



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE EXEMPT, INTERPRETIVE OR PROCEDURAL
RULE**

AGENCY: Education TITLE-SERIES: 126-118

RULE TYPE: Legislative Exempt Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: Athletic and Limited Football Trainers in the Public
Schools of West Virginia (Policy 5112)

CITE STATUTORY AUTHORITY: W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler,
180 W. Va. 451, 376 S.E.2d 839 (1988); and, W. Va. Bd. of Educ. V. Bd. of
Educ., 239 W. Va. 705, 806 S.E. 2d 136 (2017)

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

February 10, 2020

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

William C Burch -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

126CSR118

TITLE 126
LEGISLATIVE RULE
BOARD OF EDUCATION

SERIES 118
ATHLETIC AND LIMITED FOOTBALL TRAINERS IN THE
PUBLIC SCHOOLS OF WEST VIRGINIA (5112)

§126-118-1. General.

1.1. Scope. -- This legislative rule describes the role of athletic trainers and individuals with limited football trainer authorization in the public schools of West Virginia and provides for their licensure and professional development.

1.2. Authority. -- W. Va. Constitution, Article XII, §2; and W. Va. Code §18-2-5 and §18-2-25.

1.3. Filing Date. -- January 9, 2020.

1.4. Effective Date. -- February 10, 2020.

1.5. Repeal of Former Rule. -- This legislative rule amends W. Va. 126CSR118, Athletic Trainers in the Public Schools of West Virginia, filed October 7, 2011, and effective November 7, 2011.

§126-118-2. Purpose.

2.1. The purpose of this policy is to ensure that appropriate health oversight is provided for student athletes in football programs in West Virginia public schools.

§126-118-~~23~~. General Requirements.

3.1. Each county board of education (county/counties) shall employ a registered athletic trainer(s) or an individual(s) with limited football trainer authorization defined under section 5.1 to serve during football practices and games for grades 9, 10, 11, and 12. Schools containing grades 9, 10, 11, and 12 that do not have an athletic trainer or an individual with limited athletic trainer authorization may not participate in football practices and games.

3.2. Each county is encouraged to employ an athletic trainer for football practices and games for grades 5, 6, 7, and 8.

3.3. County superintendents are encouraged to assign an athletic trainer to work with other school athletic programs.

3.4. Athletic trainers employed to serve in any public school capacity must adhere to the licensure requirements set forth in this policy and W. Va. 126CSR136, Policy 5202, Minimum Requirements for the Licensure of Professional/Paraprofessional Personnel and Advanced Salary Classifications (Policy 5202).

3.5. A county may not employ an applicant in good faith on the anticipation that he/she is eligible for a certificate.

§126-118-4. Athletic and Limited Football Trainer Authorizations (Policy 5202).

4.1. Athletic Trainer Authorization. A temporary authorization endorsed for athletic trainer may be issued to an individual who holds valid certification through the National Athletic Trainers Association Board of Certification (NATABOC); and who has registered with the West Virginia Board of Physical Therapy; and who provides a copy of the valid registration from the West Virginia Board of Physical Therapy; and who receives the recommendation of the superintendent of the employing county.

4.2. The Athletic Trainer Authorization may be reissued annually upon application to the WVDE with documentation of current registration with the West Virginia Board of Physical Therapy and the recommendation of the superintendent of the employing county.

4.3. Limited Football Trainer Authorization. If an athletic trainer cannot be obtained, counties shall employ a licensed health care provider which shall include one of the following: physician, registered nurse, licensed practical nurse, nurse practitioner, chiropractor, physical therapist, occupational therapist, physician's assistant, paramedic, or emergency medical technician as a limited football trainer. To qualify for limited football trainer authorization, counties must:

4.3.a. post the position of athletic trainer with a closing date prior to the West Virginia Secondary School Activities Commission (WVSSAC) season start date for fall sports. If no authorized or authorization-eligible athletic trainer can be employed, the county may employ an individual who shall apply for a limited football trainer authorization from the list of health care professionals in section 4.3; and

4.3.b. complete the appropriate WVDE application for licensure; and

4.3.c. submit a copy of a high school diploma or state-approved high school equivalency; and

4.3.d. submit documentation of a valid health care provider license; and

4.3.e. require the individual(s) seeking limited football trainer authorization to provide documentation of having completed an athletic trainer workshop/clinic sanctioned by the WVSSAC or provide assurance that the individual being hired will complete the WVSSAC athletic trainer workshop as per WVSSAC guidelines; and

4.3.f. submit the recommendation from the superintendent of the employing county.

4.4. Renewal of the Limited Football Trainer Authorization. The Limited Football Trainer Authorization may be reissued annually upon application to the WVDE with documentation of a valid health care provider license and the recommendation of the superintendent of the employing county.

4.5. Student Support Certificate for Athletic Trainer. Student Support Certificates for Athletic Trainer that were issued prior to July 1, 2011, may be renewed in accordance with renewal requirements for professional student support certificates, as described in Policy 5202. No Initial Professional Student Support Certificates for Athletic Trainer will be issued after July 1, 2011.

§126-118-5. General Role Description.

5.1. Authorized Athletic Trainer. The athletic trainer possesses the essential knowledge, skills, attitudes, and credentials necessary to carry out the practices of prevention, evaluation, initial care, and physical rehabilitation of injuries sustained by students engaged in public school athletics. The athletic trainer has responsibility for the development, implementation, and management of the athletic training program.

5.2. Authorized Limited Football Trainer. The duties of individuals with limited football trainer authorization are limited to evaluation, initial care, and referral of injuries sustained by students engaged in public school athletics.

5.3. Temporary Athletic Trainer. In the event the assigned athletic coach or athletic trainer is not able to be present, the county may assign one time only during the coaching/athletic trainer assignment season for that sport/activity, an individual with a medical background that shall include one of the following: physician, registered nurse, licensed practical nurse, nurse practitioner, chiropractor, physical therapist, occupational therapist, physician's assistant, paramedic, or emergency medical technician to fulfill the duties of the athletic coach or athletic trainer for no more than three consecutive days.

§126-118-6. Governing Principles.

6.1. An individual serving as an athletic trainer or individuals with limited football trainer authorization may not have simultaneous coaching responsibilities in the same sport.

6.2. An athletic trainer or an individual with limited football trainer authorization must be in attendance at all senior high school football practices and games.

6.2.a. County superintendents may grant excuses from this requirement for an individual practices or games based on illness, accident, or unforeseen events.

6.2.b. When an athletic trainer or an individual with limited football trainer authorization is not in attendance because of an illness, accident, or other unforeseen event, the county superintendent must secure the attendance of other persons with specialized health related training as per section 5.3 of this policy.

6.3. It is the responsibility of the athletic trainer or individual with limited football trainer authorization to determine whether or not an injured student athlete participates in a game or practice.

§126-118-7. Reporting of Misconduct.

7.1. It shall be the duty of any county employee who knows of any act(s) on the part of any licensed athletic trainer or limited football trainer for which a certificate may be revoked to report the same together with all facts and evidence, to the State Superintendent of Schools. Acts of misconduct committed by licensed athletic trainers also must be reported to the West Virginia Board of Physical Therapy and other licensing entities as appropriate.

§126-118-8. Severability.

8.1. If any provision of this policy or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this policy.