

SENATE BILL 438

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1lr1783
CF HB 401

By: **Senators Washington, Hettleman, and Elfreth**

Introduced and read first time: January 20, 2021

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 27, 2021

CHAPTER _____

1 AN ACT concerning

2 **Public Schools – Pregnant and Parenting Students – Policies and Reports**

3 FOR the purpose of requiring the State Department of Education to establish a model policy
4 to support the educational and parenting goals and improve the educational
5 outcomes of pregnant and parenting students; requiring the model policy to include
6 certain policies and procedures; requiring each county board of education to establish
7 a certain policy based on the Department’s model policy; providing for the
8 construction of certain provisions of this Act; altering the required contents of a
9 certain attendance policy developed by a county board; defining a certain term; and
10 generally relating to pregnant and parenting students.

11 BY adding to
12 Article – Education
13 Section 4–138
14 Annotated Code of Maryland
15 (2018 Replacement Volume and 2020 Supplement)

16 BY repealing and reenacting, without amendments,
17 Article – Education
18 Section 7–301.1(a) and (b)
19 Annotated Code of Maryland
20 (2018 Replacement Volume and 2020 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article – Education

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Section 7–301.1(c)(1)
 2 Annotated Code of Maryland
 3 (2018 Replacement Volume and 2020 Supplement)

4 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 5 That the Laws of Maryland read as follows:

6 **Article – Education**

7 **4–138.**

8 (A) IN THIS SECTION, “PARENTING STUDENT” MEANS A STUDENT WHO
 9 ~~EXERCISES CARE, CUSTODY, OR CONTROL OVER~~ IS THE MOTHER, FATHER, OR LEGAL
 10 GUARDIAN OF A CHILD.

11 (B) THE DEPARTMENT SHALL DEVELOP A MODEL POLICY TO SUPPORT THE
 12 EDUCATIONAL AND PARENTING GOALS AND IMPROVE THE EDUCATIONAL
 13 OUTCOMES OF PREGNANT AND PARENTING STUDENTS.

14 (C) THE POLICY ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION
 15 SHALL:

16 (1) REQUIRE EACH HIGH SCHOOL TO DESIGNATE A PRIVATE
 17 LACTATION SPACE IN THE SCHOOL THAT:

18 (I) ~~IS LOCATED CLOSE TO A SINK AND REFRIGERATOR;~~

19 ~~(H)~~ INCLUDES AT LEAST ONE SEATING OPTION WITH A FLAT
 20 SURFACE AND ELECTRICAL OUTLET NEARBY TO ACCOMMODATE PLACEMENT OF A
 21 BREAST PUMP DEVICE; AND

22 ~~(HH)~~ (II) IS NOT A BATHROOM OR CLOSET;

23 (2) PROVIDE LACTATING STUDENTS WITH ACCESS TO A
 24 REFRIGERATOR LOCATED REASONABLY CLOSE TO THE PRIVATE LACTATION SPACE
 25 REQUIRED UNDER ITEM (1) OF THIS SUBSECTION;

26 ~~(2)~~ (3) REQUIRE SCHOOLS TO ~~ASSIST AND ADVISE~~ DESIGNATE AT
 27 LEAST ONE STAFF MEMBER TO CONNECT, TO THE EXTENT PRACTICABLE, PREGNANT
 28 AND PARENTING STUDENTS WITH ~~FINDING~~ RESOURCES TO FIND SAFE,
 29 AFFORDABLE, AND RELIABLE:

30 (I) CHILD CARE AND EARLY CHILDHOOD EDUCATION
 31 SERVICES; AND

1 (II) TRANSPORTATION SERVICES TO AND FROM SCHOOL;

2 ~~(3)~~ (4) INCORPORATE THE ATTENDANCE POLICY FOR PREGNANT
3 AND PARENTING STUDENTS DEVELOPED UNDER § 7-301.1 OF THIS ARTICLE;

4 ~~(4)~~ (5) PROVIDE FOR TRAINING OF SCHOOL PERSONNEL ON
5 POLICY OBJECTIVES AND REQUIREMENTS; AND

6 ~~(5)~~ (6) BE PUBLISHED IN THE SCHOOL SYSTEM'S STUDENT
7 HANDBOOK.

8 (D) (1) EACH COUNTY BOARD SHALL ESTABLISH A POLICY TO SUPPORT
9 THE EDUCATIONAL AND PARENTING GOALS AND IMPROVE THE EDUCATIONAL
10 OUTCOMES OF PREGNANT AND PARENTING STUDENTS BASED ON THE MODEL
11 POLICY ESTABLISHED IN SUBSECTION (B) OF THIS SECTION.

12 (2) THE DEPARTMENT SHALL PROVIDE TECHNICAL ASSISTANCE TO A
13 COUNTY BOARD TO ESTABLISH THE POLICY REQUIRED UNDER THIS SUBSECTION.

14 (E) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE A
15 SCHOOL TO CONSTRUCT AN ADDITION OR NEW SPACE TO A SCHOOL BUILDING TO
16 PROVIDE A PRIVATE LACTATION SPACE TO COMPLY WITH THE REQUIREMENTS OF
17 THE POLICY ESTABLISHED UNDER THIS SECTION.

18 7-301.1.

19 (a) A student's absence due to a student's pregnancy or parenting needs is a
20 lawful absence as provided under this section.

21 (b) Each county board shall develop a written attendance policy for pregnant and
22 parenting students that, at a minimum, meets the requirements of this section.

23 (c) (1) The policy developed under subsection (b) of this section shall:

24 (i) Excuse all absences due to pregnancy- or parenting-related
25 conditions, including absences for:

26 1. Labor;

27 2. Delivery;

28 3. Recovery; and

29 4. Prenatal and postnatal medical appointments;

30 (ii) Provide at least 10 days of excused absences for a parenting

1 student after the birth of the student’s child;

2 (iii) Excuse any parenting–related absences due to an illness or a
3 medical appointment of the student’s child, including up to 4 days of absences per school
4 year for which the school may not require a note from a physician; [and]

5 (iv) Excuse any absence due to a legal appointment involving the
6 pregnant or parenting student that is related to family law proceedings, including adoption,
7 custody, and visitation; AND

8 (v) EXCUSE ANY PARENTING–RELATED ABSENCE FROM A
9 CLASS DUE TO USE OF A LACTATION SPACE TO NURSE OR EXPRESS BREAST MILK.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
11 1, 2021.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.