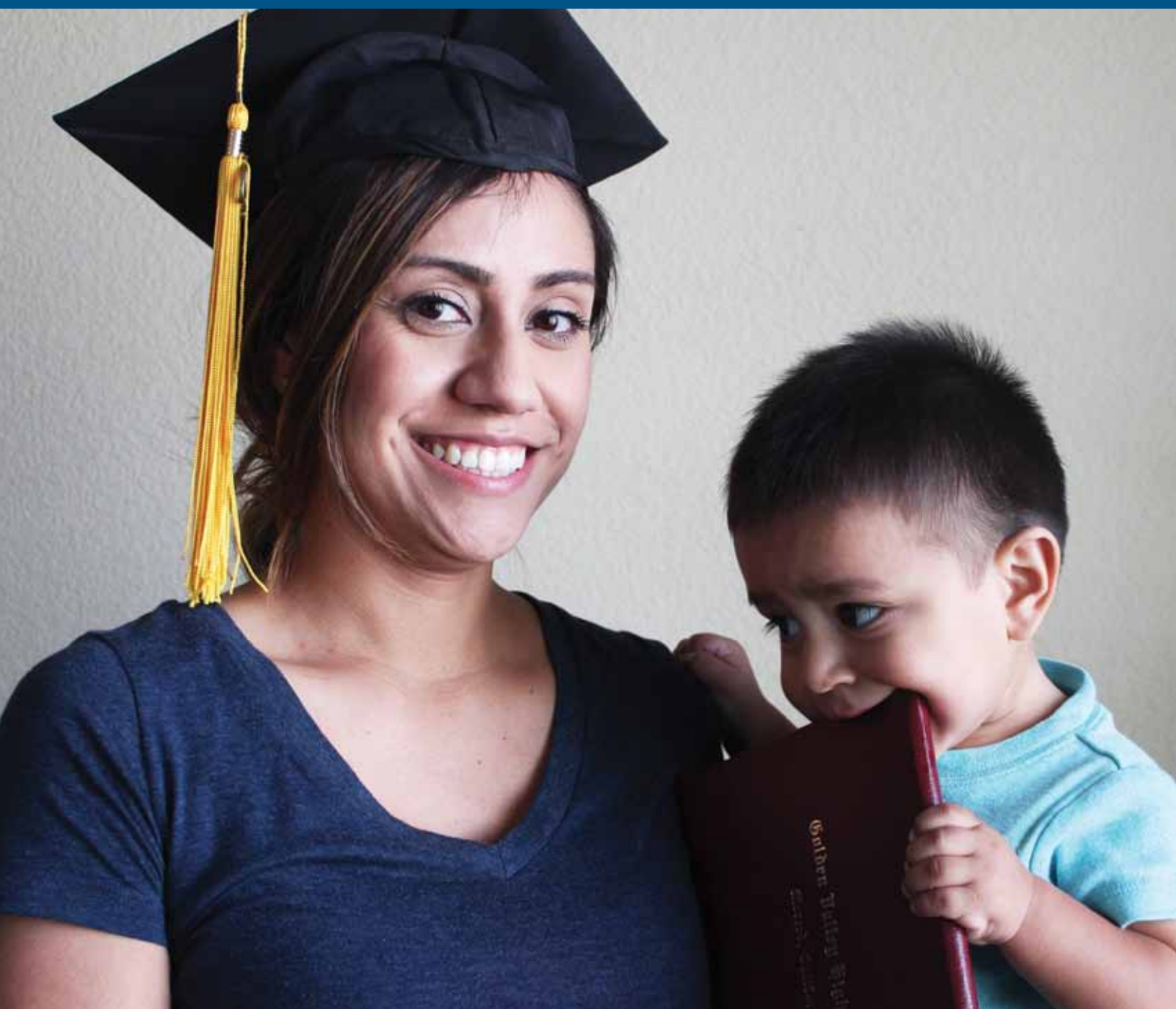


BREAKING DOWN EDUCATIONAL BARRIERS FOR CALIFORNIA'S PREGNANT & PARENTING STUDENTS

◆ *EXECUTIVE SUMMARY* ◆



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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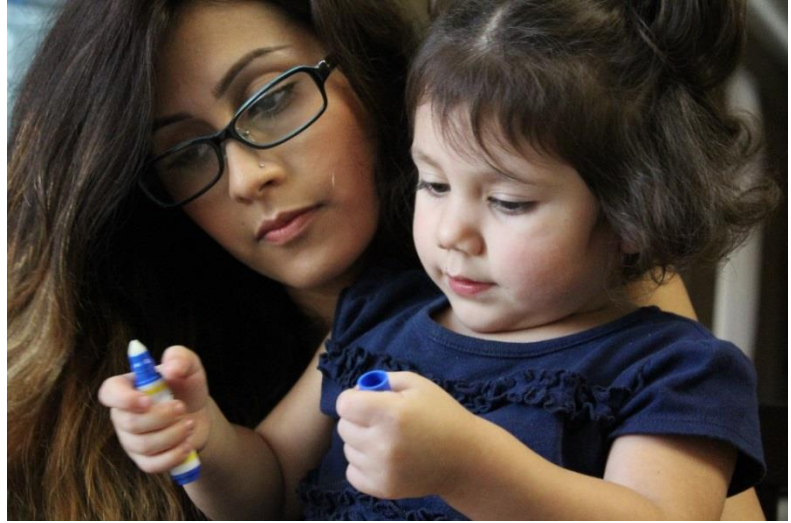
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Executive Summary

Pregnant and parenting students in California and throughout the United States have a right to the same educational opportunities as other students. *Title IX of the Education Amendments of 1972*¹ and the *California Sex Equity in Education Act*² protect them from discrimination and harassment³ and prohibit their exclusion 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 percent⁴ 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.⁵ 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.⁶

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. 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.⁷ 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,⁸ 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.⁹ 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.¹⁰ 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 its 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.

Key Findings

Programs for pregnant and parenting students can play a critical role in meeting school districts' Local Control Funding Formula goals, but state and school district commitment to these programs has been declining.

- Following deep budget cuts and the subsequent “flexing” of funding for the California School Age Families Education (Cal-SAFE) program, there was a 47 percent decrease in the number of students served by Cal-SAFE statewide between 2007 and 2012.¹¹
- Among the 22 Central Valley school districts analyzed for this report, only seven now provide supportive programming for pregnant and parenting students, a drop from 10 in 2010. One of these does not provide childcare, a critical service.
- Two Central Valley districts—Madera Unified and Visalia Unified—have incorporated specific support of pregnant and parenting students into their LCFF Local Accountability Plans,¹² but it is not clear how many other districts in the region are taking this important step to improve educational outcomes for these students, many of whom are members of the LCFF priority populations of low-income students, English Learners and foster youth.

An absence of data obscures the educational experiences of pregnant and parenting students.

California schools are not required to collect data on pregnant and parenting students, making it more difficult to assess how well school districts are meeting the needs of this population. For example, it is unclear how many teen parents remain in comprehensive school or are enrolled in alternative programs such as continuation school or independent study. Only ten 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. 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 Survey would provide much-needed data at both local and state levels.



School districts lack clear policies and conduct inadequate staff training on pregnant and parenting students' rights under state and federal law.

All 22 districts analyzed adopted a version of the California School Boards Association's "Married, Pregnant, Parenting Students" model board policy (BP 1546), stating that these students shall have the same educational and extracurricular opportunities as all students. But:

- Only one district's policy states that pregnant students have the right to reasonable accommodations that are available to students with other temporary medical conditions, and only one district included "parenting" as a protected category in its mandatory non-discrimination policy.
- Twenty-five percent of surveyed students said they had been restricted from participating in an extracurricular activity such as physical education or a sport due to their pregnancy status, reflecting a lack of understanding by school staff of Title IX's requirements.

Shaming behavior by school personnel is discriminatory and fails to support students as parents.

Despite clear state and federal law that protects pregnant and parenting students from discrimination and harassment, students interviewed for this report talked about being singled out in class in ways that violated their rights. One student reported that a teacher told the parenting students that they had "ruined their lives," while another was used as an example in a health class that was focused on promoting abstinence. In contrast to the attitudes of some staff, students speak powerfully about how parenthood has positively transformed their lives. "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," said one student.

Pregnant and parenting students are often sent down an unequal educational pathway.

Under the law, schools may offer separate educational programs for pregnant and parenting students, but they must be both voluntary and equal to what other students receive. In practice, however, students are often required by their districts to move to alternative programs and are denied access to college-track classes once there.

- Thirteen 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. An additional 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.
- Out of the seven districts that have supportive programming for pregnant and parenting students, only two provide students in the program with the college-preparatory courses available to other students. One student reported 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.
- Thirty-five percent of surveyed students reported that they attended alternative or continuation school, and 27 percent said that their continuation school did not allow them to take college-prep classes.



Punitive absence and make-up policies do not reflect the flexibility inherent in the law.

School policies relating to absences and making up missed schoolwork can be critical for pregnant and parenting students—69 percent of those surveyed said they had missed school as a result of their pregnancy or parenting responsibilities. The law requires that they be excused from school due their own medical need and the medical need of their child,¹³ and they must also be allowed to complete missed schoolwork within a reasonable amount of time.¹⁴ But overly rigid policies enacted by school districts create barriers for pregnant and parenting students.

- Forty-one percent of the students surveyed said they had difficulty “clearing” absences relating to pregnancy and parenting from unexcused to excused. Among the policies that contribute to this problem:
 - Sixty-eight percent of the districts allow students only one to three days to provide verification of a legitimate reason for their absence;
 - Some school districts 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.
- Thirteen 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.

Childcare programs are a blessing but can also be a barrier.

School-sponsored childcare programs provide pregnant and parenting students with the opportunity to attend school while meeting their childcare responsibilities. But the policies of some childcare programs conflict with those of the school attended by the parenting student. For example, 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 may result in loss of childcare after a number of absences.

Schools fail to support students who breastfeed.

School policies that categorically deny accommodations to a student on the basis of lactation would be in violation of Title IX. The U.S. Department of Education encourages schools to adopt strategies to assist lactating students, such as designating a private space to breastfeed or pump milk.¹⁵ But few schools have made these accommodations for students, and some students reported that they were actively discouraged from pumping 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 pump milk at school.
- 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 a shared public restroom rather than be provided with a clean, private environment.

State-level Recommendations

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

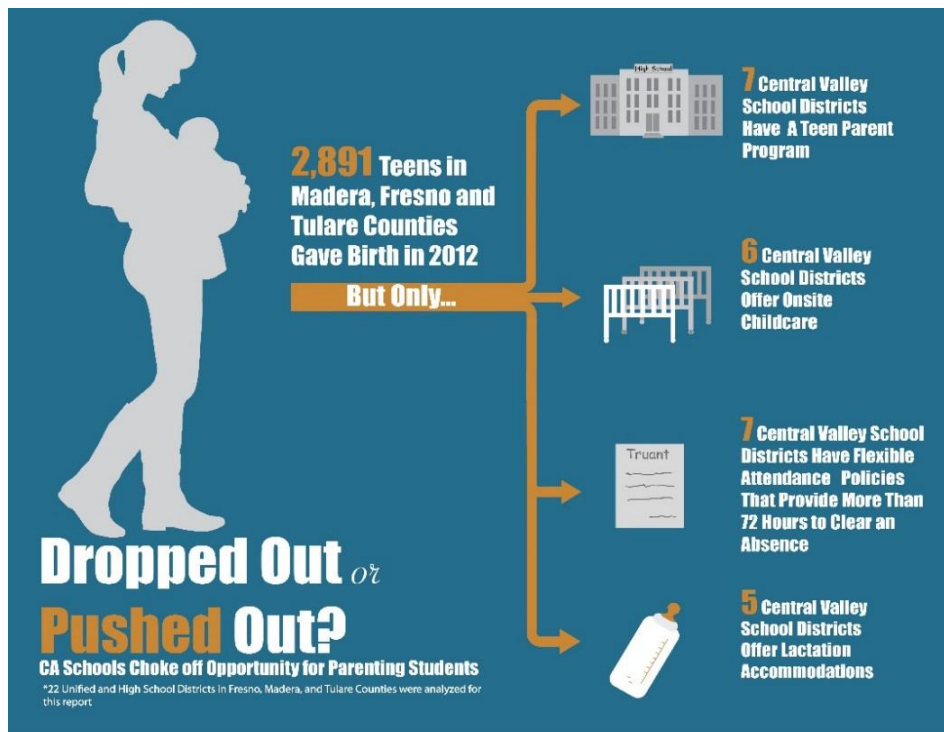
School districts that provide pregnant and parenting students with onsite childcare services are providing an invaluable service. Nonetheless, rigid childcare policies may have unintended consequences that impact both parents and children. To avoid unintended barriers, school districts should:

- 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 permit students permission 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.



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



¹ 20 U.S.C. § 1681 (2012).

² CAL. EDUC. CODE § 200 *et seq.* (2012).

³ See also *Unruh Civil Rights Act*, CAL. CIV. CODE § 51 *et seq.* (2013).

⁴ 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).

⁵ 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).

⁶ 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).

⁷ California Department of Public Health, *California Teen Births 2000-2012*, Maternal Child Adolescent Health (June 2014), available at <http://www.cdph.ca.gov/programs/mcah/Documents/MO-MCAH-2012TBR-DataSlides.pdf> (last retrieved Dec. 26, 2014).

⁸ 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).

⁹ An Overview of LCFF, *supra* note 8, at 3.

¹⁰ See e.g. Cal-SAFE Report, *supra* note 6.

¹¹ Brenda LeTendre, *The California School Age Families Education (Cal-SAFE) Program 12-year Evaluation: 2000-12* (2012), p.1, available at <http://www.cacsap.org/2000-2012CalSAFEEvalRptFINAL12Oct5.pdf> (last retrieved Dec. 26, 2014).

¹² 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.maderak12.ca.us/cms/lib04/CA01001210/Centricity/Domain/1/Madera%20USD%20LCAP%202014%202015%20Final%20Absolute.pdf> (last retrieved Dec. 29, 2014).

¹³ CAL. EDUC. CODE § 48205(a)(6) (2013).

¹⁴ 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.”).

¹⁵ 34 C.F.R. § 106.40(b)(1) (2013); see also, 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), p.16, available at <http://www2.ed.gov/about/offices/list/ocr/docs/pregnancy.pdf> (last retrieved Dec. 26, 2014).



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