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# MARYLAND COALITION TO REFORM SCHOOL DISCIPLINE

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## HOUSE WAYS AND MEANS COMMITTEE HOUSE BILL 461: PUBLIC SCHOOLS—STUDENT ATTENDANCE—EXCUSED ABSENCES FOR MENTAL HEALTH NEEDS

February 3, 2021

### Letter of Information

The Maryland Coalition to Reform School Discipline (CRSD) brings together advocates, service providers, and community members dedicated to transforming school discipline practices within Maryland’s public school systems. We are committed to making discipline responsive to students’ behavioral needs, fair, appropriate to the infraction, and designed to keep youth on track to graduate. **CRSD provides this letter of information to advise the Committee of an unintended consequence of House Bill 461, which would, if enacted, permit at least one excused day of absence each quarter due to a student’s mental health needs.**

CRSD members understand that the intent of House Bill 461 is to not penalize students for taking an occasional break from school for mental health reasons. However, as worded, the bill permits “at least” one day of absence in each quarter of each school year. The bill does not impose a limit on the number of days of excused absences per quarter. CRSD members are concerned that HB 461 could inadvertently increase the number of undocumented disciplinary removals from schools for children with behavioral challenges. Currently, many students with behavioral challenges are illegally removed from school when their parents are called to come pick them up or told to keep them home. These illegal “send homes” are particularly hard to address and eliminate because they are not documented as suspensions; in fact, they are not documented as disciplinary actions. CRSD members are concerned that HB 461 could increase the number of undocumented disciplinary removals because parents may be pressured by school staff to keep their child with behavior challenges home for mental health reasons when, in fact, the school is suspending the child.

We believe this unintended consequence could be addressed by the following amendments:

Remove the provision that allows for “at least” one day per quarter of unexcused absences so that students may be absent only one day per quarter: “A COUNTY BOARD SHALL EXCUSE [~~AT LEAST~~] 1 DAY OF ABSENCE IN EACH QUARTER OF EACH SCHOOL YEAR DUE TO A STUDENT’S MENTAL HEALTH NEEDS.

Add a provision: **THE PROVISIONS OF THIS ACT MAY NOT BE USED FOR DISCIPLINARY REASONS OR TO BYPASS DISCIPLINE DOCUMENTATION REQUIREMENTS.**

Add a provision: **STUDENTS MAY NOT BE PENALIZED FOR SCHOOL ABSENCES OCCURRING FOR MENTAL, BEHAVIORAL OR PHYSICAL HEALTH**

**APPOINTMENTS WHICH ARE DOCUMENTED BY THE HEALTH CARE PROVIDER PROVIDING THE CARE.**

For more information, contact:

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**CRSD Members**

ACLU Maryland  
The Arc Maryland  
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Disability Rights Maryland  
Bmore Awesome, Inc.  
The Choice Program at UMBC  
Community Law in Action  
Family League of Baltimore  
Maryland PTA  
NARAL Pro-Choice Maryland  
Office of the Public Defender  
Open Society Institute  
Project HEAL at Kennedy Krieger Institute  
Public Justice Center  
Restorative Counseling Services  
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