

AMENDED IN ASSEMBLY JUNE 29, 2016

AMENDED IN SENATE JUNE 1, 2016

AMENDED IN SENATE MARCH 29, 2016

**SENATE BILL**

**No. 1014**

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**Introduced by Senator Liu**

February 11, 2016

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An act to amend Sections 48205, 48206.3, and 48208 of, and to add Sections 222.5 and 46015 to, the Education Code, relating to pupil rights.

LEGISLATIVE COUNSEL'S DIGEST

SB 1014, as amended, Liu. Pupil rights: pregnant and parenting pupils.

(1) Existing law requires a pupil to be excused from school for specified types of absences and prohibits those excused absences from generating state apportionment payments by deeming them as absences in computing average daily attendance.

This bill would include as another type of excused-~~absence~~ *absence*, 4 absences per school year to care for a sick child, for which the school is prohibited from requiring a note from a doctor. The bill would authorize the governing board of a school district to allow a parenting pupil who gives or expects to give birth up to 6 weeks of parental leave and to allow a parenting pupil not giving birth up to 3 weeks of parental leave. The bill would specify that parental leave absences shall not be deemed absences in computing average daily attendance if the governing board of the school district of attendance files with the State Department of Education an expectant and parenting pupil policy that includes procedures for ensuring pupils are provided with schoolwork while on

~~parental leave: leave, and would specify the method for crediting average daily attendance for these pupils.~~

(2) Existing state regulations require an educational institution to treat pregnancy, childbirth, false pregnancy, termination of pregnancy, and recovery from those conditions in the same manner and under the same policies as any other temporary disability. Existing law requires a school district that receives notification of a pupil’s temporary disability to determine whether the pupil will be able to receive individualized instruction, and, if the determination is positive, to provide the individualized instruction, as specified.

This bill would require a school district to provide a pupil with a temporary disability as a result of pregnancy with guidelines for makeup work plan development if the option for individualized instruction is not available at the pupil’s school or school district.

(3) Existing law prohibits discrimination on the basis of disability, gender, or other specified characteristics in any program or activity conducted by an educational institution that receives, or benefits from, state financial assistance or enrolls pupils who receive state financial aid.

This bill would require a school district to notify pregnant and parenting pupils of specified rights and options available to those pupils, as specified.

(4) To the extent that this bill would impose additional duties on school districts, the bill would impose a state-mandated local program.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) In 2012, about 35,000 children were born to 15- to
- 4 19-year-olds in California. Nationwide, 70 percent of young parents

1 are pushed out of school, and fewer than 4 in 10 young mothers  
2 graduate from high school by 18 years of age.

3 (b) Title IX of the federal Education Amendments of 1972 (20  
4 U.S.C. Sec. 1681 et seq.) and California law protect all pupils’  
5 rights to equal educational opportunities regardless of sex. Yet,  
6 only some of California’s school districts provide pregnant and  
7 parenting pupil programs.

8 (c) Pregnant and parenting pupils face overwhelming,  
9 system-enforced obstacles to graduating and receiving an education  
10 of equal quality to that of their peers that vary across school  
11 districts and include all of the following:

12 (1) Inconsistent access to excused “family leave” absences to  
13 care for new infants during the critical period of early child  
14 development, with male parents often having no access.

15 (2) Involuntary pushout due to high absence rates related to  
16 pregnancy and parenting responsibilities.

17 (3) Rigid requirements to verify excused absences to care for a  
18 sick child.

19 (4) Allowed “reasonable” amount of time to make up work is  
20 defined by the school districts and not to the individual  
21 circumstances or to support a pupil’s goal to graduate.

22 (5) Varying levels of support and engagement from schools  
23 while pupils are absent.

24 (6) Encouragement to pursue independent study that may not  
25 fulfill the “A-G” admission requirements for the California State  
26 University and the University of California or have inconsistent  
27 and rigorous attendance policies.

28 (7) Parenting pupils’ lack of awareness of their rights under  
29 Title IX of the federal Education Amendments of 1972 (20 U.S.C.  
30 Sec. 1681 et seq.) and California law, as well as pupils’ different  
31 educational options during pregnancy, postpartum, and as a parent.

32 (d) While California has an 80 percent high school graduation  
33 rate, only 38 percent of young moms who have a child before they  
34 are 18 years of age graduate from high school, 19 percent get a  
35 General Education Development (GED) credential, and only 2  
36 percent go to college before 30 years of age.

37 (e) Educational challenges set the stage for economic hardship:  
38 The median income for women over 25 years of age without a  
39 high school degree is \$15,021, less than 53 percent of that of their  
40 peers’ median income of \$31,904.

1 (f) Nearly 60 percent of mothers under 19 years of age live in  
2 poverty.

3 (g) Children of teen mothers tend to struggle more in school,  
4 are less likely to complete high school, have lower performance  
5 on standardized tests, and are more likely to enter the foster care  
6 system and become teen parents themselves.

7 (h) Studies show that pregnancy can motivate pupils to complete  
8 school and pursue postsecondary education.

9 (i) Further, bonding time is critical for an infant's long-term  
10 development and the well-being of parents. California has  
11 acknowledged the importance of bonding time and paved the way  
12 in supporting bonding within working families.

13 (j) Since 2004, workers have been entitled to up to six weeks  
14 of family leave to bond with their children. Working families  
15 benefit significantly from bonding time. Parenting pupils and their  
16 infants, some of our most vulnerable citizens, should not have to  
17 choose between their family and education.

18 SEC. 2. Section 222.5 is added to the Education Code, to read:

19 222.5. A school district shall notify pregnant and parenting  
20 pupils of their rights and options available pursuant to Title IX of  
21 the federal Education Amendments of 1972 (20 U.S.C. Sec. 1681  
22 et seq.) and Sections 222, 46015, and 48206.3 through annual  
23 school year welcome packets pursuant to Section 48980, through  
24 independent study packets, on the school district's Internet Web  
25 site, in lactation rooms, and in locker rooms.

26 SEC. 3. Section 46015 is added to the Education Code, to read:

27 46015. (a) The governing board of a school district may allow  
28 a parenting pupil who gives or expects to give birth up to six weeks  
29 of parental leave and may allow a parenting pupil not giving birth  
30 up to three weeks of parental leave after the birth. The length of  
31 leave shall be determined by the pupil and shall not exceed the  
32 length of time allowed by this subdivision.

33 (b) (1) Absences allowed pursuant to this section shall not be  
34 deemed absences in computing average daily attendance pursuant  
35 to Section 42238.5 if the governing board of the school district of  
36 attendance files an expectant and parenting pupil policy, including  
37 procedures for ensuring pupils are provided with schoolwork while  
38 on parental leave, with the department.

39 (2) For purposes of calculating average daily attendance for a  
40 pupil on parental leave, one day of attendance shall be credited

1 for each day on which at least one hour is spent on activities related  
2 to the instruction of that pupil. A pupil on parental leave shall not  
3 be credited with more than one day of attendance per calendar day.  
4 *pupil, with a maximum equivalent of the limits specified in*  
5 *subdivision (a). For purposes of this paragraph, “activities related*  
6 *to the instruction of that pupil” means activities that require*  
7 *contact with the pupil.*

8 (3) An expectant and parenting pupil policy shall require a pupil  
9 to submit a parental leave request form, similar or the same as  
10 request forms used to request temporary disability time off, to the  
11 pupil’s school before the end of the pregnant pupil’s second  
12 trimester. A school shall process a request within five business  
13 days and provide makeup work plan development process  
14 guidelines to a pupil in conjunction with the positive determination  
15 of parental leave.

16 SEC. 4. Section 48205 of the Education Code is amended to  
17 read:

18 48205. (a) Notwithstanding Section 48200, a pupil shall be  
19 excused from school when the absence is:

20 (1) Due to his or her illness.

21 (2) Due to quarantine under the direction of a county or city  
22 health officer.

23 (3) For the purpose of having medical, dental, optometrical, or  
24 chiropractic services rendered.

25 (4) For the purpose of attending the funeral services of a member  
26 of his or her immediate family, so long as the absence is not more  
27 than one day if the service is conducted in California and not more  
28 than three days if the service is conducted outside California.

29 (5) For the purpose of jury duty in the manner provided for by  
30 law.

31 (6) Due to the illness or medical appointment during school  
32 hours of a child of whom the pupil is the custodial parent, including  
33 up to four absences per school year to care for a sick child, for  
34 which the school shall not require a note from a doctor.

35 (7) For justifiable personal reasons, including, but not limited  
36 to, an appearance in court, attendance at a funeral service,  
37 observance of a holiday or ceremony of his or her religion,  
38 attendance at religious retreats, attendance at an employment  
39 conference, or attendance at an educational conference on the  
40 legislative or judicial process offered by a nonprofit organization

1 when the pupil’s absence is requested in writing by the parent or  
2 guardian and approved by the principal or a designated  
3 representative pursuant to uniform standards established by the  
4 governing board.

5 (8) For the purpose of serving as a member of a precinct board  
6 for an election pursuant to Section 12302 of the Elections Code.

7 (9) For the purpose of spending time with a member of the  
8 pupil’s immediate family, who is an active duty member of the  
9 uniformed services, as defined in Section 49701, and has been  
10 called to duty for, is on leave from, or has immediately returned  
11 from, deployment to a combat zone or combat support position.  
12 Absences granted pursuant to this paragraph shall be granted for  
13 a period of time to be determined at the discretion of the  
14 superintendent of the school district.

15 (b) A pupil absent from school under this section shall be  
16 allowed to complete all assignments and tests missed during the  
17 absence that can be reasonably provided and, upon satisfactory  
18 completion within a reasonable period of time, shall be given full  
19 credit therefor. The teacher of the class from which a pupil is absent  
20 shall determine which tests and assignments shall be reasonably  
21 equivalent to, but not necessarily identical to, the tests and  
22 assignments that the pupil missed during the absence.

23 (c) For purposes of this section, attendance at religious retreats  
24 shall not exceed four hours per semester.

25 (d) Absences pursuant to this section are deemed to be absences  
26 in computing average daily attendance and shall not generate state  
27 apportionment payments.

28 (e) “Immediate family,” as used in this section, has the same  
29 meaning as set forth in Section 45194, except that references  
30 therein to “employee” shall be deemed to be references to “pupil.”

31 SEC. 5. Section 48206.3 of the Education Code is amended to  
32 read:

33 48206.3. (a) Except for those pupils receiving individual  
34 instruction provided pursuant to Section 48206.5, a pupil with a  
35 temporary disability that makes attendance in the regular day  
36 classes or alternative education program in which the pupil is  
37 enrolled impossible or inadvisable shall receive individual  
38 instruction provided by the district in which the pupil is deemed  
39 to reside.

1 (b) For purposes of this section and Sections 48206.5, 48207,  
2 and 48208, the following terms have the following meanings:

3 (1) “Individual instruction” means instruction provided to an  
4 individual pupil in the pupil’s home, in a hospital or other  
5 residential health facility, excluding state hospitals, or under other  
6 circumstances prescribed by regulations adopted for that purpose  
7 by the state board.

8 (2) “Temporary disability” means a physical, mental, or  
9 emotional disability incurred while a pupil is enrolled in regular  
10 day classes or an alternative education program, and after which  
11 the pupil can reasonably be expected to return to regular day classes  
12 or the alternative education program without special intervention.  
13 Temporary disability also includes pregnancy, childbirth, false  
14 pregnancy, termination of pregnancy, and recovery therefrom. A  
15 temporary disability shall not include a disability for which a pupil  
16 is identified as an individual with exceptional needs pursuant to  
17 Section 56026.

18 (c) (1) For purposes of computing average daily attendance  
19 pursuant to Section 42238.5, each clock hour of teaching time  
20 devoted to individual instruction shall count as one day of  
21 attendance.

22 (2) A pupil shall not be credited with more than five days of  
23 attendance per calendar week, or more than the total number of  
24 calendar days that regular classes are maintained by the district in  
25 any fiscal year.

26 (d) Notice of the availability of individualized instruction shall  
27 be given pursuant to Section 48980.

28 SEC. 6. Section 48208 of the Education Code is amended to  
29 read:

30 48208. (a) It shall be the primary responsibility of the parent  
31 or guardian of a pupil with a temporary disability to notify the  
32 school district in which the pupil is deemed to reside pursuant to  
33 Section 48207 of the pupil’s presence in a qualifying hospital.

34 (b) Upon receipt of notification pursuant to subdivision (a), a  
35 school district shall do all of the following:

36 (1) (A) Within five working days of receipt of the notification,  
37 determine whether the pupil will be able to receive individualized  
38 instruction, and, if the determination is positive, when the  
39 individualized instruction may commence. Individualized

1 instruction shall commence no later than five working days after  
2 the positive determination has been rendered.

3 (B) A school district shall provide a pupil with a temporary  
4 disability as a result of pregnancy with guidelines for makeup work  
5 plan development if the option for individualized instruction is not  
6 available at the pupil's school or school district.

7 (2) Provide the pupil with individualized instruction pursuant  
8 to Section 48206.3. The school district may enter into an agreement  
9 with the school district in which the pupil previously attended  
10 regular day classes or an alternative education program, to have  
11 the school district the pupil previously attended provide the pupil  
12 with individualized instruction pursuant to Section 48206.3.

13 (3) Within five working days of the commencement of  
14 individualized instruction, provide the school district in which the  
15 pupil previously attended regular day classes or an alternative  
16 education program with written notice that the pupil shall not be  
17 counted by that school district for purposes of computing average  
18 daily attendance pursuant to Section 42238.5, effective the date  
19 on which individualized instruction commenced.

20 SEC. 7. If the Commission on State Mandates determines that  
21 this act contains costs mandated by the state, reimbursement to  
22 local agencies and school districts for those costs shall be made  
23 pursuant to Part 7 (commencing with Section 17500) of Division  
24 4 of Title 2 of the Government Code.