

# WEST VIRGINIA LEGISLATURE

## 2019 REGULAR SESSION

**Introduced**

### **House Bill 2328**

**FISCAL  
NOTE**

BY DELEGATES ROWE AND PYLES

[Introduced January 11, 2019; 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, relating to designation of social workers in the Department of  
3 Health and Human Resources to promote better student school attendance and  
4 performance, and the health and well-being of students at home; duties described;  
5 limitation on use of information obtained.

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

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

**§49-9-101. Student services workers to be designated for elementary and middle schools  
for preventive services to identified students.**

1 (a) The Department of Health and Human Resources, no later than August 1, 2019, shall  
2 identify from the department's established staff licensed social workers who will be available to  
3 teachers, principals and school staff, at elementary, middle, junior high and high schools in the  
4 state, to assist with preventive or early intervention social services, or to make referrals for those  
5 services.

6 (b) Student social workers shall advise teachers, principals, and school staff regarding  
7 needs of at risk students and may provide services or make referrals to needed services for  
8 students and their families and guardians. They may refer students for special school, therapy, or  
9 home placements. Student services workers shall not be child protective service workers or  
10 truancy diversion specialists, and they may not be required to make referrals to those specialists  
11 unless the specific needs of at risk students require referrals to those specialists for their  
12 attendance or performance at school or for their health and well-being at home.

13 (c) Student services workers shall comply with all directives in this code requiring the  
14 reporting of abuse or neglect of a child or adult. Any evidence of illegal possession of controlled  
15 substances or other drug or alcohol abuse in the home of an identified at risk student, which is

- 16 discovered by a student services worker working pursuant to this article, shall not be admissible  
17 in a court with criminal case jurisdiction in regard to possession of such substances, but may be  
18 used as evidence in other proceedings where at issue is the need for services or out-of-home  
19 placements for children or juveniles.

NOTE: The purpose of this bill is to have social workers identified for each elementary, middle school, junior high school and 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.