

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

Senate Bill 293

BY SENATORS HAMILTON, BOSO, FACEMIRE, IHLENFELD,
JEFFRIES, SMITH, SYPOLT, CLINE, LINDSAY, AND BALDWIN

[Introduced January 14, 2019; 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:

ARTICLE 1. GENERAL PROVISIONS.

§18A-1-1. Definitions.

1 The definitions contained in §18-1-1 *et seq.* of this code apply to this chapter. In addition,
2 the following words used in this chapter and in any proceedings pursuant to this chapter have the
3 meanings ascribed to them unless the context clearly indicates a different meaning:

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

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

10 (c) "Professional educator" has the same meaning as "teacher" as defined in §18-1-1 *et*
11 *seq.* of this code. Professional educators are classified as follows:

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

15 (2) "Principal" means a professional educator who functions as an agent of the county
16 board and has responsibility for the supervision, management and control of a school or schools
17 within the guidelines established by the county board. The principal's major area of responsibility
18 is the general supervision of all the schools and all school activities involving students, teachers
19 and other school personnel. A director of a multicounty vocational technical school is a principal
20 and shall be accorded all rights provided by article two of this chapter;

21 (3) "Supervisor" means a professional educator who is responsible for working primarily

22 in the field with professional and other personnel in instructional and other school improvement.
23 This category includes other appropriate titles or positions with duties that fit within this definition;
24 and

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

30 (d) "Other professional employee" means a person from another profession who is
31 properly licensed and who is employed to serve the public schools. This definition includes a
32 registered professional nurse, licensed by the West Virginia Board of Examiners for Registered
33 Professional Nurses, who is employed by a county board and has completed either a two-year
34 (64 semester hours) or a three-year (96 semester hours) nursing program;

35 (e) "Service person" or "service personnel", whether singular or plural, means a
36 nonteaching school employee who is not included in the meaning of "teacher" as defined in §18-
37 1-1 *et seq* of this code and who serves the school or schools as a whole, in a nonprofessional
38 capacity, including such areas as secretarial, custodial, maintenance, transportation, school lunch
39 and aides. Any reference to "service employee" or "service employees" in this chapter or chapter
40 18 of this code means service person or service personnel as defined in this section;

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

43 (g) "Center for Professional Development" means the center created pursuant to section
44 one, article three-a of this chapter;

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

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

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

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

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

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

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

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

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

66 That the county superintendent expects to extend for at least 30 consecutive days, and is
67 either:

68 (A) Listed in the job posting as a long-term substitute position of over 30 days; or

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

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

71 (ii) Is filled by a substitute employee.

72 For the purposes of §5-16-2 of this code, long-term substitute does not include a retired
73 employee hired to fill the vacant position.

74 The changes made to this section during the 2019 regular session are remedial in nature
75 and shall be given retroactive application notwithstanding any action by anybody of this state to
76 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.