

**H. B. 2827**

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(By Delegates L. Phillips, Stephens, Campbell, Hartman,  
Walker, P. Smith, Stowers, Eldridge and Perdue)  
[Introduced March 5, 2013; referred to the  
Committee on Education then Finance.]

**FISCAL  
NOTE**

A BILL to amend and reenact §18-5-18b of the Code of West Virginia,  
1931, as amended; and to amend and reenact §18-9A-8 of said  
code, all relating to modifying the funding ratio of school  
students to counselors; providing counties with the  
flexibility to set caseload standards so long as the standards  
equally distribute counselors to students at each academic  
level throughout the county and providing protection for  
counties that currently exceed the proposed funding ratio.

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

That §18-5-18b of the Code of West Virginia, 1931, as amended,  
be amended and reenacted; and that §18-9A-8 of said code be amended  
and reenacted, all to read as follows:

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

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

(a) A school counselor means a professional educator who holds  
a valid school counselor's certificate in accordance with article  
three of this chapter.

1 (b) Each county board shall provide counseling services for  
2 each pupil enrolled in the public schools of the county. Each  
3 county board may set the caseloads for school counselors for high  
4 schools, middle schools and primary schools in the county. These  
5 caseloads shall be equally distributed at each academic level  
6 within the county.

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

16 (d) The state board may adopt rules consistent with the  
17 provisions of this section that define the role of a school  
18 counselor based on the "National Standards for School Counseling  
19 Programs" of the American school counselor association. A school  
20 counselor is authorized to perform such services as are not  
21 inconsistent with the provisions of the rule as adopted by the  
22 state board. To the extent that any funds are made available for  
23 this purpose, county boards shall provide training for counselors  
24 and administrators to implement the rule as adopted by the state  
25 board. The rules shall also set forth the manner in which each

1 county is to set required caseload standards for school counselors.

2 (e) Each county board shall develop a comprehensive drop-out  
3 prevention program utilizing the expertise of school counselors and  
4 any other appropriate resources available.

5 (f) School counselors shall be full-time professional  
6 personnel, shall spend at least seventy-five percent of work time  
7 in a direct counseling relationship with pupils, and shall devote  
8 no more than one fourth of the work day to administrative  
9 activities: *Provided*, That such activities are counselor related.

10 (g) Nothing in this section prohibits a county board from  
11 exceeding the provisions of this section, or requires any specific  
12 level of funding by the Legislature.

13 **ARTICLE 9A. PUBLIC SCHOOL SUPPORT.**

14 **§18-9A-8. Foundation allowance for professional student support**  
15 **services.**

16 (a) The basic foundation allowance to the county for  
17 professional student support personnel shall be the amount of money  
18 determined in accordance with the following:

19 (1) The sum of the state minimum salaries, as determined in  
20 accordance with the provisions of article four, chapter eighteen of  
21 this code, for all state aid eligible school nurse and counselor  
22 positions in the county during the two thousand eight fiscal year  
23 which number shall be reduced in the same proportion as the number  
24 of professional educators allowed to be funded under section four

1 of this article to the total number of professional educators  
2 employed that are state aid eligible. In performing this  
3 calculation, the numerator shall be the number of professional  
4 educators actually funded under section four of this article and  
5 the denominator shall be the total number of professional educators  
6 employed that are eligible to be funded under section four of this  
7 article;

8 (2) The amount derived from the calculation in subdivision (1)  
9 of this subsection is increased by one half percent;

10 (3) The amount derived from the calculation in subdivision (2)  
11 of this subsection is the basic foundation allowance to the county  
12 for professional student support personnel for the 2009 fiscal  
13 year;

14 (4) For fiscal years 2010, 2011, 2012 and 2013, the basic  
15 foundation allowance to the county for professional student support  
16 personnel increases by one-half percent per year over the allowance  
17 for the previous year; and

18 (5) For all fiscal years thereafter, ~~the basic foundation~~  
19 ~~allowance to the county for professional student support personnel~~  
20 ~~remains the same amount as in the two thousand thirteen fiscal year~~  
21 funding shall be based upon a ratio of three hundred fifty students  
22 per each school counselor. The reenactment of this section during  
23 the 2013 Regular Session of the Legislature may not reduce funding  
24 levels for any county which currently meets or exceeds this level  
25 of funding.

1           (b) The additional positions for counselors that may be  
2 created as a result of the one percent increase provided pursuant  
3 to this section shall be assigned to schools where the counselor  
4 can:

5           (1) Enhance student achievement;

6           (2) Provide early intervention for students in grades  
7 prekindergarten through five; and

8           (3) Enhance student development and career readiness.

NOTE: The purpose of this bill is to create a funding ratio of 350/1 of students and school counselors. The bill would allow counties to set their own caseload standards so long as these are equally distributed at each academic level in the county. The bill would also grandfather existing counties which exceed the proposed ratio.

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