



Karen B. Salmon, Ph.D.
State Superintendent of Schools

200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD • marylandpublicschools.org

TO: Members of the State Board of Education
FROM: Karen B. Salmon, Ph.D. *KBS*
DATE: June 27, 2017
SUBJECT: COMAR 13A.08.01.06
Educational Programs for Pregnant Girls
PREVIEW

PURPOSE:

To notify the State Board that COMAR 13A.08.01.06 *Educational Programs for Pregnant Girls* has been identified as a regulation which is in need of review and revision.

REGULATION PROMULGATION PROCESS:

Under Maryland law, a state agency, such as the State Board, may propose a new or amended regulation whenever the circumstances arise to do so. After the State Board votes to propose such a regulation, the proposed regulation is sent to the Administrative, Executive and Legislative Review (AELR) Committee for a 15-day review period. If the AELR Committee does not hold up the proposed regulation for further review, it is published in the Maryland Register for a 30-day public comment period. At the end of the comment period, MSDE staff reviews and summarizes the public comments. Thereafter, MSDE staff will present a recommendation to the State Board of Education to either: (1) adopt the regulation in the form it was proposed; or (2) revise the regulation and adopt it as final because the suggested revision is not a substantive change; or (3) revise the regulation and re-propose it because the suggested revision is a substantive change. At any time during this process, the AELR Committee may stop the promulgation process and hold a hearing. Thereafter, it may recommend to the Governor that the regulation not be adopted as a final regulation or the AELR Committee may release the regulation for final adoption.

BACKGROUND/HISTORICAL PERSPECTIVE:

COMAR 13A.08.01.06 *Educational Programs for Pregnant Girls* became effective July 26, 1967 with the last revisions to section .06 in December 1984.

On May 8, 2017, the President of the Carroll County Board of Education, requested that the State Board update COMAR 13A.08.01.06 *Educational Programs for Pregnant Girls*. Based on a review of the regulation by Maryland State Department of Education (MSDE) staff, it was agreed that the regulation is in need of revision. Staff plans to create a workgroup which will include other State agencies, such as the Department of Health and Mental Hygiene, the Department of Human Resources,

and other appropriate Departments, to address this regulation. All suggested revisions will be reviewed by Executive Staff and the Attorney General's Office.

The MSDE staff and workgroup will review other related regulations to determine alignment and identify if other regulations may need to be revised.

SUMMARY:

Considerations for modifications to the regulation include updating the language so that it is reflective of the current educational setting. For example, outdated terms such as *telephone and television teaching* and language which includes terms such as *married* and *unmarried* may be replaced with more up-to-date language and references to instructional delivery methods. Additionally, instructional delivery methods including home and hospital instruction, home schooling, and distance learning may be added to the updated regulation. Other considerations for modification may emerge from a comprehensive review of related statutes and policies including Annotated Code of Maryland, Education Article 7-301 - Compulsory Attendance, COMAR 13A.05.05.01-.04 – Coordinated Programs of Pupil Services, COMAR 13A. 04.18.01 - Comprehensive Health Education Instructional Programs for Grades Prekindergarten – 12, and the Maryland Student Records System Manual.

ACTION:

Receive input from the State Board on COMAR 13A.08.01.06 *Educational Programs for Pregnant Girls* which has been identified as a regulation in need of review and revision.

.06 Educational Programs for Pregnant Girls.

A. The local school system has responsibility to provide appropriate school programs for all students including pregnant girls, married or unmarried. These programs shall include provisions for counseling, pupil personnel work, social work, and psychological services as needed.

B. A girl, 16 years old or older, who is pregnant, either married or unmarried, who has not completed her high school education may elect to remain in the regular school program and may not be involuntarily excluded from any part of this program. The decision to modify this program or provide an appropriate alternative educational program as defined in Regulation .06D, of this chapter, shall be reached in joint consultation with the girl and appropriate educational and medical personnel.

C. A girl who is pregnant, either married or unmarried, who is under compulsory school age, may voluntarily withdraw from the regular school program provided that she enrolls in an appropriate educational program planned for her. The decision concerning an appropriate educational program as defined in Regulation .06D, of this chapter, for the pregnant girl shall be reached in joint consultation with the girl, her parents, guardians, or husband, and appropriate educational and medical personnel.

D. Appropriate educational programs may be:

(1) Continuation of the regular school program (modified in terms of individual needs);

(2) Enrollment in a special school or special class for pregnant girls;

(3) Enrollment in a residential school (may be regional);

(4) Telephone teaching;

(5) TV teaching;

(6) Home teaching;

(7) Programmed instruction;

(8) Admittance to a private maternity home;

(9) Combination of the above programs.

E. It is the responsibility of the local school system working with the home to cooperate with other State, county, and city agencies, such as health, welfare, and juvenile services and with private physicians or agencies to assure that the pregnant girl receives proper medical, psychological, and social services before termination of pregnancy and for as long as needed after that.