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HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE BILL NO. 200

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO SCHOOL-BASED MENTAL HEALTH SERVICES.

1 WHEREAS, 1 in 5 school students suffer from a mental health disorder; and

2 WHEREAS, 11% of youth have a mood disorder, 10% of youth have a behavior or conduct disorder, and 8% of
3 youth have an anxiety disorder; and

4 WHEREAS, 45% of children have had a potentially traumatic experience; and

5 WHEREAS, of young children who show early signs of challenging behavior, fewer than 10% receive mental
6 health services, resulting in less than 1/3 of the children and adolescents with a diagnosable mental health condition
7 receiving any type of treatment; and

8 WHEREAS, 50% of all lifelong cases of mental illness begin by age 14, and 37% of students with a mental health
9 condition at age 14 and older, drop out of school which is the highest school dropout rate of any group of students with a
10 disability; and

11 WHEREAS, 70% of youth in state juvenile systems have a mental illness; and

12 WHEREAS, youth with access to mental health services in school-based health centers are 10 times more likely to
13 seek care for mental health or substance abuse than youth without access; and

14 WHEREAS, early intervention is critical to building life skills, resilience, and mental wellness; and

15 WHEREAS, leading counseling and mental health organizations, including the American School Counselor
16 Association, the National Association of School Psychologists, and the School Social Worker Association of America
17 recommend that schools maintain all of the following:

18 (a) A maximum student to school counselor ratio of 250 to 1.

19 (b) A maximum student to school social worker ratio of 250 to 1.

20 (c) A student to school psychologist ratio of 500 to 1; and

21 WHEREAS, Delaware high schools average ratios do not meet these standards; and

22 WHEREAS, the American School Counselor Association National Model includes a strong foundation in social
23 and emotional learning, direct and indirect counseling, and establishing positive mindsets and behaviors; and

24 WHEREAS, school counselors are prepared to address barriers and assess ways to maximize students' success in
25 schools, communities, and their family structure by offering education, prevention, and crisis and short-term intervention
26 until the student is connected to available community resources; and

27 WHEREAS, many Delaware high schools do not employ a school social worker; and

28 WHEREAS, school social workers create and implement school-based programs to promote a positive school
29 environment for all students, work with the entire student body to identify students in need of more intensive interventions,
30 and connect these students to additional services in the community where needed; and

31 WHEREAS, school social workers serve as a resource to the principal and other educators by providing training
32 on identifying students with mental health needs and providing a referral process when services are sought; and

33 WHEREAS, by working more closely with individual students and their families, school social workers also create
34 a bridge between the school and the community by coordinating students with resources in the community. This
35 coordination is critical to a school's success and by partnering with services in the community, social workers maximize
36 limited resources, facilitate better delivery of services, and maintain communication between partners; and

37 WHEREAS, school psychologists provide services that promote a child's communication and social skills,
38 problem solving, anger management, conflict resolution, self-regulation, self-determination, resilience, and optimism; and

39 WHEREAS, school psychologists consult with teachers and administrators on effective classroom management
40 strategies, promoting positive peer relationships and social problem-solving, school-wide positive behavior interventions
41 and supports, effective discipline policies and practices, and programs to promote student wellness and reduce risk-taking;
42 and

43 WHEREAS, school psychologists provide mental health services, including wellness and prevention
44 programming, risk assessment and interventions, and counseling, which are proven to reduce discipline referrals and
45 increase attendance and academic performance; and

46 WHEREAS, Delaware educators report that students come to school with significant unmet needs that impact the
47 students' ability to learn in school, such as hunger, homelessness, trauma, mental health issues; and

48 WHEREAS, without adequate resources to support our students, these challenges manifest as frequent, and at
49 times severe, disruptions in school that impact learning and affect all our students.

50 NOW, THEREFORE:

51 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

52 Section 1. Amend Chapter 17, Title 14 of the Delaware Code by making deletions as shown by strike through and
53 insertions as shown by underline as follows:

54 § 1716E. Mental health services unit and ~~funding.~~ funding for elementary school.

55 (a) “Mental health services unit” for funding purposes means:

56 (1) One unit for each 700 full time equivalent students in a school district or charter school, grades K through
57 5 for employment of full-time school psychologists or ~~licensed-other~~ licensed mental health therapist providers with experience
58 in a school setting or experience providing direct services to school age children. Districts and charter schools shall
59 qualify for funding for a fractional part of 700 full-time equivalent pupils enrolled in grades K through 5.

60 (c) For purposes of this ~~section,~~ section:

61 (1) “Mental health services” ~~“mental health services”~~ means prevention, response, and coordination services delivered to
62 students in elementary school building.

63 (2) “Other mental health provider” means a mental health services provider licensed by the Board of Mental
64 Health and Chemical Dependency.

65 (d) ~~Funds~~ Except as set forth in subsection (f) of this section, funds appropriated by this unit shall be used for
66 employment of full-time licensed mental health ~~therapists~~ providers who hold the appropriate license as required by the
67 Board of Mental Health and Chemical Dependency Professionals or school counselors, school social workers, or school
68 psychologists that hold the appropriate licensure and certifications under Chapter 12 of this title.

69 (1) School counselors shall be required to provide services that are aligned with the American School
70 Counselor Association (ASCA) National Model, including the provisions related to indirect and direct services as those
71 terms are defined by ASCA.

72 (2) School social workers shall be required to provide services aligned to the National Association of School
73 Social Work school social work standards.

74 (3) School psychologists shall be required to provide services aligned with the National Association of School
75 Psychologists (NASP) Model for Comprehensive and Integrated School Psychological Services.

76 (e) ~~Funds cannot be used to supplant a unit currently allocated under this section unless a district or charter school~~
77 ~~has met or exceeded the ratios listed in subsection (a) of this section.~~ [Repealed.]

78 (f) Funds appropriated in support of this unit shall be applied to the employment of a full-time certified, licensed
79 school counselor, school social worker, licensed clinical social worker, school psychologist, or licensed mental health
80 therapists Districts may pursue contracting out school psychologists and other mental health providers with approval of
81 their governing board until such time as school psychologists are no longer designated by the Department of Education as

82 certification shortage area. Districts or charter schools must combine fractional units to fund additional full-time mental
83 health services staff to the extent possible. Districts and charter schools may exercise a cash option consistent with the
84 provisions of § 1716(g) of this title for any remaining fractional funding. Funds received under this provision must be used
85 for the purchase of materials or services to be used in support of preventative and responsive mental health services herein
86 authorized, and for no other purpose.

87 § 1716F. Mental health services unit and funding for middle school.

88 (a) “Mental health services unit for middle school” for funding purposes means:

89 (4) One unit for each 700 full time equivalent students in a school district or charter school, grades 6 through
90 8, for employment of full-time school psychologists or licensed other mental health therapist provider with experience
91 in a school setting or experience providing direct services to school age children. Districts and charter schools shall
92 qualify for funding for a fractional part of 700 full-time equivalent pupils enrolled in grades 6 through 8.

93 (c) For purposes of this ~~section~~, “mental section:

94 (1) “Mental health services” means prevention, response, and coordination services delivered to students in
95 middle school.

96 (2) “Other mental health provider” means a mental health services provider licensed by the Board of Mental
97 Health and Chemical Dependency.

98 (d) ~~Funds~~ Except as set forth in subsection (e) of this section, funds appropriated by this unit shall be used for
99 employment of full-time licensed mental health therapists who hold the appropriate license as required by the Board of
100 Mental Health and Chemical Dependency Professional or school counselors, school social workers, or school psychologists
101 that hold the appropriate licensure and certifications under Chapter 12 of this title.

102 (e) Funds appropriated in support of this unit shall be applied to the employment of a full-time certified, licensed
103 school counselor, school social worker, licensed clinical social worker, school psychologist, or licensed mental health
104 therapist. Districts may pursue contracting out school psychologists or other mental health providers with approval of their
105 governing board until such time as school psychologists are no longer designated by the Department of Education as a
106 certification shortage area. Districts or charter schools must combine fractional units to fund additional full-time mental
107 health services staff to the extent possible. Districts and charter schools may exercise a cash option consistent with the
108 provisions of § 1716(g) of this title for any remaining fractional funding. Funds received under this provision must be used
109 for the purchase of materials or services to be used in support of preventative and responsive mental health services herein
110 authorized, and for no other purpose.

111 (g) (1) The Department shall provide a report to the Office of Management and Budget and to the Controller
112 General detailing the number of positions filled by position type and number of school psychology positions and other
113 mental health providers contracted for under this program at each eligible local education agency by December 30 of each
114 year.

115 (2) Each district and charter school shall provide to the Department the number of positions filled by position
116 type at each school and the number of school psychology positions and other mental health providers contracted for
117 under this program by November 30 of each year.

118 § 1716H. Mental health services unit and funding for high school.

119 (a) “Mental health services unit for high school” for funding purposes means:

120 (1) In fiscal year 2024, 1 unit for each 400 full-time equivalent students in a school district or charter school,
121 grades 9 through 12, for employment of a full-time school counselor, school social worker, or a licensed clinical social
122 worker who is certified by the Delaware Department of Education as a school social worker. Districts and charter
123 schools shall qualify for funding for a fractional part of 400 full-time equivalent pupils enrolled in grades 9 through 12.

124 (2) In fiscal year 2025, 1 unit for each 325 full-time equivalent students in a school district or charter school,
125 grades 9 through 12, for employment of a full-time school counselor, school social worker, or a licensed clinical social
126 worker who is certified by the Delaware Department of Education as a school social worker. Districts and charter
127 schools shall qualify for funding for a fractional part of 325 full-time equivalent pupils enrolled in grades 9 through 12.

128 (3) Beginning in fiscal year 2026, 1 unit for each 250 full-time equivalent students in a school district or
129 charter school, grades 9 through 12, for employment of a full-time school counselor, school social worker, or a licensed
130 clinical social worker who is certified by the Delaware Department of Education as a school social worker. Districts
131 and charter schools shall qualify for funding for a fractional part of 250 full-time equivalent pupils enrolled in grades 6
132 through 8.

133 (4) One unit for each 700 full time equivalent students in a school district or charter school, grades 9 through
134 12, for employment of full-time school psychologists or other mental health providers with experience in a school
135 setting or experience providing direct services to school age children. Districts and charter schools shall qualify for
136 funding for a fractional part of 700 full-time equivalent pupils enrolled in grades 9 through 12.

137 (b) Each pupil counted in establishing a unit for mental health services may be counted only once in a district or
138 charter.

139 (c) For purposes of this section:

140 (1) “Mental health services” means prevention, response, and coordination services delivered to students in
141 high school.

142 (2) “Other mental health provider” means a mental health services provider licensed by the Board of Mental
143 Health and Chemical Dependency.

144 (d) Except as set forth in subsection (e) of this section, funds appropriated by this unit shall be used for
145 employment of full-time licensed mental health services providers who hold an appropriate license as required by the Board
146 of Mental Health and Chemical Dependency Professionals or school counselors, school social workers, or school
147 psychologists that hold the appropriate licensure and certifications under Chapter 12 of this title.

148 (1) School counselors are required to provide services that are aligned with the American School Counselor
149 Association (ASCA) National Model, including the provisions related to indirect and direct services as those terms are
150 defined by ASCA.

151 (2) School social workers are required to provide services aligned to the National Association of School
152 Social Work school social work standards.

153 (3) School psychologists are required to provide services aligned with the National Association of School
154 Psychologists (NASP) Model for Comprehensive and Integrated School Psychological Services.

155 (e) Funds appropriated in support of this unit shall be applied to the employment of a full-time certified, licensed
156 school counselor, school social worker, licensed clinical social worker, school psychologist, or other mental health
157 provider. Districts may pursue contracting out school psychologists and other mental health providers with approval of their
158 governing board until such time as school psychologists are no longer designated by the Department of Education as a
159 certification shortage area. Districts or charter schools must combine fractional units to fund additional full-time mental
160 health services staff to the extent possible. Districts and charter schools may exercise a cash option consistent with the
161 provisions of § 1716(g) of this title for any remaining fractional funding. Funds received under this provision must be used
162 for the purchase of materials or services to be used in support of preventative and responsive mental health services herein
163 authorized, and for no other purpose.

164 (f) (1) To the extent possible, school districts should prioritize the hiring and placement of staff hired pursuant to
165 this section in schools with the highest percentage of low-income students, English learners, and students with disabilities.

166 (2) In filling positions supported by this section, the hiring and placement of school counselors who provide
167 mental health services shall be prioritized over those who provide career counseling.

168 (g) (1) The Department shall provide a report to the Office of Management and Budget and to the Controller
169 General detailing the number of positions filled by position type and number of school psychology or other mental health
170 provider positions contracted for under this program at each eligible local education agency by December 30 of each year.

171 (2) Each district and charter school shall provide to the Department the number of positions filled by position
172 type at each school and the number of school psychology or other mental health provider positions contracted for under
173 this program by November 30 of each year.

174 (h) The Department of Education shall promulgate rules and regulations to implement and enforce this section.

175 Section 2. Amend Chapter 34, Subchapter IV, Title 14 of the Delaware Code by making deletions as shown by
176 strike through and insertions as shown by underline as follows:

177 Subchapter IV. Educator and School-Based Mental Health Practitioners Support Programs

178 § 3436A. Mental health critical need reimbursement program.

179 (a) It is the purpose of this program to encourage school-based employees to become licensed mental health
180 providers and remain school employees.

181 (b) To be eligible for this program, an applicant must meet all of the following criteria:

182 (1) Be a full-time employee of a Delaware public school district or a charter school.

183 (2) Enrolled in a credit-bearing program intended to lead to certification or licensure appropriate for a full-
184 time mental health services provider as required by the Board of Mental Health and Chemical Dependency
185 Professionals.

186 (c) An eligible institution of higher education (c) is an in-state or out-of-state regionally accredited college or
187 university.

188 (d) (1) Reimbursement will be provided to eligible institutions for up to 6 credits of approved coursework that
189 meets Department of Education requirements.

190 (2) Reimbursement funds shall be distributed to the institution of higher education upon course completion
191 with a 2.0 or higher on a 4.0 scale for credit bearing courses or an equivalent passing grade in a noncredit-bearing
192 course. Eligible institutions must verify enrollment and course grades prior to disbursement of funds.

193 (3) Funding may not exceed the cost of tuition and fees or the equivalent at the highest cost public institution
194 in Delaware. If funding exceeds the appropriation, eligible institutions of higher education will be awarded funds in a
195 prorated share of the applicant pool.

196 (4) The Department may set aside funds as available for school employees meeting these criteria as demand
197 requires.

SYNOPSIS

This Act establishes a mental health services unit for Delaware high schools. The unit is phased in over 3 years, beginning in FY2024, to arrive at a final ratio of 250 full-time equivalent students grades 9-12 for a full-time school counselor, school social worker, or licensed clinical social worker. Additionally, a unit ratio of 700 full time equivalent students for grades 9-12 for employment of a full-time school psychologist. This Act defines “mental health services” as prevention, response, and coordination services delivered to students in high schools. Mental Health disorders are the most common health problem for school aged youth. According to the National Institute of Mental Health (NIMH), one in five youth are affected by a mental health disorder. Additionally, 50% of lifetime mental illnesses begin by age 14. Untreated mental illness leads to negative outcomes including increased risk of dropout, homelessness, substance abuse, other chronic illnesses, incarceration, and possibly suicide. According to the National Alliance on Mental Health, ninety percent of people who have taken their own life have had an underlying mental health condition, and suicides are on the rise. According to the Center for Disease Control and Prevention, suicides are now the second leading cause of death for youth ages 10-14. Delaware schools need trained and experienced mental health professionals to provide prevention and support programs and services to students. This bill will lower ratios of students to counselors and increase access to mental health services for high school students. Districts and charters should prioritize the hiring of school counselors who provide mental health services over those who provide career counseling.

Conforming changes are also made to code sections dealing with mental health units for elementary and middle school students.

This Act also creates a reimbursement program to encourage current school employees to gain certifications or professional licensure in critical need mental health areas.