

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

Senate Bill 915

By Senator Roberts

[Introduced March 24, 2025; referred
to the Committee on Education; and then to the
Committee on Finance]

1 A BILL to amend and reenact §18-5-18b and §18-9A-8 of the Code of West Virginia, 1931, as
2 amended, relating to requiring a statewide, full-time professional counselor-to-student ratio
3 of one to every 250 students; and requiring that every public school in the state have at
4 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.

(f) School counselors shall be full-time professional personnel, shall spend at least 80 percent of work time in a direct counseling relationship with pupils, and shall devote no more than 20 percent of the workday to administrative activities: *Provided*, That such activities are directly related to their counseling duties: *Provided further*, That school counselors may not perform the following duties without a written agreement:

(1) Administering cognitive, aptitude, and achievement testing programs: *Provided*, That school counselors may administer make up tests and any tests that are required for virtual students, should no other person be available to administer the test;

(2) Routinely signing excuses for students who are tardy or absent;

(3) Performing disciplinary actions or assigning discipline consequences;

(4) Routinely covering classes when teachers are absent or to create teacher planning time;

(5) Maintaining student records: *Provided*, That school counselors may have access to student records;

(6) Computing grade-point averages: *Provided*, That school counselors may compute grade-point averages for the purpose of determining a student's eligibility for scholarships or post-secondary goals;

(7) Routinely supervising classrooms or common areas;

(8) Keeping clerical records: *Provided*, That school counselors may access clerical records;

(9) Coordinating Individual Education Plans: *Provided*, That this does not preclude school counselors from otherwise participating in Individual Education Plans when appropriate:

(10) Coordinating 504 Plans: *Provided*, That this does not preclude school counselors from otherwise participating in 504 Plans when appropriate; and

(11) Coordinating Student Assistance Teams; *Provided*, That this does not preclude school counselors from otherwise participating in Student Study Teams when appropriate.

(g) Beginning with the 2024—25 school year, school counselors shall participate in the training set forth below.

(1) At least once every two years, school counselors serving students in grades Pre-K through 12 shall participate in the School Counselors Conference, which shall address the following components:

(A) Career Counseling and Life Planning;

(B) Career awareness;

(C) Career and life planning;

(D) Career and life success;

(E) Opportunities with Career Technical Education available in West Virginia;

(F) Post secondary options;

(G) Academic Counseling and Personalized Planning;

(H) Academic motivation;

(I) Goal setting;

(J) Academic scheduling;

(K) Personalized Education Plans;

(L) Dual credit;

(M) Learning skills;

(N) Personal and Social Counseling;

(O) Decision making;

(P) Personal responsibility;

(Q) Conflict resolution; and

(R) Prevention.

(2) Every two years, school counselors serving students in grades seven through 12 shall receive training regarding building and trades and apprenticeship programs available to students in West Virginia. This training shall be administered by the department of education and provided

at no cost to the counselors.

(h) The county will receive funds for hiring school counselors at the following ratio; of one counselor to every 250-300 students in Elementary and Middle School, one counselor to every 400-450 in High School; except that every school in the county must have at least one counselor.

~~(h) (i) Nothing in this section prohibits a county board from exceeding the provisions of 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.

(a) Until the 2019-2020 fiscal year, the basic foundation allowance to the county for professional student support personnel shall be the same amount of money as in the 2013 fiscal year, plus any additional amount of funding necessary to cover any increases in the State Minimum Salary Schedule set forth in §18A-4-2 of this code.

(b) Effective for the 2019-2020 fiscal year and thereafter, the basic foundation allowance to the county for professional student support personnel is the amount of money required to pay the state minimum salaries, in accordance with provisions of §18A-4-1 *et seq.* of this code, ~~subject to the following:.~~

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

~~(2) For any professional student support personnel positions, or fraction thereof, determined for a county pursuant to subdivision (1) of this subsection that exceed the number employed, the county's allowance for these positions shall be determined using the average state funded salary of professional student support personnel for the county;~~

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

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

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

27 (c) Effective for the 2025-2026 fiscal year and thereafter, the basic foundation allowance to
28 the county for professional support will be set at a level that funds the student-school counselor
29 ratio set forth in §18-5-18b(g) of this code.

NOTE: The purpose of this bill is to require a statewide full-time professional counselor to student ratio of one to 250 students. The bill also requires 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.