

# HOUSE BILL 401

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(PRE-FILED)

1lr1188  
CF 1lr1783

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By: **Delegate Guyton**

Requested: October 27, 2020

Introduced and read first time: January 13, 2021

Assigned to: Ways and Means

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## A BILL ENTITLED

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; altering the required  
8 contents of a certain attendance policy developed by a county board; defining a  
9 certain term; and generally relating to pregnant and parenting students.

10 BY adding to

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

15 BY repealing and reenacting, without amendments,

16 Article – Education  
17 Section 7–301.1(a) and (b)  
18 Annotated Code of Maryland  
19 (2018 Replacement Volume and 2020 Supplement)

20 BY repealing and reenacting, with amendments,

21 Article – Education  
22 Section 7–301.1(c)(1)  
23 Annotated Code of Maryland  
24 (2018 Replacement Volume and 2020 Supplement)

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



## Article – Education

1  
2 4–138.

3 (A) IN THIS SECTION, “PARENTING STUDENT” MEANS A STUDENT WHO  
4 EXERCISES CARE, CUSTODY, OR CONTROL OVER A CHILD.

5 (B) THE DEPARTMENT SHALL DEVELOP A MODEL POLICY TO SUPPORT THE  
6 EDUCATIONAL AND PARENTING GOALS AND IMPROVE THE EDUCATIONAL  
7 OUTCOMES OF PREGNANT AND PARENTING STUDENTS.

8 (C) THE POLICY ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION  
9 SHALL:

10 (1) REQUIRE EACH SCHOOL TO DESIGNATE A PRIVATE LACTATION  
11 SPACE IN THE SCHOOL THAT:

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

13 (II) INCLUDES AT LEAST ONE SEATING OPTION WITH A FLAT  
14 SURFACE AND ELECTRICAL OUTLET NEARBY TO ACCOMMODATE PLACEMENT OF A  
15 BREAST PUMP DEVICE; AND

16 (III) IS NOT A BATHROOM OR CLOSET;

17 (2) REQUIRE SCHOOLS TO ASSIST AND ADVISE PREGNANT AND  
18 PARENTING STUDENTS WITH FINDING SAFE, AFFORDABLE, AND RELIABLE:

19 (I) CHILD CARE AND EARLY CHILDHOOD EDUCATION  
20 SERVICES; AND

21 (II) TRANSPORTATION SERVICES TO AND FROM SCHOOL;

22 (3) INCORPORATE THE ATTENDANCE POLICY FOR PREGNANT AND  
23 PARENTING STUDENTS DEVELOPED UNDER § 7–301.1 OF THIS ARTICLE;

24 (4) PROVIDE FOR TRAINING OF SCHOOL PERSONNEL ON POLICY  
25 OBJECTIVES AND REQUIREMENTS; AND

26 (5) BE PUBLISHED IN THE SCHOOL SYSTEM’S STUDENT HANDBOOK.

27 (D) (1) EACH COUNTY BOARD SHALL ESTABLISH A POLICY TO SUPPORT  
28 THE EDUCATIONAL AND PARENTING GOALS AND IMPROVE THE EDUCATIONAL

1 OUTCOMES OF PREGNANT AND PARENTING STUDENTS BASED ON THE MODEL  
2 POLICY ESTABLISHED IN SUBSECTION (B) OF THIS SECTION.

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

5 7-301.1.

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

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

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

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

13 1. Labor;

14 2. Delivery;

15 3. Recovery; and

16 4. Prenatal and postnatal medical appointments;

17 (ii) Provide at least 10 days of excused absences for a parenting  
18 student after the birth of the student's child;

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

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

25 (V) EXCUSE ANY PARENTING-RELATED ABSENCE FROM A  
26 CLASS DUE TO USE OF A LACTATION SPACE TO NURSE OR EXPRESS BREAST MILK.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
28 1, 2021.