

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulation
State Board of Education
(DLS Control No. 20-008)**

Overview and Legal and Fiscal Impact

This regulation amends existing regulations governing lawful absences for public school students due to certain specified conditions related to pregnancy or parenting.

The regulation presents no legal issue of concern.

There is no impact on State or local finances.

Regulation of COMAR Affected

State Board of Education:

Students: General Regulations: COMAR 13A.08.01.03

Legal Analysis

Background

Under current regulations, a local school system is responsible for providing appropriate school programs for all students, including pregnant students. A girl who is 16 years or older, pregnant, and has not completed her high school education may elect to remain in the regular school program.

Lawful absences from school under current regulations, as set forth in COMAR 13A.08.01.93, include the illness of a student. However, pregnancy and-or parenting-related appointments are not included in these regulations.

Chapter 729 of 2017 established that a student's absence due to pregnancy or parenting needs is a lawful absence. Under Chapter 729, a local board of education is required to develop a written attendance policy for pregnant and parenting students. The policy must (1) excuse absences due to pregnancy- or parenting-related conditions, including absences for labor, delivery, recovery, and prenatal and postnatal medical appointments; (2) provide at least 10 days of excused absences for a parenting student after the birth of the student's child; (3) excuse parenting-related absences due to an illness or medical appointment for a student's child, including up to four days of absences per school year without a physician's note; and (4) excuse any absence due to legal appointments involving the pregnant or parenting student that are related to family law

proceedings. The State Department of Education advises that current regulations do not reflect these requirements.

Summary of Regulation

The regulation adds specified pregnancy– and parenting–related conditions, as determined by the local school system, to the list of conditions that constitute lawful absences for students enrolled in public schools. The regulation specifically includes absences due to (1) labor, delivery, recovery, and prenatal and postnatal medical appointments; (2) an illness or a medical appointment of a student’s child; and (3) a legal appointment involving a pregnant or parenting student that is related to family law proceedings, such as adoption, custody, or visitation.

Legal Issues

The regulation presents no legal issue of concern.

Statutory Authority and Legislative Intent

The State Board of Education cites §§ 2–205, 7–101, 7–101.1, 7–301, 7–301.1, 7–303 through 7–305, 7–305.1, 7–307, 7–308, and 8–404 of the Education Article and Chapter 273 of 2016 as statutory authority for the regulation. Section 2–205 requires the State board to determine and carry out the elementary and secondary education policies of the State and to adopt bylaws, rules and regulations for the administration of public schools.

More specifically, Section 7–301(b) authorizes a county superintendent, school principal, or an individual authorized by the county superintendent or principal to excuse a student for a lawful absence. Section 7–301.1 establishes that a student’s absence due to the student’s pregnancy or parenting needs is a lawful absence as specified. Section 7–301.1 also requires a county board to develop a written attendance policy for pregnant and parenting students that (1) excuses all absences due to pregnancy– or parenting–related conditions, including labor, delivery, recovery, and prenatal and postnatal medical appointments; (2) provides at least 10 days of excused absences for a parenting student after the birth of the student’s child; (3) excuses parenting–related absences due to an illness or medical appointment of the student’s child (including up to 4 days without a physician’s note); and (4) excuses absences due to legal appointments related to family law proceedings.

The remaining cited authority is not relevant to this regulation.

The relevant cited authority is correct and complete. The regulation complies with the legislative intent of the law.

Fiscal Analysis

There is no impact on State or local finances.

Agency Estimate of Projected Fiscal Impact

The department advises that the regulation has no fiscal impact. The Department of Legislative Services concurs. The regulation is consistent with provisions of Chapter 729 of 2017 (House Bill 616), which requires that a student's absence due to pregnancy or parenting needs is a lawful absence and requires each local board of education to develop a written attendance policy for pregnant and parenting students that at least meets specified requirements. The fiscal and policy note for House Bill 616 noted that any fiscal impact on local boards could be handled with existing resources.

Impact on Budget

There is no impact on the State operating or capital budget.

Agency Estimate of Projected Small Business Impact

The department advises that the regulation does not impact small businesses. The Department of Legislative Services concurs.

Contact Information

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