



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

TO: Members of the State Board of Education

FROM: Karen B. Salmon, Ph.D.

DATE: April 24, 2018

SUBJECT: COMAR 13A.08.01.06
Educational Programs for Pregnant Girls
PERMISSION TO PUBLISH - REPEAL

PURPOSE:

The purpose of this item is to request permission to publish the proposed repeal of COMAR 13A.08.01.06 *Educational Programs for Pregnant Girls*. The current regulation requires local school systems to provide appropriate school programs for all students, including pregnant girls, that include provisions for counseling, pupil personnel work, social work, and psychological services as needed.

REGULATION PROMULGATION PROCESS:

Under Maryland law, a state agency, such as the State Board, may propose a new regulation whenever the circumstances arise to do so. After the State Board votes to propose such a regulation, the proposed regulation is sent to the Administrative, Executive and Legislative Review (AELR) Committee for a 15-day review period. If the AELR Committee does not hold up the proposed regulation for further review, it is published in the Maryland Register for a 30-day public comment period. At the end of the comment period, Maryland State Department of Education (MSDE) staff reviews and summarizes the public comments. Thereafter, MSDE staff will present a recommendation to the State Board of Education to either: (1) adopt the regulation in the form it was proposed; or (2) revise the regulation and adopt it as final because suggested revision is not a substantive change; or (3) revise the regulation and re-propose it because the suggested revision is a substantive change. At any time during this process, the AELR Committee may stop the promulgation process and hold a hearing. Thereafter, it may recommend to the Governor that the regulation not be adopted as a final regulation or the AELR Committee may release the regulation for final adoption.

BACKGROUND/HISTORICAL PERSPECTIVE:

COMAR 13A.08.01.06 *Educational Programs for Pregnant Girls* became effective July 26, 1967 with the last revisions to section .06 in December 1984. Based on a review of the regulation by MSDE staff, the recommendation is that the regulation is out-of-date and that the provisions of the regulation are covered in Maryland statute and other COMAR regulations.

EXECUTIVE SUMMARY:

The Annotated Code of Maryland, Education Article 7-301 - Compulsory Attendance, COMAR 13A.05.05.01-.04 – *Coordinated Programs of Pupil Services*, COMAR 13A. 04.18.01 - *Comprehensive Health Education Instructional Programs for Grades Prekindergarten – 12*, and the Maryland Student Records System Manual contain the necessary provisions for all students, including students identified in COMAR 13A.08.01.06. Therefore, the MSDE requests the repeal of this regulation.

ACTION:

Request permission to publish the proposed repeal of COMAR 13A.08.01.06 *Educational Programs for Pregnant Girls*.

Title 13A STATE BOARD OF EDUCATION

Subtitle 08 STUDENTS

Chapter 01 General Regulations

Authority: Education Article, §§2-205, 7-101, 7-101.1, 7-301, 7-303—7-305, 7-307, 7-308, and 8-404, Annotated Code of Maryland; Ch. 273, Acts of 2016; Federal Statutory Reference: 20 U.S.C. §§1232g and 7912

13A.08.01.06

[.06 Educational Programs for Pregnant Girls.

A. The local school system has responsibility to provide appropriate school programs for all students including pregnant girls, married or unmarried. These programs shall include provisions for counseling, pupil personnel work, social work, and psychological services as needed.

B. A girl, 16 years old or older, who is pregnant, either married or unmarried, who has not completed her high school education may elect to remain in the regular school program and may not be involuntarily excluded from any part of this program. The decision to modify this program or provide an appropriate alternative educational program as defined in Regulation .06D, of this chapter, shall be reached in joint consultation with the girl and appropriate educational and medical personnel.

C. A girl who is pregnant, either married or unmarried, who is under compulsory school age, may voluntarily withdraw from the regular school program provided that she enrolls in an appropriate educational program planned for her. The decision concerning an appropriate educational program as defined in Regulation .06D, of this chapter, for the pregnant girl shall be reached in joint consultation with the girl, her parents, guardians, or husband, and appropriate educational and medical personnel.

A. Appropriate educational programs may be:

- (1) Continuation of the regular school program (modified in terms of individual needs);
- (2) Enrollment in a special school or special class for pregnant girls;
- (3) Enrollment in a residential school (may be regional);
- (4) Telephone teaching;
- (5) TV teaching;
- (6) Home teaching;
- (7) Programmed instruction;
- (8) Admittance to a private maternity home;
- (9) Combination of the above programs.

B. It is the responsibility of the local school system working with the home to cooperate with other State, county, and city agencies, such as health, welfare, and juvenile services and with private physicians or agencies to assure that the pregnant girl receives proper medical, psychological, and social services before termination of pregnancy and for as long as needed after that.]