

# **WEST VIRGINIA LEGISLATURE**

## **2016 REGULAR SESSION**

**Introduced**

### **House Bill 4694**

**FISCAL  
NOTE**

BY DELEGATE ROHRBACH

[Introduced February 23, 2016; referred to the  
Committee on Education.]

1 A BILL to amend and reenact §18A-2-1 of the Code of West Virginia, 1931, as amended, relating  
2 to permitting nonprofessional personnel to be hired as athletic coaches if there are no  
3 qualified professional personnel available; setting forth the conditions for employment; and  
4 providing for rule-making,

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

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

**ARTICLE 2. SCHOOL PERSONNEL.**

**§18A-2-1. Employment in general.**

1 (a) The employment of professional personnel shall be made by the board only upon  
2 nomination and recommendation of the superintendent, subject to the following:

3 (1) The superintendent shall provide the principal at the school at which the professional  
4 educator or paraprofessional employee is to be employed an opportunity to interview all qualified  
5 applicants and make recommendations to the county superintendent regarding their employment;

6 (2) The principal may not recommend for employment an individual who is related to him  
7 or her as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece,  
8 husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-  
9 law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother or half  
10 sister;

11 (3) Nothing shall prohibit the timely employment of persons to perform necessary duties;

12 (4) In case the board refuses to employ any or all of the persons nominated, the  
13 superintendent shall nominate others and submit the same to the board at such time as the board  
14 may direct;

15 (5) All personnel so nominated and recommended for employment and for subsequent  
16 assignment shall meet the certification, licensing, training and other eligibility classifications as  
17 may be required by provisions of this chapter and by state board rule. In addition to any other

18 information required, the application for any certification or licensing shall include the applicant's  
19 Social Security number.

20 (b) Professional personnel employed as deputy, associate or assistant superintendents  
21 by the board in offices, departments or divisions at locations other than a school and who are  
22 directly answerable to the superintendent shall serve at the will and pleasure of the superintendent  
23 and may be removed by the superintendent upon approval of the board. Such professional  
24 personnel shall retain seniority rights only in the area or areas in which they hold valid certification  
25 or licensure.

26 (c) Nonprofessional personnel in the area of athletic coaches may be employed if there  
27 are no qualified professional personnel who have successfully applied for an open position. In  
28 that event the requirements set forth in subsection (a) of this section pertaining to professional  
29 personnel apply. The State Board of Education shall promulgate rules in accordance with article  
30 three, chapter twenty-nine-a of this code to implement this subsection. The board shall, at a  
31 minimum, consider the length of time the person may be employed in the position, the terms and  
32 conditions of his or her employment, how the person may attain regular employment with the  
33 school and under what circumstances, if any, by which he or she can be vacated from the position  
34 if qualified professional personnel later become available.

NOTE: The purpose of this bill is to permit nonprofessional personnel to be hired as athletic coaches if there are no qualified professional personnel available. The bill sets forth the conditions for employment and provides for rule-making,

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