SPONSOR: Rep. Longhurst & Rep. Heffernan & Rep. Minor-Brown
& Rep. Neal & Rep. Michael Smith &
Rep. Dorsey Walker & Sen. Sturgeon
Reps. Chukwuocha, Hensley, S. Moore, Morrison,
Osienski, Parker Selby, K. Williams; Sens. Gay, Hansen,
Hoffner, Huxtable, Lockman, S. McBride, Poore

HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE BILL NO. 4
AS AMENDED BY
HOUSE AMENDMENT NO. 2

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

WHEREAS, the death of a student or school staff member can have a large impact on the entire school community; and

WHEREAS, students and staff that have experienced a death in their school community need space for grieving, supports for healing from trauma, and developmentally appropriate interventions; and

WHEREAS, the Coalition to Support Grieving Students asserts that it is critical to have prior planning, policies, procedures, and relationships with community mental health supports established in the event of a school crisis; and

WHEREAS, while most school districts in Delaware have created policies and procedures around crisis response, the State must ensure that each district and charter meet certain standards and requirements to ensure all Delaware children have adequate access to supports in the event of a school-connected traumatic event.

NOW, THEREFORE:

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

Section 1. This Act shall be known and may be cited as Nolan’s Law.

Section 2. Amend Chapter 38, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

CHAPTER 38. Controlled Substances and Mental Health

Subchapter I. Controlled Substances

Subchapter II. Mental Health

§ 3851. Mental health services for school-connected traumatic events.

(a) As used in this section:

HD : KL : MAW : 2141520011
LC : HVW : CBM : 5081520071
Released: 06/29/2023 03:42 PM

(1) “School-connected traumatic event” means the death of any student, educator, administrator, or other building employee of a public school or other traumatic event that affects a significant portion of the students of the school.

(2) “Public school” means traditional school districts, vocational technical school districts, and charter schools.

(b) By January 1, 2024, the Department of Education, in consultation with NAMI, Delaware, the Delaware Associations of School Psychologists, the School Social Workers Association of Delaware, the Delaware School Counselors Association, the Delaware School-Based Health Alliance, at least 1 licensed clinical pediatric psychologist, and other community stakeholders and mental health specialists, shall develop all of the following:

(1) Guidance and best practices for public schools dealing with a school-connected traumatic event, including recommendations on counseling availability during school.

(2) Written materials that public schools may distribute to students and families after a school-connected traumatic event setting forth additional public and private options for mental health care available in the State.

(3) Written materials that public schools may distribute to a student’s parent or caregiver to encourage them to seek counseling if impacted by the school-connected traumatic event.

(c) The Department of Education shall cover the cost of grief counseling offered at the school to students for 45 days after a school-connected traumatic event. After 30 days, the Department and the school administration shall consult about the need for continuing grief counseling services, and the Department shall continue to cover the cost of grief counseling at the school for an additional 45 days where a showing of significant need for and utilization of the services has been made.

(d) Every public school shall prepare a crisis response policy that shall include, at a minimum, the following:

(1) The establishment of a district crisis response team, its composition, and roles of each crisis response team member in a school-connected traumatic event.

(2) Procedures for the verification of the school-connected traumatic event and the determination of the response level necessary from the crisis response team.

(3) Procedures for the assessment of the school-connected traumatic event’s impact on students and educators, the identification and referral of students that are most impacted by the event, and the coordination of required grief counseling and crisis response services.

(4) Evaluations for further continued support after the expiration of thirty days of grief counseling provided under subsection (c) of this section.

(5) Procedures for determining the appropriate amount of information to release about the event and how to disseminate this information to students, faculty, and staff.

(6) Policies providing behavioral health supports for crisis response team members involved in the response to a school-connected traumatic event.

(e) Each public school shall adopt the policy required by subsection (d) and submit a copy to the Department of Education by September 1, 2024, and by September 1 of a newly approved charter school's first year of operation. Each school district and charter school shall provide any changes to the crisis response policy to the Department within 60 calendar days.

(f) By September 1 of each year, beginning in 2024, the Department of Education shall submit a report to the Chairs of the House and Senate Education Committees and the Chairs of the Joint Finance Committee detailing the cost of providing grief counseling in schools under this section.