



SACRAMENTO CITY UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

Agenda Item# 8.1e

Meeting Date: January 8, 2015

Subject: **Approve Revised Board Policy 5146: Married, Pregnant, Parenting Students**

- Information Item Only
- Approval on Consent Agenda
- Conference (for discussion only)
- Conference/First Reading (Action Anticipated: _____)
- Conference/Action
- Action
- Public Hearing

Department: HR/Legal

Recommendation: Approve revisions to BP 5146, Married, Pregnant, or Parenting Students, to bring BP up to date with all revisions required by legal changes as reflected in the CSBA Model Policy.

Background/Rationale: To update and bring into compliance with State and Federal law as directed by the recent Federal Program Monitoring (FPM) Review.

Financial Considerations: NA

Documents Attached:

1. Revised Board Policy 5146
2. Red-Lined Board Policy 5146

<p>Estimated Time of Presentation: (N/A if on Consent Agenda)</p> <p>Submitted by: Cancy McArn, Assistant Superintendent of Human Resource Services & Employee Compensation Raoul Bozio, Manager II, Legal Services</p> <p>Approved by: José L. Banda, Superintendent</p>
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Sacramento City USD

Board Policy

Married/Pregnant/Parenting Students

BP 5146

Students

The Governing Board recognizes that early marriage, pregnancy or parenting 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 to promote the healthy development of their children.

(cf. 5113.1 - Chronic Absence and Truancy)
(cf. 5147 - Dropout Prevention)
(cf. 5149 - At-Risk Students)
(cf. 6011 - Academic Standards)
(cf. 6146.11 - Alternative Credits Toward Graduation)
(cf. 6146.1 - High School Graduation Requirements)
(cf. 6146.2 - Certificate of Proficiency/High School Equivalency)
(cf. 6164.5 - Student Success Teams)

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)

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 5127 - Graduation Ceremonies and Activities)

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. (34 CFR 106.40)

(cf. 6142.7 - Physical Education and Activity)
(cf. 6145 - Extracurricular and Cocurricular Activities)

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.

(cf. 1312.3 - Uniform Complaint Procedures)

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For school-related purposes, 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. (Family Code 7002)

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 participation rates in district programs and services, academic achievement, school attendance, graduation rate, and/or student feedback on district programs and services.

(cf. 0500 - Accountability)
(cf. 6162.5 - Student Assessment)

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 individual student and/or child. (Education Code 54745)

(cf. 6158 - Independent Study)
(cf. 6181 - Alternative Schools/Programs of Choice)
(cf. 6184 - Continuation Education)
(cf. 6200 - Adult Education)

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. A lactating student shall have access to a private location, other than a restroom, to breastfeed or express milk for her infant child.

(cf. 6183 - Home and Hospital Instruction)

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 by the district to provide such certification. (34 CFR 106.40)

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

(cf. 1020 - Youth Services)

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)

(cf. 5148 - Child Care and Development)

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

(cf. 3550 - Food Service/Child Nutrition Program)

(cf. 5030 - Student Wellness)

4. Health care services, including prenatal care

(cf. 5141.6 - School Health Services)

5. Tobacco, alcohol, and/or drug prevention and intervention services

(cf. 5131.6 - Alcohol and Other Drugs)

(cf. 5131.62 - Tobacco)

6. Academic and personal counseling

(cf. 6164.2 - Guidance/Counseling Services)

7. Supplemental instruction to assist students in achieving grade-level academic standards and progressing toward graduation

(cf. 6179 - Supplemental Instruction)

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

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

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

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

(cf. 5112.3 - Student Leave of Absence)

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. (Education Code 48410)

(cf. 5112.1 - Exemptions from Attendance)

Legal Reference:

EDUCATION CODE

230 Sex 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

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>

Policy SACRAMENTO CITY UNIFIED SCHOOL DISTRICT

adopted: November 18, 1998 Sacramento, California

revised: April 15, 2002

revised: January 8, 2015

Sacramento City USD

Board Policy

Married/Pregnant/Parenting Students

BP 5146
Students

The Governing Board recognizes that early marriage, pregnancy or parenting may disrupt a student's education and increase the chance of a student dropping out of school. ~~The Board provides instruction and services designed to assist in pregnancy prevention.~~ The Board also therefore desires to support married, pregnant, and parenting students to continue their education, attain strong academic and parenting skills, and to promote the healthy development of their children.

(cf. 5113.1 - Chronic Absence and Truancy)

(cf. 5147 - Dropout Prevention)

(cf. 5149 - At-Risk Students)

(cf. 6011 - Academic Standards)

(cf. 6146.11 - Alternative Credits Toward Graduation)

(cf. 6146.1 - High School Graduation Requirements)

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(cf. 6164.5 - Student Success Teams)

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)

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 5127 - Graduation Ceremonies and Activities)

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. (34 CFR 106.40)

(cf. 6142.7 - Physical Education and Activity)

(cf. 6145 - Extracurricular and Cocurricular Activities)

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.

(cf. 1312.3 - Uniform Complaint Procedures)

~~Married, pregnant and parenting students shall have the same educational and extracurricular~~

~~opportunities as all students. Participation in special programs or schools shall be voluntary.~~

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

~~(cf. 5127—Graduation Ceremonies and Activities)~~

~~(cf. 6145—Extracurricular and Coextracurricular Activities)~~

For school-related purposes, 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. (Family Code 7002)

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 participation rates in district programs and services, academic achievement, school attendance, graduation rate, and/or student feedback on district programs and services.

(cf. 0500 - Accountability)

(cf. 6162.5 - Student Assessment)

Pregnant and Parenting Students

~~The Board is committed to providing a comprehensive, continuous, community-linked program for pregnant and parenting students and their children 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 pregnant and parenting teens and their children.~~

~~(cf. 1020—Youth Services)~~

~~(cf. 1400—Relations Between Other Governmental Agencies and the Schools)~~

~~School placement and instructional strategies for participating pregnant or parenting students shall be determined on a case-by-case basis and shall be appropriate to the student's individual needs and learning styles. The student may continue attending school in the regular classroom or continuation education setting, may attend a separate program established for pregnant students, may enroll in adult education with adult status regardless of age, or may pursue a hospital-instruction or independent study program.~~

~~(cf. 6158—Independent Study)~~

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

~~(cf. 6183—Home and Hospital Instruction)~~

~~(cf. 6184—Continuation Education)~~

~~(cf. 6200—Adult Education)~~

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 individual student and/or child. (Education Code 54745)

(cf. 6158 - Independent Study)

(cf. 6181 - Alternative Schools/Programs of Choice)

(cf. 6184 - Continuation Education)

(cf. 6200 - Adult Education)

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

~~(cf. 3550 - Food Service/Child Nutrition Program)~~

~~(cf. 5141.6 - Student Health and Social Services)~~

~~(cf. 5148 - Child Care and Development)~~

~~(cf. 6164.2 - Guidance/Counseling Services)~~

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. A lactating student shall have access to a private location, other than a restroom, to breastfeed or express milk for her infant child.

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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:

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(cf. 5112.3 - Student Leave of Absence)

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(cf. 5112.1 - Exemptions from Attendance)

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 include information regarding the consequences of pregnancy upon both the mother and father, including the effect upon future educational and employment opportunities; the meaning of parental responsibility and its effect upon one's personal life; strategies for resisting peer group pressure; and abstinence as a method of pregnancy prevention. Such instruction may be incorporated into health, social science or other appropriate courses in accordance with the requirements for those courses.~~

~~(cf. 5141.25—Availability of Condoms)~~

~~(cf. 6142.1—Family Life/Sex Education)~~

~~(cf. 6142.8—Comprehensive Health Education)~~

~~(cf. 6143—Courses of Study)~~

Legal Reference:

EDUCATION CODE

230 Sex discrimination

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U.S. DEPARTMENT OF EDUCATION PUBLICATIONS
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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>

~~2551.3 Determination of state aid for pregnant minors program~~
~~17293—School facilities for pregnant/parenting teen programs~~
~~48220—Compulsory education requirement~~
~~48410 Persons exempted from continuation classes~~
~~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 and parenting students in adult education~~
~~54740-54749.5 California School Age Families Education Program (Cal-SAFE)~~
FAMILY CODE
~~7002 Description of emancipated minor~~
~~7050 Purposes for which emancipated minor considered an adult~~
HEALTH AND SAFETY CODE

~~124175-124200 Adolescent and Family Life Act
UNITED STATES CODE, TITLE 20
1681-1688—Title IX, Education Act Amendments
CODE OF FEDERAL REGULATIONS, TITLE 34
106.40—Marital or parental status~~

~~Management Resources:~~

~~CDE PUBLICATIONS~~

~~Pregnant and Parenting Students: A Report to the Legislature, April 1996~~

~~SBE POLICIES~~

~~Policy statement on adolescent pregnancy and parenting, July 9, 1993~~

~~WEB SITES~~

~~CDE: <http://www.cde.ca.gov>~~

~~California Department of Public Health: <http://www.cdph.ca.gov>~~

~~Department of Social Services: <http://www.dss.ca.gov>~~

Policy SACRAMENTO CITY UNIFIED SCHOOL DISTRICT

adopted: November 18, 1998 Sacramento, California

revised: April 15, 2002

revised: December , 2014