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OAKLAND UNIFIED  
SCHOOL DISTRICT

Community Schools, Thriving Students

# Memo

**To** Board of Education

**From** Devin Dillon, Ph.D, Interim Superintendent  
Seth Eckstein, Staff Attorney, Office of the General Counsel  
Gabriel Valenzuela, Ombudsperson/Title IX Coordinator *GV*

**Board Meeting Date** May 24, 2017

**Subject** Amendment to Board Policy BP 5146: (Students) Married, Pregnant and Parenting Students

**Action Requested** Approval of revisions to the Oakland Unified School District Board Policy BP 5146: Married, Pregnant and Parenting Students.

**Background** The revisions to Board Policy 5146, address recent legislation AB 302 (Ch. 690), regarding lactation accommodations for student(s). It requires any school with at least one lactating student to provide reasonable accommodations to address needs related to breastfeeding, such as access to a private and secure room (other than a restroom) to express breast milk or breastfeed an infant child, permission to bring onto a school campus any equipment used to express breast milk, access to a power source for that equipment, and access to a place to safely store expressed breast milk. In addition, the student must be given a reasonable amount of time to accommodate the need to express breast milk or breastfeed an infant child and cannot be penalized academically for her use of these accommodations.

**Discussion** The revisions bring our policy into compliance with state law. The revisions also meet the requirements of California Department of Education (CDE) Federal Program Monitoring compliance review which required that the district update our BP 5146: Married, Pregnant and Parenting Students. We utilized the California School Boards Association (CSBA) sample policies for the recommended revisions.

The changes to the policy are shown on the attachments.

**Recommendation** Approval of modifications to the Oakland Unified School District Board Policy 5146: Married, Pregnant and Parenting Students.

**Fiscal Impact** Funding resource: no direct funding implications

**Attachments**

- Amendments to Board Policy BP 5146

OAKLAND UNIFIED SCHOOL DISTRICT  
Office of General Counsel  
APPROVED FOR FORM & SUBSTANCE  
By: *Meri Dillon*  
Attorney at Law

# OAKLAND UNIFIED SCHOOL DISTRICT

## Board Policy

### BP 5146 – Married/Pregnant/Parenting Students Students

The Governing Board recognizes that early marriage, pregnancy or parenting and related responsibilities may disrupt a student's education and increase the chance of a student dropping out of school. The Board therefore desires to provide instruction and services designed to assist in pregnancy prevention. The Board also desires to support male and female expectant support married, pregnant, and parenting students to continue their education, attain strong academic and parenting skills and to promote the healthy development of their children.

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(cf. 5113.1 – Chronic Absence and Truancy)

(cf. 5147 - Dropout Prevention)

(cf. 5149 – At-Risk Students)

(cf. 6011 - Academic Standards)

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6146.11 - Alternative Credits Toward Graduation)

(cf. 6146.2 - Certificate of Proficiency/High School Equivalency)

(cf. 6145.5 – Student Success Teams)

The district shall not discriminate against any student on the basis of the student's marital status, pregnancy, childbirth, false pregnancy, termination of pregnancy, or related recovery. (Education Code 230; 34 CFR 106.40)

(cf. 0410 – Nondiscrimination in District Programs and Activities)

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

Married, expectant and parenting students shall have the same educational and extracurricular opportunities as all students. Participation in special programs or schools shall be voluntary.

(cf. 0500 – Accountability)

(cf. 6162.5 – Student Assessment)

(cf. 0410 – Nondiscrimination in District Programs and Activities)

(cf. 5127 – Graduation Ceremonies and Activities)

(cf. 6145 – Extracurricular and Co-curricular Activities)

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

Pregnant and parenting students shall retain the right to participate in any comprehensive school or educational alternative program. The classroom setting shall be the preferred instructional strategy unless an alternative is necessary to meet the needs of the student and/or his/her child.

(cf. 6158 – Independent Study)

(Cf. 6181 – Alternative Schools/Programs of Choice)



(cf. 6183 – Continuation Education)  
(cf. 6200 – Adult Education)

For school-related purposes, married students under the age of 18 are emancipated minors and have all the rights and privileges of students who are 18, even if the marriage has been dissolved. (Family Code 7002)

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

(cf. 6142.7 - Physical Education and Activity)  
(cf. 6145 - Extracurricular and Curricular Activities)

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As required for other students with physical or emotional conditions or temporary disabilities, the Superintendent or designee may require a student, based on pregnancy, childbirth, false pregnancy, termination of pregnancy, or related recovery, to obtain certification from a physician indicating that the student is physically and emotionally able to participate in an educational program or activity. (34 CFR 106.40)

To the extent feasible, educational and related support services shall be provided, either through the district or in collaboration with community agencies and organizations, to meet the needs of pregnant and parenting students and their children. Such services may include, but are not limited to:

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

(cf. 1020 - Youth Services)  
(cf. 5148 - Child Care and Development)

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2. Parenting education and life skills instruction

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

(cf. 3550 - Food Service/Child Nutrition Program)  
(cf. 5030 - Student Wellness)

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4. Health care services, including prenatal care

(cf. 5141.6 - School Health Services)

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5. Tobacco, alcohol, and/or drug prevention and intervention services

(cf. 5131.6 - Alcohol and Other Drugs)  
(cf. 5131.62 - Tobacco)

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6. Academic and personal counseling

(cf. 6164.2 - Guidance/Counseling Services)

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7. Supplemental instruction to assist students in achieving grade-level academic standards and progressing toward graduation

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(cf. 6179 - Supplemental Instruction)

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

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(cf. 4131 - Staff Development)

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(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

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### Absences

Pregnant or parenting students may be excused for absences related to confidential medical appointments in accordance with BP/AR 5113 - Absences and Excuses.

(cf. 5113 - Absences and Excuses)

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The Superintendent or designee shall grant a student a leave of absence due to pregnancy, childbirth, false pregnancy, termination of pregnancy, and related recovery for as long as it is deemed medically necessary by a physician. At the conclusion of the leave, the student shall be reinstated to the status held when the leave began. (34 CFR 106.40)

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(cf. 5112.3 - Student Leave of Absence)

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A parenting student may request exemption from attendance because of personal services that must be rendered to a dependent.

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(cf. 5112.1 - Exemptions from Attendance)

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### Reasonable Accommodations

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

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A pregnant student shall have access to any services available to other students with temporary disabilities or medical conditions. (34 CFR 106.40)

(cf. 6183 - Home and Hospital Instruction)

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The school shall provide reasonable accommodations to any lactating student to express breast milk, breastfeed an infant child, or address other needs related to breastfeeding. A student 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: (Education Code 222)

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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 student's need to express breast milk or breastfeed an infant child.

### **Complaints**

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

(cf. 1312.3 - Uniform Complaint Procedures)

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Any complaint alleging district noncompliance with the requirements to provide reasonable accommodations for lactating students also may be filed in accordance with the district's procedures in AR 1312.3 - Uniform Complaint Procedures. A complainant who is not satisfied with the district's decision may appeal the decision to the California Department of Education (CDE). If the district or the CDE finds merit in an appeal, the district shall provide a remedy to the affected student. (Education Code 222; 5 CCR 4600-4687)

### **Program Evaluation**

The Superintendent or designee shall periodically report to the Board regarding the effectiveness of district strategies to support married, pregnant, and parenting students, which may include data on participation rates in district programs and services, academic achievement, school attendance, graduation rate, and/or student feedback on district programs and services.

(cf. 0500 - Accountability)

(cf. 6162.5 - Student Assessment)

### **Expectant and Parenting Students**

The Board is committed to providing to expectant and parenting students and their children a comprehensive, continuous, community-linked program that reflects the cultural and linguistic diversity of the community.

The Superintendent or designee shall collaborate with the County Superintendent of Schools and other community agencies and organizations to ensure that appropriate educational and related support services are available to meet the needs of expectant and parenting students their children.

(cf. 1020—Youth Services)

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

Expectant and parenting students retain the right to participate in any comprehensive school or educational alternative programs. School placement and instructional strategies for participating students shall be based on the needs and learning styles of individual students. The classroom setting shall be the preferred instructional strategy unless an alternative is necessary to meet the needs of the individual student and/or child. (Education Code 54745)

- (ef. 6158 - Independent Study)
- (ef. 6182 - Opportunity School/Class/Program)
- (ef. 6183 - Home and Hospital Instruction)
- (ef. 6184 - Continuation Education)
- (ef. 6200 - Adult Education)

In addition to providing a quality education program for expectant and parenting students, the district's program shall provide parenting education and life skills instruction, special school nutrition supplements for pregnant and lactating students, and a child care and development program on or near the school site for the children of enrolled students. The district's program may provide other support services authorized by Education Code 54746 as necessary to meet the needs of students and their children. (Education Code 54745)

- (ef. 3550 - Food Service/Child Nutrition Program)
- (ef. 5141.6 - Student Health and Social Services)
- (ef. 5148 - Child Care and Development)
- (ef. 5148.1 - Child Care Services for Parenting Students)
- (ef. 6164.2 - Guidance/Counseling Services)

#### Pregnancy Prevention Program

The Superintendent or designee shall ensure that age appropriate, culturally sensitive and community sensitive instruction and services are available to assist in the prevention of pregnancy among minors. The district's program shall be based on strategies that have proven effective in delaying the onset of sexual activity and reducing the incidence of pregnancy among school-age youth. Instruction shall be consistent with the district's family life/sex education curriculum:

- (ef. 5141.25 - Availability of Condoms)
- (ef. 6142.1 - Family Life/Sex Education)
- (ef. 6142.8 - Comprehensive Health Education)
- (ef. 6143 - Courses of Study)

#### Legal Reference:

#### EDUCATION CODE

- 2551.3 - Determination of state aid for pregnant minors program
- 8920.8929 - Teenage pregnancy prevention grant program
- 17293 - School facilities for pregnant/parenting teen programs
- 48220 - Compulsory education requirement
- 48410 - Persons exempted from continuation classes
- 49553 - Nutrition supplements for pregnant/lactating students
- 49558 - Confidentiality of applications and records for free or reduced price meals
- 51220.5 - Parenting skills and education

51745 Independent study  
52610.5 Enrollment of pregnant and parenting students in adult education  
54740 54749.5 California School Age Families Education Program (Cal-SAFE)  
FAMILY CODE  
7002 Description of emancipated minor  
7050 Purposes for which emancipated minor considered an adult  
HEALTH AND SAFETY CODE  
124175 124200 Adolescent and Family Life Act  
UNITED STATES CODE, TITLE 20  
1681-1688 Title IX, Education Act Amendments  
CODE OF FEDERAL REGULATIONS, TITLE 34  
106.40 Marital or parental status

Management Resources:

CDE PUBLICATIONS

Pregnant and Parenting Students: A Report to the Legislature, April 1996

SBE POLICIES

Policy statement on adolescent pregnancy and parenting, July 9, 1993

WEB SITES

CDE: <http://www.ede.ca.gov>

California Department of Health Services: <http://www.dhs.ca.gov>

Department of Social Services:

Legal Reference:

EDUCATION CODE

222 Reasonable accommodations; lactating students

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 students

51220.5 Parenting skills and education

51745 Independent study

52610.5 Enrollment of pregnant and parenting students in adult education

CIVIL CODE

51 Unruh Civil Rights Act

FAMILY CODE

7002 Description of emancipated minor

HEALTH AND SAFETY CODE

104460 Tobacco prevention services for pregnant and parenting students

CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform complaint procedures

4950 Nondiscrimination, marital and parental status

CODE OF REGULATIONS, TITLE 22

101151-101239.2 General licensing requirements for child care centers

101351-101439.1 Infant care centers

UNITED STATES CODE, TITLE 20

1681-1688 Title IX, Education Act Amendments

UNITED STATES CODE, TITLE 42

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*1786 Special supplemental nutrition program for women, infants, and children*  
CODE OF FEDERAL REGULATIONS, TITLE 7  
*246.1-246.28 Special supplemental nutrition program for women, infants, and children*  
CODE OF FEDERAL REGULATIONS, TITLE 34  
*106.40 Marital or parental status*  
ATTORNEY GENERAL OPINIONS  
*87 Ops. Cal. Atty. Gen. 168 (2004)*  
COURT DECISIONS  
*American Academy of Pediatrics et al v. Lungren et al (1997) 16 Cal.4th 307*

Management Resources:

CALIFORNIA WOMEN'S LAW CENTER PUBLICATIONS  
*Educational Rights of Pregnant and Parenting Teens: Title IX and California State Law*  
*Requirements*  
*Pregnant Students and Confidential Medical Services*  
*The Civil Rights of Pregnant and Parenting Teens in California Schools, 2002*  
U.S. DEPARTMENT OF EDUCATION PUBLICATIONS  
*Supporting the Academic Success of Pregnant and Parenting Students under Title IX of*  
*the Education Amendments of 1972, rev. June 2013*  
WEB SITES  
*California Department of Education: <http://www.cde.ca.gov>*  
*California Women's Law Center: <http://www.cwlc.org/resources>*  
*U.S. Department of Agriculture, Women, Infants, and Children Program:*  
*<http://www.fns.usda.gov/wic>*  
*U.S. Department of Education: <http://www.ed.gov>*

7/14/04A, 7/28/04, (Pending Board Approval 5/24/17)



# **OAKLAND UNIFIED SCHOOL DISTRICT**

## **Board Policy**

### **BP 5146 – Married/Pregnant/Parenting Students Students**

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(cf. 5113.1 – Chronic Absence and Truancy)  
(cf. 5147 - Dropout Prevention)

(cf. 6011 - Academic Standards)  
(cf. 6146.1 - High School Graduation Requirements)  
(cf. 6146.11 - Alternative Credits Toward Graduation)  
(cf. 6146.2 - Certificate of Proficiency/High School Equivalency)  
(cf. 6145.5 – Student Success Teams)

The district shall not discriminate against any student on the basis of the student's marital status, pregnancy, childbirth, false pregnancy, termination of pregnancy, or related recovery. (Education Code 230; 34 CFR 106.40)

(cf. 0410 – Nondiscrimination in District Programs and Activities)

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(cf.0500 – Accountability)  
(cf. 6162.5 – Student Assessment)

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

Pregnant and parenting students shall retain the right to participate in any comprehensive school or educational alternative program. The classroom setting shall be the preferred instructional strategy unless an alternative is necessary to meet the needs of the student and/or his/her child.

(cf. 6158 – Independent Study)  
(Cf. 6181 – Alternative Schools/Programs of Choice)  
(cf. 6183 – Continuation Education)  
(cf. 6200 – Adult Education)

Any education program or activity that is offered separately to pregnant students, including any class or extracurricular activity, shall be equal to that offered to other

district students. A student's participation in such programs shall be voluntary. (5 CCR 4950)

(cf. 6142.7 - Physical Education and Activity)

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(cf. 1020 - Youth Services)

(cf. 5148 - Child Care and Development)

2. Parenting education and life skills instruction

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

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

(cf. 5030 - Student Wellness)

4. Health care services, including prenatal care

(cf. 5141.6 - School Health Services)

5. Tobacco, alcohol, and/or drug prevention and intervention services

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(cf. 5131.62 - Tobacco)

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(cf. 6164.2 - Guidance/Counseling Services)

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(cf. 6179 - Supplemental Instruction)



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(cf. 5113 - Absences and Excuses)

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(cf. 5112.3 - Student Leave of Absence)

A parenting student may request exemption from attendance because of personal services that must be rendered to a dependent.

(cf. 5112.1 - Exemptions from Attendance)

## **Reasonable Accommodations**

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

A pregnant student shall have access to any services available to other students with temporary disabilities or medical conditions. (34 CFR 106.40)

(cf. 6183 - Home and Hospital Instruction)

The school shall provide reasonable accommodations to any lactating student to express breast milk, breastfeed an infant child, or address other needs related to breastfeeding. A student 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: (Education Code 222)

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 student's need to express breast milk or breastfeed an infant child.

### **Complaints**

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

(cf. 1312.3 - Uniform Complaint Procedures)

Any complaint alleging district noncompliance with the requirements to provide reasonable accommodations for lactating students also may be filed in accordance with the district's procedures in AR 1312.3 - Uniform Complaint Procedures. A complainant who is not satisfied with the district's decision may appeal the decision to the California Department of Education (CDE). If the district or the CDE finds merit in an appeal, the district shall provide a remedy to the affected student. (Education Code 222; 5 CCR 4600-4687)

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The Superintendent or designee shall periodically report to the Board regarding the effectiveness of district strategies to support married, pregnant, and parenting students, which may include data on participation rates in district programs and services, academic achievement, school attendance, graduation rate, and/or student feedback on district programs and services.

(cf. 0500 - Accountability)

(cf. 6162.5 - Student Assessment)

### *Legal Reference:*

#### EDUCATION CODE

222 Reasonable accommodations; lactating students

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 students*  
51220.5 *Parenting skills and education*  
51745 *Independent study*  
52610.5 *Enrollment of pregnant and parenting students in adult education*

CIVIL CODE

51 *Unruh Civil Rights Act*

FAMILY CODE

7002 *Description of emancipated minor*

HEALTH AND SAFETY CODE

104460 *Tobacco prevention services for pregnant and parenting students*

CODE OF REGULATIONS, TITLE 5

4600-4687 *Uniform complaint procedures*

4950 *Nondiscrimination, marital and parental status*

CODE OF REGULATIONS, TITLE 22

101151-101239.2 *General licensing requirements for child care centers*

101351-101439.1 *Infant care centers*

UNITED STATES CODE, TITLE 20

1681-1688 *Title IX, Education Act Amendments*

UNITED STATES CODE, TITLE 42

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

CODE OF FEDERAL REGULATIONS, TITLE 7

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

CODE OF FEDERAL REGULATIONS, TITLE 34

106.40 *Marital or parental status*

ATTORNEY GENERAL OPINIONS

87 *Ops. Cal. Atty. Gen. 168 (2004)*

COURT DECISIONS

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

*Management Resources:*

CALIFORNIA WOMEN'S LAW CENTER PUBLICATIONS

*Educational Rights of Pregnant and Parenting Teens: Title IX and California State Law Requirements*

*Pregnant Students and Confidential Medical Services*

*The Civil Rights of Pregnant and Parenting Teens in California Schools, 2002*

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

*Supporting the Academic Success of Pregnant and Parenting Students under Title IX of the Education Amendments of 1972, rev. June 2013*

WEB SITES

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

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

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

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

7/14/04A, 7/28/04, (Pending Board Approval 5/24/17)