

Da Vinci Schools

Policy and Procedures

PREGNANT, PARENTING, AND LACTATING STUDENTS

The Board of Trustees recognizes that pregnant and parenting students often face overwhelming obstacles to graduating and receiving an education of equal quality to that of their peers, placing them at higher risk of dropping out of school. As such, the Board desires to support pregnant and parenting students by providing them with the opportunity to succeed academically while protecting their health and the health of their children through appropriate accommodations and protections.

Da Vinci Schools shall not exclude or deny any student from any educational program or activity, including any class or extracurricular activity, solely on the basis of the student's pregnancy, childbirth, false pregnancy, termination of pregnancy, or related recovery. In addition, Da Vinci Schools shall not adopt any rule concerning a student's actual or potential parental, family, or marital status that treats students differently on the basis of sex. (Education Code 221.51, 230; 5 CCR 4950; 34 CFR 106.40)

The Chief Executive Officer or designee shall annually notify parents/guardians at the beginning of the school year of the rights and options available to pregnant and parenting students under the law. In addition, pregnant and parenting students shall be notified of the rights and options available to them under the law through annual school year welcome packets and through independent study packets. (Education Code 222.5, 48980)

As appropriate, staff who work pregnant and parenting students shall receive related professional development.

Education and Support Services

Pregnant and parenting students shall retain the right to participate in the regular education program and shall not be required to participate in a pregnant minor program or alternative education program. The classroom setting shall be the preferred instructional strategy unless an alternative is necessary to meet the needs of the student and/or the student's child.

Pregnant and parenting students who voluntarily participate in an alternative education program shall be provided educational programs, activities, and courses equal to those offered to other students. (Education Code 221.51; 5 CCR 4950)

If required for students with any other temporary disabling condition, a student, based on pregnancy, childbirth, false pregnancy, termination of pregnancy, or related recovery, may be required to obtain certification from a physician or nurse practitioner indicating that he/she is physically and emotionally able to continue participation in the regular education program or activity. (Education Code 221.51; 5 CCR 4950; 34 CFR 106.40)

To the extent feasible, Da Vinci Schools may provide educational and related support services 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
2. Parenting education and life skills instruction
3. Special school nutrition supplements for pregnant and lactating students pursuant to section 49553 of the Education Code
4. Health care services, including prenatal care
5. Academic and personal counseling

When necessary to complete high school graduation requirements, the student may remain enrolled in school for a fifth year of instruction, unless the Chief Executive Officer or designee makes a finding that the student is reasonably able to complete Da Vinci Schools' graduation requirements in time to graduate by the end of the student's fourth year of high school. (Education Code 46015)

Absences and Parental Leave

In addition to the circumstances under which a student shall be excused from school, as specified in Da Vinci Schools policy on School Attendance, a pregnant or parenting student shall also be excused from school when the absence is due to the illness or medical appointment of a child of whom the student is the custodial parent, including absences to care for a sick child. A note from a physician shall not be required for such an absence. (Education Code 48205)

A pregnant or parenting student shall be entitled to eight weeks of parental leave in order to protect the health of the student who gives or expects to give birth and the infant, and to allow the pregnant or parenting student to care for and bond with the infant. If deemed medically necessary by the student's physician, parental leave may be extended beyond eight weeks. Such leave may be taken before the birth of the student's infant if there is a medical necessity and after childbirth during the school year in which the birth takes place, inclusive of any mandatory summer instruction. (Education Code 46015; 34 CFR 106.40)

The student, if age 18 years or older, or the student's parent/guardian shall notify the school of the student's intent to take parental leave. No student shall be required to take all or part of the parental leave. (Education Code 46015)

When a student takes parental leave, the supervisor of attendance shall ensure that absences from the regular school program are excused until the student is able to return to the regular school program or an alternative education program. A pregnant or parenting student shall not be required to complete academic work or other school requirements during the period of the parental leave. (Education Code 46015)

Following the leave, a pregnant or parenting student may elect to return to the school and the course of study in which he/she was enrolled before taking parental leave or to an alternative education option provided by Da Vinci Schools. Upon return to school, a pregnant or parenting student shall have opportunities to make up work missed during the leave, including, but not limited to, makeup work plans and reenrollment in courses. (Education Code 46015)

Reasonable Accommodations for a Lactating Student

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 as a result of her use, during the schoolday, of the reasonable accommodations specified below, 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

Da Vinci Schools' uniform complaint procedures shall be used to address a complaint alleging any of the following:

1. Discrimination on the basis of pregnancy or parental status
2. Noncompliance with the requirements to provide reasonable accommodations to a lactating student
3. Noncompliance with the requirements to afford pregnant and parenting students the rights specified in section 46015 of the Education Code

A complainant who is not satisfied with Da Vinci Schools' decision may appeal the decision to the California Department of Education (CDE). If Da Vinci Schools or CDE finds merit in an appeal, Da Vinci Schools shall provide a remedy to the affected student. (Education Code 222, 46015; 5 CCR 4600- 4670)

Legal Reference:

EDUCATION CODE

221.51 Nondiscrimination; married, pregnant, and parenting students
222 Reasonable accommodations; lactating students
222.5 Pregnant and parenting students, notification of rights
230 Sex discrimination
8200-8498 Child Care and Development Services Act
46015 Parental leave
48205 Excused absences
48206.3 Temporary disability, definition
48220 Compulsory education requirement
48410 Persons exempted from continuation classes
48980 Parental notifications
49553 Nutrition supplements for pregnant/lactating students
51220.5 Parenting skills and education
51745 Independent study

CIVIL CODE

51 Unruh Civil Rights Act

CODE OF REGULATIONS, TITLE 5

4600-4670 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

Adopted: February 20, 2019