

# **WEST VIRGINIA LEGISLATURE**

## **2017 REGULAR SESSION**

**Introduced**

### **House Bill 2153**

BY DELEGATES ROWE, SOBONYA, PUSHKIN AND

ROHRBACH

[Introduced February 8, 2017; Referred  
to the Committee on Education then Finance.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,  
 2 designated §49-9-101, §49-9-102 and §49-9-103, all relating to designation of social  
 3 workers in the Department of Health and Human Services to promote better student  
 4 school attendance and performance, and the health and well-being of students at home;  
 5 duties described.

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

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new  
 2 article, designated §49-9-101, §49-9-102 and §49-9-103, all to read as follows:

**ARTICLE 9. SERVICES TO PROMOTE SCHOOL ATTENDANCE AND STUDENT  
 HEALTH AND WELL-BEING; STUDENT SERVICES WORKERS.**

**§49-9-101. 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, 2017, shall  
 2 name from the department’s established staff, on a regular basis, licensed social workers who  
 3 will be available to teachers, principals and school staff, at elementary, middle and junior high  
 4 schools in the state, to assist with preventive or early interventional social services or to make  
 5 referrals for these services, to help identified students, and their families and guardians, maintain  
 6 and improve student attendance and performance at school, and student health and well-being  
 7 at home. The named social workers shall be known as “Student Services Workers,” while  
 8 engaged in services for students pursuant to this article.

**§49-9-102. 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  
 4 may refer students for special school, therapy, or home placements. Student services workers

5 are not child protective services workers or truancy diversion specialists, and they may not be  
 6 required to make referrals to those specialists unless the specific needs of identified students  
 7 require referrals to those specialists for their attendance or performance at school or for their  
 8 health and well- being at home.

**§49-9-103. 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  
 2 reporting of abuse or neglect of a child or adult. Any evidence of illegal possession of controlled  
 3 substances or other drug or alcohol abuse in the home of a student, which is discovered by a  
 4 student services worker working pursuant to this article, shall not be admissible in a court with  
 5 criminal case jurisdiction, but may be used as evidence in other proceedings where the need for  
 6 services or out-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.