



MONTGOMERY COUNTY BOARD OF EDUCATION

Expanding Opportunity and Unleashing Potential

850 Hungerford Drive ♦ Room 123 ♦ Rockville, Maryland 20850

BILL: SB0438 (Cross filed with HB0401)
TITLE: Public Schools - Pregnant and Parenting Students - Policies and Reports
DATE: 2/25/2021
POSITION: SUPPORT WITH AMENDMENTS
COMMITTEE: Education, Health, and Environmental Affairs
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The Montgomery County Board of Education (Board) **Supports** SB0438 **with amendments**.

MCPS Regulation IOE-RA, Guidelines for the Continuing Education of Pregnant and Parenting Students, was amended in 2018 to align with section 7-301.1 of Annotated Code of Maryland, Education Article, section 7-301.1. MCPS Regulation JEA-RA, Student Attendance, was similarly updated to address permissible absences due to illness or medical appointments for a student's child and legal proceedings involving family law proceedings, including adoption, custody, and visitation. These regulations are referenced in A Student's Guide to Rights and Responsibilities in MCPS.

Providing private lactation space in alignment with the proposed provisions (e.g., close to a sink and refrigerator, with electrical outlets, not a closet or bathroom) will have a fiscal impact if existing space cannot meet the required provisions, and facility redesign and construction are required.

It is further unclear whether such space would be created upon demand only at those schools where such space is requested, or if such space is required to be built in all middle, high, and special program schools (with student populations older than elementary school age), assuming that pregnant and parenting elementary students remains a rare occurrence.

Legislation that requires the construction of new, or renovation of existing, space to create lactation facilities represents an unfunded mandate.

Proposed provisions that require schools to assist and advise pregnant and parenting students with transportation is unclear as to whether school districts must provide such services, whether the recipient of the transportation service includes the student's child, and whether such transportation will be limited to locations within the school district, or whether such services are to and from school means from the student's home, a child care provider which may or may not be within Montgomery County or on an existing bus route. While it may be safe to assume that elementary schools will not be implicated (although pregnancies in that population do, tragically, exist occasionally), the proposed legislation could impact high schools, middle schools, and special programs with students older than elementary age..

Legislation that requires the provision of transportation other than transporting a MCPS student to and from the student's educational program from the student's home represents an unfunded mandate, unless it can be accomplished on existing bus runs without additional staff.

Further, providing transportation for a student's infant or child, especially on existing bus runs with other students, raises significant operational and safety concerns about appropriate seating arrangements for infant and child safety seats, time to install such seats, and staffing required to support the student and maintain order on the bus.

MCPS respectfully suggests the following amendments:

Provision 4-138(C)(1): Line 10; Redact "each" or provide further clarification that designated private lactation space will be established in response to demand, consistent with lactation spaces provided for staff members.

Provision 4-138(C)(2) Line 17; Redact "assist and" as it could be interpreted to mean that the school district will be responsible for providing such transportation services.

For these reasons, the Board **Support** this legislation **with amendments** and urges a favorable report.