



Mary Pat Fannon, Executive Director

BILL: Senate Bill 438 – Public Schools – Pregnant and Parenting Solutions– Policies and Reports
DATE: February 25, 2021
POSITION: **Oppose**
COMMITTEE: Senate Education, Health, and Environmental Affairs Committee
CONTACT: Mary Pat Fannon, Executive Director

This bill requires the Maryland State Department of Education (MSDE) to develop a model policy, with specified elements, to support the educational and parenting goals and improve the educational outcomes of pregnant and parenting students. Each local board of education must establish a policy based on the State model policy. In addition, the bill requires each local board of education to excuse any parenting-related absence from a class due to the use of a lactation space to nurse or express breast milk. The bill requires that each school designate a private lactation space in the school that meets specified requirements, including running water. Lastly, the bill requires that schools assist and advise pregnant and parenting students with finding safe, affordable, and reliable child care, early education services, and transportation services to and from school.

The Public Schools Superintendents’ Association of Maryland (PSSAM) opposes Senate Bill 438; however, we have provided language that would mitigate our opposition to some of the bill’s provisions.

We believe that current laws regarding pregnant and parenting students provide the appropriate amount of support and discretion for systems to best support these students. Current law requires that student attendance policies must excuse all absences due to pregnancy or parenting-related conditions, including absences for labor, delivery, recovery, and prenatal and postnatal medical appointments. The policy must provide at least 10 days of excused absences for a parenting student after the birth of the child; excuse up to four days without a doctor’s note for parenting-related absences due to an illness or a medical appointment of the student’s child; and excuse any absence due to a legal appointment involving the pregnant or parenting student, including adoption, custody, and visitation.

PSSAM appreciate the sponsor’s intent to further support pregnant and lactating students, but we oppose a legislative approach that impinges on local boards and superintendents’ rights to determine the most appropriate manner of serving our students. Further, the bill’s provisions are more prescriptive than federal law that pertains to staff. As such, we suggest the committee consider adopting similar language from the Affordable Care Act, which amended section 7 of the Fair Labor Standards Act (“FLSA”) to require employers to provide “reasonable break time for an employee to express breast milk for her nursing child for one year after the child’s birth each time such employee

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has need to express the milk.” Employers are also required to provide “a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk.” See 29 U.S.C. 207(r). However, our opposition still remains regarding the provisions of the bill that require schools to “assist and advise pregnant and parenting students with finding safe, affordable, and reliable child care, early education services, and transportation services to and from school.” While teachers and principals do all they can to support these students, this is an inappropriate legislative mandate for school systems whose main objective is the educational success of all students.

As currently written, PSSAM opposes SB 438, but encourages the committee to consider amending the legislation to extend the same rights to students that is afforded to nursing staff under federal law.