

# HOUSE BILL 118

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HB 461/21 – W&M

(PRE-FILED)

2lr1209

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By: **Delegate Washington**

Requested: November 1, 2021

Introduced and read first time: January 12, 2022

Assigned to: Ways and Means

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 15, 2022

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## 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; authorizing a county board of education to adopt certain policies and  
10 procedures; and generally relating to student attendance in public schools and  
11 excused absences.

12 BY adding to  
13 Article – Education  
14 Section 7–301.3  
15 Annotated Code of Maryland  
16 (2018 Replacement Volume and 2021 Supplement)

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

19 **Article – Education**

20 **7–301.3.**

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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.



1 (A) IN THIS SECTION, "SCHOOL MENTAL HEALTH SPECIALIST" MEANS:

2 (1) A SCHOOL COUNSELOR;

3 (2) A PUPIL PERSONNEL WORKER;

4 (3) A PSYCHOMETRIST;

5 (4) A SCHOOL PSYCHOLOGIST; OR

6 (5) A SCHOOL SOCIAL WORKER.

7 (B) A STUDENT'S ABSENCE DUE TO THE STUDENT'S MENTAL HEALTH NEEDS  
8 IS A LAWFUL ABSENCE AS PROVIDED UNDER THIS SECTION.

9 (C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A COUNTY  
10 BOARD SHALL EXCUSE ~~AN~~ A LIMITED ABSENCE DUE TO A STUDENT'S MENTAL  
11 HEALTH NEEDS.

12 (2) A STUDENT WHO IS A MINOR AND ABSENT DUE TO THE STUDENT'S  
13 MENTAL HEALTH NEEDS SHALL OBTAIN PERMISSION FROM A PARENT OR GUARDIAN  
14 FOR THE ABSENCE.

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

17 (D) A STUDENT WHO IS ABSENT IN ACCORDANCE WITH THIS SECTION SHALL  
18 BE INFORMED OF THE OPPORTUNITY TO MEET WITH A SCHOOL MENTAL HEALTH  
19 SPECIALIST WITHIN AN APPROPRIATE PERIOD OF TIME AFTER RETURNING TO  
20 SCHOOL, ~~AS DETERMINED BY THE COUNTY BOARD,~~ TO DISCUSS THE STUDENT'S  
21 MENTAL HEALTH NEEDS THAT CAUSED THE ABSENCE.

22 (E) A COUNTY BOARD MAY ADOPT POLICIES AND PROCEDURES TO CARRY  
23 OUT THE REQUIREMENTS OF THIS SECTION.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
25 1, 2022.