

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 438

(Senator Washington, *et al.*)

Education, Health, and Environmental Affairs

Ways and Means

Public Schools - Pregnant and Parenting Students - Policies and Reports

This bill requires the Maryland State Department of Education (MSDE) to develop a model policy, with specified elements, to support the educational and parenting goals and improve the educational outcomes of pregnant and parenting students. Each local board of education must establish a local policy based on the model policy. MSDE must provide technical assistance to a local board to establish the policies. In addition, the bill requires each local board of education to excuse any parenting-related absence from a class due to the use of a lactation space to nurse or express breast milk. **The bill takes effect July 1, 2021.**

Fiscal Summary

State Effect: MSDE can develop the required model policy and provide technical assistance using existing resources; however, time and resources may be temporarily diverted from existing projects and priorities. Revenues are not affected.

Local Effect: Local school systems can likely find an appropriate existing space in each high school to convert into a private lactation space at a minimal one-time cost. The bill does not require local school systems to construct an addition or new space to a school building to comply with the requirements of the bill. However, some local school systems may choose to increase expenditures, potentially significantly, to the extent that space is not available or to create a more elaborate lactation space. Revenues are not affected.

Small Business Effect: None.

Analysis

Bill Summary: Each local policy must:

- require each high school to designate a private lactation space in the school that meets specified requirements;
- provide lactating students with access to a refrigerator located reasonably close to the private lactation space;
- require schools to designate at least one staff member to connect, to the extent practicable, pregnant and parenting students with resources to find safe, affordable, and reliable child care, early education services, and transportation services to and from school;
- incorporate the attendance policy for pregnant and parenting students as specified;
- provide for training of school personnel on policy objectives and requirements; and
- be published in the school system's student handbook.

Nothing in the bill must 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 established by the bill.

Current Law: A student's absence due to a student's pregnancy or parenting needs is a lawful absence, as specified.

Each local board of education must develop a written attendance policy for pregnant and parenting students that meets minimum requirements. At a minimum, the policy must:

- excuse all absences due to pregnancy- or parenting-related conditions, including absences for labor, delivery, recovery, and prenatal and postnatal medical appointments;
- provide at least 10 days of excused absences for a parenting student after the birth of the student's child;
- excuse any parenting-related absences due to an illness or a medical appointment of the student's child, including up to 4 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.

A mother may breastfeed her child in any public or private location in which the mother and child are authorized to be. A person may not restrict or limit the right of a mother to breastfeed her child.

State Expenditures: MSDE advises that a half-time education program consultant is required to develop the model policy and provide technical assistance to local school systems to develop their policies. The Department of Legislative Services advises that the model policy and providing technical assistance to local school systems to develop local policies can likely be developed and provided using existing resources although staff and resources may need to be temporarily diverted from other priorities. To the extent, that a half-time education program consultant is required in fiscal 2022, general fund expenditures increase by approximately \$60,300.

Local Expenditures: Local school systems can likely find an appropriate existing space in each high school to convert into a private lactation space that meets the bill's requirements at a minimal one-time cost. The bill states that local school systems are not required to construct an addition or new space to comply to with the requirements of the bill. However, some local school system may choose to increase expenditures, potentially significantly, to the extent that space is not available or to create a more elaborate lactation space.

Additional Information

Prior Introductions: None.

Designated Cross File: HB 401 (Delegate Guyton) - Ways and Means.

Information Source(s): Maryland State Department of Education; Baltimore City Public Schools; Anne Arundel County Public Schools; Prince George's County Public Schools; St. Mary's County Public Schools; Wicomico County Public Schools; Department of Legislative Services

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