

**Senate Bill No. 409**

(By Senators Stollings and Cann)

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[Introduced March 1, 2013; referred to the Committee on  
Education; and then to the Committee on Finance.]  
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10 A BILL to amend and reenact §18-5-18b of the Code of West Virginia,  
11 1931, as amended; and to amend and reenact §18-9A-8 of said  
12 code, all relating to modifying the funding ratio of school  
13 students to counselors; providing counties with the  
14 flexibility to set caseload standards so long as the standards  
15 equally distribute counselors to students at each academic  
16 level throughout the county; and providing protection for  
17 counties that currently exceed the proposed funding ratio.

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

19 That §18-5-18b of the Code of West Virginia, 1931, as amended,  
20 be amended and reenacted; and that §18-9A-8 of said code be amended  
21 and reenacted, all to read as follows:

22 **ARTICLE 5. COUNTY BOARD OF EDUCATION.**

23 **§18-5-18b. School counselors in public schools.**

1 (a) A school counselor means a professional educator who holds  
2 a valid school counselor's certificate in accordance with article  
3 three of this chapter.

4 (b) Each county board shall provide counseling services for  
5 each pupil enrolled in the public schools of the county. Each  
6 county board may set the caseloads for school counselors for high  
7 schools, middle schools and primary schools in the county. These  
8 caseloads shall be equally distributed at each academic level  
9 within the county.

10 (c) The school counselor shall work with individual pupils and  
11 groups of pupils in providing developmental, preventive and  
12 remedial guidance and counseling programs to meet academic, social,  
13 emotional and physical needs; including programs to identify and  
14 address the problem of potential school dropouts. The school  
15 counselor also may provide consultant services for parents,  
16 teachers and administrators and may use outside referral services,  
17 when appropriate, if no additional cost is incurred by the county  
18 board.

19 (d) The state board may adopt rules consistent with the  
20 provisions of this section that define the role of a school  
21 counselor based on the "National Standards for School Counseling  
22 Programs" of the American school counselor association. A school  
23 counselor is authorized to perform such services as are not

1 inconsistent with the provisions of the rule as adopted by the  
2 state board. To the extent that any funds are made available for  
3 this purpose, county boards shall provide training for counselors  
4 and administrators to implement the rule as adopted by the state  
5 board. The rules shall also set forth the manner in which each  
6 county is to set required caseload standards for school counselors.

7 (e) Each county board shall develop a comprehensive drop-out  
8 prevention program utilizing the expertise of school counselors and  
9 any other appropriate resources available.

10 (f) School counselors shall be full-time professional  
11 personnel, shall spend at least seventy-five percent of work time  
12 in a direct counseling relationship with pupils, and shall devote  
13 no more than one fourth of the work day to administrative  
14 activities: *Provided*, That such activities are counselor related.

15 (g) Nothing in this section prohibits a county board from  
16 exceeding the provisions of this section, or requires any specific  
17 level of funding by the Legislature.

18 **ARTICLE 9A. PUBLIC SCHOOL SUPPORT.**

19 **§18-9A-8. Foundation allowance for professional student support**  
20 **services.**

21 (a) The basic foundation allowance to the county for  
22 professional student support personnel shall be the amount of money  
23 determined in accordance with the following:

1           (1) The sum of the state minimum salaries, as determined in  
2 accordance with the provisions of article four, chapter eighteen of  
3 this code, for all state aid eligible school nurse and counselor  
4 positions in the county during the 2008 fiscal year which number  
5 shall be reduced in the same proportion as the number of  
6 professional educators allowed to be funded under section four of  
7 this article to the total number of professional educators employed  
8 that are state aid eligible. In performing this calculation, the  
9 numerator shall be the number of professional educators actually  
10 funded under section four of this article and the denominator shall  
11 be the total number of professional educators employed that are  
12 eligible to be funded under section four of this article;

13           (2) The amount derived from the calculation in subdivision (1)  
14 of this subsection is increased by one half percent;

15           (3) The amount derived from the calculation in subdivision (2)  
16 of this subsection is the basic foundation allowance to the county  
17 for professional student support personnel for the two thousand  
18 nine fiscal year;

19           (4) For fiscal years 2010, 2011, 2012 and 2013, the basic  
20 foundation allowance to the county for professional student support  
21 personnel increases by one-half percent per year over the allowance  
22 for the previous year; and

23           (5) For all fiscal years thereafter, ~~the basic foundation~~

1 ~~allowance to the county for professional student support personnel~~  
2 ~~remains the same amount as in the two thousand thirteen fiscal year~~  
3 funding shall be based upon a ratio of three hundred fifty students  
4 per each school counselor. The reenactment of this section during  
5 the 2013 Regular Session of the Legislature may not reduce funding  
6 levels for any county which currently meets or exceeds this level  
7 of funding.

8 (b) The additional positions for counselors that may be  
9 created as a result of the one percent increase provided pursuant  
10 to this section shall be assigned to schools where the counselor  
11 can:

12 (1) Enhance student achievement;

13 (2) Provide early intervention for students in grades pre-  
14 kindergarten through five; and

15 (3) Enhance student development and career readiness.

NOTE: The purpose of this bill is to create a funding ratio of 350/1 of students and school counselors. The bill would allow counties to set their own caseload standards so long as these are equally distributed at each academic level in the county. The bill would also grandfather in existing counties which exceed the proposed ratio.

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