

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 781 Session of 2025

INTRODUCED BY KANE, SCHWANK, TARTAGLIONE, HAYWOOD, COLLETT,
HUGHES, SANTARSIERO, COMITTA, CAPPELLETTI AND COSTA,
MAY 22, 2025

REFERRED TO EDUCATION, MAY 22, 2025

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," in pupils and attendance, further
6 providing for definitions and providing for mental health
7 days.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. The definition of "excused absence" in section
11 1326 of the act of March 10, 1949 (P.L.30, No.14), known as the
12 Public School Code of 1949, is amended to read:

13 Section 1326. Definitions.--When used in this article, the
14 following words and phrases shall have the following meanings:

15 * * *

16 "Excused absence" shall mean an absence from school which is
17 permitted under section 1329 or 1329.1.

18 * * *

19 Section 2. The act is amended by adding a section to read:

20 Section 1329.1. Mental Health Days.--(a) No later than the

beginning of the 2026-2027 school year, each board of directors or governing body of a public, nonpublic or private school shall adopt policies to provide an excused absence from compulsory school attendance required under this act for a mental health day when a student's well-being is at risk due to mental or physical fatigue, regardless of whether the underlying mental health-related condition triggering the fatigue is a certified mental health-related condition or an uncertified mental health-related condition. The policy adopted under this subsection may be based on the model policy developed by the department under subsection (d).

(b) The excused absence under subsection (a) shall be categorized as a mental health day.

(c) Notwithstanding section 1329 or 22 Pa. Code § 11.25 (relating to temporary excusals due to illness or other urgent reasons), a student may use up to two consecutive days for a mental health day. Except as provided by the policy adopted under subsection (a), a student shall not be permitted to use three or more mental health days in a week or in two or more consecutive weeks. Except as provided by the policy adopted under subsection (a), additional days needed for mental or physical fatigue due to an underlying mental health-related condition shall be permitted under the policies and procedures adopted by the school under section 1329.

(d) Within ninety (90) days of the effective date of this section, the department shall develop and publish guidelines for schools to implement mental health days and a model policy that would meet the requirements of this section for adoption under subsection (a). The department shall include evidence-based guidance for a school to integrate the school's responses to

student-excused absences for a mental health day into the school's support systems for student well-being. The guidance shall also include evidence-based best practices for a school employe as designated in the policy adopted under subsection (a), to contact a student who uses two or more mental health days and to connect the student to mental health support. In developing the guidelines, the department shall consult with a student advisory group and school administrators:

(1) whose members are directly impacted by student absence rules and policies; and

(2) who represent the diversity of the public school population, including diversity in gender identity, family income, race and ethnicity, geography and any other factors the department determines are relevant.

(e) As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Certified mental health-related condition" means a condition or behavior recognized and diagnosed through examination of the student by a physician or mental health professional, including:

(1) Attention deficit hyperactivity disorder.

(2) Anxiety.

(3) Depression.

(4) Obsessive compulsive disorder.

(5) Learning and developmental disabilities.

(6) Autism.

(7) Substance use disorder.

(8) Eating disorders.

(9) Self-harm.

(10) Any other similar condition or behavior recognized and diagnosed through examination of the student by a physician or

1 mental health professional.

2 "Extended family" means a member of the student's family
3 network, including an aunt, uncle, cousin, niece or nephew who
4 lives in the same community as the student. The family member
5 may be related to the student as a natural relative, by marriage
6 to a natural relative or through the adoption process and may be
7 of any degree up to the third degree.

8 "Fatigue" means a reduction of energy, stamina or focus that
9 impacts mental or physical performance due to stressors or other
10 related certified mental health-related conditions or
11 uncertified mental health-related conditions.

12 "Immediate family" means a member of the student's nuclear
13 family, including any of the following related to the student as
14 a natural relative, by marriage to a natural relative or through
15 the adoption process:

16 (1) A parent, grandparent, sibling or near relative who
17 resides in the same household as the student.

18 (2) A child of the student.

19 "Mental health day" means a day to allow a student to attain
20 care, rest or treatment to address a certified mental health-
21 related condition or uncertified mental health-related
22 condition.

23 "School" means a school district, area career and technical
24 school, charter school, cyber charter school or independent
25 school.

26 "Uncertified mental health-related condition" means a
27 condition or behavior exhibited by a student that has not been
28 diagnosed by a physician or mental health professional, but that
29 causes the student to experience overwhelming feelings of
30 stress, situational grief or trauma-induced suffering which

impede learning, including:

(1) The death of or a severe injury sustained by a member of the student's immediate family or the student's extended family.

(2) The death of the student's emotional support service animal.

(3) A school-related incident or event that traumatically affected the student, the student's friend or a staff member, classroom aide, administrator or teacher at the school.

(4) A community incident or event that induced trauma for the student.

(5) An accident or incident resulting in death or harm, injury or suffering of the student, an immediate or extended family member or a friend of the student regardless of where the accident or incident occurred.

(6) An act of bullying of the student by another student at the school, the school grounds or the route used to traverse to and from the school, if the act was reported by the student to the school.

(7) Compounding stressors, including academic pressure, burnout and any other factors that impact a student's ability to focus due to poor mental health.

(8) Any other similar reason, incident or event triggering mental or physical fatigue due to an underlying mental health-related stressor even though the student has not been diagnosed by a physician or mental health professional.

Section 3. This act shall take effect in 60 days.