

Students

BP 5146 (a)

MARRIED/PREGNANT/PARENTING STUDENTS

The Board of Education recognizes that *responsibilities related to* early marriage, pregnancy 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 provide instruction and services designed to assist in pregnancy prevention.~~ The Board also *therefore* desires to support *married*, pregnant and parenting students to *continue their education*, attain strong academic and parenting skills and to promote the healthy development of their children.

(cf. 5113.1 – Chronic Absence and Truancy)

(cf. 5147 - Dropout Prevention)

(cf. 5149 – At-Risk Students)

(cf. 6011 - Academic Standards)

(cf. 6164.5 – Student Success Teams)

(cf. 6146.1 – High School Graduation Requirements) (cf.

6146.11 – Alternative Credits Toward Graduation)

(cf. 6146.2 – Certificate of Proficiency/High School Equivalency)

The district shall not exclude or deny any student from any educational program or activity, including any class or extracurricular activity, solely on the basis of the student's pregnancy, childbirth, false pregnancy, termination of pregnancy, or related recovery. In addition, the district shall not adopt any rule concerning a student's actual or potential parental, family, or marital status that treats students differently on the basis of sex. (Education Code 221.51, 230; 5 CCR 4950; 34 CFR 106.40)

(cf. 0410 - Nondiscrimination in District Programs and Activities)

The Superintendent or designee shall annually notify parents/guardians at the beginning of the school year of the rights and options available to pregnant and parenting students under the law. In addition, pregnant and parenting students shall be notified of the rights and options available to them under the law through annual school year welcome packets and through independent study packets. (Education Code 222.5, 48980)

(cf. 5145.6 - Parental Notifications)

~~Married, pregnant and parenting student shall have the same educational and extracurricular opportunities as all students. Participation in special programs or schools shall be voluntary.~~

(cf. 0410 – Nondiscrimination in District Programs and Activities) (cf.

5127 – Graduation Ceremonies and Activities)

(cf. 6145 – Extracurricular and Co-curricular Activities)

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

MARRIED/PREGNANT/PARENTING STUDENTS (continued)***Education and Support Services for Pregnant and Parenting Students***

Pregnant and parenting students shall retain the right to participate in the regular education program or an alternative education program. The classroom setting shall be the preferred instructional strategy unless an alternative is necessary to meet the needs of the student and/or the student's child.

(cf. 6158 - Independent Study)

(cf. 6181 - Alternative Schools/Programs of Choice)

(cf. 6184 - Continuation Education)

(cf. 6200 - Adult Education)

Any alternative education program, activity, or course that is offered separately to pregnant or parenting 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. (Education Code 221.51; 5 CCR 4950)

If required for students with any other temporary disabling condition, 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 or nurse practitioner indicating that the student is physically and emotionally able to continue participation in the regular education program or activity. (Education Code 221.51; 5 CCR 4950; 34 CFR 106.40)

(cf. 6142.7 - Physical Education and Activity)

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6183 - Home and Hospital Instruction)

To the extent feasible, the district shall provide educational and related support services, either directly or in collaboration with community agencies and organizations, to meet the needs of pregnant and parenting students and their children. Such services may include, but are not limited to:

- 1. Child care and development services for the children of parenting students on or near school site(s) during the school day and during school-sponsored activities*

(cf. 5148 - Child Care and Development)

- 2. Parenting education and life skills instruction*

- 3. Special school nutrition supplements for pregnant and lactating students pursuant to Education Code 49553, 42 USC 1786, and 7 CFR 246.1-246.28*

(cf. 3550 - Food Service/Child Nutrition Program)

(cf. 5030 - Student Wellness)

- 4. Health care services, including prenatal care*

MARRIED/PREGNANT/PARENTING STUDENTS (continued)

(cf. 5141.6 - School Health Services)

5. Tobacco, alcohol, and/or drug prevention and intervention services

(cf. 5131.6 - Alcohol and Other Drugs)

(cf. 5131.62 - Tobacco)

6. Academic and personal counseling

(cf. 6164.2 - Guidance/Counseling Services)

7. Supplemental instruction to assist students in achieving grade-level academic standards and progressing toward graduation

(cf. 6179 - Supplemental Instruction)

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 for medical appointments and other purposes specified in BP/AR 5113 - Absences and Excuses.

A student shall be excused for absences to care for a sick child for whom the student is the custodial parent. A note from a physician shall not be required for such an absence. (Education Code 48205)

(cf. 5113 - Absences and Excuses)

Parental Leave

A pregnant or parenting student shall be entitled to eight weeks of parental leave in order to protect the health of the student who gives or expects to give birth and the infant, and to allow the pregnant or parenting student to care for and bond with the infant. Such leave may be taken before the birth of the student's infant if there is a medical necessity and after childbirth during the school year in which the birth takes place, inclusive of any mandatory summer instruction. The Superintendent or designee may grant parental leave beyond eight weeks if deemed medically necessary by the student's physician. (Education Code 46015; 34 CFR 106.40)

The student, if age 18 years or older, or the student's parent/guardian shall notify the school of the student's intent to take parental leave. No student shall be required to take all or part of the parental leave. (Education Code 46015)

MARRIED/PREGNANT/PARENTING STUDENTS (continued)

When a student takes parental leave, the attendance supervisor shall ensure that absences from the regular school program are excused until the student is able to return to the regular school program or an alternative education program. A pregnant or parenting student shall not be required to complete academic work or other school requirements during the period of the parental leave. (Education Code 46015)

(cf. 5113.11 - Attendance Supervision)

Following the leave, a pregnant or parenting student may elect to return to the school and the course of study in which the student was enrolled before taking parental leave or to an alternative education option provided by the district. Upon return to school, a pregnant or parenting student shall have opportunities to make up work missed during the leave, including, but not limited to, makeup work plans and reenrollment in courses. (Education Code 46015)

When necessary to complete high school graduation requirements, the student may remain enrolled in school for a fifth year of instruction, unless the Superintendent or designee makes a finding that the student is reasonably able to complete district graduation requirements in time to graduate by the end of the fourth year of high school. (Education Code 46015)

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6146.11 - Alternative Credits Toward Graduation)

(cf. 6146.2 - Certificate of Proficiency/High School Equivalency)

Accommodations

When necessary, the district shall provide accommodations to enable a pregnant or parenting student 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)

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)

- 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*

MARRIED/PREGNANT/PARENTING STUDENTS (continued)

5. *A reasonable amount of time to accommodate the student's need to express breast milk or breastfeed an infant child*

Complaints

Any complaint alleging discrimination on the basis of pregnancy or marital or parental status, district noncompliance with the requirements of Education Code 46015, or district noncompliance with the requirement to provide reasonable accommodations for lactating students shall be addressed through the district's uniform complaint procedures in accordance with 5 CCR 4600-4670 and BP/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 CDE finds merit in an appeal, the district shall provide a remedy to the affected student. (Education Code 222, 46015; 5 CCR 4600- 4670)

(cf. 1312.3 - Uniform Complaint Procedures)

Program Evaluation

The Superintendent or designee shall periodically report to the Board regarding the effectiveness of district strategies to support married, pregnant, and parenting students, which may include data on student participation in district programs and services, academic achievement, school attendance, graduation rate, and/or student feedback on district programs and services.

(cf. 0500 - Accountability)

(cf. 6162.5 - Student Assessment)

(cf. 6190 - Evaluation of the Instructional Program)

Legal References:

EDUCATION CODE

221.51 Nondiscrimination; married, pregnant, and parenting students

222 Reasonable accommodations; lactating students

222.5 Pregnant and parenting students, notification of rights

230 Sex discrimination

8220-8498 Child Care and Development Services Act

46015 Parental leave

48205 Excused absences

48206.3 Temporary disability, definition

~~2551.3 Determination of state aid for pregnant minors program~~

~~8920-8929 Teenage pregnancy prevention grant program~~

~~17293 School facilities for pregnant/parenting teen program~~

48220 Compulsory education requirement

48410 Persons exempted from continuation classes

48980 Parental notifications

49553 Nutrition supplements for pregnant/lactating students

~~49558 Confidentiality of applications and records for free or reduced price meals~~

51220.5 Parenting skills and education

51745 Independent study

52610.5 Enrollment of pregnant and parenting students in adult education

MARRIED/PREGNANT/PARENTING STUDENTS (continued)

~~54740-54749.5 California School Age Families Education Program (Cal-SAFE)~~

CIVIL CODE

~~51 Unruh Civil Rights Act~~

FAMILY CODE

~~7002 Description of emancipated minor~~

~~7050 Purposes for which emancipated minor considered an adult~~

HEALTH AND SAFETY CODE

~~104460 Tobacco prevention services for pregnant and parenting students~~

CODE OF REGULATIONS, TITLE 5

~~4600-4670 Uniform complaint procedures~~

~~4950 Nondiscrimination, marital and parental status~~

CODE OF REGULATIONS, TITLE 22

~~101151-101239.2 General licensing requirements for child care centers~~

~~101351-101439.1 Infant care centers~~

~~124175-124200 Adolescent and Family Life Act~~

UNITED STATES CODE, TITLE 20

~~1681-1688 Title IX, Education Act Amendments~~

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 Cal.4th 307~~

~~Management Resources: (see next page)~~

Management Resources:

CALIFORNIA WOMEN'S LAW CENTER PUBLICATIONS

~~Pregnant Students and Confidential Medical Services, 2013~~

~~Educational Rights of Pregnant and Parenting Teen 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~~

CDE PUBLICATIONS

~~Pregnant and Parenting Students: A Report to the Legislature, April 1996~~

SBE POLICIES

~~Policy statement on adolescent pregnancy and parenting, July 9, 1993~~

WEB SITES

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

~~CDE: <http://www.cde.ca.gov>~~

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

~~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>~~

~~California Department of Health Services: <http://www.dhs.ca.gov>~~

~~Department of Social Services: <http://www.dss.ca.gov>~~

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