

Department of Legislative Services  
Maryland General Assembly  
2023 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 356  
Appropriations

(Delegate Healey, *et al.*)

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Public Institutions of Higher Education – Pregnant and Parenting Students –  
Policy

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This bill requires each public institution of higher education to (1) adopt a policy related to pregnant and parenting students that is consistent with Title IX of the federal Higher Education Act and (2) post the policy on the institution’s website. Further, the bill 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. **The bill takes effect July 1, 2023.**

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Fiscal Summary

**State Effect:** Public four-year institutions and Baltimore City Community College can adopt and post policies related to pregnant and parenting students that are consistent with Title IX using existing resources. As educational institutions subject to Title IX requirements, the institutions must already have a policy in place to accommodate students for specified pregnancy-related reasons. Revenues are not affected.

**Local Effect:** Local community colleges can adopt and post policies related to pregnant and parenting students that are consistent with Title IX using existing resources. As educational institutions subject to Title IX requirements, the institutions must already have a policy in place to accommodate students for specified pregnancy-related reasons. Revenues are not affected.

**Small Business Effect:** None.

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## **Analysis**

**Current Law:** Under federal law – 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.”

**Additional Comments:** The University of Maryland, Baltimore Campus advises that it anticipates the release of revised Title IX regulations in May 2023. Should the regulations change significantly, institutions could face difficulties to come fully into compliance with them by the bill’s effective date of July 1, 2023 (which could be much earlier than the effective date of the revised regulations).

## **Additional Information**

**Prior Introductions:** Similar legislation has been introduced within the last three years. See HB 164 of 2022.

**Designated Cross File:** None.

**Information Source(s):** U.S. Department of Education; University System of Maryland; Morgan State University; Department of Legislative Services

**Fiscal Note History:** First Reader - February 10, 2023  
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