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Hansen, Lopez, Poore, Sokola

HOUSE OF REPRESENTATIVES  
151st GENERAL ASSEMBLY

HOUSE BILL NO. 300  
AS AMENDED BY  
HOUSE AMENDMENT NO. 1

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 health  
6 services, resulting in less than 1/3 of the children and adolescents with a diagnosable mental health condition receiving any  
7 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 standard;

22 and

23 WHEREAS, the American School Counselor Association National Model includes a strong foundation in social and  
24 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 on  
33 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 coordination  
36 is critical to a school's success and by partnering with services in the community, social workers maximize limited resources,  
37 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, problem  
39 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 and  
42 supports, effective discipline policies and practices, and programs to promote student wellness and reduce risk-taking; and

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

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

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

50 NOW, THEREFORE:

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

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

54 § 1716F. Mental health services unit and funding for middle school.

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

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

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

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

69 (4) 1 unit for each 700 full time equivalent students in a school district or charter school, grades 6 through 8,  
70 for employment of full-time school psychologists or licensed mental health therapist with experience in a school setting  
71 or experience providing direct services to school age children. Districts and charter schools shall qualify for funding for  
72 a fractional part of 700 full-time equivalent pupils enrolled in grades 6 through 8.

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

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

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

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

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

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

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

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

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

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

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