

Department of Legislative Services
 Maryland General Assembly
 2024 Session

FISCAL AND POLICY NOTE
 Third Reader - Revised

House Bill 771
 Appropriations

(Delegate Henson)

Education, Energy, and the Environment

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

This bill requires specified public senior (four-year) higher education institutions (all but the University of Maryland Center for Environmental Studies, the University of Maryland Global Campus, and the University of Baltimore) to adopt a plan regarding pregnant and parenting students that is consistent with Title IX of the federal Higher Education Act and includes certain elements. The plan must include (1) referral to on-campus or off-campus services regarding the availability of or eligibility for government assistance programs; (2) provision of information about or referral to adoption services; (3) availability of institutional accommodations, as specified; and (4) a referral network of health care service providers. By August 1, 2025, each affected institution must post the plan on its website. **The bill takes effect July 1, 2024.**

Fiscal Summary

State Effect: Affected public four-year institutions higher education (the University System of Maryland – excluding the specified institutions, Morgan State University, and St. Mary’s College of Maryland) can adopt and post plans related to pregnant and parenting students that are consistent with Title IX and include specified elements using existing resources. As educational institutions subject to Title IX requirements, these institutions must already have a policy in place to accommodate students for specified pregnancy-related reasons. However, to the extent that additional services are *provided*, higher education expenditures may increase, by an unknown, but likely minimal or moderate, amount. Likewise, to the extent that more individuals receive government assistance *entitlements* such as through Medicaid and the Maryland Children’s Health Program due to referrals, expenditures (federal and general funds) increase, potentially significantly. Federal fund revenues increase accordingly.

Local Effect: None; local community colleges are not affected.

Small Business Effect: Minimal.

Analysis

Bill Summary: The bill also specifies that the General Assembly finds that all students at an institution of higher education in the State, regardless of their gender, must enjoy freedom from discrimination of any kind, including pregnancy discrimination as described in Title IX of the Education Amendments of 1972.

Current Law: Under federal law – specifically, Title IX of the Education Amendments of 1972 – discrimination on the basis of sex in educational programs and activities is prohibited for all educational institutions receiving federal funding. Every institution that receives federal financial assistance is bound by Title IX; however, an educational institution that is controlled by a religious organization is exempt from Title IX when the law’s requirements would conflict with the organization’s religious tenets.

Federal regulations implementing Title IX prohibit discrimination against a student based on pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery from any of these conditions and prohibit a school from applying any rule related to a student’s parental, family, or marital status that treats students differently based on their sex.

Institutions may not exclude a pregnant student from participating in any part of an educational program. Institutions may implement special instructional programs or classes for a pregnant student; participation must be completely voluntary on the part of the student, and the programs and classes must be comparable to those offered to other students.

Any special services provided to students who have temporary medical conditions must also be provided to a pregnant student. If an institution provides special services, such as homebound instruction or tutoring, for students who miss instruction because they have a temporary medical condition, it must do the same for a student who misses instruction because of pregnancy or childbirth.

An institution must excuse a student’s absences because of pregnancy or childbirth for as long as the student’s doctor deems the absences medically necessary. An institution may require a pregnant student or student who has given birth to submit medical certification for school participation only if the school also requires such certification from all students with physical or emotional conditions requiring the attention of a physician. When a student returns to school, the student must be allowed to return to the same academic and extracurricular status as before the student’s medical leave began.

Institutions are required to have at least one person who manages Title IX complaints, typically called a “Title IX coordinator.”

Medicaid

Medicaid generally provides health coverage to children, pregnant women, elderly or disabled individuals, low-income parents, and childless adults. To qualify for Medicaid, applicants must pass certain income and asset tests. Effective January 1, 2014, Medicaid coverage was expanded to persons with household incomes up to 138% of federal poverty guidelines, as authorized under the federal Patient Protection and Affordable Care Act.

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See HB 356 of 2023 and HB 164 of 2022.

Designated Cross File: SB 741 (Senators Gile and M. Washington) - Education, Energy, and the Environment.

Information Source(s): University System of Maryland; Morgan State University; St. Mary’s College of Maryland; Maryland Department of Health; Department of Human Services; Department of Legislative Services

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