

CLIENT NEWS BRIEF

Pregnant and Parenting Pupils Afforded New Accommodations Beginning January 1, 2019

Beginning January 1, 2019, significant amendments to the Education Code provide pregnant and parenting pupils with new rights and accommodations designed to afford them the opportunity to succeed while protecting their health and the health of their children.

In 2015, over 24,000 children were born to individuals between the ages of 15 and 19 in California. Fewer than 4 in 10 young mothers graduate from high school by the age of 18, and 70 percent of young parents nationwide are "pushed out of school." Assembly Bill (AB) 2289 works to allay some of these obstacles.

AB 2289

First, AB 2289 adds the following guidance:

A local education agency may:

- Require any pupil to obtain the certification of a physician or nurse practitioner that the pupil is physically and emotionally able to continue participation in the regular education program or activity.

A local education agency must:

- Treat pregnancy, childbirth, false pregnancy, termination of pregnancy, and recovery therefrom in the same manner and under the same policies as any other temporary disabling condition.

A local education agency shall not:

- Apply any rule concerning a pupil's actual or potential parental, family, or marital status that treats pupils differently on the basis of sex.
- Exclude or deny any pupil from any educational program or activity, including class or extracurricular activity, solely on the basis of the pupil's pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom.
- Require pregnant or parenting pupils to participate in pregnant minor programs or alternative education programs. Those pupils who voluntarily participate in alternative education programs shall be given educational programs, activities, and courses equal to those they would have been in if participating in the regular education program.

Next, AB 2289 requires 1) notification to pregnant and parenting pupils of their rights and options through annual welcome packets and independent study packets; and 2) annual notification to parents and guardians of pupils at the beginning of the regular school term of the rights and options available to pregnant and parenting pupils.

Third, AB 2289 ensures specific accommodations to pregnant and parenting pupils:

December 2018
Number 91



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- Parental Leave
 - 8 weeks of allowed parental leave. Parental leave may be taken before childbirth if there is a medical necessity and after childbirth during the respective school year of birth. This is inclusive of any mandatory summer instruction. While pupils or those holding a pupil's educational rights should notify the school if electing to exercise this right, failure to do so does not waive it.
 - More than 8 weeks of parental leave if deemed medically necessary by the pupil's physician.
 - Excused absences from the pupil's regular school program during the period of parental leave.
 - No requirement to complete academic work or other school requirements during the period of parental leave.
- Return from Parental Leave
 - A pupil may resume the course of study at the school in which he or she was enrolled before taking parental leave.
 - A pupil is entitled to opportunities to make up work missed during his or her leave and reenrollment in courses.
 - A pupil may opt for a fifth year of high school instruction if necessary to complete state and local graduation requirements.
 - A pupil may elect to attend an alternative education option in lieu of returning to the school in which he or she was enrolled prior to parental leave. Such program shall provide educational programs, activities, and courses equal to those of the pupil's regular education program.

The new law provides that the use of the above listed accommodations shall not result in academic penalty to any pregnant or parenting pupil. Complaints of noncompliance are to be processed under the Uniform Complaint Procedures (UCP).

AB 2289 also amends the definition of excused absences. Effective January 1, 2019, absences to care for a pupil's sick child without proof of a doctor's note must be excused.

Takeaways

School districts and other educational entities should amend their board policies and administrative regulations to account for the new requirements, including updating procedures regarding excused absences. Districts should also Amend notices to pupils and parents to include the newly required notifications, including notification of rights and options of pregnant or parenting pupils, and notices regarding additional grounds for filing complaints under the UCP. Finally, districts should consider any necessary training for staff regarding these changes.

If you have any questions regarding AB 2289 or about student rights generally, please contact the authors of this Client News Brief or an attorney at one of our [eight offices](#) located statewide. You can also visit our [website](#), follow us on [Facebook](#) or [Twitter](#) or download our [Client News Brief App](#).