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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

H.B. 38  
135<sup>th</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsors:** Reps. Blackshear and Miranda

Holly Cantrell, Attorney

### SUMMARY

- Authorizes school districts to allow students in grades K-12 to take up to three mental health days as excused absences from school.

### DETAILED ANALYSIS

#### Mental health days as excused absences

The bill authorizes school districts to allow students in grades K-12 to take up to three “mental health days” as excused absences from school. For that purpose, the bill defines a “mental health day” as a school day during which a student attends to the student’s emotional and psychological well-being in lieu of attending school.

School districts that allow for mental health days are required to excuse a student’s mental health day absence without any need for a physician’s or other health professional’s certification of the student’s condition. Additionally, they must implement the same policy in each school building they operate and must provide an opportunity for students to make up any school work missed during their absence. However, the bill specifies that, in granting mental health days, a district may excuse students from school altogether or establish an in-school mental health program for students to attend in lieu of regular classes. It also specifies that once a student uses one excused mental health day, a district may refer that student to the appropriate school health and support services, such as counseling, social work, or psychological services.

They also may prohibit excused mental health days from being taken on certain days of the year, such as school days scheduled for standardized testing. However, they must provide advance notice of those days on the school calendar at the start of each school year.<sup>1</sup>

Finally, the bill states that absences for mental health days cannot be used in the calculation of absence hours that would otherwise trigger mandatory parental notice, under continuing law. Under that law, a student is considered excessively absent when the student's combined nonmedical excused absences and unexcused absences exceed 38 hours in one school month or 65 hours in a school year. However, only a student's unexcused absences count toward truancy.<sup>2</sup>

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## HISTORY

Action	Date
Introduced	02-15-23

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<sup>1</sup> R.C. 3321.042.

<sup>2</sup> See R.C. 3321.191(C)(1), not in the bill.