

Chapter 554

(House Bill 118)

AN ACT concerning

Public Schools – Student Attendance – Excused Absences ~~for Mental Health Needs~~

FOR the purpose of ~~providing that absences from school for mental health needs are lawful absences under certain circumstances; providing for the circumstances under which an absence for a student’s mental health needs shall be excused; requiring a student who is absent for a certain reason to be informed of the opportunity to meet with a school mental health specialist within a certain period of time to discuss a certain topic~~ *requiring the State Department of Education and each county board of education to adopt a certain attendance policy for public school students; requiring a public school to provide certain information to a student or the student’s parent or guardian under certain circumstances; authorizing a county board of education to adopt certain policies and procedures;* and generally relating to student attendance in public schools and excused absences.

BY adding to

Article – Education

Section 7–301.3

Annotated Code of Maryland

(2018 Replacement Volume and 2021 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Education

7–301.3.

~~(A) IN THIS SECTION, “SCHOOL MENTAL HEALTH SPECIALIST” MEANS:~~

- ~~(1) A SCHOOL COUNSELOR;~~
- ~~(2) A PUPIL PERSONNEL WORKER;~~
- ~~(3) A PSYCHOMETRIST;~~
- ~~(4) A SCHOOL PSYCHOLOGIST; OR~~
- ~~(5) A SCHOOL SOCIAL WORKER.~~

~~(B) A STUDENT'S ABSENCE DUE TO THE STUDENT'S MENTAL HEALTH NEEDS IS A LAWFUL ABSENCE AS PROVIDED UNDER THIS SECTION.~~

~~(C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A COUNTY BOARD SHALL EXCUSE AN A LIMITED ABSENCE DUE TO A STUDENT'S MENTAL HEALTH NEEDS.~~

~~(2) A STUDENT WHO IS A MINOR AND ABSENT DUE TO THE STUDENT'S MENTAL HEALTH NEEDS SHALL OBTAIN PERMISSION FROM A PARENT OR GUARDIAN FOR THE ABSENCE.~~

~~(3) A COUNTY BOARD MAY NOT REQUIRE A NOTE FROM A PHYSICIAN TO EXCUSE AN ABSENCE UNDER THIS SUBSECTION.~~

~~(D) A STUDENT WHO IS ABSENT IN ACCORDANCE WITH THIS SECTION SHALL BE INFORMED OF THE OPPORTUNITY TO MEET WITH A SCHOOL MENTAL HEALTH SPECIALIST WITHIN AN APPROPRIATE PERIOD OF TIME AFTER RETURNING TO SCHOOL, AS DETERMINED BY THE COUNTY BOARD, TO DISCUSS THE STUDENT'S MENTAL HEALTH NEEDS THAT CAUSED THE ABSENCE.~~

(A) THE DEPARTMENT AND EACH COUNTY BOARD SHALL ADOPT AN ATTENDANCE POLICY FOR PUBLIC SCHOOL STUDENTS THAT:

(1) TREATS AN ABSENCE DUE TO A STUDENT'S BEHAVIORAL HEALTH NEEDS THE SAME AS AN ABSENCE DUE TO ILLNESS OR ANOTHER SOMATIC HEALTH NEED; AND

(2) IF THE POLICY REQUIRES A NOTE FROM A HEALTH CARE PROVIDER TO EXCUSE AN ABSENCE, AUTHORIZES AN APPROPRIATE HEALTH CARE PROVIDER LICENSED OR CERTIFIED UNDER THE HEALTH OCCUPATIONS ARTICLE TO PROVIDE A NOTE TO EXCUSE THE ABSENCE.

(B) IF A STUDENT OR THE STUDENT'S PARENT OR GUARDIAN NOTIFIES A PUBLIC SCHOOL THAT THE STUDENT'S ABSENCE WAS DUE TO A BEHAVIORAL HEALTH NEED, THE SCHOOL SHALL PROVIDE INFORMATION TO THE STUDENT OR THE STUDENT'S PARENT OR GUARDIAN ABOUT SCHOOL OR COMMUNITY BEHAVIORAL HEALTH RESOURCES THAT ARE AVAILABLE TO THE STUDENT.

~~(E)~~ (C) A COUNTY BOARD MAY ADOPT POLICIES AND PROCEDURES TO CARRY OUT THE REQUIREMENTS OF THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2022.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 29, 2022.