

## **House Bill 44 (2022 Regular Session)**

### **Nonregulatory Guidance: Considerations for Students with Disabilities**

The Kentucky General Assembly passed House Bill 44 (HB 44) during the 2022 Regular Session, and it became law on April 20, 2022. HB 44 addresses two separate educational issues by amending Kentucky Revised Statutes (KRS) [159.035](#) and [KRS 161.990](#). This non-regulatory guidance addresses only the provisions of HB 44 related to [KRS 159.035](#), district attendance policies and students with disabilities.

#### **District Policies**

As amended by HB 44, [KRS 159.035](#) provides: “A local school board may include provisions in its student attendance policy for excused absences due to a student’s mental or behavioral health status.” Districts are not required to revise local attendance policies to include mental or behavioral health as excused absences but may choose to do so.

#### **Considerations for Students with Disabilities**

Admissions and Release Committees (ARCs) should always consider a student’s pattern of attendance when determining individual student eligibility, needs, Individual Education Program (IEP) goals and special education and related services. If a district chooses to add mental or behavioral health status as excused absences, ARCs should discuss and document individual students’ absences.

#### **Questions an ARC may choose to discuss:**

- What is this student’s pattern of absences?
- Are there common events preceding absences for mental or behavioral health?
- Has this student received adequate academic instruction to determine eligibility or make progress on their IEP goals?
- Does this student’s pattern of absences, including those for mental or behavioral health status, indicate an unmet need within the school setting?
- Does this student require additional supplementary aids and supports, accommodations, specially designed instruction or a behavior improvement plan (BIP) to reduce the need for mental or behavioral health absences?
- Has the student or student’s family shared insight on the cause(s) of mental or behavioral health absences and possible supports or solutions?

## Resources

- **Chronic Absenteeism:** This webpage from the Kentucky Department of Education (KDE) provides a variety of supports to schools and districts to identify and intervene with students who may become chronically absent.
- **Social, Emotional and Behavioral Learning/Health:** This webpage from KDE includes an overview of social emotional learning (SEL) components and related resources.
- **Supporting Child and Student Social, Emotional, Behavioral and Mental Health Needs:** This document from the U.S. Department of Education's Office of Special Education and Rehabilitative Services (OSERS) highlights challenges and recommendations for providing school-based mental health support across early childhood and K-12 schools.