HB616 - Education – Pregnant and Parenting Students – Attendance Policy

HB616 focuses on creating and clarifying excused absences for pregnant and parenting students in Maryland public schools for both medical and legal appointments, pertaining to both the parent who gave birth and also the co-parent. Currently, lawful absences under COMAR include “illness” of the student and “court summons” [http://www.dsd.state.md.us/comar/comarhtml/13a/13a.08.01.03.htm](http://www.dsd.state.md.us/comar/comarhtml/13a/13a.08.01.03.htm). Many school districts simply cut and paste straight from this list of lawful excuses to develop their official attendance policies. As currently written, these policies do not reflect information these youth are seeking as both students and parents. Transparency, uniformity, and predictability are needed across school districts to help youth make the best decisions to achieve their educational and parenting goals. Unfortunately, some students will face unsupportive families and will need to change school districts while establishing new homes. HB616:

- Defines excused absences for pregnancy or parenting-related health conditions (current COMAR attendance policy language only lists “illness” - pregnancy is not an illness).
- Provides at a minimum 10 days of excused absences for a parenting student after the birth of the student’s child, for both mother and co-parent (not limited to ten days, but will prohibit schools forcing youth to return to school too soon that would interfere with recovery or infant bonding).
- Allows excused absences for a parenting student to care for one’s own child who has a medical appointment or has taken ill.
- Authorizes policies that a pregnant and parenting student be allowed time to make up missed school equal to at least as many days as the student was absent.
- Creates excused absences for a pregnant and parenting student to participate in legal appointments to pursue particular family law actions, such as adoption, custody, and visitation.
- Requires that these policies be published on school district websites.
- Allows school faculty, staff, or administrators to have a better understanding of the rights of these youth and discourage violations under Title IX.

**Talking Points - Pregnant and Parenting Students Attendance Policy**

- Attendance and Teen Pregnancy
  - Higher rates of absences are correlated with educational decline, increased high school dropout rates, weakened socio-emotional development, increased health risk behaviors, and greater risk of future unemployment.\(^1\)
  - As a result from their status as a pregnant student or mother, young women are hindered in their potential to learn as many schools do not provide proper resources or support. These students may miss more than the allotted excused absences provided by the school, forcing them to drop out or trigger a truancy investigation. Pregnant and parenting students have the right to pursue a rigorous education equal to non-pregnant and non-parenting students.
  - When excused absences pertaining to pregnant and parenting students are not meaningfully established and their rights to a full high school education not clearly communicated, students may perceive being unwelcomed and/or an experience school push-out by faculty and staff.

- Teen Pregnancy and High School Dropout Rates
  - Only 40% of teen mothers finish high school, with less than 2% of young mothers completing college by age 30.\(^2\) **Approximately 1,000 13 to 17 year-olds gave birth in Maryland in 2015.**
  - 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.\(^3\)

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2 Shuger, L. (2012). *Teen Pregnancy and High School Dropout: What Communities are Doing to Address These Issues.*
Economic instability can continue to the next generation as two-thirds of families formed by teen mothers are poor, with nearly one in four enrolling in welfare benefits after the birth of the first child. It has been found that two-thirds of children born to minor parents earn high school diplomas as compared to 81% of their peers.\(^4\)

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.

- **Protection for Pregnant and Parenting Students under Title IX**
  - Title IX of the Education Amendments of 1972 prohibits schools that receive federal funds from discriminating against students on the basis of sex, which includes a student’s “actual or potential” parental, family or marital status and a student’s “pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery there from.”\(^5\)
  - Title IX prohibits schools from assuming that pregnant students cannot attend school or participate in school-sponsored activities.\(^6\)
  - A school cannot require pregnant students to produce a doctor’s note in order to continue in school or school-sponsored activities.\(^7\) However, if a doctor’s note is required for all students to participate in a certain activity, a pregnant student may be required to produce such.\(^8\)
  - The school should provide excused absences and reasonable adjustments to the number of excused absences provided to students.\(^9\)
  - Both the parent who gave birth and the co-parent should be protected under Title IX and given the same protection.
  - The school must provide the same special services it provides to students with temporary medical conditions including, home instruction/at-home tutoring/independent study.\(^10\)

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**Advocates supporting:**
- Maryland Conference of NAACP
- CASA de Maryland
- Women’s Law Center of Maryland
- ACLU of Maryland
- NARAL Pro-Choice Maryland
- National Women’s Law Center
- Maryland Catholic Conference
- GLSEN
- Homeless Persons’ Representation Project
- MD Chapter of American College of OB/GYNs

**Coalition to Protect Maryland’s Children**
- Adoptions Together
- Advocates for Children & Youth
- Associated Catholic Charities
- Baltimore Child Abuse Center
- Citizens Review Board for Children
- Court Appointed Special Advocates
- Family Tree
- MD Chapter. National Association of Social Workers
- MD Chapter of American Academy of Pediatrics
- State Council on Child Abuse & Neglect

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\(^3\) 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](https://www.ncwge.org/TitleIX40/Pregnant-Parenting.pdf)


\(^6\) National Women’s Law Center, *Title IX Protections*

\(^7\) National Women’s Law Center, *Title IX Protections*

\(^8\) National Women’s Law Center, *Title IX Protections*

\(^9\) National Women’s Law Center, *Title IX Protections*

\(^10\) U.S. Department of Education *Know Your Rights: Pregnant or Parenting? Title IX Protects You from Discrimination at School* [https://www2.ed.gov/about/offices/list/ocr/docs/dcl-know-rights-201306-title-ix.html](https://www2.ed.gov/about/offices/list/ocr/docs/dcl-know-rights-201306-title-ix.html)
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