



Mental Health Association in New York State, Inc.

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Memorandum in Support

S.563 (Hoylman)/ A.1869 (Fernandez)

AN ACT to amend the education law, in relation to providing for absence from school for the mental or behavioral health of the minor

The Mental Health Association in New York State, Inc. (MHANYS) supports mental health based absences from primary and secondary school as legitimate grounds for excused absences from school. MHANYS therefore supports S.563(Hoylman)/A.1869 (Fernandez), which would amend the education law, in relation to providing for absences from school for the mental or behavioral health of minors.

At least two states in the U.S. have passed legislation that establish mental health days as legitimate excused absences from school on par with sick days for physical illnesses. Although they take different approaches, both Oregon and Utah have passed laws allowing students to take time off from school due to mental health. In New York, each school district establishes its own policies regarding what constitutes an excused absence within state guidelines. There is currently no law that requires, allows or encourages schools to include “mental health days” in their policies regarding acceptable reasons for excused absences.

Anxiety and depression (among other mental illnesses) are rising among school-age youth. According to NIMH the lifetime prevalence rates of mental illness among 13 to 18 year olds is 21% with severe impact and 46% with mild, moderate or severe impact. Therefore, nearly half of youth in this age range has experienced some level of mental health challenge. The COVID-19 Pandemic has exacerbated these challenges adding additional stress to schools’ capacity to meet the mental and emotional health needs of students.

Mental illnesses and the symptoms associated with developing mental health challenges impact students in many ways, affecting their academic performance, maturation, relationships, prospect for graduation and much more. Bouts of depression and anxiety can be just as debilitating as many chronic health conditions and when a student is experiencing the symptoms associated with mental health conditions it can impair their ability to function in school. Just as with physical illnesses, people with mental health conditions need the ability to take a break from the demands of school in order to rest, heal and seek professional treatment when necessary. When public policies reflect an appreciation for parity between mental health and physical health it helps to reduce stigma and supports norms which acknowledge the seriousness and legitimacy of mental illness.

For all of the aforementioned reasons MHANYS urges the Legislature to pass S.563/A.1869.

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