



Regulation of the Chancellor

Number: **A-740**

Subject: **PREGNANT AND PARENTING STUDENTS AND REPRODUCTIVE HEALTH PRIVACY**

Category: **STUDENTS**

Issued: **November 13, 2008**

SUMMARY OF CHANGES

This regulation supersedes Chancellor's Regulation A-740 dated January 9, 2004.

Changes:

- Confidentiality issues regarding communications between staff and pregnant students have been clarified.
- Educational options for pregnant/parenting students have been clarified to reflect changes in DOE policy.
- The role of the Referral Centers for High School Alternatives has been clarified.

ABSTRACT

This regulation supersedes and replaces Chancellor's Regulation A-740 dated January 9, 2004.

Pregnant students of compulsory school age are required to attend school unless medical reasons indicate to the contrary. The purpose of this regulation is to clarify the role and responsibility of school personnel in implementing this policy. It includes procedures for which school personnel are responsible during and after a student's pregnancy.

I. OVERVIEW

The DOE is committed to ensuring that pregnant and parenting students are provided with the programs and services that will allow them to remain in school and to participate fully as consistent with applicable laws and DOE policy.

II. RIGHTS OF PREGNANT AND PARENTING STUDENTS

- A. Pregnant and parenting students of compulsory school age are required to attend school. These students have the right to remain in their schools and to receive programs and services to continue their education and to participate fully in school during their pregnancy and/or as a student parent.
- B. Pregnant and parenting students have the right to fully participate in educational programs and activities including any class or extracurricular activity for which they are otherwise eligible without requiring a specific certificate of medical clearance simply because they are pregnant or parenting.
- C. If a leave is determined necessary for medical reasons, at the end of this leave, the student is required to return to the school of record and has the right to be immediately reinstated. The school must arrange for appropriate academic and guidance support to enable the student to return to her regular school program.
- D. Students who believe that they have been subject to discrimination or harassment due to their pregnancy may file a complaint or seek resolution in accordance with Chancellor's Regulation A-830.

III. RESPONSIBILITY OF THE PRINCIPAL AND SCHOOL STAFF

- A. Principal's Responsibility
 - 1. The principal shall ensure that all staff and pregnant and parenting students are made aware of their student rights and responsibilities set forth in this regulation to help students stay on track toward graduation.
 - 2. Schools should provide pregnant and parenting students with assignments, classwork, and additional support to ensure they keep up with class requirements if they are absent for medical reasons.

3. Each principal is responsible for providing pregnant/parenting students with access to information about pregnancy-related health care, child care, and/or related services. The principal may designate responsibility for providing this information to a guidance counselor, health education teacher, or other appropriately trained personnel. In addition, the principal or designated faculty member shall inform such students of their educational rights and responsibilities and shall support students in obtaining appropriate academic and guidance support services to enable them to continue their education and to participate fully in school during pregnancy and as student parents. The designated faculty member shall work under the supervision of the principal and shall ensure the coordination of the delivery of the services to the student.
4. If a pregnant student has a medical reason to limit her participation in her regular school program, it is the responsibility of the student/parent to provide the school with appropriate documentation from her medical provider. The principal or designee shall establish procedures to develop an educational plan consistent with the health care provider's instructions. Subject teachers should be alerted if special considerations for the student's health are required. Schools should make reasonable accommodations when provided with such information in the same manner as is provided to any other student with a health condition.

B. Attendance Procedures

If a medical reason warrants an absence, regular attendance procedures must be followed. Please refer to Chancellor's Regulation A-210 for information regarding standards and procedures for attendance and documentation of medical absences.

C. Home Instruction

1. A pregnant or parenting student's school of record is responsible for her educational welfare. Some students may be eligible for home instruction. A student may request home instruction in accordance with Chancellor's Regulation A-170. The regulation provides details of eligibility requirements. For example, a student's health care provider must certify that there is a special condition that warrants home instruction.
2. When the school of record is notified of a student's readiness to return, school personnel must facilitate the student's prompt return. The school must immediately accept the student. Under no circumstances may a school refuse to accept a student who is medically able to return. In order to ensure a smooth transition, the school should schedule a meeting with the student and her parents and appropriate school staff to discuss available guidance, instructional, and support services at the school and to develop a plan for the student's return. If the student indicates that she is in need of child care, the

school shall provide the student with information about the LYFE program as set forth in Section IV below.

IV. OPTIONS AVAILABLE TO PREGNANT AND PARENTING STUDENTS

- A. Pregnant and parenting students have the right to remain in their current schools. If a student wishes to transfer to another school, it is the responsibility of the principal or a designee, to help the student and/or her parent/guardian explore DOE educational options for successful completion of graduation requirements.
- B. A pregnant student who does not wish to remain in her present school may transfer to her zoned school. The principal, appropriate faculty, and the student and/or her parent/guardian will work with the Office of Student Enrollment (OSE) to identify an appropriate placement for the student.
- C. A pregnant student or student parent who is attending a school that requires undue travel may request a hardship transfer with appropriate documentation, to a school closer to her home. The principal, appropriate faculty, and the student and/or her parent/guardian will work with OSE to identify an appropriate placement for the student.
- D. The LYFE program (Living for the Young Family through Education) provides school-based infant and toddler care for student fathers and mothers. A select number of DOE school sites have child care facilities through the LYFE program. If a pregnant student or student parent is in need of child care, the school should support the student in reaching out to the LYFE program directly. If students encounter difficulty in accessing LYFE services from their current schools, they may seek further information and guidance at a Referral Center for High School Alternatives. The Referral Centers for High School Alternatives are staffed with counselors and specialists who can help students formulate a plan to progress toward graduation. Contact information for the LYFE program and The Referral Center in each borough is listed at the end of this document.

V. PRIVACY CONCERNING MATTERS OF REPRODUCTIVE HEALTH

- A. School officials and administrators must at all times be cognizant of the highly sensitive nature of information regarding student pregnancy, sexual activity, HIV/AIDS, and sexually transmitted diseases. School staff must exercise professionalism and be respectful of student privacy in discussing these matters.
- B. School officials shall not demand or require any student to undergo tests for pregnancy, sexually transmitted diseases, or HIV/AIDS.
- C. School officials shall not demand or require any student or his/her health care provider to disclose the results of tests for pregnancy, sexually transmitted diseases or HIV/AIDS, nor shall any student or his/her health care provider be required to disclose the student's status or condition with regard to pregnancy, HIV/AIDS, sexually transmitted diseases, or sexual activity.
- D. School officials shall not exclude any student from school or a school program for failure to undergo a test or disclose the results of a test for pregnancy, sexually transmitted diseases, or HIV/AIDS, or for being pregnant, HIV+, a student parent, or having an STD. School officials shall not condition a student's attendance in school or school programs on undergoing such tests.
- E. The DOE values parental involvement. To the extent appropriate, an ongoing effort should be made by the principal or designee to help a pregnant student involve her family in her planning and choices. Where the student expresses safety or other significant concerns regarding parental notification, the principal must make a decision taking into consideration the individual circumstances and rights of the student.
- F. Nothing herein should preclude staff from encouraging students to seek appropriate medical and support services. All school staff advising pregnant and parenting students must make themselves familiar with the state and federal laws, and regulations regarding the rights of such students to medical services for themselves and their child or children.

INQUIRIES

Inquiries pertaining to guidance-related information for pregnant and parenting students should be addressed to:

Referral Center: Bronx @ Bronx Regional HS

Phone: 718-842-9200, 718-842-9201, 718-842-9281

Fax: 718-589-6387

Address: 1010 Rev. Polite Avenue Bronx, NY 10459

Referral Center: Brooklyn East @ Linden Learning Center

Phone: 718-649-3400

Fax: 718-272-2923

Address: 1965 Linden Blvd. Brooklyn, NY 11207

Referral Center: Brooklyn West @ Marcy Avenue Complex

Phone: 718-636-5770 (Press 1 for Referral Center)

Fax: 718-398-4476

Address: 832 Marcy Avenue Brooklyn, 11216

Referral Center: Queens @ Jamaica Learning Center

Phone: 718-739-2100

Fax: 718-523-1251

Address: 162-02 Hillside Avenue Queens, NY 11432

Referral Center: Manhattan @ Alternative Learning Complex

Phone: 212-868-7238 ext. 1162, 212-868-7841 ext. 1162

Fax: 212-967-4565

Address: 500 8th Avenue New York, NY 10018

Referral Center: Staten Island @ St. George

Phone: 718-273-3225, 718-273-1060, 718-273-3256

Fax: 718-448-3936

Address: 450 St. Mary's Place Staten Island, NY 10301

Inquiries about childcare, health and counseling services should be addressed to:

LYFE

NYC Department of Education

4360 Broadway

New York, NY 10033

Telephone:

917-521-3600

Fax:

917-521-3649

Inquiries about privacy issues addressed in this regulation should be addressed to:

Office of Legal Services

NYC Department of Education

52 Chambers Street – Room 308

New York, NY10007

Telephone:

212-374-6888

Fax:

212-374-5596