

Creating a Statewide Absence Policy for Expecting and Parenting Students: A Case Study of Community-Based Policy Work

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Abstract

Community-based coalitions can be a powerful force for social change. This article describes how a group of organizations and individuals combined their knowledge and strengths to succeed in crafting an educational policy that was signed into state law. The Young Parent Working Group is a multidisciplinary coalition that advocates for the educational attainment of expecting and parenting students. This case-study highlights the progression of the initial policy development, the evolution of the group, successful interpersonal processes, legislation, messaging, lobbying for bi-partisan support, and finally the transition to policy implementation and next steps.

Introduction

High school and middle school students who are expecting a child or parenting have one of the highest dropout rates of any population (Perper, 2010). Many students experience a life event that requires an adjustment to general school attendance policy, such as those with an illness, injury, or behavioral health issue. Schools have developed policies so that these students can keep up with their classwork and remain in academic good standing. However, in the typical American public school, students who are expecting or parenting have no such policy to assist them. Responding to this need, a diverse group of advocates developed a strategy to improve the educational environment for expecting and parenting students through legislation. The Young Parent Working Group, a coalition based in Albuquerque, New Mexico pooled their experience and resources to develop an excused absence policy for expecting and parenting students that was successfully passed and signed into law. The process for this policy development, advocacy, legislation, and implementation is a case study for how community-based organizations can create significant change in education policy at a state level.

New Mexico is a largely rural state with an ethnically diverse population consisting of 44% Hispanics, 42% non-Hispanic whites, 10% American Indians, 2% African-Americans, 1.4% Asian and Pacific Islanders, and 3.2% multi-racial (New Mexico Department of Health, 2015). In addition to these population features, New Mexico also has one of the highest rates of adolescent births and one of the lowest high school graduation rates in the United

States (Annie E. Casey Foundation, 2015). In 2015, New Mexico's birth rate for all race/ethnicities for ages 15–19 years was 47 per 1,000 females compared to the national rate of 24.2 per 1,000 females (Annie E. Casey Foundation, 2015). Nationally, Hispanic teens have a national birth rate of 46 per 1,000, the highest rate of any ethnic group. In New Mexico, the rate was even higher at 59 per 1,000 girls; 67% of all teen births were to Hispanic young women (Annie E. Casey Foundation, 2015).

New Mexico is the first state in the U.S. to pass legislation providing a baseline standard for leave and absence policies for expectant and parenting students at the school district level (NM HB300: An Act Relating to Public Schools; Requiring School Districts and Charter Schools to Establish Policies that Provide Excused Absences to Pregnant and Parenting Students). The 2013 law recognizes that these students need the flexibility to achieve their educational goals, including high school graduation, while managing their responsibilities as parents. Although the federal Title IX legislation ensures that schools do not discriminate on the basis of pregnancy or parenting, this is not enough to prevent the majority of these students from dropping out of school. The excused absence policy is a step toward educational equity for expectant and parenting students with their peers that are attending school without the addition of being a parent.

The New Mexico law was a result of the work of a coalition of community organizations working with young parents to identify their most pressing issues and then developing feasible solutions.

In the time since the legislation has passed the coalition has continued to work on barriers to implementation and evaluation.

Significance

The United States has the highest adolescent birth rate in the industrialized world (Savio Beers & Hollo, 2009). It is important to recognize that adolescent parents may also be students who face barriers in balancing the needs of their child with their responsibilities as students in the educational system. Educational attainment is one of the most important indicators of lifelong health and economic well-being, but there has yet to be a concerted effort in the U.S. to create educational policies protecting this population of students who face a high risk of dropping out of school.

Outcomes associated with pregnancy and parenthood in adolescence involve a host of socioeconomic challenges, including high poverty rates, growing health disparities, and more (Savio Beers & Hollo, 2009; Lipman, Georgiades, & Boyle, 2011; Sum, Khatiwada, & McLaughlin, 2009). These outcomes, along with societal attitudes around parenting young, have resulted in stigma that may serve to increase barriers to young parents' success. Increasingly, scholars have begun to tease out the true impacts of young parenting without falling into stigma-based assumptions. Findings indicate that the age at giving birth does not necessarily determine the economic and social outcomes of a young parent's family to the same extent that ethnicity, race, ZIP code, and access to education does (Kearney & Levine, 2012). Of these social determinants that dictate the outcomes of young parents and their families, the one that most readily influences long-term success is access to education (Rumberger, 2013).

Educational access and attainment are significant factors influencing a young person's future achievement, regardless of whether they are a parent or not. A young person who drops out of high school is less likely to find a job and earn a living wage and more likely to live in poverty and suffer negative health outcomes (Rumberger, 2013). High school dropouts can expect to earn a median of \$493 per week, which is approximately \$200 a week less than high school graduates (United States Department of Labor, 2016). Although dropout rates in the U.S. have been declining in the past few decades (Ventura, Hamilton & Mathews, 2014), in New Mexico this rate is 15%. In addition, 69% of the population in New Mexico does not have a college degree (Annie E. Casey

Foundation, 2015). This relatively high lack of educational attainment throughout the state creates a labor force that is disproportionately centered on low-wage jobs when compared to labor forces in other states.

According to a report from The National Campaign to Prevent Teen and Unplanned Pregnancy, nearly one-third of teenage girls who have dropped out of high school report that either pregnancy or parenthood is a key reason (Shuger, 2012). The national data also show that only 40% of young mothers finish high school, while less than 2% of young women who give birth while under the age of 18 obtain a college degree before the age of 30. Educational data on young mothers is sparse and only available at the national level. Although there are no New Mexico data for expecting and parenting student graduation rates, there is little reason to estimate that trends are different for New Mexico, a state with high poverty, few resources, and one of the lowest graduation rates in the U.S. (Annie E. Casey Foundation, 2015).

The Young Parent Working Group believes that a student who becomes a young parent does not lose their potential to learn and succeed. However, it is also the experience of the young parents in the group, as well as the educators that work with expecting and parenting students, that it is difficult to balance the needs of a child with requirements of a traditional high school education. Adding to the problem is the fact that very few accommodations exist within the education system for students without the family resources to care for a child while the parents are in school. With these issues in mind, a grassroots effort in New Mexico began to create educational policy that could increase educational attainment for the state's parenting student population.

Process of Policy Development

Focus Groups

In the fall of 2011, the American Civil Liberties Union of New Mexico (ACLU-NM) approached Young Women United (YWU), a reproductive justice organization that leads community organizing and policy initiatives by and for young women of color, about an opportunity to conduct focus groups with high-school-aged mothers. Both in New Mexico and nationally, the ACLU had been working to expand the application of Title IX, specifically the protections it offers to expectant women who are in school. The most well-known provision of Title IX, passed as part of the United States Education Amendments in 1972,

includes the requirements for equal access to athletics opportunities for male and female students in schools. However, Title IX goes beyond protecting against sex-based discrimination in athletics. Title IX provides that “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 education program or activity receiving Federal financial assistance” (Title IX of the Educational Amendments of 1972).

The Federal Department of Education has interpreted the broad prohibition on sex discrimination in public schools as protecting the rights to equal educational opportunities for expectant and parenting students. More specifically, regulations passed for the implementation of Title IX state that schools are prohibited from discriminating against students on the basis of pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery from any of these conditions. Additionally, schools cannot take discriminatory action against a student based on their parental, family, or marital status that treats them differently on the basis of their sex (Title IX of the Educational Amendments of 1972, 1972). The ACLU-NM was interested in learning about the educational experiences of young parents in New Mexico public schools. YWU, leading community organizing and policy initiatives through a reproductive justice lens, had begun to challenge what they have experienced as the inaccurate and judgmental portrayals of young parents that serve as foundation for many pregnancy prevention models. As a first step, the ACLU-NM and YWU collaborated in running focus groups investigating these issues.

YWU staff, in coordination with an ACLU-NM attorney, facilitated focus groups with more than 40 expectant and parenting students in four different New Mexico communities (Las Cruces, Albuquerque, Española, and Santa Fe). The overall project and outreach efforts were supported by New Mexico Graduation Reality and Dual-role Skills Program (NM GRADS), a statewide system providing an in-school, for credit classroom and case management program for teenage parents that includes on-site licensed child development centers and sessions on college and career readiness, youth leadership, fatherhood programs, and early childhood and infant mental health. The focus groups were facilitated by the following organizations in their respective communities: NM GRADS, New Futures School, the Santa Fe Teen Parent Center, and Tewa Women United. With considerable

experience in youth organizing and facilitation, YWU staff designed the focus group instrument to document the educational experiences of young mothers while capturing some of the dynamics that shape young parents’ lives. These included such topics as: the stigma and judgment they faced and the support they found within their schools, families, and communities. For the majority of participants, these groups were their first opportunity to articulate their experiences as young parents and students in New Mexico schools.

Legislative Memorials

After assessing the political opportunities within a New Mexico legislative session, the ACLU-NM and YWU introduced two legislative memorials during the 2012 legislative session based on findings from the collaborative focus groups. YWU collaborated with young parents in the NM GRADS programs in Southern New Mexico to author Senate Memorial 25, which was passed and established August 25 as the New Mexico Day in Recognition of Young Parents. Symbolic in nature, the Young Parents Memorial was designed to begin shifting the narrative around the lives of young parents and raise awareness that parents of all kinds need respect, trust, and recognition. As part of civic engagement efforts in support of the memorial, the YWU organized a Young Parents Day of Action, working with the NM GRADS System to bring more than 50 young parents and allies to the New Mexico capitol to speak to legislators about their lives as young parents and the positive impact this memorial would have in New Mexico.

Also in 2012, the ACLU-NM drafted and introduced a legislative memorial aimed at assembling a task force to examine the educational barriers faced by expectant and parenting students in New Mexico. The ACLU-NM and YWU took the lead on the legislative advocacy effort to pass the memorial. Although it passed unanimously through multiple committees and the Senate floor, the session ended before the memorial came to a vote on the House floor.

Evolution of the Young Parent Working Group

Throughout the 2012 legislative session, the ACLU-NM and YWU continued to identify individuals and organizations interested in further work on this issue. The ACLU-NM convened an initial meeting of these groups, and the majority of those in attendance agreed to spend 2012 as part of a single working group that would follow the direction of the proposed task force. The group



Young Women United NM GRADS Legislative Young Parents Day of Action, 2012

met monthly from March to November of 2012, and the preliminary meetings developed potential approaches to improving programs and policies that impact the access young parents have to education in New Mexico. Participation in this phase had the largest number of organizations and included district representatives from the Public Education Department, Albuquerque Public Schools, and the Children Youth and Families Department.

It was important for the Young Parent Working Group to seek out and include input from young parents. The University of New Mexico Public Health Program had previously developed a study to pilot test a peer mentor program for new young parents to support educational attainment (among other goals) for the promotion of healthy and strong families. Mentors from this project, who are young parents who graduated from high school, participated in the working group and contributed their experiences and insights.

In the fall of 2012 the Young Parent Working Group reviewed previous conversations and began to narrow down areas of concern and proposed solutions. In both the focus groups and the working group, the young parents explained that expectant and parenting students are negatively impacted by the often arbitrary decisions of individual educators and administrators to excuse (or not) absences related to their pregnancies, labor and delivery, or parenting status. The working group came to the agreement that adding an expectant and parenting excused absence policy to the New Mexico attendance code was a no-to-low cost solution that would positively impact New Mexican young parents working to graduate from high school. Together the group created a report titled “Investing in the Future: Reforming Absence and Leave Policy for Pregnant and Parenting Students in New Mexico (Investing in the Future).” (See Table 1)

Successful Working Group Process

The Young Parent Working Group was strongly participatory, and all parties were queried about their knowledge, perspective, and capacities to carry out activities at different phases of the process. After examining the issues at hand and agreeing to collaborate on a legislative agenda, the group identified the policy issue that would be moved forward and the overall frame in which the advocacy was to happen. The group then identified key areas in which the full group would make decisions together while also establishing roles and responsibilities for each organization. The effectiveness of the working group was due in large part to the depth of expertise of each organization and the collective experience across multiple sectors. The efforts of the group were designed to synthesize the strengths and capacity of each organization so that the shared impact was much greater than it would have been otherwise.

Drafting Legislation

At the end of 2012, a subsection of the larger working group began to draft, introduce, and advocate for legislation to create an excused absence policy for expectant and parenting students in the state. ACLU-NM and YWU were joined by advocacy partners that included the Southwest Women’s Law Center and Strong Families New Mexico in building and leading legislative strategy. The NM GRADS System and public health researchers continued to provide data and expertise around the issue.

Table 1. Participating Organizations and Individuals in the Young Parents Working Group

Albuquerque Public Schools (including New Futures and Home Hospital)
American Civil Liberties Union of New Mexico
New Mexico Children, Youth and Families Department
New Mexico Graduation Reality and Dual-role Skills System
Pegasus Legal Services for Children
Southwest Women’s Law Center
University of New Mexico Public Health Program
Young Women United
Individual young parents



Young Women United Parents Day Celebration in Albuquerque, NM, August 25, 2012

Presenting the “Investing in the Future” Report Before the Interim Legislative Committee

As an important step toward bill introduction, the working group presented the report (Investing in the Future) to the Legislative Educational Study Committee (LESC). This was also an opportunity to field questions about the issue and build support. It allowed working group members to practice presenting and discussing the proposed policy in an official setting. Through this process the working group was able to design a strategic approach to identifying appropriate messages and continue working toward effective ways to communicate the proposed policy.

Legislative Bill

Based on feedback from the LESC process and supportive legislators, the group finalized the key points of the legislative proposal, which was then legally reviewed by the ACLU-NM and the Southwest Women’s Law Center. The bill was drafted and introduced early in the 2013 session. The key points were as follows:

- Ten day excused absence for documented birth of child;
- Four excused absences per semester for expectant and parenting students when pregnancy or caring for a child necessitates missing class (supplementing general absence policy);
- All absences will be documented; all work will be made up (students will allowed an equal number of days to make up work as they were absent from school, supplementing general absence policy);
- Students will be responsible for notifying appropriate school personnel of their expectant or parenting status;

- Policy applies to both mothers and fathers (*this was later interpreted by the New Mexico Public Education Department (NMPED) to only apply once the child was born).

The intent of the law was to create a base threshold for school districts and charter schools to follow in granting

students leave for pregnancy, childbirth, and parenting reasons. This intent is borne out in the regulations issued by the NMPED.

Messaging and Media

The working group crafted a legislative strategy that included a strong messaging and media plan as a key component. Teen pregnancy has historically been a controversial and emotional political issue. The group understood that to pass this bill and have it signed into law that excused absences had to be framed as key to educational access. New Mexicans needed to understand that this bill would benefit both young parents and the state overall by increasing graduation rates. YWU facilitated conversations with young parents so that the lead messages of the legislative strategy came from their expertise, articulating the importance of this bill to families like their own. From those early conversations, YWU drafted talking points so that advocates and legislators alike were able to communicate the same messages across multiple conversations and committee hearings about the bill. As the bill began to garner media attention, the ACLU-NM fielded press calls while YWU prepared young parents, allied advocates, and elected officials to speak on the issue.

Successful Lobbying

Advocates working on this effort had a shared goal of increasing the high school graduation rates of New Mexico’s expectant and parenting students. It was understood that this would be a policy that would matter to a bi-partisan audience, and measures were taken to build a coalition of legislative leaders on both sides of the aisle. The working group lobbied legislators based on shared values and highlighting both the character and challenges of the districts they represented.

Legislative advocacy is time consuming and requires many people with various levels of access and experience, so finding a role for anyone who wanted to advocate on behalf of this bill was critical to success. Managing advocates and their activities was achieved through clear and direct daily communication during the session. Coordination of efforts was essential to each step of the process as the bill made its way through the committees and floor votes.

With broad commitment to a shared legislative strategy, the working group partners engaged in ways that used their particular strengths, experience, and connections. Individuals within the working group that had relationships and experience that were beneficial to moving the bill forward followed those avenues of opportunity. Other times, it was a case of which advocate was present and available to perform a task or have a conversation. The flow of a legislative session is unpredictable, but working group members with experience were skilled at spreading resources and operating to the best advantage.

The group's shared organizational strengths were crucial to the success of the passing of the bill. Over the course of three months and in key moments, the legal expertise of the ACLU-NM and Southwest Women's Law Center, the diverse communities represented through Strong Families New Mexico, the research and data provided by public health partners, the expertise on the issue provided by the NM GRADS System, and the powerful messaging and legislative strategies YWU carried throughout the session came together to support the success of the proposed bill.

Transition to Implementation

The implementation of the new legislation signed by the Governor in April of 2013 required that the NMPED create the policy to provide guidance to school districts. During the passing of the bill, lawmakers recognized that it was not as inclusive of young fathers as it should be, therefore, "Pregnant and Parenting Teens" was changed to "Expectant and Parenting Teens." This is also in line with the federal language enacted in the same time frame, changing the term pregnant to expectant in regard to funding and programs addressing teen births.

Although the policy was in place for young parents when school resumed in August 2013, there was insufficient time for NMPED to add the language to school handbooks across the state. Efforts were made by the working group to inform

school administrators and staff of the new policy. These efforts included YWU collaborating with NM GRADS programs in towns across New Mexico during the annual "Young Parent Day" celebrations and observances on August 25, 2013, which highlighted the absence policy. Young Parent Day continues to be celebrated on an annual basis with activities and social media twitter chats. There was also a NM GRADS day at the legislature in 2015, where young parents from all over the state gathered at the capital to speak about their stories and celebrate their accomplishments. Also in 2015, the National Women's Law Center hosted a webinar, "Title IX & Pregnant & Parenting Students 101."

Implementation Barriers

Barriers to implementation include the length of time it took NMPED to write a policy to be sent to New Mexico school districts for implementation. Throughout this process, federal language had changed from "pregnant and parenting" to "expectant and parenting;" however, the policy information that the NMPED sent to school districts included the original language. Currently, NMPED is writing an amendment to include the above-mentioned language change. Also, expectant mothers are able to attend pre- and post-natal visits through these policies; however, until the language modification has been made by the NMPED and sent out to school districts, young fathers are not covered for the pre- and post-natal visits. Additional barriers include the lack of understanding and dissemination within specific districts. This information needs to be shared with every teacher within a given district, which creates a challenge in those districts that do not have a NM GRADS or other intervention program. NM GRADS programs cover approximately 31% of high schools in the state. NM GRADS teachers have received professional development and are aware of this policy and are supported by NM GRADS state staff to advocate for students with regard to this policy.

It is important to note that this policy does not supersede Title IX, and districts must still adhere to the federal laws with regard to Title IX. Educators and administrators must understand both Title IX and the absence policy in regard to expectant and parenting teens; however both must be adhered to respectively.

Additionally, there were several school districts within New Mexico that already had an absence policy in place, which in some cases went above and beyond the requirements of the new

absence policy. For example, some schools allow for up to six weeks of leave with the appointment of a homebound instructor for young mothers post-delivery. This leave is granted primarily due to a school's lack of an on-site childcare center and the fact that childcare facilities typically do not accept infants until they are four to six weeks old. However, the new state-mandated absence policy could be interpreted as only needing to provide the 10 days with four additional days per semester, creating a barrier within districts with a more comprehensive policy.

Conclusions

Practical Implications

It has now been four years since this policy went into effect. In 2015 Southwest Women's Law Center completed a review of the high school policy handbooks received by students. Of the 117 school district and charter school governance policies and handbooks surveyed, only 35% contained reference to the protections offered by New Mexico's Excused Absences for Pregnant and Parenting Students law (NM HB300). The remaining 65% of school districts and charter schools had no discernible policy language in their governance policies or handbooks outlining the rights of the Excused Absence law for students. School districts that utilize the New Mexico School Board Association's policy services have the highest rates of adoption of up-to-date leave and absence policies for expectant and parenting students.

While compliance appears to be low, the Southwest Women's Law Center does not discount the possibility that schools are handing out copies of the leave policy to students directly instead of incorporating them into handbooks and district governance documents since the statute requires schools to provide students with direct notice of their rights. Additionally, other school districts have instituted their own comprehensive absence and leave policies for expectant and parenting students that offer greater protections and are driven by local needs. The Center also understands that some schools with NM GRADS programs may be reviewing their current absence and leave policies to ensure compliance with the statute while also offering their system's greater accommodations.

Evaluation and Research Implications

The legislation requiring school districts to establish the policy does not mandate that state agencies or school districts provide any data on the implementation or effectiveness of the policy.

In addition, there is currently no system in place to ensure dissemination of knowledge about the policy or assessment of its usage. Previously existing educational policies for expectant and parenting students vary by school and school district; however, this new statewide excused absence policy is the first of its kind in the nation. If this policy is successful in its intention to keep expectant and parenting students in school it could serve as an example for other states. Therefore, it is important to begin evaluating the effects of this legislation in order to develop strategies that maximize best practices for students and schools.

The University of New Mexico Public Health Program, Southwest Women's Law and NM GRADS are collaborating on a project to address these needs. The project objectives are to: (a) design questions about attitudes and use of the excused absence policy for expectant and parenting students to develop a statewide student survey, and (b) create a variety of informational materials on the absence policy for expectant and parenting students. A pilot project has been completed that includes telephone interviews and a focus group of parenting high school students. This project was done to elicit feedback about the development both of materials and approaches to delivering them that are both culturally and age appropriate, and for developing a survey for evaluation of the policy and its effectiveness. Funding is currently being sought for further development of evaluation of the policy and an information campaign.

Additional research needs include establishing a denominator for expectant and parenting students. Currently, adolescent birth data and NMPED student data are not linked. If these two data sets were combined, numbers of parenting students and their educational outcomes could be evaluated and followed to provide critical information on the educational attainment of parenting students.

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