



SACRAMENTO CITY UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

Agenda Item 9.3

Meeting Date: June 10, 2021

Subject: Public Hearing: Second Reading of Revised Board Policy 5146,
Married/Pregnant/Parenting Students

- Information Item Only
- Approval on Consent Agenda
- Conference (for discussion only)
- Conference/First Reading (Action Anticipated: _____)
- Conference/Action
- Action
- Public Hearing

Division: Legal Services

Recommendation: Approve revisions to Board Policy 5146.

Background/Rationale: Education Code 46015 provides that pregnant and parenting pupils are entitled to accommodations that provide them with the opportunity to succeed academically while protecting their health and the health of their children. Education Code 221.51 prohibits districts from applying any rule concerning a pupil's actual or potential parental, family, or marital status that treats pupils differently on the basis of sex.

Students' responsibilities related to marriage, pregnancy, and parenting may disrupt their education. In order to support married, pregnant, and parenting students with respect to their education and the healthy development of their children, revisions to the policy concerning married/pregnant/parenting students is necessary and specifically, to safeguard the rights of such students. No prior updates to BP 5146 have occurred since 2015. Such updates and enactment include language in the CSBA Gamut model policies.

Documents Attached:

1. Executive Summary
2. BP 5146 (Redlines)
3. BP 5146 (Revised)

Estimated Time of Presentation: 5 Minutes

Submitted by: Raoul Bozio, In House Counsel

Victoria Flores, Director, Student Support and Health Services

Approved by: Jorge A. Aguilar, Superintendent

Board of Education Executive Summary

Legal Department

Public Hearing: Second Reading of Revised Board Policy (BP) 5146:
Married/Pregnant/Parenting Students
June 10, 2021



I. Overview/History of Department or Program

In 2015, over 24,000 children were born to 15- to 19-year-olds in California. Nationwide, 70 percent of young parents are pushed out of school and fewer than four in 10 young mothers graduate from high school by 18 years of age.

California Education Code 221.51 prohibits districts from applying any rule concerning a student's actual or potential parental, family, or marital status that treats pupils differently on the basis of sex. Districts must provide notice to pregnant and parenting students of their rights and options through annual welcome packets and annual notices.

Under California Education Code 46015, pregnant and parenting students are entitled to eight weeks of parent 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.

The current version of Board Policy 5146 was adopted in 1998 and has been revised in 2002 and 2015. The proposed revisions to Board Policy 5146 are based on the updates provided by the California School Boards Association (CSBA). Further, the revised board policy now recognizes all of the rights of pregnant and parenting students (including their right to eight weeks of parental leave) to help support them to continue their education, attain strong academic and parenting skills, and promote the healthy development of their children as required under the Education Code.

II. Driving Governance:

Pursuant to Education Code 46015(a):

The Legislature finds and declares that pregnant and parenting pupils are entitled to accommodations that provide them with the opportunity to succeed academically while protecting their health and the health of their children. The Legislature hereby establishes the following accommodations as rights of pregnant and parenting pupils:

(1) A pregnant or parenting pupil is entitled to eight weeks of parental leave, which the pupil may take before the birth of the pupil'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, in order to protect the health of the pupil who gives or expects to give birth and the infant, and to allow the pregnant or parenting pupil to care for and bond with the infant. It is the intent of the Legislature that the pupil, if the pupil is 18 years of age or older,

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or, if the pupil is under 18 years of age, the person holding the right to make educational decisions for the pupil, notify the school of the pupil's intent to exercise this right. Failure to notify the school shall not abridge the rights established by this paragraph or any other right established by this subdivision.

(2) A pregnant or parenting pupil who does not wish to take all or part of the parental leave to which they are entitled pursuant to paragraph (1) shall not be required to do so.

(3) A pregnant or parenting pupil is entitled to receive more than eight weeks of parental leave pursuant to paragraph (1) if deemed medically necessary by the pupil's physician.

(4) When a pupil takes parental leave pursuant to paragraph (1), the supervisor of attendance shall ensure that absences from the pupil's regular school program are excused until the pupil is able to return to the regular school program or an alternative education program.

(5) During parental leave taken pursuant to paragraph (1), a local educational agency shall not require a pregnant or parenting pupil to complete academic work or other school requirements.

(6) A pregnant or parenting pupil may return to the school and the course of study in which he or she was enrolled before taking parental leave pursuant to paragraph (1).

(7) Upon return to school after taking parental leave pursuant to paragraph (1), a pregnant or parenting pupil is entitled to opportunities to make up work missed during his or her leave, including, but not limited to, makeup work plans and reenrollment in courses.

(8) Notwithstanding any other law, a pregnant or parenting pupil may remain enrolled for a fifth year of instruction in the school in which the pupil was previously enrolled when it is necessary in order for the pupil to be able to complete state and any local graduation requirements, unless the local educational agency makes a finding that the pupil is reasonably able to complete the local educational agency's graduation requirements in time to graduate from high school by the end of the pupil's fourth year of high school.

(9) A pupil who chooses not to return to the school in which he or she was

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enrolled before taking parental leave pursuant to paragraph (1) is entitled to alternative education options offered by the local educational agency.

(10) In accordance with subdivision (d) of Section 221.51, a pregnant or parenting pupil who participates in an alternative education program shall be given educational programs, activities, and courses equal to those he or she would have been in if participating in the regular education program.

(11) A pupil shall not incur an academic penalty as a result of his or her use of the accommodations specified in this subdivision.

Pursuant to Education Code 48205:

(a) A local educational agency shall not apply any rule concerning a pupil's actual or potential parental, family, or marital status that treats pupils differently on the basis of sex.

(b) A local educational agency shall not exclude nor deny any pupil from any educational program or activity, including class or extracurricular activity, solely on the basis of the pupil's pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom.

(c) A local educational agency may require any pupil to obtain the certification of a physician or nurse practitioner that the pupil is physically and emotionally able to continue participation in the regular education program or activity.

(d) Pregnant or parenting pupils shall not be required to participate in pregnant minor programs or alternative education programs. Pregnant or parenting pupils who voluntarily participate in alternative education programs shall be given educational programs, activities, and courses equal to those they would have been in if participating in the regular education program.

III. Budget:

The proposed policy is intended to recognize the responsibilities related to marriage, pregnancy, parenting, and related responsibilities and provide them with the opportunity to succeed academically while protecting their health and the health of their children.

IV. Goals, Objectives and Measures:

Pursuant to the District's core beliefs under Board Policy 0100, the District believes "that all people excel in an environment that is SAFE, and offers everyone UNLIMITED OPPORTUNITIES

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for continuous growth and PERSONAL SUCCESS.” As such, the goal is for the District to establish sound policy that recognizes the responsibilities of pregnant and parenting students and notify them of their rights in accordance with the law.

V. Major Initiatives:

This pregnant and parenting students’ policy is critical to promote students’ health and wellness and the health and wellness of their children, as well as to provide them with the opportunity to succeed academically.

VI. Results:

Approval of revision to Board Policy 5146. Ensure compliance with Education Code.

VII. Lessons Learned/Next Steps:

Adoption of revised Board Policy 5146 concerning pregnant and parenting students. Information and correspondences concerning this matter have previously been shared with the District. Further updates will be provided as necessary.

Sacramento City USD
Board Policy
BP 5146
Students

Married/Pregnant/Parenting Students

The Governing Board recognizes that early responsibilities related to 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 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. 6146.11 - Alternative Credits Toward Graduation)~~

~~(cf. 6146.1 - High School Graduation Requirements)~~

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

(cf. 6164.5 - Student Success Teams)

The district shall not discriminate against, 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 ~~marital status~~, 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; 20 USC 1681-1685 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~~(cf. 5127 - Graduation Ceremonies to pregnant and Activities)~~parenting students under the law. In addition, pregnant and parenting

~~Any education program or activity, including any class or extracurricular activity, that is offered separately to such students shall be comparable to that offered to other district students. A student's participation in such programs shall be voluntary. (34 CFR 106.40)~~

~~(cf. 6142.7 – Physical Education and Activity)~~

~~(cf. 6145 – Extracurricular and Cocurricular Activities)~~

notified

~~Any complaint of discrimination on the basis of pregnancy or marital or parental status shall be addressed the rights and options available to them under the law through the district's uniform complaint procedures in accordance with 5 CCR 4600-4687 annual school year welcome packets and BP/AR 1312.3 – Uniform Complaint Procedures through independent study packets. (Education Code 222.5, 48980)~~

~~(cf. 1312.3 – Uniform Complaint Procedures)~~

(cf. 5145.6 - Parental Notifications)

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)

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

~~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 participation rates 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)~~

Education and Support Services for Pregnant and Parenting Students

Pregnant and parenting students shall retain the right to participate in ~~any comprehensive school~~ the regular education program or ~~educational an~~ alternative education program. The classroom setting shall be the preferred instructional strategy unless an alternative is necessary to meet the needs of the ~~individual~~ student and/or the student's child. ~~(Education Code 54745)~~

(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. (When necessary, the district shall provide reasonable accommodations to pregnant and parenting students to enable them to access the educational program.—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~~A pregnant student shall have access to any services available to other students with temporary disabilities or medical conditions. A lactating student shall have access to a private location, other than a restroom, to breastfeed or express milk for her infant child.~~

~~(cf. 6183 - Home and Hospital Instruction)~~

~~A student may be required, based on her pregnancy, childbirth, false pregnancy, termination of pregnancy, or related recovery, to obtain certification from a physician or nurse practitioner indicating that she the student is physically and emotionally able to participate continue participation in an educational the regular education program or activity, if other students with physical or emotional conditions or temporary disabilities are required by the district to provide such certification.—(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 ~~shall be provided~~, either through the district 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. ~~1020 - Youth Services~~)

(~~cf. 1400 - Relations Between Other Governmental Agencies and the Schools~~)

(~~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

(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 ~~related to confidential~~for medical appointments and other purposes specified in ~~accordance with~~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)

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. The Superintendent or designee shall grant a student a leave of absence due to pregnancy, childbirth, false pregnancy, termination of pregnancy, and related recovery for as long as it is deemed medically necessary by her physician. 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)~~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)

~~A pregnant or parenting student also may request exemption from attendance because of a related physical or mental condition or because of personal services that must be rendered to a dependent. (Education Code 48410)~~

~~(cf. 5112.1 – Exemptions from Attendance)~~

~~(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

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 Reference:

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

8200-8498 Child Care and Development Services Act

[46015 Parental leave](#)

48205 Excused absences

[48206.3 Temporary disability, definition](#)

48220 Compulsory education requirement

48410 Persons exempted from continuation classes

[48980 Parental notifications](#)

49553 Nutrition supplements for pregnant/lactating students

51220.5 Parenting skills and education

51745 Independent study

52610.5 Enrollment of pregnant and parenting students in adult education

~~54740-54749 Cal-SAFE program for pregnant/parenting students and their children~~

[CIVIL CODE](#)

[51 Unruh Civil Rights Act](#)

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~~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

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:

CALIFORNIA WOMEN'S LAW CENTER PUBLICATIONS

[Pregnant Students and Confidential Medical Services, 2013](#)

Educational Rights of Pregnant and Parenting Teens: Title IX and California State Law Requirements, [2012](#)

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>

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>

Policy SACRAMENTO CITY UNIFIED SCHOOL DISTRICT
adopted: November 18, 1998 Sacramento, California
revised: April 15, 2002
revised: January 8, 2015
revised: TBD

Sacramento City USD
Board Policy
BP 5146
Students

Married/Pregnant/Parenting Students

The Governing Board recognizes that responsibilities related to 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 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. 6164.5 - Student Success Teams)

The district shall not discriminate against, 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)

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)

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

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

(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)

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

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 Reference:

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

8200-8498 Child Care and Development Services Act

46015 Parental leave

48205 Excused absences

48206.3 Temporary disability, definition

48220 Compulsory education requirement

48410 Persons exempted from continuation classes

48980 Parental notifications
49553 Nutrition supplements for pregnant/lactating students
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
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
4600-4670 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
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:

CALIFORNIA WOMEN'S LAW CENTER PUBLICATIONS
Pregnant Students and Confidential Medical Services, 2013
Educational Rights of Pregnant and Parenting Teens: Title IX and California State Law Requirements, 2012
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>
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>

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