

LAWS OF DELAWARE
VOLUME 83
CHAPTER 6
151st GENERAL ASSEMBLY
FORMERLY
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:

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

§ 8901E. Established.

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

§ 8902E. Definitions.

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

§ 8903E. Procedure.

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

§ 8904E. Range of awards

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

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

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

§ 8905E. Fund established.

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

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

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

§ 8906E. Use of funds.

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

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

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

- (1) Purchase of non-consumable materials and supplies; e.g., library books, audio visual equipment, crossing signs, computer equipment and programs, musical instruments, specialized furniture.
- (2) Purchase of otherwise consumable materials that are by students; e.g., paper, notebooks, binders, pens, pencils, paints, instruments, wood and metal.
- (3) Employment of performers and consultants; e.g., touring companies of a dramatic or musical group, visiting artist, poet, author, and other subject matter experts.
- (4) Student centered professional development for building level Behavioral Health Professionals.
- (5) Reimbursements to the recipient, not to exceed \$500, for personal expenses.

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

§ 8907E. Pension modifications.

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

Approved February 17, 2021