

Riverside County Office of Education
Board Policy 5146 Married/Pregnant/Parenting Students

STUDENTS

SUBJECT: Married/Pregnant/Parenting Students

The County Board of Education and County Superintendent of Schools recognize that early marriage, pregnancy or parenting may disrupt students' education and increase the chance of a student dropping out of school. The County Office of Education therefore desires to provide instruction and services designed to assist in pregnancy prevention. The County Office of Education also desires to support male and female expectant and parenting students to attain strong academic and parenting skills and to promote the healthy development of their children.

(cf. 5147 - Dropout Prevention)

(cf. 5149 - At-Risk Students)

(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)

Married, expectant and parenting students in the County Office of Education's schools/programs shall have the same educational and extracurricular opportunities as all students. Participation in special programs or schools shall be voluntary.

(cf. 0410 - Nondiscrimination in Programs and Activities)

(cf. 5127 - Graduation Ceremonies and Activities)

(cf. 6145 - Extracurricular and Cocurricular Activities)

The County Office of Education 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 County Office of Education 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 Programs and Activities)

The County 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)

In addition, for school-related purposes, married students under the age of 18 are emancipated minors and have all the rights and privileges of a student who is 18, even if the marriage has been dissolved. (Family Code 7002)

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Expectant and Parenting Students

The goals for the County Office of Education's program serving expectant and parenting students shall be to provide continuity in education; increase attendance rates; enable achievement of academic standards; increase graduation rates; develop positive parenting, decision-making and coping skills; develop economic self-sufficiency through job skills; and reduce the incidence of repeat pregnancies for minors.

The County Office of Education is committed to providing a comprehensive, continuous, community-linked program for expectant and parenting students and their children that reflects the cultural and linguistic diversity of the community.

(cf. 1020 - Youth Services)

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

(cf. 5113 - Absences and Excuses)

(cf. 6146.1 - High School Graduation Requirements/Standards of Proficiency)

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

Expectant and parenting students retain the right to participate in any comprehensive school or educational alternative programs. School placement and instructional strategies for participating students shall be based on the needs and learning styles of individual students.

(cf. 6143 - Courses of Study)

(cf. 6158 - Independent Study)

The County Office of Education shall provide a comprehensive program that supplements academic courses with practical instruction geared to expectant and parenting students' specific needs.

The instructional program provided for expectant 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 expectant students, may enroll in adult education with adult status regardless of age, or may pursue a home instruction, hospital instruction or independent study 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 child. (Education Code 54745)

In addition to providing a quality academic program for expectant and parenting students, the County Office of Education's program shall provide parenting education and life skills classes, special school nutrition supplements for pregnant and lactating students, a child care and development program for the children of enrolled students on or near the school site, and other support services authorized by Education Code 54746 as necessary to meet the needs of students and their children. (Education Code 54745)

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(cf. 3550 - Food Service/Child Nutrition Program)
(cf. 5148 - Child Care and Development)
(cf. 5148.1 - Child Care Services for Parenting Students)
(cf. 6158 - Independent Study)

Pregnancy Prevention Program

The Superintendent or designee shall ensure that age-appropriate, culturally sensitive and community-sensitive instruction and services are available to assist in the prevention of pregnancy among minors. The County Office of Education's program shall be based on strategies that have proven effective in delaying the onset of sexual activity and reducing the incidence of pregnancy among school-age youth. Instruction shall be consistent with the district's family life/sex education curriculum.

Instruction shall include information regarding the consequences of pregnancy upon both the mother and father, including the effect upon future educational and employment opportunities; the meaning of parental responsibility and its effect upon one's personal life; strategies for resisting peer group pressure; and abstinence as a method of pregnancy prevention. Such instruction may be incorporated into health, social science or other appropriate courses in accordance with the requirements for those courses.

(cf. 6142.1 - Family Life/Sex Education)
(cf. 6143 - Courses of Study)

Absences

The County Office of Education may grant students a leave of absence due to pregnancy, childbirth or abortion, for as long as it is 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)

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)

Expectant 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)

(cf. 5112.1 - Exemptions from Attendance)

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 County

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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)

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 County Office of Education. 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 County 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 County Office of Education 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

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- 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, County Office of Education noncompliance with the requirements of Education Code 46015, or County Office of Education noncompliance with the requirement to provide reasonable accommodations for lactating students shall be addressed through the County Office of Education'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 County Office of Education's decision may appeal the decision to the California Department of Education (CDE). If the County Office of Education or CDE finds merit in an appeal, the County Office of Education shall provide a remedy to the affected student. (Education Code 222, 46015; 5 CCR 4600- 4670)

(cf. 1312.3 - Uniform Complaint Procedures)

The County Office of Education shall collaborate with county welfare departments, other local health and social service agencies and community organizations to ensure that appropriate support services are provided by either the County Office of Education or another agency in the community and to coordinate delivery of those services.

The County Office of Education shall periodically collect and report data regarding the number of expectant and parenting students in the County Office of Education and the effectiveness of the programs in meeting the needs of these students.

(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

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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>