

CAPISTRANO UNIFIED SCHOOL DISTRICT
BOARD REPORT

To: Board of Trustees

From: Gregory Merwin, Associate Superintendent, Education and Support Services
Prepared by: Mike Beekman, Executive Director, Safety and Student Services

Date: April 20, 2022

Board Item: First Reading – Board Policy 5146, Married/Pregnant/Parenting Students

HISTORY

This is a new item. Board Policy 5146, *Married/Pregnant/Parenting Students*, was last updated January 2016.

BACKGROUND INFORMATION

School districts, direct-funded charter schools, and county offices that receive funding for certain federal and state programs may be chosen for a Federal Program Monitoring (FPM) review by the state. The purpose of the review is to ensure that they are spending the federal funding (Title I, II, II, IV) as required by law. At the end of each review, the state will complete a report that details any findings of non-compliance and informs the school, district, or county office how to correct the findings.

Local Education Agencies (LEAs) are assigned to 1 of 4 cohorts: A, B, C or D. Each school year, approximately 132 LEAs are selected for review – 66 LEAs from 1 cohort for an onsite review, and 66 LEAs from a different cohort for an online review. The LEAs are selected using established selection criteria including program size, fiscal analysis, compliance history, and continuous improvement. The District has not been in a full FPM review since 2008.

CURRENT CONSIDERATIONS

As staff was preparing for the FPM audit, it was discovered that the policy did not include complete language from the California School Boards Association (CSBA) sample policy regarding student absences, parental leave, accommodations for lactating students, and filing complaints. Language, the policy name, and policy number have been updated to align with the CSBA sample policy. Revisions align with California Education Code, Code of Federal Regulations, and with California School Boards Association sample policy. All changes have been reviewed by legal counsel.

FINANCIAL IMPLICATIONS

There is no financial impact.

STAFF RECOMMENDATION

Following discussion, it is recommended the Board of Trustees approve Board Policy 5146, *Married/Pregnant/Parenting Students*.

PREPARED BY: Mike Beekman, Executive Director, Safety and Student Services

APPROVED BY: Gregory Merwin, Associate Superintendent, Education and Support Services

MARRIED STUDENTS/PREGNANT STUDENTS/STUDENTS WHO ARE PARENTING STUDENTS

The Board of Trustees recognizes that ~~responsibilities related to 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 support married ~~students~~, pregnant ~~students~~, and parenting students ~~who are parents~~ to continue their education, attain strong academic and parenting skills, and ~~to~~ promote the healthy development of their children.

~~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: 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 District 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 District's uniform complaint procedures in accordance with 5 CCR 4600—4687 and BP 1312.1—Uniform Complaint Procedures.~~

~~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)~~

~~The District shall not make 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 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.~~

~~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)~~

~~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 7702) 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.~~

MARRIED-STUDENTS/PREGNANT-STUDENTS/STUDENTS WHO ARE PARENTING STUDENTS (continued)**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 CCR 4950)

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)

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 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.

MARRIED STUDENTS/PREGNANT STUDENTS/STUDENTS WHO ARE PARENTING STUDENTS (continued)

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 Board Policy 5112 - 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 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.

MARRIED STUDENTS/PREGNANT STUDENTS/STUDENTS WHO ARE PARENTING STUDENTS (continued)

by the end of the fourth year of high school. (Education Code 46015)

Reasonable Accommodations

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

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)

MARRIED STUDENTS/PREGNANT STUDENTS/STUDENTS WHO ARE PARENTING STUDENTS (continued)

Program Evaluation

The Superintendent or designee shall periodically report to the Board regarding the effectiveness of District strategies to support married students, pregnant students, and ~~parenting students~~ ~~students who are parents~~, which may include data on ~~student~~ participation ~~rates~~, in District programs and services, academic achievement, school attendance, graduation rate, and/or student feedback on District programs and service~~s~~.

Pregnant Students and Students Who are Parents

~~Pregnant students and students who are parents 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 individual student and/or his/her child. (Education Code 54745)~~

~~When necessary, the District shall provide reasonable accommodations to pregnant students and students who are parents 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 education program or activity, if other students with physical or emotional conditions or temporary disabilities are required by the District to provide such certification.~~

~~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 students and students who are parents and their children. Such services may include, but are not limited to:~~

- ~~1.—Child care and development services for the children of students who are parents on or near school site(s) during the school day~~
- ~~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.—Academic and personal counseling~~

~~Pregnant students or students who are parents may be excused for absences related to confidential~~

MARRIED STUDENTS/PREGNANT STUDENTS/STUDENTS WHO ARE PARENTING STUDENTS (continued)

~~medical appointments in accordance with BP 5112—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 her physician. At the conclusion of the leave, the student shall be reinstated to the status she held when the leave began.~~

~~A pregnant student or student who is a parent may also request exemption from attendance because of a related physical or mental condition or because of personal services that must be rendered to a dependent. (Education Code 48410)~~

~~(cf. 0410—Nondiscrimination in District Programs and Activities) (cf. 0500—Accountability)~~

~~(cf. 1020—Youth Services) (cf. 1020—Youth Services)~~

~~(cf. 1312.3—Uniform Complaint Procedures)~~

~~(cf. 1400—Relations Between Other Governmental Agencies and the Schools) (cf. 5148—Child Care and Development)~~

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~~(cf. 3550—Food Service/Child Nutrition Program) (cf. 5030—Student Wellness)~~

~~(cf. 5112.1—Exemptions from Attendance) (cf. 5112.3—Student Leave of Absence) (cf. 5113—Absences and Excuses)~~

~~(cf. 5113.1—Chronic Absence and Truancy)~~

~~(cf. 5127—Graduation Ceremonies and Activities) (cf. 5141.6—School Health Services)~~

~~(cf. 5147—Dropout Prevention) (cf. 5149—At-Risk Students)~~

~~(cf. 6011—Academic Standards)~~

~~(cf. 6142.7—Physical Education and Activity)~~

~~(cf. 6145—Extracurricular and Cocurricular Activities) (cf. 6146.1—High School Graduation Requirements) (cf. 6146.11—Alternative Credits Toward Graduation)~~

~~(cf. 6146.2—Certificate of Proficiency/High School Equivalency) (cf. 6158—Independent Study)~~

~~(cf. 6162.5—Student Assessment)~~

~~(cf. 6164.2—Guidance/Counseling Services) (cf. 6164.5—Student Success Teams)~~

~~(cf. 6181—Alternative Schools/Programs of~~

~~Choice) (cf. 6182—Opportunity School/Class/Program)~~

~~(cf. 6183—Home/Hospital Instruction) (cf. 6184—Continuation Education) (cf. 6200—Adult Education)~~

Legal Reference:**EDUCATION CODE**

230 Sex discrimination 48205 Excused absences

48220 Compulsory education requirement

48410 Persons exempted from continuation classes 49451 Exemption from physical examination

MARRIED STUDENTS/PREGNANT STUDENTS/STUDENTS WHO ARE PARENTING STUDENTS (continued)

49553 Nutrition supplements for pregnant/lactating students
49558 Confidentiality of applications and records for free or reduced price meals 51220.5
Parenting skills and education
51745 Independent study
52610.5 Enrollment of pregnant students and students who are parents in adult education 54740-
54749.5 California School Age Families Education Program (Cal-SAFE)
8200-8498 Child Care and Development Services Act
FAMILY CODE
7002 Description of emancipated minor
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 10
6.40 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

Policy

Adopted: August 18, 1997

Revised: June 13, 2005

Revised: January 27, 2016

CAPISTRANO UNIFIED SCHOOL DISTRICT

San Juan Capistrano, California