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HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE BILL NO. 300

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO FREE PUBLIC SCHOOLS.

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 middle schools average ratio of students to each school counselor does not meet this
22 standard; and

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

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

28 WHEREAS, many Delaware middle schools do not employ a school social worker; and

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

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

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

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

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

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

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

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

51 NOW, THEREFORE:

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

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

55 § 1716F. Mental health services unit and funding for middle school.

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

57 (1) In fiscal year 2023, one unit for each 400 full-time equivalent students in a school district or charter
58 school, grades 6 through 8, for employment of a full-time school counselor, or school social worker or a licensed
59 clinical social worker who is certified by the Delaware Department of Education as a school social worker. Districts
60 and charter schools shall qualify for funding for a fractional part of 400 full-time equivalent pupils enrolled in grades 6
61 through 8.

62 (2) In fiscal year 2024, one unit for each 325 full-time equivalent students in a school district or charter
63 school, grades 6 through 8, for employment of a full-time school counselor, or school social worker or a licensed
64 clinical social worker who is certified by the Delaware Department of Education as a school social worker. Districts
65 and charter schools shall qualify for funding for a fractional part of 325 full-time equivalent pupils enrolled in grades 6
66 through 8.

67 (3) Beginning in fiscal year 2025, one unit for each 250 full-time equivalent students in a school district or
68 charter school, grades 6 through 8, for employment of a full-time school counselor, or school social worker or a
69 licensed clinical social worker who is certified by the Delaware Department of Education as a school social worker.
70 Districts and charter schools shall qualify for funding for a fractional part of 250 full-time equivalent pupils enrolled in
71 grades 6 through 8.

72 (4) 1 unit for each 700 full time equivalent students in a school district or charter school, grades 6 through 8,
73 for employment of full-time school psychologists or licensed mental health therapist with experience in a school setting
74 or experience providing direct services to school age children. Districts and charter schools shall qualify for funding for
75 a fractional part of 700 full-time equivalent pupils enrolled in grades 6 through 8.

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

78 (c) For purposes of this section, “mental health services” means prevention, response, and coordination services
79 delivered to students in middle school.

80 (d) Funds appropriated by this unit shall be used for employment of full-time licensed mental health therapists
81 who hold the appropriate license as required by the Board of Mental Health and Chemical Dependency Professional or
82 school counselors, school social workers, or school psychologists that hold the appropriate licensure and certifications
83 under Chapter 12 of this title.

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

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

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

91 (f) Funds cannot be used to supplant a unit currently allocated under this section unless a district or charter school
92 has met or exceeded the ratios listed in § 1716F(a).

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

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

104 (i) Funds shall be provided pursuant to this section at a level necessary to satisfy the ratio requirements.
105 Determination of necessary funding level shall consider funds received through the Opportunity Fund and any other
106 existing funding already applied toward employment of mental health support personnel or school psychology services
107 already in place as of [the effective date of this Act].

108 (j) Funds allocated under this section may not supplant mental health funding from another source unless a district
109 or charter meets or exceeds the ratios listed in 1716F(a) and has an approved application for supplanted funds by the
110 Secretary of Education.

111 (k) (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 contracted for
113 under this program at each eligible local education agency by December 15th of each year.

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

117 (l) The Department of Education shall promulgate rules and regulations to implement and enforce this chapter.

SYNOPSIS

This Act establishes a mental health services unit for Delaware middle schools. The unit is phased in over 3 years, beginning in FY2023, to arrive at a final ratio of 250 full-time equivalent students grades 6-8 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 6-8 for employment of a full-time school psychologist. This Act defines “mental health services” as prevention, response, and coordination services delivered to students in elementary 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 middle school students.