

TULARE COUNTY OFFICE OF EDUCATION

Board Policy

BP 5146
Married, Pregnant and Parenting Students

Students

Tulare County Board of Education and Tulare County Superintendent of Schools recognize that early marriage, pregnancy, or parenting may disrupt a student's education and increase the chance of a student dropping out of school. The Tulare County Office of Education 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.

The county office 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; 20 USC 1681-1688)

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 students. A student's participation in such programs shall be voluntary.

Any complaint of discrimination on the basis of pregnancy or marital or parental status shall be addressed through the county office's uniform complaint procedures in accordance with 5 CCR 4600-4687 and BP/AR 1312.3 – Uniform Complaint Procedures.

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

Pregnant and Parenting Students

Pregnant and parenting students shall retain the right to participate in any comprehensive school or educational alternative program. The classroom setting shall be the preferred instructional strategy unless an alternative is necessary to meet the needs of the student and/or his/her child.

When necessary, reasonable accommodations shall be provided 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. A lactating student shall have access to a private location, other than a restroom, to breastfeed or express milk for her infant child.

A student may be required, based on her pregnancy, childbirth, false pregnancy, termination of pregnancy, or related recovery, to obtain certification from a physician indicating that she is physically and emotionally able to participate in an educational program or activity, if other students with physical

or emotional conditions or temporary disabilities are required to provide such certification. (34 CFR 106.40)

To the extent feasible, educational and related support services shall be provided, either through the county office 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. Parenting education and life skills instruction
2. Special school nutrition supplements for pregnant and lactating students pursuant to Education Code 49553, 42 USC 1786, and 7 CFR 246.1-246.28
3. Tobacco, alcohol, and/or drug prevention and intervention services
4. Academic and personal counseling
5. 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.

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

The county 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.

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.

Legal Reference:

EDUCATION CODE

230 – Sexual discrimination

8200-8498 – Child Care and Development Services Act

48205 – Excused absences

48220 – Compulsory education requirement

48410 – Persons exempted from continuation classes

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

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 – 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

Educational Rights of Pregnant and Parenting Teens: Title IX and California State Law Requirements

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

Dear Colleague Letter: Sexual Violence, April 2011

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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Tulare County Board of Education
Visalia, California

Revised: