



Karen B. Salmon, Ph.D.
State Superintendent of Schools

BILL: House Bill 359 **DATE:** January 27, 2021

SUBJECT: Education – Maryland **COMMITTEE:** Ways and Means
Longitudinal Data System –
Student Data – Pregnant and
Parenting Students

POSITION: Information Only

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EXPLANATION:

The Maryland State Department of Education (MSDE) is providing information for consideration regarding HB 359 – Maryland Longitudinal Data System – Student Data – Pregnant and Parenting Students. The Bill changes the information that constitutes “student data” in the MLDS so that it includes information as to whether students are parenting a child or are/have ever been pregnant.

This information is not currently collected, and students are not obligated to report it. Some students may seek an excused absence for appointments relating to pregnancy or parenting, thus reporting to the school their status. MSDE does not expect this type of self-report to be accurate, resulting almost certainly in an undercount in the MLDS data set. Students have privacy rights and do not have to report to any school personnel if they are or have been pregnant or are parenting a child. Furthermore, a minor in Maryland may seek reproductive health care services without parental consent, adding significantly to the challenge of collecting the data.

The statute creating the MLDS specifically prohibits obtaining individual student information from medical records. HB 359 would create an exception in this provision, enabling the collection of information from medical records regarding medical services, such as prenatal care and abortions. However, this may conflict with Maryland’s Minor Consent Laws, and with federal regulations that require patient consent to access data in medical records.

In Federal regulations, the HIPAA Privacy Rule—the federal medical confidentiality regulations issued in 2002 under the Health Insurance Portability and Accountability Act—protects the health care information of adolescents and young adults. The HIPAA privacy protections for young adults are the same as for other adults. They are entitled to access their protected health information and to control the disclosure of that information in some circumstances. Additional specific requirements apply to the information of adolescents who are minors.

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The federal Americans with Disabilities Act (ADA) names pregnant women as a protected class. Pregnant women are not required to disclose a pregnancy until it will impact their work. Due to these protections and laws, counselors and nurses in schools work under the presumption of confidentiality in providing services.

We respectfully request that you consider this information as you deliberate **HB 359**. For further information, please contact Zachary Hands, at 410-767-0504, or Zachary.hands1@maryland.gov.