

By: Representatives Scott, Bailey, Banks,  
Blackmon, Broomfield, Buck, Clarke, Coleman  
(65th), Flaggs, Fleming, Harrison, Hines,  
Myers, Straughter, Thomas, West, Whittington,  
Young

To: Education;  
Appropriations

## HOUSE BILL NO. 1641

1 AN ACT TO PROVIDE AN ALLOTMENT OF FUNDS UNDER THE ADEQUATE  
2 EDUCATION PROGRAM FOR THE PURPOSE OF EMPLOYING ELEMENTARY SCHOOL  
3 COUNSELORS; TO REQUIRE SUCH FUNDS TO BE ALLOCATED TO THOSE SCHOOL  
4 DISTRICTS HAVING THE HIGHEST DOCUMENTED NEED FOR COUNSELORS; TO  
5 PROVIDE AN ADDITIONAL ALLOTMENT OF FUNDS IN EACH SUBSEQUENT FISCAL  
6 YEAR UNTIL EACH ELEMENTARY SCHOOL HAS EMPLOYED AT LEAST ONE  
7 COUNSELOR; TO AUTHORIZE LOCAL SCHOOL BOARDS TO ASSIGN SCHOOL  
8 COUNSELORS TO PARTICULAR ELEMENTARY SCHOOLS; TO AUTHORIZE THE  
9 STATE DEPARTMENT OF EDUCATION TO EMPLOY A SUPERVISOR OF COUNSELORS  
10 AND TO ISSUE REGULATIONS REGARDING THE SERVICES OF SUCH  
11 COUNSELORS; AND FOR RELATED PURPOSES.

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

13 **SECTION 1.** (1) Beginning with the 2004-2005 school year, in  
14 addition to other funds allotted under the adequate education  
15 program, each school district shall be allotted sufficient funding  
16 to employ one (1) elementary school counselor, with funding for an  
17 additional elementary school counselor to be allotted per fiscal  
18 year until each elementary school in the school district has one  
19 (1) state-funded counselor. If sufficient funding is not  
20 appropriated for each school district to employ an elementary  
21 school counselor, the State Department of Education shall allocate  
22 such funds to those school districts accredited at Level 1, 2 or 3  
23 which have the greatest need for counselors, as determined by  
24 records of the department and Division of Youth Services of the  
25 Department of Human Services which reflect those school districts  
26 having the highest incidences of crime and violence, free lunch  
27 participation and dropouts. Until the time that there is a  
28 counselor in every elementary school at a counselor:student ratio  
29 of 1:500 or greater, the annual appropriation for elementary  
30 counselors may not be reduced.

31 (2) The State Department of Education may increase the  
32 number of positions funded each year beyond the above requirements  
33 as money is made available.

34 (3) The assignment of the school counselors to the  
35 particular elementary schools is at the discretion of the local  
36 school district, with the following restrictions:

37 (a) The counselor:student ratio may be no less than  
38 1:500, or one (1) counselor per school building, whichever is  
39 greater.

40 (b) No individual may be employed as an elementary  
41 school counselor without appropriate training and certification as  
42 a school counselor by the State Department of Education.

43 (4) To qualify for minimum program funding, school  
44 counselors must be full-time professional personnel, spend at  
45 least seventy-five percent (75%) of work time in a direct  
46 counseling relationship with pupils, and must devote no more than  
47 one-fourth (1/4) of the work day to administrative activities that  
48 are counselor related.

49 (5) This act does not prohibit any school district from  
50 employing with local funds more elementary school counselors than  
51 are provided for in this act.

52 (6) The State Department of Education shall employ a  
53 supervisor of counselors who holds certification as a school  
54 counselor. The supervisor's responsibilities must include the  
55 oversight of the new elementary counseling programs as well as  
56 existing secondary programs.

57 (7) The State Department of Education may adopt rules and  
58 regulations regarding the activities of the school counselor, and  
59 the school counselor may perform such services that are not  
60 inconsistent with the rules and regulations.

61 **SECTION 2.** This act shall take effect and be in force from  
62 and after July 1, 2004.