



Washington Office of Superintendent of
PUBLIC INSTRUCTION

*Mental Health Related
Absences: Guidance to
Support Implementation of
House Bill 1834*

2022

MENTAL HEALTH RELATED ABSENCES

Guidance to Support Implementation of House Bill 1834

2022

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PURPOSE

This document provides an overview of [House Bill 1834](#), passed in the 2022 Legislative Session. This bill concerns student absences for mental health reasons and provides guidance to school districts in support of implementing this law and rule change. This document expands on the [preliminary guidance](#) published by the Office of Superintendent of Public Instruction (OSPI) in June 2022.

INTRODUCTION

Mental Health Is Health

Throughout this guidance, the term “mental health” refers to a wide range of conditions and impacts on a person’s psychological or emotional well-being. Poor mental health has been shown to have a direct correlation between school grades and performance as well as overall health. [More than 1 in 3 high school students in America report](#) persistent feelings of sadness. On March 15, 2021, [Governor Inslee declared a Children and Youth Mental Health Crisis](#) in Washington State, which cited an increase in eating disorders, anxiety, depression with suicidal thoughts or self-harm behaviors. The 2021 Healthy Youth Survey showed that 35%–45% of those in grades 8–12 reported feeling sad and hopeless in the last year.

[Stigma remains a barrier](#) between care and attention for mental health needs. Schools have the opportunity and ability to reduce stigma by normalizing discussions and practices around mental health. One such practice is excusing absences due to mental health reasons in the same way physical health absences are excused.

The social, emotional, mental, and physical health of students is a shared responsibility and a critical component of student learning and overall well-being. An excused absence for mental health wellness provides the ability to be proactive in care, notice and address symptoms, and take time as needed to prioritize wellness.

Absences Are a Signal

Students are absent from school for a wide variety of reasons. Many times, these absences are necessary and are for known reasons that are communicated to the school. An absence indicates when a student has missed their classroom instruction and other learning opportunities in school. Absences matter and can add up. Research has shown that students who are chronically absent (missing more than 10% of their school days) are more likely to not be reading at grade level by the third grade and are less likely than their peers to graduate from high school.

The pandemic impacted both student mental health and student attendance. [Washington data on the OSPI report card](#) show a significant increase in absences from 2019–20 to 2020–21. With the return to in-person schooling and various Coronavirus variants throughout the 2021–22 school year, other states showed even higher rates of absences and OSPI expects Washington data will show the same.

Other Systemic Shifts Are Also Needed

It is important to recognize that while this policy change will bring much-needed support to Washington's students, excusing an absence is not a full solution. Absences are a powerful early warning signal, and schools and districts must analyze their attendance data (qualitative and quantitative) to inform their interventions. Marking a student's absence as excused, without a systematic process for following up with the student and providing support, does little to address their mental health needs, particularly when the student's absences begin to accumulate. This document contains resources for school- and district-level strategies.

Additionally, this rule change is not intended to fully address the significant systemic challenges our state faces to address the youth mental health crisis. Over the past several years, Washington State has made significant investments in student mental health. In 2022, the House of Representatives passed HB 1664, which will dramatically increase funding for school counselors, nurses, social workers, and psychologists in our K12 system. Over three years, the minimum ratio of these staff members will increase by as much as 100% in some districts, to offer more support for students physical and emotional well-being. Also passed in 2022, [House Bill 1890](#) directs the [Children and Youth Behavioral Health Work Group](#) to convene a strategic advisory group for the purpose of developing a state plan for the delivery of a full continuum of equitable behavioral health services that meets the needs of all children, youth, and families in Washington State.

BACKGROUND

Washington state has a suite of legislated requirements to address unexcused student absences ([Chapter 28A.225 Revised Code of Washington \(RCW\)](#), also known as the Becca Law). Historically, that system has been punitive. However, through multiple legislative changes over the past several years and intentional efforts, many local communities, counties, and school districts have worked to shift their approach to truancy to a process that is focused on supportive intervention. The goal of this shift in practice is to increase the chance that students who have needs that are not being addressed receive interventions, support, and connection to community services and partners, and sometimes mental health assessment and referral through the local juvenile justice system.

Washington does not have any similar requirements regarding excused absences, with the exception of a parent conference for elementary students when they reach five excused absences ([RCW 28A.225.018](#)). The intent of this law and rule change are to ensure that when a student is absent due to a mental health concern, this absence is categorized as excused. This change occurred to ensure that students felt supported to be honest about the reasons for their absences, to reduce stigma, and to lessen the likelihood that the school would respond in a punitive manner. This rule change will require school districts and school communities to enhance or build new systems and responses to ensure that student needs are met.

OSPI Attendance Guiding Principles

The following principles guide OSPI's attendance and truancy supports. These principles underpin this guidance and are a helpful framework for schools and districts as they develop processes to support students with mental health absences:

- Attendance is foundational to student learning; it is a stepping-stone and necessary precursor to engagement and mastery.
- Absences tell us when a student has not accessed or had the opportunity to engage in instruction.
- Absences are a research-based early warning indicator along with course performance.
- Absences can reflect inequities that are caused by or perpetuated by systems.
- Absences can signal when a student or family might need more support.
- Absences are a signal to which educators, schools, districts, and the state should respond with supportive curiosity about why students are not attending.
- Students and families are the best partners to understand the barriers to attendance and how to increase engagement.

Education is a Right

Education is a basic, constitutional right in Washington for all children. Federal law, Section 504 of the Rehabilitation Act of 1973, states that all children and youth with disabilities have the right to a Free 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 to and support students when they are absent. Washington state's compulsory attendance

law requires parents and families to ensure their children are enrolled and attending public or private school or receiving home-based instruction ([Chapter 28A.225 RCW](#)). This law requires all children between ages 8–18 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 HOUSE BILL 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, 78% of teenagers said schools should prioritize mental health days so students can take proper care of themselves.

Permanent Rule Language Finalized

OSPI is authorized to define in rule (i.e., Washington Administrative Code, or WAC) the definition of an absence from school and reasons for excused absences ([Chapter 392-401 WAC](#)). Following the passage of the House Bill 1854, OSPI engaged in the rulemaking process. On June 8, 2022, OSPI adopted the new rules, following consultation with partners, the GATE Advisory, students, and a public comment period. The rules were effective on August 1, 2022.

The [updated language](#) for an excused absence now states the definition as:

“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).”

Why Was This Law Passed?

The [Washington State Legislative Youth Advisory Council](#) (LYAC) and other youth advocates worked with Representatives Lisa Callan, Jesse Johnson, and Sharon Tomiko Santos to introduce and pass the bill during the 2022 Legislative Session. Students across the state testified in support of the bill, sharing their personal experiences with mental health struggles and the consequences of not being able to take time off to address those struggles.

Advocates for the bill have expressed hope that 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 that will support more preventative supports and early intervention.

DEFINITIONS FOR ASSESSING MENTAL HEALTH ABSENCES

The following definitions provide clarity and should inform schools when determining if an absence meets the criteria for an excused absence.

Symptoms

Symptoms for either physical or mental health that may necessitate an excused absence include symptoms that create a barrier to daily activities, in this case, the functionality necessary during the school day. The range of symptoms may dictate one's ability to care for oneself; this will look different for everyone.

Illness or Health Condition

An illness or health condition may not always come with a formal diagnosis but may still indicate a consistent level of need regarding physical or mental health. Multiple excused absences may be required. In this case, physical or mental distress impacts the functionality of the student for an extended period.

Medical Appointment

Medical appointments and care include but are not limited to medical, counseling, dental, optometry, pregnancy, and behavioral health such as mental health services and substance use intervention and treatment. A medical appointment may become necessary both for the care of symptoms as well as for routine care. A medical appointment includes both the travel time as well as the appointment time itself. Appointments also include the care and navigation for making the appointment. Care and navigation include the extensive time it may take in researching, calling, emailing, or interviewing providers to schedule the appointment.

Mental Health Wellness

Mental health wellness encompasses emotional, psychological, and social well-being. An absence may be necessary when there are symptoms that create a barrier to daily activities. The intention of the excused absence is for prioritizing wellness and the associated activities that support student mental well-being. Examples of activities to maintain mental health wellness include rest, recovery, treatment, and prioritizing healthy habits. An excused absence for mental health wellness provides the ability to be proactive in care, notice and address symptoms, and take time as needed to prioritize wellness.

Behavioral Health Treatment

Behavioral health treatment can include, but is not limited to, care related to depression, anxiety, relationship counseling, grief, addiction, substance use disorder, attention deficit hyperactive disorder (ADHD) or learning disabilities, mood disorders, or other psychological concerns. Treatment can be in-patient or out-patient treatment.

SYSTEMS AND STRATEGIES FOR ADDRESSING MENTAL HEALTH ABSENCES: ACTION STEPS FOR DISTRICTS AND SCHOOLS

School districts should continue to develop and utilize multi-tiered systems of supports (MTSS) as a proactive approach to engaging students and keeping them engaged in the educational process. Excused mental health absences should be implemented as part of a [school district's MTSS](#), relying on existing structures and processes as much as possible to increase seamless support for students. Schools and districts can prioritize their focus in three key areas.

Key Areas of Focus

Address Stigma Around Mental Health

Stigma can be a barrier to care and wellness. Schools can help normalize that mental health is just another part of health and as important as physical health. Normalization happens through the vision and values of a school, in trainings and presentations as well as in conversations and promotion.

- [Youth Mental Health Communication Toolkit: No Shame in Your Brain](#). This toolkit provides social media assets and posters to share positive messaging and supportive resources built on the message of hope, resilience, and inclusivity.

Establish a System for Proactively and Supportively Responding to All Absences

It is essential to establish a system for responding to **all** absences, including excused. This system must be proactive and supportive and must seek to both understand the root causes of student absences, whether they be student, family, or school-driven, and provide timely and supportive responses when students indicate a need. [Attendance Works](#), a nationally recognized leader on attendance, has two toolkits that guide schools and school leaders build attendance into their existing or growing MTSS.

- [For Principals: Leading Attendance](#). This toolkit walks building leaders through cultivating a school-wide culture of attendance, using chronic absence data to determine need for additional support, develop staff capacity to adopt effective attendance practice, and advocate for resources and policies to improve attendance.
- [Pathways to Engagement: Covid-19 Recovery through School Attendance](#). This toolkit walks schools through establishing a teaming approach to attendance, reviewing data to understand strengths and challenges, developing tiered engagement strategies, and assessing what works.

Build or Strengthen School Mental Health Tiered Interventions

School mental health is supported at a system-level. Wellness is a collective responsibility. Mental health absences can be supported with evidence-based interventions, data-based decision making,

and accommodations for students in a school and district's tiered system. The following two resources serve that purpose.

- [MHTTC National School Mental Health Best Practices: Implementation Guidance Modules for States, Districts, and Schools](#). This resource helps states, districts, and schools understand the core components of comprehensive school mental health and engage in a planning process around implementation of services.
- [The Interconnected Systems Framework \(ISF\)](#). The Interconnected Systems Framework offers a step-by-step approach for installing school mental health using the WA MTSS Framework to build a school system prioritizing the care of the whole child, including their mental health needs.

Action Steps for School Districts

Update School Board Policy on Excused and Unexcused Absences

The Washington State School Directors' Association's (WSSDA) model policy and procedure (3122) were recently updated to reflect the changes in this rule. [You can find more information here about accessing WSSDA's model policy for a specific district.](#)

Ensure Staff Communication

Districts should ensure that the staff who are supporting students to address their mental health needs are in communication and alignment with both the staff who support students' attendance at school in and the staff who are responsible for managing the removal of students during school hours. This should include reviewing the current OSPI guidance on withdrawing students, apportionment, and truancy (see [Attendance & Truancy FAQ](#), page 6).

Possible Thresholds for Responding to Excessive Excused Absence

One of the major concerns received from principals, district staff, youth, parents, and the public through the development of this guidance involves the possibility that students will accumulate enough excused absences to result in students' mental health needs not being met and to impact their learning and future success. The rule itself does not address the number of absences that can be excused; it only adds absences due to mental health to the list of possible excused absences. School districts have and continue to have under the law the authority to establish how to respond to excessive excused absences ([RCW 28A.225.020\(2\)](#)). Some possible thresholds are listed below.

Thresholds of Absences

Mental health needs of youth are unique to each student, and can span across any level of care and need. One student may experience a mental health need once, but other students may have a need that is reoccurring, intermittent, or constant. Because of these differences, singular approaches may not adequately serve the school, families, or students.

School districts can consider establishing standard or consistent responses to be sent to students or families from educators and school district staff at certain thresholds of absences to communicate and provide support. For example, after a certain number of excused absences, the school could schedule a conversation or conference. At this conference, the educator, guardian, and student will enter into an agreement regarding tiered supports and specific expectations for excusing future absences.

Additionally, the school team with the guardian and students can consider establishing criteria that captures what it might look like for students and families to demonstrate commitment, engagement, and movement towards pursuing their well-being. This criteria and progress towards addressing mental health concerns can be used in place of more traditional standard thresholds.

Medical Documentation

Some school districts have put the responsibility on students and families to provide medical documentation before excusing an absence for medical reasons, including mental health. Mental health needs of youth are unique to each student, and access to care and providers varies greatly due to a variety of barriers, as does the frequency of care or healing required by a given individual.

It is critical to consider the implications of requiring medical documentation. Securing and producing a doctor's note may not be equitable. Access to a doctor can be highly variable due to family circumstances and the lack of availability of local mental health care resources. Because requiring medical documentation before excusing absence for medical reasons would negatively and disproportionately impact families with lower-income and less flexible jobs, OSPI does not recommend instituting such a requirement.

Dispute Process

School principals are authorized to determine if an absence meets the criteria for excused ([WAC 392-401-020](#)). This responsibility is best shared with other administrators or educators using a team approach to increase transparency, consistency, and to reduce bias in these decisions. Additionally, school districts should establish a process for students and their families to dispute a principal's determination that an absence is unexcused.

Partnering to Develop Attendance Agreements

School districts are encouraged to hold conferences with students and their families in response to excessive absences. After a conference related to excessive excused absences, the school, guardian, and student could enter into an agreement regarding tiered supports and specific expectations for excusing future absences. If absences continue and the agreement is not followed, the school can consider whether to move into the truancy process that might include filing a truancy petition.

Truancy

School districts should consider when it would be more helpful to discontinue excusing absences and instead engage the student and family in addressing the mental health concerns through the truancy process. If absences continue and an agreement is not followed, the school could then move into the truancy process which may include filing a truancy petition.

If a school has done their due diligence, they will have referred the student to appropriate mental health services, and if the student and/or family does not make demonstrable progress toward supporting the student to access mental health care, and if a 504 evaluation is not appropriate or has not been completed, a school might consider this an appropriate time to stop excusing the absences. This would initiate the truancy process and potentially increase supports and intervention for parents and guardians. Truancy petitions can be filed on both the student and on the guardian.

SPECIAL CIRCUMSTANCES

Students experiencing mental health challenges might qualify for or benefit from referral to these federal or state supports and programs. Often, absences can be a signal that a student might be eligible for a 504 plan or an IEP.

Section 504

When a student regularly misses school, the school should consider whether it is appropriate to refer the student for an evaluation under Section 504, regardless of whether the absences are excused or unexcused. Under Section 504 of the Rehabilitation Act of 1973 (commonly referred to as Section 504), a student with a physical or mental impairment that substantially limits a major life activity is entitled to a free appropriate public education (FAPE). When a 504 team determines a student meets this definition of disability and needs accommodations, aids, and services to access and benefit from their education, the team develops a 504 plan for the student.

Anyone, including a parent or guardian, may refer a student for an evaluation under Section 504, though this is an affirmative obligation for districts when they know or suspect that a student has a disability under Section 504 and, as a result, may need services to access and benefit from their education. This is known as the district's "child-find" obligation.

For additional information about Section 504, please refer to the following resources:

- [Section 504 & Students with Disabilities \(Information for Families, OSPI\)](#)
- [Section 504 & Students with Disabilities \(Information for Districts and Approved Charter Schools, OSPI\)](#)

For questions about Section 504, please contact OSPI's Equity and Civil Rights Office at equity@k12.wa.us or 360-725-6162.

Special Education (IDEA)

As with the Section 504 process, a student who regularly misses school due to the adverse educational impact of a disability can also be referred for an evaluation to determine if special education services are needed. School districts have an ongoing, affirmative "child-find" responsibility to locate and identify students who may be eligible for special education services.

Under the Individuals with Disabilities Education Act (IDEA), any parent/guardian, family member, school district employee, or other individual knowledgeable about the student may initiate a written referral requesting an evaluation to determine eligibility for special education services. For additional information on making a referral for an evaluation for special education services, please visit: [Making a Referral for Special Education](#).

If, however, a student with an existing Individualized Education Program (IEP) currently receiving special education services regularly misses school, then the student's IEP team may be required to meet and examine whether the student's absences are related to their disability and if further reevaluation and/or support is needed. Chronic absenteeism may be an affirmative reason for the district IEP team to reevaluate the student's needs and make attempts to determine what can be done to ensure continued access to FAPE. State truancy rules also require IEP teams to meet in some instances, particularly for elementary school students, to determine what barriers exist to the student's continued attendance at school (RCW [28A.225.018](#) and RCW [28A.225.020](#)).

For questions about Special Education, please contact OSPI's Special Education team at 360-725-6075 or speced@k12.wa.us.

Home Hospital

Home Hospital (H/H) services are in-person tutoring for students who are temporarily unable to attend school due to an illness or injury. The intent of H/H services is to keep students current in their regular academic classes while they are temporarily absent from school. These services are provided at a student's home or hospital room.

Students with mental health issues, especially those with anxiety, have been requesting Home Hospital services in sharply increased numbers during the pandemic. For these students, there is not always a clear trajectory for returning to school; and for some of these students their recovery is complicated by difficulties accessing appropriate behavioral health services in the community.

Home Hospital is intended to serve students with **temporary disabilities**. As a result, schools have struggled to find ways to serve students academically when they are not ready to return after a prolonged absence. Schools can refer to the resources in this publication and consider whether the student is appropriate for referral to the 504 team for potential evaluation.

OSPI is working on updated guidance to provide greater clarity for districts providing H/H services. This guidance will be available on the [OSPI Home/Hospital webpage](#).

For questions about Home/Hospital please contact healthservices@k12.wa.us.

FREQUENTLY ASKED QUESTIONS

What happens when a parent or guardian will not support a student's excused absence for mental health reasons?

Youth across Washington have made clear that a potential barrier to taking an excused absence for mental wellness is the possibility that a family or guardian does not support this decision or practice. Several ways to begin thinking about this question include clear communication and continual progress of de-stigmatization around mental health supports and needs.

Schools and districts can act on these goals in multiple ways, including through the student handbook, email, newsletter, presentation, parent teacher conferences, and other communication opportunities. The district's policy on attendance and updates on mental health absences is best shared frequently and through multiple tools. Best practice would also be to explain what a mental health absence is, why it could be a positive step for a student and the district's plan to make sure the student can be positively reengaged upon return. Much of the language from this guidance could be used in such communication, along with specific district policies.

A district's continued commitment to de-stigmatization of mental health needs must come from systems-level supports. This can include continued trainings and presentations offered for students, staff, and community members, as well as continued communication about the commitment to mental health supports and the specific steps the district enacts to continue this progress. Soliciting feedback, surveys and listening sessions to hear more from youth and families about their needs and questions can help direct this process.

Schools may consider how to provide in-school supports for students who may not feel comfortable telling their parents, guardians, or caregivers about their need for an absence from class due to mental health reasons.

Will this rule change 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. School districts continue to have the authority to establish policies to respond to excessive excused absences ([RCW 28A.225.020\(2\)](#)).

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, from requiring medical documentation. If the school suspects a student may have a medical condition or disability and the student has been referred for a 504

evaluation, the school district cannot require that the family provide a medical diagnosis or a doctor's note during that process.

Can students excuse their own absences?

First and foremost, districts are encouraged to work with their school community to develop a policy. Students cannot excuse their own absences unless they are an emancipated minor, are an unaccompanied youth, or are 18 years of age and have arranged with the school formally that the student will be excusing their own absences. Schools may consider how to provide in-school supports for students who may not feel comfortable telling their parents or caregivers about their need for an absence from class due to mental health reasons.

Does this rule change district data reporting to OSPI?

No. This rule change does not change school district reporting of absences within the Comprehensive Education Data and Research System (CEDARS).

Does this rule require school districts to record absences in a particular way?

No. This rule does not specify how districts and schools should change the recording of local absence records. As school districts consider how they will document excused absences due to mental health reasons, they should ensure that the relevant protections and settings are in place to protect student privacy in accordance with [Family Educational Rights and Privacy Act \(FERPA\)](#).

Can students receive an excused absence for mental health because of bullying at school?

Student absences because of bullying or classroom/school climate challenges is not an example of a mental health reason for an excused absence. Schools should leverage systems-level support to create interventions and solutions that support students' safety and reengagement. If a student is experiencing bullying or classroom/school climate challenges, families are encouraged to work with the district to find meaningful resolutions that reduce barriers to engagement.

LEARNING FROM IMPLEMENTATION

Over the course of this school year, OSPI is committed to learning from our school district, community, family, and agency partners as we break ground with this new policy. OSPI commits to exploring best practices that can inform possible revisions to model board policy in partnership with WSSDA.

SPECIAL THANKS

OSPI wants to thank the many educators and students who contributed to this guidance. OSPI is particularly grateful to the young people who participated in the youth advisory meetings. The insight, recommendations, and suggestions provided by youth were invaluable.

CONTACT US

For questions about the following topics, please contact the departments or individuals listed below:

- This rule change and guidance on mental health absences: MentalHealthAbsences@k12.wa.us
- Attendance and Truancy: attendance@k12.wa.us
- Section 504: equity@k12.wa.us
- Special Education: speced@k12.wa.us
- Home Hospital and School Nursing: healthservices@k12.wa.us
- Behavioral Health & Suicide Prevention; christian.stark@k12.wa.us
- School Safety Center, Harassment Intimidation & Bullying (HIB): mike.donlin@k12.wa.us

RESOURCES

Find the resources recommended here as well as additional mental health and absence resources on the [OSPI Mental Health Absence \(HB 1834\) webpage](#).

Additional guidance on attendance best practices, resources, and technical assistance are available here:

- OSPI's [Attendance and Truancy webpage](#)
- [Attendance Works](#)
- Sign up for the [OSPI Attendance Newsletter](#)

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Download this material in PDF at [link to website name](#) (<http://www.k12.wa.us/>). This material is available in alternative format upon request. Contact the Resource Center at 888-595-3276, TTY 360-664-3631. Please refer to this document number for quicker service: 22-0030.



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