

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 3373

FISCAL
NOTE

By Delegate Young

[Introduced February 13, 2023; Referred to the Committee
on Education]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
 2 designated §49-10-1, §49-10-2, and §49-10-3, all relating to designation of social workers
 3 in the Department of Health and Human Resources to promote better student school
 4 attendance and performance, and the health and well-being of students at home; duties
 5 described.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 10. SERVICES TO PROMOTE SCHOOL ATTENDANCE AND STUDENT
 HEALTH AND WELL-BEING; STUDENT SERVICES WORKERS.**

**§49-10-1. Student service workers to be designated for elementary and middle schools for
 preventive services to identified students.**

1 The Department of Health and Human Resources, no later than August 1, 2023, shall
 2 name from the department’s established staff or new hires, on a regular basis, licensed social
 3 workers who will be available to teachers, principals and school staff, at elementary, middle and
 4 junior high schools in the state, to assist with preventive or early interventional social services or to
 5 make referrals for these services, to help identified students, and their families and guardians,
 6 maintain and improve student attendance and performance at school, and student health and well-
 7 being at home. The named social workers shall be known as "Student Services Workers," while
 8 engaged in services for students pursuant to this article.

§49-10-2. Duties of student services workers.

1 The named social workers when serving as student services workers shall advise
 2 teachers, principals and school staff regarding needs of identified students and may provide
 3 services or make referrals for students and their families and guardians for services, and they may
 4 refer students for special school, therapy or home placements. Student services workers are not
 5 child protective services workers or truancy diversion specialists, and they may not be required to
 6 make referrals to those specialists unless the specific needs of identified students require referrals

7 to those specialists for their attendance or performance at school or for their health and well-being
8 at home. Nor are student services workers school counselors, but instead shall be licensed to
9 practice as certified social workers in accordance with §30-30-1, et seq. of this code.

**§49-10-3. Use of evidence from student services workers; reporting of abuse and neglect
required.**

1 Student services workers shall comply with all directives in this code requiring the reporting
2 of abuse or neglect of a child or adult. Any evidence of illegal possession of controlled substances
3 or other drug or alcohol abuse in the home of a student, which is discovered by a student services
4 worker working pursuant to this article, shall not be admissible in a court with criminal case
5 jurisdiction, but may be used as evidence in other proceedings where the need for services or out-
6 of-home placements for identified students are at issue.

NOTE: The purpose of this bill is to have social workers named for each elementary, middle school and junior high school in the state who are to be available to teachers, principals and other school staff upon request, to help improve or maintain school attendance and performance and to improve the health and well-being of students at home. Limitations on services are set forth.

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