

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

Status: DRAFT

Original Adopted Date: 12/01/2013 | Last Revised Date: 01/18/2023 | Last Reviewed Date: 01/18/2023

The Governing Board recognizes that responsibilities related to marriage, pregnancy, or parenting, and related obligations, medical conditions, or recovery responsibilities may disrupt a student's education and increase the chance of a student dropping out of school. The Board therefore desires to minimize interruption to such student's educational progress by supporting married, pregnant, and parenting students to continue in their continued education, assist them to attain strong academic and parenting skills, and promote promoting the healthy development of their children child(ren).

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 current, potential or past pregnancy, childbirth, false pregnancy, termination of pregnancy, lactation, or related medical conditions or recovery. In addition, the District shall not adopt any rule concerning a student's actual or, potential, or past parental, family, or marital status that discriminates against and/or treats students a student differently on the basis of sex. (Education Code §§ 221.51, 230; 5 C.C.R. § 4950; 34 C.F.R. § 106.40)

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)

Any employee who is informed by a student, or a person who has a legal right to act on behalf of a student, of a student's pregnancy or related conditions shall provide that person with the Title IX Coordinator's contact information and inform the person that the Title IX Coordinator can coordinate specific acts to prevent sex discrimination, including sex-based harassment, and ensure the student's equal access to the District's education program or activity. (34 C.F.R. § C.F.R.-§-106.8)

When notified of a student's pregnancy or related conditions, the Title IX Coordinator shall provide the student, and if applicable the person who has a legal right to act on behalf of the student and who notified the Title IX Coordinator of the student's pregnancy or related conditions, with the District's notice of nondiscrimination, as specified in Administrative Regulation 5145.3 - Nondiscrimination/Harassment and Exhibit (1) 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures. The Title IX Coordinator shall also coordinate actions specified in 34 C.F.R. § C.F.R.-§-106.40 to prevent discrimination against, and ensure equal access to, the student, including the following: (34 C.F.R. § C.F.R.-§-106.44)

1. Notifying the student that the District is required to not discriminate in its education program or activity against any student based on the student's current, potential, or past pregnancy or related conditions

However, a student's voluntary participation in a separate portion of the District's education program or activity does not constitute prohibited discrimination if the District ensures that the separate portion is comparable to that offered to students who are not pregnant and do not have related conditions.

2. To the extent consistent with 34 C.F.R. § 106.40(b)(3), ensuring that pregnancy or related conditions are treated in the same manner and under the same policies as any other temporary medical condition with respect to any medical or hospital benefit, service, plan, or policy the District administers, operates, offers, or participates in with respect to students admitted to the District's education program or activity
3. Informing the student that the District may not require the student who is pregnant or has related conditions to provide certification from a healthcare provider or any other person verifying that the student is physically able to participate in the District's class, program, or extracurricular activity unless the certified level of physical ability of health is necessary for participation in the class, program, or extracurricular activity; the District requires such certification of all participating students; and, the information obtained is not used as a basis for Title IX discrimination

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 of age or older, 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.

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 C.C.R. § 4950)

The Superintendent or designee shall not require a student, based on pregnancy, childbirth, false pregnancy, termination of pregnancy, lactation, or related medical conditions or recovery, to obtain certification from a physician or nurse practitioner indicating that the student is physically and emotionally able to continue participation in the District's education program or activity, including an extracurricular activity, unless the certified level of physical ability is necessary for participation and such certification is required of all students. (Education Code 221.51; 5 C.C.R. § 4950; 34 C.F.R. § 106.40)

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 C.C.R. § 4950; 34 C.F.R. § 106.40)

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
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 C.F.R. § 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.

### **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)

### **Parental Leave**

A student who is pregnant or parenting student, or has a related condition, 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 and/or the infant, and to allow the pregnant or parenting student to care for and bond with the infant. The period of the leave shall be the greater of eight weeks, or the length of time deemed medically necessary by the student's healthcare provider,

or, if the District has a leave policy for which the student qualifies, the amount of time provided for in such policy. 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. (Education Code 46015; 34 C.F.R. § 106.40) ~~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 C.F.R. § 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. (Education Code § 46015)

No student shall be required to take all or part of the parental leave. (Education Code 46015; 34 C.F.R. § 10)

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 student who is pregnant or parenting ~~student~~, or has related conditions, 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~~ Following the leave, a student who is pregnant or parenting, or has related conditions, 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. (Education Code § 46015; 34 C.F.R. § 106.40)

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; C.F.R. § 106.40)

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

~~When necessary, the District shall provide accommodations to enable a pregnant or parenting student to access the educational program.~~

When necessary, the District shall provide reasonable accommodations to enable a student who is pregnant or parenting, or with related conditions, to access the educational program. The District shall consult with the student when identifying potential modifications. Any modification accepted by the student shall be implemented. Any proposed modification that would fundamentally alter the nature of the District's education program or activity shall not be implemented. (34 C.F.R. § 106.40)

Reasonable modifications may include, but are not limited to: (34 C.F.R. § 106.40)

1. Breaks during class to express breast milk, breastfeed, or attend to health needs associated with pregnancy or related conditions, including eating, drinking, or using the restroom
2. Intermittent absences to attend medical appointments
3. Access to online or homebound education
4. Changes in schedule or course sequence
5. Extensions of time for coursework and rescheduling of tests and examinations
6. Allowing a student to sit or stand, or carry or keep water nearby
7. Counseling

8. Changes in physical space or supplies, such as access to a larger desk or a footrest
9. Elevator access
10. Any other change to policies, practices, or procedures

A student who is pregnant or who has a related condition shall have access to any services available to other students with temporary disabilities or medical conditions. (34 C.F.R. § 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, that is clean, shielded from view, and free from intrusion by others 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 a student's current, potential, or past pregnancy, family, or marital or parental status, District noncompliance with the requirements of Education Code 46015 or 34 C.F.R. § 106.40, or District noncompliance with the requirement to provide reasonable accommodations for lactating students shall be addressed through the District's uniform complaint procedures may be filed, investigated and resolved in accordance with 5 C.C.R. § 4600-4670 and BP/AR 1312.3 - Uniform the Title IX grievance procedures as specified in 34 C.F.R. § 106.44 and 106.45 and Administrative Regulation 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment 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 C.C.R. § 4600- 4670; 34 C.F.R. § 106.44, 106.45). In addition, the District makes available grievance/complaint procedures in the following policies for anyone who believes the District is violating regulations pertaining to pregnant/parenting students as set forth in Title IX: 1) Board Policy 5145.7 (Sex Discrimination and Sex-Based Harassment); and 2) Board Policy 1312.3: Uniform Complaint Procedures (UCP), which describes the filing and investigation/resolution process to be used when alleging the District has practiced unlawful harassment, discrimination, intimidation or bullying or failed to comply with state/federal laws governing its educational programs.

### Program Evaluation

The Superintendent or designee shall periodically report to the Board regarding the effectiveness of District strategies to support current, potential, and past 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.

---