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HOUSE OF REPRESENTATIVES  
152nd GENERAL ASSEMBLY

HOUSE BILL NO. 3

AN ACT TO AMEND TITLE 14 RELATING TO SCHOOL ATTENDANCE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend Chapter 27, Title 14 of the Delaware Code by making deletions as shown by strike through and  
2 insertions as shown by underline as follows:

3 § 2702. Compulsory attendance requirements; evaluation of readiness; exit interview.

4 (j) A pupil's absence from school for a mental or behavioral health reason is a necessary and an excused absence.  
5 Each school district and charter school shall determine the maximum number of excused absences allowable under this  
6 section.

7 (1) "Excused absence" means a full school day and does not require a medical or doctor's note.

8 (2) A student may not be penalized for an excused absence for the mental or behavioral health of the student  
9 and must be given the opportunity to make up any schoolwork missed during such excused absence.

10 (3) After the second and subsequent excused absence for the mental or behavioral health of the student, the  
11 student must be referred to a behavioral health specialist.

SYNOPSIS

According to a recent CDC survey, the COVID pandemic exacerbated an existing mental health crisis for students. One in 5 school aged children has a mental health condition, and 45% of children may have experienced a traumatic event. This bill provides for excused absences for the mental or behavior health of a student and requires that any student taking more than 2 such excused absences will be referred to a behavioral health specialist. This bill provides a supplemental tool to identify students struggling with mental and behavioral health issues and legitimizes these struggles faced by many students. Moreover, this bill makes clear that the mental and behavioral health of students is a priority in this State.