

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

Senate Bill 549

BY SENATORS ROMANO, STOLLINGS, BOLEY,
KIRKENDOLL, LAIRD, MILLER, PLYMALE, SNYDER, SYPOLT
AND WILLIAMS

[Introduced February 8, 2016;

Referred to the Committee on Education.]

1 A BILL to amend and reenact §18-5-18b of the Code of West Virginia, 1931, as amended; and to
2 amend and reenact §18-9A-8 of said code, all relating to requiring school counselors in
3 public schools to spend one hundred percent of their time on comprehensive school
4 counseling programs; school counselor county funding ratio; allowing counties to set their
5 own caseloads while requiring that counselors be equally distributed; and providing that
6 counties with funding ratio better than three hundred fifty to one are not to be penalized.

Be it enacted by the Legislature of West Virginia:

1 That §18-5-18b of the Code of West Virginia, 1931, as amended, be amended and
2 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.

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

3 (b) Each county board shall provide counseling services for each pupil enrolled in the
4 public schools of the county.

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

11 (d) The state board may adopt rules consistent with the provisions of this section that
12 define the role of a school counselor based on the "National Standards for School Counseling
13 Programs" of the American School Counselor Association. A school counselor is authorized to
14 perform such services as are not inconsistent with the provisions of the rule as adopted by the
15 state board. To the extent that any funds are made available for this purpose, county boards shall

16 provide training for counselors and administrators to implement the rule as adopted by the state
17 board.

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

20 (f) School counselors shall be full-time professional personnel and 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 activities~~
23 ~~are counselor related~~ one hundred percent of work time planning, designing, managing,
24 facilitating and evaluating a comprehensive school counseling program.

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

ARTICLE 9A. PUBLIC SCHOOL SUPPORT.

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

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

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

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

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

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

20 (5) For all fiscal years thereafter, the basic foundation allowance to the county for
21 professional student support personnel remains the same amount as in the 2013 fiscal year.

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

25 (1) Enhance student achievement;

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

27 (3) Enhance student development and career readiness

28 (c) For fiscal year 2016-2017, the school counselor county funding ratio shall be 475/1.
29 For fiscal year 2017-2018, the school counselor county funding ratio shall be 400/1. And, for
30 fiscal year 2018-2019, the school counselor county funding ratio shall be 350/1: *Provided, That*
31 the school counselors funding ratio may be limited to 500/1, but that school counselors may not
32 be limited to three hundred students.

33 (d) In order to maintain the school counselor county funding ratios set out in subsection(c),
34 counties may set their own caseloads for high school, middle school and primary levels by
35 mandating that school counselor ratios be equally distributed at each academic level in the
36 county.

37 (e) Notwithstanding any other provision of this code to the contrary, a county that currently
38 has funding at a ratio better than 350/1 may not be penalized in any manner or by loss of funding.

NOTE: The purpose of this bill is to require school counselors in public schools to spend one hundred percent of their time on comprehensive school counseling programs. The bill also structures school counselor county funding ratios for the next three years. It allows counties to set their own caseloads while requiring that counselors be equally distributed at each academic level. And, the bill provides that counties with a funding ratio better than 350/1 is not to be penalized or lose funding.

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