



SPONSOR: Rep. K. Williams & Sen. S. McBride & Sen. Brown  
Reps. Baumbach, Bentz, Bolden, Brady, Dorsey Walker,  
Griffith, Heffernan, K. Johnson, Longhurst, Matthews,  
Morrison, Michael Smith, Wilson-Anton; Sens. Gay,  
Lockman, Poore, Sokola, Sturgeon, Townsend, Walsh

HOUSE OF REPRESENTATIVES  
151st GENERAL ASSEMBLY

HOUSE BILL NO. 294

AN ACT TO AMEND TITLES 14 OF THE DELAWARE CODE RELATING TO HEALTH EXAMINATIONS.

1 WHEREAS, the Division of Public Health (DPH) offers school-based oral screening and fluoride applications  
2 through the Delaware Smile Check program; and

3 WHEREAS, currently child care directors, school district superintendents, and individual school principals must  
4 agree annually to participate in the free, voluntary Delaware Smile Check program; and

5 WHEREAS, currently, all participating programs must annually collect, process, and file hard copies of consent  
6 forms and student information forms for all participating children; and

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

10 WHEREAS, the American Academy of Pediatric Dentistry recommends oral screening and fluoride treatments as  
11 preventative measures to reduce the risk of tooth decay; and

12 WHEREAS, the cost of preventive measures to address oral health problems and tooth decay is significantly less  
13 than the cost of treatment; and

14 WHEREAS, the Centers for Disease Control and Prevention (CDC) has determined that School sealant programs  
15 that serve students at high risk for cavities can become cost-saving in 2 years and save \$11.70 per sealed tooth over 4 years;  
16 and

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

19 NOW, THEREFORE:

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

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

23           § 4144 Oral health, vision, and hearing screening.

24           (a) For the purposes of this section, “oral health screening” means the screening done by a hygienist, dentist, or  
25 trained health or medical professional who informs parents/guardians of each student’s oral health status through a report  
26 card that is sent to the student’s home.

27           (b) Each school district and charter school shall provide each student in preschool, kindergarten, and in grades 2  
28 and 4 an oral health screening by January 15 of each school year.

29           (c) For each school enterer who enters school after January 15 each school district and charter school shall provide  
30 each student in preschool, kindergarten, and in grades 2 and 4 a vision, hearing, and oral health screening within 60 days of  
31 the student entering school.

32           (d) Each school district and charter school shall provide a vision and hearing screening for each school enterer  
33 who enters within 60 calendar days of entering school, any students referred by a teacher or an administrator, and all  
34 students being evaluated for special education eligibility.

35           (e) The school nurse shall record the results of the vision, hearing, and oral health screenings within the student’s  
36 electronic health recorder within 30 days of each screening.

37           (f) If the student has a suspected vision, hearing, or oral health problem, the school nurse shall notify the student’s  
38 primary teacher and the student’s parent, guardian, or relative caregiver, or the student if 18 years or older or an  
39 unaccompanied homeless youth. Notification shall take place within 7 days of a failed screening. If the student has an IEP,  
40 the school nurse shall notify the Special Education Coordinator or Educational Diagnostician responsible for the student’s  
41 case management within 7 days of a failed screening. The school nurse shall make three attempts to follow-up with the  
42 parent, guardian, or relative caregiver when a referral for a failed screening is warranted. All follow-up attempts shall be  
43 documented in the student’s electronic record and shall be implemented at or around 30 days, 60 days, and 90 days after a  
44 suspected problem has been detected and initially reported to those for whom notification is required.

#### SYNOPSIS

This Act requires each school district and charter school to provide each student in preschool, kindergarten, and in grades 2 and 4 an oral health screening by January 15 of each school year. The Division of Public Health (DPH) offers school-based oral screening and fluoride applications through the Delaware Smile Check program at no cost to the school district or charter school or to the student.