



SB0791 - County Boards of Education – Pregnant and Parenting Students – Policies and Reports

Presented to the Hon. Paul Pinsky and

Members of the Senate Education, Health, and Environmental Affairs Committee

March 3, 2020 1:00 p.m.

POSITION: SUPPORT

NARAL Pro-Choice Maryland urges the Senate Education, Health, and Environmental Affairs Committee a favorable report on SB0791 - County Boards of Education – Pregnant and Parenting Students – Policies and Reports, sponsored by Senator Clarence Lam.

Our organization is an advocate for reproductive health, rights, and justice for all Marylanders. We work to ensure every child-bearing individual has the right to decide if, when, and how to form their families and to parent in good health, in safety, and with dignity. Youth have the same rights as adults in choosing when to form their families. Among our campaigns to ensure reproductive freedom for all Marylanders, we seek to help identify and create effective supports to help pregnant and parenting students stay in school and on track to graduate. Each year from 2014 to 2018, approximately 800 youth from ages 15 to 17 gave birth in Maryland, and roughly another 2,200 were 18 or 19 years-old. We currently have no information about their graduation rates. SB1000, the Blueprint for Maryland's Future does not contain the words "pregnant" or "pregnancy" throughout the bill. We strongly feel that pregnant and parenting students should be included among the youth that deserve as rigorous an education as their non-pregnant and parenting peers, and their needs are addressed as part of the "at-promise" population. We seek to protect the rights of youth to feel safe at schools, free of gender-based harassment and harmful bias. We recognize that youth are better able to make informed and independent decisions about their own sexual and reproductive lives when free of gender discrimination and stereotypes.

Our state should ensure that any youth, regardless of gender or pregnancy status, has full accessibility to educational resources to assist them in completing their education. There should be no barriers to the rights of pregnant or parenting students in obtaining their education and thus, requiring schools to provide supports and resources can increase these students' ability to succeed in realizing both goals towards family formation and economic security. SB0791 requires school districts to identify existing school personnel who can coordinate and secure available onsite or offsite resources for childcare, transportation, and lactation supports for pregnant and parenting youth. With guidance and assistance from the University of Maryland's Institute of Innovation and Implementation, school districts will learn how to best collect data on the educational outcomes of pregnant and parenting youth, as well on the challenges they face to remain in school, resulting in a comprehensive, culminative report based upon at least three years of data.

Pregnant and parenting students may experience unwelcoming, inequitable, or stigmatizing school environments. Under Title IX, "school pushout" practices are prohibited, such as lack of accommodations for childcare and lactation, stigmatization and harassment from peers and staff, and involuntary leave from

school.¹ Title IX ensures that students who are pregnant or parenting are protected by allowing continued participation in classes and extracurricular activities, provide reasonable adjustments in the learning environment, authorize excused absences due to pregnancy or childbirth, and allow time to make up missed work childbirth (as was passed by the 2017 Maryland General Assembly through HB0616/SB0232). However, while some schools seek to support these students, other choose to make the school climate dynamics so toxic that pregnant students may choose to drop out of school during pregnancy or decide to not return. Many pregnant and parenting students reported that they had no other choice by to attend an alternative school to continue their education.² These students reported that they failed to receive adequate instruction, and therefore felt disengaged from learning. Often times these alternative schools do not have the same variety of classes or offer advanced placement classes.³ According to the Advancement Project, pushout to alternative schools brings these students closer to the school to prison pipeline.⁴ In the National Women's Law Center report, "Stopping School Pushout for: Girls Who Are Pregnant or Parenting," more than 50% of female pregnant or parenting students were black and more than 60% were Latinx.⁵ Discrimination and push out interfering with a pregnant or parenting student's authentic participation in school can lead to real threats of educational attainment and financial stability for generations⁶.

We are hopeful that in the spirit of the Kirwan Commission, the Maryland General Assembly will recognize the importance of pregnant and parenting youth being entitled to the same rigorous education as their non-pregnant and non-parenting peers. Not making the investments now, means that we have chosen to further marginalize these youth and the children they are committed to raise. For these reasons, **NARAL Pro-Choice Maryland urges a favorable committee report on SB791.** Thank you for your time and consideration.

¹ U.S. Department of Education *Know Your Rights: Pregnant or Parenting? Title IX Protects You from Discrimination at School*.

² Clearing the Path: Creating School Success for Pregnant and Parenting Students and their children. Education Law Center. 2019

³ Monique W. Morris, African American Policy Forum, Race, Gender, and the School-to-Prison Pipeline: Expanding Our Discussion to Include Black Girls (2012).

⁴ Advancement Project. (2010) Test, Punish, and Push Out: How "Zero Tolerance" and High-Stakes Testing Funnel Youth Into the School-to-Prison Pipeline. Washington, DC.

⁵ Garcia, Kelli and Chaudhry, Neena. (2017). Stopping School Pushout for: Girls Who Are Pregnant or Parenting. National Women's Law Center.

⁶ National Conference of State Legislatures, *Postcard: Teen Pregnancy Affects Graduation Rates*, 2013

<http://www.ncsl.org/research/health/teen-pregnancy-affects-graduation-rates-postcard.aspx>

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EDUCATION EQUITY FOR PREGNANT, EXPECTANT, AND PARENTING STUDENTS ACT 2020

Education is an essential component of reproductive justice as well as an important factor in achieving economic security, enabling individuals to parent with dignity and in safety. On the contrary, youth who are expectant or parenting may not have the resources to navigate parenthood alone, but schools may be the key to providing critical assistance towards their success.

In 2017, approximately 750 youth age 17 and under gave birth in Maryland, with an additional 1,952 births for individuals between 18-19 years of age [1]. While the national teen birthrate as of 2017 has fallen to 18.8 per 1000 women between ages 15-19, 11 counties in Maryland surpass the national average [2]. In all Maryland counties, except Allegany, Hispanic or Black women ages 15-19 make up the greatest proportion of teen births [2].

Preliminary research reveals that many counties lack basic accommodations, like spaces for students to express breast milk, pre- and post-natal health services, and knowledgeable faculty for support. Current systems tracking student educational outcomes in Maryland are negligible, but necessary for determining if schools are providing equitable education. Under Title IX, "school push-out" and other discriminatory practices based on sex, including pregnant and parenting students, are prohibited. However, pregnant and parenting students may experience unwelcoming or stigmatizing school environments. While the passage of HB616 in 2017 establishing excused absences for pregnant and parenting students for medical and legal reasons, these policies are not actively enforced.

It is imperative that we support these students in their academic pursuits and give them the resources needed to raise their own healthy families; yet, to understand what accommodations are needed, the educational outcomes and all barriers to education for these students must be better understood.

**For more information, contact Diana
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HB1298/SB0791

REPRODUCTIVE AND
EDUCATIONAL
EQUITY FOR
MARYLAND
YOUTH



**"LET'S SAY YOU GO TO
SCHOOL AND MAKE
MINIMUM WAGE.
DAYCARE IS EXPENSIVE,
IT'S ATROCIOUS. IF I
WORKED AT A
WAREHOUSE, FOR 20
YEARS, WHAT WILL MY
BACK BE LIKE? THEN I
GOTTA GO HOME AND
TAKE CARE OF MY CHILD.
I WANT TO WORK WITH
MY BRAIN, NOT MY
BODY."**

**-CURRENT PARENT AND
STUDENT IN BALTIMORE CITY,
2019**

WHAT THIS LEGISLATION DOES

Require the state to mandate school districts to develop specific accommodations for expectant and parenting students, including:

- lactation spaces,
 - on-site childcare or assistance finding affordable childcare,
 - transportation options to ensure expectant and parenting students ease of travel to school, and
 - reasonable leave from during the class to accommodate lactation or childcare coordination needs.
- Existing school faculty will be supported in coordinating onsite and offsite resources for PEPS.
 - Ensuring training opportunities for identified school staff and personnel to provide appropriate support services.

- School districts would collect data tracking educational outcomes for pregnant, expectant, and parenting students (PEPS), and disseminate data to a state body annually over a 3-year period.
- An analysis conducted by the University of Maryland's Institute for Innovation and Implementation and a report detailing policy recommendations on or before June 1, 2024.
- Data collection methods will ensure the privacy of PEPS and will be advised by an independent body of experts on these issues and guided by university researchers.

Policy recommendations identifying contributing factors to school push out or drop out will be informed by focus groups of current or former PEPS. All stakeholders will reflect the racial, ethnic, cultural, and gender diversity of the state.

WHY THIS IS IMPORTANT

Nationally, close to half of female dropouts and one-third of male dropouts say that becoming a parent was a factor in their decision to leave school [3]. Nearly two-thirds of families formed by teen mothers live in poverty, with nearly one in four enrolling in welfare benefits after the birth of the first child [4]. **Lower graduation rates affect not only the individual well-being of teenage parents, but also negatively affect our economy as opportunities for meaningful participation in the workforce is diminished.**

In the 2017-18 school years, Maryland Public Schools reported 49 students withdrew from school due to "pregnancy" or "parenting" [5]. Based on the state and county health data related to teen births these statistics grossly under-represent the true number of students who were pushed out of school due to pregnancy or parenting, as they only reflect formal withdrawal. **Based on the dramatic discrepancy in data, it is clear that school systems are inadequately prepared to support this student population, and have failed to accurately represent their reasons for leaving school.**

Alignment with Kirwan Commission Recommendations The Kirwan Commission on Innovation and Excellence in Education is an initiative to research and develop major funding and policy reforms with the goal of strengthening Maryland's public education system. The need to support vulnerable or underserved student populations is highlighted as one of the key policy areas in Kirwan's 2019 Interim Report. While the report refers to vulnerable "at promise" students in broad terms, the Educational Equity for Pregnant, Expectant and Parenting Student Act is a natural extension of the Kirwan Commission's goal to support marginalized student populations and defend their equitable access to quality education. The PEPS population must be recognized as deserving of investment which upholds their federally protected Title IX rights to enjoy the same educational opportunities and rigorous curriculum as their non-pregnant or non-parenting peers.

[1] Maryland Department of Health, Maryland Vital Statistics Annual Report, 2017, p.75 <https://health.maryland.gov/vsa/Documents/Reports%20and%20Data/Annual%20Reports/2017annual.pdf>

[2] Robert Wood Johnson Foundation (2019). County Health Rankings. Maryland 2011-2017. Teen Birth. <https://www.countyhealthrankings.org/app/maryland/2019/measure/factors/14/data?sort=sc-2>

[3] National Coalition for Women and Girls in Education (NCWGE). Title IX at 40: Working to Ensure Gender Equity in Education. Washington, DC: NCWGE, 2012. <https://www.ncwge.org/TitleIX40/Pregnant-Parenting.pdf>

[4] National Conference of State Legislatures, Postcard: Teen Pregnancy Affects Graduation Rates, 2013 <http://www.ncsl.org/research/health/teen-pregnancy-affects-graduation-rates-postcard.aspx>

[5] Summary of Attendance for Maryland Public Schools 2017-2018 <http://marylandpublicschools.org/about/Documents/DCAA/SSP/20172018Student/2018Attendance.pdf>

Know Your Rights:

Pregnant or Parenting? Title IX Protects You From Discrimination At School

Title IX of the Education Amendments of 1972 ("Title IX"), 20 U.S.C. §1681 *et seq.*, is a Federal civil rights law that prohibits discrimination on the basis of sex—including pregnancy and parental status—in educational programs and activities.

All public and private schools, school districts, colleges, and universities receiving any Federal funds ("schools") must comply with Title IX.*

Here are some things you should know about your rights:

Classes and School Activities – your school MUST:

- Allow you to continue participating in classes and extracurricular activities even though you are pregnant. This means that you can still participate in advanced placement and honors classes, school clubs, sports, honor societies, student leadership opportunities, and other activities, like after-school programs operated at the school.
 - Allow you to choose whether you want to participate in special instructional programs or classes for pregnant students. You can participate if you want to, but your school cannot pressure you to do so. The alternative program must provide the same types of academic, extracurricular and enrichment opportunities as your school's regular program.
- Allow you to participate in classes and extracurricular activities even though you are pregnant and not require you to submit a doctor's note unless your school requires a doctor's note from all students who have a physical or emotional condition requiring treatment by a doctor. Your school also must not require a doctor's note from you after you have been hospitalized for childbirth unless it requires a doctor's note from all students who have been hospitalized for other conditions.
- Provide you with reasonable adjustments, like a larger desk, elevator access, or allowing you to make frequent trips to the restroom, when necessary because of your pregnancy.

Excused Absences and Medical Leave – your school MUST:

- Excuse absences due to pregnancy or childbirth for as long as your doctor says it is necessary.
- Allow you to return to the same academic and extracurricular status as before your medical leave began, which should include giving you the opportunity to make up any work missed while you were out.
- Ensure that teachers understand the Title IX requirements related to excused absences/medical leave. Your teacher may not refuse to allow you to submit work after a deadline you missed because of pregnancy or childbirth. If your teacher's grading is based in part on class participation or attendance and you missed class because of pregnancy or childbirth, you should be allowed to make up the participation or attendance credits you didn't have the chance to earn.
- Provide pregnant students with the same special services it provides to students with temporary medical conditions. This includes homebound instruction/at-home tutoring/independent study.

* A school 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.

Harassment – your school MUST:

- Protect you from harassment based on sex, including harassment because of pregnancy or related conditions. Comments that could constitute prohibited harassment include making sexual comments or jokes about your pregnancy, calling you sexually charged names, spreading rumors about your sexual activity, and making sexual propositions or gestures, if the comments are sufficiently serious that it interferes with your ability to benefit from or participate in your school's program.

Policies and Procedures – your school MUST:

- Have and distribute a policy against sex discrimination. It is recommended that the policy make clear that prohibited sex discrimination covers discrimination against pregnant and parenting students.
- Adopt and publish grievance procedures for students to file complaints of sex discrimination, including discrimination related to pregnancy or parental status.
- Identify at least one employee in the school or school district to carry out its responsibilities under Title IX (sometimes called a "Title IX Coordinator") and notify all students and employees of the name, title, and contact information of its Title IX Coordinator. These responsibilities include overseeing complaints of discrimination against pregnant and parenting students.

Helpful Tips for Pregnant and Parenting Students:

- Ask your school for help—meet with your school's Title IX Coordinator or counselor regarding what your school can do to support you in continuing your education.
- Keep notes about your pregnancy-related absences, any instances of harassment and your interactions with school officials about your pregnancy, and immediately report problems to your school's Title IX Coordinator, counselor, or other staff.
- If you feel your school is discriminating against you because you are pregnant or parenting you may file a complaint:
 - Using your school's internal Title IX grievance procedures.
 - With the U.S. Department of Education, Office for Civil Rights (OCR), even if you have not filed a complaint with your school. If you file with OCR, make sure you do so within 180 days of when the discrimination took place.
 - In court, even if you have not filed a complaint with your school or with OCR.
- Contact OCR if you have any questions. We are here to help make sure all students, including pregnant and parenting students, have equal educational opportunities!

If you want to learn more about your rights, or if you believe that a school district, college, or university is violating Federal law, you may contact the U.S. Department of Education, Office for Civil Rights, at (800) 421-3481 or ocr@ed.gov. If you wish to fill out a complaint form online, you may do so at: <http://www.ed.gov/ocr/complaintintro.html>.

