

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **House Bill 5054**

By Delegate Toney

[Introduced February 02, 2026; 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, relating  
2 to requiring the counties participating in the QMHP Pilot Program to have at least one  
3 qualified mental health professional ("QMHP") in each public school in that county;  
4 defining a QMHP; establishing the pilot program; and classifying school counselors as  
5 QMHPs.

*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~~ County  
16 boards shall provide training for counselors and administrators to implement the rule as adopted  
17 by the state board.

18 (e) Each county board shall develop a comprehensive drop-out prevention program

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~~ Training, 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) All public schools in this state participating in the pilot program set forth in subsection (j) of this section shall have at least one qualified mental health professional ("QMHP"), as defined in subsection (i) of this code.

(i) A "qualified mental health professional" or "QMHP" means a person who by education and experience is professionally qualified and registered by the West Virginia Board of Examiners in Counseling to provide collaborative mental health services for adults or children. A QMHP does not engage in independent or autonomous practice. A QMHP provides services as an employee or independent contractor of the department, or a provider licensed by the department. A school counselor for a public school in this state shall be classified as a QMHP for purposes of this section. The West Virginia Board of Examiners in Counseling may hire school counselors who work as QMHPs to serve at schools.

(j) There is established a Qualified Mental Health Professional Pilot Program in this state, to consist of 10 counties to be named by the Legislative Oversight Commission on Education and Accountability ("LOCEA"). These 10 counties shall ensure that there is at least one QMHP in all public schools of the counties participating in the pilot program. After two years of the implementation of this subsection, a report shall be made to LOCEA detailing the results of the pilot program, at which time LOCEA may decide to expand the counties participating in the pilot program.

(k) Counties may contract with appropriate federal and state agencies for the purposes of billing under this pilot program.

~~(h) (l) 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.~~

NOTE: The purpose of this bill is to require the counties participating in the QMHP Pilot Program to have at least one qualified mental health professional ("QMHP") in each public school in that county. The bill establishes the pilot program. Finally, the bill classifies school

counselors as QMHPs.

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