

Maryland State Department of Education

A. PURPOSE

Instructions: The local education agency's policy must include a section entitled purpose.

It is the policy of the Maryland State Board of Education (MSDE) to prohibit gender discrimination of any type in educational programs and activities, including bias against pregnant and parenting students. The United States Department of Education's Regulations implementing Title IX of the U.S. Education Amendments of 1972, Public Law 92-318, codified at 20 U.S.C. §§ 1681–1688, Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, specifically address legal issues regarding pregnant and parenting students and prohibit disparate treatment of students based on pregnancy, childbirth, false pregnancy, termination of a pregnancy, or recovery from any of these conditions.

The MSDE is committed to providing equity and access for all students in a supportive school environment. Pregnant and parenting students must be allowed to participate in all aspects of the educational program, including all academic, physical, and social components. Pregnant and parenting students must have access to a range of specific activities and policies that govern activities both in and outside of the classroom. These activities include, but are not limited to, excused absences, make-up work, accommodations for instruction, lactation, and designated support staff in the school.

B. DEFINITIONS

Instructions: The local education agency's policy must include, at a minimum, the following definition. The local education agency may add to the language that is provided.

Parenting student means a student who is the mother, father, or legal guardian of a child.

C. LIMITATIONS OF LIABILITY

Model language: In accordance with the statute, nothing in the legislation shall be construed to require a school to construct an addition or new space to a school building to provide a private lactation space to comply with the requirements of the policy.

D. PROCEDURES

Instructions: The local education agency's policy must include a section on procedures that incorporates attendance and lawful absences make-up work, lactation, support for students, training and publication, and communication. The following model procedures for supporting the educational and parenting goals and improving the educational outcomes of pregnant and parenting students are presented but are not intended to limit school systems from implementing additional procedures that safeguard the rights and safety of pregnant and parenting students.

1. Attendance and Lawful Absences

- a. Each local board of education was required to develop a written attendance policy for pregnant and parenting students that reflected the requirements of Section §7-301.1 of the Education Article, Education-Pregnant and Parenting Students, which took effect July 1, 2017.
 - (i) The policy was required to reflect the following provisions:
 - 1. Students must be lawfully excused for any pregnancy or parenting related conditions, including absences for:
 - a. labor
 - b. delivery
 - c. recovery
 - d. prenatal and postnatal medical appointments.
 - (ii) The policy must specify certain lawful absences for a parenting student including:
 - 1. Pregnant or parenting students must be allowed at least 10 days of excused absences after the birth of the student's child.
 - 2. Pregnant or parenting students must be allowed excused absences due to the illness or medical appointment of the student's child, including up to four days per year for which the school may not require a note from a physician.
 - (iii) In addition, pregnant or parenting students must be allowed excused absences for legal appointments related to family law proceedings, including adoption, custody, and visitation.
 - b. Section §4-139 of the Education Article added the requirement to excuse any absence from a class due to use of a lactation space
 - (i) Parenting students must be excused from class due to the use of a lactation space to nurse or express milk.

2. Make Up Work

- a. Section §7-301.1 (2017) of the Education Article authorized schools to allow pregnant and parenting students to make up work in ways other than home and hospital teaching.
 - i. Beyond home and hospital teaching, pregnant and parenting students may be allowed to make up work in other ways by:
 - 1. retaking a semester
 - 2. participating in an online course credit recovery program
 - 3. allowing the student six weeks to continue at the same pace and finish at a later date
- b. Make up work considerations for local policies may include:
 - i. Consultation with school counselors to discuss options for making up missed work. All options should be considered, including summer and night school, tutors, dual enrollment, Maryland Virtual Learning Opportunities (MVLO) courses, and other credit recovery programs.

3. Lactation

- a. Section §4-139 of the Education Article adds the requirement that each high school must provide a private lactation space.
 - i. Each high school must provide a private lactation space in the school.

- ii. The lactation space must include at least one seating option with a flat surface.
 - iii. The lactation space must include an electrical outlet nearby to accommodate placement of a breast pump device.
 - iv. The lactation space may not be a bathroom or a closet.
 - v. The lactating student must have access to a refrigerator located close to the private lactation space.
 - b. Lactation considerations for local policies may include:
 - i. Consultation with school nurses as to the best place and space for lactation.
 - ii. With student permission, alerting the school nurses of any student needing a safe lactation space so the nurse can share information and resources on lactations and child development with the parent.
- 4. **Support for Students**
 - a. Section §4-139 of the Education Article requires schools to designate at least one staff member to connect students to services.
 - i. At least one staff member shall be designated to connect pregnant and parenting students with the follow resources:
 - 1. safe, affordable, and reliable childcare,
 - 2. early education services, and
 - 3. transportation services to and from school.
 - b. Support for Students -Considerations for local policies:
 - i. Consult with school social workers and school pupil personnel workers regarding community resources.
 - ii. Work with the local education agency Office of Transportation to provide transportation services as needed and as appropriate.
- 5. **Local policy, training, and publication**
 - a. Each county board will establish a policy to support the educational and parenting goals and improve the educational outcomes of pregnant and parenting students based on the MSDE model policy.
 - b. Each local education agency must provide for training of school personnel on policy objectives and requirements.
 - c. Training considerations might include:
 - i. The data on school completion and future opportunities for pregnant and parenting teens and their need for support,
 - ii. Information on Title IX protections for pregnant and parenting teens,
 - iii. Classroom strategies on the development of a safe, supportive, culturally responsive classroom systems with a focus on equity, acceptance, and access for all students,
 - iv. Strategies to increase staff awareness and the ability to identify and appropriately respond to the needs of pregnant and parenting students, and
 - v. Strategies that serve to increase staff awareness in identifying and supporting pregnant and parenting students who may be vulnerable to bullying, harassment, or intimidation.
 - d. Each school system will publish the policy in the school system's student handbook.

- e. In June 2022, local superintendents of schools will verify by the completion of the MSDE Certification Statement that required policy, personnel training, and planning for publication in the 2022-2023 Student Handbook have been completed.
 - f. The MSDE will provide technical assistance to local education agencies as needed to establish the required local policy.
6. **Communication-considerations for local education agencies**
- a. Identify staff who can reach out to pregnant and parenting students to offer support. Staff may include, but are not limited to, school nurses, school counselors, school social workers, equity officers, and pupil personnel workers.
 - b. Inform staff about the policy regarding pregnant and parenting students during opening-of-school meetings and then periodically throughout the school year.
 - c. Inform students about the policy and note the information in the Student Handbook during orientation sessions in classes.
 - d. Identify designated staff so students know who they can contact for additional support.
 - e. If data are being collected regarding pregnant and parenting students all safeguards must be in place to protect student identity and safety (FERPA and HIPPA)
7. **Violations of Bullying or Harassment – Considerations for local education agency policy**
- a. Follow recommended procedures in the MSDE *Model Policy on Bullying, Harassment, Or Intimidation*, December 2021
8. **Resources for Schools and Students**
- a. Section 7-301.1 of the Education Article, Education-Pregnant and Parenting Students <https://mgaleg.maryland.gov/mgaweb/Laws/StatuteText?article=ged§ion=7-301.1&enactments=False&archived=False>
 - b. Section 4-139 of the Education Article, Annotated Code of Maryland (Chapter 438) - *Maryland's Model Policy to Support the Educational and Parenting Goals and Improve the Educational Outcomes of Pregnant and Parenting Students* https://mgaleg.maryland.gov/2021RS/chapters_noln/Ch_346_sb0438T.pdf
 - c. Maryland Department of Health Maternal and Child Health Bureau <https://phpa.health.maryland.gov/mch/Pages/home.aspx>
 - d. Maryland Department of Health Medicaid eligibility <https://mmcp.health.maryland.gov/Pages/Apply%20for%20Medicaid.aspx>
 - e. Maryland Department of Health-Maryland Children's Health Program (MCHP) <https://mmcp.health.maryland.gov/chp/pages/home.aspx>
 - f. Maryland State Department of Education Division of Early Childhood, Office of Child Care <https://earlychildhood.marylandpublicschools.org/child-care-providers/office-child-care>
 - g. Maryland Department of Human Services <https://dhs.maryland.gov/>
 - h. 2-2-1 Health and Human Services Community Resources (Maryland) <https://211md.org/>

Certification Statement

Model Policy to Support the Educational and Parenting Goals and Improve the Educational Outcomes of Pregnant and Parenting

Local Education Agency:

I certify that the attached model policy, and the required teacher school personnel training on the policy objectives and requirements were completed by June 1, 2022, and the required publication in the Student Handbook will be completed by the start of school year 2022-2023.

Signature-Local Superintendent/Chief Executive Officer

Date

Please send the signed certification statement with an original signature by June 1, 2022 to:

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