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HOUSE OF REPRESENTATIVES  
151st GENERAL ASSEMBLY

HOUSE BILL NO. 35

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO THE BEHAVIORAL HEALTH PROFESSIONAL OF THE YEAR.

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

1 Section 1. Amend Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as  
2 shown by underline as follows:

3 § 8901E. Established.

4 There is hereby established a series of Behavioral Health Professional of the Year Awards the purpose of which is  
5 to reward outstanding Behavioral Health Support Professionals throughout the State.

6 § 8902E. Definitions.

7 “Behavioral Health Professional” “(BHP).” A school employee whose position is health care practitioner or social  
8 or human services provider who offers services for the purpose of improving an individual’s mental health: such as, school  
9 counselors, social workers, licensed clinical social workers, school psychologists, and school nurses.

10 § 8903E. Procedure.

11 Each year every school district throughout this state shall conduct a study to determine those Behavioral Health  
12 Professionals who are deserving of the title “Behavioral Health Professional of the year” from that district. One Behavioral  
13 Health Professional of the year may be selected to represent all of the charter schools in the State. The selection process  
14 will follow the guidelines developed by the Department of Education which includes input from Behavioral Health  
15 Professionals, administrators and Department of Education staff. After the districts make their selections, the state-wide  
16 behavioral health professional of the year shall be selected following the current guidelines.

17 § 8904E. Range of awards

18 (a) Those individuals who are chosen Behavioral Health Professional of the year in their respective district shall be  
19 nominated for the behavioral health professional of the year award.

20 (b) Those individuals who are chosen Behavioral Health Professional of the year for their respective school  
21 districts will be awarded \$2,000.

22 (c) The individual who is chosen state Behavioral Health Professional of the year shall be awarded \$3,000 in  
23 addition to the district level award.

24 § 8905E. Fund established.

25 (a) A special fund of \$5,000 shall be set aside within the budget of the Department of Education, which fund shall  
26 be known and referred to as the "Behavioral Health Professional of the Year Award."

27 (b) Each annual recipient of the Behavioral Health Professional of the year award pursuant to this chapter shall  
28 have set aside from the Behavioral Health Professional of the Year Award Fund, for that recipient's exclusive assignment  
29 and disbursement, an amount equal to \$5,000. The award recipient shall not directly receive the funds so set aside, but may  
30 make such withdrawals as are necessary for that recipient's educational purposes and objectives as herein authorized.

31 (c) The Fund established by this section shall be distinct from, and in addition to, the money directly given to the  
32 individual Behavioral Health Professionals as specified in § 8904E of this title.

33 § 8906E. Use of funds.

34 (a) The Department of Education shall adopt and promulgate rules and regulations concerning the use to which  
35 Behavioral Health Professional of the year award funds may be assigned by the designated recipient.

36 (b) The amount set aside for designation by an award recipient shall be expended solely to accomplish educational  
37 purposes or objectives for pupils. No amount or portion of such award shall be used for the personal benefit of the award  
38 recipient; provided, however, that in the use of such funds for educational purposes the recipient may be an indirect or  
39 incidental beneficiary as Behavioral Health Professional of the benefited pupils. In the event that all funds set aside for an  
40 award recipient have not been completely expended by that recipient at the time when a subsequent award is granted, the  
41 remainder of the former recipient's award shall not revert, but shall remain set aside in the name of such former recipient  
42 until such time as it is totally expended or the recipient dies or leaves the State.

43 (c) The recipient shall present to the superintendent of the school district in which that recipient is employed a plan  
44 for utilization of the award. Such submission shall not waive the right of the recipient to judge and choose but shall be in  
45 order to avoid wasteful duplication of materials or violation of school district policy regarding students, materials or  
46 activities. The principal criteria for use of the Fund shall be that of benefit to pupils. The Fund may be designated for the  
47 following:

48 (1) Purchase of non-consumable materials and supplies; e.g., library books, audio visual equipment, crossing  
49 signs, computer equipment and programs, musical instruments, specialized furniture.

50           (2) Purchase of otherwise consumable materials that are by students; e.g., paper, notebooks, binders, pens,  
51 pencils, paints, instruments, wood and metal.

52           (3) Employment of performers and consultants; e.g., touring companies of a dramatic or musical group,  
53 visiting artist, poet, author, and other subject matter experts.

54           (4) Student centered professional development for building level Behavioral Health Professionals.

55           (5) Reimbursements to the recipient, not to exceed \$500, for personal expenses.

56           (d) Where the recipient has purchased materials, equipment or any other durable item with award funds, such item  
57 shall be the property of the Delaware school district in which the recipient is employed at the time of the expenditure. Each  
58 invoice, purchase order and personal reimbursement form related to withdrawals from Behavioral Health Professional of  
59 the year award funds shall be retained by the school district and shall be available for inspection as public records and  
60 subject to regular audit by the State Auditor of Accounts.

61           § 8907E. Pension modifications.

62           Each Behavioral Health Professional of the year, on every level, shall have added to that Behavioral Health  
63 Professional's final year of salary the dollar amount of that Behavioral Health Professional's Behavioral Health Professional  
64 of the Year Award or Awards as enumerated in § 8904E of this title solely for computing the final average compensation  
65 for pension purposes.

#### SYNOPSIS

This Act establishes a Behavioral Health Professional of the year award program throughout the State. Through this legislation, the state will formally honor and recognize the work behavioral health professionals, such as, school counselors, social workers, licensed clinical social workers, school psychologists, and school nurses.