

Department of Legislative Services  
Maryland General Assembly  
2022 Session

FISCAL AND POLICY NOTE  
Enrolled - Revised

House Bill 118  
Ways and Means

(Delegate Washington)

Education, Health, and Environmental Affairs

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Public Schools - Student Attendance - Excused Absences

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This bill requires the Maryland State Department of Education (MSDE) and each local board of education to 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 needs and (2) if the policy requires a note from a health care provider to excuse an absence, authorizes an appropriate licensed or certified health care provider to provide the note. If a student’s absence is due to a behavioral health need, a public school must provide to a student or the student’s parent or guardian information about school or community behavioral health resources that are available to the student. A local board may adopt policies and procedures to carry out the bill’s requirements. **The bill takes effect July 1, 2022.**

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Fiscal Summary

**State Effect:** None. State finances are not affected.

**Local Effect:** None. Local school systems can alter attendance policies and refer students to existing behavioral health resources using existing resources.

**Small Business Effect:** None.

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Analysis

**Current Law:** Generally, a child age 5 to 17 must attend public school regularly unless the child is otherwise receiving regular, thorough instruction at an alternative setting (*i.e.*, a private or home school). An individual who has legal custody of a child age 5 or older and under age 18 and fails to see that the child attends school is guilty of a misdemeanor.

Compulsory attendance does not apply to specified individuals, including an individual who is severely ill and requires home or hospital instruction. A child who has a mental, emotional, or physical disability must attend school unless the child's condition makes attending school harmful to the child's development or if the child may cause serious physical harm to others.

The local superintendent, with the advice of specified school officials and with the written recommendation of a licensed doctor or a MSDE certified or licensed psychologist, may provide other free education or permit the child to be withdrawn from school as long as the above conditions exist. If a child is withdrawn from school, the local board of education must make provisions for the education of the child.

The Code of Maryland Regulations (COMAR) specifies the conditions under which a public school student is considered lawfully absent from school. These conditions include (but are not limited to) death in the immediate family; illness of the student; pregnancy and parenting related conditions; court summons; hazardous weather conditions; approved work; observance of a religious holiday; State emergency; suspension; and lack of authorized transportation.

COMAR requires student services personnel, including school counselors, school psychologists, pupil personnel, social workers, and school nurses to provide a program of coordinated student services that focuses on a student's health, personal, interpersonal, academic, and career development. School counselors and school psychologists are required to enhance awareness of mental health and promote positive, healthy behaviors. The School Psychology Program is meant to provide direct educational, behavioral, and mental health services for children and youth as well as work with families, school administrators, educators, and other professionals to create supportive learning and social environments for all students.

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### **Additional Information**

**Prior Introductions:** HB 461 of 2021, as amended, passed the House and received a hearing in the Senate Education, Health, and Environmental Affairs Committee, but no further action was taken.

**Designated Cross File:** None.

**Information Source(s):** Anne Arundel County Public Schools; Baltimore City Public Schools; Prince George's County Public Schools; St. Mary's County Public Schools; Maryland State Department of Education; Department of Legislative Services

**Fiscal Note History:**  
rh/mcr

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Analysis by: Scott P. Gates

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510