

# **WEST VIRGINIA LEGISLATURE**

## **2023 REGULAR SESSION**

**Introduced**

### **House Bill 3085**

By Delegates Rohrbach, Shamblin, Ferrell, W. Hall,  
and Howell

[Introduced January 26, 2023; 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, by  
 2 relating to authorizing county boards of education to provide public schools with the  
 3 services of a licensed clinical professional counselor (LCPC) with a master's degree.

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

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

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

1 (a) A school counselor means a professional educator who holds a valid school  
 2 counselor's certificate in accordance with §18A-1-1 of this code.

3 (b) A school therapist means a licensed clinical professional counselor (LCPC) with a  
 4 master's degree who holds a valid school counselor's certificate in accordance with §18A-1-1 of  
 5 this code.

6 ~~(b)~~ (c) Each county board shall provide counseling services for each pupil enrolled in the  
 7 public schools of the county by either a school counselor or a licensed clinical professional  
 8 counselor (LCPC) with a master's degree.

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

15 ~~(d)~~ (e) The state board may adopt rules consistent with the provisions of this section that  
 16 define the role of a school counselor or school therapist based on the "National Standards for  
 17 School Counseling Programs" of the American School Counselor Association. A school counselor  
 18 or school therapist ~~is authorized to~~ may perform such services as are not inconsistent with the  
 19 provisions of the rule as adopted by the state board. To the extent that any funds are made  
 20 available for this purpose, county boards shall provide training for counselors and administrators

21 to implement the rule as adopted by the state board.

22       ~~(e)~~ (f) Each county board shall develop a comprehensive drop-out prevention program  
23 utilizing the expertise of school counselors or school therapists and any other appropriate  
24 resources available.

25       ~~(f)~~ (g) School counselors or school therapists shall be full-time professional personnel,  
26 shall spend at least 80 percent of work time in a direct counseling relationship with pupils, and  
27 shall devote no more than 20 percent of the work day to administrative activities: *Provided*, That  
28 such activities are counselor related.

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

NOTE: The purpose of this bill is to authorize county boards of education to provide public schools with the services of a licensed clinical professional counselor (LCPC) with a master's degree.

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