

# **CJohnson\_Testimony SB741.pdf**

Uploaded by: Camerin Johnson

Position: FAV

**Testimony in Support of SB 741  
Pregnant and Parenting Support Act**

Chair Brian J. Feldman  
Vice Chair Cheryl C. Kagan  
2 West  
Miller Senate Office Building  
Annapolis, Maryland 21401

RE: FAV SB 741 Pregnant and Parenting Support Act

**Dear Members of the Education, Energy, and the Environment Committee,**

My name is Carmerin Johnson. I am a 30-year-old online student at Post University seeking my degree in Early Childhood Education. As a busy mother of a 4-year-old, 1-year-old, and 1-month-old, I strongly urge you to pass SB 741 to support pregnant and parenting students like me.

SB 741 requires Maryland public colleges to have policies supporting pregnant and parenting students. The policies would provide referrals to existing government assistance programs for childcare, access to WIC and nutrition programs, healthcare, and adoption services. They would also offer academic flexibility through priority registration and schedule accommodations. This allows pregnant and parenting students access to resources and accommodations needed to continue pursuing our degrees while managing our responsibilities as parents.

As an Annapolis native raising three young kids while pursuing my online degree, I have battled those barriers firsthand.

The day-to-day grind of juggling school, parenting, and providing is all-consuming. Comforting my crying newborn while trying to comprehend lectures. Cooking dinner with one hand while skimming a textbook with the other. I failed a class last semester overwhelmed by these competing demands.

The economic obstacles only compound matters. Two cans of formula cost me \$100. Without WIC assistance, I've spent upwards of \$200 on this single expense. If I'd received guidance on government nutrition programs from my school under SB 741, perhaps I could have instead afforded tuition for classes on campus.

Childcare, healthcare access, and other resources—these referrals mandated by SB 741 open doors for student-parents to keep pursuing our purpose. We shouldn't have to choose between nurturing our children and unlocking opportunities through education.

I don't ask for handouts. But access to information and accommodations provides a runway for my efforts to take flight.

Delegate Shaneka Henson lived these struggles as a single-mother attending school. Now she's uplifting mothers like me, statewide, who desire to contribute our talents. Please vote yes on SB 741—not for me, but for moms and dads I will empower once I can finish my Early Childhood Education degree. For the young minds I will shape. For the generation I will lift.

This is my dream. This bill grants student-parents the basic tools to achieve our dreams.

Warm regards,

Carmerin Johnson

My name is Carmerin Johnson 30 years old and I attend Post University online. I am from Annapolis. Born and raised.

I Couldn't find child care and had to settle for online classes. The other schools were also too expensive and I didn't know about any scholarships for mother's like me. I have a 4 year old, 1 year, old and 1 month old.

This bill will help because I would have learned more and been able to concentrate better. Instead I have to be in the house with my kids and learn online. I have to attend to my crying baby while also having to hear the lesson online. I'm studying early childhood education. My goal is to open up my own daycare and do homeschool. I have a passion for kids and want to finish school so that I can make a different in the lives of children. I want to be able to help other parents and mothers. That why this is important for me to finish school so that I can give back to others that was in my position. I Failed a course last semester because I didn't have support with help with my kids

This bill would help me as a current student. I

With WIC you can get simulate but if you don't receive WIC you have to use SNAP benefit to get baby milk. The cost of the milk is high. I spend \$100 for 2 cans of milk. I spend \$200 a month alone on milk for my 1 month old. If the university could provide me with information on how to get WIC if could help a lot I could go to school on campus and not have to settle for online classed only.

I want to thank Delegate Shaneka Henson for putting forth a bill like this because....

**SB741\_FAV\_Henson\_Testimony .pdf**

Uploaded by: Delegate Henson

Position: FAV

SHANEKA HENSON  
Legislative District 30A  
Anne Arundel County

Ways and Means Committee

Joint Committee on  
Children, Youth, and Families



The Maryland House of Delegates  
6 Bladen Street, Room 154  
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THE MARYLAND HOUSE OF DELEGATES  
ANNAPOLIS, MARYLAND 21401

**TESTIMONY IN SUPPORT OF SB 741**

**Public Senior Higher Education Institutions - Pregnant and Parenting Students - Policy Requirements (Pregnant and Parenting Support Act)**

Chair Brian J. Feldman  
Vice Chair Cheryl C. Kagan  
2 West  
Miller Senate Office Building  
Annapolis, Maryland 21401

**Dear Members of the Education, Energy, and the Environment Committee,**

I am writing to urge your support for Senate Bill 741, the Pregnant and Parenting Support Act. As a former teenage mother who navigated the challenges of higher education while raising a child, I understand firsthand the hurdles faced by pregnant and parenting students.

During my sophomore year of college, I discovered I was pregnant. The uncertainty of balancing parenthood with academics was daunting, but with support from loved ones and healthcare professionals, I persevered. This experience ignited my passion to advocate for pregnant and parenting students.

SB 741 seeks to ensure that public higher education institutions adopt comprehensive policies supporting pregnant and parenting students. These policies include access to healthcare services and academic accommodations tailored to their needs.

Research shows that prenatal care significantly improves maternal and fetal health outcomes, making it crucial for pregnant students. Additionally, supporting these students is not just a policy issue—it's a moral imperative. Everyone deserves the opportunity to pursue their dreams, regardless of parental status.

By mandating policies outlined in SB 741, we can create a more inclusive educational environment. This includes referral services for essential programs like WIC and childcare assistance, ensuring pregnant and parenting students feel valued, supported, and empowered to succeed.

I urge you to support SB 741 to ensure that every student has the chance to reach their full potential, regardless of their parental status.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "SHANEKA HENSON".

Hon. Delegate Shaneka Henson

# **Maryland Catholic Conference\_FAV\_SB741.pdf**

Uploaded by: Diane Arias

Position: FAV



MARYLAND  
CATHOLIC  
CONFERENCE

**February 28, 2024**

**Senate Bill 741**

**Public Senior Higher Education Institutions – Pregnant and Parenting Students –  
Policy Requirements (Pregnant and Parenting Support Act)  
Senate Education, Energy, and the Environment Committee**

**Position: Favorable**

The Maryland Catholic Conference (MCC) is the public policy representative of the three (arch)dioceses serving Maryland, which together encompass over one million Marylanders. Statewide, their parishes, schools, hospitals, and numerous charities combine to form our state's second largest social service provider network, behind only our state government.

**Senate Bill 741** requires each public senior higher education institution to adopt a policy regarding pregnant and parenting students using certain guidelines; and requiring each public senior higher education institution to post the policy on the institution's website by August 1, 2025.

In Maryland, nearly 55,000 students, constituting one-fifth of undergraduates, are parents. Student parents, often older, financially independent, highly motivated, and achieving better grades than their dependent peers, face significant challenges. However, a notable disparity exists, with just 8% of single-mother undergraduates earning an A.A. or B.A. within six years of college enrollment, compared to 49% of non-mothers.<sup>1</sup>

For student parents, particularly single mothers, a fundamental obstacle to education is the lack of awareness about their Title IX rights for campus accommodations. Among the state's 31 public colleges and universities, only a quarter provide information about Title IX rights for pregnant and parenting students on their websites. Moreover, 60% of public colleges do not list lactation spaces for breastfeeding mothers. The absence of this crucial information may lead to college dropout, discrimination, or a perception of unsupportiveness, hindering rather than facilitating college success. Notably, women of color are disproportionately affected, with 31%

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<sup>1</sup> <https://iwpr.org/wp-content/uploads/2020/08/Maryland.pdf>



of Black women, 17% of mixed-race women, and 16% of Latinas in college being mothers, compared to 13% of White and 7% of Asian/Pacific Islander female students.<sup>2</sup>

Recognizing the challenges faced by student parents, especially women of color, is crucial. Pregnancy support services play a vital role in assisting women throughout their pregnancies and the early stages of parenting. Senate Bill 741 is a significant step toward ensuring that pregnant and parenting students in higher education have increased opportunities for success.

For these reasons, the MCC asks for a favorable report on **SB 741**.

Thank you for your consideration.

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<sup>2</sup> [https://iwpr.org/wp-content/uploads/2020/08/C481\\_Parents-in-College-By-the-Numbers-Aspen-Ascend-and-IWPR.pdf](https://iwpr.org/wp-content/uploads/2020/08/C481_Parents-in-College-By-the-Numbers-Aspen-Ascend-and-IWPR.pdf)

# **Favorable SB-0741- 2024 Women of Color for Equal J**

Uploaded by: Jo Saint-George, Esq.

Position: FAV



February 27, 2024

Chair- Senator Brian J. Feldman  
Vice Chair -Senator Cheryl C. Kagan  
Education, Energy, and the Environment Committee  
2 West  
Miller Senate Office Building  
Annapolis, Maryland 21401

**RE: Favorable Testimony – SB0741 - Public Senior Higher Education Institutions – Pregnant and Parenting Students**

Dear Chair, Vice Chair and Committee:

Thank you for the opportunity to come before the Committee to stress the need to pass SB0741 the Public Senior Higher Education Pregnant and Parenting Student Bill introduced by Delegate Henson. The Women of Color For Equal Justice is a Maryland based advocacy and litigation center focused on protecting, the rights and civil liberties of all persons, with concentrated focus on the economic, health and workforce needs of women of color.

***Support Pregnant and Parenting Students on Maryland College Campuses***

Pursuing knowledge and having children—these are two virtues that carry immense social value and should be celebrated. However, regrettably, it is more often the case, modern society holds them in conflict with one another. More than one in five college students—or 22 percent of all undergraduates—are parents, according to an analysis of data from the National Postsecondary Student Aid Study.<sup>1</sup> Of the 3.8 million students who are raising children while in college, roughly 2.7 million (or 70 percent) are mothers and 1.1 million (30 percent) are fathers ([Figure 1](#)). Moreover, Student parents are more likely than students without children to be students of color: 51% compared with 46 percent of students without children. Looking across racial/ethnic backgrounds, Black college students are the most likely to be parents (33 percent), and Black women — two in five of whom are mothers — are more likely than women from other backgrounds to be raising children while in college.

In addition, over half (1/2) of all student parents dropout before earning their degree according to a report by the [US Government Accountability Office \(GAO\)](#), of the 4.3 million student parents in the nation as of , 52% percent of them dropout of college before earning their degree. Despite the fact that student parents often get better grades than their non-parent peers and that they're more motivated to succeed, some face barriers that may be difficult to overcome.

Pregnant students should not be faced with the dilemma that their academic and future success must be sacrificed to an unplanned pregnancy. Data shows that carrying a child to term does not have to hinder one's educational journey. As a woman who understands the strength and resilience of other

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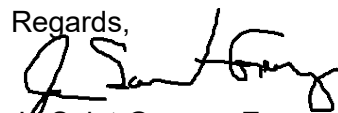
<sup>1</sup> Source: IWPR analysis of data from the U.S. Department of Education, National Center for Education Statistics, 2015-16 National Postsecondary Student Aid Study (NPSAS:16) and Integrated Postsecondary Education Data System (IPEDS) Spring 2001 through Spring 2017, Fall Enrollment component.

women, I found it unsurprising that student mothers outperform their childless peers in the classroom. With more people entering college at every station of life, it is critical that we pass the Pregnant and Parenting Student Act. All students should know their rights and protections available to them, including all existing resources that can have a profound impact on parenting students.

One of the most pressing needs that students who are pregnant or parenting face, include on campus and near campus child-care. Consequently, SB0741 - which mandates that all Maryland higher education institutions create policies for making resources available to students who are pregnant or parenting so that they can parent and attend school successfully – is big step in the right direction in supporting Marylander Pregnant and Parenting Students.

We request a favorable report!

Regards,



Jo Saint-George, Esq.  
Chief Legal Officer  
jo@woc4equaljustice.org

**SB0741\_FAV\_MedChi, MDAAP, MDACOG\_Pub. Senior Highe**

Uploaded by: Pam Kasemeyer

Position: FAV



The Maryland State Medical Society  
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TO: The Honorable Brian J. Feldman, Chair  
Members, Senate Education, Energy, and the Environment Committee  
The Honorable Dawn Gile

FROM: Pamela Metz Kasemeyer  
J. Steven Wise  
Danna L. Kauffman  
Andrew G. Vetter  
Christine K. Krone  
410-244-7000

DATE: February 28, 2024

RE: **SUPPORT** – Senate Bill 741 – *Public Senior Higher Education Institutions – Pregnant and Parenting Students – Policy Requirements (Pregnant and Parenting Support Act)*

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On behalf of The Maryland State Medical Society, the Maryland Chapter of the American Academy of Pediatrics, and the Maryland Section of The American College of Obstetricians and Gynecologists, we submit this letter of **support** for Senate Bill 741.

Senate Bill 741 seeks to address the issues that students who are pregnant, have recently given birth, or are non-birth parents face in attempting to advance their education, while addressing the demands associated with pregnancy and early parenthood demands. Senate Bill 741 requires higher education institutions to adopt policies related to pregnant and parenting students that is consistent with Title IX of the Education Amendments of 1972, which includes a prohibition of a requirement for pregnant students to take a leave of absence; allows pregnant students, students who have recently given birth, and non-birth parents to take a leave of absence and return in good academic standing; and requires the adoption of policies related to pregnancy discrimination awareness and other issues that impact pregnant students. The bill also requires the policy to include requirements for referrals to on-campus and off-campus services regarding the availability of or eligibility for government assistance programs, such as the Supplemental Nutrition Assistance Program, the Childcare Scholarship Program, Medicaid, and the Children’s Health Insurance Program as well as referrals to on-campus and off-campus health care service providers.

Academic success is a key factor in enabling students to become productive, self-sufficient individuals who can advance professionally and personally. The added challenges of pregnancy and the initial months after delivery can negatively impact a student, despite a desire and commitment to complete their education and advance their professional development. Passage of Senate Bill 741 will help ensure that institutions of higher education have policies that support the success and advancement of their students who experience a pregnancy or birth of a child. It will enhance the likelihood of success for these students as well as their ability to support their families. A favorable report is requested.

**DG Written Testimony\_SB0741.pdf**

Uploaded by: Senator Gile

Position: FAV

DAWN D. GILE  
Legislative District 33  
Anne Arundel County

Finance Committee

Chair

Anne Arundel County  
Senate Delegation



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THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

**Testimony in Support of SB0741 - Public Senior Higher Education Institutions - Pregnant and Parenting Students - Policy Requirements (Pregnant and Parenting Support Act)**

Mr. Chair, Madame Vice Chair, and Members of the Senate Education, Energy, and the Environment Committee:

SB0741 seeks to ensure that public higher education institutions adopt comprehensive policies that support pregnant and parenting students. These policies include access to health care services and academic accommodations tailored to their needs. Research shows that prenatal care significantly improves maternal and fetal health outcomes, making access to it crucial for pregnant students.

Supporting these students is not just a policy issue—it's a moral imperative. Everyone deserves the opportunity to pursue their dreams, regardless of parental status. By mandating policies outlined in SB0741, we can create a more inclusive educational environment. This includes referral services for essential programs like the Women, Infants and Children (WIC) Program and child care assistance, ensuring pregnant and parenting students feel valued, supported, and empowered to succeed.

I have enclosed a sponsor amendment that broadens the services that must be provided or referred to including prenatal, labor and delivery, postpartum health care, abortion care, and adoption services.

Per the Fiscal Note, passage of this bill likely would not require additional state resources. I therefore respectfully request a favorable report on SB0741.



# **Sponsor Amendment\_SB0741.pdf**

Uploaded by: Senator Gile

Position: FAV



SB0741/393326/1

AMENDMENTS  
PREPARED  
BY THE  
DEPT. OF LEGISLATIVE  
SERVICES

13 FEB 24  
15:48:59

BY: Senator Gile  
(To be offered in the Education, Energy, and the Environment  
Committee)

AMENDMENT TO SENATE BILL 741

(First Reading File Bill)

On page 2, strike in their entirety lines 25 and 26 and substitute:

“(II) THE PROVISION OF OR REFERRALS FOR COUNSELING  
REGARDING THE FULL RANGE OF OPTIONS FOR PREGNANCY;

(III) THE PROVISION OF OR REFERRALS FOR A  
COMPREHENSIVE RANGE OF REPRODUCTIVE HEALTH SERVICES, INCLUDING:

1. PRENATAL, LABOR AND DELIVERY, AND  
POSTPARTUM HEALTH CARE;

2. ABORTION CARE SERVICES AS DETERMINED BY  
THE REPRODUCTIVE HEALTH SERVICES PLAN DEVELOPED BY THE INSTITUTION  
IN ACCORDANCE WITH § 15–136 OF THIS SUBTITLE; AND

3. ADOPTION SERVICES;”;

and in line 27, strike “(III)” and substitute “(IV)”.

On page 3, in line 1, strike “(IV)” and substitute “(V)”.

**USMD\_Amendments\_SB741.pdf**

Uploaded by: Senator Gile

Position: FAV

AMENDMENTS TO HOUSE BILL 771  
(First Reading File Bill)

AMENDMENT NO. 1:

On page 1, in line 3, strike “Policy” and substitute “Plan”; and in lines 6 and 7, strike “policy” and substitute “plan”; and after “institutions.” In line 9, insert:

“By repealing and reenacting, with amendments,  
Article – Education  
Section 15-136  
Annotated Code of Maryland  
(2022 Replacement Volume and 2023 Supplement)”.

AMENDMENT NO. 2:

On page 1, in line 17, after “Education” insert:

“15-136.

- (a) (1) In this section, “public senior higher education institution” means:
- (i) The constituent institutions of the University System of Maryland;
  - (ii) Morgan State University; and
  - (iii) St. Mary’s College of Maryland.
- (2) “Public senior higher education institution” does not include:
- (i) The University of Maryland Center for Environmental Studies;  
[or]
  - (ii) The University of Maryland Global Campus; OR
  - (iii) THE UNIVERSITY OF BALTIMORE.
- (b) (1) (i) [Except as provided in subparagraph (ii) of this paragraph, on

before August 1, 2024, each] EACH public senior higher education institution, in consultation with students, shall develop and implement a reproductive health services plan to provide at the public senior higher education institution or to refer students to a comprehensive range of reproductive health services.

(ii) [In lieu of developing and implementing a plan under subparagraph (i) of this paragraph, the] THE University of Baltimore shall provide students with access to over-the counter contraception through on-campus retail establishments or vending machines.

(2) The plan required under paragraph (1) of this subsection shall include:

(i) The provision of or referral to off-campus services for obtaining:

1. All methods of federal Food and Drug Administration-approved contraception, including prescription emergency contraception;
2. Prevention and treatment services for sexually transmitted infections, including HIV prevention; and
3. Abortion care services;

(ii) 24-hour access to over-the-counter contraception through the student health center, retail establishments on campus, or vending machines;

(iii) The availability of evidence-based reproductive health education services provided by the student health center, peer educators, or other health education programs; and

(iv) Development of a referral network of off-campus reproductive health service providers, including pharmacies, located within a reasonable proximity to the campus.

(3) A public senior higher education institution shall update the reproductive health services plan developed under this subsection each year.

- (iii) The Maryland Department of Health, on request, shall provide assistance to a public senior higher education institution in developing a reproductive health services plan under this section."

AMENDMENT No. 3:

On page 2, in lines 10 and 12, strike "POLICY" and substitute "PLAN"; and on page 3, in line 4, strike "POLICY" and substitute "PLAN".

**Purpose of amendments:**

**Amendment No. 1** is technical and makes changes to the purpose paragraph.

**Amendment No. 2** amends the definition of public senior higher education institution to exempt the University of Baltimore, or UBalt, from the requirements of this bill, consistent with current law and a similar bill that was passed last session that requires public senior higher education institutions to develop a reproductive health services plan for students that includes providing information and access to contraception. That bill exempted the University of Maryland Center for Environmental Sciences (UMCES) and the University of Maryland Global Campus (UMGC). The bill also exempted UBalt from developing a plan, but required them to provide access to contraception through on-campus retail establishments or vending machines. These three institutions do not have a health center.

HB 771 builds upon the intent of last year's bill that was passed and requires these same public senior higher education institutions to also develop plans for pregnant and parenting students that is consistent with TITLE IX and also includes referral information regarding the availability of government assistance programs, information about adoption services, and the availability of institutional accommodations.

**Amendment No. 3** to be consistent with current law and the bill that was passed last year, strikes the word "policy" and substitutes the word "plan".

**sb741 fav MARFY.pdf**

Uploaded by: Tyahna Arnold

Position: FAV



**February 28, 2024**

**Senate Bill 741-Public Senior Higher Institutions-Pregnant and Parenting Students-  
Policy Requirements (Pregnant and Parenting Support Act)  
Senate Education, Energy, and the Environment Committee**

**Position: SUPPORT**

The Maryland Association of Resources for Families and Youth (MARFY) is an association of private child caring organizations providing foster care, group homes, and other services through more than 200 programs across Maryland. The members of MARFY represent providers who serve Maryland's most vulnerable children who are in out of home placements due to abuse, neglect or severe mental health, and medical needs. We operate group homes, treatment foster care programs and independent living programs, primarily serving the foster care population as well as a juvenile services population.

If passed, this bill thoughtfully addresses the diverse needs of pregnant and parenting students by requiring policies to include referrals to essential on-campus and off-campus services, such as the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), Childcare Scholarship Program, Maryland Medical Assistance Program, and Maryland's Children's Health Insurance Program. Additionally, it emphasizes the importance of providing information on adoption services, priority class registration, flexible scheduling options, and a comprehensive referral network of healthcare providers. Such measures are critical in removing the barriers that pregnant and parenting students face, enabling them to continue their education without undue hardship.

Moreover, SB 741's requirement for public senior higher education institutions to post these policies on their websites, promotes transparency and easy access to information, ensuring that students are aware of the support available to them. This proactive approach not only aids in the retention of students but also fosters a campus culture that values inclusivity, diversity, and equity. This legislation acknowledges the unique challenges faced by pregnant and parenting students and provides a



structured framework for support that will have a lasting positive impact on their academic and personal lives.

Overall, by supporting Senate Bill 741, you are affirming the state's commitment to the success and well-being of all students, paving the way for a more inclusive, supportive, and equitable higher education system in Maryland. **It is for these reasons we politely ask for a favorable report on Senate Bill 741.**

**For more information call or email:**

Therese M. Hessler | 301-503-2576 | [therese@ashlargr.com](mailto:therese@ashlargr.com)

1500 Union Avenue, Suite 2500, Baltimore, MD 21211

410-727-6367 | [www.marylandnonprofits.org](http://www.marylandnonprofits.org)



Maryland Association of  
Resources for Families & Youth

**WSanders\_HB771\_FAV (3).pdf**

Uploaded by: Walter Sanders

Position: FAV

**Testimony in Support of HB 771 & SB 741  
Pregnant and Parenting Support Act**

**Dear Members of the Appropriations Committee,**

I hope this letter finds you well. My name is Walter Stone Sanders, and I am proud to say that I was born and raised in Baltimore. As a former NFL player for the Baltimore Ravens, a firefighter for Baltimore County, and currently a professional boxer, I have dedicated my life to serving my community and pursuing my dreams. However, my most important role is that of a father to my two beautiful daughters.

I come before you today to share my story as a young, poor, but gifted student who faced the challenges of balancing education and fatherhood. As a first-time father during my sophomore year at Saint Augustine University, I found myself grappling with the overwhelming responsibilities of parenthood while striving to excel in my studies and athletics.

The birth of my daughter was a pivotal moment in my life—a moment that transformed me from a carefree college student into a determined father with a renewed sense of purpose. I vividly recall the struggles of driving hours home twice a month, unable to afford childcare and after-school programming for my child. Despite these challenges, I remained steadfast in my commitment to both my education and my role as a father.

While I cherished the opportunity to pursue my passion for football and later transition into a career as a professional boxer, I couldn't help but recognize how having access to resources could have alleviated some of the burdens I faced as a student parent. Resources such as affordable childcare and after-school programs would have allowed me to focus more on my studies and spend quality time with my daughter.

House Bill 771|Senate Bill 741, the Pregnant and Parenting Support Act, strikes a chord with me on a deeply personal level. This legislation recognizes the struggles faced by student parents like myself and seeks to provide them with the support they need to succeed academically while fulfilling their parental responsibilities. By offering information on funding opportunities and making accommodations for classes and resources, this bill acknowledges the importance of education in shaping the future of families like mine.

I urge you to support House Bill 771|Senate Bill 741 and help create a more inclusive and supportive environment for student parents across our state. Thank you for considering my testimony and for your commitment to addressing the needs of pregnant and parenting students.

Sincerely,

Walter Stone Sanders

**WSanders\_SB741\_FAV.pdf**

Uploaded by: Walter Sanders

Position: FAV

**Testimony in Support of HB 771 & SB 741  
Pregnant and Parenting Support Act**

**Dear Members of the Education, Energy, and the Environment Committee,**

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While I cherished the opportunity to pursue my passion for football and later transition into a career as a professional boxer, I couldn't help but recognize how having access to resources could have alleviated some of the burdens I faced as a student parent. Resources such as affordable childcare and after-school programs would have allowed me to focus more on my studies and spend quality time with my daughter.

House Bill 771|Senate Bill 741, the Pregnant and Parenting Support Act, strikes a chord with me on a deeply personal level. This legislation recognizes the struggles faced by student parents like myself and seeks to provide them with the support they need to succeed academically while fulfilling their parental responsibilities. By offering information on funding opportunities and making accommodations for classes and resources, this bill acknowledges the importance of education in shaping the future of families like mine.

I urge you to support House Bill 771|Senate Bill 741 and help create a more inclusive and supportive environment for student parents across our state. Thank you for considering my testimony and for your commitment to addressing the needs of pregnant and parenting students.

Sincerely,

Walter Stone Sanders

**SB741\_USM\_FWA.pdf**

Uploaded by: Andy Clark

Position: FWA



## SENATE EDUCATION, ENERGY, AND THE ENVIRONMENT COMMITTEE

### Senate Bill 741

### Public Senior Institutions of Higher Education - Pregnant and Parenting Students - Policy Requirements (Pregnant and Parenting Support Act)

February 28, 2024

### Support with Amendments

The University System of Maryland **Supports with Amendments Senate Bill 741** because it seeks to provide pregnant and parenting students with resources to enable them to succeed in higher education.

The University System of Maryland (USM) is comprised of twelve distinguished institutions, and three regional centers. We award eight out of every ten bachelor's degrees in the State. Each of USM's 12 institutions has a distinct and unique approach to the mission of educating students and promoting the economic, intellectual, and cultural growth of its surrounding community. These institutions are located throughout the state, from Western Maryland to the Eastern Shore, with the flagship campus in the Washington suburbs. The USM includes three Historically Black Institutions, comprehensive institutions and research universities, and the country's largest public online institution.

Equal treatment and support for pregnant and parenting students is critical to ensuring that all female students have equal access to educational opportunities. The campuses that comprise the USM have consistently implemented timely policies to keep these students in school, ensure their children's health — and in the end get their diploma. While Senate Bill 741 supports this goal, we believe these resources should be part of a plan that can be updated as the information frequently changes, rather than part of a policy that is subject to many administrative steps to be updated.

Common amongst USM institutions is the pregnant students may request academic accommodations through the appropriate campus educational support and services office. Academic accommodation is generally made on a case-by-case basis as it pertains to the physical circumstances of pregnancy and any related medical conditions. This is a distinct time period that may include: the duration of the student's pregnancy, physical recovery and/or post pregnancy medical or psychological conditions that would be considered a disability under the Americans with Disabilities Act (ADA).

The U.S. Department of Education's Office for Civil Rights (OCR) enforces, among other statutes, Title IX of the Education Amendments of 1972. Title IX protects people from discrimination based on sex in education programs or activities that receive federal financial assistance. **One of the less well-known aspects of Title IX is that it protects the rights of pregnant and parenting students to stay in school and confer a status of "...pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom."**



Generally speaking, this means that USM institutions must give all students who might be, are, or have been pregnant (whether currently parenting or not) equal access to school programs and extracurricular activities. Schools must treat pregnant and parenting students in the same way that they treat other students who are similarly able or unable to participate in school activities. And Title IX requires schools to prevent and address sex-based harassment, which includes harassment based on pregnancy. Pregnant and/or parenting students may not be prevented from attending class on the basis of pregnancy. Separate programs or schools for pregnant and parenting students must be completely voluntary and must offer opportunities equal to those offered for non-pregnant students.

The institutions that comprise the USM, their leadership and staff, understand the rights of pregnant and parenting students under Title IX. It is in the highest, best interest of the USM and the State of Maryland to increase graduation rates and provide support for motivated students facing the challenges of parenthood. Institutions pay attention to what's working, what's not working, and what kind of barriers students may still experience throughout a semester.

For these reasons, USM **Supports with Amendments Senate Bill 741** and urges a favorable with amendment report.



**SB0741-EEE-FWA.pdf**

Uploaded by: Nina Themelis

Position: FWA



BRANDON M. SCOTT  
MAYOR

Office of Government Relations  
88 State Circle  
Annapolis, Maryland 21401

SB0741

February 28, 2024

**TO:** Members of the Senate Education, Energy and Environment Committee  
**FROM:** Nina Themelis, Director of Mayor's Office of Government Relations  
**RE:** Senate Bill 741 – Public Senior Higher Education Institutions - Pregnant and Parenting Students - Policy Requirements (Pregnant and Parenting Support Act)  
**POSITION: FAVORABLE WITH AMENDMENTS**

Chair Feldman, Vice Chair Kagan, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **supports** Senate Bill (SB) 741 **with amendments**.

SB 741 requires public senior higher education institutions to adopt a policy regarding pregnant and parenting students. The policy must include referral to on- or off-campus services for certain government assistance programs, adoption services, institutional accommodations, and health care. This supports the federal civil rights law, Title IX of the Education Amendments of 1972, which protects people from discrimination or denial of benefits in education programs that receive federal financial assistance.<sup>i</sup> However, as written, it misses two crucial groups of pregnant and parenting students: pregnant students who do not wish to remain pregnant, and parenting students who want to avoid future pregnancies. We recommend amendments to ensure these groups' needs are addressed.

Being pregnant or parenting while in school can pose significant challenges to students' academic success and potentially lead to dropping out.<sup>ii,iii</sup> Research shows that students with children are almost twice as likely as their peers to leave college before earning their degree.<sup>iii</sup> Top causes include time pressures (insufficient time to work, study, and provide for family), lack of affordable childcare, and high tuition costs.<sup>iii</sup> The policies required by this bill will help address these challenges and ensure that Maryland's public higher education institutions are hospitable environments for pregnant and parenting students.

It is important to recognize that some parenting students may wish to avoid future pregnancies. Similarly, some students who are pregnant may wish to terminate their pregnancies. As such, **we recommend the policies required by this bill also include referral to contraceptive services and abortion services**. This should be simple for institutions, as § 15-136 of the Education Article requires public senior higher education institutions to develop and implement reproductive health service plans including provision of or referrals to contraceptive and abortion services.<sup>iv</sup> The policies required by SB 741 should include these services, ensuring that pregnant and parenting students looking for reproductive health resources can find them.

For these reasons, the BCA respectfully request a **favorable with amendments** report on SB 741.

<sup>i</sup> US Department of Health and Human Services. (2021). Title IX of the Education Amendments of 1972. Retrieved from <https://www.hhs.gov/civil-rights/for-individuals/sex-discrimination/title-ix-education-amendments/index.html>

<sup>ii</sup> Sonfield, A., Hasstedt, K., Kavanaugh, M., & Anderson, R. (2013). The Social and Economic Benefits of Women's Ability To Determine Whether and When to Have Children. The Guttmacher Institute. Retrieved from <https://www.guttmacher.org/sites/default/files/pdfs/pubs/social-economic-benefits.pdf>

<sup>iii</sup> Contreras-Mendez, S. & Reichlin Cruse, L. Busy with Purpose: Lessons for Education and Policy Leaders from Returning Student Parents. Institute for Women's Policy Research. Retrieved from <https://iwpr.org/wp-content/uploads/2021/03/Busy-With-Purpose-v2b.pdf>

<sup>iv</sup> MD Code, Education, § 15-136, MD EDUC § 15-136. Retrieved from [https://govt.westlaw.com/mdc/Document/N6F5409F0097B11EEA936FDB90CACDA3A?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)&bhcp=1](https://govt.westlaw.com/mdc/Document/N6F5409F0097B11EEA936FDB90CACDA3A?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)&bhcp=1)

**2024 ACNM SB 741 Senate Side.pdf**

Uploaded by: Robyn Elliott

Position: FWA



**Committee:** Senate Education, Environment, and Energy Committee

**Bill Number:** SB 741 – Public Institutions of Higher Education - Pregnant and Parenting Students – Policy Requirements – Pregnant and Parenting Support Act

**Hearing Date:** February 28, 2024

**Position:** Support with Sponsor Amendments

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The Maryland Affiliate of the American College of Nurse Midwives (ACNM) supports *Senate Bill 741 – Public Institutions of Higher Education – Pregnant and Parenting Students – Policy Requirements – Pregnant and Parenting Act* with sponsor’s amendments. The bill, with the clarifying amendments offered by the sponsor, expand the scope of support provided by higher education institutions to pregnant and parenting students.

ACNM supports equitable access to education for pregnant and parenting students. Pregnant and parenting students are more likely to face financial challenges in completing their education. For example, 60% of parenting students report that they face housing insecurity in comparison to 41% of non-parenting students.<sup>i</sup> This legislation will make a difference in the lives of these students as higher education institutions must provide or refer to critical health care and wrap-around services including support for enrollment in programs, such as Maryland Medicaid and the Women’s, Infants, and Children’s Program.

We appreciate the sponsor’s amendments which build upon the existing law to ensure that pregnant students will be provided with support for all options with pregnancy care.

We ask for a favorable report on the legislation and sponsor’s amendments. If we can provide any additional information, please contact Robyn Elliott at [relliott@policypartners.net](mailto:relliott@policypartners.net).

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<sup>i</sup> [https://www.trellisstrategies.org/wp-content/uploads/dlm\\_uploads/2023/10/Navigating-College-and-Parenting.pdf](https://www.trellisstrategies.org/wp-content/uploads/dlm_uploads/2023/10/Navigating-College-and-Parenting.pdf)

# 2024 WLCM SB 741 Senate Side.pdf

Uploaded by: Robyn Elliott

Position: FWA

**Committee:** Senate Education, Environment, and Energy Committee

**Bill Number:** SB 741 – Public Institutions of Higher Education - Pregnant and Parenting Students – Policy Requirements – Pregnant and Parenting Support Act

**Hearing Date:** February 28, 2024

**Position:** Support with Sponsor Amendments

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The Women’s Law Center of Maryland (WLC) supports *Senate Bill 741 – Public Institutions of Higher Education – Pregnant and Parenting Students – Policy Requirements – Pregnant and Parenting Support Act* with the sponsor’s amendments.

WLC supports initiatives to advance equity in higher education for pregnant and parenting students. While Title IX prohibits discrimination based on sex in any educational program receiving financial assistance, pregnant and parenting students still report barriers in completing their higher education requirements.<sup>1</sup> SB 741 could help eliminate these barriers by requiring higher education institutions to support students in accessing housing, financial support, and child care services.

We appreciate the sponsor’s amendments which integrate existing provisions of the law into the legislation. Maryland public higher education institutions are already required to develop and implement reproductive health access plans. The legislation builds upon this law by ensuring students are linked to a full range of health care and wraparound services. The legislation can continue Maryland’s long-standing commitment to ensuring individuals have reproductive freedom and the ability to make their own health care decisions.

We ask for a favorable report on the bill with the sponsor’s amendments. If we can provide any additional information, please contact Robyn Elliott at [relliott@policypartners.net](mailto:relliott@policypartners.net).

**The Women’s Law Center of Maryland is a private, non-profit, legal services organization that serves as a leading voice for justice and fairness for women. It advocates for the rights of women through legal assistance to individuals and strategic initiatives to achieve systemic change, working to ensure physical safety, economic security, and bodily autonomy for women in Maryland.**

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<sup>i</sup> [https://www.chronicle.com/article/colleges-brace-for-more-pregnant-and-parenting-students?bc\\_nonce=aa1fillrpedaijxhe3cd&cid=reg\\_wall\\_signup](https://www.chronicle.com/article/colleges-brace-for-more-pregnant-and-parenting-students?bc_nonce=aa1fillrpedaijxhe3cd&cid=reg_wall_signup)



**UNFAVORABLE.SB741.HB771.LauraBogley.MDRTL.pdf**

Uploaded by: Laura Bogley

Position: UNF



## OPPOSITION STATEMENT SB741/HB771

### Public Senior Higher Education Institutions – Pregnant and Parenting Students – Policy Requirements

Laura Bogley, JD

Executive Director, Maryland Right to Life

#### We Oppose Abortion Promotion and Funding in Public Universities and Colleges

Maryland Right to Life (MDRTL) supports any public policy that enables and empowers young women and men to choose life for their preborn children. Maryland Right to Life offers to assist any legislator or institute of higher education in developing policies and programs to exclusively support healthy birth and delivery outcomes. We work with a network of providers who promote life-affirming programs and services for pregnant women and girls at no cost.

We applaud any effort to create an educational environment that supports students in their decisions to provide life to and/or to parent their children. However this bill is not narrowly tailored to ensure equity in providing pregnant students equal access to lifesaving alternatives to abortion. Therefore, we must oppose this bill and any other mandate on public schools and universities that requires referral to, promotion or funding of abortion and abortion providers.

While the bill makes a minor concession to refer students to adoption services, there is no language in the bill that would exclude abortion or abortion providers from the existing statutory mandate under Section 15-136 of the Education Article, or prevent the state-sponsored abortion industry from exploiting the policy as a whole to deliver vulnerable pregnant students and their preborn children into the lethal hands of abortion providers.

#### Federal Title IX Requires Abortion Accommodation

MDRTL has been consistent in our position that we cannot support any bill that would expand abortion access and coordination by codifying federal Title IX. MDRTL will not acquiesce to policies that wrongly define abortion as “healthcare”. Regulations attached to Title IX since 1975, corrupted the intent of the federal Higher Education Act of 1965 by requiring that any institution that receives federal funds, must provide equal accommodation for pregnancy **AND termination of pregnancy** by abortion. The 1975 regulations were proposed as part of a three-tiered approach to create a federal right to abortion and were intended to make Title IX act in concert with the Equal Rights Amendment of 1972 and *Roe v. Wade* (1973) Because this bill seeks to codify Title IX in Maryland statute and administrative policy, the bill cannot be cured by any amendment.

## Bill Goes Further than Title IX

While federal Title IX requires any institution that receives federal funds to provide equal accommodation for pregnancy or termination of pregnancy, including things like larger desks and excused absences, the state is under no federal obligation to provide access, coordination or funding for abortion including on college campuses. Unfortunately, that abortion coordination and funding has been effected by state statutes.

**Referrals to Abortion Providers** - This bill requires that pregnant students be referred to state programs that fund abortions including the **Maryland Medical Assistance Program** and the **Maryland Children's Health Program (MCHP)**. These programs require providers to provide either abortion services or referrals in order to participate and do not include or provide funding for pro-life pregnancy resource centers. In 2022, the state reports that 11,567 abortions were committed and abortionists were reimbursed \$7.6 million in taxpayer funds under the Medical Assistance Program. Less than 10 of those taxpayer-funded abortions were for reasons of rape, incest or to save the physical life of the mother. Abortion funding also is authorized under MCHP.

State referral practices are extremely problematic, as the Maryland Department of Health and the Maryland Department of Education routinely coordinate with and refer pregnant women to Planned Parenthood despite the fact that only 14% of their facilities provide even minimal prenatal care, and their advertised adoption counseling services have been proven to be negligible but intended instead to serve as a feeder system for abortion sales. (See <https://www.liveaction.org/news/planned-parenthood-adoption-referrals-question-that/>). This bill does not disqualify Planned Parenthood as a legitimate provider for prenatal care or adoption services. In fact, Planned Parenthood has resources dedicated to “adoption coercion” and redirects women to an abortion decision. (See <https://www.plannedparenthood.org/learn/pregnancy/considering-adoption/pressure-and-coercion-in-adoption> ).

**Coordination of Abortion Services** - This bill requires that colleges and universities coordinate services through an undefined "referral network of health care providers". But Section 15-136 of the Education Article of the Maryland Code, upon which this bill builds, already requires that colleges and universities develop and implement reproductive health services plans to provide or refer students to a “comprehensive” range of reproductive health services, expressly including abortion (See additional details below.) The bill does not identify any pro-life providers nor provide any assurances that the state would allow pro-life representation.

Because of the state of Maryland's abortion bias, the state systemically discriminates against pro-life organizations and providers and excludes them from participation in any state programs claiming they do not provide “comprehensive” care because they will not commit or refer for abortions. Conversely the state routinely entrusts the profit-minded abortion industry and their network to define and implement state programs to target pregnant women and students, despite the fact that after 45 years of taxpayer subsidization, they have failed to eliminate unplanned pregnancies.

## State is in Violation of Title IX

It is MDRTL's position that the State of Maryland is in direct violation of Title IX by refusing to provide pregnant students in public universities and colleges equal accommodation or access to pro-life providers and lifesaving alternatives to abortion. In 2023, the members of the Maryland General Assembly enacted Chapters 250 and 251 - *Public Senior Higher Education Institutions – Reproductive Health Services Plans – Requirements*, now Section 15-136 of the Education Article of the Maryland Code. The Assembly codified your clear intention to mandate abortion on campuses, by requiring the coordination of abortion services while rejecting amendments to provide students resources or referrals for healthy birth and delivery outcomes.

## State is Engaging in Abortion Coercion

As a result of the state's blatant abortion bias and systemic discrimination against pro-life speech and providers, the state is depriving women real choice and engaging in constructive abortion coercion. Under current Maryland law, there is no explicit measure prohibiting any individual from coercing a woman into abortion.

The *majority* of women who have had abortions (64%) report afterward that they were pressured into the decision. With the documented severity of physical and psychological repercussions of abortion, protection from abortion coercion becomes even more essential in ensuring that the best interests of students are protected. But this bill will require colleges and universities to refer pregnant students to providers who may coerce them into using abortion drugs or procedures for their own financial gain.

Coercion encompasses any situation in which a pregnant mother is made to feel - by any means - that she has *no choice* but an abortion. Coercion sends a mother into the belief that *either the baby dies or I will die or suffer great harm*, which may include losing a scholarship, being displaced from a team or even temporarily delaying education.

The abortion industry self-identifies as *pro-choice*, but in reality, choice has little to do with the abortion transaction. Far from enshrining protections from coercion, the abortion industry operates on omission: they omit important questions about coercion during pre-abortion "counseling" and fail to provide information about the effects of a coerced abortion.

Abortion providers also have demonstrated an unwillingness to protect women and girls against sexual abuse and trafficking by refusing to report suspected abuse to law enforcement or other public authorities while agreeing to commit abortions on suspected victims.

## State Government Obligation to Parents and Students

Parents send their daughters to college for an education, not for an abortion. The State of Maryland has an obligation to provide a safe and healthy environment for all students attending institutes of higher

education within this state. The state cannot reasonably entrust abortion providers and others who stand to gain financially from the sale of abortions, with the education and care of pregnant students.

The bill undermines parental rights to make medical decisions for their children as many young adults remain on their parents' insurance policies until the age of twenty-six. However, parents who do not have the right to consent to abortion procedures for their children, will be financially responsible for any medical or psychological health interventions necessary as a result of abortion injuries or death. By enacting this bill the state will violate the trust of parents and far exceed its limited authority to act in place of the parents on campus, particularly in the matter of student health.

### **MDRTL Opposes Public Funding for Abortion on Campus**

It is MDRTL's position that the state of Maryland is failing in its fiduciary responsibility to state taxpayers and failing to provide for the legitimate healthcare needs of pregnant women and girls in Maryland. By using state resources, existing or otherwise to coordinate reproductive health services on campus, the bill would indirectly enrich the abortion industry that in an entrenched participate in the state network.

The fact that the number of abortions is highest among college-aged students, demonstrates that decades of public funding to abortion activists in Maryland k-12 public education, has failed to prepare our youth with sound family planning practices. Throwing additional public funding toward the multi-billion dollar abortion industry's failed practices, is not sound fiscal policy and harms those most in need of quality maternal health care options.

Maryland taxpayers should not be forced to subsidize abortion indoctrination, promotion and abortion violence. A 2023 Marist poll showed that 60% of people polled oppose the use of tax dollars to pay for abortion and 81% favor laws that protect both the lives of women and unborn children. Public funds instead should be prioritized to fund legitimate health and family planning services which have the objective of saving the lives of both mother and children, including programs for improving maternal health and birth and delivery outcomes, well baby care, parenting classes, foster care reform and affordable adoption programs.

Pregnant women and students have better alternatives for maternal health. There are 14 federally qualifying health centers and 4 pregnancy centers for each Planned Parenthood in Maryland. Planned Parenthood profits from abortion sales and is not a significant provider of prenatal care or adoption referrals.

### **Funding restrictions are constitutional**

The Supreme Court of the United States, in *Dobbs v. Jackson Women's Health* (2022), overturned *Roe v. Wade* (1973) and held that there is no right to abortion found in the Constitution of the United States. As early as 1980 the Supreme Court affirmed in *Harris v. McRae*, that *Roe* had created a limitation on government, not a government funding entitlement. The Court ruled that the government may distinguish between abortion and other procedures in funding decisions -- noting that "*no other procedure involves the purposeful termination of a potential life*", and held that there is "*no limitation on the authority of a State to make a value judgment favoring childbirth over abortion, and to implement that judgment by the allocation of public funds.*"

## **Abortion is not healthcare**

Abortion is not healthcare. It is violence and brutality that ends the lives of unborn children through suction, dismemberment or chemical poisoning. The fact that 85% of OB-GYNs in a representative national survey do not perform abortions on their patients is glaring evidence that abortion is not an essential part of women's healthcare.

Recent acts of abortion activists occupying the Maryland General Assembly have completely removed abortion from the spectrum of healthcare. As a result of the *Abortion Care Access Act* of 2022, sponsored by Delegate Ariana Kelly (D-Montgomery), a former NARAL employee, poor women will be deprived access to care through a licensed physician. To the detriment of women's reproductive health, the state is now allowing any "certified provider of abortion care" to perform or provide both surgical and chemical abortion through birth.

Combine this with the fact that 54% of abortions are now "Do-It-Yourself" abortions where women are remotely prescribed dangerous abortion pills without a physician's examination and are left to hemorrhage alone until their bodies forcefully expel their babies' bodies, and the argument that abortion is healthcare is completed discredited.

## **Abortion is a Failed Policy**

Nearly fifty years of federal abortion mandates on the state have failed to cure the underlying socio-economic challenges women face in raising their families. The abortion industry has failed to reduce pregnancies, but only reduced the number of *live births*. In fact, the number of abortions has increased proportionately with the increase in public funding for abortion businesses.

Planned Parenthood and their network of organizations are financially invested in unplanned pregnancies that increase abortion profits. They cannot be trusted to instruct children and young adults in human reproduction and sexuality or to promote their abortion business under the guise of student "health".

The fact that the number of abortions is highest among college-aged students, demonstrates that decades of public funding to abortion activists in Maryland k-12 public education, has failed to prepare our youth with sound family planning practices. Throwing additional public funding toward the multi-billion dollar abortion industry's failed practices, is not sound fiscal policy and harms those most in need of quality maternal health care options.

## **Disparate Impact Statement: Abortion is having a genocidal impact on Black Marylanders**

Abortion has a disproportionate impact on Black Americans who have long been targeted by the abortion industry for eugenics purposes. Even today 78% of abortion clinics are located in minority communities. As a result abortion violence has become the leading killer of Black lives, more than gun violence and all other

causes combined. More than half of all pregnancies to Black women in Baltimore City end through abortion violence.

The state fails to measure or report the correlation between the increased use of abortion with increased risk to maternal mortality, infertility, miscarriage, pre-term births for Black mothers. This makes any argument that abortion is healthcare a morally repugnant call for state-sponsored genocide of Black children in Maryland.

**For these reasons we respectfully urge you to issue an unfavorable report on this bill and we encourage the Assembly to introduce a bill that is narrowly tailored to ensure that pregnant students are provided access to lifesaving alternatives to abortion without fear of abortion coercion as Title IX originally intended.**

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This content is from the CFR and is authoritative but unofficial.

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## Title 34—Education

### Subtitle B—Regulations of the Offices of the Department of Education

#### Chapter I—Office for Civil Rights, Department of Education

#### Part 106—Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance

##### Subpart D—Discrimination on the Basis of Sex in Education Programs or Activities Prohibited

Authority: 20 U.S.C. 1681 *et seq.*, unless otherwise noted.

Source: 45 FR 30955, May 9, 1980, unless otherwise noted.

#### § 106.40 Marital or parental status.

- (a) *Status generally.* A recipient shall not apply any rule concerning a student's actual or potential parental, family, or marital status which treats students differently on the basis of sex.
- (b) *Pregnancy and related conditions.*
  - (1) A recipient shall not discriminate against any student, or exclude any student from its education program or activity, including any class or extracurricular activity, on the basis of such student's pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery therefrom, unless the student requests voluntarily to participate in a separate portion of the program or activity of the recipient.
  - (2) A recipient may require such a student to obtain the certification of a physician that the student is physically and emotionally able to continue participation so long as such a certification is required of all students for other physical or emotional conditions requiring the attention of a physician.
  - (3) A recipient which operates a portion of its education program or activity separately for pregnant students, admittance to which is completely voluntary on the part of the student as provided in paragraph (b)(1) of this section shall ensure that this separate portion is comparable to that offered to non-pregnant students.
  - (4) A recipient shall treat pregnancy, childbirth, false pregnancy, termination of pregnancy and recovery therefrom in the same manner and under the same policies as any other temporary disability with respect to any medical or hospital benefit, service, plan or policy which such recipient administers, operates, offers, or participates in with respect to students admitted to the recipient's educational program or activity.
  - (5) In the case of a recipient which does not maintain a leave policy for its students, or in the case of a student who does not otherwise qualify for leave under such a policy, a recipient shall treat pregnancy, childbirth, false pregnancy, termination of pregnancy and recovery therefrom as a justification for a leave of absence for so long a period of time as is deemed medically necessary by the student's physician, at the conclusion of which the student shall be reinstated to the status which she held when the leave began.

[45FR30955, May 9, 1980, as amended at 65FR68056, Nov. 13, 2000; 85FR30579, May 19, 2020]