

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

House Bill 4923

BY DELEGATE CAPUTO

[Introduced February 11, 2020; Referred to the
Committee on Education then Finance]

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 professional counselor/student
 3 ratios; establishing a ratio of one counselor for every 250 students; and requiring that
 4 every public school in the state have at least one professional counselor.

Be it enacted by the Legislature of West Virginia:

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 §18A-1-1 of this code.

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, shall spend at least 80
 21 percent of work time in a direct counseling relationship with pupils, and shall devote no more than
 22 20 percent of the work day to administrative activities: *Provided*, That such activities are counselor
 23 related.

24 (g) The county will receive funds for hiring school counselors at a ratio of one counselor
 25 for every 250 students, except that every school in the county must have at least one counselor.

26 ~~(g)~~ (h) Nothing in this section prohibits a county board from exceeding the provisions of
 27 this 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) Until the 2019-2020 fiscal year, the basic foundation allowance to the county for
 2 professional student support personnel shall be the same amount of money as in the 2013 fiscal
 3 year, plus any additional amount of funding necessary to cover any increases in the State
 4 Minimum Salary Schedule set forth in §18A-4-2 of this code.

5 (b) Effective for the 2019-2020 fiscal year and thereafter, the basic foundation allowance
 6 to the county for professional student support personnel is the amount of money required to pay
 7 the state minimum salaries, in accordance with provisions of §18A-4-1 *et seq.* of this code. ~~subject~~
 8 ~~to the following~~ Effective for the 2020-2021 fiscal year and thereafter, the basic foundation
 9 allowance to the county for professional support will be set at a level that funds the student-school
 10 counselor ratio set forth in §18-5-18b (g) of this code.

11 ~~(1) In making this computation, each county shall receive an allowance for five state aid~~
 12 ~~eligible professional student support personnel positions to each 1,000 students in net enrollment:~~
 13 ~~*Provided*, That nothing in this section precludes the county from entering into public-private~~
 14 ~~partnerships or other contracts to provide these services;~~

15 ~~(2) For any professional student support personnel positions, or fraction thereof,~~
 16 ~~determined for a county pursuant to subdivision (1) of this subsection that exceed the number~~

17 ~~employed, the county's allowance for these positions shall be determined using the average state~~
18 ~~funded salary of professional student support personnel for the county;~~

19 ~~(3) The number of and the allowance for personnel paid in part by state and county funds~~
20 ~~shall be prorated; and~~

21 ~~(4) Where two or more counties join together in support of a vocational or comprehensive~~
22 ~~high school or any other program or service, the professional student support personnel for the~~
23 ~~school or program may be prorated among the participating counties on the basis of each one's~~
24 ~~enrollment therein and the personnel shall be considered within the above-stated limit.~~

25 ~~(5) For the 2019-2020 fiscal year only, the number of positions funded for each county by~~
26 ~~subdivision (1) cannot be less than the number of positions that would have been funded in~~
27 ~~accordance with the previous methodology for determining the number of professional student~~
28 ~~support personnel positions funded for each county~~

NOTE: The purpose of this bill is to establish ratios of students to student counselors; requiring one counselor for every 250 students and requiring that every public school in the state have at least one professional counselor.

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