

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 461
Ways and Means

(Delegate Washington)
Education, Health, and Environmental Affairs

Public Schools - Student Attendance - Excused Absences for Mental Health Needs

This bill establishes that a student's absence due to mental health needs is a lawful absence from public school attendance. A local board of education must excuse an absence due to a student's mental health needs, provided that a student who is a minor has permission from their parent or guardian for the absence. A local board may not require a note from a physician to excuse such an absence. A student who is absent due to mental health needs must meet with a school mental health specialist within an appropriate period of time, as determined by the local board, to discuss the student's mental health needs. **The bill takes effect July 1, 2021.**

Fiscal Summary

State Effect: None. State finances are not affected.

Local Effect: It is assumed that many local school systems have sufficient school mental health specialists to meet the bill's requirements; however, some local school systems may incur additional personnel costs.

Small Business Effect: None.

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 16 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 Maryland State Department of Education certified or licensed psychologist, may provide other free education or permit the child to be withdrawn from school as long as the above conditions exist. If a child is withdrawn from school, the local board of education must make provisions for the education of the child.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.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

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

Fiscal Note History:
rh/rhh

First Reader - February 1, 2021

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