

HOUSE BILL 118

F1

(2lr1209)

ENROLLED BILL

— Ways and Means/Education, Health, and Environmental Affairs —

Introduced by **Delegate Washington**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 BY adding to
2 Article – Education
3 Section 7–301.3
4 Annotated Code of Maryland
5 (2018 Replacement Volume and 2021 Supplement)

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

8 **Article – Education**

9 **7–301.3.**

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

11 ~~(1) A SCHOOL COUNSELOR;~~

12 ~~(2) A PUPIL PERSONNEL WORKER;~~

13 ~~(3) A PSYCHOMETRIST;~~

14 ~~(4) A SCHOOL PSYCHOLOGIST; OR~~

15 ~~(5) A SCHOOL SOCIAL WORKER.~~

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

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

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

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

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

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

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

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

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

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

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
18 1, 2022.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.