



Regulation of the Chancellor

Number: A-740

Subject: PREGNANT AND PARENTING STUDENTS AND REPRODUCTIVE HEALTH PRIVACY

Category: STUDENTS

Issued: January 30, 2020

SUMMARY OF CHANGES

This regulation supersedes Chancellor's Regulation A-740 dated November 13, 2008.

Changes:

- Students' rights to be free from pregnancy-based discrimination, harassment, intimidation and/or bullying and the procedures for reporting such conduct have been clarified. (Section II.D)
- The principal's responsibility for providing information about this regulation has been clarified. (Section III.A.1 and Section III.A.3)
- The provision related to providing assignments, classwork, and additional support to pregnant and parenting students has been clarified. (Section III.A.2)
- The DOE's policy regarding access to lactation spaces for students, parents, and guardians has been clarified. (Section III.A.5)
- The provision related to a pregnant or parenting student's potential eligibility for home instruction has been clarified. (Section III.C.1)
- Schools' responsibility to provide information about the Living for the Young Family through Education program and the description of such program have been clarified. (Section III.C.2 and Section IV.D)
- School staff's ability to offer support to pregnant and parenting students seeking medical and support services has been clarified. (Section V.F)
- Contact information for inquiries has been updated. (Section VI).

ABSTRACT

This regulation supersedes and replaces Chancellor's Regulation A-740 dated November 13, 2008.

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, 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 the student's regular school program.
- D. Students have the right to be free from discrimination, harassment, intimidation and/or bullying based on their pregnancy, in accordance with Chancellor's Regulations A-830 and A-832 and federal, state, and local laws. Students who believe that they have been subject to pregnancy-based discrimination, harassment, intimidation and/or bullying may make a report to the principal or the principal's designee or any other school staff member. Such report shall be handled in accordance with Chancellor's Regulation A-830 and/or A-832. Students who believe that they have been subject to pregnancy-based discrimination or harassment by a DOE employee may also file a complaint with the Office of Equal Opportunity & Diversity Management (OEO) by online complaint form available at <https://www.nycenet.edu/oeo>, by phone at (718) 935-3320, by fax at (718) 935-2531, or by mail at 65 Court Street, Brooklyn, NY 11201.

III. RESPONSIBILITY OF THE PRINCIPAL AND SCHOOL STAFF**A. Principal's Responsibility**

1. In order to ensure that school staff are made aware of the rights of pregnant and parenting students under this regulation, the principal or designee of each middle and high school must review this regulation with all staff at the beginning of each school year.
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 reasons relating to pregnancy or parenting.
3. Upon being made aware that a student is pregnant or has a child, consistent with the privacy requirements set forth in Section V, the principal is responsible for providing the student with access to information about this regulation, 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 participation in the student's regular school program, it is the responsibility of the student or the student's parent to provide the school with appropriate documentation from the student's medical provider. The principal or designee shall establish procedures to develop an educational plan consistent with the medical 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.
5. Upon request, the principal or designee of the school shall make reasonable efforts to provide a lactation space on an as-needed basis for a student, parent, guardian, or other person in a parental or custodial relationship to the student who needs to express breast milk in the school, so long as such space can be provided without disrupting instructional services. A lactation space is a sanitary place, other than a restroom, that is shielded from view and free from intrusion and that includes an electrical outlet, a flat surface on which to place a pump and other personal items, and a chair. There should be access to running water

nearby, and a refrigerator or other reasonable alternative option to store the breast milk. Students needing to express breast milk should be excused from class for that purpose and provided with assignments, classwork, and additional support in accordance with Section III.A.2 of this regulation.

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 the student's educational welfare. Some students may be eligible for home instruction, for example because of a qualifying medical condition of the student or the student's child. A student may request home instruction in accordance with Chancellor's Regulation A-170.
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, the student's 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. Upon the return of a parenting student, the school also shall provide the student with information about the Living for the Young Family through Education (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 designee to help the student and/or the student's parent/guardian explore DOE educational options for successful completion of graduation requirements.
- B. A pregnant student who does not wish to remain in the student's present school may transfer to the student's zoned school, subject to seat availability. The principal, appropriate faculty, and the student and/or the student's 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 the student's home. The principal, appropriate faculty, and the student and/or the student's parent/guardian will work with OSE to identify an appropriate placement for the student.

- D. The LYFE program provides free, high-quality early childhood education to children of student parents from six weeks to three years old. 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. Contact information for the LYFE program is listed at the end of this regulation.
- E. Students also may seek 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 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 any student's health care provider to disclose the results of tests for pregnancy, sexually transmitted diseases or HIV/AIDS, nor shall any student or any student's 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 or parenting student involve the student's family in planning and options. 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 offering to support students who wish to seek appropriate medical and support services and providing referrals to such 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.

VI. INQUIRIES

Inquiries about the rights of pregnant and parenting students should be addressed to:

Title IX Coordinator

Office of Equal Opportunity

65 Court Street

Brooklyn, NY 11201

Telephone: 718-935-4987

[Title IX Inquiries@schools.nyc.gov](mailto:Title_IX_Inquiries@schools.nyc.gov)

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, NY 10007

Telephone: 212-374-6888

asklegal@schools.nyc.gov

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

LYFE Program

NYC Department of Education

500 Eighth Avenue, Suite 709

New York, New York 10018

Telephone: 212-609-8520

lyfe@schools.nyc.gov

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

Bronx Referral Center

1010 Rev. James Polite Avenue, Room 436

Bronx, NY 10459

Telephone: 718-518-4530

Central Brooklyn Referral Center

Boys and Girls High School

1700 Fulton St. 3rd Floor, Room 383

Brooklyn, NY 11213

Telephone: 718-804-6750 Ext. 3831

Downtown Brooklyn Referral Center

69 Schermerhorn Street

Brooklyn, NY 11201

Telephone: 718-935-9457

Midtown Manhattan Referral Center

269 West 35th Street, 11th Floor

New York, NY 10018

Telephone: 212-244-1274

Queens Referral Center

162-02 Hillside Avenue

Queens, NY 11432

Telephone: 718-739-2100

Staten Island Referral Center

450 St. Marks Place

Staten Island, NY 10301

Telephone: 718-273-3225