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BILL: Senate Bill 438
TITLE: County Boards of Education – Pregnant and Parenting Students – Policies and Reports
DATE: January 21, 2021
POSITION: OPPOSE
COMMITTEE: Ways and Means
CONTACT: John R. Woolums, Esq.

The Maryland Association of Boards of Education (MABE), representing all of the State’s boards of education, opposes Senate Bill 438 to mandate staffing responsibilities and facilities requirements specific to pregnant and parenting students.

Local boards certainly appreciate the intent of this bill to address concerns with the accommodation of the lactation, transportation, and childcare needs of pregnant and parenting students. However, MABE opposes the approach of legislating such specific elements of service delivery, which we maintain are best suited to regulations, guidelines, and local policies and procedures. In addition, this legislation has significant flaws with regard to the definition of “Parenting student” and the details of the facilities requirements.

First, the bill would define “parenting student” as any student who “exercises care, custody, or control” of a child. This broad definition, when linked to the policy provisions called for in the bill, would dramatically expand the number of students defined as parenting, and therefor expand the scope of services intended to be provided or facilitated by the school.

Second, the bill’s specifications for lactation spaces are not consistent with federal regulations governing similar space requirements for staff. MABE, in the event that this bill would pass, MABE requests consideration of the following amendment aligning State law with the Affordable Care Act. Section 4207 of the Patient Protection and Affordable Care Act (ACA) provides that:

An employer shall provide—

- (A) a reasonable break time for an employee to express breast milk for her nursing child for 1 year after the child’s birth each time such employee has need to express the milk; and
- (B) 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.

MABE firmly believes that these federal requirements are reasonable and more readily achievable given they already apply to accommodations for school staff. Again, MABE appreciates the intent of this legislation, but believes it is far too prescriptive in nature and would impose facilities modifications in a manner not consistent with federal law.

For these reasons, MABE requests an unfavorable report on Senate Bill 438.