

Policy 5146: Married/Pregnant/Parenting Students

Status: ADOPTED

Original Adopted Date: 08/20/2008 | **Last Revised Date:** 11/15/2023 | **Last Reviewed Date:** 11/15/2023

Students

The Governing Board recognizes that 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 desires to support married, pregnant, and parenting students to attain strong academic and parenting skills and to promote the healthy development of their children.

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

The district shall apply no rule concerning a pupil's actual or potential parental family, or marital status that treats pupils differently on the basis of sex. (Education Code 221.51(a); 5 CCR 4950; 34 CFR 106.40(a).)

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)

The district shall not make a pre-admission inquiry as to the marital status of an applicant for admission, including whether such applicant is "Miss" or "Mrs." The district may make a pre-admission inquiry as to the sex of an applicant for admission, but only if such inquiry is made equally of such applicants of both sexes and if the results of such inquiry are not used in connection with discrimination prohibited by Title IX. (34 CFR 106.21(c)(4).)

The district treats pregnancy, childbirth, false pregnancy, termination of pregnancy, and recovery therefrom in the same manner and under the same policies as any other temporary disability. (Education Code 221.51(e); 5 CCR 4950(d); 34 CFR 106.40(b)(4).)

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

Notices

The district shall notify pregnant and parenting students of their rights and options available under the law through the annual school year welcome packets and through independent study packets. (Education Code 222.5(a).)

The district shall also annually notify parents/guardians of pupils at the beginning of the regular school term of the rights and options available to pregnant and parenting students under the law. (Education Code 222.5(b).)

Education and Support Services for Pregnant and Parenting Students

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

The Superintendent or designee shall collaborate with the County Superintendent of Schools and other community agencies and organizations to ensure that appropriate educational and related support services are available to meet the needs of expectant and parenting students their children.

Expectant and parenting students shall 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. 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)

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)

The district will permit any minor, regardless of age, who is pregnant or is a parent actively engaged in raising one or more of the minor's children, to enroll in any adult education course or class defined in Education Code 41976. (Education Code 52610.5)

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)

The district will provide individual instruction at home or in a hospital to a student with a temporary disability that makes attendance in regular day classes or alternative educational program impossible or inadvisable. (Education Code 48206.3(a).)

To the extent feasible, educational and related support services shall be provided, either through the district 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
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
4. Health care services, including prenatal care
5. Tobacco, alcohol, and/or drug prevention and intervention services
6. Academic and personal counseling
7. Supplemental instruction to assist students in achieving grade-level academic standards and progressing toward graduation

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

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

Absences

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

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 a physician. At the conclusion of the leave, the student shall be reinstated to the status held when the leave began. (34 CFR 106.40)

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

Parental Leave

A pregnant or parenting student is entitled to eight weeks of parental leave, which the student may take before the birth of the student's infant if there is medical necessity, and after childbirth during the school year in which the birth takes place. (Education Code 46015(a)(1).)

- A pregnant or parenting student is entitled to receive more than eight weeks of parental leave if deemed medically necessary by the student's physician. (Education Code 46015(a)(3).)

- A pregnant or parenting student is not required to complete academic work or other school requirements during parental leave. (Education Code 46015(a)(5).)
- A pregnant or parenting student may return to their previous school and course of study, and is entitled to make up opportunities for any work missed during the leave. (Education Code 46015(a)(6).)
- A pregnant or parenting student may enroll for a fifth year in the school where they were previously enrolled in order to complete state and local graduation requirements. (Education Code 46015(a)(8).)
- A pregnant or parenting student who does not wish to reenroll in his or her previous school is entitled to alternative education options offered by the local education agency, which should be equal to the programs, activities, and courses they could have been in if participating in the regular program. (Education Code 46015(a)(10); Education Code 221.51(d).)

Reasonable Accommodations

When necessary, the district shall provide reasonable accommodations to pregnant and parenting students 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)

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 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. 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)

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 district'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.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

22 CCR 101151-101239.2

Description

General requirements; licensed child care centers -

<https://simbli.eboardsolutions.com/SU/25F12slsh36wTFm0vX8xZRbZg==>

22 CCR 101351-101439.1

Infant care centers -

<https://simbli.eboardsolutions.com/SU/MZd5nRruHaxonVu57p4Apw==>

5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4950	Nondiscrimination; marital and parental status
Civ. Code 51	Unruh Civil Rights Act - https://simbli.eboardsolutions.com/SU/Vx1Rn5gyrfE4qipECNx6Q==
Ed. Code 221.51	Nondiscrimination; married, pregnant, and parenting students - https://simbli.eboardsolutions.com/SU/JyoVAIB8nAO7t8KN4EplusZbQ==
Ed. Code 222	Reasonable accommodations; lactating students - https://simbli.eboardsolutions.com/SU/5plusteldplusLIF9BMmjGj7TycA==
Ed. Code 222.5	Pregnant and parenting students; notification of rights - https://simbli.eboardsolutions.com/SU/ovnzJJOPJLMewOJ0hDdpMg==
Ed. Code 230	Sex discrimination - https://simbli.eboardsolutions.com/SU/YnBaslshouFGDmvS2xxw7FAyQ==
Ed. Code 46015	Parental leave - https://simbli.eboardsolutions.com/SU/A5q1Ee4yrt4KmDTVXBHEkg==
Ed. Code 48050	Residents of adjoining states - https://simbli.eboardsolutions.com/SU/r1T4slshKRuTXczAPx04QKu5A==
Ed. Code 48205	Excused absences - https://simbli.eboardsolutions.com/SU/q54m51wGgW5HWX0taUIDKQ==
Ed. Code 48206.3	Temporary disability; definition - https://simbli.eboardsolutions.com/SU/IYYUZQck5PABplusZ0438yZog==
Ed. Code 48220	Compulsory education requirement - https://simbli.eboardsolutions.com/SU/mVolAn9DIslshdrEblILD20WA==
Ed. Code 48410	Persons exempted from continuation classes - https://simbli.eboardsolutions.com/SU/QAR0rmy4HuvukCF9vRWcOQ==
Ed. Code 48980	Parent/Guardian notifications - https://simbli.eboardsolutions.com/SU/cpMsBKX1tOwUiWgEwSKp5g==
Ed. Code 49553	Nutrition supplements for pregnant/lactating students - https://simbli.eboardsolutions.com/SU/sFWsslshJzWVxRGpPmwsXgy5w==
Ed. Code 51220.5	Parenting skills and education - https://simbli.eboardsolutions.com/SU/FsSmWyMXosnED5sYc7OCXw==
Ed. Code 51745	Independent study - https://simbli.eboardsolutions.com/SU/LXdbvHQ9W6plusyQWLR3bKufA==
Ed. Code 52610.5	Enrollment of pregnant and parenting students in adult education - https://simbli.eboardsolutions.com/SU/LbNHHAHoSLzfVTGM246QNNQ==
Ed. Code 8200-8490	Child Care and Development Services Act - https://simbli.eboardsolutions.com/SU/WailxWdWXPYhcdWpmOa61w==
Fam. Code 7002	Description of emancipated minor - https://simbli.eboardsolutions.com/SU/J4mLTwVslsho0OEzankoAos6Q==
H&S Code 104460	Tobacco prevention services for pregnant and parenting students - https://simbli.eboardsolutions.com/SU/fslshY7qoUfHcPffl9iuoDCw==

Federal References

- 20 USC 1681-1688
- 34 CFR 106.40
- 42 USC 1786
- 7 CFR 246.1-246.28

Management Resources References

- Attorney General Opinion

Description

- Title IX of the Education Amendments of 1972; discrimination based on sex
- Marital or parental status
- Special supplemental nutrition program for women, infants, and children
- Special supplemental nutrition program for women, infants, and children

Description

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

California Women's Law Center Publication	Pregnant Students and Confidential Medical Services, 2013
California Women's Law Center Publication	Educational Rights of Pregnant and Parenting Teens: Title IX and California State Law Requirements, 2012
California Women's Law Center Publication	The Civil Rights of Pregnant and Parenting Teens in California Schools, 2002
Court Decision	American Academy of Pediatrics et al v. Lungren et al (1997) 16 Cal.4th 307
U.S. Department of Education Publication	Supporting the Academic Success of Pregnant and Parenting Students under Title IX of the Education Amendments of 1972, rev. June 2013
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==
Website	California Women's Law Center - https://simbli.eboardsolutions.com/SU/HSJaqkUSUgcjvETI7j6YAQ==
Website	U.S. Department of Agriculture, Women, Infants, and Children Program - https://simbli.eboardsolutions.com/SU/a6LxgjjQslshQHOS8pHGswPKg==
Website	U.S. Department of Education - https://simbli.eboardsolutions.com/SU/XcSsJimoslsh3XhJKy4tplus7wplusA==
Website	California Department of Education - https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==

Cross References

Description

0410	Nondiscrimination In District Programs And Activities - https://simbli.eboardsolutions.com/SU/KsjDUyplusN6usWAHaLYsWSplusg==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/jTXa27ru6jYMNEnhEslshd46A==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/sAne3rIX9rujnAiEpaecYA==
1400	Relations Between Other Governmental Agencies And The Schools - https://simbli.eboardsolutions.com/SU/gxil8HpTvlq4ZnAleOQnbg==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/BWkeN4McHiPJshe7LmjMEg==
5030	Student Wellness - https://simbli.eboardsolutions.com/SU/yZBNhTn9zdWmM0st9XKBwA==
5112.1	Exemptions From Attendance - https://simbli.eboardsolutions.com/SU/XEmIkn3P5b1tlbvjsh1plusV7Q==
5113	Absences And Excuses - https://simbli.eboardsolutions.com/SU/JSwOBbosOJwpzZfyqB5eplusA==
5113.1	Chronic Absence And Truancy - https://simbli.eboardsolutions.com/SU/YqCeIsh20d9NrqXJptKvWRQ==
5131.6	Alcohol And Other Drugs - https://simbli.eboardsolutions.com/SU/oSmzbPoHDTCZyZnVm5DplusGA==
5131.62	Tobacco - https://simbli.eboardsolutions.com/SU/V5yPqVYEPDaYZHu0phRR9Q==
5141.25	Availability Of Condoms - https://simbli.eboardsolutions.com/SU/cgP7aaplusAHnSDLcar84zl7w==
5141.6	School Health Services - https://simbli.eboardsolutions.com/SU/LpEbtJQMPJOfzDN3rXEq8g==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/HS2jqQmcpirrVcOPcO1cA==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/hg8YrNfWlz9xowEWRGjf4A==

- 5145.6 Parent/Guardian Notifications -
<https://simbli.eboardsolutions.com/SU/9C8WoofUSOslshxDQlpm0QhyQ==>
- 5147 Dropout Prevention -
<https://simbli.eboardsolutions.com/SU/uhGs7cEid2RxinSOvtsLYQ==>
- 5148 Child Care And Development -
<https://simbli.eboardsolutions.com/SU/FINngEAOslshzGtlysH9QpjVg==>
- 6142.1 Sexual Health And HIV/AIDS Prevention Instruction -
<https://simbli.eboardsolutions.com/SU/eAplus10cSE8xpG5pMJfyDMpw==>
- 6142.8 Comprehensive Health Education -
<https://simbli.eboardsolutions.com/SU/51jD3XTslsh3lp6JOLqHKxWIA==>
- 6143 Courses Of Study -
<https://simbli.eboardsolutions.com/SU/KxhqbSO5qxQJplusDEZxjCndQ==>
- 6158 Independent Study -
<https://simbli.eboardsolutions.com/SU/UGog8Uq6ZgSzhmst00nZxA==>
- 6164.5 Student Success Teams -
<https://simbli.eboardsolutions.com/SU/YKLByzVrGaiyvISplusWd9ghQ==>
- 6184 Continuation Education -
<https://simbli.eboardsolutions.com/SU/VFvbf9BHGCLplus7ycTTVYhg==>