Title IX

NATIONAL WOMEN'S LAW CENTER



a pregnancy test for schools:

THE IMPACT OF EDUCATION LAWS ON PREGNANT AND PARENTING STUDENTS

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The National Women's Law Center is a nonprofit organization working to expand opportunities and eliminate barriers for women and their families, with a major emphasis on education and employment opportunities, women's health and reproductive rights, and family economic security.

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Introduction

PARENTHOOD IS NOT THE END OF THE ROAD FOR TEEN MOMS. Quite to the contrary, motherhood can serve as an educational motivator for many young women.[1] A study of young mothers revealed that "regardless of their school status, almost all teens described the emergence of new priorities and concerns for their future as they anticipated motherhood."[2] Unfortunately, this drive and determination "was often complicated, and sometimes thwarted, by competing work demands, family and child care responsibilities, and educational barriers."[3] Despite the fact that young parents[4] who were previously disengaged from school can find reason to return after the birth of a child,[5] structural barriers and discrimination at the school level can prevent them from realizing their potential, forcing them to reluctantly leave school.

Title IX of the Education Amendments of 1972 is the landmark law that bans sex discrimination in federally funded education programs and activities. Unfortunately, four decades after its passage, far too few lawmakers, school officials, parents, and students are aware that Title IX's prohibition against sex discrimination protects pregnant and parenting students. Despite enormous advances for women and girls in education since 1972, schools across the country continue to bar pregnant and parenting students from activities, kick them out of school, pressure them to attend alternative programs, and penalize them for pregnancy-related absences.

Such conduct conflicts with Title IX's clear mandate against discrimination and exacerbates the barriers that many pregnant and parenting students experience in meeting their educational goals, pushing far too many students out the school house door. According to a study released in 2010, only about 50% of teen mothers get a high school diploma by the age of 22, compared with 89% of women who did not have a child during their teen years.[6] One-third of teenage mothers never get a G.E.D. or a diploma.[7] Moreover, less than 2% of young teenage mothers attain a college degree by the age of 30.[8]

Despite the fact that young parents who were previously disengaged from school can find reason to return after the birth of a child, structural barriers at the school level can prevent them from realizing their potential, forcing them to reluctantly leave school.

This outcome is far from inevitable. When educators ignore pregnant and parenting students or stereotype them as low academic achievers, they risk violating Title IX and miss an opportunity to transform these young people's lives by providing the support necessary to improve their educational outcomes. Unfortunately, too few educators know that Title IX applies to pregnant and parenting students and not enough states and school districts are utilizing the additional policy tools they have at their disposal to address the barriers these students face. When schools do make pregnant and parenting students feel welcome and serve as the hub for comprehensive, coordinated services, it is more likely that they will continue attending school. Federal, state and local laws can help set the stage for – and in some cases provide targeted funding for – these types of supports.

Such efforts pay off. According to a Gates Foundation survey, students who left school to care for a family member or because they became a parent, more than any other group of dropouts, were "most likely to say they would have worked harder if their schools had demanded more of them and provided the necessary support."[9] Evidence from certain high school programs supports this point. California operates the School Age Families Education (Cal-SAFE) Program, a "comprehensive, integrated, community-linked, school-based program" that serves expectant and parenting students and their children by providing academic and support services to help students to stay in school.[10] In 2009, 73% of students leaving the Cal-SAFE program successfully completed their high school education and 63% of them indicated they would pursue further education or employment.[11]

A Pregnancy Test for Schools outlines the ways that federal, state, and local policies and programs can change the landscape for pregnant and parenting students and ranks how well state education laws and policies address the needs of these students. The report describes the particular challenges faced by pregnant and parenting students, highlights the requirements of federal laws, reviews relevant state laws and policies (some promising and others sorely lacking), and concludes with recommendations for both policymakers and for schools. The report also serves as a guide to advocates and service providers who work with these youth; it includes a toolkit designed to help them push for legal reform, implementation, and enforcement in their own communities.

Pregnant & Parenting Students Face Enormous Challenges to Completing Their Education

EARLIER THIS YEAR, A SCHOOL IN NEW MEXICO kicked out a 15-year old student when officials learned she was pregnant, according to a complaint filed by the American Civil Liberties Union (ACLU). The ACLU intervened on her behalf and she was readmitted. But a few weeks later, the school forced her to stand up in front of a school assembly and announce her pregnancy. Up until that point, the young woman had not shared her pregnancy with any of her classmates.[12] This is just one allegation of a school using shame and humiliation to exclude a pregnant student from the learning environment. Recent complaints of discrimination received by NWLC chronicle similar experiences:

- Schools refusing to excuse absences for childbirth.
- Teachers refusing to allow students to make up work they have missed due to pregnancy-related absences.
- Schools refusing to offer homebound instruction services for pregnancy-related absences despite the services being available to students who miss school due to other temporary medical conditions.
- A school threatening to prevent a student from walking at graduation because she had "too many excused absences" related to her child's illness and hospitalization.
- A school threatening a young woman who no longer fit into her mandatory public school uniform with detention if she did not keep her shirt tucked in and a belt buckled around her swollen stomach.

Often, the road for students who are pregnant or parenting was rough even before their pregnancies began. In a nationwide survey of students in grades 7-12, nearly half experienced some form of sexual harassment during the previous school year.[13] Similarly, large percentages of young women are exposed to violence; a nationwide survey found that 43% of women experienced some type of violence as a child or adolescent, leaving them disengaged from school[14] and more likely to engage in high risk activities, including unprotected sex.[15] These students are more likely to view pregnancy as positive and more likely to "drift into pregnancy."[16]



Primary pregnancy prevention efforts are critical to improving educational outcomes for these youth – including comprehensive, medically accurate, age appropriate and culturally sensitive sex education as well as access to the full array of family planning services.[17] Research has

shown that comprehensive sex education programs have led to reduced rates of teen pregnancies and births among participants.[18] Secondary pregnancy prevention is also critical to keeping teen parents on track for educational success; studies have shown that school-aged mothers who have two or more births are less likely to complete school and more likely to have lower levels of educational attainment than are teens that have one or no births.[19]

Even when comprehensive pregnancy prevention programs are available, some young women still get pregnant. A number of factors increase these odds. A 2009 study found that girls who are sexually abused are more than twice as likely as non-abused peers to become teen mothers.[20] Young women who become pregnant before the age of 15 are likely to have relationships with older men.[21] Young mothers are also more likely to come from low-income households, live in foster care, and be homeless.[22] Girls who have been in foster care are two-and-a-half times more likely than girls nationwide to have become pregnant by the age of 19.[23] In a national study of 13-15 year old homeless girls, researchers found that homeless youth were 14 times more likely to be pregnant than their non-homeless peers.[24]

These factors pose significant barriers for young women even before pregnancy. But the challenges described below further exacerbate the obstacles pregnant and parenting students confront when they attempt to complete their secondary education.

AN ENVIRONMENT OF DISCOURAGEMENT

The attitudes and biases that young parents face at school represent one of the greatest educational barriers. Many pregnant and parenting young women describe a shift in the way they are treated by their peers, teachers, and school administrators once their pregnancy is known. From a teacher forcing a pregnant girl to sit in a desk that was too small for her swollen belly,[25] to administrators pushing pregnant students into a less rigorous academic track, young students report that although some things have changed, the notion that pregnant students are "bad" or "lost causes" is alive and well.

Pregnant and parenting students describe both direct and indirect pressure to leave school. They are especially at risk for sexual harassment and bullying; students report being called names like "slut" at school, losing friends, and being bombarded by rumors surrounding their pregnancy.[26] When one researcher asked school staff about such harassment, the staff either denied that it was a problem or indicated that it was a reason why a pregnant student should receive home schooling after her pregnancy begins to show.[27]

Students report that although some things have changed, the notion that pregnant students are "bad" or "lost causes" is alive and well.

Young women often report that their teachers treat them as if they have no promise. They note that teachers and principals focus on negative statistics and stereotypes. Some say that they feel as though school officials have given up on them and talk about them in diminished terms.[28]

> *"You should have seen the way he looked at me, with disgust, like I was nothing."* [29]

> *"[T]hey just didn't seem to care and some of the teachers treated me like she's just gonna drop out now so don't spend time on her. So I left."* [30]

Pregnant and parenting students also report being subject to increased scrutiny.[31] Counselors and teachers tell young mothers that they "can't make any mistakes" and must be on their "best behavior" because some people still believe that pregnant students shouldn't be attending mainstream schools.[32] This kind of discrimination has a tremendous negative impact on pregnant and parenting students; such low expectations disincentivize attendance and push these students out of school.[33]

PUNITIVE ABSENCE POLICIES

Pregnant students may not only need to miss class for medical appointments, but they may also experience increased levels of exhaustion or pregnancy-related illness that does not require a doctor's visit. Pregnant students may also have to miss school when they give birth and for a period of recovery. Students may need to be excused from class temporarily in order to express milk. In addition,

mothers of young children may have to stay home to care for a sick child or may miss a test because their child care arrangements fall through. Many child care facilities will not allow a child to attend unless he or she has been fever and symptom free for 24 hours. So even if a child's illness does not require a medical appointment, a student may not be able to secure child care for the day.

A vast majority of states fail to address absence policies and instead leave it up to school districts to define which absences will be "excused" and which will be "unexcused." In turn, many school districts leave it up to individual schools and teachers to decide which absences will be excused and which will not. This means that the definition of what constitutes an excused absence varies from district to district, from school to school, and often from classroom to classroom. Even those schools that do excuse pregnancy-related absences do not always offer students the opportunity (or a reasonable amount of time) to make up missed assignments. Some schools put an absolute cap on the number of excused absences a student may utilize no matter the reason. Even when these policies are meant to cut down on truancy and to encourage school attendance, their rigidity and zero-tolerance application push pregnant and parenting students out of school.

THE UNEQUAL ALTERNATIVE

Many school districts operate separate programs for pregnant and parenting students. While some of these programs may offer equivalent curricula, flexible scheduling, and on-site child care, still others operate as dropout factories where pregnant students and young mothers are sent to fill out worksheets, take parenting classes, and slowly disappear from the school rolls. Moreover, there remains a troubling presumption that a separate program for pregnant and parenting students is and should be a per se remedial program. As such, these programs lack the same variety of courses and opportunities that pregnant students would have at mainstream schools.

Despite the limits of separate programs in some districts, there are reports of school administrators encouraging pregnant and parenting students to attend these alternative programs, telling students that "[they] don't have pregnant girls" at their school, pressuring pregnant students into GED classes, or limiting their academic options at school.[36] Upon learning of their pregnancies, school administrators "have them sign the paper" which places them into an alternative or off-site school without explaining their options.[37]

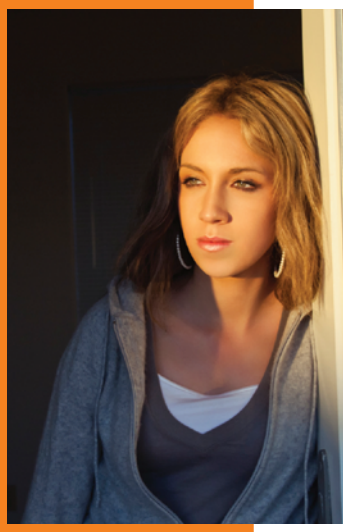
INACCESSIBLE HOMEBOUND INSTRUCTION

Many states and districts offer homebound, hospital, or online learning opportunities for students who are

FROM THE 1960s UNTIL 2007, New York City operated separate schools specifically for pregnant and parenting young women. These schools were described as lacking good teachers and failing to teach rigorous courses. Average daily attendance was 47% and less than half of the students ever transitioned back into a mainstream high school.[34] When a reporter for the New York Times visited a pregnancy school in 2007, she found a dozen girls perched at their desks:

> No pencils, no textbooks, no Pythagorean theorem. Instead, they sewed a quilt...That is what passes for math in one of New York City's four high schools for pregnant girls, this one in Harlem.
> "It ties into geometry," said Patricia Martin, the principal. "They're cutting shapes."[35]

New York City closed the so-called P-schools and integrated pregnancy services into mainstream high schools in 2007.



temporarily unable to attend school in person. Despite their own best efforts, some pregnant and parenting students simply will not be able to attend school for some period of time before or after giving birth. Access to homebound, hospital, or online learning can be the difference between a young mother who drops out of school and one who successfully returns to the classroom environment following a period of leave. Schools that regularly send work home not only prevent young parents from falling too far behind, but also send the message that someone at school is thinking about the student and anticipating her return. But pregnant and parenting students encounter hurdles when trying to participate in these programs. Students have been told that a "normal" pregnancy does not qualify for homebound services. And only a few states require schools to offer homebound and online learning to students whose children have temporary illnesses or who are unable to attend school because they do not have access to child care.[38]

Access to homebound, hospital, or online learning can be the difference between a young mother who drops out of school and one who successfully returns to the classroom environment following a period of leave.

LACK OF CHILD CARE & TRANSPORTATION

Over and over again, young women report that they need affordable child care to succeed in school. High-quality child care is necessary to ensure that young mothers have the ability to be productive in school. Yet many young mothers have great difficulty finding and paying for child care.[39] The average fee for full-time care ranges from $3,600 to $18,200 annually, depending on where the family lives, the type of care, and the age of the child.[40]

A teen mother's ability to obtain child care assistance may depend on a state's income eligibility limit,[41] how a state determines a family's income, and whether the income of other family members living with the teen mother is counted.[42] Approximately half the states and territories consider a minor parent and her child as a separate family unit in determining eligibility, even if she lives with her parents. However, the remaining states and territories either always or sometimes consider the size and income of the larger family (including the teen parent's parents and siblings).[43] In addition, some states do not count the income of teen parents in high school in some or all circumstances.[44] But even families who are eligible for child care assistance may not necessarily receive it. More than twenty states have waiting lists for child care assistance and families on the waiting list may not receive child care assistance for months, if at all.[45] In many communities, child care—particularly infant care—is extremely hard to find.

Even those students who have access to child care facilities at school may not have the means to get their children to those facilities. Under some state laws, it is illegal for a child under the age of 5 to ride on a school bus. Even when child care is available at a school site, such restrictions may mean that student parents have no way to transport their child to and from school.[46]

DEARTH OF DATA

Targeting services to pregnant and parenting students requires accurate and reliable data on where those students are located. Currently there is no nationwide data collection that tracks the number of pregnant and parenting students enrolled in secondary schools. In 2009, only 11 states were collecting information about student pregnancy.[47] Yet we know from a Gates Foundation study that almost one-half of female dropouts surveyed said that pregnancy or becoming a parent played a role in their decisions to leave school and this was true for almost one-third of male dropouts.[48] Moreover, the experience of young mothers in school does vary. For example, young Black women who gave birth as teens are more likely to earn a high school diploma than their white or their Hispanic peers.[49] But without reliable data on the number of pregnant and parenting students enrolled in school, and the rates and participation of these students in mainstream schools and in alternative programs, their performance on academic assessments, and their dropout or graduation rates, it is difficult to target interventions effectively. Until data on pregnant and parenting students is available, including data on educational outcomes, school officials and policymakers will be hard pressed to make data-driven decisions to invest resources into evidence-based programs.

Federal Law Prohibits Discrimination Against Pregnant and Parenting Students



Qiana Barnes, 18, is a senior at Anacostia Senior High School in Washington, D.C. where she participates in the New Heights Program for young parents.

Photo by Liz Elkind

CONSTITUTIONAL PROTECTIONS

THE EQUAL PROTECTION CLAUSE OF THE FOURTEENTH AMENDMENT to the U.S. Constitution prohibits sex discrimination, which includes discrimination based on sex-role stereotyping related to pregnancy or motherhood.[50] In *Nevada v. Hibbs*, the Supreme Court found that public employers violated the Constitution when they based employment policies on stereotypes about "mothers and mothers-to-be,"[51] including the notion that women should not work during certain stages of pregnancy.[52] In some circumstances, pregnancy discrimination is also barred by the Constitution's Due Process Clause. The right to bear children is a fundamental one.[53] In *Cleveland v. LaFleur*, the Supreme Court held that a blanket school board policy requiring all pregnant teachers to go on mandatory leave five months before their anticipated date of delivery violated the Due Process Clause because the "use of unwarranted conclusive presumptions … seriously burden[ed] the exercise of [a] protected constitutional liberty."[54] The Court has also found that a blanket rule denying women unemployment benefits for twelve weeks before giving birth and six weeks afterwards violates the Due Process Clause because it "cannot be doubted that a substantial number of women are fully capable of working well into their last trimester of pregnancy and of resuming employment shortly after childbirth."[55]

These same constitutional protections apply to pregnant and parenting students. Public schools are state actors bound by the Constitution's prohibition against sex discrimination. And discrimination based on overgeneralizations or stereotypes about pregnancy is sex discrimination, as are

blanket presumptions that pregnant students are incapable of going to school, require remedial education, or that they should only attend separate programs. Sex-based discrimination in violation of the Constitution may be further demonstrated by the fact that such discrimination is typically targeted at pregnant and parenting female students, but not at similarly situated male students who father children.

TITLE IX

Title IX bans educational institutions that receive federal funds from discriminating against students based on their "actual or potential parental, family, or marital status" or a student's "pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery therefrom."[56] Generally speaking, this means that the law requires schools to give all students *who might be*, *are* or *have been* pregnant (whether currently parenting or not) equal access to school programs and extracurricular activities, and to treat pregnant and parenting students in the same way that they treat other students who are similarly able or unable to participate in school activities.

These protections mean that:[58]

- Schools must provide equal access to school for pregnant and parenting students and treat pregnancy and all related conditions like any other temporary disability.
- Schools must provide equal access to extracurricular activities for pregnant and parenting students. For example, a school cannot require a doctor's note for pregnant students to participate in activities unless the school requires a doctor's note from all students who have conditions that require medical care.
- Absences due to pregnancy or childbirth must be excused for as long as deemed medically necessary by the student's doctor. The regulations require that at the conclusion of pregnancy-related leave, "a student must be reinstated to the status that she held when the leave began."
- If schools offer separate programs or schools for pregnant and parenting students, these programs must be voluntary and offer opportunities equal to those offered for non-pregnant students.

FEDERAL COURT CASES

Although Title IX clearly protects the rights of pregnant and parenting students in high school, there have been very few court decisions related to the rights of pregnant and parenting secondary students. There are a number of reasons that these cases are so rare. First, many students and school officials are unaware that the law protects students from discrimination. Second, many young people may avoid lawsuits because of the financial and emotional costs, especially once they learn that a lawsuit may not offer the promise of immediate relief. Third, students who either reenroll in school or dropout may be unwilling to pursue claims. As such, the limited number of cases should not be interpreted to mean that schools are necessarily complying with Title IX.

The only published federal court cases regarding the application of Title IX to student pregnancy discrimination stem from high schools' denial of honor society membership to students who were or had been pregnant, either by refusing them admission in the first place, or by dismissing those

Title IX

THE LAW REQUIRES SCHOOLS TO DESIGNATE a Title IX Coordinator, who will be responsible for overseeing compliance with Title IX. Title IX also requires that schools adopt policies prohibiting sex discrimination and setting forth grievance procedures for students and staff to use if they experience discrimination. Students and parents must be made aware not only that Title IX prohibits discrimination based on sex, but also of the identity of the Title IX Coordinator in case the need to contact that person arises.[57]

who already were members. In the most recent example, *Chipman v. Grant County School District*, two 17-year-old pregnant students with excellent grades – one with a GPA of 3.9 and one with a GPA of 3.7 – were denied admission to the school's chapter of the National Honor Society, even though the other 31 students with GPAs of 3.5 or better were admitted.[59] The girls and their families sued the school district under Title IX and the Equal Protection Clause. The school defended its action on the grounds that engaging in premarital sex and having a child out of wedlock made the girls ineligible due to the National Honor Society's "good character" requirement. The school argued that they based their decision on the fact that the girls had premarital sex, not on the fact that they were pregnant.[60]

The district court forced the school to admit the girls to the honor society because the judge found no evidence that any male students had been excluded or dismissed for engaging in premarital sexual conduct. While the plaintiffs' pregnancies became obvious over time, the committee did not question any other applicants about their sexual histories.[61] In another honor society case, there was evidence that male students who had fathered children out of wedlock were admitted to the NHS even though females were excluded. The plaintiffs in that case were able to show persuasively that defendants had violated Title IX and the Equal Protection Clause.[62] And in another honor society case, the court of appeals instructed the trial court to consider evidence of whether the premarital sex policy was applied evenhandedly to male and female students.[63]

ADMINISTRATIVE ENFORCEMENT OF TITLE IX

The Department of Education's Office for Civil Rights (OCR) is tasked with enforcing Title IX, which includes reminding school districts of their civil rights obligations, assisting them with compliance, conducting investigations, and resolving complaints of discrimination. The role OCR plays in ensuring that school districts are attentive to and comply with Title IX's mandate against sex discrimination is key, but the most recent public education material issued by OCR on pregnant and parenting students is a pamphlet issued in July 1991.

OCR also has not used another important tool at its disposal; OCR's own records show that it has not undertaken proactive compliance reviews to determine to what extent schools are (or are not) in compliance with the law as it applies to pregnant and parenting students. (*See text box below*). OCR could, for example, compare the course offerings available to students in alternative programs with those in mainstream schools or it could review local homebound and absence policies to assess their impact on pregnant students. In addition to compliance reviews, OCR also maintains an administrative complaint procedure. But only a handful of students actually file complaints because few people know the option exists and the time it takes for

COMPLAINTS FILED WITH THE OFFICE FOR CIVIL RIGHTS

NWLC filed a Freedom of Information Act request for copies of all OCR complaints filed by individuals or groups related to pregnancy discrimination at the elementary or secondary level. We found that only nine complaints of pregnancy discrimination in secondary schools have been filed in the last five years. The complaints include allegations that:

- A pregnant student was not allowed to run in the election for homecoming court.
- A band leader told a pregnant student she was giving the school and the band a "bad image" and would not be allowed to represent the school at a concert in Washington, DC.
- A student was told that she was not allowed to play basketball because she was pregnant.
- School officials pressured a student to quit her mainstream high school and enroll in an alternative program.[64]

OCR to fully investigate and resolve complaints can extend beyond the point the students at issue have given birth, graduated, or dropped out.

OTHER FEDERAL PROGRAMS

Although the definition of "at-risk students" in state and federal law is sometimes broad enough to include pregnant and parenting students, funding designated broadly for at-risk youth often does not make its way to pregnant and parenting students. For example, Title I Part D of the Elementary and Secondary Education Act is a grant program for "neglected, delinquent, and at-risk youth."[65] Pregnant and parenting students are identified in the definition of youth who are at-risk, but given the discretion to spend funds on any at-risk population, many school districts will choose not to invest in their pregnant and parenting students. And the federal government does not track how these funds are spent, so it is impossible to determine just how much of each local educational agency's expenditure is spent on students who are pregnant or parenting versus students who are at risk for other reasons.

There are a number of other federal programs that are specifically aimed at implementing Title IX or improving outcomes for pregnant and parenting students. These programs include the Women's Educational Equity Act, Adolescent Family Life Demonstration Project, and the Pregnancy Assistance Fund.[66] Funding for these programs, however, is extremely limited relative to the need and drastically narrows what they can accomplish. For example, the Department of Health and Human Services administers the Pregnancy Assistance Fund (PAF), which provides $25 million in competitive grants to 17 states. PAF grantees are charged with providing pregnant and parenting women with a network of supportive services to help them complete high school or postsecondary degrees and gain access to health care, child care, family housing, and other critical supports. While many of the PAF grantees have developed promising programs, the grants go to a limited number of states and most of those states can offer services to a limited number of students.[67]

On top of a lack of awareness, enforcement of Title IX has not focused on this area. A serious public education and enforcement effort is required to root out discrimination against pregnant and parenting students.

DESPITE FEDERAL PROHIBITIONS, DISCRIMINATION PERSISTS

While federal law clearly prohibits discrimination against pregnant and parenting students, this aspect of Title IX has not received enough attention and discrimination persists around the country. In 1981, a national study of alternative programs for pregnant students found that "Title IX had little effect on the school site policies" and that "many regular school staff were not aware of [Title IX's] implications for student pregnancy and parenthood."[68] The same could be said today Unfortunately, many schools and districts do not inform parents and students about Title IX and fail to meet even the most basic requirement of appointing a Title IX coordinator. On top of a lack of awareness, enforcement of Title IX has not focused on this area. A serious public education and enforcement effort is required to root out discrimination against pregnant and parenting students.

Finally, even though Title IX sets the floor – barring discrimination against pregnant and parenting students – schools and districts are uniquely positioned to go beyond the federal law by providing additional support and encouragement that can improve pregnant and parenting students' chances for success.

State Education Laws Fail to Measure Up When it Comes to Pregnant and Parenting Students

IN ORDER TO EVALUATE STATES' EFFORTS to support and encourage pregnant and parenting students in high school, the National Women's Law Center examined the education laws in all 50 states, Puerto Rico, and the District of Columbia. We searched state laws, regulations, and administrative codes for any and all references to pregnant or parenting students, laws that may guarantee their access to education, or grants and funds that were targeted for the support of this population. We reviewed and compared these policies to proven ways to help pregnant and parenting students succeed.[69]

After evaluating the publicly available information for all 50 states, Puerto Rico, and the District of Columbia, we identified a number of promising practices. Some states have created guidance for teen parent programs. States like California, Pennsylvania, Florida, and others are attempting to create statewide evidence-based programs and curricula that show great potential to improve educational outcomes for pregnant and parenting students. We also found that many of these programs have suffered since the recession began in 2007. In California, for example, the budget for the Cal-SAFE program was cut by 19% and the state eliminated the office that monitored compliance and collected data.[70] Similarly, in Pennsylvania, the Education Leading to Employment and Career Training (ELECT) program budget was cut by 16%.[71]

Our investigation revealed the laws and policies that impact the educational success of pregnant and parenting students vary enormously between states. Some states have absolutely no laws that refer to pregnant and parenting students, and some states touch on every area we examined. But even those states are missing key provisions that would make a difference in the educational success of pregnant and parenting students. Below we rank the education laws and programs for pregnant and parenting students in all 50 states, the District of Columbia,



and Puerto Rico. We provide examples of those states that are attempting to give additional support to pregnant and parenting students and we highlight the many states that lack any targeted policies for this population.

It is critical to note that the mere existence of a good policy, and a correspondingly high ranking, says nothing about the actual implementation of the policy. Laws and policies that are intended to meet the needs of pregnant and parenting students are only meaningful if the programs are fully implemented on a broad scale and if those who are responsible for effectuating them are properly educated and trained. For example, we know that simply because it is written somewhere that a pregnant student is entitled to flexible scheduling does not mean that every pregnant student will actually receive it. And despite Title IX's clear prohibition, students are pushed into alternative programs against their will and denied homebound services.

The goal of this analysis is to assist advocates for pregnant and parenting students in identifying what policies are currently in place to meet the needs of this population. It is our hope that advocates around the nation will use this information to demand better implementation of policies intended to protect pregnant and parenting students.

RANKING OF THE STATE EDUCATION LAWS FOR PREGNANT AND PARENTING STUDENTS

Rank	State	Pregnant and Parenting Program	Definition of Excused Absences	Homebound Services	Anti-Discrimination Provisions	Directory of Programs	Total
		10 Points	4 Points	1 Point	1 Point	1 Point	17 Points
1	California	8	4	1	1	1	15
2	Florida	8.5	3	1	1	1	14.5
2	Oregon	8.5	3	1	1	1	14.5
4	North Carolina	5.5	4	1	1	1	12.5
4	Wisconsin	8.5	1	1	1	1	12.5
6	Pennsylvania	7.5	1	1	1	1	11.5
7	Puerto Rico	6.5	1	1	1	1	10.5
8	District of Columbia	6	1	1	1	1	10
8	Massachusetts	8	0	1	0	1	10
8	Tennessee	5	4	1	0	0	10
11	Connecticut	6	0	1	1	1	9
11	Maine	4	3	1	1	0	9
11	New Mexico	8	0	1	0	0	9
11	Texas	7	0	1	0	1	9
15	Ohio	6	1	1	0	0	8
15	Rhode Island	6	0	1	0	1	8
17	Washington	6.5	0	1	0	0	7.5
18	Arkansas	5	1	1	0	0	7
18	Vermont	4	1	1	0	1	7
20	Arizona	1.5	4	1	0	0	6.5
20	Illinois	3.5	1	1	1	0	6.5
20	Missouri	5.5	0	1	0	0	6.5
20	Montana	4.5	1	0	1	0	6.5
24	Minnesota	3	1	1	1	0	6
25	Alaska	4.5	1	0	0	0	5.5
25	Colorado	3.5	1	1	0	0	5.5
25	Indiana	4.5	0	1	0	0	5.5
25	Maryland	3.5	1	1	0	0	5.5
29	Louisiana	4	0	1	0	0	5
30	Georgia	2.5	1	1	0	0	4.5
30	Kansas	4.5	0	0	0	0	4.5
30	Kentucky	2.5	0	1	1	0	4.5
30	Michigan	2.5	0	1	1	0	4.5
34	Hawaii	4	0	0	0	0	4
35	Alabama	.5	1	1	0	0	2.5
35	Mississippi	.5	1	1	0	0	2.5
35	New Jersey	.5	0	1	1	0	2.5
35	North Dakota	.5	1	0	1	0	2.5
35	South Carolina	.5	1	1	0	0	2.5
40	New York	1	0	1	0	0	2
40	Utah	0	1	1	0	0	2
40	Virginia	0	0	1	1	0	2
43	Delaware	.5	0	1	0	0	1.5
43	Iowa	.5	0	0	1	0	1.5
43	New Hampshire	.5	0	1	0	0	1.5
43	Oklahoma	.5	1	0	0	0	1.5
43	West Virginia	.5	0	1	0	0	1.5
48	Nebraska	0	0	0	1	0	1
48	Nevada	1	0	0	0	0	1
48	South Dakota	0	1	0	0	0	1
48	Wyoming	0	0	1	0	0	1
52	Idaho	-.5	0	1	0	0	.5

EVALUATION OF STATE PROGRAMS FOR PREGNANT AND PARENTING STUDENTS

State	Education Support/Flexibility	Parenting Education	Prevalence	Peripherals	At-Risk	Total
	4 Points	2.5 Points	2 Points	1 Point	.5 Points	10 Points
Alabama	0	0	0	0	.5	.5
Alaska	2	2.5	0	0	0	4.5
Arizona	.5	0	.5	0	.5	1.5
Arkansas	2	2.5	0	0	.5	5
California	3	2.5	1	1	.5	8
Colorado	1	1	.5	.5	.5	3.5
Connecticut	3	2.5	0	0	.5	6
Delaware	0	0	0	0	.5	.5
District of Columbia	1	2.5	1	1	.5	6
Florida	2.5	2.5	2	1	.5	8.5
Georgia*	1	1	0	0	.5	2.5
Hawaii	1.5	0	2	0	.5	4
Idaho**	-1	0	0	0	.5	-.5
Illinois	1	1	0	1	.5	3.5
Indiana	1.5	2	0	.5	.5	4.5
Iowa	0	0	0	0	.5	.5
Kansas	0	2.5	1	.5	.5	4.5
Kentucky	1	1	0	0	.5	2.5
Louisiana	0	2.5	1	0	.5	4
Maine	1	1	1	.5	.5	4
Maryland	1.5	0	2	0	0	3.5
Massachusetts	3	2.5	1	1	.5	8
Michigan	1	1	0	0	.5	2.5
Minnesota	1.5	0	.5	.5	.5	3
Mississippi	0	0	0	0	.5	.5
Missouri	1.5	2.5	1	0	.5	5.5
Montana	1.5	2	0	.5	.5	4.5
Nebraska	0	0	0	0	0	0
Nevada	0	0	0	.5	.5	1
New Hampshire	0	0	0	0	.5	.5
New Jersey	0	0	0	0	.5	.5
New Mexico	3	2.5	1	1	.5	8
New York	0	0	0	.5	.5	1
North Carolina	3	0	2	0	.5	5.5
North Dakota	0	0	0	0	.5	.5
Ohio	3	2.5	0	.5	0	6
Oklahoma	0	0	0	0	.5	.5
Oregon	2.5	2.5	2	1	.5	8.5
Pennsylvania	3	2.5	1	.5	.5	7.5
Puerto Rico	2	2.5	1	.5	.5	6.5
Rhode Island	1.5	2.5	1	.5	.5	6
South Carolina	0	0	0	0	.5	.5
South Dakota	0	0	0	0	0	0
Tennessee	0	2.5	1	1	.5	5
Texas	2	2.5	1	1	.5	7
Utah	0	0	0	0	0	0
Vermont	1.5	1.5	1	0	0	4
Virginia	0	0	0	0	0	0
Washington	3	2.5	0	1	0	6.5
West Virginia	0	0	0	.5	0	.5
Wisconsin	3	2.5	2	.5	.5	8.5
Wyoming	0	0	0	0	0	0

* Georgia would have gotten 2 points for its education programs, but the statutory language regarding alternative programs says that LEAs may "assign" pregnant and parenting students to programs, which could violate Title IX.

** Idaho received negative credit because the state statute appears to encourage pregnant and parenting students to quit school and take the GED.

Methodology

To evaluate each state's laws and policies related to pregnant and parenting students, we looked at:

PREGNANT AND PARENTING PROGRAM = 10 POINTS

EDUCATION SUPPORT & FLEXIBILITY = 4 POINTS

We granted points for programs or state laws that emphasize graduation, flexible time or enrollment, or other educational supports which indicate the state is attempting to encourage pregnant and parenting students to graduate college and career ready. Fewer points were awarded for language that is broad but lacks specific directives or accompanying guidance. Fewer points were also awarded for state laws that are not focused on academic rigor or that emphasize the GED over high school completion. Fewer points were awarded for programs where the emphasis is solely on parenting education or child development courses.

PARENTING EDUCATION = 2.5 POINTS

We granted points for programs that provide parenting, life skills, or child development courses for school credit. Fewer points were awarded for language that is broad, but lacks specific directives or accompanying guidance.

PREVALENCE = 2 POINTS

We granted points for states that require school districts to implement programs or provide support for pregnant and parenting students. Fewer points were awarded for language that is mandatory but lacks specific directives or accompanying guidance. States that do not have mandatory language but that provide significant budget dollars or that have a large number of programs operating within their state were given partial credit.

PERIPHERALS = 1 POINT

We granted one point for various smaller supports, from nutritional support to laws passed to facilitate transportation for students and their children. We granted a point for policies that specifically mention child care and other supports.

AT-RISK = .5 POINT

We gave a small amount of credit to states that provide funding for at-risk student programs that are broad enough in scope to include but do not require services to pregnant and parenting students.

EXCUSED ABSENCES = 4 POINTS

We granted 1 point to states with a definition of an excused absence that is broad enough to include pregnant and parenting students. We granted 3 points for state laws or policies that specifically address pregnant and parenting students. We granted 4 points if they specifically address pregnant and parenting students and the needs of their children.

HOMEBOUND SERVICES = 1 POINT

We granted 1 point if the law or policy related to homebound, hospital, or online learning is broad enough to include pregnant and parenting students.

DIRECTORY = 1 POINT

We granted 1 point if the state maintains an easily accessible directory of programs for pregnant and parenting students.

ANTI-DISCRIMINATION PROVISIONS = 1 POINT

We granted 1 point if the state anti-discrimination laws or education policy provisions specifically mention pregnancy or family status as protected categories.

PROMOTING AN ENVIRONMENT OF ENCOURAGEMENT

When educators focus on pregnant and parenting students as low academic achievers, rather than newly motivated and re-engaged students, they are missing an opportunity to capitalize on a pivotal moment in these young people's lives.[72] An environment of encouragement and of high expectations is critical for improving the educational outcomes of young women who are pregnant or parenting. This could include any number of elements, from providing rigorous coursework and academic support designed to encourage students succeed, to developing individualized graduation plans, to displaying school policies that make it clear that discrimination against pregnant and parenting students is prohibited. Researchers have found that high quality programs open to teen mothers or specifically designed to meet their needs lead to graduation rates that are close to the graduation rates of their non-pregnant peers.[73] In examining state law and policy, we found that some states are doing more than others to create an environment of encouragement:

- Puerto Rico has a Pregnant Student's Bill of Rights that says that every pregnant student has the right to "enjoy a tranquil and peaceful environment, and the respect to her right to intimacy and dignity and to not be a victim of bodily or emotional harm or of psychological pressures due to her pregnancy in all school premises of the public education system…"[74]
- States like Maine, North Carolina, Puerto Rico, and Vermont expressly prohibit discrimination against pregnant and parenting students.[75]
- North Carolina requires each local board of education to adopt a policy: (1) to ensure that pregnant and parenting students are not discriminated against or excluded from school or any program, class, or extracurricular activity because they are pregnant or parenting; and (2) to provide assistance and support to encourage pregnant and parenting students to remain enrolled in school and graduate.[76]
- Wisconsin requires each school board to accommodate the needs of school-age parents by "mak[ing] . . . program modifications and services that will enable the pupil to continue his or her education."[77]
- California operates the School Age Families Education (Cal-SAFE) Program, a "comprehensive, integrated, community-linked, school-based program" that serves expectant and parenting students and their children by providing academic and support services to help students to stay in school. Cal-SAFE has 11 goals for the program, including an emphasis on increasing the number of students graduating and transitioning to college or a career.[78]
- **Florida has a statute that requires every school district to establish a teen parenting program.[79]**
- Pennsylvania's Department of Public Welfare and Department of Education jointly run the ELECT Initiative. ELECT is designed to expand the services of existing teen parent programs and provide voluntary, comprehensive support services to students who meet the income eligibility requirements, until they graduate or reach age 22.[80]

Not all state practices are encouraging. In our review of the various state laws, regulations, and policies, we found that many of the policies related to pregnant and parenting students are holdovers from an earlier era.[81] Overall, it appears that some state policies reflect existing biases and only provide support for pregnant and parenting students in separate and segregated environments. This impulse, to push pregnant students out of mainstream schools and into separate facilities, is not only detrimental, but also violates Title IX.

For example, a number of state policies continue to perpetuate an environment of discouragement:

- **64% of states lack anti-discrimination laws, regulations, or guidelines that specifically enumerate protection on the basis of pregnancy or family status.** Many students, parents, teachers, and administrators are not aware that sex discrimination includes pregnancy. States miss a significant opportunity to inform the education community when they fail to detail the protection these rules help to facilitate.
- Idaho includes pregnant or parenting students in its definition of "at-risk" students eligible for alternative programs, but *requires* that the funds spent on alternative secondary programs for at-risk youth go to programs located on a separate site or held at a different time.[82]

IF YOU ARE A PREGNANT AND PARENTING STUDENT IN IDAHO

If you are a pregnant and parenting student in Idaho, it will be difficult to track down programmatic help. The Department of Health and Welfare operates www.idahoteenpregnancy.com, which has statistics about how many young women in Idaho get pregnant every year, information about abstinence, and referrals for STI information – but nowhere does the website inform students who may be pregnant or who are already parenting where or how to find resources.

Idaho also operates www.teenageparent.org. In the FAQ section, a theoretical question is posed:

> My girlfriend is pregnant, and we can't afford to have a baby. What do we do?

What does the Idaho Department of Health and Welfare reply?

> Well, you probably should have thought of that before now!

As for the question of how to stay in school, the website tells students they can stay in school "if you have child care." And if you don't?

> Another option available is preparing for the GED through your TV. Idaho Public Television offers GED classes to help you complete your education.

PUERTO RICO - PREGNANT STUDENT'S BILL OF RIGHTS

The Constitution of the Commonwealth of Puerto Rico establishes that there shall be a public education system that shall not discriminate on account of race, color, sex, birth, social origin or condition, or political or religious ideas. To guarantee the essential equality of all human beings, it is hereby declared that every pregnant student, without impairment to the laws in effect, shall be entitled to:

(1) Enjoy a tranquil and peaceful environment, and the respect to her right to intimacy and dignity and to not being a victim of bodily or emotional harm or of psychological pressures due to her pregnancy in all school premises of the public education system of the country.

(2) Receive professional advice, aid and counseling through available programs and by personnel trained in the planning and the consequences of teenage pregnancy, the medical conditions and the possible changes in her health she may experience during that period and on how to develop optimum family and community relations according to her situation, as well as on the rights, responsibilities and duties she must assume as a mother, with special emphasis on ensuring that she will be able to remain as a regular student of the public education system.

(3) Receive from the Department of Education, if available and as needed, emergency medical or therapeutic assistance, tutors or teachers for the various courses so that she may capably meet the curriculum requirements as to finish her school year.

(4) Receive any financial aid and guidance on government subsidy programs or alternatives that will allow her to achieve her full social development and that of her family unit and to continue participating as a regular student of the education system.

(5) The establishment of effective coordination to access the resources of the Department of the Family to attend to possible social, family or community problems that have led to her pregnancy or that may affect said pregnancy or her studies.

(6) The establishment of effective coordination to access the resources of the Department of Health to follow-up and provide proper care for her pregnant condition so that her capacity as a student of the school curriculum is not affected.

- Michigan law says that a pregnant student, even if they are of compulsory school age, can withdraw from public school, making it easier to drop out of high school if you are pregnant.[83]

IMPLEMENTING FLEXIBLE ABSENCE AND ATTENDANCE POLICIES

Title IX requires that schools excuse absences due to pregnancy, childbirth, and pregnancy-related conditions for as long as it is deemed medically necessary by a student's doctor. Therefore, students must be given a reasonable amount of time to make up any work they have missed. Unfortunately, many schools are either unaware or choose to ignore their obligation to excuse absences related to pregnancy. Few schools excuse absences related to the illness of a student's child. Even those schools that do excuse absences do not always offer students the opportunity (or a reasonable amount of time) to make up their work. Schools must encourage, not penalize, students who seek prenatal care and who provide care for their sick children. Policies that clearly detail absences that must be excused for pregnant and parenting students and provide flexible scheduling options help to ensure that these students do not fall behind. Evening, weekend, and summer class options have all been shown to improve outcomes for pregnant and parenting students, as have credit recovery options that allow students who have missed school for pregnancy-related reasons to make up for missed time. In addition, access to homebound services helps to keep students on track with their schoolwork and can help to facilitate a student's return to school after a leave of absence.

Some states have made great strides in implementing flexible attendance policies. These laws help explain Title IX, allow time for recovery from pregnancy and childbirth, and provide greater opportunity for parents to graduate. For example:

- Florida specifically exempts pregnant and parenting students from minimum attendance requirements for absences related to pregnancy or parenting, while still requiring students to make up all missed work due to such absences. The Florida law is noteworthy because it both takes the needs of pregnant and parenting students into account and does not allow for lowered expectations.[84]
- Arizona law instructs local districts to adopt policies and procedures concerning pregnant students or those with an infant, to provide homework for absences from school and flexibility in physical education activities;[85] Maine has a state statute that mandates that schools must count absences due to pregnancy as excused absences;[86] and North Carolina defines illness of a student's child as a valid excused absence.[87]
- North Carolina law requires schools to provide homework and make up work to pregnant and parenting students "to ensure that they have the opportunity to keep current with assignments and avoid losing course credit because of their absence from school."[88]
- Wisconsin instructs school districts to avoid providing a standard period of time, e.g., six weeks, for homebound instruction for school-age parents, as this may be inconsistent with the student's individual needs.[89]

Despite the promising practices of various states, the majority of states do not provide flexible attendance policies at the state or district level.

- Only six states (Arizona, California, Florida, Maine, North Carolina, and Oregon) specifically address pregnant and parenting students in their attendance policies.[90]
- Forty-six percent of states don't have a state definition of excused absences or truancy exemptions that are broad enough to include pregnant and parenting students.
- **Fewer than half of the states explicitly make homebound or hospitalized instruction services available to pregnant and parenting students.**
- Arkansas, Delaware, Kansas, New Hampshire, and Wyoming all leave it up to local school boards to define what constitutes an excused absence.[91]
- Idaho law highlights pregnant and parenting students in a statute that appears to encourage them to drop out of school and take the G.E.D.[92]
- **The Salt Lake City School limits pregnant students' access to homebound services. Such a policy violates Title IX and directly contradicts Utah law.[93]**
- Georgia law permits schools to "assign students who are married, parents, or pregnant … to programs of instruction..."[94] Although it is possible to read this language as

UNTIL JANUARY 2011, MICHIGAN REGULATIONS REQUIRED school districts to provide homebound or hospitalized instructional services to students unable to attend school for five school days due to a medical condition, but excluded pregnant students and those recovering from childbirth from receiving such services. This policy violated Title IX. NWLC brought this to the attention of the Michigan Department of Education (MDE) in the fall of 2010. The good news is that the MDE changed its guidelines in January 2011, and notified all Michigan school superintendents of the change. The new guidelines provide examples of scenarios in which homebound instruction is warranted, including when a student is recovering from childbirth, and they encourage schools to develop an attendance policy that "would authorize a reasonable period of time away from school immediately after delivery, even where medical need does not so require, and during the illness or medical appointments of a pupil's child." Now Michigan's school districts and schools must abandon this discriminatory practice and use homebound instruction services to help keep pregnant and parenting students on track to succeed.[95]

encouraging local school boards to establish programs for parenting students, the mandatory language (allowing schools to "assign" students) could lead to schools violating Title IX by requiring pregnant and parenting students to enroll in alternative programs.

KEEPING STUDENTS CONNECTED TO SCHOOL & SERVICES

The most successful programs are those that prioritize keeping students connected to school and to support services. These programs are comprehensive and address the physical, social, emotional, financial, and academic needs of pregnant and parenting students. They provide logistical support and help coordinate services with other state agencies and they track non-personally identifiable information on pregnant and parenting students to ensure that resources are properly targeted. A number of states and local districts are taking necessary steps toward connecting pregnant and parenting students to school as well as to child care, healthcare, social workers, secondary pregnancy prevention, and other available services.

- Over 60% of the children of Cal-SAFE students attended a Cal-SAFE funded child care center.[96]
- In addition to academic and social service supports, individualized case management, group sessions, and home visits, Pennsylvania's ELECT program requires attendance monitoring, summer programming, community collaboration, student record keeping, data collection, and transitional services.[97]
- Every district in Florida has to report whether students in the Teen Parent Programs remain in school or earn a high school diploma, their promotion/retention rates, whether they drop out, and the birth weight of their child.[98]
- Wisconsin requires districts with school-age parent programs to annually evaluate the effectiveness of the program.[99] New Mexico requires school districts to report a range of factors that contribute to dropout, including transfer out of the school district, pregnancy, and other factors.[100]
- The Puerto Rico Pregnant Student's Bill of Rights entitles students to "effective coordination to access the resourc-

es of the Department of the Family to attend to possible social, family or community problems that have led to her pregnancy or that may affect said pregnancy or her studies."[101] Vermont law requires the Department of Children and Families to coordinate services for teen parents through the teen parent education program established in cooperation with the Department of Education."[102]

- New York law allows school districts to transport the non-school age children of their students and provides state aid to cover the expenses that school districts incur while doing so.[103] In its Reference Guide, Cal-SAFE encourages local school districts to adjust the time of the school day for pregnant mothers experiencing morning sickness and parenting students coping with infants.[104] Cal-SAFE suggests that by offering a late school day, districts can utilize buses that also transport traditional elementary and secondary students.

Although these practices are promising, the few programs that seek to address transportation of young mothers and their children are in jeopardy as state and local governments slash budgets. For example, Wisconsin repealed the funding it had mapped out for transporting some of its young parents to school by cutting buses for students who live within two miles of a school building, even if they have an infant.[105]

The majority of states provide very little targeted support for pregnant and parenting students:

- 78% of states do not require schools to collect information about student pregnancy.[106]
- **46% of states have no statewide program, grant, or support designed specifically for pregnant and parenting students.**
- 56% of states have no mention on the books of peripheral services such as transportation, child care, or nutritional support for pregnant and parenting students.

Overall, no state has yet put the full range of major policies and programs in place that would help put pregnant and parenting students on track to graduate college and career ready. While a handful of states have made important strides forward, addressing issues of academic rigor and flexible absence policies, the majority of states have little or no laws, policies, or programs specifically designed to protect and support pregnant and parenting students, and some have policies that exacerbate the problems faced by these students.

Recommendations

The following are proposals for policymakers, schools, and students themselves that can help to address the challenges faced by pregnant and parenting students.

A. RECOMMENDATIONS FOR POLICYMAKERS AT THE FEDERAL LEVEL

Despite Title IX's prohibition against sex discrimination, enhanced enforcement is needed. Strengthening federal policies and programs to support the educational success of pregnant and parenting students is critical for curbing the dropout crisis and improving graduation rates for young mothers.

THE DEPARTMENT OF EDUCATION SHOULD SHINE A SPOTLIGHT ON THE RIGHTS OF PREGNANT AND PARENTING STUDENTS.

- Leadership from the Department's Office for Civil Rights (OCR) on this subject is critical. OCR should remind schools and districts of their legal obligations in this area, instruct them to review their policies and procedures to bring them into compliance, require them to give adequate training to their staff members, and provide examples of promising practices that can help to improve pregnant and parenting students' chances of success.

THE DEPARTMENT OF EDUCATION SHOULD ENHANCE ENFORCEMENT EFFORTS.

- OCR should send a message to school districts that they must take pregnant and parenting students' civil rights seriously by conducting proactive compliance reviews to identify educational barriers for pregnant and parenting students and improve compliance with Title IX.

CONGRESS SHOULD PROVIDE SUPPORT FOR TARGETED PROGRAMS FOR PREGNANT AND PARENTING STUDENTS.

- The Pregnant and Parenting Students Access to Education Act (PPSAE) would establish a grant program to promote the educational success of pregnant and parenting students in secondary schools.[107]
- The bill would require school district grantees to: (1) provide academic support services for pregnant and parenting students; (2) revise their school policies and practices to remove barriers; (3) assist students in finding affordable child care and transportation services; (4) engage in student outreach, recruitment, retention and mentoring efforts; and (5) provide professional development for school personnel so they can connect students with available resources.
- This bill would also direct school districts to collect non-personally identifiable data on pregnant and parenting students, including educational outcomes, and report that data annually to the Department of Education.

B. RECOMMENDATIONS FOR POLICYMAKERS AT THE STATE LEVEL

States can and should go beyond the non-discrimination mandate of Title IX and do what it takes to ensure success for their students. In order to do so:

STATES SHOULD CREATE A STATEWIDE DEFINITION OF EXCUSED ABSENCES THAT INCLUDES ALL PREGNANCY AND PARENTING-RELATED ABSENCES.

- State laws and regulations should clearly explain that absences related to pregnancy must be excused and that, upon return, students must be given a reasonable amount of time to make up missed work. These policies should also excuse absences due to the illness or medical appointment of a student's child.

- Policies should include flexible scheduling options for pregnant and parenting students to help ensure that they do not fall behind.
- Policies should include credit recovery options that allow students who have missed school for pregnancy-related reasons to make up for missed time.

STATES SHOULD DEVELOP POLICIES TO ADDRESS DISCRIMINATION AGAINST PREGNANT AND PARENTING STUDENTS THAT INCLUDE:

- An anti-discrimination provision that specifically enumerates protection for pregnant and parenting students.
- A requirement that schools track non-personally identifiable data on their pregnant and parenting students.

STATES SHOULD REQUIRE SCHOOLS TO OFFER PROGRAMS FOR PREGNANT AND PARENTING STUDENTS THAT INCLUDE:[108]

- Academically rigorous courses, opportunities that are equal to those offered for non-pregnant students, and access to the same range of extracurricular and enrichment activities.
- Logistical support, including access to quality, affordable child care, free transportation for students and their children, coordination with state agencies to provide assistance registering for public benefits, and referrals to state agencies, health care providers, and social workers.
- Individualized graduation plans for pregnant and parenting students. Those plans should be based on student assessments and contain next steps, including college or career goals.
- Mandated comprehensive sex education.
- Resources for school districts to implement programs and funding based on the number of pregnant and parenting students served. States should allocate funds specifically for pregnant and parenting students and the funding should be flexible enough to allow schools to serve students regardless of their income. The funding should cover technical assistance to aid local schools in building a range of effective school-based options.

C. RECOMMENDATIONS FOR SCHOOLS AND DISTRICTS

Schools can do a lot to help their pregnant and parenting students succeed. When schools support pregnant and parenting it is more likely that they will continue attending school. Short of state law reform, schools can take immediate steps to improve services to pregnant and parenting students.

DESIGNATE A TITLE IX COORDINATOR

Title IX requires every school district to designate at least one employee as the Title IX coordinator. It is the job of the coordinator to oversee compliance with Title IX and ensure any claims of sex discrimination are addressed. School administrators and district employees should designate a Title IX coordinator at every school and ask that individual to act as a liaison to pregnant and parenting students to ensure that they get the attention and services they need – including, when applicable, the time and space to express breast milk.

CREATE RESOURCES

Every school should make sure that the Title IX coordinator has the resources necessary to do her job well, including a comprehensive training on Title IX and educational materials to give to administrators, teachers, students and parents. Title IX coordinators should train administrators and teachers about the rights of pregnant and parenting students and the school's obligations, the unique needs of these students, the available resources in the school and larger community to which pregnant and parenting students can be referred, and the importance of ensuring that pregnant and parenting students stay in school and succeed.

CHANGE THE SCHOOL POLICY

Schools should adopt, develop, and implement programs and policies that support parenting students. *See sidebar on page 22.*

EDUCATE AND ADVERTISE

Schools should prominently publish and distribute information about Title IX, the name and contact information of their Title IX coordinators, and any and all policies related to pregnant and parenting students. This sends a message to

students, teachers, parents, and the community that young mothers are valued students. Schools should also distribute their policies to all related service personnel. Copies of school policies should go to all principals, student health personnel, social workers, school safety and attendance officers, counselors, nurses, and office administrators. Making sure that school officials at every level of student interaction are aware of a policy makes it less likely that a student will experience discrimination.

Making sure that school officials at every level of student interaction are aware of the policy makes it less likely that a student will experience discrimination.

HOW THE TWO LARGEST SCHOOL DISTRICTS IN THE COUNTRY CHANGED THEIR POLICIES

IN 2008 THE NEW YORK CITY DEPARTMENT OF EDUCATION – at the urging of local advocates – adopted a Chancellor's regulation on pregnant and parenting students to clarify the educational options for students who are pregnant or parenting and to clear up confidentiality issues between staff and pregnant students. The New York City policy holds each school principal accountable for ensuring that the pregnant and parenting students at his or her school get the services they need, including providing pregnant and parenting students with access to information about pregnancy-related health care, child care, and related services. There are also provisions about leave, make-up work, and homebound instruction, among other things.[109]

THE LOS ANGELES UNIFIED SCHOOL DISTRICT has a detailed policy, adopted in 2005, to which they attached a "Know Your Rights" fact sheet for students in both English and Spanish and a very comprehensive list of resources for students. The policy requires the district to make "reasonable adjustments" to facilitate the equal access and full participation of pregnant and parenting students, including providing hall passes for bathroom use as needed; arranging for school-based independent study during an extended pregnancy-related absence; and allowing scheduling flexibility whenever possible to enable full participation and reduce school absences due to medical concerns, such as allowing a reduced schedule of classes for a student with medical complications. The policy also covers enrollment and participation, school climate, attendance, and excused absences.[110]

Conclusion

YOUNG WOMEN WHO ARE PREGNANT should not have to put their educational aspirations on hold. Pregnancy and parenthood can present significant challenges for young women who are completing the process of becoming adults themselves. For these young women, many of whom feel disconnected and disengaged from school, pregnancy and parenthood can serve as a motivator. By eliminating discrimination, excusing pregnancy and parenting related absences, and providing the programmatic supports young women need, schools can draw pregnant and parenting students back into the classroom. Doing so would not only benefit these young women, but also serve to significantly reduce a leading cause of dropout among high school girls.

We must shift the frame. Lawmakers, principals, school counselors, and teachers must begin to regard pregnant and parenting students not as lost causes or girls who have slipped through the cracks, but as young parents motivated to improve their lives and the lives of their children. In order to get to that place, federal policymakers must send a clear message that the educational success of pregnant and parenting students is a top priority by developing new policies that support these students and vigorously enforcing the existing law. States need to adopt or strengthen statewide policies and programs. And schools should inform students and parents about the rights of pregnant and parenting students, and work to make the classroom flexible enough to accommodate the needs and nurture the educational aspirations of these resilient and determined young women.

By eliminating discrimination, excusing pregnancy and parenting-related absences, and providing the programmatic supports young women need, schools can draw pregnant and parenting students back into the classroom. Doing so would not only benefit these young women, but also serve to significantly reduce a leading cause of dropout among high school girls.

Title IX

NATIONAL WOMEN'S LAW CENTER

toolkit

Pregnancy discrimination is sex discrimination

and it is against the law. Advocating for fair policies that eliminate sex discrimination should be a priority for anyone who cares about school equity and ensuring access to a quality education for all students. Below we provide a number of resources and tools to help advocates organize in their community. In it you will find:

1. Pregnant and Parenting Students: A Guide for Schools
2. The Pregnant & Parenting Students' Bill of Rights Wallet Card
3. Sample Pregnant and Parenting Student Policies
4. A Sample Letter to Your School

NATIONAL WOMEN'S LAW CENTER
EXPANDING THE POSSIBILITIES

TITLE IX

FACT SHEET

Pregnant & Parenting Students: A Guide for Schools

What the Law Requires

Schools that receive federal funds must not discriminate against students on the basis of sex, including a student's pregnancy, childbirth, false pregnancy, termination, or recovery therefrom. Schools must provide equal access to school programs and extracurricular activities to students who might be, are, or have been pregnant. Schools are required to treat pregnant and parenting students the same way they treat other students who are similarly able or unable to participate in school activities.

Pregnancy Is Not Contagious

The idea that teenagers who see their classmates struggling to juggle schoolwork, childrearing, and adolescence will think that having children is easy and will want to get pregnant themselves is a myth. To effectively discourage teens from getting pregnant, schools should provide comprehensive, medically accurate, age appropriate sex education. "Making an example" of pregnant and parenting students by kicking them out of school is not just a flawed strategy, it is illegal.

Right to Stay in School

The law requires that if schools choose to offer separate programs or schools for pregnant and parenting students, participation in those programs must be completely voluntary. A school can tell its students about an alternative program as an option, but cannot urge or pressure its pregnant or parenting students to attend. Schools should let students know that they will be supported no matter what program they choose.

Right to an Equal Education

Any alternative programs for pregnant and parenting students must offer those students access to the same range of educational opportunities (including coursework and extracurricular and enrichment activities) as those offered for students who are not pregnant or parenting. Schools cannot segregate pregnant and parenting students into dead-end schools with parenting classes but no opportunities for graduation or college preparation. School districts with programs like these must shut them down.

Right to Participate

Under normal circumstances, there is no reason that a pregnant student's attendance at school and participation in activities would have adverse effects on her health or pregnancy. The law requires that a student be allowed to continue her studies and activities for as long as she wants, even up to the date of her delivery, unless the student and her physician decide otherwise. The school cannot impose participation requirements on pregnant girls that the school does not establish for all students with medical conditions that require treatment by a doctor.

Pregnancy-Related Absences

Schools must excuse absences for students who are pregnant or who give birth for as long as that student's doctor determines is necessary. At the conclusion of that period, the student must be given a reasonable amount of time to make up the work she missed.

Homebound Instruction

The law requires schools to provide pregnant students with any special services they provide to students with temporary disabilities. Therefore, if a school provides special services, such as at-home tutoring, for students who miss school because they have a temporary disability, it must do the same for students who miss school because of pregnancy or childbirth. Regardless of what a school provides for students generally, it should consider providing at-home tutoring or other academic support for students with extended absences for reasons including pregnancy and parenting. This is a good investment, and makes sense as a matter of educational policy.

Every Teacher Counts

Everyone at any school that receives federal funds is bound by the law – administrators, faculty and staff. If a school learns that a teacher is discriminating against students (or limiting educational opportunities for them – including extracurricular activities) because they are pregnant or parenting, the school is obligated to stop the discrimination. It's not enough to leave attendance and absence policies up to individual teachers; the law requires pregnancy-related absences to be excused.

How to Improve Your School

Change Your School's Policy

Schools should develop and implement programs and policies that support parenting students. Examples of good school policies are available at: www.nwlc.org/pregnancytestforschools. Programs can provide support for pregnant and parenting students – like child care, transportation, counseling, social service referrals, support groups, and homebound instruction for extended absences – while maintaining rigorous and relevant curricula that foster student engagement and prepare students for careers and post-secondary education. These types of supports help pregnant and parenting students stay in school and graduate.

Designate a Title IX Coordinator

Every district is required to designate at least one employee as the Title IX coordinator to oversee compliance with the law. Schools should designate a Title IX coordinator and ask that individual to act as a liaison to pregnant and parenting students to ensure that these students are getting the attention and services they need.

Educate the Masses

Prominently publish, display, and distribute information about Title IX, the name and contact information of your Title IX Coordinator, and any and all policies related to pregnant and parenting students. This sends a message to students, teachers, parents, and the community that young mothers are valued students who will be treated with respect in your school.

walletcard

PREGNANT AND PARENTING STUDENTS' BILL OF RIGHTS

1. You have the right to be treated with dignity and respect.
2. You have the right to be free of discrimination. No one can kick you out of school because you are pregnant or a parent.
3. Your school must excuse absences due to pregnancy or childbirth for as long as your doctor says it is necessary. All your teachers are required to give you a reasonable amount of time, after the conclusion of those absences, to make up the work you missed.
4. Separate programs or schools for students who are pregnant or parents must be completely voluntary. You cannot be forced to attend a separate school.
5. You have the right to the same opportunities as other students. If you attend a separate program, the classes and the activities offered must be equal to those at a mainstream school.
6. Special services that are provided for temporarily disabled students must also be provided for pregnant students. If temporarily disabled students get at-home tutoring to help them keep up with work, so should students who miss school because of pregnancy or childbirth.
7. Pregnant and parenting students do not have to turn in a doctor's note to continue going to school or to participate in activities unless all students with medical conditions are required to do so.
8. You have the right to be free of harassment and bullying. This includes sexual harassment, like being called a "slut" or having sexual rumors spread about you at school.
9. You have a right to privacy. Teachers and other school officials do not have the right to disclose your pregnancy to anyone without your permission.
10. You have the right to be free of retaliation. If you complain to school officials or your Title IX coordinator, teachers and administrators cannot retaliate or punish you for speaking out.

Print and clip. Fold along the lines. Carry it with you.

wallet card

Print and clip. Fold along the lines. Carry it with you.

DON'T TOLERATE DISCRIMINATION – TAKE ACTION

1 REPORT

Are you being called names or intimidated because you are pregnant or a parent? Is a teacher refusing to excuse pregnancy-related absences? Are you being pressured to attend an alternative program?

If you experience any kind of trouble at school because you are pregnant or parenting, report the problem to a school administrator or to your school's Title IX Coordinator right away.

2 DOCUMENT

Keep notes with dates and details of all pregnancy-related absences, all incidents of sexual harassment, and all interactions with school officials related to your pregnancy.

If you report an incident or ask the school to accommodate your needs, be sure to make a note of those requests as well as the outcome of each report.

3 ADVOCATE

The National Women's Law Center cares about your success.

Visit us at:
www.nwlc.org/pregnancytest forschools

Contact us at:
info@nwlc.org

or
202-588-5180

Sample Pregnant and Parenting Student Policies

Several states and school districts have developed policies and programs for pregnant and parenting students – there is not enough room to list them all. The following are examples of pregnant and parenting student programs and policies from across the country.

STATE PROGRAMS & POLICIES

California - http://www.cde.ca.gov/ls/cg/pp/
The California School-Age Families Education Program, also known as Cal-SAFE, is a school-based program for expectant and parenting students and their children. The program provides academic and support services to help students stay in school.

Connecticut - http://www.cga.ct.gov/coc/PDFs/poverty/2010-09-13/pons_ppt.pdf
Connecticut operates a school-based grant program for five Connecticut school districts with high teen birth and school dropout rates. The project offers six core services to meet the primary outcome goals of improving high school completion rates and the health and wellness of students and their children.

Florida -http://info.fldoe.org/docushare/dsweb/Get/Document-1402/Goff%20Memo%2003-36TAP.pdf
Florida provides a manual that outlines the requirements for the state-mandated Teenage Parent Programs.

Illinois - http://www.povertylaw.org//advocacy/women-and-family/essa-task-force/final-essa-task-force-report.pdf
The Ensuring Success in School Task Force Report provides a number of suggestions and policies for improving secondary education for pregnant and parenting students.

North Carolina - http://www.teenpregnancy.ncdhhs.gov/app.htm
The North Carolina program is designed to support adolescent parents in their efforts to get an education, acquire job skills, improve parenting abilities and prevent future pregnancies.

Oregon – http://www.ode.state.or.us/search/results/?id=269
Oregon provides a list of teen parent programs and suggests a curriculum for school districts.

Pennsylvania - http://ppt-elect.center-school.org/
ELECT provides comprehensive support services to students who meet income eligibility requirements. The programs are voluntary and the duration of program enrollment extends to graduation or age 22.

Wisconsin -http://dpi.wi.gov/sspw/pdf/schoolageparents.pdf
Wisconsin provides instructions for how to provide services to school-age parents, including making program modifications to ensure they stay in school.

SCHOOL AND DISTRICT POLICIES

Model District Policy - http://www.massteenpregnancy.org/sites/default/files/policy/cd-model-district-policy-expectant-and-parenting-students.pdf Developed by the Massachusetts Alliance on Teen Pregnancy, this model policy lays out the legal protections for pregnant and parenting students, responsibilities of administrators, and suggests policies related to absences.

New York City Protocols - http://docs.nycenet.edu/docushare/dsweb/Get/Document-34/A740.pdf
Regulations on pregnant and parenting students that clarify the educational options for students who are pregnant or parenting, discuss confidentiality issues between staff and pregnant students, and holds principals accountable for ensuring that pregnant and parenting students get the services they need.

Los Angeles Unified School District - http://www.lausd.k12.ca.us/lausd/offices/eec/pdfs/Bul_2060.pdf
A district policy that requires schools to make "reasonable adjustments" to facilitate the equal access and full participation of pregnant and parenting students. The policy also covers enrollment and participation, school climate, attendance, and excused absences.

Sample Letter to Your School/District

[Your Name and Address]
[Date]

[School Official's Name]
[School or District Address]

Dear [Dr. or Mr. or Ms. _____],

I am a [student/parent] at [name of school]. I am concerned that current [name of your school/district] policy does not adequately address the needs of pregnant and parenting students.

Research shows that almost one-half of female dropouts say that pregnancy or becoming a parent played a role in their decisions to leave school. However, research also shows that young parents who receive adequate support from their schools can go on to succeed and graduate.

One of the big hurdles for pregnant and parenting students is overly rigid attendance and tardy policies. Title IX is the federal law that bans sex discrimination in public education. Title IX requires that absences related to pregnancy or childbirth must be excused for as long as is deemed medically necessary by the student's doctor. In addition, Title IX requires schools to allow students with pregnancy-related absences to make up the work they miss within a reasonable amount of time.

I am writing today to ask you to clarify the [name of your school/district] policy regarding excused absences and pregnant and parenting students. I am asking that you change the [name of your school/district] policy to reflect:

- Absences related to pregnancy and/or parenting responsibilities will be excused for as long as they are deemed medically necessary.
- Students can make up any work missed for pregnancy or parenting related absences in a reasonable amount of time

For a deeper analysis of the need for positive support for pregnant and parenting students, you may be interested in the report *A Pregnancy Test for Schools: The Impact of Education Laws on Pregnant and Parenting Students* by the National Women's Law Center. The report is available at www.nwlc.org/pregnancytestforschools.

Thank you for all that you do on behalf of the students of [name of your school/district]. Please help to implement a supportive learning environment and more flexible absence policies for pregnant and parenting students.

Sincerely,

[sign and print your name here]

Endnotes

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14 Madeline Wordes & Michell Nunez, *Our Vulnerable Teenagers: Their Victimization, Its Consequences, and Directions for Prevention and Intervention* (National Council on Crime and Delinquency, Oakland, C.A.), 2002, at 13, *available at* http://www.ncvc.org/ncvc/AGP.Net/Components/documentViewer/Download.aspxnz?DocumentID=32558. Nationwide, 5% of students—and 7% and 8 % of black and Latino girls, respectively—had skipped school at least one day during the past month because of safety concerns. These numbers vary by region, and 10% of girls in New York City, close to 16 % of girls in Chicago, and 17% of girls in Detroit, reported missing school because they felt unsafe. *Youth Risk Behavior Surveillance – United States 2009*, Surveillance Summaries (Centers for Disease Control and Prevention, Washington, D.C.), June 4, 2010, at 55-56, *available at* http://www.cdc.gov/mmwr/pdf/ss/ss5905.pdf.
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25 Pillow, *supra* note 5, at 125.
26 Pillow, *supra* note 5, at 100-01; *Pregnancy Harassment Is Sexual Harassment: FAQs About Title IX and Pregnancy Harassment* (National Women's Law Center, Washington, D.C.), January 17, 2012, *available at* www.nwlc.org/resource/pregnancy-harassment-sexual-harassment-faqs-about-title-ix-and-pregnancy-harassment; *Schools for All Campaign: The School Bias & Pushout Problem* (ACLU of N. Cal., San Francisco, C.A.), 2008, at 4, *available at* www.aclunc.org/s4a/full_report.pdf.
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30 *Id*. at 126.
31 *Id*.
32 *Id*.
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38 North Carolina is one state that does require schools to provide homework and make up work to pregnant and parenting students. N.C. Gen. Stat. Ann. § 115C-375.5(b)(3) (West 2012).
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46 Don Herschell, T*ransportation Roadblock Between Teen Parents, School,* Observer-Reporter, Mar. 20, 1995, at B4.

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48 Peter D. Hart Research Associates, *Gates Foundation Dropouts Survey* (Sept/Oct 2005); Marilyn M. McMillen and Phillip Kaufman, U.S. Dep't of Educ., Nat't Center for Educ. Stat., *Dropout Rates in the United States: 1994* (1996), *available at* http://nces.ed.gov/pubs96/96863.pdf.

49 Pillow, *supra* note 5, at 119; Perper, *supra* note 6, at 2-3.

50 U.S. Const. amend. XIV § 1. While classifications based on sex are inherently suspect, the Supreme Court has found that denying benefits for normal pregnancies does not constitute sex discrimination under the Equal Protection Clause. *Geduldig v. Aeillo*, 417 U.S. 484, 496-97 (1974). However, *Geduldig* did not rule that pregnancy discrimination could never constitute unconstitutional sex discrimination, but only concluded that "not... every legislative classification concerning pregnancy is a sex-based classification." *Id*. at 495, n.20. *Geduldig* left open the possibility that some legislative classifications concerning pregnancy are sex-based. In *Nevada v. Hibbs*, 538 U.S. 721 (2003), the Supreme Court found that policies that discriminate on the basis of pregnancy are sex-based discrimination when they are based on stereotypes about "mothers and mothers-to-be."

51 *Hibbs*, 538 U.S. at 736.

52 *Id*. at 731.

53 *Cleveland Bd. of Ed. V. LaFleur*, 414 U.S. 632, 640 (1974) (quoting *Eisenstadt v. Baird*, 405 U.S. 438, 453 (1972)).

54 *Id*. at 651.

55 *Turner v. Dept. of Employment Security*, 423. U.S. 44, 46 (1975).

56 20 U.S.C. §§ 1681 *et seq.* (2006); 34 C.F.R. § 106.40.

57 *Id*.

58 *Id*.; 34 C.F.R. § 106.40.

59 *Chipman v. Grant County Sch. Dist.*, 30 F. Supp. 2d 975 (E.D. Ky. 1998).

60 *Id*. at 976-979.

61 *Id*.

62 *Cazares v. Barber,* No. CIV-90-0128-TUC-ACM, slip op. (D. Ariz. May 31, 1990) , aff'd, 959 F.2d 753 (9th Cir. 1992); *Wort v. Vierling,* No. 82-3169, slip op. (C.D. Ill. Sept. 4, 1984), aff'd, 778 F.2d 1233 (7th Cir. 1985).

63 *Pfeiffer v. Marion Ctr. Area Sch. Dist.,* 917 F.2d 779, 784-85 (3d Cir. 1990), *abrogated on other grounds by Fitzgerald v. Barnstable Sch. Comm.,* 555 U.S. 246 (2009). The court indicated that a pregnant student's dismissal from the National Honor Society might be consistent with Title IX if the dismissal was based on the fact that the student engaged in sexual intercourse rather than pregnancy. But the court remanded the case to district court, finding it had abused its discretion in refusing to consider evidence that the honor society was aware that a male honor society student had engaged in sexual intercourse.

64 NWLC's FOIA request sought all pregnancy-related OCR complaints, resolutions, and compliance reviews from 2002 to 2012. The oldest complaint produced was dated in 2007. OCR did not produce any pregnancy-related compliance reviews.

65 Elementary and Secondary Education Act of 1965, Pub. L. No. 89-10, tit. I, part D, 79 Stat. 27 (current version at 20 U.S.C.A. ch. 70, subch. I, pt. D (2006)).

66 Women's Educational Equity Act, 20 U.S.C. § 7283 (2001); Adolescent Family Life Demonstration Project, 42 U.S.C. § 300(z) (1981); The Pregnancy Assistance Fund, 42 U.S.C. §§ 18202-18203 (2010).

67 The Pregnancy Assistance Fund, 42 U.S.C. §§ 18202-18203 (2010). The 17 PAF grantees are: Arkansas, California, Connecticut, District of Columbia, Indiana, Massachusetts, Michigan, Minnesota, Montana, New Mexico, North Carolina, Choctaw Nation of Oklahoma, Oregon, Tennessee, Vermont, Virginia, and Washington. You can read about the individual PAF programs at www.hhs.gov/ash/oah/oah-initiatives/paf/paf-grantees.pdf.

68 Gail L. Zellman, The Rand Corporation, *Response of the Schools to Teenage Pregnancy and Parenthood* vii (1981), *available at* http://www.rand.org/content/dam/rand/pubs/reports/2007/R2759.pdf.

69 The Center for Assessment and Policy Development has identified six core services for teen parents and their children that a quality program for pregnant and parenting students should include. They are: flexible, quality educational options; quality child care; access to prenatal and family planning services; case management; family support services that include a student's parents and the father of the child; parenting education; support services like transportation; and support in transitioning to post-secondary education or career. S. A. Stephens, Wendy C. Wolf & Susan T. Batten, *Improving Outcomes for Teen Parents and Their Young Children by Strengthening School-Based Programs* (Center for Assessment and Policy Development, Trenton, N.J.), 1999, *available at* http://www.capd.org/pubfiles/pub-1999-04-01.pdf.

70 Cal-Learn Statewide Network, *Projected Economic and Social Impact of Eliminating California's Cal-Learn Program*, March 2011, *available at* http://www.teennowcalifornia.org/Cal-Learn%20Concept%20Document%20-%2013%20MAY%202011%20-%20FINAL%20DOC.pdf.

71 The ELECT program budget has always been modest; it peaked at $5 million. ELECT was funded at $4.2 million in 2011 and $3.9 million in 2012. Jeff Gammage, *Endangered Program That Aids Pregnant Phila. Teens and Young Mothers to Resume Most of its Work,* The Inquirer, July 21, 2011, *available at*: http://articles.philly.com/2011-07-21/news/29798010_1_budget-cuts-administrators-philadelphia-high-schools.

72 *See* SmithBattle, *supra* note 2; and *see* Zachry, *supra* note 36.

73 Zachry, *supra* note 36, at 2575; and *see* Cal-SAFE Report, *supra* note 10 at 2-3.

74 P.R. Laws Ann. tit. 18 § 1594 (2009).

75 05-071-4 Me. Code R. § 4.18 (2012); N.C. Gen. Stat. Ann. § 115C-375.5 (West 2012); P.R. Laws Ann. tit. 18 § 1594 (2009); and Vt. Stat. Ann. tit. 16 § 1073.

76 N.C. Gen. Stat. Ann. § 115C-375.5(b) (West 2012).

77 Wis. Stat. 115.915. According to state guidelines, program modifications

provided by school districts have included, for example: (1) a modified or shortened class schedule; (2) preferential enrollment in classes addressing the school age parent's identified needs, such as family and consumer education class on parenting; (3) an extended school year; (4) an additional school year, i.e., fifth year senior, and/or (5) granting academic credit for correspondence or community-based classes, e.g., physical education credit for a birth preparation class. Modifications may be made to accommodate a school age parent's pregnancy, child care requirements, or part-time employment necessary to support her or his child. Wisconsin Department of Public Instruction, *Instruction and Services for School Age Parents* (November 2008), at 1, *available at* http://dpi.wi.gov/sspw/pdf/schoolageparents.pdf.

78 Cal. Code Regs. tit.5, § 19836 (2012); CA Senate Bill 1064 (Chapter 1078, Statutes of 1998); CA *Education Code* Section 54748 (I).

79 Fla. Stat. § 1003.54.

80 24 Pa. Stat. Ann. 13-1327. *See also*, http://ppt-elect.center-school.org/.

81 *See*, e.g., Okla. School Code §266.

82 Idaho Admin. Code R. 08.02.03.110 (2012).

83 Mich. Comp. Laws. Ann. § 380.1301(2) (West 2012); Mich. Comp. Laws. Ann. §380.1561 (West 2012). The drop out age in Michigan is 16 for students who turned 11 before December 1, 2009 or entered grade 6 before 2009 and it is 18 for students who turned 11 after December 1, 2009 or started grade 6 after 2009.

84 Fla. Stat. Ann. § 1003.54 (West 2012).

85 Ariz. Rev. Stat. Ann. § 15-346 (2012), *available at* http://www.azleg.state.az.us/ars/15/00346.htm.

86 05-071-4 Me. Code R. § 4.18 (2012); 94-348-4 Me. Code R. § 4.18.

87 N.C. Gen. Stat. Ann. § 115C-375.5(b)(2) (West 2012).

88 *Id*.

89 *Supra*, note 77.

90 Ariz. Rev. Stat. Ann. § 15-346 (2012); Cal. Educ. Code § 48205 (West 2012); Fla. Stat. § 1003.54 (2012); 05-071-4 Me. Code R. § 4.18; N.C. Gen. Stat. § 115C-375.5 (2012); Or. Rev. Stat. § § 336.640 (2011).

91 Ark. Code Ann. § 6-18-209 (2012); Del. Code Ann. tit. 14, § 2722 (2012); Kan. Stat. Ann. § 72-1113 (2011); N.H. Rev. Stat. Ann. § 189:34 (2012); Wyo. Stat. Ann. § 21-3-111 (e)(xvi) (2012).

92 Idaho Admin. Code r.08.02.01.650.03(b) (2012); Idaho Code Ann. § 33-202 (2012).

93 *Guidelines for Homebound Services,* Salt Lake City School District, *available at* http://www.slcschools.org/departments/student-services/Guidelines-for-Homebound-Services.php. The guidelines state that "students who are pregnant do not qualify for Homebound services. The only exception would be for students who experienced documented serious medical complications. If a student has received Hospital/Homebound services for serious medical complications, after delivery, the student is expected to return to school within three (3) weeks and will be released from Hospital/Homebound instruction." For all other temporary disabilities, Salt Lake City School District only requires that the student be confined to a home or hospital setting due to physical illness, psychological or emotional illness, injury, disability or other short-term medical necessity and has missed (or is expected to miss) ten or more days of school.

94 Ga. Code Ann., § 20-2-150(a) (2011).

95 *Homebound and Hospitalized Services for Michigan Public School Students,* Mich. Department of Education (Jan. 2011), 3, n.1, *available at* www.michigan.gov/documents/mde/homebound_guidelines_Jan_2011_343415_7.pdf.

96 Cal-SAFE Report, *supra* note 10, at Executive Summary.

97 *See Guidebook: Providing Educational Services and Support to Pregnant and Parenting Teen Students,* Pennsylvania Department of Education (Apr. 2007), *available at* http://ppt-elect.center-school.org/providers/304/PPT%20 Guidebook.pdf. Beginning in 2004, ELECT services have included an additional component to ensure a smooth transition to post-secondary education and/or the workforce for graduating pregnant and parenting youth who receive TANF or Food Stamp benefits. The transition component provides uninterrupted support services to these youth for up to 120 days beyond graduation or completion of a GED.

98 Fla. Admin. Code r. 6A-6.0525 (2012).

99 Wis. Admin. Code [PI] § 19.03(8) (2012).

100 NM Stat. Ann. § 22-2C-11 (2009).

101 P.R. Laws Ann. tit. 18 § 1594 (2009).

102 Vt. Stat. Ann. tit. 33, § 1106.

103 NY Educ. Law § 3635(1)(f) (McKinney 2011).

104 *California School Age Families Education (Cal-SAFE) Program Reference Handbook,* California Department of Education (Oct. 2005) 23, *available at* http://4teenparents.com/School%20and%20You%20Rights%20PDF/Cal-SAFE%20reference%20handbook.pdf.

105 Patrick Marley, *Dems Drop Plan for Rides for Pregnant Students,* Journal Sentinel Online, (June 11, 2009), http://www.jsonline.com/blogs/news/47736842.html.

106 *See*, Debelak, supra, note 47, at 27.

107 Pregnant and Parenting Students Access to Education Act of 2011, H.R. 2617, 112th Cong. (2011).

108 For examples of programs that work, *see Best Practices for Working with Teen Parents and Their Children* (TeenWise Minnesota, St. Paul, M.N.), Nov. 2006, *available at* http://www.moappp.org/Documents/apn/WorkingWithTeenParents.pdf.

109 *Regulation of the Chancellor A-740,* NYC Department of Education (Nov. 13, 2008), *available at* http://docs.nycenet.edu/docushare/dsweb/Get/Document-34/A740.pdf.

110 *Pregnant and Parenting Students Educational Rights,* Los Angeles Unified School District (Oct. 25, 2005), *available at* http://notebook.lausd.net/pls/ptl/docs/PAGE/CA_LAUSD/FLDR_ORGANIZATIONS/FLDR_GENERAL_COUNSEL/PREGNANT%20AND%20PARENTING%20BULLETIN%202060.0%20(FINAL).PDF.



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