

Framing the Issue: Access to Education is Crucial for Improving the Outcome of Expectant and Parenting Students.

- **Teen pregnancy is not necessarily outcome determinative:** Recent studies have shown that the prognosis for students who are expectant or parenting students varies greatly depending on the person's education level, zip code, and race. People from economically disadvantaged areas and who do not graduate from high school encounter adverse effects on their future professional growth.

Statistics: Expectant and Parenting Students by the Numbers

- **In General:** In 2014, approximately 2,500 youth age 10-19 gave birth in NM, a 13% decline from the year 2013. As of 2011, New Mexico had the third highest teen birth rate in the nation.
- **New Mexico Specific Data is minimal:** The New Mexico Public Education Department does not systematically track comprehensive data on the graduation rates of New Mexico's expectant and parenting students.
- **National Trends:** nearly one-third of teenage girls who have dropped out of high school report that pregnancy or parenthood is a key reason. National data also shows that only 40% of young mothers finish high school. Additionally, less than 2% of young women that give birth while under the age of 18 obtain a college degree before the age of 30.
- **Data on NM's Educational Attainment Programs:** New Mexico was one of the first states in the country to adopt a system of instructional programs—the New Mexico Graduation Reality and Dual-role Skills (NM GRADS) Systems—that address the needs of expectant and parenting students. These programs provide statewide support for expectant and parenting students. During the 2012-2013 school year, there were 170 GRADS student mothers who were high school seniors, *133 graduated or earned their GED (82%)*, compared to only *50% of similarly situated students* nationwide. These programs are dependent on state and federal grant funding and thus opportunities are limited to expand past the 518 students they currently serve.

Title IX and Expectant and Parenting Students

- **Title IX:** Provides that "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance." The Federal Dept. of Ed has interpreted this to protect the educational rights of expectant and parenting students.
- **Best Practices Framework:** Under Title IX and federal regulations and guidance, schools are required to
 - Grant expectant and parenting students access to all available educational and extracurricular programs.
 - Allow students to opt-in to specialized instructional programs for expectant and parenting youth.
 - Excuse a student's absences because of pregnancy and childbirth.
 - Allow expectant and parenting students to make up work missed due to pregnancy and childbirth.
 - Provide any special services available to students who have other forms of temporary medical conditions to expectant or birthing students.
 - Allow students to return to school after pregnancy and childbirth related medical leave under the same conditions as any other student returning from medical leave.
- **Notice Requirement:** Title IX requires schools to notify students that they are lawfully protected from discrimination on the basis of sex when accessing educational programs and services. This requirement is easily fulfilled by inclusion of a statement of Title IX rights in each school's handbook.
- **NM Implementation of Title IX:** The Southwest Women's Law Center reviewed the Title IX policies for the 2014-2015 school year of 117 school districts and charter schools throughout the state of New Mexico. Of these

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117 schools, 38% of school districts and charter schools surveyed did not have any discoverable language in their handbooks or governance policies protecting the rights of expectant or parenting students. No policy outlined all of the rights included.

- **Best Practices Recommendations for NM Title IX Implementation:**
 - Encourage school districts and charter schools to review their Title IX policies to guarantee that they have fully articulated expectant and parenting students' legal rights and protections.
 - Clarify their grievance procedures
 - Seek legal assistance in drafting reporting timeline requirements. Many school districts surveyed require that students file Title IX complaints within a 30-day timeframe of the law's violation. However, the statute of limitations to file suit for a violation of Title IX under New Mexico law is three years post incident or knowledge of the incident. Arbitrarily setting 30-day periods for reporting causes barriers to rectifying Title IX violations and exposes schools to potentially costly litigation.
 - Guarantee the rights of expectant and parenting fathers
 - Clarify the expectations and rights of students during standardized testing
 - Re-visit policies barring students from bringing their children to school
 - Use the U.S. Department of Education's guidance on Supporting the Academic Success of Pregnant and Parenting Students Under Title IX of the Education Amendments of 1972 as a resource.

New Mexico Law and Pregnant and Parenting Students

- **NM Law Bolsters Title IX protections:** In 2013 NM passed N.M.S.A. 1978, § 22-12-3.1, Excused Absences for Pregnant and Parenting Students. This requires every school district in the state to:
 - Maintain an attendance policy that provides 10 days of excused absences upon proof of the birth of their child, provided that the student shall be allowed a time period to make up the work that the student missed that equals the number of days the student was absent for the birth of a child.
 - Provide four days of excused absences for a student who provides appropriate documentation of pregnancy or that the student is the parent of a child under the age of thirteen needing care; and allows the student a time period to make up the work that the student missed that equals the number of days the student was absent.
- **Notice Requirement:** Students are required to inform appropriate school personnel of their pregnancy in order to invoke the rights, and schools are required to provide notice of these policies.
- **NM Implementation of Excused Absences for Pregnant and Parenting Students Policy:** 65% of school districts and charter schools had no discernable policy language in their governance policies or handbooks outlining the rights of the Excused Absence law for students.
 - While compliance appears to be low, the Center does not discount the possibility schools are directly handing students copies of the leave policy instead of incorporating them into handbooks and district governance documents.
- **Best Practices for Implementing Excused Absences for Pregnant and Parenting Students Policy:**
 - Engage educators, students, and their families in drafting excused leave and absence policies
 - Review policies from school districts and charter schools with GRADS programs or other programs dedicated to supporting expectant and parenting students
 - Guarantee leave rights of expectant and parenting fathers

Goal - Summary

- Expectant and parenting students can succeed in school, but only with the support of educators and administrators willing to accommodate the unique challenges of parenthood.