

Putting to Sleep Some Myths Relating to Volunteer Coaches

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We often receive questions related to insurance coverage for volunteer coaches¹ through the Boards of Education policies with the Board of Risk and Insurance Management ("BRIM"). West Virginia Ethics Commission ("Ethics Commission") [Advisory Opinion 2005-03](#) (April 7, 2005), regarding a Board of Education member serving as an athletic coach, relied on a fact that the Board member was paid a nominal salary of \$1.00 per year for liability insurance coverage for the actions of the coach. Based on that fact, which was provided to the Ethics Commission, a number of Boards of Education seemed to assume over the past several years that a nominal salary was required for BRIM's coverage of volunteers. Nevertheless, BRIM has advised that it does not require that any salary be paid to volunteers serving as coaches or otherwise. So long as the volunteer is acting within the scope of what the Board of Education asks them to do, they are covered by BRIM's policy. So the practice of paying a \$1.00 nominal salary to volunteers that many counties have done for years is not necessary.

A common scenario involving volunteers is the fact pattern identified above, the volunteer coach. By volunteer, we are referring to a non-posted position not subject to an extracurricular contract. Simply a head coach looking for a volunteer coach to assist (for non-payment). What is important, is that anyone seeking a position as a volunteer coach or asked to participate as a volunteer coach, will need to apply for coaching authorization, the same as a paid coach or citizen coach would do. This is often a practice that is overlooked by counties. [Per State Board Policy 5202](#) the training shall be provided by the West Virginia Secondary Schools Activities Commission ("WVSSAC") or approved by the local board of education training if the sport is not within the jurisdiction of the WVSSAC.

Finally, to address the issue of posting, if a coach under an extracurricular contract wants to have a volunteer coach assist, the volunteer position does not need to be posted in accordance with [W. Va. Code § 18A-4-16](#), so long as the Board of Education approves a volunteer who meets all of the requirements for the position (background check, training, and coaching authorization). We recommend that a Board of Education have a volunteer policy in place requiring that all volunteers, among other things, be board approved.

Should you have any questions on this issue or any issues please feel free to contact a member of [Dinsmore & Shohl's Education Law Practice Group](#).²

(1) An individual who is not under an extracurricular contract per W. Va. Code 18A-4-16 with a Board of Education, and is not a certified professional educator employed by a Board of Education.

(2) [Coaching Vacancies in Public Education, Who Gets the Vacant Position?](#) Dinsmore & Shohl, Education Law Monthly. (January 2010).