



STATE OF DELAWARE  
**STATE COUNCIL FOR PERSONS WITH DISABILITIES**  
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The Honorable John Carney,  
Governor

John McNeal, Director  
SCPD

## MEMORANDUM

DATE: May 30, 2023

TO: All Members of the Delaware State Senate  
and House of Representatives

FROM: Mr. Benjamin Shrader, Chairperson   
State Council for Persons with Disabilities

RE: HB 200 (School-based Mental Health Services)

The State Council for Persons with Disabilities (SCPD) has reviewed HB 200 which seeks to establish requirements for mental health staffing in Delaware public and charter high schools, comparable to requirements that already exist under state law for public elementary and middle schools. *See* 14 Del C. § 1716E, 1716F. HB 200 was introduced and assigned to the Education Committee in the House on April 25, 2023. It has since been reported out of committee on May 3, 2023, and was assigned to the Appropriations Committee in the House on May 4, 2023.

SCPD has the following observations and one correction:

- According to the proposed legislation, a “mental health services unit for high school” is defined as funding for a certain ratio of mental health staff to students in grades 9 to 12. For the 2024 fiscal year, the bill would define a mental health services unit for high school to include one “full-time counselor, school social worker, or licensed clinical social worker” for every 400 students; then it would decrease by 2026 fiscal year as it would consist of one of these staff for every 250 students.

- Additionally, a “mental health services unit for high school” would include funding 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-aged children” for 700 full-time students. “Other mental health providers” are defined as “mental health services providers licensed by the Board of Mental Health and Chemical Dependency.”
- In addition to creating mental health units for high schools, this bill provides additional provisions. Schools would be required to prioritize: 1) mental health staff in schools with highest percentages of low-income students, English language learners, and students with disabilities, and 2) hiring counselors for mental health over counselors for career planning.
- The bill contemplates creation of a “mental health critical need reimbursement program,” which would “encourage school-based employees to become licensed mental health providers and remain school employees.” This would lead to certification or licensure appropriation for a full-time mental health services provider as required by the Board of Mental Health and Chemical Dependency Professionals.
- While there is a great need for more behavioral health support to be available to youth in Delaware and nationwide, there are staffing shortages throughout the mental health system and in related fields. According to data compiled in the 2021-2022 school year, Delaware had one school psychologist for every 791 students, even though the NASP recommendation of a ratio should be one school psychologist to every 500 students. While the bill only requires one psychologist or other qualified provider for every 700 students, meeting the requirements of this bill may be difficult in practice, and schools may find themselves in competition for qualified candidates.
- SCPD would like to note that the proposed legislation at 14 Del. C. § 1716H(a)(3) contains a sentence that reads “Districts and charter schools shall qualify for funding for a fractional part 250 full-time equivalent pupils enrolled in grades 6 through 8.” This was most likely intended to read “grades 9 through 12.”

**SCPD endorses this bill, but encourages other initiatives to increase staffing in the mental health field both inside and outside of schools.**

Thank you for your consideration and please contact SCPD if you have any questions or comments regarding our position or observations on the proposed legislation.

cc: Ms. Laura Waterland, Esq.  
Governor's Advisory Council for Exceptional Citizens  
Developmental Disabilities Council

HB 200 School-Based Mental Health Services 5-30-23