

Title IX

NATIONAL WOMEN'S LAW CENTER



a pregnancy test for schools:

THE IMPACT OF EDUCATION
LAWS ON PREGNANT AND
PARENTING STUDENTS

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Pregnant and Parenting Students in Secondary Schools

- Girls & the Dropout Crisis
- Teen Pregnancy/Parenting and Educational Outcomes
- Barriers to Success
- Title IX
- State Laws
- Recommendations

Girls and the Dropout Crisis

Over 25% of girls not graduating from high school in four years – if at all.

The rates are worse for girls of color:

- Native American/Alaskan Native: 44%
- Latinas: 34%
- African American: 35%

When Girls Don't Graduate, We All Fail.



Girls who fail to graduate from high school have higher rates of unemployment and make significantly lower wages than male dropouts.



1 out of every 2 female high school dropouts is unemployed.



In 2006, 77% of adult male dropouts were employed, compared to only 53% of their female peers.



Teen Pregnancy in the U.S.

- Higher than any other industrialized country.
- Overall, nearly 3 in 10 girls will become pregnant at least once by age 20.
- The rates are higher for women of color; more than 50% of Latina and Black young women become pregnant before age 20.

Other Risk Factors

- Girls who are sexually abused more than twice as likely as non-abused peers to become teen mothers.
- Almost half of pregnant young women reported a history of sexual abuse.
- Young women who become pregnant before the age of 15 are likely to have relationships with older men that are marked by sexual exploitation.
- Girls who have been in foster care are 2 and ½ times more likely than girls nationwide to have become pregnant by the age of 19.
- Homeless youth are 14 times more likely to be pregnant than their non-homeless peers.

Pregnancy as a Motivator

- A study of young mothers revealed that “regardless of their school status, almost all teens described the emergence of new priorities and concerns for their future as they anticipated motherhood.”
- Unfortunately, this drive and determination “was often complicated, and sometimes thwarted, by competing work demands, family and child care responsibilities, and educational barriers.”

Pregnancy and Parenting: Effect on Graduation Rates

- Gates Foundation survey: nearly 1/2 of female dropouts said becoming a parent was a factor in their decisions to leave school; 1/3 said it was a major factor.
- Most young parents who dropout say they would have worked harder if their schools had demanded more of them and provided the necessary support.
- The experience of young mothers in school does vary. For example, young Black women who give birth as teens are *more likely* to earn a high school diploma than their white or their Hispanic peers.

Educational Outcomes



- Only 51% of women who were teen mothers earned their high school diplomas by age 22.
- One in three teenage mothers earn neither a diploma nor a GED by age 22.
- Less than 2% of teen mothers who give birth under the age of 18 attain a college degree by age 30.

Barriers to Graduation for Pregnant and Parenting Students

- Environment of Discouragement
- Punitive Absence Policies
- The Unequal Alternative
- Inaccessible Homebound Services
- Lack of Childcare & Transportation
- Dearth of Data

Environment of Discouragement

- Many young women describe a shift in the way they are treated by their peers, teachers, and school administrators when their pregnancies are discovered. Students report school officials have given up on them and talk about them in diminished terms.

Punitive Absence Policies

- Most states lack policy on excused absences.
- Doctor's appointments, child's illness, childbirth and recovery.

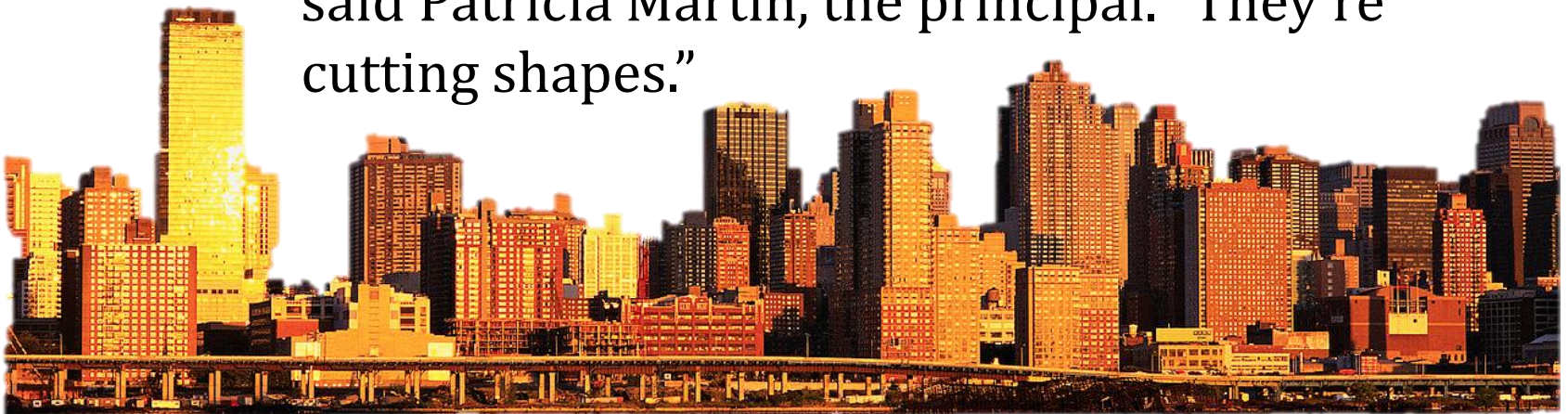
The Unequal Alternative

- Dead-end Programs
- PPS pushed into attending alternative programs.

Until 2007, **New York City** operated separate schools specifically for pregnant and parenting young women.

- The average daily attendance was only 47% and
- Less than half of the students transitioned back into a mainstream high school.
- New York Times reporter who visited a pregnancy school in 2007 found a dozen girls perched at their desks:

No pencils, no textbooks, no Pythagorean theorem. Instead, they sewed a quilt...That is what passes for math in one of New York City's four high schools for pregnant girls, this one in Harlem. "It ties into geometry," said Patricia Martin, the principal. "They're cutting shapes."



Homebound Services

- Most pregnant and parenting students simply will not be able to attend school for some period of time before or after giving birth.
- Some states offer homebound, hospital, or online learning to students who are temporarily disabled, but do not offer it to P/P students.
- Only one state, North Carolina, statutorily requires schools to offer homebound and online learning to students whose children have temporary illnesses or who are unable to attend school because they do not have access to childcare.

Childcare & Transportation



- Young women need quality, affordable child care to succeed in school.
- The average fee for full-time care ranges from \$3,600 to \$18,200 annually, depending on where the family lives, the type of care, and the age of the child.
- Under many state laws, it is illegal for a child under the age of 5 to ride on a school bus. So many students have no way to transport their child to and from school.

Lack of Data

- No nationwide data collection that tracks the number of pregnant and parenting students enrolled in secondary schools and their educational outcomes.
- In 2009 only eleven states were collecting information about student pregnancy (if that).
- Until data on P/P students is available, including data on educational outcomes, it is difficult to make data-driven decisions to invest resources in what we know works.



Title IX

“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 educational program or activity receiving federal financial assistance.”

Title IX Regulations on Treatment of P/P Students

- Absences must be excused for as long as student's doctor deems medically necessary.
- Students must be given a reasonable amount of time to make up missed work.
- Equal access to school and activities.
- Special programs or schools must be voluntary.
- Doctor's note can be requested only if done for all students with conditions requiring medical care.
- Special services for temporarily disabled must be offered to pregnant students too

Examples of Title IX violations

- Refusing to excuse absences for childbirth.
- Refusing to offer homebound instruction services for pregnancy-related absences despite the services being available to students who miss school due to other temporary medical conditions.
- Threatening to prevent a student from walking at graduation because she had “too many excused absences” related to her child’s illness and hospitalization.
- Threatening a young woman who no longer fit into her mandatory public school uniform with detention if she did not keep her shirt tucked in and a belt buckled around her swollen stomach.
- ACLU case in New Mexico.

State Laws & Programs

- For new report, *A Pregnancy Test for Schools*, NWLC examined state education laws and policies for all 50 states, Puerto Rico, and D.C.
- Identified promising and harmful policies/practices.
- CA, PA, FL, and others trying to create statewide, evidence-based programs and curricula that show great potential to improve educational outcomes for PPS.
 - Due to pressure from advocates, two largest school districts (NYC and LAUSD) changed their policies and practices regarding PPS.
- BUT: many of these programs have suffered since the recession began in 2007 (e.g. CA & PA)

State Laws & Programs: The Big Picture

- Overall, no state has yet put the full range of major policies and programs in place that would help put pregnant and parenting students on track to graduate college and career ready.
- Fewer than half of the states explicitly make homebound or hospitalized instruction services available to pregnant and parenting students.
- 46% of states have no statewide program, grant, or support designed specifically for pregnant and parenting students.

RANKING OF THE STATE EDUCATION LAWS FOR PREGNANT AND PARENTING STUDENTS

Rank	State	Pregnant and Parenting Program	Definition of Excused Absences	Homebound Services	Anti-Discrimination Provisions	Directory of Programs	Total
		10 Points	4 Points	1 Point	1 Point	1 Point	17 Points
1	California	8	4	1	1	1	15
2	Florida	8.5	3	1	1	1	14.5
2	Oregon	8.5	3	1	1	1	14.5
4	North Carolina	5.5	4	1	1	1	12.5
4	Wisconsin	8.5	1	1	1	1	12.5
6	Pennsylvania	7.5	1	1	1	1	11.5
7	Puerto Rico	6.5	1	1	1	1	10.5
8	District of Columbia	6	1	1	1	1	10
8	Massachusetts	8	0	1	0	1	10
8	Tennessee	5	4	1	0	0	10
11	Connecticut	6	0	1	1	1	9
11	Maine	4	3	1	1	0	9
11	New Mexico	8	0	1	0	0	9
11	Texas	7	0	1	0	1	9
15	Ohio	6	1	1	0	0	8
15	Rhode Island	6	0	1	0	1	8
17	Washington	6.5	0	1	0	0	7.5
18	Arkansas	5	1	1	0	0	7
18	Vermont	4	1	1	0	1	7
20	Arizona	1.5	4	1	0	0	6.5
20	Illinois	3.5	1	1	1	0	6.5
20	Missouri	5.5	0	1	0	0	6.5
20	Montana	4.5	1	0	1	0	6.5
24	Minnesota	3	1	1	1	0	6
25	Alaska	4.5	1	0	0	0	5.5
25	Colorado	3.5	1	1	0	0	5.5
25	Indiana	4.5	0	1	0	0	5.5
25	Maryland	3.5	1	1	0	0	5.5
29	Louisiana	4	0	1	0	0	5
30	Georgia	2.5	1	1	0	0	4.5
30	Kansas	4.5	0	0	0	0	4.5
30	Kentucky	2.5	0	1	1	0	4.5
30	Michigan	2.5	0	1	1	0	4.5
34	Hawaii	4	0	0	0	0	4
35	Alabama	.5	1	1	0	0	2.5
35	Mississippi	.5	1	1	0	0	2.5
35	New Jersey	.5	0	1	1	0	2.5
35	North Dakota	.5	1	0	1	0	2.5
35	South Carolina	.5	1	1	0	0	2.5
40	New York	1	0	1	0	0	2
40	Utah	0	1	1	0	0	2
40	Virginia	0	0	1	1	0	2
43	Delaware	.5	0	1	0	0	1.5
43	Iowa	.5	0	0	1	0	1.5
43	New Hampshire	.5	0	1	0	0	1.5
43	Oklahoma	.5	1	0	0	0	1.5
43	West Virginia	.5	0	1	0	0	1.5
48	Nebraska	0	0	0	1	0	1
48	Nevada	1	0	0	0	0	1
48	South Dakota	0	1	0	0	0	1
48	Wyoming	0	0	1	0	0	1
52	Idaho	-.5	0	1	0	0	.5

Policy Does Not Equal Practice

- The mere existence of a good policy and high ranking says nothing about the implementation.
- Laws and policies intended to meet the needs of PPS only meaningful if fully implemented on a broad scale and those who are responsible for effectuating them are properly educated and trained.
- Just because law says pregnant student is entitled to flexible scheduling does not mean every pregnant student will actually receive it.
- Despite Title IX's clear prohibition, students are pushed into alternative programs against their will and denied homebound services.

Recommendations

What can be done to improve the graduation rates and success of pregnant and parenting students?

Recommendations: Federal Government

- Department of Education should shine a spotlight on the rights of pregnant and parenting students.
- Department of Education should enhance enforcement efforts.
- Congress should provide support for targeted programs for pregnant and parenting students.

Recommendations: States

- Create statewide definition of excused absences that includes all pregnancy and parenting-related absences.
- Establish standards for pregnant and parenting student programs and require schools to offer these programs.
- Pass specific education laws and regulations to protect pregnant and parenting students.

Recommendations: Schools & Districts

- Change the School or District Policy
- Designate a Title IX Coordinator
- Create Resources
- Educate and Advertise

Questions?

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www.nwlc.org/pregnancytestforschools

