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HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE BILL NO. 4

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

WHEREAS, the death of a student or school staff member can have a large impact on the entire school
community; and

WHEREAS, students and staff that have experienced a death in their school community need space for grieving,
supports for healing from trauma, and developmentally appropriate interventions; and

WHEREAS, the Coalition to Support Grieving Students asserts that it is critical to have prior planning, policies,
procedures, and relationships with community mental health supports established in the event of a school crisis; and

WHEREAS, while most school districts in Delaware have created policies and procedures around crisis response,
the State must ensure that each district and charter meet certain standards and requirements to ensure all Delaware children
have adequate access to supports in the event of a school-connected traumatic event.

NOW, THEREFORE:

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

Section 1. This Act shall be known and may be cited as Nolan's Law.

Section 2. Amend Chapter 38, Title 14 of the Delaware Code by making deletions as shown by strike through and
insertions as shown by underline as follows:

CHAPTER 38. Controlled Substances and Mental Health

Subchapter I. Controlled Substances

Subchapter II. Mental Health

§ 3851. Mental health services for school-connected traumatic events.

(a) As used in this section:

(1) "School-connected traumatic event" means the death of any student, educator, administrator, or other
building employee of a public school.

(2) “Public school” means traditional school districts, vocational technical school districts, and charter schools.

(b) By January 1, 2024, the Department of Education, in consultation with NAMI, Delaware, the Delaware Associations of School Psychologists, the School Social Workers Association of Delaware, the Delaware School Counselors Association, the Delaware School-Based Health Alliance, at least 1 licensed clinical pediatric psychologist, and other community stakeholders and mental health specialists, shall develop all of the following:

(1) Guidance and best practices for public schools dealing with a school-connected traumatic event, including recommendations on counseling availability during school.

(2) Written materials that public schools may distribute to students and families after a school-connected traumatic event setting forth additional public and private options for mental health care available in the State.

(3) Written materials that public schools may distribute to a student’s parent or caregiver to encourage them to seek counseling if impacted by the school-connected traumatic event.

(c) The Department of Education shall cover the cost of grief counseling offered to students for up to thirty days after a school-connected traumatic event.

(d) Every public school shall prepare a crisis response policy that shall include, at a minimum, the following:

(1) The establishment of a district crisis response team, its composition, and roles of each crisis response team member in a school-connected traumatic event.

(2) Procedures for the verification of the school-connected traumatic event and the determination of the response level necessary from the crisis response team.

(3) Procedures for the assessment of the school-connected traumatic event’s impact on students and educators, the identification and referral of students that are most impacted by the event, and the coordination of required grief counseling and crisis response services.

(4) Evaluations for further continued support after the expiration of thirty days of grief counseling provided under subsection (c) of this section.

(5) Procedures for determining the appropriate amount of information to release about the event and how to disseminate this information to students, faculty, and staff.

(6) Policies providing behavioral health supports for crisis response team members involved in the response to a school-connected traumatic event.

(e) Each public school shall adopt the policy required by subsection (d) and submit a copy to the Department of Education by September 1, 2024, and by September 1 of a newly approved charter school’s first year of operation. Each

- 52 school district and charter school shall provide any changes to the crisis response policy to the Department within 60
- 53 calendar days.

SYNOPSIS

This Act is Nolan's Law. The purpose of this legislation is to provide more behavioral health supports to school districts and charter schools in the aftermath of a school-connected traumatic event, which is defined as the death of any student, educator, administrator, or other building employee of a public school.

The Department of Education is charged with developing guidance, best practices, and written resources for schools dealing with a school-connected traumatic event. The Department must consult with behavioral health specialists and school-based mental health professional organizations such as NAMI, Delaware, Delaware Association of School Psychologists, Delaware School Counselors Association, and the School Social Workers Association of Delaware. The Department must finalize these items by January 1, 2024.

This legislation also requires the Department to cover the costs of grief counseling offered to students for up to thirty days after a school-connected traumatic event.

In an effort to create a more standardized approach for the occurrence of a school-connected traumatic event, this bill charges each school district and charter school to establish a detailed crisis response policy that must meet a minimum number of required policies and procedures. Policies must be adopted by the school district or charter and distributed to the Department of Education by September 1, 2024.