

**H. B. 2228**

(By Delegates L. Phillips, Eldridge, Pethtel, Guthrie, Moye  
Moore, Hornbuckle and Smith)

[Introduced January 22, 2015; referred to the  
Committee on Education then Finance.]

**FISCAL  
NOTE**

A BILL to amend and reenact §18-5-18b of the Code of West Virginia, 1931, as amended; and to  
amend and reenact §18-9A-8 of said code, all relating to modifying the funding ratio of  
school students to counselors; providing counties with the flexibility to set caseload  
standards so long as the standards equally distribute counselors to students at each academic  
level throughout the county and providing protection for counties that currently exceed the  
proposed funding ratio.

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

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

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

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

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

(b) Each county board shall provide counseling services for each pupil enrolled in the public

1 schools of the county. Each county board may set the caseloads for school counselors for high  
2 schools, middle schools and primary schools in the county. These caseloads shall be equally  
3 distributed at each academic level within the county.

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

10 (d) The state board may adopt rules consistent with the provisions of this section that define  
11 the role of a school counselor based on the “National Standards for School Counseling Programs”  
12 of the American school counselor association. A school counselor is authorized to perform such  
13 services as are not inconsistent with the provisions of the rule as adopted by the state board. To the  
14 extent that any funds are made available for this purpose, county boards shall provide training for  
15 counselors and administrators to implement the rule as adopted by the state board. The rules shall  
16 also set forth the manner in which each county is to set required caseload standards for school  
17 counselors.

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

20 (f) School counselors shall be full-time professional personnel, shall spend at least  
21 seventy-five percent of work time in a direct counseling relationship with pupils, and shall devote  
22 no more than one fourth of the work day to administrative activities: *Provided, That ~~such~~ the*

1 activities are counselor related.

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

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

5 **§18-9A-8. Foundation allowance for professional student support services.**

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

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

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

18 (3) The amount derived from the calculation in subdivision (2) of this subsection is the basic  
19 foundation allowance to the county for professional student support personnel for the 2009 fiscal  
20 year;

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

1 for the previous year; and

2 (5) For all fiscal years thereafter, ~~the basic foundation allowance to the county for~~  
3 ~~professional student support personnel remains the same amount as in the two thousand thirteen~~  
4 ~~fiscal year~~ funding shall be based upon a ratio of three hundred fifty students per each school  
5 counselor. The reenactment of this section during the 2015 Regular Session of the Legislature does  
6 not reduce funding levels for any county which currently meets or exceeds this level of funding.

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

9 (1) Enhance student achievement;

10 (2) Provide early intervention for students in grades prekindergarten through five; and

11 (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 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.