

# **WEST VIRGINIA LEGISLATURE**

## **2017 REGULAR SESSION**

**Introduced**

### **House Bill 2795**

BY DELEGATES A. EVANS, R. ROMINE, HAMILTON AND

ROWAN

[Introduced March 6, 2017; Referred  
to the Committee on Education.]

1 A BILL to amend and reenact §18A-1-1 of the Code of West Virginia, 1931, as amended, relating  
2 to clarifying a director of a multicounty vocational technical school is a principal.

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

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

**ARTICLE 1. GENERAL PROVISIONS.**

**§18A-1-1. Definitions.**

1 The definitions contained in section one, article one, chapter eighteen of this code apply  
2 to this chapter. In addition, the following words used in this chapter and in any proceedings  
3 pursuant to this chapter have the meanings ascribed to them unless the context clearly indicates  
4 a different meaning:

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

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

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

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

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

20 and other school personnel; a director of a multicounty vocational technical school is a principal  
21 and shall be accorded all rights provided by article two of this chapter;

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

26 (4) "Central office administrator" means a superintendent, associate superintendent,  
27 assistant superintendent and other professional educators who are charged with administering  
28 and supervising the whole or some assigned part of the total program of the countywide school  
29 system. This category includes other appropriate titles or positions with duties that fit within this  
30 definition;

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

36 (e) "Service person" or "service personnel", whether singular or plural, means a  
37 nonteaching school employee who is not included in the meaning of "teacher" as defined in  
38 section one, article one, chapter eighteen of this code and who serves the school or schools as a  
39 whole, in a nonprofessional capacity, including such areas as secretarial, custodial, maintenance,  
40 transportation, school lunch and aides. Any reference to "service employee" or "service  
41 employees" in this chapter or chapter eighteen of this code means service person or service  
42 personnel as defined in this section;

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

45 (g) "Center for Professional Development" means the center created pursuant to section

46 one, article three-a of this chapter;

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

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

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

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

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

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

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

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

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

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

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

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

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

73 (ii) Is filled by a substitute employee.

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

76 The changes made to this section during the 2017 regular session are remedial in nature

77 and shall be given retroactive application notwithstanding any action by anybody of this state to

78 the contrary.

NOTE: The purpose of this bill is to clarify that directors of multicounty schools are principals and not superintendents.

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