

NWX-OS-OGC-RKVL

Moderator: Mousumi Banikya-Leaseburg
April 8, 2016
12:00 pm CT

Coordinator: Welcome and thank you for standing by. Today's call is being recorded. If you have any objections, you may disconnect at this time. All participants will be in a listen-only mode for the duration of the call. During the question-and-answer session, if you would like to ask a question, please press Star 1. I would now like to turn the call over to Jacquelyn McCain. You may begin.

Jacquelyn McCain: Thanks, (Monae). Good afternoon and possibly good morning to you all. Thank you so much for joining us today in OAH. We have a program we're going to present to you and I'm very excited to get started with this.

Today's Webinar is Beyond Programs and Services, Existing Laws, Legislation and Policies that Support Expectant and Pregnant Teens, Women, Fathers and their families.

The focus of today's Webinar will be federal and state laws and policies affecting expectant and parenting teens so with that little intro, I'm going to toss it over to Deb Chilcoat from Healthy Teen Network. She is their Senior Training and Technical Assistant provider. Deb?

Deb Chilcoat: Thanks, Jackie, I appreciate it and I appreciate all of you on the line for spending part of your Friday with us today. As a reminder, just wanted to let everybody know that this Webinar was developed by Child Trends under our contract through the Office of Adolescent Health and the U.S. Department of Health and Human Services. It's a technical assistance product for your use and we really do encourage you to share this as far and wide as you see fit.

Just a reminder that the views expressed in the written training materials, publications or this presentation by any of the speakers and moderators do not necessarily reflect the official policies of the Department of Health and Human Services nor does mention of trade names, commercial practices or organizations imply endorsement by the U.S. government.

And so on behalf of Child Trends and all of the presenters, we'd like to thank the Office of Adolescent Health for this opportunity to share such vital information about laws and policies which affect the population that we serve, those who are expectant and parenting.

So for those of you who don't know me, I will be facilitating today's Webinar with a handful of very knowledgeable and savvy professionals who have generously given their time to prepare and present content for today's Webinar so how about if we meet them in just a moment?

For those of you who don't know me, I work with Healthy Teen Network as the Senior Training and Technical Assistance Manager and I've been with the organization a little over eight years but I've been in the field of adolescent sexual and reproductive health for many, many years, not only doing direct implementation with young people but also providing training and technical assistance.

You may have seen me at some of the conferences along the way including the OAH conference as well as our own Healthy Teen Network conference and I am just delighted to be able to provide some resources and also to introduce our guest speakers.

We have Kelli Garcia from the National Women's Law Center. She first joined the law center in 2009 as a law fellow and was promoted to counsel with a focus of healthcare reform implementation and preventing discrimination in healthcare settings so Kelli, you want to tell a little bit more about yourself?

Kelli Garcia: Sure, so I have been working back at the law center for a few more years and I work primarily on reproductive health as well as pregnant and parenting students work and I'm really excited to be here.

Deb Chilcoat: Fantastic, thanks Kelli and we look forward to your presentation and then we're really tickled to have Jessica Aufrichtig from the New Mexico Public Education Department.

Jessica is currently working for the Department as the Project Director for New Mexico's pregnancy assistance fund grant as you know and really the New Mexico grads program is her baby so Jessica, you want to share a little bit more?

Jessica Aufrichtig: Yes, as Deborah mentioned I work for the Public Education Department and we work very closely with the grads program which is a school-based program focused on increasing support, resources and service access for expectant and parenting teens.

Specifically in the grads programs there are 29 sites in the state and our grant specifically focuses on areas such as case management, supporting young fathers, college and career readiness, early childhood and also teen dating violence.

Deb Chilcoat: Fantastic, thank you and we too look forward with what you have to share. Just a reminder that today's Webinar is just one of a myriad of resources available to you as PAF grantees.

The PAF Website was recently restructured to separate the PAF program from the PAF resource center. The new program section provides information on who PAF serves, organizations currently funded and successful grantee strategies in addition to some other important program guidance for you as a PAF grantee.

The streamlined PAF resource center has updated training and technical assistance resources and tools that are more easily accessible. We encourage you to use and share these pages to further build support for the work you do with young families. Also this is where we're going to be archiving today's Webinar slides, transcript and the audio recording.

So there's a few interactive features on the Webinar platform that we're going to be using today. We'll be using some polling features and you're always welcome to send a question in the Q&A feature and, you know, if you have a comment you can also use that feature. We always are looking for high interaction and if there's anything that we can do or answer, just go ahead and type that in there.

We really encourage you to use the text box or the Q&A feature if you have comments and questions and if you would please we're actually going to

practice this, just to make sure everybody can locate it and that it's working on our end as well.

So if you would could you type-in the Q&A box the title of the book or movie or even a television show that you think is a must-see or read so if you are a huge fan of John Irving, if you're a huge fan of NCIS or if you saw the latest and greatest movie, gosh, I don't even know, Amy Poehler and Tina Fey's movie maybe, I don't know, Zootopia even.

We'd love to see what you recommend and I'll give you a few moments to go ahead and do that. All one of my favorites, yes, the Color Purple by Alice Walker, yes, both the movie and the book, the Great Gatsby, All the Light We Cannot See, that's a book, let's see, Station Eleven by St. John Mandel, oh, the Unbreakable Kimmy Schmidt.

That's a Tina Fey production I think, yes, A Prayer for Owen Meany, okay, just a little inside scoop, that's where I got my son's name, let's see, oh of the Boy in Striped Pajamas, yes, make sure you have your box of tissues I'm told and let's see, Scorpion is on TV and My Brilliant Friend.

Oh, a late one to the list here, Life of Pi, that's a great option, that's a great suggestion. Okay, so it looks like it's working on your end. It looks like it's working on our end. Just keep an eye out and it'll be very obvious when we're going to be doing some polling and some deliberate Q&A with you all so thank you for testing that out for us.

So what do we plan to accomplish today? Well, we believe that by the time this Webinar concludes, you'll be able to define and distinguish three key terms and that would be what's a law, what is legislation and what is a policy?

Also we want to be able to be sure that you can identify at least three federal or state laws that support expectant and parenting teens.

We believe that you'll be able to summarize at least two state-level laws or policies that support expectant and parenting teens and list at least two strategies for educating expectant and parenting teens about relevant laws, legislation and policies that protect and/or provide them with the support that they need.

Also just a reminder, we love your feedback and so at the end of the Webinar we will be collecting some information from you so don't hop too, too quick. We would love to have you complete an online assessment. Oh, so here's our first poll.

Before we get to far ahead of ourselves, how about if we just kind of see how frequently you discuss law and policy with your population so I'm going to open the poll and give you about 10 or 15 seconds to just click. Do you talk to them frequently, sometimes, rarely or never?

And I see a couple of folks typing-in their answer and I see a couple of folks haven't answered quite yet and we'll close the poll and five, four, three, two, one and it's calculating. Okay, so it looks like most of you have responded that you rarely talked to your participants about policy or laws that might affect them.

Not surprising, not surprising, and so we heard from you grantees that it was still something that you wanted us to focus on. During the needs assessment, it sounded like you wanted greater clarity around laws and legislation and policies that affected the population that we serve.

And so maybe that's the reason why we don't talk about it is because we need more information so as far what specifically you want to learn, we asked a few grantees to share with us.

And we thought that what we heard was you wanted more information, more knowledge about how you can not only be more familiar with these laws and policies but also how can you educate the young people that you serve and point them in the right direction of resources about their rights and what could protect them?

So that's the impetus for our Webinar today and we hope that the information that is given to you is as useful as we believe it will be so we want to start by providing a brief explanation on the importance of program staff having this knowledge about whether it be local or state or federal laws that's going to affect the lives of expectant and parenting teens.

You know, because you as the staff who worked directly with the young people these interactions with them really puts you in a position and makes you very well suited to answer some of their preliminary questions about laws and legislation and policies.

And we also think that you are excellent facilitators of this information, of this knowledge and these resources. You can interpret or translate things for them and get it out of legal language in a way that other people might not be able to.

And so we really believe that if you receive accurate and timely information about these laws, you can then translate them and provide them to the expectant and parenting teens and really empower them to know what their rights are, to know what they're entitled to, to know what should be protecting them so that they can advocate for themselves.

The other thing is we believe that you really are the key people who can be allies and partners with organizations who can really have some opportunities to educate and possibly influence decision-makers.

You're the ones who may be able to talk to the principal, the person who coordinates a coalition, the person who really has got a lot of clout in the community or in the state so that you can move forward some of these ideas and really gain greater momentum around supporting young people.

So I'm actually going to have Kelli Garcia, Dr. Garcia shed some light on what is the difference between a law and legislation and policy so Kelli can you just kind of give us a broad brush definition of each one of these items?

Kelli Garcia: Yes, of course so I'm actually going to start at the bottom of the slide and when we think about (complex) laws versus legislation so legislation is the process by which statutes are enacted by a legislative body and so the legislative body proposes legislation, these are bills and then those bills are voted on and they may or may not become law.

And when we think about laws are the whole system are kind of the set of rules that are made by the government and this can include the federal government, the state government and local government and it's the whole actual set of formal rules.

Deb Chilcoat: Okay.

Kelli Garcia: And so this contrasts to a policy which is really kind of just a set of ideas or plan of action that can be followed by like business or I think for our purposes they're kind of a governmental organization.

And so policies can be affected by laws so the laws that you see might direct - direct school boards, direct organizations - to follow certain policies but policies can also come-up from a school, from an organization to the way of enacting a set of values.

Deb Chilcoat: Fantastic, you know, I think that that there is a lot of confusion around that and I really appreciate you clarifying that for our listeners so if you have additional questions about what the differences between the three terms, go ahead and send some questions to us.

But I think if we just go ahead and explore some of those laws and legislations and policies that are going to be the most important to know about because they impact the population that we serve so if everybody's ready, let's dive in.

So for the purposes of the Webinar, you know, we will be discussing only two federal laws and one piece of legislation that's relevant to expectant and parenting teens. I wish I could say that there was an abundance of laws and policy and legislation going-on around this particular population.

Unfortunately there isn't so I hope not only by learning about these, it gives you some ideas of where the gaps are and what more needs to be done so for today we have selected these three. We're going to talk about Title IX of the Education Amendment of 1972.

We're also going to be talking about the Pregnant and Parenting Students' Access to Education Act and we're also going to be talking about the Childcare Access Means Parents in School, whew, that's quite a mouthful.

So I'm actually going to turn it over to our expert again Kelli can you go over the Title IX law and really make the connection for us of how this is relevant for our particular population?

Kelli Garcia: Yes, so Title IX of the Education Amendment of 1972 is really in kind of the premier piece of legislation of federal legislation that protects pregnant and parenting students.

When people think of Title IX, you often think of athletics, there's a whole I think set of a store that sells athletic gear for women that's called Title IX and so we really think about Title IX in terms of athletics but it does actually a lot more.

It prohibits sex discrimination for any school that receives federal funds and so this means public or private schools, it includes primary, secondary and higher education institutions of any education institution that have received federal financial assistance is prohibited from discriminating on the basis of sex.

And discrimination on the basis of sex for purposes of Title IX includes discrimination on the basis of pregnancy and so expectant and parenting teens or people who work with expectant and pregnant parenting teens often are kind of unaware of how Title IX really affects and can protect the students they're working with.

Deb Chilcoat: So Kelli tell us a little bit more specifically how that might happen because I really believe that most people think Title IX does just have to do with sports or they think it is exclusively a women's rights issue. Can you kind of broaden their understanding of it a little bit?

Kelli Garcia: So yes so again so Title IX's prohibition against sex discrimination includes very explicitly discrimination on the basis of pregnancy and so this means when you think about it kind of at the practical level for your students, this means that pregnant students need to be treated the same as you would treat someone with a similar - I'm going to say disability - but with the kind of similar limitations or similar issues and their problems.

So for example but and also, sorry, one of the other important things is that it also means that you need to treat, you can't discrimination and you can't treat women - you can't treat students - differently just because they are pregnant so for example under Title IX schools are required to allow expected and parenting teens to continue participating in classes and extra-curricular activities.

Schools are really prohibited from telling students oh, now that you're pregnant - now that you have a child - you can't participate in the National Honor Society or you need to quit playing the sport that you're playing.

Schools though may be required to make reasonable adjustments based on students' needs so they can't require - they can't force - they can't, you know, remove students but they also need to kind of make some accommodations. For example they might need to provide a larger desk for a pregnant student or an elevator pass.

Schools are also required to excuse pregnancy-related absences for as long as medically necessary and then schools must also provide expectant and parenting teens the same special services provided to students with temporary disabilities.

So for example if the school provides homebound instruction for students with disabilities, the school must also provide homebound instruction to students with pregnancy-related complications, again keeping in mind that they can't force the students into kind of homebound instruction just because they're pregnant.

Deb Chilcoat: So thinking about their experience in schools, what are some of the things that you have come across that are really important to note?

Kelli Garcia: So it's really important and these are really things that are both important to students and also things where we see schools starting to violate them. One of the things is that students when they return to school at the end of the leave period, they have to be returned to the same status they held before the leave began.

They have to be given a reasonable opportunity to make-up missed work and if grading is based entirely on participation or attendance, the students must be allowed to earn credit for any time they miss and this is something where we do often see violations of it when students return to school.

Another really common area where I think there's also a lot of misconception is in clubs, activities and sports. Expectant and parenting teens cannot be excluded from extracurricular activities of any kind just because they are pregnant or a parent and they can't be excluded from leadership positions, they can't be excluded from honor societies.

Those would all be violations of Title IX and importantly Title IX also prohibits harassment based on sex and this again include harassment based on pregnancy or related conditions.

So harassment would include things like sexual comments or jokes about a student's pregnancy, calling a pregnant student sexually-charged names or spreading rumors about a pregnant student's sexual activity, making sexual gestures or comments.

And this includes that students are protected from harassment both by teachers and administrators as well as other students and schools have an affirmative duty to protect their students from harassment by other students.

I mean, look what an important place that I think you want to be aware of are that schools do need to have and distribute a policy against sex discrimination and this policy needs to include complaint procedure so how students can file a complaint.

But again it's also important to recognize that schools do need to make reasonable adjustments to their regular policies that are responsive to a student's temporary pregnancy status so for example they would need to allow more frequent bathroom breaks and so an overly rigid application of a policy can also be in violation of Title IX.

Deb Chilcoat: So Kelli, how are schools doing when it comes to enforcing Title IX and supporting our young people?

Kelli Garcia: So it's really kind of a mixed bag. We, you know, there are definitely schools that are out there that are really doing a great job and putting-in, you know, both enforcing Title IX and making sure that they're in compliance with Title IX as well as kind of going above and beyond in making sure there are programs that are there to support their pregnant and parenting students.

At the same time we, you know, continue to see students experiencing discrimination and a case (I had) in particular one of the places where we see a lot is refusing to kind of do basic these kind of really simple accommodations like we said, elevator passes, respecting the need for time off to see doc, you know, to visit the doctor as well as, you know, removing students from honor societies or trying to say you can't play sports or trying to get them out of remove them from kind of various extracurricular activities so there's good news and there's bad news.

Deb Chilcoat: Yes, I mean, it always breaks my heart when I hear stories of young people specifically young women who it's not overt statements of you should leave this school but they make it so uncomfortable or they drop like these hints that they're not welcome in that space and some of the young women that I've heard from say they'll choose to go somewhere else.

And so while it's not forced, you know, changing schools, they just make the environment so uncomfortable that you wouldn't want to stay, even if you, you know, could I guess.

Kelli Garcia: Yes, and that's again one of the really important things is that harassment is prohibited by Title IX and the schools have like an affirmative duty to protect students not just from against harassment by other their teachers, you know, administrators but also students because the other, you know, the other students can also be really contributors to making girls in particular feel unwelcome at the school as well as comments and, you know ...

Deb Chilcoat: I mean, bullying across the board is an issue and this just it seems that it would make them such a target, it really is terrible so what about the young men or the expectant fathers or parenting fathers? What does Title IX do for them?

Kelli Garcia: So like in Title IX doesn't specifically address discrimination against father or expectant fathers but it does prohibit discrimination on the basis of sex so it would prohibit for example something like treating fathers or expectant fathers differently from mother or expectant mothers so you couldn't so a school that had on-campus child care wouldn't be allowed to restrict the child care to only the mother.

So they wouldn't be allowed to require that the children be enrolled in the child care at the school with their mother, father should have those same rights and protections.

Deb Chilcoat: Yes, I guess like I said earlier I think it gets kind of tricky because, you know, we want to make sure we protect both the young mothers and the fathers and sometimes I feel like the young fathers are marginalized and not necessarily given as much attention as they deserve.

Kelli so, you know, we've kind of we mentioned the bullying and the harassment and I'm curious, I mean, these are young people's relationships and some of the relationships are not the healthiest. Some of them can be a real roller coaster ride and the relationship as well as the experience of the pregnancy and the parenting.

I mean, that's really stressful, I don't care how old you are. Intimate partner violence, I mean, I can imagine when there's intimate partner violence in the relationship oh my gosh, they go to the same school or they work in the same place, does the Title IX afford them any additional protections around interpersonal violence?

Kelli Garcia: Again, Title IX doesn't have a specific prohibition or specific protections related to intimate partner violence but it does - the general prohibition on sex discrimination - does continue to apply.

And so just in general of course the victims of violence should never be punished because they experienced violence and so for example you shouldn't remove the students who experienced the violence if she's attending the same school as the perpetrator of the violence.

And if there is kind of systemic or it looks like when you're making these decisions about how to deal with intimate partner violence within the school particularly when both people attend the same school. If it looks like they're systematically discriminating against women treating the girls differently because they are girls, then that could be a Title IX violation.

Deb Chilcoat: It seems like it would be so straightforward but I think it gets complicated and so I think this was very helpful to just again reiterate the importance of making sure Title IX is being enforced and you know, just kind of clarifying it affords as far as protections for our population so let me just stop you there because we want to do a pop quiz for our attendees, if I can make sure this poll gets opened correctly.

We are oh, forgive me, this is our poll question. Of these statements, which could be the discrimination: steering students into lesser alternative schools or GED programs, forbidding pregnant students from walking at graduation, let's see, excluding eligible students who are or were pregnant from National Honor Society chapter, or all of the above?

Give me one moment. (Monique), I'm sorry, the operator, I don't have the option to open the second poll, can you help me?

Coordinator: I sure can.

Deb Chilcoat: Thank you.

Coordinator: One moment.

Deb Chilcoat: This just gives our attendees a little more time to think over the answer.

Coordinator: So you're referring to a third question, correct?

Deb Chilcoat: The second question.

Coordinator: Oh, okay. One moment.

Deb Chilcoat: Sure.

Coordinator: Have you already concluded with this poll?

Deb Chilcoat: I finished Poll Number 1, oh, it looks like some people went ahead and answered the second poll somehow.

Coordinator: Okay, did you close-out the second poll?

Deb Chilcoat: No, I haven't even opened it yet because I don't see ...

Coordinator: Because I'm looking right here, I don't know. Give me one moment. I'm just going to go ahead and ...

Deb Chilcoat: ... I tell you what, while you're looking into our tech issue, how about if the folks who are attending why don't they just use the Q&A box and tell me if you think it's A, B, C or D?

Excellent, all right, yes, yes, yes, oh, so smart, very good. Yes, the answer is D, all of those are discrimination so okay.

Coordinator: Has the third poll already been answered?

Deb Chilcoat: No, not yet.

Coordinator: It should look like it was answered.

Deb Chilcoat: We'll get to it. We'll get to it in just a few minutes but it looks like the Q&A function worked just fine too so while you're working on that, we'll move on ...

Coordinator: Yes ...

Deb Chilcoat: ... yes, the answer is D. Of course some of these are examples that we used but just be mindful when you come across a situation that doesn't necessarily feel okay. You might want to check your Title IX triggers if you will because these were all examples of how the environment really discourages and probably drives down motivation for our expectant and parenting teens.

And you know, they really need the most support and guidance from especially the adults in the school and we want to make sure that we really try to drive down as much as possible that feeling of hostility and tension.

So that they're not feeling humiliation and they're not further stigmatized and really allows them to achieve their education because we also know that that's an extremely important part of their success.

So we're actually going to move on and I'm going to call upon Dr. Garcia, Kelli I'm going to ask you again to join us, once folks have an idea here of their answer, we're going to do the final poll which is would it be acceptable to and folks just use the Q&A for right now as your answer so A, B, C or D.

Would it be acceptable to allow a pregnant student to modify her uniform in order to make it fit or B, encourage a parenting student to quit taking honors classes because the school is concerned about how a student will be able to handle child care and the academic load.

Is it acceptable to provide non-credit parenting classes for pregnant and parenting students in place of academic classes and is it acceptable to permit a student to participate in the school's homebound instruction policy so which of those four - and here's a little hint, it can be more than one answer - is acceptable? Good, A and B, very good, good, good, good.

Exactly, yes so it's totally acceptable for her to modify her uniform and to participate in the homebound instruction. I can't imagine a school would be okay with a parenting class to replace maybe an academic class like English or algebra so again just check and make sure that all of these options are okay with the school and their policy.

So Kelli, how about if we move on and talk about some of the proposed legislation that unfortunately has yet to become law? Let's talk specifically about the Pregnant and Parenting Student Access to Education Act.

Kelli Garcia: So the Pregnant and Parenting Student Access to Education Act was introduced I think in 2013 and it would have had it passed provided resources to establish policies and practices to help pregnant and parenting teens stay in school and graduate, graduate college or be career ready.

So the bill would have enabled states to provide professional development and technical assistance to school districts so that these districts could provide academic and related services to pregnant and parenting teens and encourage them to continue their education.

The goal is really to kind of shift and provide resources for schools to shift them from doing things like stigmatizing and pushing pregnant and parenting students out of schools to providing the resources and support that the students need.

Had it passed, it would have authorized the Secretary of Education to establish a formula grant program to state educational agencies and then there would have been competitive subgrants and again with the goal of really promoting educational access for pregnant and parenting students. As the bill was introduced in 2013, I think, you know, there's potential for it to still live on.

It did not pass so it did not as a whole become law. Some small pieces of it setup the funding was picked-up and passed in other bills but as a whole the PPSAE, you know, was introduced as legislation. It has again potential in the future to be reintroduced again but did not actually become law.

Deb Chilcoat: So it's unfortunate because clearly even from the, you know, just the small amount that you've shared with us, this would absolutely be a phenomenal bit of support for our young people ...

Kelli Garcia: Yes, it would have been great.

Deb Chilcoat: ... so how about the fee campus, the child care access means parents in school - kind of a mouthful - but what about that? What was the purpose of that one?

Kelli Garcia: So one of the real main barriers we see for pregnant and parenting students particularly, you know, non-traditional students but it really any, you know, any student who has a child is the ability to get child care while they are in school.

And so C campus is really geared towards supporting the participation of low-income parents in post-secondary education by supporting campus-based child care services so it provides grants, schools can apply for grants to get funding to offer either directly offer child care on campus on to contract-out for child care services for their low-income students and specifically for students who are eligible to receive Pell grants.

And this is a really I cannot emphasize enough how important it is for students to have access to child care for a variety of reasons, we think, you know, child care, most child care programs often don't really fit well with a school's schedule.

The timing might not be right, they're often very expensive, a student's, you know, taking classes at night or it wants to be able to pop in and out can be just a real barrier and so C campus is really geared towards addressing one of these main impediments.

And you know, when we think about post-secondary education, one of the things to keep in mind is that a lot of the students are older and so or may be

going back to school, non-traditional students and so it's very important to have these supports for child care and high-quality child care.

Deb Chilcoat: Yes, and that's what I was going to say because they have to apply. They also have to meet pretty rigorous standards for this as well, right?

Kelli Garcia: Right, right. This is high-quality, good child care and again just across the board for anyone who's low income, finding child care that's good can be really challenging. In many states the cost of child care exceeds the average cost of rent and so not being able to get child care, not being able to put your kids in good child care can be a real impediment to being able to both afford school and being able to stay in school.

Deb Chilcoat: Uh huh, absolutely, now we talked about earlier with Title IX its relevance to interpersonal partner violence. Can we talk a little bit more about what else is out there to help around that particular issue?

Kelli Garcia: Sure, so there are a lot of additional, you know, laws and policies. I want to touch on two that would really affect intimate partner violence, both the Family Violence Prevention and Services Act and the Violence Against Women Act.

So the Family Violence Prevention and Services Act provides the main federal funding to help victims of domestic violence and their children and their dependents such as children but it could be other dependents as well and then the Violence Against Women Act which was the first major law to help government agencies and victims advocate and work together despite domestic violence, sexual assault and other types of violence against women.

And so both of these laws combined have been really important tools so for local and state lawmakers as well as advocates and NGOs to help support victims of violence both violence against women at large as well as intimate partner violence more specifically.

Deb Chilcoat: Right and so even though these laws aren't specific to expectant and parenting teens, they still provide the appropriate protection for them.

Kelli Garcia: Right, right, so they so survivors of violence would still be protected, would still provide that sometimes it's funny but to get the protections that are available in these laws?

Deb Chilcoat: Yes, yes, super important stuff. A lot to take in, a lot to take in especially on the federal level which I think, you know, we do our best to keep our finger on the pulse of what's going on at the federal level but, you know, on the flip side, it's also really important to know what's going on on a state level so it's a lot to kind of juggle.

So this information that you just shared with us is a nice little snapshot of what we need to know what's going on and, you know, hopefully if the Pregnant and Expectant Teens Education Act hopefully that gets reintroduced and we get some more support and we would of course ask everybody to really think about how that fits with your own mission and supporting the front end people.

So Kelli thank you so very much, I really, really appreciate you providing that overview. Stick around because we will have a question-and-answer session in a little bit but I want to turn to Jessica so that you can share a little bit about your experience at the state level with the laws and legislation and policies there.

So Jessica, if you would, you shared a little bit about your program but if you can talk specifically, the policies that I'm specifically interested in sharing with the audience have to do with absences from school. Do we still have Jessica on the line?

Jessica Aufrechtig: I apologize, I will be talking about how the New Mexico compulsory attendance policy for pregnant and parenting teens came to be. I do want to preface this by saying that the public education department was not involved in the early grass roots efforts and advocacy work of gathering data with young parents, identifying needs and strategies, mobilizing support and drafting the actual legislation.

I would like to acknowledge the hard work and dedication of organizations like Young Women United, the New Mexico ACLU, the New Mexico Grads Program, Young Parents specifically and others who helped make the legislation a reality.

Over the years New Mexico has implemented a number of strategies to support the educational success of pregnant and parenting teens including the implementation of the Grads Program in New Mexico high schools, now at 28 sites in the state.

Grads is a school-based program that provides a specific for-credit class, case management and on-site child care at many of the sites for young parents. Albuquerque, New Mexico also has a high school that I believe is the only high school in the state that serves pregnant and parenting students with a specific curriculum and school setting designed for teen parents.

Some school districts have provided maternity leave of varying lengths for students after birth. Other districts have provided homebound services including access to online classes for young mothers after the birth of their baby for periods of up to six weeks.

However, the New Mexico compulsory attendance policy that we have in our state did not specifically address the needs of teen parents with regards to absences and what constitutes an excused absence. It was up to each district on its own to decide whether to excuse absences or not related to pregnancy, birth or child care issues.

Pregnant and parenting teens reported falling behind in school due to absences before and after birth that were often not excused, failing their classes and eventually dropping out in some circumstances. In 2013 New Mexico passed legislation that amended the existing state statute on attendance to create a standard of leave for pregnant and parenting students in New Mexico.

Okay, in 2011 the New Mexico ACLU began working on the application of Title IX that was mentioned earlier in New Mexico. The New Mexico ACLU joined Young Women United to conduct focus groups with high school age mothers.

Focus groups were conducted with 40 young moms in four communities, Las Cruces, Albuquerque, Espanol and Santa Fe which are in different regions of the state to learn about their experiences in accessing education as pregnant and parenting teens.

Focus groups were designed to document specific educational experiences for young mothers ranging on issues of stigma, educational barriers and the types of support they had received from schools, families and their communities.

This was actually the first time that many of these participants had the opportunity to talk about not only of their experience as a young mother but also as a parent, as a student.

Deb Chilcoat: Wow, amazing.

Jessica Aufrichtig: So there were key partners that served pregnant and parenting teens in different regions of the state that were engaged in the process of facilitating focus groups.

New Futures High School helped to facilitate groups with pregnant and parenting teens in Albuquerque, the Santa Fe Teen Parent Center helped to facilitate groups in Santa Fe and actually the Santa Fe Teen Parent Center is now a Grads program.

Grads also helped to facilitate groups in Las Cruces in the southern part of the state where there are three Grads sites. The process - the focus group process - revealed that pregnant and parenting teens face many barriers in completing their education including school absence policies that did not specifically address their needs.

Young parents talked about not knowing whether their absences would be excused for pregnancy, labor and delivery or any parenting issues. Students also said that they were not always allowed to make-up work after their return to school. Okay.

Based on the result of the focus groups, the ACLU and Young Women United chose to introduce two legislative memorials during the 2012 legislative session. Young Women United worked with young parents to develop Senate

Memorial 25 which passed and established August 25th as the New Mexico day in recognition of young parents.

The memorial was symbolic and also designed to specifically recognize the strengths of young parents and raise awareness that all parents are deserving of respect.

In support of the memorial, Young Women United organized a young parents' day of action with New Mexico Grads to bring over 50 young parents and allies to the state capitol to speak to legislators about their lives as young parents and the positive impact the memorial would have.

Another piece of legislation was introduced to develop a task force to study educational barriers faced by expectant and parenting teens. However, this memorial did not pass but individuals and organizations interested in further addressing barrier that educational barrier faced by young parents was formed.

The strength of this work group was in the diverse expertise and experience of its members. There were young parents, the Grads program, educational administrators, community organizing projects, public health professionals and advocates for civil and women's rights.

The group met from March to November of 2013 and explored potential approaches to improve both programs and policies that would positively impact educational success for young parents.

The work group identified that current attendance policies as one of the most pressing issues affecting the educational success of young parents. Schools did not share a definition of what constitutes an excused absence related to pregnancy, labor or delivery or parenting.

This placed young parents at risk for falling behind and possibly dropping-out of school. The work group agreed that adding an expectant and parenting teen excused absence provision to the existing New Mexico attendance policy was realistic and also a no-cost, no to low-cost solution that would positively impact teen parents so that they could graduate from high school.

This work group created a report that provided information about how expectant and parenting teens were negatively affected by absence policies and also how sufficient leave could improve educational outcomes and also health outcomes for teen parents by supporting pregnant and parenting teens to get appropriate prenatal care and also care for their children.

A subgroup of the work group worked on drafting, introducing and advocating for the legislation to create an attendance policy or attendance policy provision for pregnant and parenting teens in the state and then also worked on developing a legislative strategy. The members of the work group continued to provide data and expertise to this subgroup around the issue.

An important step in introducing the legislation was the presentation of this report to the legislative educational study committee. This was an opportunity to answer questions about the issue, build support and also design an approach to effectively communicate the proposed policy to others.

After getting feedback from the legislative committee and supportive legislators, the bill was drafted and introduced during the 2013 session. The key points of the legislation were that pregnant and parenting teens would be allowed 10 days of excused absences with the documentation of birth and that was for mothers and fathers, that there would be four excused absences per

semester with the documentation of pregnancy or child care if the student was a parent.

There was also a provision for making-up work that is equal to the number of days absent from school and later a provision was added about additional excused absences for additional days missed if medically necessary.

And last the students would also be responsible for notifying appropriate school personnel of their expectant or parenting status. The intent of the legislation was to create basic guidance for school districts and charter schools to follow in granting leave for pregnancy, childbirth and parenting.

And after the legislation was introduced, PED the Public Education Department provided a bill analysis of the proposed legislation for legislators that identified the potential impact for schools and also pregnant and parenting teens.

The intent of the legislation was to provide both mothers and fathers leave during the prenatal and postnatal periods. However, the language in the final legislation and subsequent statute used was the provision of excused absences for pregnant and parenting students, language that was very important here.

The term pregnant and not expectant did not include fathers. As a result, leave for fathers during the prenatal period is not currently protected under the legislation.

One thing that's important to note is that there was a shared goal of increasing the graduation rate for New Mexico students. Advocates focused on identifying shared values and highlighted how the legislation could benefit both young parents and also the state.

In addition to improving educational outcomes, the legislation had the potential to improve health outcomes for young parents and their children. These were issues that were important to a bipartisan audience and young parents were also prepared to speak on the issue from their perspective.

During the 2013 New Mexico legislative session, House Bill 300 was passed that amended our existing New Mexico compulsory attendance law to include excused absence provisions for pregnant and parenting teens.

The Public Education Department had the opportunity to provide comments and recommendations on the legislation to the governor's office and recommended that in addition to the prescribed leave in the legislation, there must be a clause that states students should be granted a longer period of absence if medically necessary which ensured alignment with Title IX.

The amended statute established a minimum amount of leave that all schools must provide to pregnant and parenting teens. Once the legislation passed, the Public Education Department amended the existing rule on school attendance by adding language about excused absences for teen parents.

And also communicated these changes to school districts and charter schools and provided guidance about amending existing attendance policies. Each local school board in the state and charter school was required to have an excused absence policy that addressed the needs of pregnant and parenting students in place during the 2014-2015 school year.

This law established what types of absences must be excused for pregnant and parenting teens. The legislation aligned to New Mexico law was Title IX which already allowed a leave of absence for pregnancy and childbirth for

long as a period of time as deemed medically necessary and equal time to make-up work.

The final legislation however as mentioned earlier did not provide protection for fathers during the prenatal period. We at the Public Education Department also recognized there is a need for more education and awareness of the law and that additional technical assistance may be needed for schools that do not recognize fathers and mothers in the same way in terms of providing excused absences after the birth of a child.

Currently there is no mechanism in place for PED to ensure that all districts have current policies and handbooks that reference protections for pregnant and parenting teens under the law. However, districts must provide annual assurances to the Public Education Department that they are in compliance with Title IX inclusive of protections for expectant and parenting teens in schools.

The Public Education Department also requires that all schools have a safe school plan in place and that attendance policies for pregnant and parenting teens must be documented in those plans.

While this law provides a baseline requirement for attendance policies to address pregnant and parenting teens, some school districts continue to have comprehensive leave policies that offer more leave to young parents, for instance six weeks instead of 10 weeks maternity leave.

Additionally during the 2015-2016 school year, schools were required to begin reporting data on the number of enrolled expectant mothers and fathers in their school district and also the total number of enrolled parenting students.

This data is useful to the Public Education Department because it can be linked, it gives a scope of how many young parents are enrolled in New Mexico schools and can also be linked to other demographic data, you know, whether the student is homeless, can be linked to school attendance, graduation rates and could possibly show the success of the amended attendance policy over time.

This will help us better understand the needs of expectant and parenting teens in schools statewide and also how they can be supported to be successful in school and currently the University of New Mexico is working on a policy paper to identify the process of how the attendance legislation came to be and to develop a plan for the future.

Part of this may include creating informational materials about the policy and evaluating the effectiveness of the policy statewide. The Public Education Department will also continue to provide guidance and education about the requirement to have attendance policies that address the needs of pregnant and parenting teens. Thank you.

Deb Chilcoat: No, thank you, Jessica. Wow, that was quite an undertaking for that group, was it not?

Jessica Aufrechtig: Yes, yes.

Deb Chilcoat: Yes, but I mean, clearly you're seeing some really positive results. Hopefully we'll have some quantitative data to support that statement, I mean, it just really it is an excellent model for other states and so I just want to ask the attendees really quickly in the Q&A you can just write yes or no but do you have a state law that protects young people when they have school absences?

So we'll give everybody just a few moments to answer. It's real simple, do you have a state law that protects young people's absences during prenatal and postnatal timeframe? Okay, thank you for your honesty. A lot of folks are saying they don't know and that is really, really critical.

So if you don't know, obviously we're going to strongly encourage you to find out and if you want you can we'll definitely, I mean, there's Jessica's contact information. She can tell you a little bit more.

Jessica we don't want to overwhelm you but I think what you shared with us is just I think it's absolutely incredible and really, really useful for people to know what's possible frankly to protect these young people.

I was floored when I saw that there was only 10 days allotted after the birth of the child but I was glad to hear you say that some of the districts acknowledged that's not a long time so it sounds like there's also this is the baseline and that some school districts might want to expand protections even further.

Jessica Aufrechtig: Yes, absolutely, definitely it's a baseline to make sure that at least districts are providing that amount of time.

Deb Chilcoat: At least, wow.

Jessica Aufrechtig: To mothers and fathers.

Deb Chilcoat: Yes, yes, of course, of course and I think - correct me if I'm wrong - North Carolina has a similar law so if anybody's familiar with some folks down

there, you could probably get a hold of them and I think that that's a fairly new law that passed there so Jessica, thank you so, so much.

I want to be cognizant of time and so I'm going to move us along because there's another state law, state accommodation that we want to highlight and yes, there are probably state laws all over the place but, you know, we wanted to focus on what Jessica shared about school absences.

But I'm going to bring Dr. Garcia back in to talk a little bit about what has happened with lactation accommodations for students because it sounds like there's some really fabulous stuff going on out in California so Kelli, can you tell us a little bit more about what's happening?

Kelli Garcia: Yes, \ so California has recently passed a law and I think some other states have them as well that require schools to provide lactation accommodations for their students, you know, one of the things so Title - back-up a little bit - so Title IX again it protects students against sex discrimination including pregnancy and related medical conditions.

Right now the U.S. Department of Education has guidance that says that breastfeeding students, that it's not a violation of Title IX if schools don't accommodate breastfeeding students.

Now there have been some changes recently in both federal laws and interpretation of federal laws that could that we think at the National Women's Law Center mean that really under a Title IX schools are in fact required to accommodate breastfeeding students.

Again, you know, one of the things that really, you know, is a barrier for students is not being able to accommodate and being able to take care of their

children while they're in school and so having the opportunity to pump while you're at school is really important.

And if students are being penalized for things like being, you know, they have reduced to five minutes or whatever it is they have to get between classes is the only time they're supposed to be able to pump, that's not going to be enough time so having these supports and making sure that schools don't penalize students for breastfeeding and also kind of provides a space to do it is really important.

And even and while we're kind of waiting and hoping that we get these changed in the way Title IX is being interpreted states like California have moved forward and passed laws that specifically require schools to accommodate students or to breastfeeding because they both need to provide, you know, provide space for students to be able to pump when they're at school as well as not penalize them if they, you know, miss some, yes, if they kind of miss time and classes.

Deb Chilcoat: Right, and so this what I'm sharing on the screen now is a great resource that you can find just Googling online if you are looking under the search of California law breastfeeding accommodations for students. This was the report that was put together by the ACLU of Southern California, breastfeeding L.A. and California Women's Law Center.

And so if folks want to take a deeper dive into the statute as well as the regulations, if memory serves me right this might be like one of the first or second things that pops-up when you do the Google search so you know, I think that this is an excellent example.

This could be something that if it's not happening in your state, if it's not happening in your school, your department of education, talk to them about it. It's clearly something that was supported and probably is quite necessary we do not want our young women expressing their milk in a janitor's closet or in the bathroom.

There should be something that is a dedicated space, dedicated time and you're right, that they don't get penalized just because they want to nurse their child.

Kelli Garcia: Yes, and one of the other things that's really important is way so there's been changes in the past few years about how sex discrimination needs to be interpreted and whether or not it includes protection for breastfeeding and for very few things and in part because the Affordable Care Act requires accommodation for - requires employers - to provide the use of accommodations for their employees.

But still if you look to, you know, you can also look to your state laws as well so whatever your state protections for students might even if you don't have a specific law in the books that provide breastfeeding accommodations, your state rules and regulations could be interpreted to require these accommodations so you get at kind of looking at new interpretations and understandings of the law.

Deb Chilcoat: Yes, so that's something that we're going to keep an eye on because you're right, I mean, because they're considered students, they're identified as students and not employees of the school. That's where the rub is for sure. Yes, awesome, thank you Kelli, I appreciate it.

And so yes, this is such important information to share with everybody. We hope you have a better understanding of how the local, state and federal laws and legislations and policies might affect the work that you do with expectant and parenting teens so at this point I want to shift the conversation very quickly to what probably everybody is just chomping at the bit to find out, what can we do?

What more can we do to support these young people and so tell me in the question-and-answer box what have you done grantees SNBs to advance some of these policies and laws, to educate the stakeholders and the decision-makers?

What are some of the things that you've done whether they've been successful or not, maybe you want to put successful or not so successful in front of you but what's happening out there?

Are you having meetings? Are you sending along literature? What are some of the strategies that you're using to really raise awareness and support for our population? All right, some responses are coming in, okay, so educating the young people, the participants about their options and really hoping to bolster their self-advocacy.

Lots of group meetings talking about young parents' right, oh, this was a great suggestion, bringing-in speakers from local legal aid offices and Kelli how do you find information about legal aid in your area?

Kelli Garcia: So I mean, one of the quickest and easiest ways is of course is to Google legal aid programs. You so for kind of this population, there are legal aid programs that are, you know, across the board and serve a broad population but you also might see and look for legal aid programs that specifically deal with youth or

they might even have some programs that specifically are looking at protections for pregnant and parenting teens.

For example, due process in Texas which mostly does look at reproductive health issues also has information on again on protecting parenting teens, right, and so there are lots of places that you can look.

Another really good option would be looking at local law schools. They will often have clinics and will often have youth-based clinics that provide support and help.

Deb Chilcoat: So what is this can you tell the folks a little bit more about the pregnancy test for schools resource?

Kelli Garcia: So this has a resource we put out a handful of years ago. It's still up-to-date. It's really a guide for schools on what the Title IX requires of them to do for their pregnant teen and parenting students. It has this really nice pregnant and parenting students bill of rights wallet card so if you print it out, you can kind of use this wallet card to distribute to students.

It also has a sample of pregnant and parenting teen student policies that you can use to advocate for your school districts to implement and it has a sample letter that students or advocates can use if they are seeing problems to alert the school districts to potential violations of pregnancy discrimination.

We don't have it up here but we also have another toolkit that will be coming-out that is specifically geared not towards higher education so what students can do to advocate for their rights and that's kind of a know your rights toolkit of questions in college and grad school.

Deb Chilcoat: Yes, and if everybody can see, I mean, billings are up there, you can download these toolkits for free. We really do highly encourage you to kind of really pour into these and see how they can support the work that you're doing. Thanks, Kelli, I appreciate it and if you have more questions for Kelli, here's her contact information and of course this will be available in the slides that'll be archived and the PAF resource center.

Lots more resources, some of these informed our conversation today. If you would like more information specifically about the laws, we can share those links as well but we want to take a minute now to open-up the lines for questions and answers so if you would, use the question-and-answer box and I believe Jessica and Kelli are ready when you are to answer some of your questions.

Coordinator: Would you like to take questions over the phone as well?

Deb Chilcoat: Let's see. Kelli, Jessica, do you have a preference?

Jessica Aufrichtig: Yes, either way is fine with me, this is Jessica.

Coordinator: Thank you. If you would like to ask a question over the phone, you may press Star 1 and record your first and your last name clearly when prompted or you may type your question into the question-and-answer box via the WebEx.
Thank you.

Deb Chilcoat: Okay, so the first question Jessica, what was the significance of August 25th?

Jessica Aufrichtig: So August 25th was a day of basically a day identified by the legislature to recognize young parents, it's a young parents day and so basically a day where communities could have celebrations to acknowledge young parents in

their community, to raise awareness about the needs of young parents, the strengths of young parents and that all young parents, you know, have contributions and should be respected.

Deb Chilcoat: Okay, so it wasn't anything like that happened in the news but that particular day was ultimately super significant, how did you choose that specific day?

Jessica Aufrichtig: I actually don't know how the specific day was chosen.

Deb Chilcoat: Okay.

Jessica Aufrichtig: I think New Mexico's on the line.

Deb Chilcoat: (Mary Louise), do you, okay, thank you. She said it made good sense because it was right before school started so I'm assuming, you know, you put it right there in the forefront, it stays on the radar as school starts and isn't kind of relegated to the back burner and people forget about enforcing it.

Okay, all right, other questions? Okay, so here is a question. How do the federal and state laws interact with tribal law? Maybe Kelli you'd be the best person to ask, no actually either one of you, Jessica or Kelli. How do the laws on the federal and state level interact with the tribal laws, all the things that we've talked about here? Is that applicable to our tribal folks?

Kelli Garcia: And this is Kelli. I think my answer's going to be a little complicated on that so I can tell you specifically, you know, with respect to Title IX because Title IX is tied to funding, right, so any school public or private that gets federal funding has to comply with Title IX in order to continue to receive that federal spending.

So Title IX is as long as the school's getting federal funding Title IX is going to apply kind of regardless of where the school is. Jessica, I don't know if you have more kind of thoughts on the state on how state laws interact with tribal.

Jessica Aufrechtig: That's an excellent question. I actually do not have any information about that but now I'm curious so I'm going to look into that.

Deb Chilcoat: Okay, well thank you, thank you. Does anybody in the audience have any insight on this question? How do federal and state laws interact with tribal laws?

Well, one thing while you all are thinking about it, one thing that I just want to acknowledge is that a lot of our native youth do not necessarily go to school on tribal land or in a native American dedicated school. They're integrated into many of the community and public schools so this affects our native youth regardless of whether there is (rub) with the tribal laws.

I think we've stumped everyone so we will definitely make a note to get some more information about that particular question and get back to folks so any other questions out there?

So what do you think is the best thing, I mean, we've got the toolkit, etcetera, but what is the best way for the grantees to really kind of take-up the charge to increase the support around their pregnant and parenting teens related to the laws and policies? What's your opinion, Jessica and Kelli?

Jessica Aufrechtig: This is Jessica. As mentioned earlier I think it's really critical that young parents know their rights and that can be done in a variety of ways. In New Mexico we actually Grads has a strong partnership with Pegasus Legal Services for Children and they provide presentations to our Grads sites and to

teen parents about their legal rights and also individualize some legal clinics for the teen parents.

Kelli Garcia: This is Kelli, I mean, I completely agree that's really important that students know and that we provide education to students about their rights. I also think it's really key that the adults and the authority figures in their lives really show that they are they support their students and that they believe in them.

I think as Deb, you know, talked about this before but one of the themes that students really face is kind of harassment or just this attitude of low expectations that now you have a child and so school's not going to be as important or your extracurricular activities aren't going to be important or why do you want to stay in that Honor Society because now, you know, you're really going to need to put your time into raising this kid.

And that and so it's really key that we both support the students and let them know that, you know, what their rights are but also just that we believe in them, that we expect them to do well, that we want them to do well and that we're going to provide that support both so that they can continue in school and succeed in school and be the best parent that they can be.

Deb Chilcoat: Absolutely, it just it affects so many people and aspects of their own lives, you know, well as you know, Healthy Teen Network supports expectant and parenting teens wholeheartedly so thank you, thank you for those encouraging words.

I want to also thank all of you for attending today's broadcast. We hope it's been helpful. This can be the start of a broader conversation. There may be other opportunities for us to focus a little bit more on some of the questions

that may be outstanding or that come to you after we conclude today but I cannot thank you enough for attending and listening and interacting with us.

This is just the first of several Webinars that we will be offering to PAF grantees so you want to just kind of keep your eye out for the next one which will be happening I believe in June and you know, we're here for you for technical assistance. We know there's some folks who have submitted requests.

We're doing our best to get those plans approved so we can continue to support you in the best way possible and of course before you leave the Webinar, we absolutely, absolutely want to hear from you and would appreciate it if you would do a really, really quick survey.

If you participated last year, they'll look familiar. It's just a handful of questions, shouldn't take too long because we really do take your feedback into consideration as we plan future Webinars so I wish everyone well. I hope you have a fabulous Friday and a really, really fantastic weekend.

For those on the East, hope you survive a little bit of the white stuff coming down from the sky so on behalf of Adolescent Health, Office of Adolescent Health Child Trends and Healthy Teen Network and our guests Kelli and Jessica, I wish you all well and hope you have a great afternoon. So long.

Coordinator: Thank you for your participation in today's conference. All participants may disconnect at this time.

END