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State Superintendent of Schools

BILL: House Bill 461 DATE: February 3, 2021

SUBJECT: Student Attendance – Excused **COMMITTEE:** Ways and Means

Absences for Mental Health

Needs

POSITION: Information Only

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EXPLANATION:

The Maryland State Department of Education (MSDE) is providing information for consideration regarding House Bill (HB) 461 – *Public Schools* – *Student Attendance* – *Excused Absences for Mental Health Needs*, which specifies that a county board shall make a student's absence due to mental health needs a lawful absence, excuse at least one day of absence each quarter of each school year due to a students' mental health needs, and not require a note from a physician to excuse the absence(s).

The concept of allowing students one day per quarter to address their mental health needs without a note from a physician creates concern. Currently there are several legal absences that are available to a student should a parent determine that the student does need to stay home from school due to an illness. The code for illness of the student only requires a physician's certificate from the parent/guardian of a student if the student is reported continuously absent for illness. Another legal absence code allows for an absence under emergency or a set of circumstances which, in the judgement of the superintendent or designee, constitutes a good and sufficient cause for absence from school.

House Bill 461 is silent on parental permission for these absences which could result in students missing school without parental knowledge or support. Students with mental health needs may require the support of family or psychological support staff, and days off with no adult support and no goals can exacerbate mental health problems.

The Code of Maryland Regulations (COMAR) requires mental health supports for students, which are currently being provided by local school systems. Student support staff are available in all Maryland schools. Student services personnel, including school counselors, school psychologists, pupil personnel, school social workers, and school nurses are required under COMAR 13A.05.05 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 in particular are required to enhance awareness of mental health and promote positive, healthy behaviors (COMAR 13A.05.05.02 – School Counseling Program) and provide direct educational, behavioral, and mental health services for children and youth as well as work with families, school administrators, educators,

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and other professionals to create supportive learning and social environments for all students (COMAR 13A.05.05.04 –School Psychology Program).

Strategies such as classroom lessons on managing stress, dealing with conflict, and other mental health challenges are provided by student support staff in schools. Health education provides students with the opportunity to learn about mental health strategies and discuss concerns. Social emotional learning skills are taught by classroom teachers across the State. Restorative and mindfulness practices, such as circles and mindfulness spaces, are being implemented in many schools across the State.

These practices provide a break in instruction to develop community and peer support. More than 7,000 teachers, administrators, bus drivers, cafeteria staff, and other school staff have been trained by the MSDE and local school systems to look for warning signs of mental health distress and how to refer students and families for help. MSDE and local school systems are continuing to provide training to a variety of staff to address student mental health needs.

Allowing absences from school for mental health needs, without parental or medical permission, removes students from the very environment that can provide them support.

We respectfully request that you consider this information as you deliberate HB 461. For further information, please contact Zachary Hands, at 410-767-0504, or <u>zachary.hands1@maryland.gov</u>.