

STUDENT PREGNANCIES: PROCEDURES AND GUIDELINES

The following guidelines have been developed to assist staff in handling matters pertaining to a student's pregnancy.

Discrimination:

No student shall be discriminated against on the basis of that student's pregnancy, childbirth, false pregnancy, voluntary or involuntary (i.e., miscarriage) termination of pregnancy, or recovery relating to any of these events.

Accommodations:

Pregnancy and pregnancy-related conditions shall be treated in the same manner as other medical conditions. Accommodations to facilitate participation in educational services and other activities may be necessary given a student's unique circumstances. Accommodations shall be considered on a case-by-case basis and may include, but are not limited to: re-scheduling classes to more accessible locations; elevator access; additional time to get to classes or

for lunch; alternative physical education activities if necessary; independent study where prolonged absence is necessary for a pregnancy-related medical condition; and schedule flexibility to address pregnancy-related medical conditions.

Medical documentation relating to accommodations, continued participation, or return to un-restricted participation for pregnancy-related medical conditions, including childbirth, may be required if required for other medical conditions.

Learning of a Student's Pregnancy:

Situations exist in which a staff member learns or suspects a student is pregnant and believes further intervention is necessary. If a staff member believes intervention is necessary, he or she should report concerns after learning or suspecting a student is pregnant to a counselor, school psychologist, school nurse (if appropriate), or administrator. A staff member, other than a counselor, school psychologist, school nurse, or administrator, shall not attempt to counsel or advise the student regarding pregnancy. The counselor, school psychologist, school nurse, or administrator may meet with a student to address concerns relating to a student's confirmed or suspected pregnancy. A school nurse can assist with the confirmation of a pregnancy if the student consents. No staff member shall coerce or force a student to take a pregnancy test.

Confidentiality:

A student's pregnancy or pregnancy-related condition shall be considered confidential student information. Staff members shall not discuss a student's confidential information or communications regarding that information without that student's permission with any other individual, including that student's parents and/or legal guardians. There are four exceptions to the confidentiality requirement:

1. If a staff member has a reasonable suspicion that a student's pregnancy or pregnancy-related condition is related to child abuse, the staff member must report such reasonable suspicions as required by law;
2. If a staff member has a reasonable suspicion that a student's pregnancy or pregnancy-related condition is the result of a crime, including incest or rape, the staff member should report such reasonable suspicions to the appropriate law enforcement agency;
3. Staff members may disclose a student's pregnancy or pregnancy-related condition as necessary where there is a clear and present danger to the health or safety of the student; and
4. Staff members are permitted to share confidential student information and communications, including information relating to a student's pregnancy or pregnancy-related condition, with other school officials (i.e., counselors, school psychologists, or administrators) who have legitimate educational interests in that information.

A staff member shall notify an administrator prior to disclosing a student's pregnancy or pregnancy-related condition pursuant to a reasonable suspicion of child abuse or a crime or in the case of a clear and present danger to the student's health and safety.

Nothing herein shall prevent a counselor, school psychologist, school nurse, or administrator from encouraging a student to inform her parents or legal guardians about her pregnancy or pregnancy-related condition. No staff member shall coerce or force a student to inform her parents or legal guardians about her pregnancy or pregnancy-related condition.

Counseling or Advising Students:

Only counselors, school psychologists, school nurses, and administrators should be advising students regarding pregnancy and pregnancy-related conditions. All other staff members should encourage students to discuss pregnancy and pregnancy-related conditions with a counselor, school psychologist, school nurse, or administrator. Staff members

may disclose suspicions or knowledge of a student's pregnancy or pregnancy-related condition to a counselor, school psychologist, school nurse, or administrator if they believe intervention with that student is appropriate. No staff member shall encourage, influence, coerce, or force a student into making any decision regarding a pregnancy or pregnancy-related condition. No staff member shall share or attempt to influence a student with his or her own personal feelings or beliefs regarding a student's pregnancy or pregnancy-related condition.

If a student requests information regarding abortion, a counselor, school psychologist, school nurse, or administrator is permitted to only inform a student regarding the parental notice/judicial bypass procedure required to obtain an abortion in Montana and to refer the student to the County Health Department for any other information regarding options available to the student regarding pregnancy or a pregnancy-related condition. A counselor, school psychologist, school nurse, or administrator may also encourage a student to consult her own health provider for information regarding her options. With the exceptions of referrals to the County Health Department or the student's personal health provider, a counselor, school psychologist, school nurse, or administrator may not refer or suggest that the student consult Planned Parenthood or any other community clinics or organizations that advocate or may be perceived as advocating specific choices for females.