

Department of Legislative Services  
Maryland General Assembly  
2017 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 616  
Ways and Means

(Delegate Atterbeary, *et al.*)

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**Education - Pregnant and Parenting Students - Attendance Policy**

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This bill requires that a student's absence due to pregnancy or parenting needs is a lawful absence. Each local board of education must develop a written attendance policy for pregnant and parenting students that meets specified requirements. At the conclusion of any pregnancy- or parenting-related period of absence, the school must allow the student to make up the work that the student missed in a time period that equals at least as many days that the student was absent. The student may choose one of the following alternatives to make up the missed work: retake a semester; participate in an online course credit recovery program; or allow the student six weeks to continue at the same pace and finish at a later date.

The bill takes effect July 1, 2017.

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**Fiscal Summary**

**State Effect:** Maryland State Department of Education operations and finances are not significantly affected.

**Local Effect:** Local school systems currently have policies in place that allow for absences related to pregnancy and parenting and that provide alternatives for pregnant students to complete required schoolwork. Because it is largely consistent with current local school system practices and policies, the bill does not significantly impact local operations or finances.

**Small Business Effect:** None.

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## **Analysis**

**Bill Summary:** The local board of education attendance policy must excuse all absences due to pregnancy- or parenting-related conditions, including absences for labor, delivery, recovery, and prenatal and postnatal medical appointments. The policy must also:

- excuse pregnancy-related absences that are deemed medically necessary by the student's physician;
- provide at least 10 days of excused absences for a parenting student after the birth of the student's child;
- excuse parenting-related absences due to an illness or a medical appointment of the student's child, including up to four days of absences per school year for which the school may not require a note from a physician; and
- excuse any absence due to a legal appointment involving the pregnant or parenting student that is related to family law proceedings, including adoption, custody, and visitation.

**Current Law:** The Code of Maryland Regulations (COMAR) specifies the conditions that constitute a lawful absence from school. Among these conditions are:

- illness of the student – the principal or pupil personnel worker must require a physician's certificate from the parent or guardian of a student reported continuously absent for illness; and
- other emergency or set of circumstances that, in the judgment of the superintendent or designee, constitute a good and sufficient cause for absence from school.

A pregnant student is eligible to be on home and hospital services. COMAR establishes a minimum requirement for the provision of these instructional services to public school students who are unable to participate in their school of enrollment due to a physical or emotional condition.

Under COMAR a local school system is responsible for providing appropriate school programs for all students including pregnant girls, married or unmarried. These programs must include provisions for counseling, pupil personnel work, social work, and psychological services as needed. A girl, 16 years old or older, who is pregnant and who has not completed her high school education may elect to remain in the regular school program. The decision to modify this program or provide an appropriate alternative educational program must be reached in joint consultation with the girl and appropriate educational and medical personnel. Also, a girl who is pregnant and who is under compulsory school age may voluntarily withdraw from the regular school program provided that she enrolls in an appropriate educational program.

**Background:** Carroll County Public Schools (CCPS) advises that the bill would cover approximately 10 of its students per year, and that it currently excuses absences due to pregnancy-related issues and could, for a parenting student who is absent due to his/her child's illness, code the absence as an other emergency or circumstance, consistent with COMAR. CCPS further advises that students presently are allowed time to make up work, and that an online credit recovery program is available to students.

St. Mary's County Public Schools (SMCPS) advises that each year approximately 25 of its students are pregnant, that pregnant and parenting students have equal access to schools and activities, and that all separate programs are completely voluntary. SMCPS excuses absences due to pregnancy and childbirth for as long as it is deemed medically necessary. Parenting and/or pregnant students are provided with the opportunity to progress with their education through home/hospital, school-based child care programs, and online credit opportunities. The individual needs of the students are evaluated to determine the best course of action in order to encourage the students to complete their education.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 232 (Senator Manno, *et al.*) - Education, Health, and Environmental Affairs.

**Information Source(s):** Carroll, Montgomery, and St. Mary's counties; Maryland State Department of Education; Department of Legislative Services

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