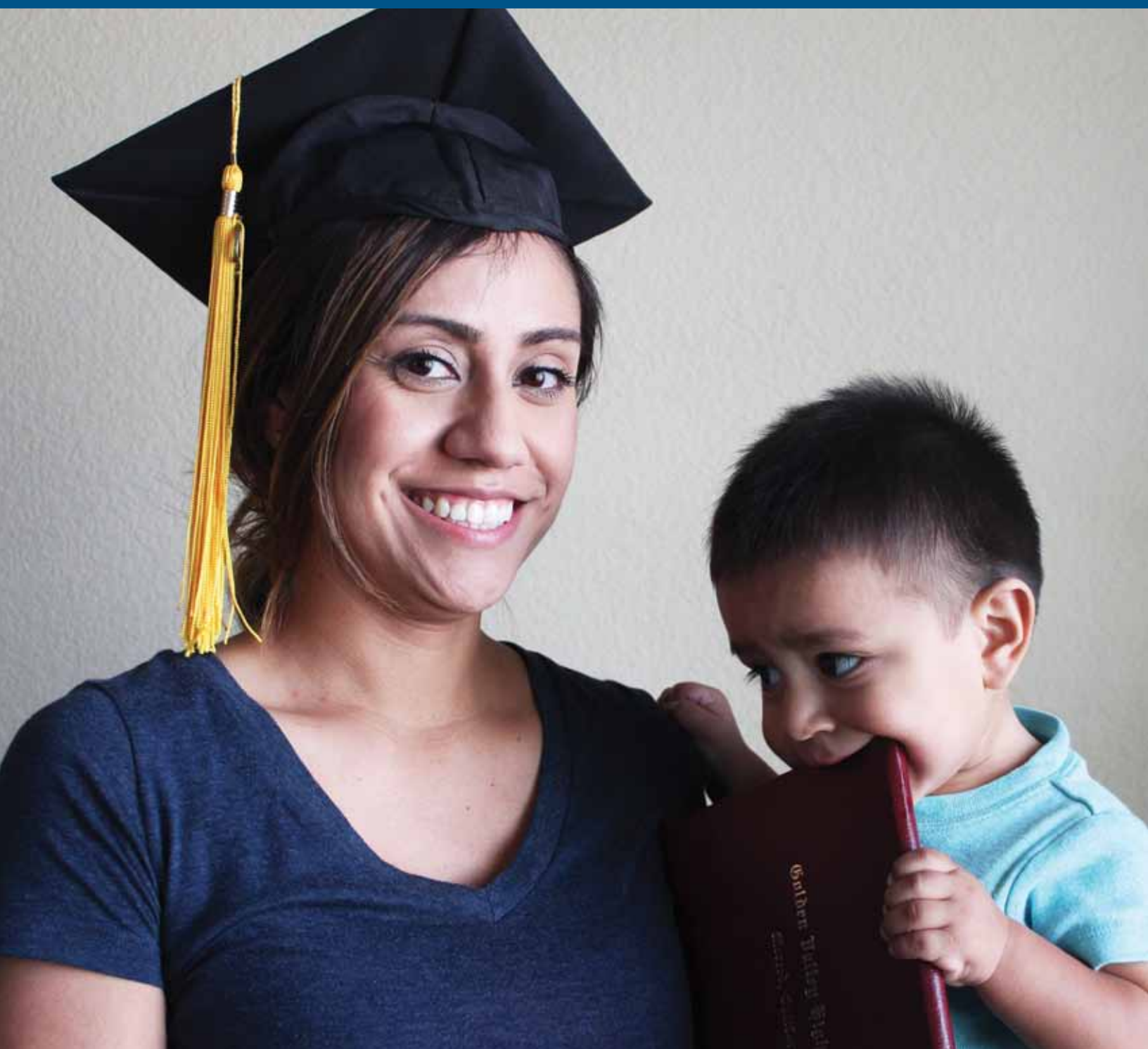


BREAKING DOWN EDUCATIONAL BARRIERS FOR CALIFORNIA'S PREGNANT & PARENTING STUDENTS



A REPORT BY THE ACLU OF CALIFORNIA

The ACLU of California

The ACLU of California is a collaboration of the ACLU affiliates in California. Our statewide Reproductive Justice project works to ensure equal access to reproductive and sexual health care and education, and to create the conditions in which all Californians' decisions about intimate relationships and reproduction are respected, valued and supported.

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Breaking Down Educational Barriers for California's Pregnant and Parenting Students

Introduction

Pregnant and parenting students¹ in California and throughout the United States have a right to the same educational opportunities as other students. They are protected from discrimination and harassment and may not be excluded from classes or extracurricular activities because they are pregnant or have children. But students' lived experiences do not reflect these protections. In fact, pregnant and parenting students face an array of institutional barriers that obstruct their path to educational success.

Having a baby is stereotypically characterized as a teenager's ticket to educational failure. The stereotype is frequently accompanied by a statistic: the national dropout rate of 70 percent² among students who give birth. But this statistic obscures a very different truth: most parenting teens want to stay in school and, if properly supported, can thrive as students. Actually, parenthood frequently motivates students to focus on their future and achieve their educational goals.³ Indeed, a state-funded program, the California School Age Families Education Program (Cal-SAFE) increased high school graduation rates among parenting students to over 73 percent, by providing pregnant and parenting students with childcare, academic support, and linkages to social services programs.⁴

This report examines school conditions for pregnant and parenting students in California. It identifies barriers to obtaining an education and proposes solutions for protecting students' rights and promoting their success in school. Specifically, the report explores three questions:

1. What school policies and practices support pregnant and parenting students or, conversely, push them out of school?
2. What programs do schools have for pregnant and parenting students, and how widespread are they?
3. What changes could schools and the state make to reduce barriers and more effectively support pregnant and parenting students to stay in school?

While the findings of this report have statewide implications, we focused our research on the Central Valley, a rural region that is home to six of the 10 counties with the highest teen birth rates in the state.⁵ The Central Valley is also afflicted with high poverty rates and a number of public health barriers, such as a physician shortage and lack of quality sex education, that compound the challenges facing pregnant and parenting students and make it all the more imperative that schools take action to reduce institutional barriers and adopt programs to support these students' academic success.

Now is the critical time to address this issue. California's 2013 education funding overhaul eliminated designated funding for over 40 categorical programs,⁶ including Cal-SAFE, replacing it with the new Local Control Funding Formula (LCFF). LCFF allocates K-12 funds on a per-student base grant, with supplemental and concentration grants based on the demographic profile of the students served by a school



district, prioritizing low-income students, English-language learners, and foster youth.⁷ It also provides school districts with greater funding flexibility based on local priorities.

Most pregnant and parenting students are members of the LCFF priority populations, and districts should prioritize developing or maintaining programming for these students as a way of meeting their LCFF goals. But unless school districts more fully understand the experiences of these students and how best to support them, the loss of dedicated funding for Cal-SAFE could result in a significant decrease in program support for parenting students across California.

Providing specific programming for parenting students is the most effective way to improve educational outcomes for this population.⁸ But how schools implement policies affecting pregnant and parenting students may also mean the difference between whether these students can remain in school or are pushed out. By identifying and eliminating these unintentional barriers, policymakers and school districts will improve the educational outcomes for this population of vulnerable youth.

Breaking Down Educational Barriers for California's Pregnant and Parenting Students analyzes education policies and practices of 22 K-12 school districts in Fresno, Madera and Tulare counties. The report also contains the accounts of pregnant and parenting students themselves, drawn from surveys, individual interviews, and focus group discussions. Based on these findings, the report outlines specific policy recommendations for the California Legislature, California Department of Education, and local school districts to adopt in order to clear and improve the education pathway for pregnant and parenting students. The recommendations are an affirmative step to bring the rights of pregnant and parenting students to the attention of policymakers and school administrators, and to ensure that this unique population of students has the necessary resources and programs to succeed in school and as parents.

Rights and Protections of Pregnant and Parenting Students

In an effort to equalize educational opportunities for young women, Congress passed *Title IX of the Education Amendments of 1972* to protect individuals from exclusion from educational programs and activities on the basis of sex. The statute guarantees equal opportunities for women by providing that “[n]o person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”⁹ Shortly thereafter, implementing regulations were enacted that served to clarify the rights of students under the statute. The regulations now specify that the prohibition on sex discrimination includes a prohibition on discrimination against a student based on pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery from any of these conditions.¹⁰

The California Education Code contains broad prohibitions on discrimination based on sex that mirror Title IX. Since 1982, when California enacted the *California Sex Equity in Education Act*, it has been the policy of the state to afford equal rights and opportunities in education to students regardless of their sex.¹¹ As amended, the law now provides “all persons in public schools, regardless of their disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation ... equal rights and opportunities in the educational institutions of the state.”¹² Each public school has an affirmative obligation to combat racism, sexism, and other forms of bias, and a responsibility to provide equal educational opportunity to all students.¹³

Like Title IX regulations, the *California Sex Equity in Education Act* regulations unequivocally prohibit discrimination based on a student's pregnancy, childbirth, false pregnancy, termination of pregnancy or



recovery therefrom.¹⁴ The state regulations—almost identical to the federal regulations—prohibit educational institutions from applying any rule concerning a student's actual or potential parental, family, or marital status that treats students differently on the basis of sex.¹⁵

Students in California are also protected under the *Unruh Civil Rights Act* which prohibits businesses, including schools,¹⁶ from discriminating based on sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, or sexual orientation.¹⁷ Under the Unruh Act, "sex" includes, but is not limited to, pregnancy, childbirth, or medical conditions related to pregnancy or childbirth.¹⁸ Thus, schools are additionally prohibited from discriminating against pregnant and parenting students under the Unruh Act.

In June 2013, the U.S. Department of Education Office for Civil Rights released a guidance document on the rights and protections of pregnant and parenting students under Title IX.¹⁹ The document, *Supporting the Academic Success of Pregnant and Parenting Students under Title IX of the Education Amendments of 1972*, reiterates the legal right of teen parents to not be excluded from participation in any educational program or extracurricular activity and to be treated equally to their peers. Although the guidance document does not have the force of law, it explicitly reinforces Title IX's protection against discrimination based on sex, which includes discrimination against pregnant and parenting students. The document also acknowledges that "[e]ncouraging pregnant and parenting students to stay in school will have a positive effect on their lives and their children's lives."²⁰

Despite the seemingly clear protections under Title IX and the *California Sex Equity in Education Act*, there is widespread unawareness among students and school administrators of the rights of pregnant and parenting students.²¹ Prior to the release of the 2013 guidance document by the U.S. Department of Education Office for Civil Rights, the last guidance by the department on the rights of pregnant and parenting students under Title IX had been published in 1991, *Teenage Pregnancy and Parenthood Issues Under Title IX of the Education Amendments of 1972*.²² The 22 year gap is noteworthy, and the recent publication provides educators and administrators a much-needed reminder that Title IX not only covers athletics but also includes rights and protections for pregnant and parenting students.

A 2012 report by the National Women's Law Center (NWLC), *A Pregnancy Test for Schools: The Impact of Education Laws on Pregnant and Parenting Students*, describes many challenges faced by pregnant and parenting students throughout the United States that arise from the widespread unawareness of rights and protections.²³ The report has a national focus and provides rankings on how well state laws and policies address the needs of pregnant and parenting students. In an effort to inform school districts about the rights of these students, the report includes a toolkit with factsheets for administrators and wallet cards for students.²⁴

To address the widespread unawareness in California, a coalition of women's organizations in the state recently developed a Title IX checklist to evaluate whether high schools in California are meeting the legal responsibilities under Title IX.²⁵ The checklist covers three areas under Title IX: athletics, sexual harassment, and pregnant teens, with the goal of making both parents and administrators aware of the law so that they can work in partnership and take action steps to bring schools into compliance.

Raising awareness about the rights and protections afforded to pregnant and parenting students under both Title IX and the *California Sex Equity in Education Act* is crucial to ensuring that pregnant and parenting students succeed academically.



Pregnant and Parenting Students in California and the Central Valley

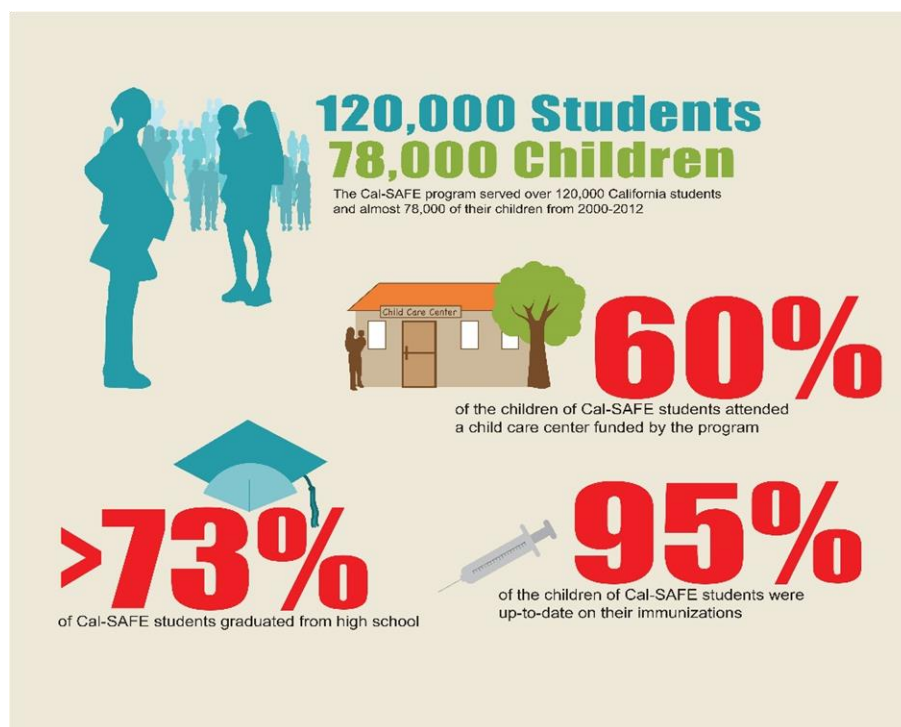
Twenty years ago, California led the nation in teen birth rates, with a high of 70.5 births for every 1,000 teen girls aged 15-19 in 1991.²⁶ The state responded by investing in community-based programs to provide young people with information and skills to make healthy decisions and avoid unintended pregnancy and sexually transmitted infections. The programs included under the Teen Pregnancy Prevention (TPP) umbrella were the Community Challenge Grant Program (CCG); Information and Education Program (I&E); Male Involvement Program (MIP); TeenSMART Outreach Program (TSO); and Adolescent Family Life Program (AFLP), which focused specifically on youth who were already parents. These programs provided health education, youth development, case management, and linkages to health services.²⁷ In 2003, California also passed the *Comprehensive Sexual Health and HIV/AIDS Prevention Education Act*, which required that sex education in California schools be medically accurate and comprehensive, including information about condoms and contraception in addition to information about the value of delaying sexual activity.²⁸

As well as taking steps to prevent unintended pregnancy among its youth, the state created a program to provide support to those students who were already pregnant or parenting: the California School Age Families Education Program (Cal-SAFE). Initiated in 2000, Cal-SAFE was a comprehensive, integrated, community-linked, school-based program designed to improve the educational experience, increase the availability of support services, and provide childcare and development services for the children of expectant and parenting students.²⁹ From 2000-2012, Cal-SAFE enrolled over 120,342 expectant and parenting students, along with over 78,000 of their young children, and services were provided by 164 agencies in 44 counties.³⁰

An independent evaluation of Cal-SAFE found that the program had a significant positive impact on pregnant and parenting students and their children.³¹ Of the students who participated in the program, over 73 percent graduated from school, as compared to the national rate of 38 percent for pregnant and parenting students.³² Students enrolled in the program also succeeded academically by meeting high school graduation requirements.

From 2009-2012, nearly 70 percent of the 12th grade Cal-SAFE students passed the

California High School Exit Exam—an exam required for high school graduation.³³ The children of students participating in Cal-SAFE also benefited, with almost 60 percent of the children attending a childcare center funded by the program and receiving services based on assessed developmental needs.³⁴ Of those children enrolled in Cal-SAFE sponsored childcare, 95 percent were up-to-date on their immunizations, significantly exceeding the California average of 81 percent.³⁵ By providing consistent,





developmentally-appropriate care for the children of expectant and parenting students, the Cal-SAFE program has prepared this next generation for school and armed them with early literacy skills.

Based in large part on the existence of the Cal-SAFE program, California ranked high in the National Women's Law Center's report, *A Pregnancy Test for Schools: The Impact of Education Laws on Pregnant and Parenting Students*. California placed first in NWLC's ranking of state education laws for pregnant and parenting students and tied for fifth in the NWLC's evaluation of available state programs.³⁶ In addition, the Guttmacher Institute ranked California first in reducing unintended pregnancy among teens, due to the state's TPP programs, the Family PACT program that provides contraceptive services to youth, and the state's embrace of comprehensive sex education. By 2005, California's teen birth rate had dropped more than 52 percent, faster than that of any other state.³⁷

Unfortunately, despite the success of California's strategy, over the past decade the state has significantly reduced its commitment to youth-supporting programs.

Unfortunately, despite the success of California's strategy, the state has significantly reduced its commitment to youth-supporting programs over the past decade. The Community Challenge Grant, Male Involvement, and Teen Smart Outreach programs were all eliminated between 2008 and 2011, leaving only the Information and Education and Adolescent Family Life programs, operating at reduced levels. Moreover, teen pregnancy prevention funding during this period dropped from \$46.4 million to \$12.9 million.³⁸ Although California's teen birth rate is now below the national average, it remains higher than other developed countries, including Canada,³⁹ and young people continue to need the information provided by these programs to access health services and avoid unintended pregnancy.

Similarly, the state's robust commitment to supporting pregnant and parenting students through Cal-SAFE was short-lived. The 2006-2007 fiscal year was the last time new districts could join the program. Cal-SAFE funding dropped dramatically, from over \$80 million at its inception⁴⁰ to \$46.4 million in 2008.⁴¹ In 2009, due to California's severe budget deficit, Cal-SAFE funding was frozen at the 2008 level and the program was placed into a block grant, allowing local school districts flexibility with regard to use of funds and program requirements.⁴²

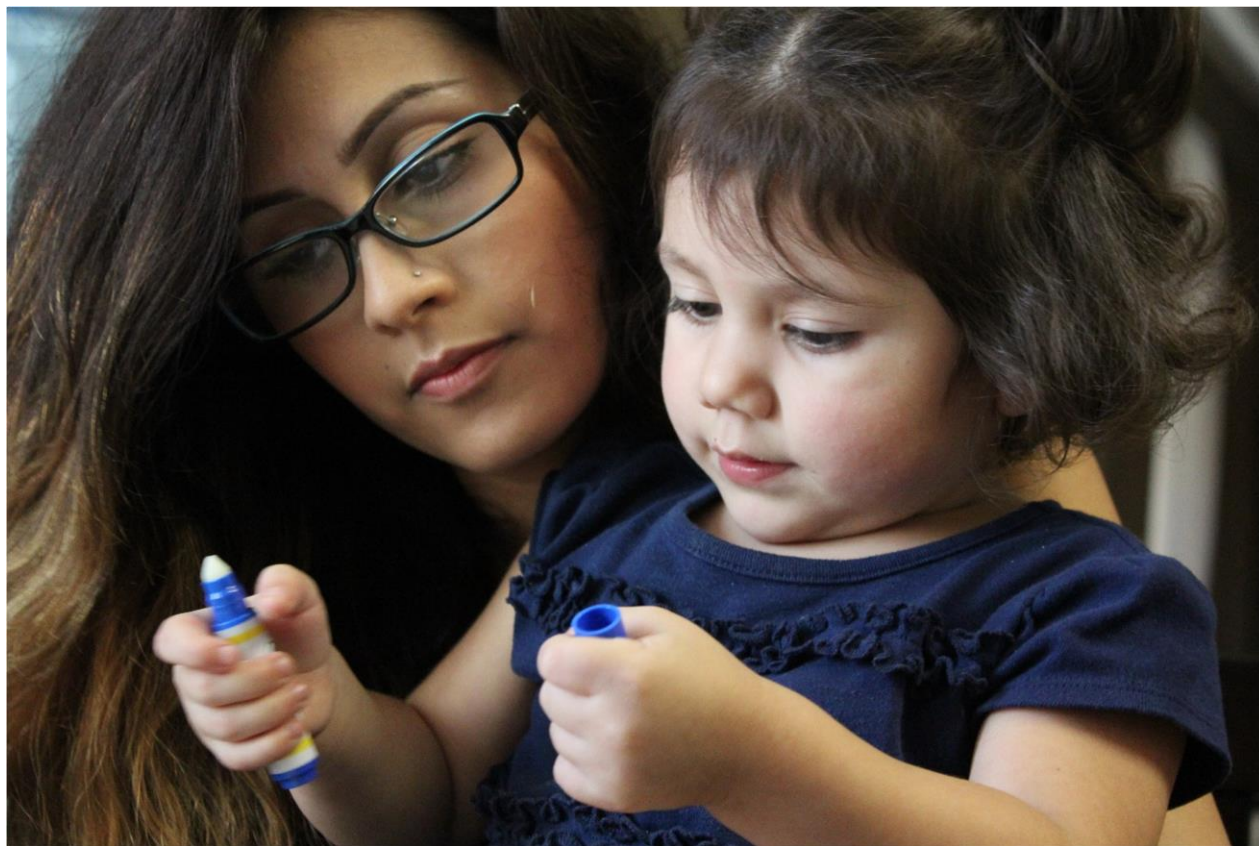
As a result of this "categorical flexibility," many school districts re-directed Cal-SAFE funds, dropping the program or reducing the number of students served.⁴³ By 2011-2012, more than 60 percent of districts had diverted Cal-SAFE funds away from the program,⁴⁴ and by 2012, only 6,865 students were served—a 47 percent decrease from the program's peak in 2007-2008 when over 13,000 students were served.⁴⁵ In 2013, dedicated funding for Cal-SAFE, along with that for over 40 other categorical programs, was eliminated through the creation of the Local Control Funding Formula (LCFF). The formula shifts more decision-making on school funding to the school district level and provides increased funding flexibility for districts to decide how to best spend resources. Consequently, unless a school district or county office of education affirmatively develops goals and implementing actions necessary to meet the needs of pregnant and parenting students, all teen parent programs may cease to exist.

The Local Control Funding Formula, however, allocates K-12 funds on a per-student base grant, a supplemental grant for priority populations that include English learners, low-income students, and foster youth, and on a concentration grant for districts that have a high proportion of priority students. Pregnant and parenting students are often members of one or more of these priority populations. Although data on



pregnancy rates among foster youth is limited and only as of 2013 has California made a commitment to begin accurately tracking data on parenting foster youth,⁴⁶ a recent study found that, in Los Angeles County, more than one in four girls in foster care at age 17 gave birth as a teen, and 38.7 percent of girls in foster care who had a first birth before age 18 had a repeat teen birth.⁴⁷ Additionally, girls in foster care are two-and-a-half times more likely than other girls to become pregnant by age 19.⁴⁸ With regard to low-income youth in the United States, nearly 60 percent of youth who become mothers are living in poverty at the time of the birth, and 73 percent of all pregnancies among women ages 15 to 19 are poor and low-income.⁴⁹ Although there is no data on the number of pregnant and parenting students that are English-learners, the highest teen birth rates in California are among Latino youth⁵⁰ and 85 percent of California's English-learners speak Spanish at home.⁵¹

Given the proven success rate of the Cal-SAFE program in improving academic outcomes, school districts should make a commitment to include programs that support pregnant and parenting students in their Local Accountability Plans (LCAP) for allocating LCFF funds. Implementing such programming is critical for meeting the goals and outcomes for the priority populations overall.



California's Central Valley

The Central Valley is home to many of California's pregnant and parenting students. In 2012, a total of 2,891 teens gave birth in the three counties whose school practices and policies for pregnant and parenting students are evaluated in this report—Fresno, Madera, and Tulare.⁵² The birth rate for teens in these counties in 2012 was 42.5 per 1,000 for Fresno, 44.6 for Madera, and 49 for Tulare, the sixth, third, and second highest rates in the state, respectively.⁵³



Latinos comprise more than half the population in all three counties.⁵⁴ Additionally, the highest teen birth rates are among Latino youth.⁵⁵ For example, in Fresno County the teen birth rate for Latino youth in 2012 was 54.9 per 1,000 as compared to 47.9 for African American/Black youth and 17.7 for white youth.⁵⁶ As California Latinas for Reproductive Justice has addressed in a series of policy briefs as part of its Justice for Young Families initiative, these higher rates need to be considered within a larger context that stops stigmatizing young parents and rather takes into account the economic, social and political realities Latino communities face.⁵⁷

The Central Valley region has among the highest rates of poverty and unemployment both in California and nationally. In Tulare County, for example, 33.2 percent of children live below the federal poverty level, as do a majority of single mothers in Madera County.⁵⁸ Based on 2012 figures, the Fresno area is among the top five metropolitan regions in the United States with the highest percentage of residents living below the poverty line.⁵⁹

The Central Valley also experiences a shortage of health care providers, with fewer primary care physicians and specialists than are recommended by nationally recognized benchmarks.⁶⁰ Further compounding the public health barriers, students in the Central Valley are often not taught comprehensive sex education, which provides young people with the knowledge and skills to prevent unintended pregnancy and promote their sexual and reproductive health. In 2012, the ACLU sued the Clovis Unified School District on behalf of parents, the Academy of American Pediatrics, and the Gay Straight Alliance Network for teaching abstinence-only-until-marriage instruction that denied students critical, required information about condoms and contraception.⁶¹

Finally, there is a striking disparity in access to legal services in the Central Valley compared to urban regions, which means that pregnant and parenting students in the region have limited access to legal representation if their rights are violated. A 2010 report on access to civil justice in rural California revealed that legal aid funding per poor person was two-and-a-half times lower in the rural counties of California, including Fresno, Madera and Tulare, than in the urban areas.⁶²

Teen Parent Programs in the Central Valley

In this under-resourced and high-need environment, schools have a critical role to play in supporting youth. Fresno, Madera, and Tulare counties contain 85 school districts, including 48 districts that exclusively serve

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K-8 and 37 that are either unified (K-12) or high school (grades 9-12). Twenty-two of the unified and high school districts were analyzed for this report, comprising 194,088 students. Included in the number is the fourth-largest district in California, Fresno Unified School District with over 73,353 students.⁶³

Despite the high number of teen parents in these three counties, only seven of the 22 districts analyzed currently provide formal pregnant and parenting student programs. Of these, only six provide childcare for children of enrolled students. Yet, finding affordable, high-quality childcare outside of school can be a challenge for many teen parents.⁶⁴ In California, infant childcare costs made up an estimated 44 percent of the median annual income for single mothers in 2012.⁶⁵ Specifically, the annual childcare cost for an infant at a center is \$10,177 in Fresno County, \$10,311 in Madera County, and \$9,607 in Tulare County.⁶⁶ In fact, one student from Madera, California stated that, “if Cal-SAFE was not available, I wouldn’t go to school because without daycare, there is nowhere to leave the baby. I can’t pay anyone because I am not working.”



The design of teen parent programs varies across districts. Sanger Unified School District, for example, provides a Cal-SAFE program at the regular comprehensive high school during sixth period.⁶⁷ The program includes a course that helps students learn about child development and parenting skills, and engages the parent and child in learning groups on a weekly basis. Childcare for enrolled parenting students is provided at the Early Education Center located at the regular comprehensive school. The program allows male or female expectant parents to participate, as well as students who are custodial parents or noncustodial parents taking an active role in the care and supervision of the child. Similarly, Madera Unified offers a Cal-SAFE program and childcare at one of the regular comprehensive high schools and at an alternative education site.⁶⁸ The program offers diverse resource delivery systems to support individual needs of students, and has students submit a family needs assessment prior to enrollment in order to best understand the needs and interest of the student and the child.

Fresno Unified School District has offered the Parent and Child Education Program (PACE) for more than 30 years. Roosevelt High School was the first and is currently the only onsite program to serve Fresno Unified teen parents. The program is committed to helping students learn to make healthy living choices and successful parenting techniques while completing their high school education to become career-ready graduates. It offers services to pregnant and parenting students that include academic and personal counseling, career education, case management, meal supplements for pregnant and nursing students, peer support groups, referrals to community agencies, and licensed Clinical Social Worker bridge services. The children of PACE participants are also offered childcare and services that include health screenings, immunization reviews, parent-child activities, ongoing developmental profiles, and referrals to community resources for health needs.

Unfortunately, a number of other districts in the region have completely eliminated programs for pregnant and parenting students. During the 2009-2010 school year, there were a total of 10 active Cal-SAFE program agencies throughout the 22 districts surveyed in this report, including programs in Dinuba Unified, Lindsay Unified, and Washington Union—three districts in the Central Valley that no longer offer the program to pregnant and parenting students.⁶⁹ Dinuba offered the program and collected data on pregnant and parenting students as recently as the 2013-2014 school year but stopped offering the program during the 2014-2015 school year even though there were at least 43 pregnant and parenting students in a district of 6,450 students the year before.

Community-based organizations have stepped in to meet some of the needs of teen parents. Teen Success, Inc. and Planned Parenthood Mar Monte are two organizations that currently provide programming and services to teen parents in the three counties. Teen Success, Inc. works with implementing partners, including ACT for Women and Girls in Visalia, Community Youth Ministries in Dinuba and Reedley, and Fresno Barrios Unidos in Fresno. Teen Success, Inc. helps underserved teen mothers and their children navigate through existing barriers and stay on a path to academic success.⁷⁰ Planned Parenthood Mar Monte has a similar teen parent group that offers teen parents weekly support-group meetings.⁷¹ In some communities, these are the only programs that exist for teen parents, and they are also limited in the number of communities and youth they serve. Community-based teen parent programs should supplement, not replace, school-sponsored teen parent programs.

As discussed above, the Local Control Funding Formula provides an opportunity for school districts to direct resources to programming that supports pregnant and parenting students through their Local Accountability Plans. At least two Central Valley districts—Madera Unified and Visalia Unified—have done



so,⁷² but it is not clear how many other districts in the region are making this important connection for improving educational outcomes for LCFF priority populations.

A Lack of Data

The rights of pregnant and parenting student must be protected by all schools, whether or not they have teen parent programs. Assessing how well school districts meet the needs of their parenting students is particularly challenging, however, with an absence of comprehensive data about this student population. California schools are not required to collect data on pregnant and parenting students; thus, it is unclear how many teen parents remain in comprehensive school or are enrolled in alternative programs such as continuation school or independent study. While California requires schools to collect data by gender and ethnicity on the number of students who leave before graduation, it does not obligate schools to provide the specific reason for leaving.⁷³

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Only 10 of the districts assessed for this report track some form of data on pregnant and parenting students but no district tracks the number of pregnant and parenting students who leave or the reasons for dropping out. Of the seven districts with an existing teen parent program, only two districts—Madera Unified and Sanger Unified—provided comprehensive enrollment data from 2009 to 2013. Sanger, in tracking Cal-SAFE enrollment, also tracks whether or not students are taking prenatal vitamins and had an ultrasound. During the 2009-2010 school year, Sanger also tracked the reasoning for students “exiting” the Cal-SAFE program. Among the reasons cited were transportation issues, dropping out of school, and miscarriages.

The data tracked by the remaining districts is sparse and may not reflect actual numbers of pregnant and parenting students. Visalia Unified, for example, tracks “pregnancy office visits” rather than the actual number of pregnant and parenting students. Other districts that tracked enrollment numbers of pregnant and parenting students had significant gaps in data or missing data for entire academic years.

All of the districts that tracked data on pregnant and parenting students either had or have an existing teen parent program or are so small that the district was able to provide informal numbers. Prior to 2009, all districts that received Cal-SAFE funding were required to collect data on enrolled students. Of the districts that had or have an existing teen parent program, their data tracking may be due to this requirement. However, that requirement was dropped when funding was “flexed.” Although these few districts have maintained their data tracking even without a requirement, this tracking may well decline in the future, and it is unlikely that new districts will initiate tracking of pregnant and parenting students without new leadership from the state.

While Title IX requires gender equity in all areas of education, there tends to be an emphasis on Title IX as it relates to women in sports. In 2014, the California Legislature passed new reporting requirements for school districts to report on the number of boys and girls who play sports and the number of boys and girls teams by sport and competition level.⁷⁴ The new reporting requirements were passed to help determine if schools are complying with Title IX. While such reporting requirements are important, similar data should



be collected for pregnant and parenting students in order to assess services and programs required to best meet the needs of this population. Measures to track data on pregnant and parenting students would have to be undertaken with care, due to privacy rights. However, self-reporting by students through the California Healthy Kids Survey⁷⁵ would provide much-needed data at both local and state levels.

School District Policies and Information for Pregnant and Parenting Students

Although most school districts did not have comprehensive data on pregnant and parenting students, all of the districts surveyed had at least one formal policy relating to this student population—a version of the “Married, Pregnant, Parenting Students” model board policy (BP 1546) produced by the California School Boards Association. The policy states that pregnant and parenting students shall have the same educational and extracurricular opportunities as all students. As adopted, however, the policy language varies slightly among districts. For example, only one of the 22 districts analyzed included optional language about a pregnant student’s right to reasonable accommodations and access to any services available to other students with temporary medical conditions. While the right exists for pregnant students, most districts do not explicitly recognize it through a board policy.

School districts are mandated to adopt policies that prohibit discrimination, harassment, intimidation, and bullying on the basis of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, and sexual orientation (BP 5145.3).⁷⁶ School districts can and should be encouraged to include within the list “marital, parental or pregnancy” status. This explicit language regarding pregnancy and parenting status is helpful so that district policy is as explicit and clear as possible. However, even without this language, the mandatory gender non-discrimination provision applies to pregnant and parenting students.

In addition to adopting policies regarding pregnant and parenting students, a number of districts provide these students with informational handouts and referrals for local services. Woodlake Unified, for example, houses the Woodlake Family Resource Center that coordinates and provides accessible services and referrals to families, including pregnant and parenting students, despite not having a formal teen parent program through the district.⁷⁷ Visalia Unified also keeps a program referral form to refer pregnant and parenting students to services and programs offered through the Tulare County Health & Human Services Agency. Firebaugh-Las Deltas Joint Unified provides students with a handout from the Fresno County Office of Education that includes a list of childcare options through the Centralized Eligibility List for Fresno County—a program that provides subsidized childcare assistance for low-income families. Similarly, Sanger Unified offers handouts about the Adolescent Family Life Program (AFLP) program in Fresno County—a county program that assists pregnant and parenting teens and is designed to improve the health and socioeconomic well-being of teen parents.

Going beyond providing referrals and handouts, Visalia Unified offers pregnant students an individual health care and emergency plan. The plan allows a student to provide contact information for an emergency, name of primary care doctor, medical diagnosis and description. The plan includes a list of signs that

Some school districts have recognized the importance of addressing pregnant and parenting students’ needs and have adopted policies and programs to support them in staying in school. Others, intentionally or not, have through policy and practice created barriers to students.



would indicate an emergency for a pregnant or parenting student, and basic instructions for school administrators. For example, the plan includes a list of signs of possible preterm labor and instructions for a teacher to follow if the signs develop. Sanger Unified also provides services beyond referrals and handouts. For example, at least since 2010 and with the collaboration of First 5, the district has provided pregnant and parenting students with a speaker series that includes presentations from local community organizations on subjects that range from “Breastfeeding: Ready Made with Love” by a lactation educator to car seat safety instructions by the California Highway Patrol.

Overall, some school districts have recognized the importance of addressing pregnant and parenting students’ needs and have adopted policies and programs to support them in staying in school. Others, intentionally or not, have through policy and practice created barriers for students. For example, the *only* mention of pregnant and parenting students in some districts’ materials is in the adopted “Married, Pregnant, Parenting Student” board policy. Of the districts surveyed, only one district, Washington Union High School, included “parenting” status within the list of categories in the nondiscrimination board policy. Despite the inclusion of “parenting status,” there was no explicit mention of “pregnancy” status. Sierra Unified School District has an outdated policy that prioritizes the teaching of “honor and respect for monogamous heterosexual marriage,” under the Family Life Instruction policy—a policy that violates current law regarding sex education and is biased against both LGBT people and many pregnant and parenting teens.

Data from student surveys and interviews indicate that when school policies are not clear, or school administrators do not clearly understand the rights of parenting students, the impact on students can be significant. For example, 25 percent of student survey respondents indicated that they had been restricted from participating in an extracurricular activity such as physical education or a sport due to their pregnancy status, although this is prohibited by law. Schools may require pregnant and parenting students to provide a doctor’s note indicating that they are able to participate, but only if the school requires the same from all students.⁷⁸ One student interviewed said that she was not allowed to play softball or basketball due to her pregnancy and was never asked to produce a doctor’s note indicating otherwise: “[My school] said it was better for me not to play because of the condition I was in.” Yet, none of the districts surveyed had problematic physical education policies that denied or limited the ability for a pregnant or parenting student to participate in class or sports. In effect, some schools diverge from their policies in practice.

While teen pregnancy rates have dropped, there is a continued need for academic and support services for pregnant and parenting youth, particularly in the concentrated pockets throughout California with teen birth rates higher than the state average.

While teen pregnancy rates have dropped, there is a continued need for academic and support services for pregnant and parenting youth, particularly in the concentrated pockets throughout California with teen birth rates higher than the state average. The reduction in state funding for adolescent health programming and the elimination of categorical funding for Cal-SAFE threaten the progress California has made over the past twenty years and require a new, intentional commitment to pregnant and parenting students by their districts. In addition, although California’s policies

were ranked relatively high compared to other states by the National Women’s Law Center, these policies are only meaningful if they are properly implemented and if students and schools are educated about their respective rights and responsibilities. Our research identified five key issues, explored in greater detail below, that serve as the most significant barriers to educational success for pregnant and parenting students in California today.



Common Barriers to Education

Shaming Behavior and Language by Schools

Parenthood can be a positive motivator for young parents.⁷⁹ However, stigmatizing behavior of staff can create a barrier to education for pregnant and parenting students that is discriminatory and pushes them out of school. In New Mexico, for example, a 15-year old student attending a boarding school for Native American students was kicked out of school when school administrators learned she was pregnant.⁸⁰ After the ACLU threatened legal action, the student was readmitted. But a few weeks later, the administrators forced her to stand up in front of her entire school during an assembly and announce that she was pregnant. “After they finished humiliating me in front of everyone at school, they had me sit back down in the bleachers. Some boys sitting behind me started kicking the back of my seat and harassing me. Soon all the other kids in school were teasing me, calling me names like ‘mama bear’ and asking to touch my stomach,” the student recalled.⁸¹ While this egregious example of harassment occurred outside of California, the case is nonetheless noteworthy and illustrates the need for schools to respect the dignity of young parents.

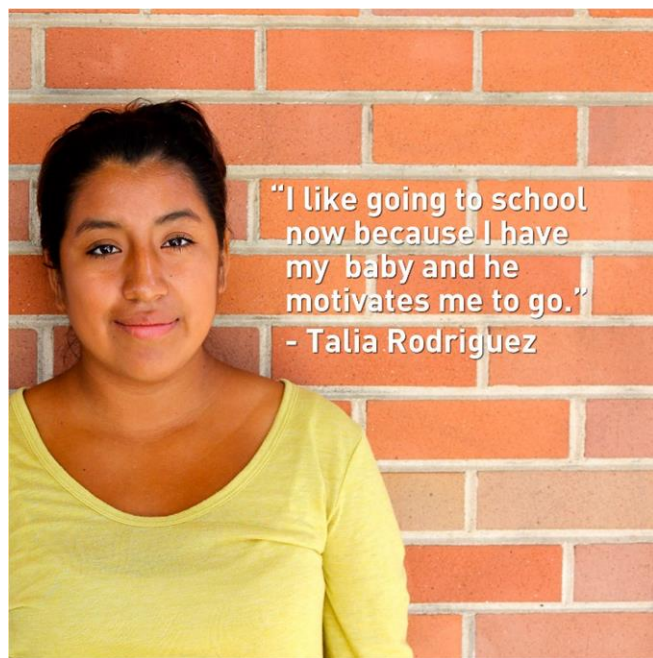
Shaming behavior also occurs in California schools. For example, one student from Madera, California said during an interview that a teacher at her school constantly shames pregnant and parenting students during



class: “In the middle of class, he asks us why we got pregnant and tells us that we ruined our lives.” Another student from Reedley, California said that she was often used as an example during her health class. The student was the only teen parent in the health class and was often asked to answer questions about her experience as a teen mother. She was also asked to talk about the challenges in raising her daughter during a pro-abstinence discussion.

“In the middle of class, [the teacher] asks us why we got pregnant and tells us that we ruined our lives.”

Despite the stigma attached to teen parenting by society and some school staff, students speak powerfully about how parenthood has positively transformed their lives. For example, a student said that now she does everything for her daughter: “Before, I didn’t care about school and did not want to go to college, but now I want to do better things to give her a better life. I want to go to college.” Other students also expressed the need for a culture shift in the way society talks about teen parents. A student from Dinuba, California shared that, “just because you are pregnant doesn’t make you less than a person who is not pregnant. It should be the same, it should be equal.” Similarly, a student from Visalia, California stated that, “to me, just because you are a teen parent doesn’t mean you are any less of a mom than an adult. People look at it like that, but honestly, I think I’m doing a really good job raising my child.”



Organizations across the country are working with youth to challenge the negative way young parents are viewed and treated. Notably, the Strong Families Young Parents Cohort, led by Forward Together, is a group of national and state-based organizations committed to creating the culture and conditions necessary for all families to thrive.⁸² Within California, the Justice for Young Families initiative, led by California Latinas for Reproductive Justice, is at the forefront of this work.⁸³ The culture shift includes the need to “respect the decision of young people who make the choice to parent, or not to parent, and work collaboratively to change policies that inhibit young parents and families from succeeding.”⁸⁴

An Unequal Educational Pathway

Schools are not required to provide separate programs, including childcare services, for pregnant and parenting students. However, schools that do provide such educational programs or activities must ensure that enrollment is completely voluntary. In addition, Title IX requires that the separate programs be comparable to those offered to non-pregnant and parenting students, while California requires that those programs also be equal. A California judge has interpreted this to mean that “a separate program for pregnant students need not be identical to the program offered to non-pregnant students...[but] there must be an equivalence between the programs.”⁸⁵

While Cal-SAFE and other programs have provided an invaluable support for California students, it is essential that school districts implement them in such a way that they are meeting the “comparable and equal” requirements of the law. Unfortunately, the design of these programs by school districts can result in enrolled students not having access to the same academic opportunities—in particular, to college-track



classes. Indeed, out of the 22 districts analyzed for this report, seven have a separate program for pregnant and parenting students and, of those, only two provide students in the separate program with the higher-level courses available to other students.

This discrepancy is due in part to where these programs are housed. Of the seven districts that provide separate programs for pregnant and parenting students, four situate the program at an alternative or continuation school, while two situate their programs within regular, comprehensive high schools. Madera Unified School District is the only district to provide two locations for the separate program—one at the regular, comprehensive high school and the second at an alternative education site. While pregnant and parenting students at the regular high school in Madera have access to college-preparatory courses, those at the continuation school have to find alternative ways to take a foreign language course. In

fact, in all four districts where the separate program was situated at an alternative or continuation school, there were no “approved” foreign language courses—one of the “A–G” requirements for admission to a college in the University of California and California State University systems.⁸⁶

One student took the same English course three times because no other English course was available to her at the continuation high school that houses the pregnant and parenting student program.

This lack of access to college-preparatory classes at alternative education sites—whether the district had a program for parenting students or not—was borne out by student surveys and interviews. Out of the pregnant and parenting students surveyed who indicated that they were attending school, 35 percent reported that they attended an alternative program or continuation school, while 37 percent attended regular high school. In response to a question inquiring as to whether or not their continuation school allowed them to take college-prep classes, more than a quarter of the parenting students (27 percent) reported that this was not allowed; an additional 23 percent said they did not know. In an interview, one student said that she took the same English course three times because no other English course was available to her at the continuation high school that houses the pregnant and parenting student program.

Some districts do allow students to use the resources available through the teen parent program at the alternative or continuation school and still be enrolled at the regular comprehensive school in order to have access to all courses. At Porterville Unified School District, for example, although the Cal-SAFE program is situated at an alternative site that does not offer courses that meet all of the A-G requirements,⁸⁷ “[p]arents and expectant parents may remain enrolled at their home school and receive any Cal-SAFE services they choose.”⁸⁸

When the program for parenting students is offered at the comprehensive high school, students theoretically have access to all courses available to other students. However, focus group discussions and interviews revealed that some counselors discouraged students from enrolling in college prep courses. A student from Reedley, California recalls requesting to be enrolled in band, English and a writing course. When she met with her counselor to discuss her selection, her counselor suggested that she instead enroll in the child development and parenting courses. “I was hesitant to take the recommendation,” recalls the student. “I agreed to take one of the child development courses but, after a bad experience in class, I refused to take any other parenting courses.”

For students without childcare, independent study can be the most reasonable alternative, as it allows a student to stay at home with his or her child while fulfilling high school graduation requirements. However,



courses offered through independent study can also be limited. For example, Chowchilla Union High School explicitly limits access to A-G courses for any student enrolled in independent study by stating both in its student-parent handbook and on its website that, "...students enrolled in Independent Studies are removed from the A-G requirements and cannot enroll in a 4-year college program directly after high school."⁸⁹ The district does not provide a teen parent program or childcare for pregnant and parenting students; thus, the only option for teen parents who do not have another childcare option is to enroll in an independent study program that does not offer a pathway to higher education. One of the teen parents interviewed from Dinuba, California said this about her independent study program: "You do packets of homework. It isn't difficult because the answers are in the book. You only go once a week and the rest of the day you stay home. You don't get to talk to anyone anymore."

Voluntary Enrollment

Although the law requires that enrollment in separate programs for parenting students must be strictly voluntary, 13 percent of surveyed students reported that they were required by their district to move to an alternative or continuation school as a result of their pregnancy. Additionally, among those who were not required to move, 29 percent said they were encouraged to do so. Focus groups and interviews revealed that this "encouragement" often leaves students feeling that they have little option but to enroll in alternative programs that are starkly different from those provided to non-pregnant and parenting students.

Although the law requires that enrollment in separate program for parenting students must be strictly voluntary, 13 percent of surveyed students reported that they were required by their district to move to an alternative or continuation school as a result of their pregnancy.

For example, students spoke of counselors who "highly recommended" that they enroll in continuation school or independent study based on the notion that these academic programs will be "easier" on teen mothers. Students also shared that counselors described continuation school and independent study as a "safer" environment for students, particularly during pregnancy. Students expressed being discouraged by their counselors from remaining in regular school, and they made decisions to enroll in a separate program for teen mothers or alternative education without being fully informed about the course limitations. Moreover, some students were falsely informed that continuation school or independent study was the only option for recovering credits if they were missing credits towards graduation.

One Reedley, California student recalls being pressured by her school counselor to enroll in continuation school after she revealed that she was pregnant. "My counselor started telling me to go to continuation—that it would be best for me because I would have access to daycare," recalls the student. "My counselor said that the continuation school would be safer for me since I was pregnant. Eventually, I just ended up dropping out and I signed up for home study instead."

Even when students are fully informed and voluntarily enroll in an alternative program or continuation school, reenrollment requirements into the regular comprehensive school create barriers. A positive recommendation from an administrator and specific academic credits may be required from a student prior to reenrolling in the comprehensive school. Mendota Unified School District in Fresno County, for example, requires "a positive recommendation from the current school of enrollment" prior to transferring



back to the regular high school. Additionally, the district requires an attendance rate of 90 percent during the previous semester and a maximum of nine tardies over the course of a semester. If the transfer is approved, “all students transferring in from Continuation High School will be placed on an educational contract. Violations of the contract will result in a referral or placement back to the Continuation High School.” Similarly, Visalia Unified requires a student to submit a petition to transfer back into regular school, have an 85 percent attendance rate, be on pace with credit accrual and have no major discipline issues. Such requirements can have unintended consequences that disproportionately impact pregnant and parenting students who do not meet the attendance requirement or may be behind on credits due to missing school because of childbirth or child-related responsibilities.

“My counselor said that the continuation school would be safer for me since I was pregnant. Eventually, I just ended up dropping out and I signed up for home study instead.”

Punitive Absence and Make-up Policies

School policies relating to absences and making up missed schoolwork can be critical for pregnant and parenting students, who miss school not only to give birth, but also due to medical appointments for themselves and their children, particularly when their children are infants. In addition, their illness-related absences may be greater than that of other students, because they have to miss school both when they are sick and when their children are sick. Finally, parenting students may need to miss school if there is a problem with their childcare or need to attend an appointment to apply for services, like the Women, Infants and Children (WIC) program. In fact, out of the students surveyed, 69 percent reported that they had missed school as a result of pregnancy or parenting responsibilities. Of these, 30 percent indicated that they had missed more than a week of school.

Under Title IX, a school must excuse a student's absence because of pregnancy or childbirth for as long as the student's doctor deems the absences medically necessary, and it must allow the student to return to the same academic status as before her medical leave began.⁹⁰ In addition, California law expands excused absences to those related to an illness or medical appointment of a custodial child.⁹¹ Thus, pregnant and parenting students must be excused from school due to both their own medical need and the medical need of their child. Upon a student's return to school, he or she is required to present an explanation verifying the reason for the absence.⁹²

When a student is absent with a verifiable excuse, California law requires that he or she be allowed to complete any missed assignments or exams that can be reasonably administered and be given full credit for satisfactorily completed assignments within a reasonable period of time, thus creating valuable flexibility for students.⁹³ California states that the student's teacher shall determine which tests and coursework are reasonably equivalent to the assignments that the student missed during the absence.⁹⁴ The Title IX guidance document issued by the Department of Education goes further, by emphasizing the importance of allowing the student to choose between different options—participating in an online credit recovery program, taking a similar exam, or allowing additional time for students to complete a course at a later date, for example.⁹⁵ In this way, the school would provide a student with alternative options for making up schoolwork but the decision about how and when to make up the work would fall on the student.

Unfortunately, the attendance policies adopted by school districts analyzed for this report do not reflect the flexibility inherent in both Title IX and California requirements relating to excused absences and missed



schoolwork. Instead, overly rigid policies enacted by school districts create barriers for pregnant and parenting students. One contributing factor may be that, although it is undisputed that pregnant and parenting students have a right to make up schoolwork in California within a reasonable period of time due to an excused absence, state law does not explicitly define “reasonable.” Given the vague nature of the term, implementation of attendance policies at the district level can result in overly rigid requirements that, when not met, result in pregnant and parenting students becoming truant or falling behind on schoolwork.

Rigid Verification Requirements

The policy of Fresno Unified School District for verifying an excused absence reflects the flexibility contemplated by California law, stating that “a reasonable opportunity is provided for any student or the student’s parent/guardian to explain any unexcused absence.” The policies of many other districts, however, provide both a short timeframe and lack of flexibility. In fact, 68 percent of the districts surveyed for this report allow students only one to three days to provide verification of a legitimate reason for their absence and thus “clear” it from unexcused to excused. For example, a high school in the Dinuba Unified School District states that “[i]f an absence is not cleared through the attendance office within one day of the absence it must be recorded as unexcused, tardy, or ‘tardy more than 30 minutes.’” Similarly, at Cutler-Orosi Joint Unified, if an absence is not verified within three days, “the absence must still be reported as unexcused and the student will be assigned Saturday School.”

Other school districts may require a doctor’s note for every absence due to illness—an almost impossible requirement to meet if a student is unable to afford the copay for a doctor’s visit or travel to the nearest doctor for a minor illness. For example, a high school in the Woodlake Unified School District requires a doctor’s note for an absence due to illness, otherwise the absence “will be counted against the student’s overall attendance average.” Consequently, an absence that is not cleared on time or with a required doctor’s note may result in the loss of credit, reduced grade, or truancy status that can negatively impact the academic success of a teen parent.

The effect of these policies on students is significant. Of the students surveyed, 41 percent said they had difficulty clearing absences relating to pregnancy and parenting. Additionally, although California allows pregnant and parenting students to be excused from school for an absence related to the illness or doctor’s appointment of a custodial child, school districts fail to inform pregnant and parenting students of this right. Sixty-four percent of the districts analyzed for this report failed to include a comprehensive list of all excusable absences, including the illness or doctor’s appointment of a child, in the student-parent handbook, despite having board policies that contained the comprehensive list. Even more problematic, Parlier Unified School District provides a comprehensive list of all nine excusable absences in the student-parent handbook for Parlier High School, the comprehensive high school, but only provides five reasons for excused absences in the handbook for San Joaquin Valley High School, the continuation school. Further, the San Joaquin Valley High handbook states that “illness verified with a doctor’s note” is an excused absence but does not include an illness or medical appointment for a child. Board policies are only effective if parents and students are informed of their rights. The student-parent handbook should contain both accurate and complete information to ensure that teen parents know their right to be excused for the illness or doctor’s appointment of a child.

Unfortunately, the attendance policies adopted by school districts analyzed for this report do not reflect the flexibility inherent in both Title IX and California requirements relating to excused absences and missed schoolwork.



Inflexible Make-up Work Policies

Although the law is clear that pregnant and parenting students have a right to make up work due to an excused absence, the timeline for making up the work can be inflexible. Out of the districts surveyed, half have existing policies that require students to make up missed class work within a specified time frame, such as one day for every day missed. In fact, nine districts provide students with one day to make up schoolwork for every day missed, and two districts provide two days for every day missed. Despite a student's right to make up missed work due to an excused absence, some districts improperly require teacher approval for making up missed work. At Exeter Union High School, for example, "[m]ake-up class work for excused absences is permitted only with teacher approval."

13 percent of surveyed students indicated that they had not been allowed to make up missed work that resulted from an excused absence related to a pregnancy, taking care of a sick child, or taking a child to an appointment.

While Exeter's policy blatantly violates a pregnant and parenting student's right to make up schoolwork under Title IX, other districts properly inform students of their right to make up work. Kerman Unified School

District in Fresno County, for example, provides clear language in its student-parent handbook that students have "an opportunity to make up work equivalent to, but not necessarily the same as" the work missed because of an excused absence. The high school in the Mendota Unified School District uses medical documents and/or other official documents to determine what constitutes a reasonable amount of time to complete make-up work.

Nevertheless, 13 percent of surveyed students indicated that they had not been allowed to make up missed work that resulted from an excused absence related to a pregnancy, taking care of a sick child, or taking a child to an appointment. A teen parent from Reedley, California recalls one teacher in particular who made it extremely difficult for her to make up exams and assignments despite presenting a doctor's note for her absence. It was not until she contacted the district superintendent that she was allowed to make up the missed assignments. Another teen parent from Visalia, California indicated that, while she was allowed to make up missed assignments, she had a difficult time completing them because she did not receive any assistance from her teachers—she was simply given the assignments without further explanation or guidance.

Independent Study Appointments

Students on independent study can also be adversely impacted by rigid absence policies. They may be required to meet with a teacher for an hour or more once or twice a week, depending on the student's academic contract. Some independent study programs treat student-teacher appointments differently from school attendance and may impose different absence verification requirements. For example, at Furman High, an independent study site at Madera Unified, "serious illness is the only legitimate reason normally accepted for missing an appointment. Non-emergency doctor appointments or other business appointments will not be accepted as valid reasons for missing the Furman appointment." Similarly at Visalia Independent, an alternative education site at Visalia Unified, there are no excusable absences for a student who misses an appointment with a teacher. In effect, pregnant and parenting students can be dropped from their independent study contract as a result of a legitimate personal illness or illness of a child.



Commencement Attendance Requirements

Missing school is a reality for many pregnant and parenting students, particularly those with health complications or challenging childcare needs. However, a number of districts impose additional attendance requirements for students in order to participate in commencement ceremonies. Such policies are intended to incentivize students to attend school but they can also have unintended consequences for students who have to miss school for legitimate reasons. While such absences would be considered excused and allow a student to make up missed work, a student could ultimately be denied the ability to partake in commencement activities. Participation in a commencement ceremony is a special celebration and should not be conditional on unyielding attendance requirements that do not take into consideration the reasons for missing school.

High Schools at Cutler-Orosi Joint Unified, Dinuba Unified, Lindsay Unified, Mendota Unified, Parlier Unified and Woodlake Unified all require students to maintain an attendance rate above 90 percent in order to participate in commencement ceremonies. At Cutler-Orosi, “[s]tudents will be assigned Saturday school to maintain the 95 percent

Even though her absences were excused and she had made up missed work, Lydia Pena, a teen parent from Visalia, California was required to attend Saturday school in order to meet the onerous attendance rate required to participate in commencement. “I wanted to participate in graduation but that meant that I had to attend Saturday school to make up for the days I missed even when the absences were excused. I was determined to make up the days because I knew that graduation would be a special day for me and my daughter.” After spending numerous Saturdays making up excused absences, Lydia was able to participate in her commencement ceremony.



attendance requirement”—the rate includes both excused and unexcused absences. Similarly, absences due to illness at Woodlake are counted towards the attendance percentage. However, the high school at Dinuba Unified specifies that “[a]bsences that are excused, court related, or in conjunction with a school activity are not counted as negative attendance occurrences” towards the attendance requirement.

Overall, these inflexible policies relating to attendance and making up missed work can force students to choose between leaving school and forgoing education during pregnancy on the one hand, and staying in school but not being able to make up missed assignments within a reasonable timeframe on the other.

School-sponsored Childcare and Development Centers

School-sponsored childcare programs provide pregnant and parenting students with the opportunity to attend school while meeting their childcare responsibilities. Budget reductions, however, have resulted in fewer school-sponsored childcare programs available to teen parents. Unfortunately, parenting students who are able to access the childcare programs that do remain may find that they, too, can be an educational barrier. This occurs when the childcare and development centers have policies that conflict with the policies that apply to the teen parent at the comprehensive or continuation school.

Absence Verification Barriers

School districts are authorized to adopt a number of different methods to verify a reason for an absence, including designating specific administrators to verify absences. District-adopted methods of absence verification vary, but they generally allow students to verify an absence with a written note from or

Some childcare centers have different absence verification requirements for children than those required for the parents.

conversation with a parent or guardian, or doctor's note.⁹⁶ While school-sponsored childcare centers are also authorized to adopt their own methods of verification for purposes of reimbursement based on “attendance,” the methods can be rigid.

Focus group discussions and review of policies reveal that some childcare centers have different verification requirements for children than those required for the parents. Madera Unified School District, for example, does not require students to verify an illness with a

doctor's note. A student can simply take a note from a parent stating illness as the reason for the absence and the absence is considered excused. However, the childcare center available through the district requires that a doctor's note be provided “when a child is absent due to an illness. Your child must see a doctor before returning to school.” Such a requirement forces teen parents to take their child to the doctor for every illness-related absence, even when a doctor's visit may not be necessary or may be difficult to schedule due to transportation or cost barriers.

One student in a Reedley focus group explained why the childcare center's policy of requiring a doctor's note was problematic for her: “They don't let me take him into the daycare if he has a cough or is throwing up. But those are only excused if there's a doctor's note,” stated the student. “But I'm not going to be taking him to the doctor all the time just to get a doctor's note for every illness.” In effect, an absence that is considered excused for a parenting student may be considered unexcused for the child if not properly verified by a doctor's note and can result in the disenrollment of the child after a number of absences.

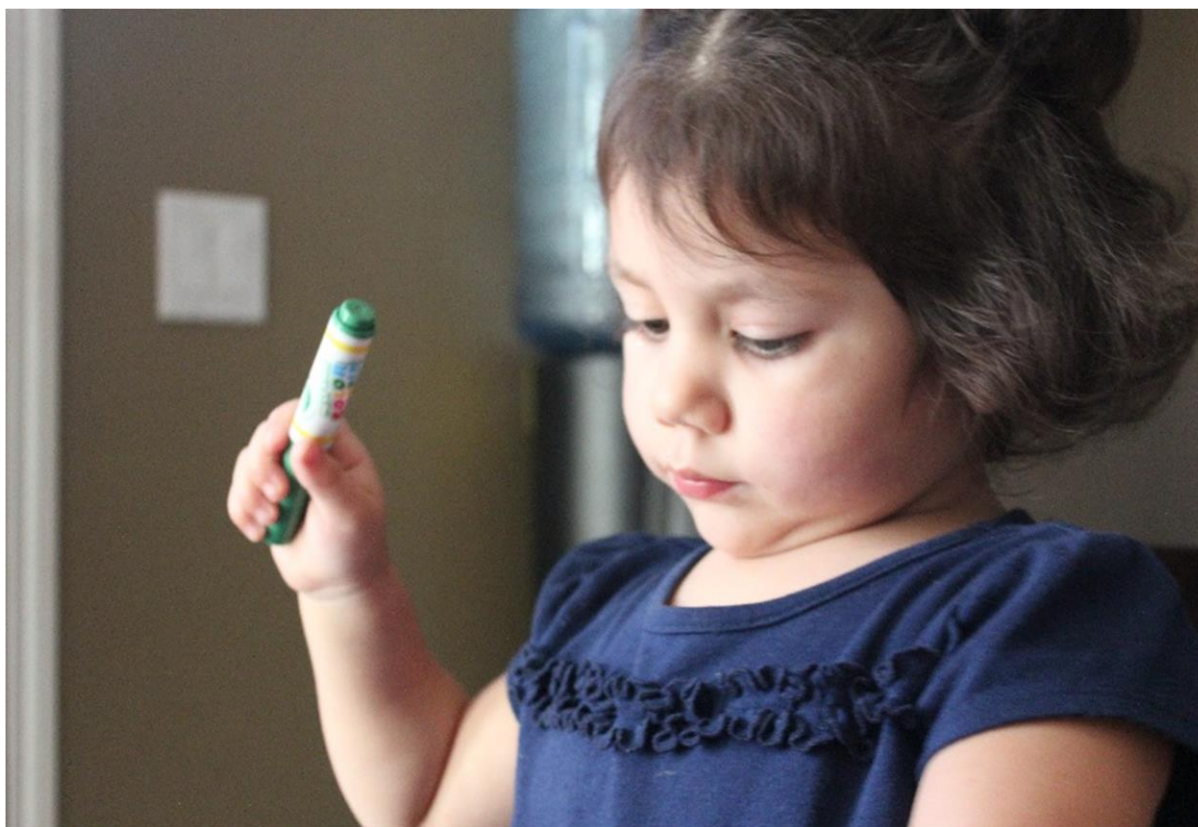


“They don’t let me take him into the daycare if he has a cough or is throwing up. But those are only excused if there’s a doctor’s note. But I’m not going to be taking him to the doctor all the time just to get a doctor’s note for every illness.”

Some school districts also neglect to convey clearly to students what the absence policies for the childcare center are. For example, in Madera Unified, an administrative regulation limits absences in the childcare center to 10 days excused or three unexcused, but the Cal-SAFE handbook provided to students inconsistently states that there is a five-absence limit for unexcused absences. This conflicting information can leave students confused and at risk of losing childcare if they inadvertently violate the absence policies.

Disciplinary or Academic Requirements for Use of Childcare

Disciplinary issues associated with the teen parent may also result in the loss of childcare for the child. Pregnant and parenting students at Madera Unified, for example, may lose childcare if they are suspended or receive a discipline referral despite a growing body of research indicating that students of color are disproportionately suspended for reasons as vague as “willful defiance.”⁹⁷ Childcare for teen parents at Madera may also be terminated for the continued use of “disrespectful language or profanity”—determinations left to the discretion of teachers or school administrators. Academic issues can also affect childcare enrollment. At Porterville Unified, parents who use the Children's Center are required to earn a minimum of thirty credits each semester—students who fall below the required number of credits may lose childcare the following semester. While students should be encouraged to stay on track with course credits, loss of childcare could cause a student to fall even further behind in school.





Lactation Accommodations

Pregnant students and those recovering from childbirth-related conditions must be provided with the same accommodations and support services available to other students with similar medical needs.⁹⁸ By requiring that schools treat pregnancy, childbirth or related conditions in the same manner and under the same policies as any other temporary medical condition, state and federal regulations explicitly tie the treatment of women with temporary medical conditions occasioned by pregnancy to the treatment of other temporarily disabled individuals.⁹⁹ The Department of Education's 2013 guidance document, *Supporting the Academic Success of Pregnant and Parenting Students under Title IX of the Education Amendments of 1972*, reiterates this legal right and provides a non-exhaustive list of possible accommodations that can be provided, that include: a larger desk, allowing frequent trips to the bathroom, permitting temporary access to elevators and lactation accommodations.¹⁰⁰ The guidance document also encourages schools to adopt additional programs and strategies that can assist the needs of pregnant and parenting students, such as "designating a private room for young mothers to breastfeed, pump milk, or address other needs related to breastfeeding during the school day."¹⁰¹

School policies that categorically deny accommodations to a student on the basis of lactation would be in violation of Title IX.

Lactation is indisputably related to pregnancy and childbirth, and women who are nursing may need to express milk as frequently as every two to three hours.¹⁰² School policies that categorically deny accommodations to a student on the basis of lactation would be in violation of Title IX. There is an accommodation requirement for lactating school staff under the California Labor Code, but the California Education Code fails to include a similar provision for students. To receive the accommodation, a student must first request it. Unfortunately, in practice, these requests may end up being denied because administrators are ill-informed or unaware of a lactating student's rights. Failure to provide adequate lactation accommodations at one school site may result in a student's decision to forego breastfeeding altogether or enroll in a school site exclusively based on the ability to pump or breastfeed during school hours.

"I asked if I could pump at school and the school told me it was not recommended. They kept giving me excuses, so I decided to leave."

During focus group discussions, some pregnant and parenting students shared that school administrators discouraged them from expressing breast milk at school. Two out of the nine pregnant and parenting students interviewed said that their decision to leave regular school was based entirely on their inability to breastfeed or pump milk. A student in Reedley was told by her high school counselor that, if she wanted to pump, she should enroll in

continuation school or independent study because it was not recommended that she pump at regular school. The student subsequently left her comprehensive high school to enroll in the continuation school. "I asked if I could pump at school and the school told me it was not recommended," said the student. "They kept giving me excuses, so I decided to leave." Once at the continuation school, she was allowed to pump but only during certain hours, and the number of times she could leave class was limited.

Even when the request to pump milk at a school site is granted, a student may not have access to a refrigerator to store the breast milk or may be asked to pump in the restroom rather than be provided with a clean, private environment. During a focus group discussion in Madera, two students shared that, while they were allowed time out of the classroom to express milk, the only location available was a shared public



restroom. These constraints force some students to give up breastfeeding or express milk in unsanitary locations that do not provide adequate privacy.

The California School Boards Association's model policy on "Married, Pregnant, and Parenting Students" contains optional language on lactation accommodations: "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."

Unfortunately, there is no requirement that schools adopt this language, and out of the 22 districts analyzed, only one—Washington Unified in Fresno County—has done so. Four other districts—Dinuba Unified, Madera Unified, Porterville Unified, and Sanger Unified—provide lactation accommodations despite not having a formal board policy on the issue. The remaining districts did not provide any options or have formal policies for lactation accommodations for parenting students.

The lactation accommodations provided by Madera Unified and Sanger Unified demonstrate how this barrier can be eliminated by schools that are aware of students' needs and are intentional about meeting them. Sanger Unified's handbook for its teen parent program states that, "a breast feeding schedule will be arranged between the student/parent, counselor, teachers, and program staff that will be the least intrusive as possible on her academic schedule," while also specifying that lactating students "may bring breast milk for us to store in the freezer, or pump and then store the breast milk in the freezer so we have breast milk to use for supplemental feedings." Madera Unified also identifies lactation options that allow students to breastfeed or pump during break or lunch time or to be called out from class. The district provides a clean area and refrigerator for storage and advises students to bring an extra blouse in case of leakage. Students are also provided with smocks and a washer-dryer, if needed.

Conclusion

The barriers identified in this report—shaming behavior by school staff; a lack of access to college-track courses; overly rigid rules relating to absences, making up missed schoolwork, and childcare; and an inability to pump milk at school—act individually and cumulatively to marginalize pregnant and parenting students and deny them equal educational opportunities.

The good news is that these barriers can be broken down. California showed national leadership in 2000 in creating the Cal-SAFE program, and the reward was high: more than 73 percent of participating students graduated from high school. But this support has declined over the past decade. This report shows that there is work to be done by school districts to adequately meet the needs of pregnant and parenting students, but it also lifts up exciting models created by individual districts that can be adopted elsewhere. California's current educational emphasis on vulnerable youth, as expressed through the Local Control Funding Formula, presents a critical opportunity for a renewed commitment to pregnant and parenting students at both the state and local levels.

Contrary to stereotype, parenthood is an educational motivator for many students. By removing barriers that block pregnant and parenting students' progress, California policymakers and schools will help them to succeed in school and in life. This will be a victory not only for these students, but for the education system and the state as a whole.

Recommendations

State-level Recommendations

The California Legislature and the California Department of Education can legislatively and administratively play an important role in removing barriers to education that impact pregnant and parenting students. By clarifying existing law, dedicating funding to successful programs and services, and providing administrative guidance, both the Legislature and Department can clear the educational pathway for pregnant and parenting students.

Equalize the Educational Pathway

Pregnant and parenting students, regardless of school site, should have access to courses that meet all of the A-G requirements for admission to the University of California and California State University systems. To ensure this:

- The California Department of Education should create a **consortium of online courses**, including those that meet all of the A-G requirements, and make them available to students enrolled in independent study programs or at continuation schools that do not offer a comprehensive list of college-preparatory courses.

Remove Punitive Absence and Make-up Policies

The California Department of Education should provide guidance to school districts in order to avoid rigid implementation of absence and make-up work policies. Specifically:

- The California Department of Education should provide school districts with guidance on the **allowable timeframe** for pregnant and parenting students to **clear an absence** before being considered truant.
- The California Department of Education should provide school districts with guidance on the **“reasonable” timeframe** for a pregnant and parenting student to make up missed work due to an excused absence.
- The California Department of Education should provide school districts with guidance on **appropriate commencement requirements** that do not deny participation in commencement based on excused absences.

School-sponsored Childcare and Development Centers

Lack of access to affordable, quality childcare can be a barrier to staying in school for many teen parents. However, even when schools do provide onsite childcare, rigid absence policies can result in a child being dropped from the center. To avoid such unintended consequences:

- The California Legislature should **allocate funding** for **school-sponsored childcare and development centers** to address the childcare needs of teen parents.
- The California Department of Education should provide school districts with guidance on **appropriate verification measures** to clear a child's absence.

Lactation Accommodations

It is undisputed that there are immediate and long-term health advantages of breastfeeding for infants and mothers. The state should adopt policies that encourage parenting students to pump milk at the school site of their choice. Specifically:

- The California Legislature should clarify that pregnant and parenting students are **entitled to lactation accommodations**. The California Education Code should include language modeled after



the lactation accommodation language in the California Labor Code that provides for the **right to regular breaks and access to a private location**, other than a restroom, to express milk.

- The California Legislature should expand a student's right to express milk to include the ability to **safely store the milk** by providing access to a refrigerator or ice chest or allowing the student to bring insulated containers.

General State-level Recommendations

In addition to eliminating specific barriers to education, the following general state-level recommendations would help collect data on pregnant and parenting students, guide funding decisions, and reinvest in successful programs proven to prevent unintended pregnancies. Specifically:

- The California Department of Education should **collect data** on the number of pregnant and parenting students through the **California Healthy Kids Survey**.
- The California Department of Education should provide school districts with guidance that highlights that pregnant and parenting students are often members of the Local Control Funding Formula (LCFF) **priority populations**, and specify that **LCFF funds can be spent** on programming for this population of students.
- The California Legislature should **restore state funding for adolescent health** programming, and strengthen requirements related to **sex education** so as to ensure students have the knowledge they need to prevent unintended pregnancy.
- The California Legislature should **re-commit funding** to programs that **serve and support pregnant and parenting students and their children**.

District-level Recommendations

School districts have an important role to play to ensure that pregnant and parenting students have access to the necessary services and programs to succeed academically. School districts should review all adopted board policies and administrative regulations that apply to or impact pregnant and parenting students, and should revise those policies and practices that unintentionally create barriers for these students.

Eliminate Shaming Behavior and Language by Schools

Stigmatizing behavior of staff can create a barrier to education for pregnant and parenting students that is discriminatory and pushes them out of school. In order to reduce stigmatizing behavior by school administrators and teachers, schools should:

- **Train school district personnel** on the laws relating to pregnant and parenting students and on how to work with these students in a way that is supportive and not shaming.

Equalize the Educational Pathway

School districts should ensure that pregnant and parenting students have a clear pathway to graduation and be career- or college-ready. Students should be adequately informed about all of the educational alternatives and policies for transferring and reenrollment. To ensure that pregnant and parenting students have access to the same educational opportunities as other students, schools should:

- **Train counselors** to 1) provide pregnant and parenting students with **comprehensive information** about all of their **academic options**, including the availability of A-G courses at locations where a student may wish to transfer, **without pressuring them** to select certain schools or programs; and 2) **assist students to enroll** in the school or program of their choice.



- Allow students enrolled in teen parent programs to **attend the school of their choice**, including comprehensive schools that provide A-G courses, regardless of where the teen parent program is located.
- **Remove onerous reenrollment requirements** that prevent students from transferring back from alternative to comprehensive school.
- **Train counselors** to advise pregnant and parenting students about **all of the available options for credit recovery** that permit the student to remain in the comprehensive high school.
- Make **online courses available for pregnant and parenting students** in need of credit recovery. Students should have the flexibility to continue enrollment at their regular school while taking online classes on their own time for credit recovery.

Remove Punitive Absence and Make-up Policies

Schools should follow Title IX guidance and work with students to figure out flexible timelines to make up schoolwork from an excused absence. Although there is no clear definition of what constitutes a “reasonably equivalent” assignment or reasonable time for making up an assignment, schools should avoid “one size fits all” policies that prescribe unyielding timeframes. Instead, schools should offer a number of options for clearing an absence, and should prioritize working with students to design individualized make-up schedules that both parties consider reasonable. Specifically, school districts should:

- **Replace rigid, short timeframes** for clearing absences with **flexible timeframes** and requirements that can be met by a parent/guardian note or email, phone call, in-person conversation, or doctor’s note.
- Allow students to **request make-up work** even before they have cleared their absences.
- Work with pregnant and parenting students to **create individualized make-up plans** that provide reasonable timeframes to make up missed assignments, as suggested by Title IX guidance.

School-sponsored Childcare and Development Centers

School districts that provide pregnant and parenting students with onsite childcare services are providing an invaluable service. Nonetheless, rigid childcare policies may have unintended consequences that impact both parents and children. To avoid unintended barriers, school districts should:

- Inform teen parents about the **verification requirements for clearing a child’s absence** at the childcare center.
- **Eliminate requirements** that all absences related to illness **be verified with a physician’s note**.
- **Eliminate policies that terminate** access to childcare due to **minor disciplinary or academic issues** associated with the parent.

Lactation Accommodations

To ensure that parenting students have access to adequate lactation accommodations, schools should:

- Work with a student to **adopt a lactation schedule, set by the lactating student**, that allows her to breastfeed or express milk on a regular schedule.
- Provide **time off from class**, if necessary, to **breastfeed or express milk**, and that ability to make up any classwork or participation points missed during this time.
- Provide a **private, clean environment** for lactating students who wish to breastfeed or express milk.
- Include language in the student-parent handbooks that **explicitly lists “pregnancy and childbirth-related conditions”** as entitled to accommodations on equal terms to other disabilities.



Methodology

This report is based on data collected from over 80 school districts in Fresno, Madera and Tulare counties through a California Public Records Act request. In response to the request, school districts provided board policies, administrative regulations, handbooks, and other relevant documents relating to pregnant and parenting students.

Fresno, Madera, and Tulare counties contain 85 school districts, including 48 districts that exclusively serve K-8 and 37 that are either unified (K-12) or high school (grades 9-12). For the purposes of this report, we narrowed the focus to 22 of the largest unified and high school districts in the three counties. The districts included in this report include 12 districts from Fresno County, two districts from Madera County, and eight districts from Tulare County, with a combined student population of 194,088 students. Included in the number is the fourth-largest district in California, Fresno Unified School District, with over 73,353 students.¹⁰³

The districts included in the report are: Chowchilla Union High, Coalinga-Huron Joint Unified, Cutler-Orosi Joint Unified, Dinuba Unified, Exeter Union High, Farmersville Unified, Firebaugh-Las Deltas Joint Unified, Fresno Unified, Kerman Unified, Kingsburg Joint Union High, Laton Joint Unified, Lindsay Unified, Madera Unified, Mendota Unified, Parlier Unified, Porterville Unified, Sanger Unified, Selma Unified, Sierra Unified, Visalia Unified, Washington Union, and Woodlake Unified.

Also included in this report is data obtained from a two-page survey administered to 149 pregnant and parenting students during a large teen parent conference convened through the Fresno County Office of Education in February 2013. Although teen parents from across the Central Valley attended the conference, 46 percent of the respondents were from Fresno County, 10 percent from Madera County, and 22 percent from Tulare County. Female pregnant and parenting students made up 82 percent of the respondents. Pregnant and parenting students age 16 were the largest group of respondents, representing 34 percent. The age range of when a respondent became a parent ranged from age 12 to 18.

The two-page survey asked the students a number of qualitative and quantitative questions that included age when they became a parent, enrollment status, type of school they attended, and course availability, as well as a number of questions on absences and ability to make up missed work related to excused absences. Although 149 students completed the survey, some students did not answer all questions. When analyzing the data, our base number for each question was the number of actual respondents for that particular question.

Student quotes and stories in this report come from nine individual interviews of pregnant and parenting students and ten focus group discussions conducted throughout Fresno, Madera, and Tulare County. All interviewed students were asked the same questions and each individual interview lasted approximately one hour. The focus groups were conducted through community-based organizations with existing cohorts of pregnant and parenting students. Each focus group had eight to 12 pregnant and parenting students.



¹ This report uses the terms “pregnant and parenting” and “expectant and parenting” interchangeably. While the focus of this report is primarily on young mothers, young fathers also face an array of educational barriers.

² Nancy Berglas, Claire Brindis, Joel Cohen, *Adolescent Pregnancy and Childbearing in California*, California Research Bureau (June 2003), at p.24, available at <http://www.library.ca.gov/crb/03/07/03-007.pdf> (last retrieved Dec. 26, 2014).

³ See California Latinas for Reproductive Justice, *Sin Vergüenza, No Shame: Young Parents Share Their Stories, Challenges, and Determination*, Justice for Young Families! (2013), at p.2, available at http://www.californialatinas.org/wp-content/uploads/2013/08/CLRJ_J4YF_Issue_Brief_2_Sin_Vergu%CC%88enza_No_Shame_FINAL.pdf (last retrieved Dec. 26, 2014).

⁴ Mitzi Inouye, Brenda G. LeTendre, *The California School Age Families Education (Cal-SAFE) Program: Report to the Joint Legislative Budget Committee and the Legislature*, California Department of Education (May 2010) [hereinafter Cal-SAFE Report], at p.2, available at <http://www.cde.ca.gov/ls/cg/pp/documents/2010csflegreport.doc> (last retrieved Dec. 26, 2014).

⁵ California Department of Public Health, *California Teen Births 2000-2012*, Maternal Child Adolescent Health (June 2014) [hereinafter California Teen Births 2000-2012], available at <http://www.cdph.ca.gov/programs/mcah/Documents/MO-MCAH-2012TBR-DataSlides.pdf> (last retrieved Dec. 26, 2014).

⁶ Assembly Bill 97 (Ch. 47, Statutes of 2013); Senate Bill 97 (Ch. 357, Statutes of 2013); Senate Bill 91 (Ch. 49, Statutes 2013); see also Edgar Cabral, Carolyn Chu, *Updated: An Overview of the Local Control Funding Formula*, California Legislative Analyst (Dec. 2013) [hereinafter An Overview of LCFF], at p.3, available at <http://lao.ca.gov/reports/2013/edu/lcff/lcff-072913.pdf> (last retrieved Dec. 26, 2014).

⁷ An Overview of LCFF, *supra* note 6, at 3.

⁸ See e.g. Cal-SAFE Report, *supra* note 4.

⁹ 20 U.S.C. § 1681 (2012).

¹⁰ 34 C.F.R. § 106.40(b)(1) (2013).

¹¹ See CAL. EDUC. CODE § 200 *et seq.* (2012).

¹² *Id.*

¹³ CAL. EDUC. CODE § 201(b) (2012).

¹⁴ CAL. CODE REGS. tit. 5 § 4950(a) (2011).

¹⁵ CAL. CODE REGS. tit. 5 § 4950 (2011).

¹⁶ See *Sullivan v. Vallejo City Unified Scho. Dist.*, 731 F.Supp. 947, 952 (E.D. Cal. 1990).

¹⁷ CAL. CIV. CODE § 51 *et seq.* (2013).

¹⁸ CAL. CIV. CODE § 51(e)(5) (2013).

¹⁹ See U.S. Department of Education, Office of Civil Rights, *Supporting the Academic Success of Pregnant and Parenting Students Under Title IX of the Education Amendments of 1972*, Washington, D.C. (June 2013) [hereinafter Title IX Guidance], available at <http://www2.ed.gov/about/offices/list/ocr/docs/pregnancy.pdf> (last retrieved Dec. 26, 2014).

²⁰ *Id.* at 4.

²¹ See generally National Women's Law Center, *A Pregnancy Test for Schools: The Impact of Education Laws on Pregnant and Parenting Students* (2012) [hereinafter A Pregnancy Test for Schools], available at http://www.nwlc.org/sites/default/files/final_nwlc_pregnantparenting_report.pdf (last retrieved Dec. 26, 2014).

²² U.S. Department of Education, Office of Civil Rights, *Teenage Pregnancy and Parenthood Issues Under Title IX of the Education Amendments of 1972*, Washington, D.C. (Jul. 1991) available at <http://files.eric.ed.gov/fulltext/ED345152.pdf> (last retrieved Dec. 26, 2014).

²³ A Pregnancy Test for Schools, *supra* note 21.

²⁴ *Id.* at 25-33.

²⁵ California Title IX Coalition, *Opening Doors & Opportunities for Girls, A Title IX Compliance Check List: Top 14 Questions to Ask & Act On* (Jan 2014), available at <http://ccrwf.org/wp-content/uploads/2014/01/Title-IX-Check-List-FINAL.pdf> (last retrieved Dec. 26, 2014).

²⁶ Norman A. Constantine, Petra Jerman, Carmen Rita Nevarez, *No Time for Complacency: Teen Births in California*, Center for Research on Adolescent Health and Development, Public Health Institute (2012), at p.1, available at <http://www.phi.org/uploads/application/files/7vvp7yk2x4tf3ok5xh9vi8qur81x6xhn3x4bz5blx9i099d4rm.pdf> (last retrieved Dec. 2, 2014).

²⁷ See also Heather D. Boonstra, *Winning Campaign: California's Concerted Effort to Reduce Its Teen Pregnancy Rate*, Guttmacher (2010), available at <https://www.guttmacher.org/pubs/gpr/13/2/gpr130218.pdf> (last retrieved Dec. 26, 2014).

²⁸ See CAL. EDUC. CODE § 51930 *et seq.* (2012).

²⁹ Senate Bill 1064 (Ch. 1078, Statutes of 1998); see also Cal-SAFE Report, *supra* note 4.

³⁰ Brenda LeTendre, *The California School Age Families Education (Cal-SAFE) Program 12-year Evaluation: 2000-12* (2012) [hereinafter 12-year Cal-SAFE Evaluation], p.1, available at <http://www.cacsap.org/2000-2012CalSAFEEvalRptFINAL12Oct5.pdf> (last retrieved Dec. 26, 2014).



³¹ *Id.*

³² *Id.*

³³ *Id.* at 6.

³⁴ *Id.* at 7.

³⁵ *Id.*

³⁶ See A Pregnancy Test for Schools, *supra* note 21, at 12-13 (awarding California 15 of 17 possible points for its education laws and 8 out of possible 10 points for its programs for pregnant and parenting students).

³⁷ Heather D. Boonstra, *Winning Campaign: California's Concerted Effort to Reduce Its Teen Pregnancy Rate*, Guttmacher (2010), *supra* note 27.

³⁸ Claire Brindis, Jan Malvin, Jennifer Yarger, *Teen Pregnancy Prevention in California After State Budget Cuts*, Bixby Center for Global Reproductive Health, Philip R. Lee Institute for Health Polic Studies, University o California, San Francisco (Feb 2013), p.2-3, available at http://bixbycenter.ucsf.edu/publications/files/Teen%20Pregnancy_Budget%20Cut%20Report.pdf (last retrieved Dec. 26, 2014).

³⁹ California Department of Public Health, *California Teen Births Rates 1991-2011*, Maternal Child Adolescent Health (July 2013), available at <http://www.cdph.ca.gov/programs/mcah/Documents/MO-MCAH-2011TBR-DataSlides.pdf> (last retrieved Dec. 26, 2014).

⁴⁰ California Department of Finance, *2000-2001 Final Budget Summary*, California Office of State Publishing (2000), p.660, available at <http://www.documents.dgs.ca.gov/osp/GovernorsBudget/pdf/2000-01budsum.pdf> (last retrieved Dec. 26, 2014).

⁴¹ Margaret Weston, *California's New School Funding Flexibility*, Public Policy Institute of California (May 2011), p.15, available at http://www.ppic.org/content/pubs/report/R_511MWR.pdf (last retrieved Dec. 26, 2014).

⁴² *Id.*

⁴³ See Rachel Ehlers, Jeimee Estrada, *Year-Three Survey: Update on School District Finance in California*, California Legislative Analyst's Office (May 2012), p. 23, available at <http://www.lao.ca.gov/reports/2012/edu/year-three-survey/year-three-survey-050212.pdf> (last retrieved Dec. 26, 2014).

⁴⁴ *Id.* at 11.

⁴⁵ 12-year Cal-SAFE Evaluation, *supra* note 30, at 1.

⁴⁶ See CAL.WELF. & INST.CODE § 16002.5 (2014).

⁴⁷ Bryn King, Emily Putnam-Hornstein, *California's Most Vulnerable Parents: Cumulative Teen Birth Rates Among Girls in Foster Care at Age 17*, Children's Data Network at the University of Southern California (Nov. 2013), Vol.1-2, p.3-4, available at http://www.hiltonfoundation.org/images/stories/PriorityAreas/FosterYouth/Downloads/Vulnerable_Parents_vol._1-2.pdf (last retrieved Dec. 26, 2014).

⁴⁸ Heather D. Boonstra, *Teen Pregnancy Among Young Women in Foster Care: A Primer*, Guttmacher Policy Review, Vol. 14 No.2, (2011), p.8, available at <https://www.guttmacher.org/pubs/gpr/14/2/gpr140208.pdf> (last retrieved Dec. 26, 2014).

⁴⁹ Tamarah Moss, *Adolescent Pregnancy and Childbearing in the United States*, Advocates for Youth (Nov. 2004), available at <http://www.advocatesforyouth.org/storage/advfy/documents/fsprechd.pdf> (last retrieved Dec. 26, 2014).

⁵⁰ California Teen Births 2000-2012, *supra* note 5.

⁵¹ Laura E. Hill, *California's English Learner Students*, Public Policy Institute of California (Sept. 2012), available at http://www.ppic.org/main/publication_quick.asp?i=1031 (last retrieved Dec. 26, 2014).

⁵² 2012 Teen Births, Lucile Packard Foundation for Children's Health, Kidsdata.org [hereinafter Kidsdata.org], available at <http://www.kidsdata.org/topic/314/teenbirths/table#fmt=850&loc=357,356,359&tf=67&sortColumnId=1&sortType=desc> (last retrieved Dec. 26, 2014).

⁵³ 2012 Teen Births (rate per 1000), Kidsdata.org, available at <http://www.kidsdata.org/topic/314/teenbirths/table#fmt=1192&loc=357,356,359&tf=67&sortColumnId=1&sortType=desc> (last retrieved Dec. 26, 2014).

⁵⁴ Fresno County (51.6 percent), Madera County (55.7 percent), and Tulare County (62.3 percent). U.S. Census Bureau: State and County QuickFacts, 2013.

⁵⁵ California Teen Births 2000-2012, *supra* note 5.

⁵⁶ 2012 Teen Births (rate per 1000), Kidsdata.org, available at, <http://www.kidsdata.org/topic/315/teenbirths-race/table#fmt=1194&loc=357,359&tf=67&ch=7,11,8,507,9,939&sortColumnId=0&sortType=asc>

⁵⁷ See California Latinas for Reproductive Justice, *Supporting Latina/o Youth: Strengthening Latina/o Young Families and Communities*, Justice for Young Families!, Issue Brief 1, (2012), available at http://www.californialatinas.org/wp-content/uploads/2012/08/CLRJ_Supporting_Latina_O_Youth_Issue_Brief_1_FINAL.pdf (last retrieved Dec. 26, 2014).

⁵⁸ James Barba, Rey Fuentes, Ann O'Leary, *Prosperity Threatened: Perspective on Childhood Poverty in California*, The Center for the Next Generation (Jan. 2013), p.29, 9, available at http://thenextgeneration.org/files/Prosperity_Threatened_Final.pdf (last retrieved Dec. 27, 2014).

⁵⁹ Alemayehu Bishaw, *Poverty: 2010 and 2011, American Community Survey Briefs*, U.S. Census Bureau, (Sept. 2012), p.5, available at <http://www.census.gov/prod/2012pubs/acsbr11-01.pdf> (last retrieved Dec. 27, 2014).



- ⁶⁰ Craig Paxton, *California Health Care Almanac: California Physician Facts and Figures*, California Health Care Foundation (July 2010), p.7, available at <http://www.chcf.org/~media/MEDIA%20LIBRARY%20Files/PDF/C/PDF%20CaliforniaPhysicianFactsFigures2010.pdf> (last retrieved Dec. 27, 2014).
- ⁶¹ *Parents and Doctors Sue Clovis School District Over Sex Education*, American Civil Liberties Union, Sept. 10, 2012, available at <https://www.aclu.org/lgbt-rights-reproductive-freedom/parents-and-doctors-sue-clovis-school-district-over-sex-education> (last retrieved Dec. 27, 2014).
- ⁶² The California Commission on Access to Justice, *Improving Civil Justice in Rural California*, The State Bar of California (Sept. 2010), p.11-12, available at <http://calbar.ca.gov/LinkClick.aspx?fileticket=wBD9dBjuIm4=&tabid=216> (last retrieved Dec. 27, 2014).
- ⁶³ California Department of Education, *Largest & Smallest Public School Districts*, CalEdFacts 2013-2014, *supra* note 103.
- ⁶⁴ See e.g., Rosemary Kendall, *Parents and the High Cost of Child Care 2013 Report*, Child Care Aware of America (2013), available at http://usa.childcareaware.org/sites/default/files/cost_of_care_2013_103113_0.pdf (last retrieved Dec. 27, 2014).
- ⁶⁵ *Id.* At 20.
- ⁶⁶ 2012 Annual Cost of Child Care, by Age Group and Type Facility, Kidsdata.org, available at <http://www.kidsdata.org/topic/564/child-care-cost-age-facility/table#jump=why-important&fmt=763&loc=357,356,359&tf=67&ch=984,222,223&sortColumnId=0&sortType=asc> (last retrieved Dec. 27, 2014).
- ⁶⁷ See Sanger Unified School District, Cal-SAFE Program and Early Education Center, available at http://www.sanger.k12.ca.us/Educational_Services/CAL_SAFE/ (last retrieved Dec. 29, 2014).
- ⁶⁸ See Madera Unified School District, Cal-SAFE Infant-Toddler, available at <http://www.madera.k12.ca.us/domain/946> (last retrieved Dec. 29, 2014).
- ⁶⁹ See 12-year Cal-SAFE Evaluation, *supra* note 30, at 14-17.
- ⁷⁰ See Teen Success, Inc. <http://www.teensuccess.net/about-us.html> (last retrieved Dec. 27, 2014).
- ⁷¹ See Planned Parenthood Mar Monte, <http://www.plannedparenthood.org/planned-parenthood-mar-monte/local-education-training/teen-success-program> (last retrieved Dec. 27, 2014).
- ⁷² See Visalia Unified School District, Local Control Accountability Plan and Annual Update Template (2014-2015), p.61, available at <http://www.vusd.org/files/filesystem/revised%20lcap-update%206-9-14%20%28eng%29.pdf> (last retrieved Dec. 29, 2014); Madera Unified School District, Local Control and Accountability Plan and Annual Update Template (2014-2015), p.23, available at <http://www.madera.k12.ca.us/cms/lib04/CA01001210/Centricity/Domain/1/Madera%20USD%20LCAP%202014%202015%20Final%20Absolute.pdf> (last retrieved Dec. 29, 2014).
- ⁷³ CAL. EDUC. CODE § 252 (b)(3)-(5) (2014).
- ⁷⁴ Senate Bill 1349 (Ch. 258, Statutes of 2014).
- ⁷⁵ See California Healthy Kids Survey, available at <http://chks.wested.org/> (last retrieved Dec. 29, 2014).
- ⁷⁶ CAL. EDUC. CODE § 234.1(a) (2014).
- ⁷⁷ See Woodlake Unified, Woodlake Family Resource Center, available at http://www.woodlakepublicschools.org/departments/woodlake_family_resource_center (last retrieved Dec. 29, 2014).
- ⁷⁸ 5 C.C.R. § 4950 (b); 34 C.F.R. § 106.40(b)(2).
- ⁷⁹ See California Latinas for Reproductive Justice, *Sin Vergüenza, No Shame: Young Parents Share Their Stories, Challenges, and Determination*, Justice for Young Families!, *supra* note 3, at 2.
- ⁸⁰ Shantelle Hicks, *Humiliated, But Not Beaten. Fighting Back on Behalf of Pregnant and Parenting Teen*, American Civil Liberties Union (March 2012), available at <https://www.aclu.org/blog/womens-rights/humiliated-not-beaten-fighting-back-behalf-pregnant-and-parenting-teens> (last retrieved Dec. 29, 2014).
- ⁸¹ *Id.*
- ⁸² See Strong Families, available at <http://strongfamiliesmovement.org/young-parents> (last retrieved Dec. 29, 2014).
- ⁸³ See Justice for Young Families, California Latinas for Reproductive Justice, available at <http://www.californialatinas.org/our-work/justice-for-young-families-initiative/> (last retrieved Dec. 29, 2014).
- ⁸⁴ Strong Families, available at <http://strongfamiliesmovement.org/young-parents> (last retrieved Dec. 29, 2014).
- ⁸⁵ *Cecilia G. v. Antelope Valley Union High School District*, No. 04-7275 (C.D. Cal. Dec. 1, 2005); Order Den. Defs.' Mot. For Summ. J., 21, July 27, 2005, ECF No. 51.
- ⁸⁶ To search for a list of courses offered by a California school district and approved by the University of California, visit <https://hs-articulation.ucop.edu/agcourselist#/list/search/all> (last retrieved Dec. 29, 2014).
- ⁸⁷ See Prospect Education Center, Porterville Unified School District, available at <http://www.portervilleschools.org/prospect/PECHome/Courses/tabid/652/Default.aspx> (last retrieved Dec. 29, 2014).
- ⁸⁸ See Prospect Education Center, Porterville Unified School District, available at <http://www.portervilleschools.org/prospect/PECHome/Programs/tabid/651/Default.aspx> (last retrieved Dec. 29, 2014).



⁸⁹ Chowchilla Union High School, Alternative Education, *available at* <http://www.chowchillahigh.k12.ca.us/independent.html> (last retrieved Dec. 29, 2014).

⁹⁰ 34 C.F.R. § 106.40(b)(5) (“In the case of a recipient which does not maintain a leave policy for its students, or in the case of a student who does not otherwise qualify for leave under such a policy, a recipient shall treat pregnancy, childbirth . . . as a justification for a leave of absence for so long a period of time as is deemed medically necessary by the student’s physician, at the conclusion of which the student shall be reinstated to the status which she held when the leave began.”).

⁹¹ CAL. EDUC. CODE § 48205(a)(6) (2013).

⁹² *See* CAL. EDUC. CODE § 46012 (2013); 5 CCR 306.

⁹³ *See* CAL. EDUC. CODE § 48205 (2013).

⁹⁴ CAL. EDUC. CODE § 48205(b) (2013).

⁹⁵ Title IX Guidance, *supra* note 19.

⁹⁶ 5 CCR 420-421.

⁹⁷ *See e.g.*, Daniel J. Losen, Tia E. Martinez, Valerie Okelola, *Keeping California’s Kids in School: Fewer Students of Color Missing School for Minor Misbehavior*, The Center for Civil Rights Remedies (2014), p.5, *available at* <http://civilrightsproject.ucla.edu/resources/projects/center-for-civil-rights-remedies/school-to-prison-folder/summary-reports/keeping-californias-kids-in-school/WithChange.pdf> (last retrieved Dec. 29, 2014).

⁹⁸ 34 C.F.R. § 106.21(c)(3) (2013).

⁹⁹ 34 C.F.R. § 106.40(b)(4); 5 C.C.R. 4950(d) (2013); *see also* Dear Colleague Letter, Office of the Assistant Secretary Stephanie J. Monroe, Office for Civil Rights (June 25, 2007) <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-20070625.html>.

¹⁰⁰ 34 C.F.R. § 106.40(b)(1) (2013); *see also*, Title IX Guidance, *supra* note 19, at 16.

¹⁰¹ Title IX Guidance, *supra* note 19, at 16.

¹⁰² *See, e.g.*, U.S. Dep’t of Health and Human Services, Office of Women’s Health, *Your Guide to Breastfeeding* 34 (2011), <http://womenshealth.gov/publications/our-publications/breastfeeding-guide/BreastfeedingGuide-General-English.pdf> (last retrieved Dec. 29, 2014). If they are not able to do so, it results in engorgement of the breasts and can lead to swelling, fever, reduction in the supply of breast milk, plugged milk ducts and/or infection. *Id.* at 20.

¹⁰³ California Department of Education, *Largest & Smallest Public School Districts*, CalEdFacts 2013-2014, *available at* <http://www.cde.ca.gov/ds/sd/cb/ceflargesmalldist.asp> (last retrieved Dec. 26, 2014).



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