Executive Summary

A Pregnancy Test for Schools: The Impact of Education Laws on Pregnant and Parenting Students
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The National Women’s Law Center is a nonprofit organization that has been working since 1972 to advance and protect women’s legal rights. The Center focuses on major policy areas of importance to women and their families, including employment, education, health and reproductive rights, and family economic security.

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PARENTHOOD IS NOT THE END OF THE ROAD FOR TEEN MOMS. Quite to the contrary, motherhood can serve as an educational motivator for many young women. Unfortunately, this drive and determination is often thwarted by educational barriers. Discrimination at the school level can prevent young parents from realizing their potential, forcing them to reluctantly leave school.

Title IX of the Education Amendments of 1972 is the landmark law that bans sex discrimination in federally funded education programs and activities. Unfortunately, four decades after its passage, far too few lawmakers, school officials, parents, and students are aware that Title IX’s prohibition against sex discrimination protects pregnant and parenting students. Despite enormous advances for women and girls in education since 1972, there are schools across the country that continue to bar pregnant and parenting students from activities, kick them out of school, pressure them to attend alternative programs, and penalize them for pregnancy-related absences.

Such conduct conflicts with Title IX’s clear mandate against discrimination and exacerbates the barriers that many pregnant and parenting students experience in meeting their educational goals, pushing far too many students out of the school house door. According to a study released in 2010, only about 50% of teen mothers get a high school diploma by the age of 22, compared with 89% of women who do not have a child during their teen years. One-third of teenage mothers never get a G.E.D. or a diploma. Moreover, less than 2% of young teenage mothers attain a college degree by the age of 30.

This outcome is far from inevitable. When educators ignore pregnant and parenting students or stereotype them as low academic achievers, they violate Title IX and miss an opportunity to transform these young people’s lives by providing the support necessary to improve their educational outcomes. Schools are positioned to play a leading role in pregnant and parenting student success stories by providing them with the types of support and encouragement that can make a profound difference in their lives.

Such efforts pay off. According to a Gates Foundation survey, students who left school to care for a family member or because they became a parent, more than any other group of dropouts, were “most likely to say they would have worked harder if their schools had demanded more of them and provided the necessary support.” Evidence from certain high school programs supports this point. For example, California operates the School Age Families Education (CalSAFE) Program, a “comprehensive, integrated, community-linked, school-based program” that serves expectant and parenting students and their children by providing academic and support services to help students to stay in school. In 2009, 73% of students leaving the CalSAFE program successfully completed their high school education and 63% of them indicated they would pursue further education or employment.
A Pregnancy Test for Schools outlines the ways that federal, state, and local laws, policies, and programs can change the landscape for pregnant and parenting students and ranks how well the state laws and policies address the needs of these students. The report describes the particular challenges faced by pregnant and parenting students, highlights the requirements of federal laws, reviews relevant state laws and policies (some promising and others sorely lacking), and concludes with recommendations for both policymakers and for schools. The report also serves as a guide to advocates and service providers who work with these youth; it includes a toolkit designed to help them push for legal reform, implementation, and enforcement in their own communities.

PREGNANT & PARENTING STUDENTS FACE ENORMOUS CHALLENGES TO COMPLETING THEIR EDUCATION

Although Title IX clearly prohibits the unfair treatment of pregnant and parenting students, this aspect of the law has not gotten much attention and discrimination against young mothers persists across the country. The many obstacles to completing their secondary education that pregnant and parenting students face include:

AN ENVIRONMENT OF DISCOURAGEMENT
Teen mothers are discouraged by teachers and school administrators from setting long-term goals that include graduation, college, and high-earning careers.9

PUNITIVE ABSENCE POLICIES
Schools fail to excuse absences related to pregnancy and childbirth and penalize students for those absences by refusing to allow them to make up the work they miss.

THE UNEQUAL ALTERNATIVE
A number of school districts operate separate programs for pregnant and parenting students. While some of these programs offer equivalent curricula, flexible scheduling, and access to child care, others operate as dropout factories with no meaningful educational opportunities, where pregnant students and young mothers are sent to fill out worksheets, take parenting classes and slowly disappear from the school rolls.

INACCESSIBLE HOMEBOUND INSTRUCTION
Students lack access to homebound instruction to allow for a successful transition back into school following a period of leave. Homebound instruction is not only inconsistently offered, but also in some cases it is withheld from students who are absent for pregnancy-related reasons.

LACK OF CHILD CARE & TRANSPORTATION
Many young mothers have great difficulty finding and paying for child care. Even those students who have access to child care at school may not have the means to get their children there, as some states prohibit children under age 5 from riding on a school bus.

DEARTH OF DATA
Targeting services to pregnant and parenting students requires data on where those students are located, but currently there is no nationwide data collection tracking the number of pregnant and parenting students enrolled in
secondary schools, their rates of participation in mainstream schools and alternative programs, their performance on academic assessments, or their graduation and dropout rates.

FEDERAL LAW PROHIBITS DISCRIMINATION AGAINST PREGNANT AND PARENTING STUDENTS

The U.S. Constitution prohibits discrimination based on sex, which includes discrimination based on sex-role stereotypes related to motherhood. In addition to the Constitution, Title IX of the Educational Amendments of 1972 bans educational institutions that receive federal funds from discriminating against students based on their “actual or potential parental, family, or marital status” or a student’s “pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery therefrom.” Generally speaking, this means that schools must give all students who might be, are or have been pregnant (whether currently parenting or not) equal access to school programs and extracurricular activities, and schools must treat pregnant and parenting students in the same way that they treat other students who are similarly able or unable to participate in school activities. These protections include:

- Schools must provide equal access to school for pregnant and parenting students and treat pregnancy and all related conditions like any other temporary disability.
- Schools must provide equal access to extracurricular activities for pregnant and parenting students. For example, a school cannot require a doctor’s note for pregnant students to participate in activities unless the school requires a doctor’s note from all students who have conditions that require medical care.
- Absences due to pregnancy or childbirth must be excused for as long as deemed medically necessary by the student’s doctor. The implementing regulations require that at the conclusion of pregnancy-related leave, a student be reinstated to the status she held when the leave began.
- If schools offer separate programs or schools for pregnant and parenting students, these programs must be voluntary and offer opportunities equal to those offered for non-pregnant students.

Unfortunately, many schools and districts do not inform parents and students about Title IX and fail to meet even the most basic requirement of appointing a Title IX Coordinator. And some coordinators are unaware of their appointment, some coordinators have little to no training, and still others – such as principals – may have a conflict of interest. On top of a lack of awareness, enforcement of Title IX has not focused on this area. Students often do not file formal complaints, for a variety of reasons. This makes the Department of Education’s role in reminding schools about their obligations under Title IX and enforcing the law all the more essential.

Finally, in addition to federal law, states and school districts have many policy tools they can use to address the barriers pregnant and parenting students face and help them pursue and complete their education.

STATE EDUCATION LAWS FAIL TO MEASURE UP WHEN IT COMES TO PREGNANT AND PARENTING STUDENTS

*Pregnancy Test for Schools* ranks the states and highlights a range of policies states can adopt to improve outcomes for their pregnant and parenting students, as well as some of the ways that state laws and policies may create obstacles that keep these students from succeeding. In order to evaluate state efforts to support and
encourage pregnant and parenting students in high school, the National Women’s Law Center examined the education laws in all fifty states, Puerto Rico, and the District of Columbia. We searched state laws, regulations, and administrative codes for any and all references to pregnant or parenting students, laws that may guarantee their access to education, or grants and funds that were targeted for the support of pregnant and parenting students. We reviewed and compared these policies to proven ways to help pregnant and parenting students succeed.\textsuperscript{12}

Our investigation revealed that the laws and policies that impact the educational success of pregnant and parenting students vary enormously between states. Some states have absolutely no laws that refer to pregnant and parenting students. For example, less than half of the states explicitly make homebound or hospitalized instruction services available to pregnant and parenting students. We found that only six states (Arizona, California, Florida, Maine, North Carolina, and Oregon) specifically addressed pregnant and parenting students in their attendance policies.\textsuperscript{13} Almost half of the states don’t have a definition of excused absences or exemptions from compulsory education that are broad enough to include pregnant and parenting students. Only eleven states maintain easily accessible directories that list teen parent programs available in their state.

We identified a handful of states with promising laws that express support for pregnant and parenting students. Some of the top-ranked states, for example, have laws that can help to promote an environment of encouragement (California), require school districts to offer supports or accommodations for pregnant and parenting students (Wisconsin), excuse all absences relating to pregnancy as well as absences related to the illness of a student’s child (North Carolina), explicitly provide pregnant and parenting students with time to make up missed work and homebound instruction (Florida), or prioritize keeping students connected to school and to services that address their needs (Oregon). These states have made important strides forward.

But no state has yet put the full range of major policies and programs in place that would help put pregnant and parenting students on track to graduate college and career ready. The majority of states have little or no laws, policies, or programs specifically designed to protect and support pregnant and parenting students, and a few have policies that exacerbate the problems these students face.

**RECOMMENDATIONS**

**RECOMMENDATIONS FOR POLICYMAKERS AT THE FEDERAL LEVEL**

*The Department of Education should shine a spotlight on the rights of pregnant and parenting students and the challenges they face.*

The Department’s Office for Civil Rights (OCR) should remind schools and districts of their legal obligations to pregnant and parenting students and instruct them to (1) review their policies and procedures and bring them into compliance; and (2) give adequate training to their staff members. The Department should also provide districts and schools with examples of promising practices that can help to improve pregnant and parenting students’ chances of success.
The Department of Education should enhance its enforcement efforts. OCR should send a message to school districts that they must take pregnant and parenting students’ civil rights seriously by conducting proactive compliance reviews to identify educational barriers for pregnant and parenting students and improve compliance with Title IX.

Congress should provide support for targeted programs for pregnant and parenting students. The Pregnant and Parenting Students Access to Education Act would establish a grant program to promote the educational success of pregnant and parenting students in secondary schools. The bill would require school district grantees to: (1) provide academic support services for pregnant and parenting students; (2) revise their school policies and practices to remove barriers; (3) assist students in finding affordable child care and transportation services; (4) engage in student outreach, recruitment, retention and mentoring efforts; and (5) provide professional development for school personnel so they can connect students with available resources. Congress should also direct school districts to collect non-personally identifiable data on pregnant and parenting students, including educational outcomes, and report that data annually to the Department of Education.

Policy Recommendations for Policymakers at the State Level

States should create a statewide definition of excused absences that includes all pregnancy and parenting-related absences. State laws and regulations should clearly explain that absences related to pregnancy must be excused and that, upon return, students must be given a reasonable amount of time to make up missed work. These policies should also excuse absences due to the illness or medical appointment of a student’s child.

States should develop policies to protect pregnant and parenting students from discrimination. At a minimum, these policies should include an anti-discrimination provision that specifically enumerates protection for pregnant and parenting students and a requirement that schools track non-personally identifiable data on their pregnant and parenting students.

States should require schools to offer programs that support pregnant and parenting students. These programs should include a requirement that all school districts offer programming or modifications for pregnant and parenting students and a requirement that schools offer flexible scheduling, provisions for the transportation of the very young children of secondary students, and resources for school districts to implement programs and use funding based on number of pregnant and parenting students served. States should allocate funds specifically for pregnant and parenting students.

Policy Recommendations for Schools and Districts

Schools Should Change Their Policies

Schools should develop and implement programs and policies that support pregnant and parenting students, including case management services and clear directives regarding excused absences, with reasonable opportunities to make up work missed and assistance doing so.
**Schools Should Designate a Title IX Coordinator and a Pregnant and Parenting Student Liaison**

Schools should make sure they have designated a Title IX coordinator, a position required in every school and district, and ask that individual to act as a liaison for pregnant and parenting students to ensure they get the services they need to succeed and do not fall through the cracks.

**Schools Should Create Resources to Educate Their Students about Their Rights**

Schools should prominently publish and distribute information about Title IX, the name and contact information of their Title IX coordinator, and any and all policies related to pregnant and parenting students.

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**ENDNOTES**

4. Id.
7. California combined the Pregnant Minors Program (PMP), School Age parenting and Infant Development (SAPID), and Pregnant and Lactating Students (PALS) into Cal-SAFE. CA Senate Bill 1064 (Chapter 1078, Statutes of 1998); CA Education Code Section 54748 (l).
11. Id.
12. In examining state programs, we used five criteria to determine the efficacy of each program. We measured (1) the education supports and flexibility components of the program; (2) the parenting education components; (3) whether school districts are required to offer the programs; (4) whether the state offered peripheral supports; and (5) whether at-risk funds or dropout prevention efforts included pregnant and parenting students.