

Office of Adolescent Health
**Beyond Programs and Services: Existing
Laws, Legislation, and Policies That Support
Expectant and Parenting Teens, Women,
Fathers, and Their Families**

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This webinar was developed by Child Trends under contract #HHSP233201450027A for the Office of Adolescent Health; US Department of Health and Human Services as a technical assistance product for use with OAH Pregnancy Assistance Fund grantees.

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Presenters



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The screenshot shows the top portion of a website. At the top left is the U.S. Department of Health & Human Services logo and name. At the top right is the URL www.hhs.gov. Below this is a navigation bar with links: Home, About Us, OAH Initiatives, Adolescent Health Topics, News, Resources & Publications, and Grants. The main content area features a large image of a diverse group of young people. On the left is the Office of Adolescent Health logo. On the right is a search bar and social media sharing icons. Below the navigation bar is a large purple banner with a photo of a man and a child. The banner contains the text: 'Pregnancy Assistance Fund Resource Center' and 'The Pregnancy Assistance Fund Resource Center provides training materials and resources for OAH grantees working to help expectant and parenting teens, women, fathers, and their families. It offers: e-learning modules, informative podcasts, webinars and training materials.' To the right of this text is a list of links: 'in PREGNANCY ASSISTANCE FUND RESOURCE CENTER' followed by '• Training Topics' and '• Resources'.

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Pregnancy Assistance Fund Resource Center

The Pregnancy Assistance Fund Resource Center provides training materials and resources for OAH grantees working to help expectant and parenting teens, women, fathers, and their families. It offers: e-learning modules, informative podcasts, webinars and training materials.

in PREGNANCY ASSISTANCE FUND RESOURCE CENTER

- Training Topics
- Resources



Interact with Us!



- At the conclusion of this webinar, you will be able to:
 - Define and distinguish three key terms from the webinar: 1) law; 2) legislation; and 3) policy;
 - Identify at least three federal or state laws that support Expectant and Parenting Teens (EPT);
 - Summarize at least two state-level laws or policies that support EPTs; and,
 - List at least two strategies for educating EPTs about relevant laws, legislation, and policies that protect and/or provide them with support.



- *How frequently do you discuss law and policies with the expectant and parenting teens in your program?*
 - *Frequently*
 - *Sometimes*
 - *Rarely*
 - *Never*



Support goes beyond programs and services.

Protecting EPTs' rights is essential to their success as parents, students, and citizens of the United States.





- **Law:** the whole system or set of rules made by the government of a town, state, country, etc.
- **Legislation:** the process through which statutes are enacted by a legislative body that is established and empowered to do so.



- **Policy:** a set of ideas or a plan for action followed by a business, a government, a political party, or a group of people



- **Title IX of the Education Amendments of 1972**
- **The Pregnant and Parenting Students Access to Education Act (PPSAE)**
- **Child Care Access Means Parents in School (CCAMPIS)**



Title IX of the Education Amendments of 1972

- Overview of the law:
 - Probably best known for guaranteeing equality in athletics.
 - Its protections extend well beyond sports.
 - Schools receiving federal funds cannot discriminate based on sex.
 - Public or private schools
 - Primary, secondary, and higher education institutions
- Discrimination on the basis of sex includes discrimination on the basis of pregnancy.

[\(Title IX of the Education Amendments of 1972\)](#)



- Equal participation
 - Special instructional programs
 - Voluntary
 - Same range of opportunities
- Reasonable adjustments
- Excused absences





- Returning to school after absences
- Clubs, activities, and sports
- Harassment
- Policies and procedures

- Title IX doesn't specifically address fathers or expectant fathers.
- It does prohibit discrimination on the basis of sex.



- Title IX has no specific protections related to IPV
- Survivors of IPV should never be punished or sanctioned because of their experience.



- Which of these could be discrimination?
 - a) Steering students into lesser alternative schools or GED programs
 - b) Forbidding pregnant students from walking at graduation
 - c) Excluding eligible students who are or were pregnant from National Honor Society chapter
 - d) All of the Above



- Would it be acceptable to...
 - a) Allow a pregnant student to modify her uniform in order to make it fit
 - b) Encourage a parenting student to quit taking honor's classes because the school is concerned about how the student will be able to handle child care and the academic load
 - c) Provide non-credit parenting classes for pregnant and parenting students in place of academic classes
 - d) Permit a pregnant student to participate in a school's homebound instruction policy



The Pregnant and Parenting Students Access to Education Act (PPSAE)

- The purposes of this Act are:
 - To ensure that all pregnant and parenting students have equal access to the same educational opportunities that are provided to other students

National Women's Law Center. (2013, May). Pregnant and parenting students access to education act section-by-section summary. Retrieved from <http://nwlc.org/resources/pregnant-and-parenting-students-access->



The Pregnant and Parenting Students Access to Education Act (PPSAE)

- The purposes of this Act are:
 - To improve high school graduation rates, career readiness, access to postsecondary educational opportunities, and outcomes for pregnant and parenting students and their children;



The Pregnant and Parenting Students Access to Education Act (PPSAE)

- The purposes of this Act are:
 - To assist State and Local Education Agencies (SEAs and LEAs) in fulfilling their responsibilities to pregnant and parenting students under Title IX of the Education Amendments of 1972 (which prohibits discrimination on the basis of sex in schools that receive federal funding)



Child Care Access Means Parents in School

- Overview of legislation: “The purpose of CCAMPIS is to support the participation of low-income parents in postsecondary education through the provision of campus-based child care services.”

U.S. Department of Education. (2011, August). Child Care Access Means Parents in School Program: Frequently asked questions. Retrieved from <http://www2.ed.gov/programs/campisp/faq.html>



Laws and Intimate Partner Violence



- Family Violence Prevention and Services Act (FVPSA)
- Violence Against Women Act (VAWA)

<http://www.womenshealth.gov/violence-against-women/laws-on-violence-against-women/>



State-level Laws, Legislation, & Policies



New Mexico Compulsory Attendance Policy for Pregnant and Parenting Teens



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- Challenges with school attendance policies may have contributed to drop out rate
- New Mexico passed 2013 legislation providing leave for pregnant and parenting students



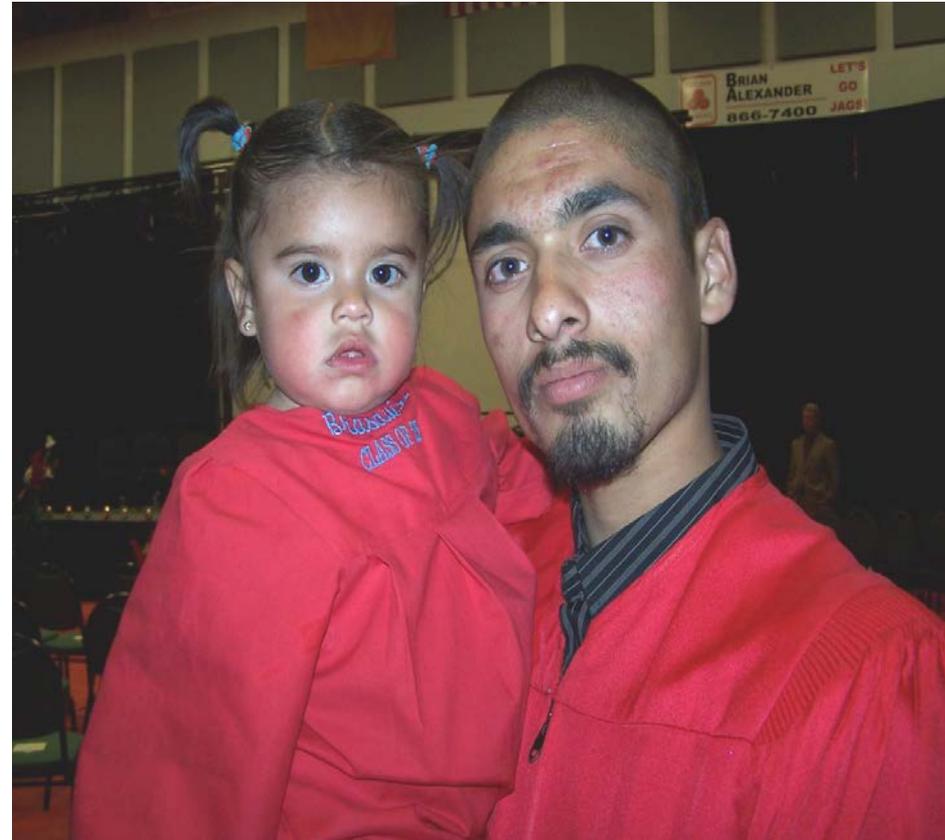
- In 2011, American Civil Liberties Union of New Mexico and Young Women United conducted focus groups with over 40 expectant and parenting teens in 4 NM communities



- NM GRADS, New Futures High School and other organizations that serve teen parents helped facilitate focus groups in their communities



- Two memorials were introduced in 2012 based on focus group results
- Senate Memorial 25 established August 25th as NM Day in Recognition of Young Parents



New Mexico – Young Parents Day



New Mexico – Formation of Work Group

- NM-ACLU and YWU identified individuals and organizations interested in further work to address barriers and develop ways to improve policies and programs that impact young parent access to education



New Mexico – Focus of Work Group

- Absences related to pregnancy, birth and parenting status were identified as primary concern
- Low-cost solution: Expectant and parenting attendance policy



- Developed report on the need for a NM attendance policy for expectant and parenting teens
- Presentation to Legislative Educational Study Committee
- Introduced legislation during 2013 session



Pregnant and Parenting Students

- Ten days of excused absences with documentation of birth
- Additional 4 days of excused absences per semester with documentation of pregnancy or child care if student is parent
- Excused absences for additional days missed if medically necessary
- Time for make up work equal to absences



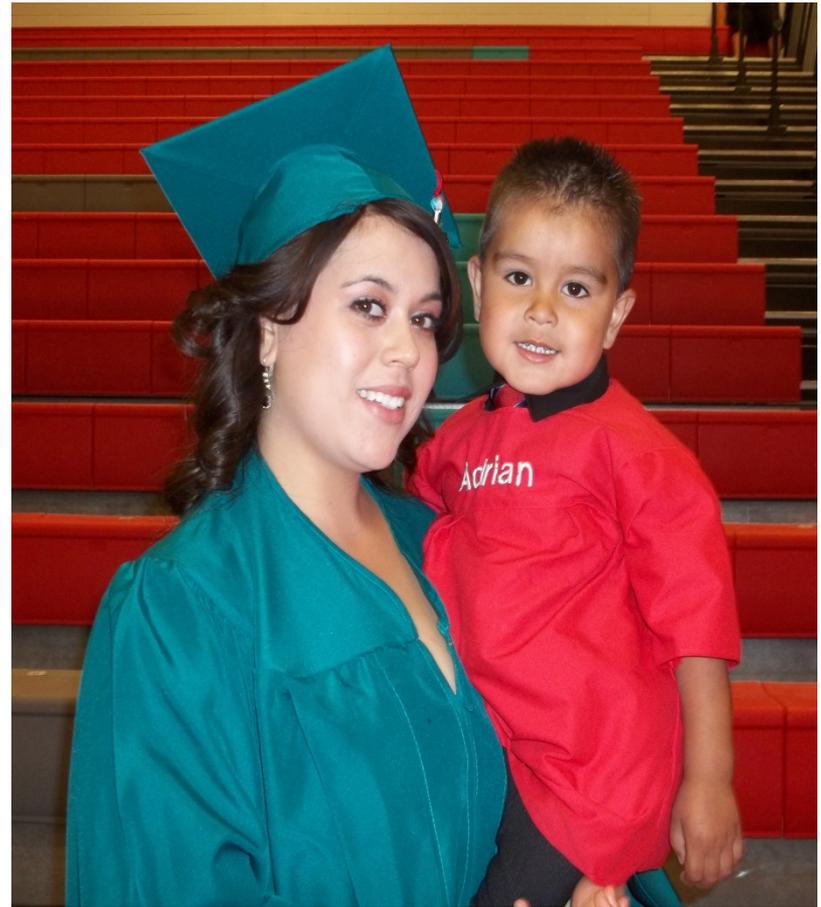
New Mexico – Inclusion of Fathers

- Intent of policy was to include fathers during prenatal and postnatal period
- Final legislation, subsequent statute, and PED rule reflected exceptions for fathers during the postnatal period



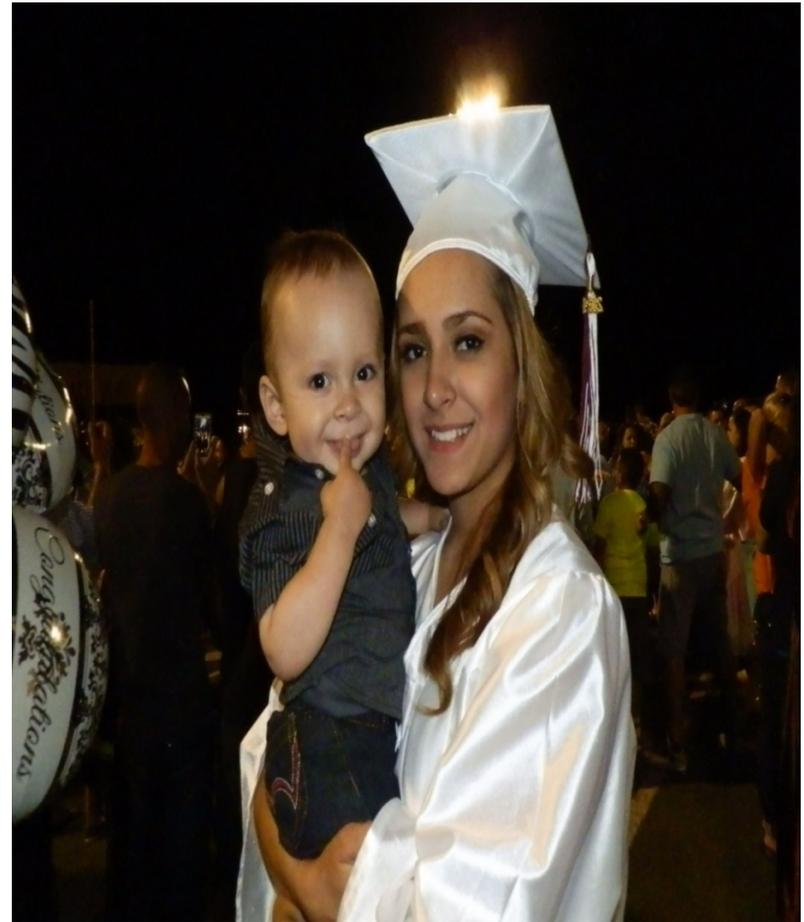
New Mexico – Education & Messaging

- Shared goal of increasing high school graduate rate
- Talking points for advocates and legislators on how bill would benefit young parents and state
- Bipartisan support
- Young parents provided information



NM – Successful Legislation

- Shared legislative strategy and message led to success of proposed bill
- New legislation signed by Governor in April of 2013
- Required PED to revise existing attendance policy and provide guidance for districts



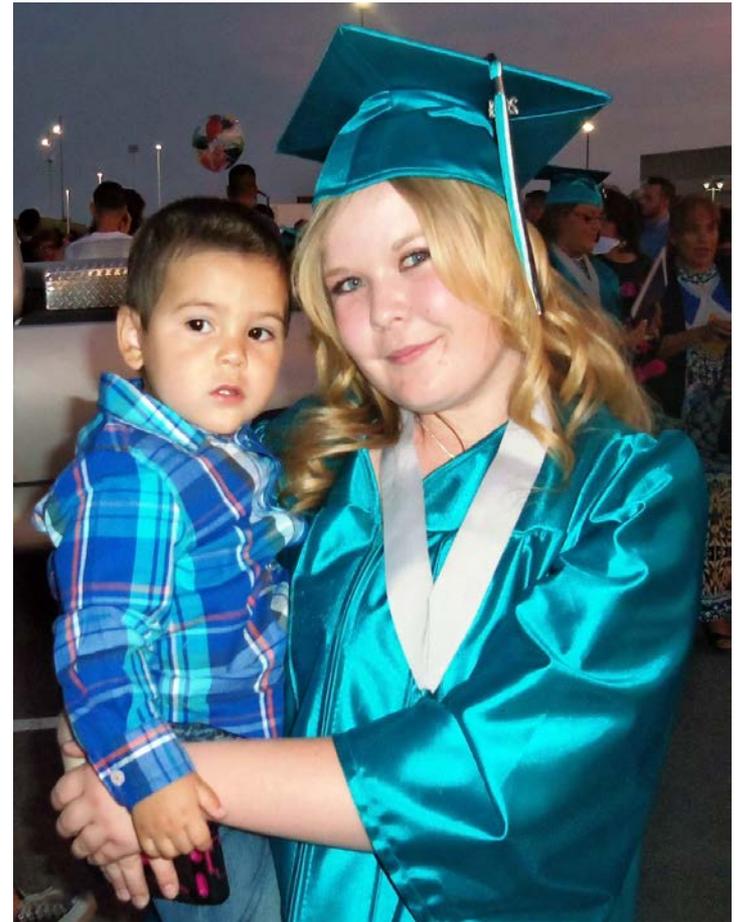
NM – Implementation and Challenges

- Law defines “excused” absences for pregnant and parenting teens
- Law aligns with Title IX
- Fathers are not included during prenatal period
- Concern regarding universal understanding and dissemination within school districts



NM – School District Compliance

- No capacity to ensure districts have current policies and handbooks that reference protections under law
- Mandatory Safe School Plans document attendance policy requirement
- Some districts have comprehensive leave policies that offer greater protection



New Mexico – School District Data

- Districts must now report how many expectant and parenting students are enrolled in school
- Data can be linked to attendance and graduation rates
- Data may show success of attendance policy over time



New Mexico – Next Steps

- University of New Mexico Public Health Program and NM GRADS collaboration to create informational materials about policy and evaluate policy and effectiveness



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- Some states may provide greater protection regarding breastfeeding within their statutes.
- National Conference of State Legislatures has information on specific state breastfeeding laws.



CALIFORNIA LAWS

California Statutes

California Code of Regulations

California Education Code/California Sex Equity in Education Act

Cal. Ed. Code § 201

Schools have an affirmative obligation to combat sexism, other forms of bias, and to provide equal educational opportunity to all students.

Cal. Ed. Code § 220

Prohibits schools that receive support from the state from discriminating based on sex, and provides that all persons in public schools, regardless of their gender, gender identity, or gender expression have equal rights and opportunities in their educational institution.

Cal. Ed. Code § 222 (new, added by AB 302)

Schools shall provide reasonable accommodations to a lactating pupil on a school campus to express breast milk, breast-feed an infant child, or address other needs related to breast-feeding. Reasonable accommodations include, but are not limited to, (1) giving lactating students access to a private, secure room with a power source to deal with any needs associated with breastfeeding or expressing milk, (2) allowing lactating students to bring a breast pump to school and store expressed milk, (3) giving lactating students reasonable break time or time away from the classroom to accommodate their lactation schedule without incurring an academic penalty and with the ability to make up any work missed, and (4) processing student complaints about lactation accommodations through the Uniform Complaint Process (UCP).

5 Cal. Code Regs. § 4950

Prohibits schools from discriminating based on a student's pregnancy, childbirth, or recovery therefrom. Prohibits schools from applying any rule concerning a student's actual or potential parental, family, or marital status that treats students differently on the basis of sex.

Unruh Civil Rights Act

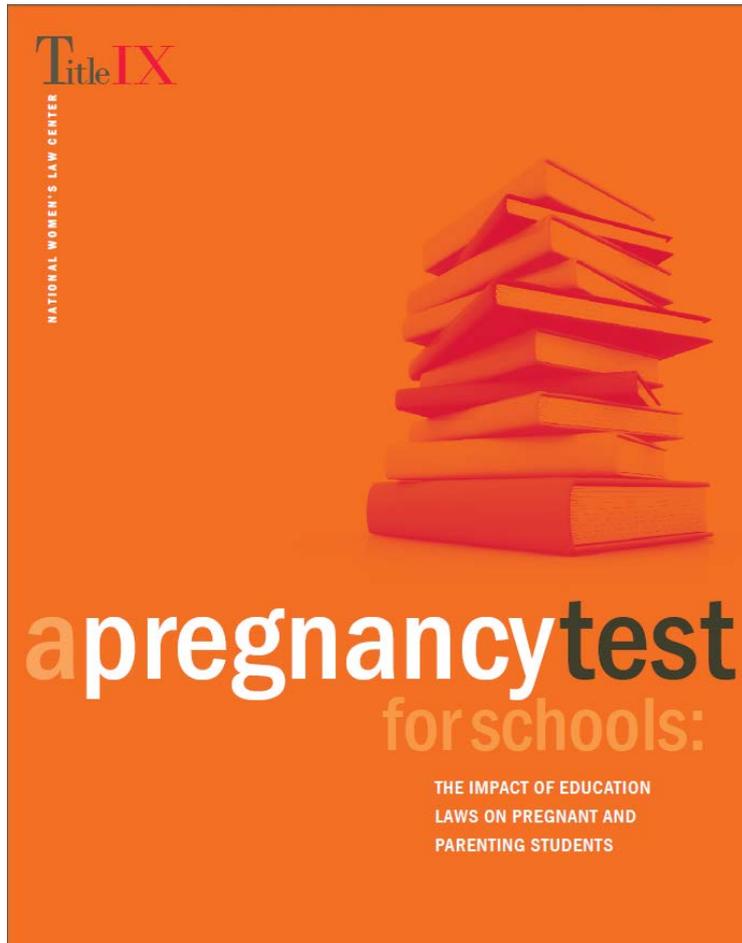
Cal. Civil Code §§ 51(b), (e)(5)

Prohibits sex discrimination in public accommodations, which includes schools. Defines sex to include pregnancy, childbirth, or medical conditions related to pregnancy or childbirth.



- How do we convey this information to program participants and support them in finding more information?





- Educate yourself and share fact sheets & resources
 - National Women's Law Center Toolkit: <http://bit.ly/1TxD4h>
 - Department of Ed Pamphlet: <http://1.usa.gov/1HWsKmq>
- Consult the school handbook
- Give support & encouragement

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Additional Resources:

- HHS OAH PAF Resource and Training Center
http://www.hhs.gov/ash/oah/oah-initiatives/paf_rc/
- Legal Aid and Other Low-Cost Legal Help
<http://www.lawhelp.org/resource/legal-aid-and-other-low-cost-legal-help>
- Know Your Rights: Pregnant or Parenting? Title IX Protects You From Discrimination At School
<http://www2.ed.gov/about/offices/list/ocr/docs/dcl-know-rights-201306-title-ix.pdf>
- A Pregnancy Test for Schools: The Impact of Education Laws on Pregnant and Parenting Students
http://nwlc.org/sites/default/files/final_nwlc_pregnantparenting_report.pdf
- Protecting Confidentiality for Individuals Insured as Dependents
http://www.guttmacher.org/statecenter/spibs/spib_CMII.pdf



Resources Cited:

- Overview of Title IX <http://www.justice.gov/crt/overview-title-ix-education-amendments-1972-20-usc-1681-et-seq>
- Pregnant and Parenting Student Access to Education Act <http://nwlc.org/resources/pregnant-and-parenting-students-access->
- Child Care Access Means Parents in School Program (CCAMPIS) <http://www2.ed.gov/programs/campisp/faq.html>
- Laws on violence against women <http://www.womenshealth.gov/violence-against-women/laws-on-violence-against-women/>





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