

As Introduced

135th General Assembly

Regular Session

2023-2024

H. B. No. 38

Representatives Blackshear, Miranda

Cosponsors: Representatives Miller, A., Abdullahi, Baker, Brewer, Brown, Denson,  
Forhan, Galonski, Grim, Isaacsohn, Jarrells, Russo, Liston, McNally, Mohamed,  
Robinson, Somani, Upchurch, Weinstein

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A BILL

To enact section 3321.042 of the Revised Code to  
allow school districts to permit students to  
take up to three mental health days away from  
school each school year.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

**Section 1.** That section 3321.042 of the Revised Code be  
enacted to read as follows:

**Sec. 3321.042.** As used in this section, "mental health  
day" describes a school day during which a student attends to  
the student's emotional and psychological well-being in lieu of  
attending school.

Notwithstanding division (A)(1) of section 3321.04 of the  
Revised Code, school districts may permit a student in grades  
kindergarten to twelve to take up to three mental health days as  
excused absences from school. If a school district permits a  
student's absence under this section, the absence shall be  
excused without the need for a physician's or other health

professional's certification of the student's condition, and the 17  
district shall give the student the opportunity to make up any 18  
school work missed during the absence. Any mental health day 19  
excused under this section shall not be considered in 20  
determining absence hours for the purposes of parental notice 21  
under division (C)(1) of section 3321.191 of the Revised Code. 22

In granting mental health days, a school district may 23  
excuse students from school altogether or establish an in-school 24  
mental health program for students to attend in lieu of regular 25  
classes. 26

Once a student uses one mental health day under this 27  
section, the school district may refer that student to the 28  
appropriate school health and support services, such as 29  
counseling, social work, or psychological services. 30

A school district that permits students to take mental 31  
health days as excused absences from school under this section 32  
shall implement the same policy in each school building that it 33  
operates. 34

A school district may prohibit the use of mental health 35  
days on certain dates, such as school days scheduled for 36  
standardized testing. It shall provide advance notice of such 37  
prohibited days on the school calendar released at the start of 38  
each school year. 39