

**Policy 5146: Married/Pregnant/Parenting Students**

Status: ADOPTED

Original Adopted Date: 12/01/2013 | Last Revised Date: 12/01/2018 | Last Reviewed Date: 12/01/2018

CSBA NOTE: The following optional policy may be revised to reflect district practice.

Pursuant to Education Code 48410, students may be exempted from compulsory attendance in continuing education classes if they must render personal services to a dependent. See AR 5112.1 - Exemptions from Attendance.

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.

CSBA NOTE: Education Code 221.51, as added by AB 2289 (Ch. 942, Statutes of 2018), codifies federal and state regulations that prohibit districts from applying any rule concerning a student's actual or potential parental, family, or marital status that treats students differently on the basis of sex.

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)

CSBA NOTE: Education Code 222.5, as added by AB 2289, requires the following annual notifications.

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)

CSBA NOTE: Pursuant to Family Code 7002, any person under the age of 18 years who enters into a valid marriage is an emancipated minor and therefore has the same rights as an adult. Such rights include, but are not limited to, those related to the verification of student absences (see AR 5113 - Absences and Excuses), application for a work permit (see AR 5113.2 - Work Permits), and access to student records (see AR 5125 - Student Records).

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.

CSBA NOTE: Both federal law (34 CFR 106.40) and state law (Education Code 221.51; 5 CCR 4950) prohibit districts from requiring a student to take a course or participate in a separate program or school for pregnant and parenting students. When students voluntarily participate in such alternative programs, federal law requires that the alternative program be "comparable" to the regular education program, and state law requires that the program be "equal" to the regular education program. The following paragraph reflects the state standard which is more stringent and thus would prevail.

The California Women's Law Center, in Educational Rights of Pregnant and Parenting Teens: Title IX and California State Law Requirements, describes the difficulty in ensuring that alternative programs are comparable or equal to the regular education program, and cites factors that districts should consider. Such factors may include, but are not limited to, the educational benefits provided (i.e., quality, range, and content of curriculum and other services; quality and availability of instructional materials and technology); extracurricular offerings; staff qualifications; geographic accessibility; and the quality, accessibility, and availability of facilities and resources. Because of the difficulty in meeting this standard, the California Women's Law Center cautions that districts must ensure that pregnant students are not pushed or lured into alternative programs through either overt or subtle practices.

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)

CSBA NOTE: Education Code 221.51, as added by AB 2289, authorizes districts to require certification by a physician or nurse practitioner that a student is physically and emotionally able to participate in the regular education program or activity. However, Education Code 221.51 and 34 CFR 106.40 require that pregnancy, childbirth, false pregnancy, termination of pregnancy, or related recovery be treated in the same manner as any other temporary disabling condition. Thus, the district cannot require a pregnant student to provide a physician's note to participate in physical education classes unless required of all students with temporary medical conditions, but a pregnant student who cannot accomplish the requirements of the regular physical education curriculum may be offered an alternative physical education curriculum. Education Code 48206.3 defines a "temporary disability" as a physical, mental, or emotional disability after which the student can reasonably be expected to return to regular day classes or an alternative education program; see AR 6183 - Home and Hospital Instruction.

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)

CSBA NOTE: Items #1-7 below are optional and may be revised to reflect district practice.

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:

CSBA NOTE: The district may choose to offer child care and development services as an incentive to encourage the school attendance of parenting students, as provided in item #1 below. Child care and development services are subject to applicable sections of Education Code 8200-8498 and the health and safety requirements of 22 CCR 101151-101239.2 and 101351-101439.1; see BP/AR 5148 - Child Care and Development.

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

CSBA NOTE: The federal Women, Infants, and Children grant program (42 USC 1786; 7 CFR 246.1-246.28) provides funding that may be used for special school nutrition supplements for low-income pregnant and lactating students as provided in item #3 below; see the U.S. Department of Agriculture's web site. Education Code 49553 specifies nutritional standards for these special school nutrition supplements.

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

CSBA NOTE: Health and Safety Code 104460 requires districts receiving Tobacco-Use Prevention Education funds to provide access to tobacco-use prevention and intervention services to pregnant and parenting students; see AR 5131.62 - Tobacco.

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.

### Absences

Pregnant or parenting students may be excused for absences for medical appointments and other purposes specified in BP/AR 5113 - Absences and Excuses.

CSBA NOTE: Education Code 48205, as amended by AB 2289, authorizes an excused absence without a note from

a physician for a parenting student to care for a sick child. Also see 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)

## Parental Leave

CSBA NOTE: Education Code 46015, as added by AB 2289, provides that a pregnant or parenting student is entitled to eight weeks of parental leave, or longer if deemed medically necessary by the student's physician. Pursuant to Education Code 46015, the student's failure to notify the school as required below does not abridge the student's rights.

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)

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)

## Accommodations

CSBA NOTE: According to the U.S. Department of Education (USDOE) pamphlet Supporting the Academic Success of Pregnant and Parenting Students under Title IX of the Education Amendments of 1972, when necessary to ensure a pregnant student's access to the educational program, the district must make adjustments to the regular program that are reasonable and responsive to the student's pregnancy status. Examples in the USDOE pamphlet include providing a larger desk, allowing frequent trips to the restroom, or permitting temporary access to elevators as necessary. Pursuant to 34 CFR 106.40, the school also must provide any services to pregnant students that it provides to other students with temporary medical conditions, such as at-home instruction or tutoring for students who miss school because of such medical conditions. The USDOE publication lists additional programs and strategies that, although not required by federal law, may assist in addressing the needs of pregnant and parenting students.

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

CSBA NOTE: Education Code 46015, as added by AB 2289, authorizes the use of the district's uniform complaint procedures established pursuant to 5 CCR 4600-4670 for complaints alleging the district's noncompliance with requirements related to the provision of parental leave or other requirements of Education Code 46015.

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)

## 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.

**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  
 22 CCR 101351-101439.1  
 5 CCR 4600-4670  
 5 CCR 4950  
 Civ. Code 51  
 Ed. Code 221.51  
 Ed. Code 222  
 Ed. Code 222.5  
 Ed. Code 230  
 Ed. Code 46015  
 Ed. Code 48050  
 Ed. Code 48205  
 Ed. Code 48206.3  
 Ed. Code 48220  
 Ed. Code 48410  
 Ed. Code 48980  
 Ed. Code 49553  
 Ed. Code 51220.5

### Description

[General requirements; licensed child care centers](#)  
[Infant care centers](#)  
 Uniform complaint procedures  
 Nondiscrimination; marital and parental status  
[Unruh Civil Rights Act](#)  
[Nondiscrimination; married, pregnant, and parenting students](#)  
[Reasonable accommodations; lactating students](#)  
[Pregnant and parenting students; notification of rights](#)  
[Sex discrimination](#)  
[Parental leave](#)  
[Residents of adjoining states](#)  
[Excused absences](#)  
[Temporary disability; definition](#)  
[Compulsory education requirement](#)  
[Persons exempted from continuation classes](#)  
[Parent/Guardian notifications](#)  
[Nutrition supplements for pregnant/lactating students](#)  
[Parenting skills and education](#)

**State References**

Ed. Code 51745  
 Ed. Code 52610.5  
 Ed. Code 8200-8490  
 Fam. Code 7002  
 H&S Code 104460

**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  
 California Women's Law Center Publication  
 California Women's Law Center Publication  
 California Women's Law Center Publication  
 Court Decision  
 U.S. Department of Education Publication  
 Website  
 Website  
 Website  
 Website  
 Website

**Cross References**

0410  
 1312.3  
 1312.3  
 1312.3-E(1)  
 1312.3-E(2)  
 1400  
 4131  
 5030  
 5112.1  
 5112.1  
 5113  
 5113  
 5113.1  
 5113.1

**Description**

[Independent study](#)  
[Enrollment of pregnant and parenting students in adult education](#)  
[Child Care and Development Services Act](#)  
[Description of emancipated minor](#)  
[Tobacco prevention services for pregnant and parenting students](#)

**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)  
 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  
 American Academy of Pediatrics et al v. Lungren et al (1997) 16 Cal.4th 307  
 Supporting the Academic Success of Pregnant and Parenting Students under Title IX of the Education Amendments of 1972, rev. June 2013  
[CSBA District and County Office of Education Legal Services](#)  
[California Women's Law Center](#)  
[U.S. Department of Agriculture, Women, Infants, and Children Program](#)  
[U.S. Department of Education](#)  
[California Department of Education](#)

**Description**

[Nondiscrimination In District Programs And Activities](#)  
[Uniform Complaint Procedures](#)  
[Uniform Complaint Procedures](#)  
[Uniform Complaint Procedures](#)  
[Uniform Complaint Procedures](#)  
[Relations Between Other Governmental Agencies And The Schools](#)  
[Staff Development](#)  
[Student Wellness](#)  
[Exemptions From Attendance](#)  
[Exemptions From Attendance](#)  
[Absences And Excuses](#)  
[Absences And Excuses](#)  
[Chronic Absence And Truancy](#)  
[Chronic Absence And Truancy](#)

**Cross References**

5113.11

5113.12

5113.12

5131.6

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5131.62

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**Description**[Attendance Supervision](#)[District School Attendance Review Board](#)[District School Attendance Review Board](#)[Alcohol And Other Drugs](#)[Alcohol And Other Drugs](#)[Tobacco](#)[Tobacco](#)[Availability Of Condoms](#)[School Health Services](#)[School Health Services](#)[Nondiscrimination/Harassment](#)[Nondiscrimination/Harassment](#)[Parent/Guardian Notifications](#)[Parent/Guardian Notifications](#)[Dropout Prevention](#)[Child Care And Development](#)[Child Care And Development](#)[Sexual Health And HIV/AIDS Prevention Instruction](#)[Sexual Health And HIV/AIDS Prevention Instruction](#)[Comprehensive Health Education](#)[Comprehensive Health Education](#)[Courses Of Study](#)[Courses Of Study](#)[Independent Study](#)[Independent Study](#)[Student Success Teams](#)[Student Success Teams](#)[Continuation Education](#)[Continuation Education](#)