

**Pregnant, Lactating, and Parenting Students**

The County Superintendent (Superintendent) recognizes that 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 Solano County Office of Education (SCOE), 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.

SCOE shall not discriminate against any student on the basis of the student's marital, parental, or family status; pregnancy; childbirth; false pregnancy; termination of pregnancy; or related recovery.

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.

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.

Any education program or activity that is offered separately to pregnant students, including any class or extracurricular activity, shall be equal to that offered to other SCOE students. A student's participation in such programs shall be voluntary.

As required for other students with physical or emotional conditions or temporary disabilities, 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 indicating that the student is physically and emotionally able to participate in an educational program or activity.

To the extent feasible, educational and related support services shall be provided, either through SCOE 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. Childcare 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.
4. Health care services.
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.

**Policy 5146 (Continued)**

SCOE may not exclude nor deny any pupil from any educational program or activity on the basis of the pupil's pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom, and shall treat these conditions in the same manner and under the same policies as any other temporary disabling condition. A pregnant or parenting pupil is entitled to 8 weeks of parental leave, or additional leave if deemed medically necessary by the pupil's physician. During parental leave, absences shall be excused and the pupil shall not be required to complete academic work or other school requirements. After return from parental leave, a pupil may resume the course of study in which he/she was previously enrolled, is entitled to make up work missed, and to take a fifth year of high school instruction if necessary to complete graduation requirements. A pupil may elect to attend an alternative education option instead of returning to the school in which he or she was enrolled prior to parental leave. Schools shall provide reasonable accommodations to a lactating pupil on a school campus to express breast milk, breast-feed an infant child, or address other needs related to breast-feeding. A pupil shall not incur an academic penalty as a result of his or her use of these accommodations.

Pregnant or parenting students may be excused for absences related to confidential medical appointments in accordance with Administrative Policy (AP) 5113 – Parent Rights and Responsibilities.

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 a physician. At the conclusion of the leave, the student shall be reinstated to the status held when the leave began.

A parenting student may request exemption from attendance because of personal services that must be rendered to a dependent.

When necessary, SCOE 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.

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:

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 of discrimination on the basis of pregnancy or marital or parental status shall be addressed through SCOE's uniform complaint procedures in accordance with 5 CCR 4600-4687 and AP 1312.3 - Uniform Complaint Procedures and addressed to the Compliance Officer:

Name: Manolo Garcia  
 Title or Position: Associate Superintendent – Human Resources and Educator Effectiveness  
 Work Address: 5100 Business Center Drive, Fairfield, CA 94534-1658  
 Telephone Number: (707) 399-4400  
 Email: complianceofficer@solanocoe.net

Any complaint alleging SCOE noncompliance with the requirements to provide reasonable accommodations for lactating students also may be filed in accordance with SCOE's procedures in AP 1312.3 - Uniform Complaint Procedures. A complainant who is not satisfied with SCOE's decision may appeal the decision to the California Department of Education (CDE). If SCOE or CDE finds merit in an appeal, SCOE shall provide a remedy to the affected student.

Legal Reference:

EDUCATION CODE

- 222 Reasonable accommodations; lactating students
- 230 Sex discrimination
- 8200-8498 Child Care and Development Services Act
- 46015 Pregnant and Parenting Pupils
- 48205 Excused absences
- 48220 Compulsory education requirements
- 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

CIVIL CODE

- 51 Unruh Civil Rights Act

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 childcare 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

CALIFORNIA WOMEN'S LAW CENTER PUBLICATIONS

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

Pregnant Students and Confidential Medical Services

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/resources>

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>

adopted: November 27, 2018

Policy Cross-Reference

0500 Accountability

1020 Youth Services

1312.3 Uniform Complaint Procedures

4131 Staff Development

5030 Student Wellness

5113 Parent Rights and Responsibilities

5113.1 Chronic Absence and Truancy

5131.6 Alcohol and Other Drugs

5131.62 Tobacco

6142.7 Physical Education and Activity

6145 Extracurricular and Cocurricular Activities

6146.11 Alternative Credits Toward Graduation

6158 Independent Study

6162.5 Student Assessment