



**Governor's Advisory Council for Exceptional Citizens (GACEC)**  
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**MEMORANDUM**

**DATE:** May 30, 2023

**TO:** The Honorable Members of the Delaware General Assembly

**FROM:** Erik Warner, Vice Chairperson  
GACEC

**RE:** **House Bill No. 200 School-Based Mental Health Services**

The Governor's Advisory Council for Exceptional Citizens (GACEC) has reviewed **House Bill No. 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. Council **supports** the proposed legislation but would encourage the sponsors to consider additional initiatives to increase staffing in the mental health field both inside and outside of schools.

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; in fiscal year 2025 a unit would consist of one of these staff for every 325 students, and for the 2026 fiscal year and beyond, 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 equivalent students (the bill does not clearly state a number of psychologists or equivalent providers). “Other mental health providers” are defined as “mental health services provider[s] licensed by the Board of Mental Health and Chemical Dependency.” See proposed legislation at 14 Del C. § 1716H(c)(2). Districts or charters may also receive funding for a fractional part of the requisite number of students for both counselors and psychologists.

In addition to creating mental health units for high schools, the bill contains additional positive provisions. Schools would be required to prioritize hiring mental health staff in schools with the highest percentages of low-income students, English language learners, and students with disabilities. Schools would also be required to prioritize hiring counselors for mental health over counselors for career planning. Additionally, the bill would amend existing sections of the Code addressing mental health services units in elementary and middle schools to incorporate the same definition of “other mental health providers.”

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.” See proposed legislation at 14 Del C. § 3436A(a). Tuition would be reimbursed for full-time employees for up to six credits of coursework “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.” It is also not entirely clear where the funding would come from; while the bill states that reimbursement “will” be provided for tuition in these circumstances, it also states “[t]he Department *may* set aside funds as available for school employees meeting these criteria as demand requires.” See proposed legislation at 14 Del C. § 3436A(d)(3)(emphasis added).

It is no secret that both Delaware and the nation at large are facing a crisis in youth mental health. See, e.g., “Children’s mental health is in crisis,” American Psychological Association, available at <https://www.apa.org/monitor/2022/01/special-childrens-mental-health>. Prevention through early intervention and effective home and community-based supports are necessary to contain this crisis, and as school is where children spend a large portion of their time, school-based services are essential.

While there is obviously great need for more behavioral health support to be available to young people in Delaware and nationwide, as has been noted in analysis of similar bills in the past, there are staffing shortages throughout the mental health system and in related fields. While Delaware is faring better than many states in terms of availability of school psychologists, according to data compiled by the National Association of School Psychologists (NASP) for the 2021-2022 school year, Delaware had one school psychologist for every 791 students. See State Shortages Data Dashboard, National Association of School Psychologists, available at <https://www.nasponline.org/about-school-psychology/state-shortages-data-dashboard>. The NASP recommended ratio is one school psychologist for every 500 students. *Id.* 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.

While the mental health critical need reimbursement program discussed above would be one way to potentially increase the number of available school-based mental health staff, it is unclear what type of school employees this program is intended to target or how likely school employees working in another role would likely be to enroll in higher education to become a mental health provider while still working full-time. Even greater incentives may be needed to encourage existing employees to pursue this line of work. This attempt merits our support but Council feels

that it must be accompanied by other initiatives to expand the pool of qualified staff for the bill to have its intended effect.

Finally, Council notes 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.” Council would recommend this be corrected.

Thank you for the opportunity to share our support with you. Please feel free to contact me or Pam Weir at the GACEC office should you have any questions on our comments.