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Mantzavinos, S. McBride, Sturgeon

HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE BILL NO. 200
AS AMENDED BY
HOUSE AMENDMENT NO. 1

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

WHEREAS, 1 in 5 school students suffer from a mental health disorder; and

WHEREAS, 11% of youth have a mood disorder, 10% of youth have a behavior or conduct disorder, and 8% of youth have an anxiety disorder; and

WHEREAS, 45% of children have had a potentially traumatic experience; and

WHEREAS, of young children who show early signs of challenging behavior, fewer than 10% receive mental health services, resulting in less than 1/3 of the children and adolescents with a diagnosable mental health condition receiving any type of treatment; and

WHEREAS, 50% of all lifelong cases of mental illness begin by age 14, and 37% of students with a mental health condition at age 14 and older, drop out of school which is the highest school dropout rate of any group of students with a disability; and

WHEREAS, 70% of youth in state juvenile systems have a mental illness; and

WHEREAS, youth with access to mental health services in school-based health centers are 10 times more likely to seek care for mental health or substance abuse than youth without access; and

WHEREAS, early intervention is critical to building life skills, resilience, and mental wellness; and

WHEREAS, leading counseling and mental health organizations, including the American School Counselor Association, the National Association of School Psychologists, and the School Social Worker Association of America recommend that schools maintain all of the following:

(a) A maximum student to school counselor ratio of 250 to 1.

(b) A maximum student to school social worker ratio of 250 to 1.

(c) A student to school psychologist ratio of 500 to 1; and

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WHEREAS, Delaware high schools average ratios do not meet these standards; and

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

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

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

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

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

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

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

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

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

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

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

NOW, THEREFORE:

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

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

§ 1716E. Mental health services unit and ~~funding.~~ funding for elementary school.

(a) "Mental health services unit" for funding purposes means:

(1) One unit for each 700 full time equivalent students in a school district or charter school, grades K through 5 for employment of full-time school psychologists or ~~licensed~~ other mental health ~~therapist~~ providers with experience in a school setting or experience providing direct services to school age children. Districts and charter schools shall qualify for funding for a fractional part of 700 full-time equivalent pupils enrolled in grades K through 5.

(c) For purposes of this ~~section,~~ section:

(1) "Mental "~~mental~~ health services" means prevention, response, and coordination services delivered to students in elementary school building.

(2) "Other mental health provider" means a mental health services provider licensed by the Board of Mental Health and Chemical Dependency.

(d) ~~Funds~~ Except as set forth in subsection (f) of this section, funds appropriated by this unit shall be used for employment of full-time licensed mental health ~~therapists~~ providers who hold the appropriate license as required by the Board of Mental Health and Chemical Dependency Professionals or school counselors, school social workers, or school psychologists that hold the appropriate licensure and certifications under Chapter 12 of this title.

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

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

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

(e) ~~Funds cannot be used to supplant a unit currently allocated under this section unless a district or charter school has met or exceeded the ratios listed in subsection (a) of this section.~~ [Repealed.]

(f) Funds appropriated in support of this unit shall be applied to the employment of a full-time certified, licensed school counselor, school social worker, licensed clinical social worker, school psychologist, or licensed mental health therapists Districts may pursue contracting out school psychologists and other mental health providers with approval of

their governing board until such time as school psychologists are no longer designated by the Department of Education as certification shortage area. Districts or charter schools must combine fractional units to fund additional full-time mental health services staff to the extent possible. Districts and charter schools may exercise a cash option consistent with the provisions of § 1716(g) of this title for any remaining fractional funding. Funds received under this provision must be used for the purchase of materials or services to be used in support of preventative and responsive mental health services herein authorized, and for no other purpose.

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

(a) "Mental health services unit for middle school" for funding purposes means:

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

(c) For purposes of this ~~section, "mental~~ section:

(1) "Mental health services" means prevention, response, and coordination services delivered to students in middle school.

(2) "Other mental health provider" means a mental health services provider licensed by the Board of Mental Health and Chemical Dependency.

(d) ~~Funds~~ Except as set forth in subsection (e) of this section, funds appropriated by this unit shall be used for employment of full-time licensed mental health therapists who hold the appropriate license as required by the Board of Mental Health and Chemical Dependency Professional or school counselors, school social workers, or school psychologists that hold the appropriate licensure and certifications under Chapter 12 of this title.

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

(g) (1) The Department shall provide a report to the Office of Management and Budget and to the Controller General detailing the number of positions filled by position type and number of school psychology positions and other mental health providers contracted for under this program at each eligible local education agency by December 30 of each year.

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

§ 1716H. Mental health services unit and funding for high school.

(a) "Mental health services unit for high school" for funding purposes means:

(1) In fiscal year 2024, 1 unit for each 400 full-time equivalent students in a school district or charter school, grades 9 through 12, for employment of a full-time school counselor, school social worker, or a licensed clinical social worker who is certified by the Delaware Department of Education as a school social worker. Districts and charter schools shall qualify for funding for a fractional part of 400 full-time equivalent pupils enrolled in grades 9 through 12.

(2) In fiscal year 2025, 1 unit for each 325 full-time equivalent students in a school district or charter school, grades 9 through 12, for employment of a full-time school counselor, school social worker, or a licensed clinical social worker who is certified by the Delaware Department of Education as a school social worker. Districts and charter schools shall qualify for funding for a fractional part of 325 full-time equivalent pupils enrolled in grades 9 through 12.

(3) Beginning in fiscal year 2026, 1 unit for each 250 full-time equivalent students in a school district or charter school, grades 9 through 12, for employment of a full-time school counselor, school social worker, or a licensed clinical social worker who is certified by the Delaware Department of Education as a school social worker. Districts and charter schools shall qualify for funding for a fractional part of 250 full-time equivalent pupils enrolled in grades 6 through 8.

(4) One unit for each 700 full time equivalent students in a school district or charter school, grades 9 through 12, for employment of full-time school psychologists or other mental health providers with experience in a school setting or experience providing direct services to school age children. Districts and charter schools shall qualify for funding for a fractional part of 700 full-time equivalent pupils enrolled in grades 9 through 12.

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

(c) For purposes of this section:

(1) “Mental health services” means prevention, response, and coordination services delivered to students in high school.

(2) “Other mental health provider” means a mental health services provider licensed by the Board of Mental Health and Chemical Dependency.

(d) Except as set forth in subsection (e) of this section, funds appropriated by this unit shall be used for employment of full-time licensed mental health services providers who hold an appropriate license as required by the Board of Mental Health and Chemical Dependency Professionals or school counselors, school social workers, or school psychologists that hold the appropriate licensure and certifications under Chapter 12 of this title.

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

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

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

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

(f) (1) To the extent possible, school districts should prioritize the hiring and placement of staff hired pursuant to this section in schools with the highest percentage of low-income students, English learners, and students with disabilities.

(2) In filling positions supported by this section, the hiring and placement of school counselors who provide mental health services, including services that are aligned with the American School Counselor Association (ASCA) National Model, shall be prioritized over those who solely provide career counseling.

(g) (1) The Department shall provide a report to the Office of Management and Budget and to the Controller General detailing the number of positions filled by position type and number of school psychology or other mental health provider positions contracted for under this program at each eligible local education agency by December 30 of each year.

(2) Each district and charter school shall provide to the Department the number of positions filled by position type at each school and the number of school psychology or other mental health provider positions contracted for under this program by November 30 of each year.

(h) The Department of Education shall promulgate rules and regulations to implement and enforce this section.

Section 2. Amend Chapter 34, Subchapter IV, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

Subchapter IV. Educator and School-Based Mental Health Practitioners Support Programs

§ 3436A. Mental health critical need reimbursement program.

(a) It is the purpose of this program to encourage school-based employees to become licensed mental health providers and remain school employees.

(b) To be eligible for this program, an applicant must meet all of the following criteria:

(1) Be a full-time employee of a Delaware public school district or a charter school.

(2) Enrolled in a credit-bearing program intended to lead to certification or licensure appropriate for a full-time mental health services provider as required by the Board of Mental Health and Chemical Dependency Professionals.

(3) Have signed a written commitment to work in a Delaware school for at least 3 years after receiving the certification or licensure for which they receive reimbursement under this section.

(c) An eligible institution of higher education is an in-state or out-of-state regionally accredited college or university.

(d) (1) Reimbursement will be provided to eligible institutions for up to 6 credits of approved coursework that meets Department of Education requirements.

(2) Reimbursement funds shall be distributed to the institution of higher education upon course completion with a 2.0 or higher on a 4.0 scale for credit bearing courses or an equivalent passing grade in a noncredit-bearing course. Eligible institutions must verify enrollment and course grades prior to disbursement of funds.

(3) Funding may not exceed the cost of tuition and fees or the equivalent at the highest cost public institution in Delaware. If funding exceeds the appropriation, eligible institutions of higher education will be awarded funds in a prorated share of the applicant pool.

(4) The Department may set aside funds as available for school employees meeting these criteria as demand requires.