

# **WEST VIRGINIA LEGISLATURE**

## **2016 REGULAR SESSION**

### **ENGROSSED**

## **House Bill 4572**

(BY DELEGATES ESPINOSA, STATLER, BLACKWELL,

D. EVANS, ROMINE, WESTFALL, STANSBURY

AND R. SMITH)

[Introduced February 16, 2016;

referred to the Committee on Education.]



1 A BILL to amend and reenact §18-1-1 of the Code of West Virginia, 1931, as amended, relating  
 2 to excepting specialized contract instructors from the definition of teacher; and defining  
 3 that term.

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

1 That §18-1-1 of the Code of West Virginia, 1931, as amended, be amended and reenacted  
 2 to read as follows:

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

**§18-1-1. Definitions.**

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

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

5 ~~(b)~~ "District" means county school district;

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

7 ~~(d)~~ "County board" or "board" means a county board of education;

8 ~~(e)~~ "State superintendent" means the state superintendent of free schools;

9 ~~(f)~~ "County superintendent" or "superintendent" means a county superintendent of  
 10 schools;

11 ~~(g)~~ "Teacher" means a teacher, supervisor, principal, superintendent, public school  
 12 librarian or any other person regularly employed for instructional purposes in a public school in  
 13 this state except specialized contract instructors;

14 ~~(h)~~ "Service person" or "service personnel," whether singular or plural, means any  
 15 nonteaching school employee who is not included in the meaning of "teacher" as defined in this  
 16 section, and who serves the school or schools as a whole, in a nonprofessional capacity, including  
 17 such areas as secretarial, custodial, maintenance, transportation, school lunch and aides. Any  
 18 reference to "service employee" or "service employees" in this chapter or chapter eighteen-a of  
 19 this code means service person or service personnel as defined in this section;

20           (†) “Social worker” means a nonteaching school employee who, at a minimum, possesses  
21 an undergraduate degree in social work from an accredited institution of higher learning and who  
22 provides various professional social work services, activities or methods as defined by the state  
23 board for the benefit of students;

24           “Specialized contract instructor” means a person licensed to teach in this state who  
25 provides specialized instruction in the public schools in specific limited subject areas and  
26 circumstances and who:

27           (1) Is a part time employee of a county board, county boards or regional education service  
28 agency;

29           (2) Is selected for contractual employment solely on the basis of qualifications to perform  
30 the specialized instructional duties;

31           (3) If employed by a regional education service agency, provides the instruction under an  
32 agreement between a county board or boards and the regional education service agency:  
33 Provided, That the specialized contract instructor is employed for less than three and one-half  
34 hours per day.

35           (4) Works at the direction of a classroom teacher to provide specialized instruction to help  
36 improve the learning and academic mastery of those students who need additional support;

37           (5) Does not have a regular assigned classroom and is not the teacher of record for a  
38 class or classes of students; and

39           (6) Is subject to assignment, evaluation, professional development, compensation,  
40 benefits, employment and dismissal only as may be provided in the employment contract:  
41 Provided, That in no event shall a specialized contract instructor displace a teacher.

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

45           (Ⓚ) “Career clusters” means broad groupings of related occupations;

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

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

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

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

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

NOTE: The purpose of this bill is to except “specialized contract instructors” from the definition of teacher. The bill also defines that term.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.