



SPONSOR: Rep. K. Williams & Rep. Dorsey Walker &  
Sen. S. McBride  
Reps. Baumbach, Griffith, Heffernan, Hilovsky,  
K. Johnson, Lambert, Morrison, Neal, Osienski, Wilson-  
Anton; Sens. Gay, Hansen, Hocker, Hoffner,  
Mantzavinos, Pinkney, Sokola, Sturgeon, Walsh, Wilson

HOUSE OF REPRESENTATIVES  
152nd GENERAL ASSEMBLY

HOUSE SUBSTITUTE NO. 1  
FOR  
HOUSE BILL NO. 83

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO ORAL HEALTH SCREENINGS.

1 WHEREAS, all Head Start Programs and Delaware Department of Education funded Early Childhood Assistance  
2 Programs (ECAPs) currently require yearly oral screening and referrals, as warranted, for all enrolled children in  
3 accordance with national best practices; and

4 WHEREAS, the American Academy of Pediatric Dentistry recommends preventative oral health programs and  
5 services to reduce oral health disparities by preventing, identifying, and treating oral health issues early; and

6 WHEREAS, early identification of oral health problems, preventive dental measures and assistance with accessing  
7 care significantly reduces dental expenditure and improves student readiness to learn; and

8 WHEREAS, the Delaware Department of Health and Social Services' January 2020 Burden of Oral Diseases  
9 Report demonstrated the significant long-term benefits of oral health screening and preventive measures.

10 NOW, THEREFORE:

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

12 Section 1. Amend Chapter 41, Title 14 of the Delaware Code by making deletions as shown by strike through and  
13 insertions as shown by underline as follows:

14 § 4123. Oral health screening.

15 (a) For purposes of this section, "oral health screening" means the screening done by a dental hygienist or dentist.

16 (b) Each school district and charter school must provide an oral health screening to each student enrolled in  
17 kindergarten by the last student attendance day of each school year.

18 (c) The school shall record the results of the oral health screenings within the student's electronic health record.

19 (d) If a student fails an oral health screening, the school must notify the student's parent, guardian, or relative  
20 caregiver.

21           (e) The Bureau of Oral Health and Dental Services must inform a parent or guardian of each student’s oral health  
22 status by sending home, with the student, a copy of the dental screening results and must refer students who need a dental  
23 referral or restorative care to a dentist.

24           (f) The requirements of this section are contingent on the ongoing funding and implementation of the Delaware  
25 Smile Check Program under the Department of Health and Social Services or other comparable program of sufficient  
26 capacity to provide free oral health screenings to all enrolled kindergarten students.

27 Section 2. This Act takes effect for the 2024-2025 school year.

#### SYNOPSIS

This Act requires every public school and charter school to provide students enrolled in kindergarten with an oral health screening by the last student attendance day of each school year. Notification to the parent or guardian must be done and a copy of the oral health screening results sent home. A referral to a dentist, if required, will be provided by the Bureau of Oral Health and Dental Services. The Division of Public Health (DPH), through the Delaware Smile Check Program, offers school-based oral screenings, at no cost to the school districts, schools, including charter schools, or the students. This Substitute Bill takes out the requirement to advise teachers of the results of the oral health screenings, including Special Education Coordinators and Educational Diagnosticians of students with an IEP. This Substitute Bill also removes any follow-up requirements, by the school, with the student’s parent or guardian. The Substitute Bill also makes the school requirements, under this Act, contingent on the Delaware Smile Check Program remaining in effect or a comparable program to provide free oral health screenings to all enrolled kindergarten students. This Act takes effect for the 2024-2025 school year.