

5000 – STUDENTS

MARRIED/PREGNANT/PARENTING PUPILS

BP 5146

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The Sacramento County Office of Education (SCOE) shall not discriminate against any pupil on the basis of the pupil's marital status, pregnancy, or a condition related to pregnancy, i.e., childbirth, false pregnancy, termination of pregnancy, or related recovery (“related condition”).

For school-related purposes, a pupil under the age of 18 years who enters into a valid marriage shall have all the rights and privileges of pupils who are 18 years old, even if the marriage has been dissolved.

Education and Support Services for Pregnant and Parenting Pupils

Pregnant and parenting pupils shall retain the right to participate in any SCOE program for which they are otherwise eligible. The classroom setting shall be the preferred instructional setting unless an alternative is necessary to meet the needs of the pupil and/or the pupil's child.

If SCOE offers an alternate education program to pregnant pupils, it shall have educational programs, activities, and courses equal to those offered in the regular program. A pupil's participation in such programs shall be voluntary. SCOE may offer educational and related support services alone or in collaboration with community agencies and organizations to meet the needs of pregnant and parenting pupils and their children.

SCOE schools may require a pupil, based on pregnancy or a related condition, to obtain certification from a physician indicating that the pupil is physically and emotionally able to participate in an educational program or activity if such a certification is required of all pupils with physical or emotional conditions or temporary disabilities requiring the attention of a physician.

Absences

SCOE schools shall grant a pupil a leave of absence due to pregnancy or a related condition for as long as it is deemed medically necessary by a physician. At the conclusion of the leave, the pupil shall be reinstated to the status held when the leave began.

Absences related to confidential medical appointments for pregnant or parenting pupils are excused absences. A parenting pupil may request exemption from attendance because of personal services that must be rendered to a dependent.

Reasonable Accommodations

When necessary, SCOE shall provide reasonable accommodations to pregnant and parenting pupils to enable them to access the educational program.

A pupil who is pregnant or has a related condition shall have access to any services available to other pupils with temporary disabilities or medical conditions.

SCOE schools shall provide reasonable accommodations to any lactating pupil to express breast milk, breastfeed an infant child, or address other needs related to breastfeeding. A pupil shall not incur an academic penalty for using any of these reasonable accommodations, and shall be provided the opportunity to make up any work missed due to such use. Reasonable accommodations include, but are not limited to:

1. Access to a private and secure room, other than a restroom, to express breast milk or breastfeed an infant child;
2. Permission to bring onto a school campus a breast pump and any other equipment used to express breast milk;
3. Access to a power source for a breast pump or any other equipment used to express breast milk;
4. Access to a place to store expressed breast milk safely;
5. A reasonable amount of time to accommodate the pupil's need to express breast milk or breastfeed an infant child.

Complaints

Any complaint of discrimination on the basis of pregnancy, marital or parental status, or reasonable accommodations shall be addressed through SCOE's Uniform Complaint Procedures (BP/ARR 1312.3). A complainant who is not satisfied with SCOE's decision may appeal the decision to the California Department of Education (CDE). If SCOE or the CDE finds merit in an appeal, SCOE will provide a remedy to the affected pupil.

Legal Reference:

EDUCATION CODE

222 Reasonable accommodations; lactating pupils

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230 Sex discrimination
8200-8498 Child Care and Development Services Act
48205 Excused absences
48220 Compulsory education requirement
48410 Persons exempted from continuation classes
49553 Nutrition supplements for pregnant/lactating pupils
51220.5 Parenting skills and education
51745 Independent study
52610.5 Enrollment of pregnant and parenting pupils in adult education

FAMILY CODE

7002 Description of emancipated minor

HEALTH AND SAFETY CODE

104460 Tobacco prevention services for pregnant and parenting pupils

TITLE 5, CODE OF REGULATIONS

4600-4687 Uniform complaint procedures
4950 Nondiscrimination, marital and parental status

TITLE 22, CODE OF REGULATIONS

101151-101239.2 General licensing requirements for child care centers
101351-101439.1 Infant care centers

TITLE 20, UNITED STATES CODE

1681-1688 Title IX, Education Act Amendments

TITLE 42, UNITED STATES CODE

1786 Special supplemental nutrition program for women, infants, and children

TITLE 7, CODE OF FEDERAL REGULATIONS

246.1-246.28 Special supplemental nutrition program for women, infants, and children

TITLE 34, CODE OF FEDERAL REGULATIONS

106.40 Marital or parental status

COURT DECISIONS

American Academy of Pediatrics v. Lungren (1997) 16 Cal.4th 307

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