



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
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The Honorable John Carney,
Governor

John McNeal, Director
SCPD

MEMORANDUM

DATE: May 30, 2023

TO: All Members of the Delaware State Senate
and House of Representatives

FROM: Mr. Benjamin Shrader, Chairperson 
State Council for Persons with Disabilities

RE: HB 3 (Proposed Amendment to § 2702, Title 14 of the Delaware Code
Relating to School Attendance)

The State Council for Persons with Disabilities (SCPD) has reviewed HB 3 which seeks to amend § 2702 of Title 14 of the Delaware Code, adding language that would excuse a student's absences for a mental or behavioral health reasons.

SCPD has the following observations and a concern:

- The amendment states the above, adding that “each school district and charter school shall determine the maximum number of excused absences allowable under this section.”
- The amendment defines an excused absence as a full school day, not requiring a medical or doctor's note.
- Furthermore, the language of the amendment adds that a student cannot be penalized for such an absence and must be “given the opportunity to make up any schoolwork missed during such excused absence.”

- The amendment adds that after two excused absences for reasons of mental or behavioral health, the student “must be referred to a behavioral health specialist.”
- The bill intends to help schools identify students with mental and behavioral health needs, ensuring that the school will refer the student to a specialist after two excused absences. “[The] bill makes clear that the mental and behavioral health of students is a priority in this State.”
- SCPD is concerned the amendment leaves schools to determine the maximum number of excused absences allowed; mental health concerns are not always considered serious or excusable by school administration. **Adding language that ensures a minimum number of excused absences could help.**

SCPD endorses this bill as it is a step in the right direction towards legitimizing the mental and behavioral health needs of students. Identifying the students with behavioral and mental health conditions and ensuring they have the support and resources they need is an important and ongoing task for Delaware schools.

Thank you for your consideration and please contact SCPD if you have any questions or comments regarding our position or observations on the proposed legislation.

cc: Ms. Laura Waterland, Esq.
Governor’s Advisory Council for Exceptional Citizens
Developmental Disabilities Council

HB 3 Amend to Title 14-School Attendance 5-30-23