PERSONNEL.**

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

1       A county board is authorized to employ athletic directors  
2 to work in the public schools under the supervision of a  
3 school principal and in accordance with the rules of the  
4 county board.

5       (a) The athletic director is responsible for planning,  
6 management, operation and evaluation of the athletic  
7 program for the school or schools to which he or she is  
8 assigned.

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

11       (1) Supervising athletic games;

12       (2) Overseeing the athletic budget;

13       (3) Hiring game officials;

14       (4) Scheduling athletic contests;

15       (5) Knowing and upholding all county, West Virginia  
16 Secondary Schools Activities Commission (WVSSAC) and  
17 league rules;

18       (6) Maintaining proper records as required by West  
19 Virginia Secondary Schools Activities Commission  
20 (WVSSAC) for school participation;

21       (7) Scheduling transportation for athletic teams;

22       (8) Preparing and verifying athletic eligibility lists;

23       (9) Supervising coaches and, if appropriately certified,  
24 observing and evaluating coaches;

25       (10) Securing all needed personnel for basic athletic  
26 event operations;

27       (11) Procuring and caring for athletic equipment; and

28       (12) Performing other duties involving athletics as  
29 assigned by the principal or as a part of a county job  
30 description for athletic directors.



The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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*Chairman, House Committee*

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*Chairman, Senate Committee*

Originating in the House.

To take effect ninety days from passage.

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*Clerk of the House of Delegates*

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*Clerk of the Senate*

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*Speaker of the House of Delegates*

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*President of the Senate*

The within \_\_\_\_\_ this the \_\_\_\_\_  
day of \_\_\_\_\_, 2012.

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*Governor*