WEST VIRGINIA CODE CHAPTER 18 ARTICLE 3

WV Legislature

§18-3-1. Appointment; qualifications; compensation; traveling expenses; office and residence; evaluation.

There shall be appointed by the state board a State Superintendent of Schools who serves at the will and pleasure of the state board. He or she shall be a person of good moral character, shall be able to perform the duties listed in this article and possess such other educational, administrative, experiential and other qualifications as determined by the State Board of Education. He or she shall hold at least a master's degree from a regionally accredited institution of higher education or equivalent degree as determined by the state board. He or she shall receive an annual salary set by the state board, to be paid at least twice per month. The state superintendent also shall receive necessary traveling expenses incident to the performance of his or her duties to be paid out of the General School Fund upon warrants of the State Auditor. The state superintendent shall have his or her office at the state Capitol. The state board shall report to the Legislative Oversight Commission on Education Accountability upon request concerning its progress during any hiring process for a state superintendent.

The state board annually shall evaluate the performance of the state superintendent and publicly announce the results of the evaluation.

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§18-3-2. Seal; requisitions on Auditor for money.

The State Superintendent of Schools shall provide a seal for his office. He shall sign all requisitions on the Auditor for the payment of money out of the state Treasury for school purposes, except as otherwise provided by law.

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§18-3-3. General supervision of schools.

(a) The State Superintendent of Schools shall have general supervision of the free schools of the state, and shall be the chief executive officer of the state Board of Education. The State Superintendent of Schools shall be charged with the general supervision of all county superintendents of county boards and of county boards of education within the state, except as provided in §6-9-1, *et seq*. of this code. The State Superintendent of Schools shall oversee all the details of the school system of the state, and of the rules of the state Board of Education, so as to secure the uniform operation of the same throughout the state.

(b) The State Superintendent shall report annually to the Legislative Oversight Commission on Education Accountability regarding the implementation of state board rules in each county school district.

(1) If a county is found in violation of proper implementation of any rule, the State Superintendent shall provide a plan to ensure full implementation of the rule and the timeline therefore.

(2) If a county continues to be in violation of state board rules, school aid funding may be withheld from that county.

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§18-3-4. Proceedings to enforce school laws; examination and fees of witnesses; removal of school officials.

The State Superintendent of Schools shall cause to be instituted such proceedings or processes as may be necessary properly to enforce and give effect to any provision or provisions of this chapter and to the provisions of any other general or special laws pertaining to the school system of the state, or any part thereof, or of any rule or direction of the state Board of Education made in conformity with its powers and duties. The superintendent shall have authority to administer oaths and to examine under oath, in any part of the state, witnesses in any proceeding pertaining to the public schools, and to cause such examination to be reduced to writing. Witnesses, other than employees of the state, shall be entitled to the same fees as in civil cases in the circuit court. The State Superintendent of Schools shall have power to institute proper proceedings for the removal of any school official charged with dishonesty, continued neglect of duty, or with failure to comply with the provisions of this chapter or of the rules of the state Board of Education.

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§18-3-5. Conferences of school superintendents.

The State Superintendent of Schools shall have the authority to call conferences of the county, district, and city superintendents of schools of the state, or of any group or groups of such superintendents, for the purpose of considering with them any matters relating to the conditions and needs of the schools and the proper means of improving the schools throughout the state, or any section thereof.

WV Legislature

§18-3-6. Interpretation of school laws and rules of state Board of Education.

At the request in writing of any citizen, teacher, school official, county or state officer, the state Superintendent of Schools shall give his interpretation of the meaning of any part of the school law or of the rules of the state Board of Education.

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§18-3-7. Preparation, printing and distribution of state manuals and other publications; maintenance of minimum standards; examination of pupils.

From time to time, as may be necessary, the state Superintendent of Schools shall cause to be prepared and published, for distribution to the proper persons to receive them, manuals of the courses of study prescribed by the state Board of Education, as provided by section seven, article two of this chapter. It shall be his duty to see that the minimum standards set forth therein shall be maintained in all the several kinds and grades of the public schools throughout the state. It shall also be the duty of the state Superintendent of Schools to provide for the examination of pupils completing such courses of study and to cause diplomas or certificates to be issued to all persons who satisfactorily complete such courses.

The superintendent shall cause to be printed and distributed from time to time a sufficient number of copies of the school law to supply the needs of school officials and other citizens of the state. He shall cause to be prepared and published a list of books suitable for school libraries, and shall recommend the proper conditions for the purchase and use of such books. Such list shall be distributed among the teachers, principals, and superintendents throughout the state. The State Superintendent of Schools shall also have authority to publish and distribute such other reports, circulars of information, and bulletins as in his judgment will promote the best interests of the schools.

The expenses of printing all such publications or other documents shall be paid out of the general school fund on warrants drawn by the state Superintendent of Schools.

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§18-3-8. Report of state superintendent.

On or before November 1, preceding each regular session of the Legislature, the state Superintendent of Schools shall make and transmit a report to the Governor, to be transmitted by him to the Legislature. Such report shall contain summaries of the annual reports of the county superintendents and such other information about the conditions of the public school system of the state as the superintendent may deem it wise to communicate to the Governor and the Legislature. The report shall, however, contain such information about the public schools of the state as the Governor or the Legislature may have previously requested, and shall also include the recommendations of the state superintendent respecting needed legislation on behalf of the schools.

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§18-3-9. State Department of Education.

For carrying into effect the provisions of this chapter, the state Superintendent of Schools shall maintain a Department of Education at his office at the state Capitol, and he shall have authority to employ assistants and such other employees as may be necessary.

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§18-3-9a. Authority of state superintendent as to fire hazards and safety of buildings.

Whenever any county board shall fail to comply with an order of the state Fire Marshal for correction of fire hazards in any public school building, the state superintendent shall close the building, or the unsafe part thereof, until the board complies with such order. The state superintendent shall also have the power and authority to inspect any public school building and to order the making of such repairs or alterations as may be necessary to put the building into a safe condition.

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§18-3-9b. Reduction in amount budgeted for personal services.

[Repealed.]

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§18-3-10. Other powers and duties of state superintendent.

The State Superintendent of Schools shall exercise such other powers and discharge such other duties as are herein assigned to him or as may from time to time be assigned to him by the Legislature and by the state Board of Education.

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§18-3-11. Classification of schools.

The state superintendent shall classify all elementary and secondary schools on the basis of standards, rules and regulations established by the state board after publishing such standards, rules and regulations, and forwarding them to the district boards of education, county superintendents, and other school officers.

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§18-3-12. Special Community Development School Pilot Program.

The state superintendent shall establish a Special Community Development School Pilot Program to be implemented in a neighborhood of at least five public schools, which shall include at least one elementary and middle school, for the duration of five years. The neighborhood of public schools designated by the state superintendent for the pilot shall have significant enrollments of disadvantaged, minority and underachieving students. The designated neighborhood of public schools under the direction of the county board and county superintendent shall work in collaboration with higher education, community organizations, Center for Professional Development, local community leaders, affected classroom teachers, affected parents and the state board to develop and implement strategies that could be replicated in other public schools with significant enrollments of disadvantaged, minority and underachieving students to improve academic achievement. For purposes of this section "neighborhood" means an area of no more than seven square miles.

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§18-3-13. Behavior Interventionist Pilot Program.

(a) The Legislature finds that:

(1) Behavior problems of special education students can be better addressed by personnel who specialize in addressing student behavior issues;

(2) With the advent of the opioid crisis in recent years in West Virginia, behavior problems in the state's elementary and secondary education system have increased significantly;

(3) Behavior problems impact not just the student who is misbehaving, but also other students at the school;

(4) The state should explore various ways to address this issue;

(5) One such method of successfully addressing behavioral problems could be through the use of behavior interventionists; and

(6) A behavior interventionist who is trained to address student behavior issues at a school could free classroom teachers from having to address behavior issues and allow them to focus exclusively on teaching students which could result in academic achievement increases for other students in the classroom.

(b) The state superintendent shall immediately establish a Behavior Interventionist Pilot Program to be implemented in not less than two nor more than 10 county school districts for the duration of three years. In selecting the county school districts, the state superintendent shall select districts meeting the following criteria:

(1) The districts shall have among the highest number in the state of students with an individual education program;

(2) The districts designated by the state superintendent for the pilot program shall have schools that have a significant number of students enrolled with behavior issues; and

(3) The districts shall have the resources to hire and train personnel who specialize in addressing students with behavior issues.

(c) The county school districts designated for the pilot programs pursuant to this section may immediately create a new employment position, entitled "behavior interventionist", which is a school-based position that specializes in addressing behavior issues at a school. Once the counties are chosen, the county superintendent shall convene an advisory committee consisting of principals, teachers, classroom aides, and the education organizations to advise the county superintendent and county board on qualifications and hiring. Behavior interventionists shall be designated by the county board as either a professional person or a service person. If the behavior interventionist is designated as a service person, he or she shall be assigned a pay grade D, at a minimum, for the purpose of

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the salary schedule set forth in §18A-4-8a of this code. The county school districts designated for the pilot programs shall establish the qualifications for personnel employed in the behavior interventionist position and shall establish the initial and continuing training requirements for the personnel employed in the position.

(d) Annually, for the duration of the pilot programs and once after the conclusion of the pilot programs, the county superintendents of the county school districts designated for the pilot programs shall report to the Legislative Oversight Commission on Education Accountability on:

(1) Progress toward and methods of implementation of the pilot programs, including the required qualifications and training for personnel employed in the behavior interventionist position;

(2) Indicators of the success of the pilot programs, which may include reductions in disciplinary actions and increases in student achievement at the schools in which the behavior interventionists are assigned;

(3) Their recommendation on whether the pilot programs should continue beyond the current duration of the pilot programs; and

(4) Their recommendation on whether the pilot programs should be replicated in other school districts that have a high percentage of students with an individual education program, that have schools with significant student behavior problems, or both, and if so, how the pilot programs could best be replicated based on the experience and knowledge gained from the pilot programs established pursuant to this section.

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