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Delegate Anne Healey – Sponsor Testimony

HB 657 – Public Institutions of Higher Education – Pregnant and Parenting Students
Appropriations Committee
February 27, 2024

Chair Barnes and Members of the Committee,

For the record, I am Delegate Anne Healey here to present HB 657 - Public Institutions of Higher Education — Pregnant and Parenting Students — Policy. This bill passed through the Appropriations Committee and the House with a vote of 132-1 in 2022 but never received a vote in the Senate.

HB 657 codifies in Maryland law the benefits of the federal Title IX protections in higher education to ensure that parenting and pregnant students do not lose their educational opportunities because of discriminatory institutional practices. The bill is modeled on a similar law passed in California in 2019.

The bill before you requires institutions of higher learning to maintain a policy related to pregnant and parenting students that is consistent with federal Title IX, which prevents higher education institutions from forcing pregnant or parenting students to withdraw or limit studies. Federal Title IX requires institutions to allow pregnant or parenting students to take a leave of absence and return in good academic standing. For pregnant students, leave would be no less than 12 months unless the student requests a

shorter leave period. Leave would include time to prepare and return to class/exams. Leave could be extended if medically necessary. For the non-birth parent, leave would be no less than 1 month unless student requests shorter time or a medical extension is needed. It also requires higher education institutions to publicize the rights of pregnant and parenting students and to make reasonable accommodations for pregnant students. Reasonable accommodations include allowing students to make up tests and assignments if missed for pregnancy-related reasons and allowing medically excused absences. Other accommodations are required, such as private space for lactation that is not a bathroom or closet.

You may hear testimony that this bill is unnecessary because it is a long-standing federal law; however, while Title IX does a lot of good already, codifying it at the state level will ensure that these rights do not disappear if federal law changes. These protections are already in place in most Maryland Higher Education Institutions; however, the information is difficult to locate on some of the college websites. Without a specific search for *pregnancy*, it is difficult to locate.

The National Coalition for Women and Girls in Education finds that stronger enforcement is needed at the federal, state, and institutional levels to protect pregnant and parenting students from discrimination. Enforcement should include ongoing compliance reviews and education efforts to inform students of their rights under the law. (*Pregnant and Parenting Students: Supporting Academic Success Through Title IX*). The report also states that schools are misled by unlawful policies at the state and local levels. At least two state Departments of Education recently had official policies in place that violated Title IX by excluding pregnant and parenting students from receiving services that were made available to those with other medically excused absences. These policies in Georgia and

Michigan were revised after being challenged. (*Pregnant and Parenting Students: Supporting Academic Success Through Title IX*).

The impact on pregnant and parenting students of being unaware of their rights or having their rights repealed would be a hardship on education attainment. Codifying federal law into state law is a process that we do regularly and have done so with assault weapons, controlled substances, and, as recently as 2018, the Title IX Higher Education – Sexual Assault Policy – Disciplinary Proceedings Provisions.

We want to do what's best for ALL our students; therefore, I am asking for a favorable vote on HB 657.