

Mental Health-Related Absences (HB 1834)

Explainer for School Districts

Purpose

This guidance document provides an overview of [House Bill 1834](#) – Concerning student absences for mental health reasons and its implementation, including the change in OSPI’s absence rules ([Chapter 392-401 WAC](#)). This document provides answers to commonly asked questions and provides preliminary guidance for school districts on implementing the policy changes.

Education as a Right

Education is a basic, constitutional right in Washington for all children. As well, all children or youth with disabilities have the right to a Free and Appropriate Public Education (FAPE). Schools and districts have specific responsibilities to enroll students and provide access to public education. School districts also have specific duties to respond and support students when they are absent. Washington state’s compulsory attendance law requires parents to ensure that their children are enrolled and attending public, private or receiving home-based instruction ([Chapter 28A.225](#)). This law, also called the “Becca Bill,” requires all children between ages 8 and 18 attend school full-time unless the student meets certain exceptions or there is a valid excuse.

The recent changes to address absences due to mental health does not change the above stated rights of students to receive education nor the responsibilities of school districts to support them to do so.

Background on HB 1834

National Attention on Student Mental Health

In recent years state legislatures around the country are addressing mental health explicitly as excused absence. Minnesota has allowed it since 2009; Utah and Oregon passed a similar law in 2019. By 2021, seven states joined those ranks: Arizona, Colorado, Connecticut, Maine, Nevada, Utah, and Virginia. This change is important to youth who are impacted by these rules and legislation. In a June 2020 Harris poll of 1,500 teenagers, 78 percent said schools should prioritize mental health days so students can take proper care of themselves.

Absence Rules on Mental Health Prior to Rule Change

OSPI is authorized to define in rule the definition of an absence from school and reasons for excused absences. Prior to the recent rule change, the absence rules ([Chapter 392-401 WAC](#)) explicitly required absences due to in-patient or out-patient treatment for mental health to be



excused. However, absences due to more general symptoms of mental health unwellness were not explicitly called out in the rule. The rules did allow districts to define additional reasons for excused absences in their district policy, leading some districts to excuse absences due to broader mental reasons, resulting in different approaches to mental health absences across districts.

Creation and Passage of HB 1834

The [Washington State Legislative Youth Advisory Council](#) (LYAC) and other youth advocates worked with Representative Lisa Callan (D-5), Representative Jesse Johnson (D-30), and Representative Sharon Tomiko Santos (D-37) to introduce and pass HB 1834 during the 2022 legislative session.

Students across the state testified in support of the bill, sharing their personal experiences with mental health struggles, both their own and those they observed in others, and the consequences of not being able to take time off to address those struggles.

The bill received bipartisan support, passing both chambers unanimously.

Advocates for the bill are hoping the rules will address the stigma of talking about mental health and seeking support for mental health in schools. In addition, they hope schools will now have more data on student mental health to put in place more preventative supports and early interventions.

What did HB 1834 do?

The bill directs OSPI to categorize in rule, a student absence from school due to a mental health reason, as an excused absence due to illness, health condition, or medical appointment; and to develop the rule, and guidance to implement the rule, in consultation with a student advisory group and the [Graduation A Team Effort \(GATE\) Advisory](#).

OSPI was required to have the rule and guidance in place for the 2022-23 school year.

Implementation of HB 1834

Youth Advisory

OSPI recruited students from across the state to participate in a youth advisory that will inform and shape the development of the guidance. The youth advisory will meet with OSPI staff several times over the summer to accomplish this before the beginning of the school year.

Permanent Rule Language Finalized

On June 8, OSPI adopted the new rules, following consultation with partners, the GATE Advisory, youth, and a public comment period. The [updated language](#)¹ for an excused absence now states:

Physical health or mental health symptoms, illness, health condition or medical appointment for the student or person for whom the student is legally responsible. Examples of symptoms, illness, health conditions, or medical appointments include, but are not limited to, medical, counseling, mental health wellness, dental, optometry, pregnancy, and behavioral health treatment (which can include in-patient or out-patient treatment for chemical dependency or mental health).

The rules will **go into effect on August 1**, in time for the 2022-23 school year. Guidance for school districts will be published in August 2022.

Impacts on School Districts (FAQ)

Will the rule mean students have unlimited absences?

No. The rule does not address the number of absences that can be excused, it simply adds absences due to mental health to the list of excused absences. Prior to the rule change, school districts had the statutory authority to establish policies to respond to excessive excused absences ([RCW 28A.225.020\(2\)](#)). Districts maintain this authority under the new rule change.

These policies should include proactive and supportive responses to student accumulating absences due to mental health as well as thresholds and criteria for when a student's absence would no longer be excused, thereby initiating the truancy process.

Absences are a signal that indicate potential need for more support. When a student regularly misses school, due to mental health or any other reason, the school should consider whether it's appropriate to refer the student for an evaluation under [Section 504](#).

Will this rule mandate that districts cannot require or request any medical documentation?

No. The rule does not require students to provide a diagnosis or a doctor's note for each excused absence due to mental health. However, the rule does not preclude a district, as part of their district policy and procedure requiring medical documentation. However, if the school suspects that a student may have a medical condition or disability and the student has been referred for a 504 evaluation, during this process, the school district cannot require that the

¹ It often takes several months before the Code Revisor updates the Administrative Code website. This [link to the updated rule](#) should be the primary reference for school districts until the WAC website has been updated.

family provide a medical diagnosis or a doctor's note. As districts develop their policies, it is critical to consider the equity implications of requiring medical documentation. Securing and producing a Dr.'s note is not equitable because access to a doctor is highly variable due to family circumstances and the lack of availability of local mental health resources. This policy negatively and disproportionately impacts families with lower-income and less flexible jobs. OSPI will address this further in guidance in August, with recommendations on how to make this more equitable and supportive of students experiencing mental health needs.

How will this impact district policy & procedure?

School districts will need to update their district policy to include the revised reasons for excused absences. School districts can also be developing and preparing their excessive excused absence policies, which will be supported by forthcoming guidance in August from OSPI.

How does this rule change impact district data reporting to OSPI?

This rule change does not impact school district reporting of absences to the Comprehensive Education Data and Research System (CEDARS). School districts currently report whether an absence is excused or unexcused, and if it is a full day or partial day absence. School districts currently do not report reasons for absences to CEDARS and this will not change because of this rule.

When will OSPI provide further guidance?

OSPI will provide both written guidance and a webinar opportunity. Guidance will be published on the [OSPI Attendance webpage](#).

Webinar Opportunity

HB 1834 Mental Health Absences Guidance Webinar

Tuesday, August 23 at 3pm

Register [here](#).

Contact Us

Please contact Krissy Johnson, Assistant Director of Attendance & Engagement at krissy.johnson@k12.wa.us or Bridget Underdahl, Project AWARE Program Supervisor at bridget.underdahl@k12.wa.us with your questions.

If you are a reporter, please contact Katy Payne, Executive Director of Communications at katy.payne@k12.wa.us

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