CHAPTER _____

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; 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.

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.
(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 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.

(E) 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.