

# **WEST VIRGINIA LEGISLATURE**

## **2025 REGULAR SESSION**

### **House Bill 3396**

By Delegates Hornbuckle, Williams, Hamilton, Garcia,  
Lewis, and Kump

[Introduced March 17, 2025; referred to the Committee on  
Education then Finance]

**FISCAL  
NOTE**

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
2 designated §18A-5-9, relating to establishing a pilot program to develop school-based  
3 mental and behavioral health services as an alternative to disciplinary action for disruptive  
4 student behavior.

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

**ARTICLE 5. AUTHORITY; RIGHTS; RESPONSIBILITY.**

**§18A-5-9. Pilot program for expansion of school-based mental health and school-based diversion.**

1 (a) As used in this section:

2 "Expanded school mental health framework" means any program authorized and created  
3 under the collaboration between the West Virginia Department of Education and the West Virginia  
4 Bureau for Behavioral Health and Health Facilities to provide mental and behavioral health  
5 services to students;

6 "Mental and behavioral health services" means any individualized or group program  
7 designed to provide pharmacological, therapeutic, emotional, or behavioral health supports; and

8 "School-based health center" means any federally qualified health center operating on  
9 school grounds.

10 (b) The Department of Education shall develop a three-year pilot program to establish  
11 school-based mental and behavioral health services for students and families as an alternative to  
12 the disciplinary measures authorized in §18A-5-1.

13 (c) The pilot program will be available to schools that have implemented:

14 (1) A school-based health center providing mental and behavioral health services; or

15 (2) The expanded school mental health framework.

16 (d) The pilot program shall require that participating schools:

17 (1) Through direct employment or contractual relationship, provide mental and behavioral  
18 health services.

19 (2) Through direct employment or contractual relationship, have appropriate services  
20 available for all levels of need.

21 (3) Authorize employees or contractors who provide mental and behavioral health services  
22 to do the following:

23 (A) Receive referrals for students who violate the disciplinary code;

24 (B) Receive referrals from a judge, juvenile referee, or magistrate for treatment as part of a  
25 diversion or disposition;

26 (C) Provide a mental or behavioral health assessment to the student;

27 (D) Provide ongoing services to the student if merited by the assessment;

28 (E) Contact the family and household members of the students:

29 (i) To obtain additional information about the student's case; and

30 (ii) To offer services to family or household members.

31 (F) Provide services to family members and household members of the student; and

32 (G) Provide services to community members: *Provided*, That all students and students'  
33 family members can be provided services first.

34 (4) Bill and collect payment for services rendered from the insurance of families and  
35 community members, from the school, in the case of referral for behavior, or the Department of  
36 Health in the case of court order.

NOTE: The purpose of this bill is to require the State Department of Education to develop a pilot program to provide mental and behavioral health services as an alternative to suspending students for disruptive behaviors.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.