

# WEST VIRGINIA LEGISLATURE

## 2020 REGULAR SESSION

**Enrolled**

**Senate Bill 842**

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

2020 MAR 25 P 4:10

FILED

BY SENATORS AZINGER, BALDWIN, BOLEY, CLINE,  
PITSENBARGER, PLYMALE, ROBERTS, ROMANO,  
STOLLINGS, TRUMP, UNGER, WELD, AND RUCKER

[Passed March 6, 2020; in effect from passage]

SB842

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1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
2 designated §18-3-13, relating to requiring the State Superintendent of Schools to  
3 immediately establish a Behavior Interventionist Pilot Program in limited number of county  
4 school districts for the duration of three years; making findings; setting forth criteria to be  
5 used in the selection of the county school districts; allowing the county school districts to  
6 immediately create a new behavior interventionist position; requiring the county  
7 superintendent to convene an advisory committee consisting of certain school personnel  
8 and the education organizations to advise on qualifications and hiring; requiring behavior  
9 interventionists to be designated by the county board as either a professional person or a  
10 service person; setting a minimum pay grade in case of service person position; requiring  
11 the designated county school districts to establish the qualifications and training  
12 requirements; and requiring annual report and final report with certain information to the  
13 Legislative Oversight Commission on Education Accountability.

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

**ARTICLE 3. STATE SUPERINTENDENT OF SCHOOLS.**

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

1 (a) The Legislature finds that:  
2 (1) Behavior problems of special education students can be better addressed by personnel  
3 who specialize in addressing student behavior issues;  
4 (2) With the advent of the opioid crisis in recent years in West Virginia, behavior problems  
5 in the state's elementary and secondary education system have increased significantly;  
6 (3) Behavior problems impact not just the student who is misbehaving, but also other  
7 students at the school;  
8 (4) The state should explore various ways to address this issue;  
9 (5) One such method of successfully addressing behavioral problems could be through  
10 the use of behavior interventionists; and

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

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

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

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

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

25 (c) The county school districts designated for the pilot programs pursuant to this section  
26 may immediately create a new employment position, entitled "behavior interventionist", which is  
27 a school-based position that specializes in addressing behavior issues at a school. Once the  
28 counties are chosen, the county superintendent shall convene an advisory committee consisting  
29 of principals, teachers, classroom aides, and the education organizations to advise the county  
30 superintendent and county board on qualifications and hiring. Behavior interventionists shall be  
31 designated by the county board as either a professional person or a service person. If the  
32 behavior interventionist is designated as a service person, he or she shall be assigned a pay  
33 grade D, at a minimum, for the purpose of the salary schedule set forth in §18A-4-8a of this code.  
34 The county school districts designated for the pilot programs shall establish the qualifications for  
35 personnel employed in the behavior interventionist position and shall establish the initial and  
36 continuing training requirements for the personnel employed in the position.

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

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

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

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

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

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*Mark Hays*  
.....  
Chairman, Senate Committee

*Noel Coates*  
.....  
Chairman, House Committee

Originated in the Senate.  
In effect from passage.

*Joe Lamm*  
.....  
Clerk of the Senate

*Steve Harrison*  
.....  
Clerk of the House of Delegates

*Keith B. Combs*  
.....  
President of the Senate

*Les Hankins*  
.....  
Speaker of the House of Delegates

FILED  
2020 MAR 25 P 4:10  
OFFICE WEST VIRGINIA  
SECRETARY OF STATE

The within is approved this the 25th  
Day of March....., 2020.

*James Owens*  
.....  
Governor

PRESENTED TO THE GOVERNOR

MAR 18 2020

Time 9:50am