

# SACRAMENTO CITY UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

Agenda Item 9.3

**Meeting Date:** June 10, 2021

**Subject:** Public Hearing: Second Reading of Revised Board Policy 5146,  
Married/Pregnant/Parenting Students

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

**Division:** Legal Services

**Recommendation:** Approve revisions to Board Policy 5146.

**Background/Rationale:** Education Code 46015 provides that pregnant and parenting pupils are entitled to accommodations that provide them with the opportunity to succeed academically while protecting their health and the health of their children. Education Code 221.51 prohibits districts from applying any rule concerning a pupil's actual or potential parental, family, or marital status that treats pupils differently on the basis of sex.

# Board of Education Executive Summary

## Legal Department

Public Hearing: Second Reading of Revised Board Policy (BP) 5146:

Married/Pregnant/Parenting Students

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or, if the pupil is under 18 years of age, the person holding the right to make educational decisions for the pupil, notify the school of the pupil's intent to exercise this right. Failure to notify the school shall not abridge the rights established by this paragraph or any other right established by this subdivision.

(2) A pregnant or parenting pupil who does not wish to take all or part of the

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enrolled before taking parental leave pursuant to paragraph (1) is entitled to alternative education options offered by the local educational agency.

(10) In accordance with subdivision (d) of Section 221.51, a pregnant or parenting pupil who participates in an alternative education program shall be given educational programs, activities, and courses equal to those he or she would have been in if participating in the regular education program.

(11) A pupil shall not incur an academic penalty as a result of his or her use of the accommodations specified in this subdivision.

Pursuant to Education Code 48205:

(a) A local educational agency shall not apply any rule concerning a pupil's actual or potential parental, family, or marital status that treats pupils differently on the basis of sex.

(b) A local educational agency shall not exclude nor deny any pupil from any educational program or activity, including class or extracurricular activity, solely on the basis of the pupil's pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom.

(c) A local educational agency may require any pupil to obtain the certification of a physician or nurse practitioner that the pupil is physically and emotionally able to continue participation in the regular education program or activity.

(d) Pregnant or parenting pupils shall not be required to participate in pregnant minor programs or alternative education programs. Pregnant or parenting pupils who voluntarily participate in alternative education programs shall be given educational programs, activities, and courses equal to those they would have been in if participating in the regular education program.

### III. Budget:

The proposed policy is intended to recognize the responsibilities related to marriage, pregnancy, parenting, and related responsibilities and provide them with the opportunity to succeed academically while protecting their health and the health of their children.

### IV. Goals, Objectives and Measures:

Pursuant to the District's core beliefs under Board Policy 0100, the District believes "that all people excel in an environment that is SAFE, and offers everyone UNLIMITED OPPORTUNITIES

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for continuous growth and PERSONAL SUCCESS." As such, the goal is for the District to establish sound policy that recognizes the responsibilities of pregnant and parenting students and notify them of their rights in accordance with the law.

Sacramento City USD  
Board Policy  
BP 5146  
Students

Married/Pregnant/Parenting Students

The Governing Board recognizes that **early responsibilities related to**

~~Any~~ education program or activity, including any class or extracurricular activity, that is offered separately to such

(cf. 6158 - Independent Study)

(cf. 6181 -



1. Child care and development services for the children of parenting students on or near school site(s) during the school day and during school-sponsored activities

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

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

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

2. Parenting education and life skills instruction

3. Special school nutrition supplements for pregnant and lactating students pursuant to Education Code 49553, 42 USC 1786, and 7 CFR 246.1-246.28

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

(cf. 5030 - Student Wellness)

4. Health care services, including prenatal care

(cf. 5141.6 - School Health Services)

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2. Permission to bring onto a school campus a breast pump and any other equipment used to express breast milk

3. Access to a power source for a breast pump or any other equipment used to express breast milk

4. Access to a place to store expressed breast milk safely

5. A reasonable amount of time to accommodate the student's need to express breast milk

222.5 Pregnant and parenting students, notification of rights

230 Sex discrimination

8200-8498 \_Child Care and Development Services Act

46015 Parental leave

48205 Excused absences

48206.3 Temporary disability, definition

48220 Compulsory education requirement

48410 Persons exempted from continuation classes

48980 Parental notifications

49553 Nutrition supplements for pregnant/lactating students

51220.5 Parenting skills and education

The Civil Rights of Pregnant and Parenting Teens in California Schools, 2002  
U.S. DEPARTMENT OF EDUCATION PUBLICATIONS  
Supporting the Academic Success of Pregnant and Parenting Students under Title IX of the  
Education Amendments of 1972, rev. June 2013

WEB SITES

California Department of Education: <http://www.cde.ca.gov>

California Women's Law Center: <http://www.cwlc.org>

U.S. Department of Agriculture, Women, Infants, and Children Program:  
<http://www.fns.usda.gov/wic>

U.S. Department of Education: <http://www.ed.gov>

Policy SACRAMENTO CITY UNIFIED SCHOOL DISTRICT  
adopted: November 18, 1998 Sacramento, California  
revised: April 15, 2002  
revised: January 8, 2015  
revised: TBD

Sacramento City USD  
Board Policy  
BP 5146  
Students

Married/Pregnant/Parenting Students

Any complaint of discrimination on the basis of pregnancy or marital or parental status shall be addressed through the district's uniform complaint procedures in accordance with 5 CCR 4600-4687 and BP/AR 1312.3 - Uniform Complaint Procedures.

(cf. 1312.3 – Uniform Complaint Procedures)

For school-related purposes, a student under the age of 18 years who enters into a valid marriage shall have all the rights and privileges of students who are 18 years old, even if the marriage has been dissolved. (Family Code 7002)

#### Education and Support Services for Pregnant and Parenting Students

Pregnant and parenting students shall retain the right to participate in the regular education program or an alternative education program. The classroom setting shall be the preferred instructional strategy unless an alternative is necessary to meet the needs of the student and/or the student's child.

(cf. 6158 - Independent Study)

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

(cf. 6184 - Continuation Education)

(cf. 6200 - Adult Education)

Any alternative education program, activity, or course that is offered separately to pregnant or parenting students, including any class or extracurricular activity, shall be equal to that offered to other district students. A student's participation in such programs shall be voluntary. (Education Code 221.51; 5 CCR 4950)

If required for students with any other temporary disabling condition, the Superintendent or designee may require a student, based on pregnancy, childbirth, false pregnancy, termination of pregnancy, or related recovery, to obtain certification from a physician or nurse practitioner indicating that the student is physically and emotionally able to continue participation in the regular education program or activity. (Education Code 221.51; 5 CCR 4950; 34 CFR 106.40)

(cf. 6142.7 - Physical Education and Activity)

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6183 - Home and Hospital Instruction)



To the extent feasible, the district shall provide educational and related support services, either

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

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

#### Absences

Pregnant or parenting students may be excused for absences for medical appointments and other purposes specified in BP/AR 5113 - Absences and Excuses.



5. A reasonable amount of time to accommodate th

48980 Parental notifications  
49553 Nutrition supplements for pregnant/lactating students  
51220.5 Parenting skills and education  
51745 Independent study  
52610.5 Enrollment of pregnant and parenting students in adult education  
CIVIL CODE  
51 Unruh Civil Rights Act  
FAMILY CODE  
7002 Description of emancipated minor  
HEALTH AND SAFETY CODE  
104460 Tobacco prevention services for pregnant and parenting students  
CODE OF REGULATIONS, TITLE 5  
4600-4670 Uniform complaint procedures  
4950 Nondiscrimination, marital and parental status  
CODE OF REGULATIONS, TITLE 22  
101151-101239.2 General licensing requirements for child care centers  
101351-101439.1 Infant care centers  
UNITED STATES CODE, TITLE 20  
1681-1688 Title IX, Education Act Amendments  
UNITED STATES CODE, TITLE 42  
1786 Special supplemental nutrition program for women, infants, and children  
CODE OF FEDERAL REGULATIONS, TITLE 7  
246.1-246.28 Special supplemental nutrition program for women, infants, and children  
CODE OF FEDERAL REGULATIONS, TITLE 34  
106.40 Marital or parental status  
ATTORNEY GENERAL OPINIONS  
87 Ops.Cal.Atty.Gen. 168 (2004)  
COURT DECISIONS  
American Academy of Pediatrics et al v. Lungren et al (1997) 16 Cal.4th 307

Management Resources:

CALIFORNIA WOMEN'S LAW CENTER PUBLICATIONS  
Pregnant Students and Confidential Medical Services, 2013  
Educational Rights of Pregnant and Parenting Teens: Title IX and California State Law Requirements, 2012  
The Civil Rights of Pregnant and Parenting Teens in California Schools, 2002  
U.S. DEPARTMENT OF EDUCATION PUBLICATIONS  
Supporting the Academic Success of Pregnant and Parenting Students under Title IX of the Education Amendments of 1972, rev. June 2013  
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