# Superintendent’s Memo #142-20


**COMMONWEALTH of VIRGINIA
Department of Education**

DATE: June 12, 2020

TO: Division Superintendents

FROM: James F. Lane, Ed.D., Superintendent of Public Instruction

## SUBJECT: Guidelines for Granting Excused Absences Due to Mental or Behavioral Health

The Guidelines for Granting Excused Absences Due to Mental or Behavioral Health were developed in response to [House Bill 308](https://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB308) (Hope) enacted by the 2020 Virginia General Assembly:

*“1. The Department of Education shall establish and distribute to each school board no later than December 31, 2020, guidelines for the granting of an excused absence from school to a student due to his mental or behavioral health. Any student who is absent from school due to his mental or behavioral health shall be granted, subject to such guidelines, an excused absence.”*

The *Code of Virginia* [§ 22.1-254](https://law.lis.virginia.gov/vacode/title22.1/chapter14/section22.1-254/) addresses compulsory attendance and exemptions to compulsory attendance, and the *Code of Virginia* [§ 22.1-258](https://law.lis.virginia.gov/vacode/title22.1/chapter14/section22.1-258/) addresses truancy and the intervention process. [Chapter 730](https://law.lis.virginia.gov/admincode/title8/agency20/chapter730/) of the *Administrative Code of Virginia* consists of three sections: [8VAC-20-730-10](https://law.lis.virginia.gov/admincode/title8/agency20/chapter730/section10/) establishes definitions as it relates to the attendance policies and the collection and reporting of truancy; [8VAC-20-730-20](https://law.lis.virginia.gov/admincode/title8/agency20/chapter730/section20/) establishes the unexcused absence intervention process and responsibilities; and [8VAC-20-730-30](https://law.lis.virginia.gov/admincode/title8/agency20/chapter730/section30/) establishes data collection and reporting requirements.

The *Code of Virginia* [8VAC20-730-10](https://law.lis.virginia.gov/admincode/title8/agency20/chapter730/section10/) defines an excused absence as *“…an absence of an entire assigned instructional school day with a reason acceptable to the school administration that is provided by the parent. If circumstances permit, the parent should provide the school administration with the reason for the nonattendance prior to the absence. Examples of an excused absence may include, but are not limited to, the following reasons: funeral, illness (including mental health and substance abuse illnesses), injury, legal obligations, medical procedures, suspensions, religious observances, and military obligation.”*

As per 8VAC20-730-10, a reason for an excused absence could include mental or behavioral health. Mental health is the emotional, psychological, and social well-being of a person. Mental health issues may include, but are not limited to, disorders such as mood disorders, anxiety disorders, post-traumatic stress disorder, and psychotic disorders. Behavioral health encompasses mental health and relates to habits that have an impact on the overall mental and physical health. Behavioral health issues may include, but are not limited to, examples such as substance abuse, eating disorders, and addiction disorders.

The process for determining that an absence is related to a mental or behavioral health is determined at the local level. School divisions shall establish local policies and guidelines as they relate to determining whether an absence is due to mental or behavioral health. For example, excused absences may be granted for mental illness, recovery, or appointments relating to diagnoses or treatment of mental or behavioral health issues. Additional criteria may be established, such as certification from a mental or medical health professional, for absences due to illness in excess of a certain number of days. School divisions should consult with their local school board attorney in developing the details of local policies. When an absence meets local policies due to a behavioral or mental health issue, the absence shall be granted as excused.

In addition to the guidance provided through regulations, the VDOE provides guidance to school divisions related to attendance interventions via training and technical assistance resources (e.g., [Attendance Modules](http://www.doe.virginia.gov/support/prevention/attendance-truancy/attendance-truancy-va-students/index.shtml), [Chronic Absenteeism Webinars](http://www.doe.virginia.gov/support/prevention/attendance-truancy/index.shtml), [Chronic Absenteeism FAQs](http://www.doe.virginia.gov/support/prevention/attendance-truancy/chronic-absenteeism-faq-1-16-20.docx)). Additional information and resources can be found on VDOE’s [Attendance and Truancy webpage](http://www.doe.virginia.gov/support/prevention/attendance-truancy/index.shtml). Questions regarding excused absences due to mental or behavioral health may be directed to Quyen Duong, by email at Quyen.Duong@doe.virginia.gov, or by telephone at (804) 786-0720.

JFL/QD/rge