

MARRIED/ PREGNANT/ PARENTING STUDENTS

The Governing Board recognizes that early marriage, pregnancy ~~and~~ or parenting and related responsibilities may disrupt a student's education and increase the chance of a student dropping out of school. The Board therefore desires to support married, pregnant, and parenting students to continue their education, attain strong academic and parenting skills, and promote the healthy development of their children.

- (cf. 5113.1 – Chronic Absence and Truancy)
- (cf. 5147 – Dropout Prevention)
- (cf. 6011 – Academic Standards)
- (cf. 6146.1 – High School Graduation Requirements)
- (cf. 6146.11 – Alternative Credits toward Graduation)
- (cf. 6146.2 – Certificate of Proficiency/High School Equivalency)
- (cf. 6164.5 – Student Success Teams)

The district shall not discriminate against any student on the basis of the student's marital status, pregnancy, childbirth, false pregnancy, termination of pregnancy, or related recovery. (Education Code 230; 34 CFR 106.40)

- (cf. 0410 – Nondiscrimination in District Programs and Activities)
- (cf. 6200 - Adult Education)

For school-related purposes, a student under the age of 18 years who enters into a valid marriage shall have all the rights and privileges of students who are 18 years old, even if the marriage has been dissolved (Family Code 7002)

Education and Support Services for Pregnant and Parenting Students

School placement and instructional strategies for participating pregnant or parenting students shall be determined on a case-by-case basis and shall be appropriate to the student's individual needs and learning styles. The student may continue attending school in the regular classroom or continuation education setting, may attend a separate program established for pregnant students, may enroll in Adult Education with adult status regardless of age, or may pursue a home instruction or independent study program. When selecting the program to be followed, the student shall be encouraged to consult with her spouse or parent/guardian, her physician, and appropriate district medical and educational advisors. The classroom setting shall be the preferred instructional strategy unless an alternative is necessary to meet the needs of the individual student and/or child. (Education Code 54745)

Pregnant and parenting student shall retain the right to participate in any comprehensive school or educational alternative program. The classroom setting shall be the preferred instructional strategy unless an alternative is necessary to meet the needs of the student and/or his/her child.

- (cf. 6158 - Independent Study)
- (cf. 6183 - Home/Hospital Instruction)
- (cf. 6184 - Continuation Education)

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Any education program or activity that is offered separately to pregnant students, including any class or extracurricular activity, shall be equal to that offered to other district students. A student's participation in such programs shall be voluntary. (5 CCR 4950)

(cf. 6142.7 – Physical Education and Activity)
(cf. 6145 – Extracurricular and Cocurricular Activities)

As required for other students with physical or emotional conditions or temporary disabilities, the Superintendent or designee may require a student, based on pregnancy, childbirth, false pregnancy, termination of pregnancy, or related recovery, to obtain certification from a physician indicating that the student is physically and emotionally able to participate in an educational program or activity. (34 CFR 106.40)

As appropriate, teachers, administrators, and/or other personnel who work with pregnant and parenting students shall receive related professional development.

(cf. 4131 – Staff Development)
(cf. 4231 – Staff Development)
(cf. 4331 – Staff Development)

Absences

Pregnant or parenting students may be excused for absences related to confidential medical appointments in accordance with BP/AR 5113- Absences and Excuses

(cf. 5112.3 – Student Leave of Absence)

A parenting student may request exemption from attendance because of personal services that must be rendered to a dependent

(cf. 5112.1. – Exemptions from Attendance)

When necessary, the district shall provide reasonable accommodations to pregnant and parenting student to enable them to access the educational program.

A pregnant student shall have access to any services available to other students with temporary disabilities or medical conditions. (34 CFR 106.40)

(cf. 6183 – Home and Hospital Instruction)

The school shall provide reasonable accommodations to any lactating student to express breast milk, breastfeed an infant child, or address other needs related to breastfeeding. A student shall not incur an academic penalty for using any of these reasonable accommodations, and shall be provided the opportunity to make up any work missed due to such use. Reasonable accommodations include, but are not limited to: (Education Code 222)

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1. Access to a private and secure room, other than a restroom, to express breast milk or breastfeed an infant child
2. Permission to bring onto a school campus a breast pump and any other equipment used to express breast milk
3. Access to a power source for a breast pump or any other equipment used to express breast milk
4. Access to a place to store expressed breast milk safely
5. A Reasonable amount of time to accommodate the student's need to express breast milk or breastfeed an infant child

Complaints

Any complaint of discrimination on the basis of pregnancy or marital or parental status shall be addressed through the district's uniform complaint procedures in accordance with 5 CCR 4600-4687 and BP/AR 1312.3 – Uniform Complaint Procedures.

(cf. 1312.3 – Uniform Complaint Procedures)

Any complaint alleging district noncompliance with the requirements to provide reasonable accommodations for lactating students also may be filed in accordance with the district's procedures in AR 1312.3 – Uniform Complaint Procedures. A complainant who is not satisfied with the district's decision may appeal the decision to the California Department of Education (CDE). If the district or the CDE finds merit in an appeal, the district shall provide a remedy to the affected student. (Education Code 222; 5 CCR 4600-4687)

Legal Reference:

EDUCATION CODE

222 Reasonable accommodations; lactating students

230 Sex discrimination

8200-8498 Child Care and Development Services Act

8205 Excused absences

48205 Excused absences

48220 Compulsory education requirement

48410 Persons exempted from continuation classes

49553 Nutrition supplements for pregnant/lactating parents

51220.5 Parenting skills and education

51745 Independent study

52610.5 Enrollment of pregnant and parenting students in adult education

CIVIL CODE

51 Unruh Civil Rights Act

MARRIED/PREGNANT/PARENTING STUDENTS (continued)

FAMILY CODE

7002 Description of emancipated minor

HEALTH AND SAFETY CODE

104460 Tobacco prevention services for pregnant and parenting students

CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform complaint procedures

4950 Nondiscrimination, marital and parental status

UNITED STATES CODE, TITLE 20

1681 - 1688 Title IX, Education Act Amendments

CODE OF REGULATIONS, TITLE 22

101151-101239.2 General licensing requirements for child care centers

101351-101439.1 Infant care centers

UNITED STATES CODE TITLE 42

1786 Special supplemental nutrition program for women, infants, and children

CODE OF FEDERAL REGULATIONS, TITLE 7

246.1-246.28 Special supplemental nutrition program for women, infants, and children

CODE OF FEDERAL REGULATIONS, TITLE 34

106.40 Marital or parental status

ATTORNEY GENERAL OPINIONS

87 Ops.Cal.Atty.Gen 168 (2004)

COURT DECISIONS

American Academy of Pediatrics et al v. Lungren et al (1997) 16 Ca.4th 307

Management Resources:

CALIFORNIA WOMEN'S LAW CENTER PUBLICATIONS

Educational Rights of Pregnant and Parenting Teens: Title IX and California State Law Requirements
Pregnant Students and Confidential Medical Services

The Civil Rights of Pregnant and Parenting Teens in California Schools 2002

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Supporting the Academic Success of Pregnant and Parenting Students under Title IX of the Education
Amendments of 1972. Rev. June 2013

WEB SITES

California Department of Education: <http://www.cde.ca.gov>

California Women's Law Center: <http://www.cwlc.org/resources>

U.S. Department of Agriculture, Women, Infants, and Children Program: <http://www.fns.usda.gov/wic>

U.S. Department of Education: <http://www.ed.gov>

Students

AR 5146 (a)

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The Superintendent or designee may grant students a leave of absence due to pregnancy or childbirth for as long as it is deemed medically necessary. At the conclusion of the leave, the student shall be reinstated to the status she held when the leave began. (34 CFR 106.40)

(cf. 5112.3 - Student Leave of Absence)

Pregnant and parenting students also may request exemption from attendance because of a physical or mental condition or because of personal services that must be rendered to a dependent. (Education Code 48410) A male or female student who is an expectant parent, the custodial parent, or the noncustodial parent taking an active role in the care and supervision of the child, may be eligible to enroll in the district's Independent Studies program.

(cf. 5112.1 - Exemptions from Attendance)

(cf. 6159 - Individualized Education Program)