

Protecting Two Generations:
The Need to Preserve and Expand Services
for New York City's
Pregnant and Parenting Students

Reproductive Rights Project | New York Civil Liberties Union



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EXECUTIVE SUMMARY

Each year, thousands of teen parents¹ drop out – or are pushed out – of New York City schools. Studies have documented drop out rates for teen parents as high as 70 percent.² All of these young people are legally entitled to a free public education³ – a support that provides a foundation for future success for both parents and their children. Yet the city’s Department of Education (DOE) has failed for years to provide adequate or effective school-based support for one of its most vulnerable populations, despite research showing that school-based services for pregnant and parenting teens improve educational achievement and quality of life for students and their children.

Through research, interviews with stakeholders, and analysis of documents obtained by Freedom of Information Law requests, the New York Civil Liberties Union (NYCLU) examined the DOE’s policies and practices toward pregnant and parenting students since the closure of New York City’s pregnancy schools in spring 2007.⁴ We found that few services exist, and those that do are limited in scope, poorly advertised and difficult to access. As a result, a relatively small percentage of these at-risk teens are receiving support services from the DOE.⁵ Additionally, school staff and administrators are poorly trained on the rights of pregnant and parenting students to remain in school, which results in illegal and inappropriate pressure on some students to drop out.

This report focuses on the Living for Young Families through Education (LYFE) program, the DOE’s primary support service for parenting teens. The LYFE program, which operates at about 40 sites citywide, provides school-based child care and extends an array of social services and parenting help to teen parents. If fully supported, it could be a vital service for the thousands of school-age youth who become parents in the city each year. Though the economy is in a down-turn and lawmakers are searching for programs to cut, this much-needed support service must not only be preserved, but expanded. Such services protect two generations at once, and save tax dollars in the long term by promoting educational success and the economic independence that flows from it.

Students who have thrived in the LYFE program directly link it to their achievement in school and their success as parents. Funding cuts that would reduce the scale of the program or the depth of its services are unacceptable. Our elected officials must ensure that budget cuts do not reduce these important support services, but rather, target areas of waste, such as the bloated budget for nonessential secondary services which includes huge numbers of school safety agents, constant high-stakes standardized testing, and metal detectors.

Our research, conducted with the Resilience Advocacy Project, revealed that:

- ▶ The city’s fewer than 40 LYFE centers have the capacity to serve only 638 infants and toddlers – a small fraction of the affected student population.
- ▶ Information about the LYFE program and other support services for pregnant and parenting students and how to access them is limited and difficult to find. (Until November of 2008, DOE materials continued to refer students to the city’s now-closed schools for pregnant and parenting students. DOE took nearly a year-and-a-half to develop accurate materials).
- ▶ LYFE program staff receive no uniform guidance on outreach to students.
- ▶ Bureaucratic barriers, including difficulties in transferring to a school with a LYFE program and child support enforcement policies designed for adults, deter students from enrolling in LYFE.
- ▶ The DOE does not effectively track educational outcomes for pregnant and parenting students, complaints of discrimination or harassment based on pregnancy, or the number of students turned away from LYFE and why.

The DOE must take bold and immediate steps to support its pregnant and parenting students in following the path to graduation:

- ▶ Increase and improve existing services available for pregnant and parenting teens, and expand LYFE programs, including increasing the number of LYFE centers.
- ▶ Remove administrative barriers to enrollment, including the child support enforcement requirement.
- ▶ Make principals accountable for compliance with the recently revised Chancellor’s Regulation A-740, and improve training for DOE staff and administrators on the rights of pregnant and parenting students, programs available to pregnant and parenting students, and methods to improve enrollment in those programs.
- ▶ Improve tracking and data collection of (a) demand for services, including LYFE; (b) educational outcomes; and (c) complaints of harassment of or discrimination against pregnant and parenting students.

Maintaining LYFE and other critical support programs and implementing our proposals would greatly assist in creating supportive school environments for pregnant and parenting students that respect their rights and improve their academic achievement. A continued and expanded investment in the city’s vulnerable teenage parents and their children will yield countless benefits – both financially and socially for years to come.

BACKGROUND

Pregnant and Parenting Teens and Education

Pregnant and parenting teenagers have a right to stay in school to complete their education. State law guarantees young people up to the age of 21 the right to stay in school. Moreover, state and federal laws, including Title IX of the Education Amendments of 1972, prohibit sex discrimination, including discrimination on the basis of pregnancy or parenting status, in schools receiving public funds. Title IX regulations explicitly state that schools “shall not discriminate against any student, or exclude any student from its education program or activity, including any class or extracurricular activity, on the basis of such student’s pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery therefrom.”⁶

My son gets early intervention services. (LYFE)... helped me get the help my son needs. If they didn't help me he would not have gotten the early intervention. I would not even have known he needed the help.

-- Rosa Diaz , Port Richmond High School student

DOE regulations also recognize that pregnant and parenting students have the right to equal educational opportunities. Chancellor’s Regulation A-740, for example, states that pregnant and parenting students have the right to remain in their current school and complete their education.⁷ In addition to being entitled to any necessary time off for medical reasons, including prenatal appointments, labor and delivery, students are in some cases entitled to receive home instruction during medical leave and support in returning to their school of origin following leave.⁸

A wealth of research shows that education improves outcomes for women in general, including teen parents. In 2006, simply having a high school diploma increased women’s median income from \$14,971 to \$22,069, and a college diploma nearly doubled that median income to \$41,275.⁹ Other research shows the ef-

fectiveness of school-based child care services for parenting adolescents and their children.¹⁰ In multiple studies, parenting girls receiving school-based child care and support services fared better than parenting students not receiving such support. Simply stated, supported teens stand a better chance of succeeding in school and are less likely to become impoverished or have a second teen pregnancy.¹¹

It also is important to ensure that the children of teen mothers receive quality early education to provide a strong foundation for future learning, behavior and health. Research shows that children born to teen parents face greater developmental challenges than those born to older mothers.¹² They tend to have lower education levels, perform worse in school, and drop out more frequently.¹³ Early, effective and consistent educational support services are key in breaking that cycle.

New York City's Approach: "P-Schools" and the LYFE Program

Between 1967 and 1970, attempting to retain pregnant and parenting students, the DOE opened six schools for pregnant students, known as p-schools.¹⁴ Following years of ineffective social services, poor attendance and abysmal academics, the DOE closed the four remaining p-schools in spring 2007.¹⁵

The closing of the p-schools was an important time to educate staff at mainstream high schools about pregnant and parenting students' rights, but the DOE failed to take timely or effective action. With 343 young mothers or mothers-to-be from the p-schools poised to enter the general school population, it was incumbent on the DOE to ensure that staff and administrators received appropriate training and guidance on the rights and resources that would support these students. But in response to a FOIL request for documents related to such efforts, the DOE produced no materials suggesting it had conducted any training or offered any guidance to school staff or administrators following the p-schools' closure.

Despite their failings, the p-schools served as an important link to other critical support services inside and outside the school system, and provided a safe environment for vulnerable students. This system has not been adequately replaced. DOE purported to address this problem by creating "Referral Centers for High School Alternatives" in each borough, which are intended to help students stay on the path to graduation by referring them to appropriate programs and services. However, school staff may not be aware of the functions the referral centers are intended to serve, or that they even exist. Moreover, while the DOE took some steps to meet the needs of the individual young women transitioning from the p-schools,¹⁶ there is no evidence that the department tracked these students or worked to ensure they remained on a path to graduation. While the DOE claimed to expand support services for pregnant and parenting students, a year-and-a-half later we see little evidence this objective was pursued, much less accomplished, and many problems remain.¹⁷

One advocate whose program provides services for parenting teens reports that her program is struggling to maintain enrollment because the referrals they received from the p-schools have not been replaced by referrals from elsewhere in the public school system. She believes that resource knowledge from the p-schools was not passed on to other key DOE staff when they closed.

The primary resource the DOE now provides to help pregnant and parenting students stay in school is the Living for Young Families through Education (LYFE) program. Founded in 1982,¹⁸ LYFE provides child care for students' infant and toddler children at about 40 sites citywide, most located within high schools. Operated and funded by the DOE and the city's Administration for Children's Services (ACS), the program provides child care for children eight weeks to 2 years and 11 months old at enrollment, and an array of social services

and parenting support for teen parents. Those students who can afford to pay are charged \$3 or less per week per child; those who meet eligibility requirements may receive services for free.¹⁹

When fully staffed, each LYFE center includes at minimum a social worker, a teacher and paraprofessionals providing direct care and assistance for children. At every site, an assistant principal, known as the “site administrator,” oversees daily operations. The site administrator ensures that the center complies with DOE and external regulations, follows best practices for early childhood education, is staffed by competent and reliable people, and is fully enrolled.²⁰

The program currently has 638 child care slots, which is far short of the number needed to serve the thousands of students who become parents each year.²¹ The program is also underfunded. Although DOE did not produce information in response to FOIL requests regarding sources of funding, what information is publicly available suggests that DOE currently provides around \$10 million, with the balance of around \$3.2 million from the state Administration for Children’s Services.²² What is more, despite a huge number of teens in need of day care services, many LYFE centers are under-enrolled, which is likely due to deficiencies in outreach and recruitment and bureaucratic barriers to enrollment. Although some progress was made in the past year to correct these problems, it has not been sufficient to address the needs of pregnant and parenting students. The DOE must take bold and immediate steps to conform its services to the law, best practices and common sense.

This report summarizes the challenges facing the LYFE program, highlights recent progress, and proposes ways to improve the program. Information was obtained from publicly available materials including the DOE’s web site, personal communications, and Freedom of Information Law (FOIL) requests filed by the NYCLU and the Resilience Advocacy Project.

PROBLEM:

Despite the number of pregnant and parenting teenagers in New York City, DOE has failed to adequately publicize or conduct outreach for the LYFE program.

Publicly available materials about LYFE have been, until recently, outdated and difficult to access.

The NYCLU investigated whether publically available DOE materials provided sufficient and complete information about the LYFE program and other support services for pregnant and parenting teens. Although there has recently been significant progress in this regard, available materials have largely been outdated and difficult to access.

In January 2008, the DOE could not produce a single flier, poster or letter directed toward students when required to do so under a FOIL request. At that time, it appears that each LYFE site’s social worker was left to conduct outreach without uniform materials, standards or procedures.

Subsequently, the DOE published “FAQ” sheets on services for pregnant and parenting students and the LYFE program,²³ which present up-to-date and accurate information on LYFE and how to access it. However, it

is unclear to what extent school officials and staff have been made aware of these materials or whether the materials have been distributed in hard copy.

The DOE's web site should provide easily accessible information on the LYFE program and other services for pregnant or parenting teens. Unfortunately, this sort of information is very difficult to find on the site. Information available online was, until recently, largely outdated. There is no direct link from the main page to information about the LYFE program, and searches using some obvious terms (such as "child care" and "day care") lead visitors to dead ends or outdated information – especially if a student is unfamiliar with the program's name.²⁴

Students who cannot find information on the DOE's web site have few other options to learn about LYFE and other services. Few schools mention their LYFE programs on their individual web sites, and it is not included on school report cards – two key resources students and their families use when choosing a high school. Additionally, though nearly 40 LYFE program sites exist across the city, only three schools mention the program in their high school directories.²⁵

School officials and staff are not adequately trained on outreach, enrollment, or recruitment for the LYFE program.

LYFE site administrators are inadequately trained to undertake outreach, recruitment and enrollment – perhaps a significant reason why eligible students do not use the program. There were only two documented staff development days for LYFE site administrators in six years (one in 2001 and one in 2007). Those trainings covered a variety of issues related to managing a LYFE program, but none of the workshops addressed students' rights, outreach, recruitment or enrollment.²⁶ Another list of workshops for LYFE program staff from 2003 to 2007 indicated detailed trainings on matters such as planning, ethics, and direct services to infants in the LYFE program and their parents, but none on outreach or marketing the program to potential enrollees.

Similarly, while the LYFE Policies and Procedures Manual is detailed on programming and best practices in child care and early childhood education, less than one page is dedicated to recruitment and enrollment. This section lists documentation requirements for new parents and ideas about helping families acclimate to LYFE. It makes very brief reference to the social worker's recruitment responsibilities and offers no advice, guidelines or materials for outreach or advertising, either within or outside the school.²⁷ Another document provides general ideas about outreach locations, but offers no materials. The list is not detailed, site-specific or comprehensive, and contains no instructions on how to effectively distribute materials to students.²⁸

SOLUTIONS:

- ▶ Distribute newly updated outreach materials on pregnant and parenting students' rights and existing support programs, including LYFE.
- ▶ Make information easily accessible on the DOE web site and elsewhere clearly listing services available for pregnant and parenting students and how to access them.
- ▶ Ensure that each school with a LYFE program promotes it in school-specific materials including the school report card, web site, high school directory entry, brochures, advertisements and orientations.
- ▶ Include trainings on outreach and recruitment in mandatory staff development sessions for LYFE staff, particularly social workers.
- ▶ Provide annual staff development sessions for LYFE site administrators, explicitly including outreach and recruitment in the agenda.
- ▶ Include information about how to bring students into the program in the LYFE Policies and Procedures Manual and all other materials for the appropriate staff.

PROBLEM:

Significant administrative barriers obstruct enrollment in the LYFE program.

18-year-old Shaday is far behind on credits but hopes to get back on track after leaving school when she became pregnant. But when she tried to return to school, she found that convenient LYFE sites would not accept her for transfer, and alternative programs for over-age students did not have child care on site. She continues to wait for a school placement that can accommodate both her and her son and is considering getting a GED despite her desire to graduate.

Students in need of LYFE services face problems finding and accessing convenient sites.

When DOE was planning to close the p-schools in May 2007, it recognized the need to “identify and remove administrative and logistical barriers to accessing LYFE centers.”²⁹ But there is no evidence that meaningful steps were taken to eliminate the red tape.

With fewer than 40 LYFE sites across the city, parenting students are not guaranteed a child care placement in their home school, and it is often difficult to find a LYFE center that is close enough to make sense. Parenting students not enrolled in the same schools as their children may miss considerable class time as they shuttle to and from their school and the LYFE center site. Regulation A-740 recognizes that students may obtain a “hardship transfer” to change to a school with a LYFE center in it, or at least close by. But stu-

dents and advocates have reported bureaucratic obstacles in obtaining transfers, and many pregnant and parenting students are denied a transfer because they lack sufficient credits.³⁰ These problems or delays in the transfer process often interfere with both education and access to child care. The DOE must implement a system to address this critical problem in accessing necessary child care services.

Teens seeking subsidized services through the LYFE program are subject to child support enforcement requirements that are inappropriate for teen parents.

Even if students are able to enroll in a LYFE site and/or school convenient to where they live, students who wish to enroll their families in LYFE must formally apply for the program, and provide extensive documentation to prove their eligibility.³¹ The forms that LYFE applicants must complete are the same as those used by adults seeking city day care services.

Particularly problematic is the requirement that applicants who are unmarried, separated or divorced obtain proof of paternity and seek a court order demonstrating that they have sought child support payments from the non-custodial parent,³² unless they can show “good cause.” Although state law and regulations designate high school parents as a priority population to receive subsidized child care,³³ pursuing a high school education is not included in the list of circumstances that constitute “good cause” to avoid the child

One young mother was surprised to hear about the child support enforcement rule at a LYFE program open house. She and the child’s father already had an informal support system that was working well. She feared that going to court would make him think she was accusing him of being an unsupportive parent, possibly harming their ability to raise their son together. She considered seeking different day care for her son to prevent this and has not yet resolved the situation.

support enforcement requirement.³⁴ Anecdotal evidence tells us that the requirement sometimes deters teen parents from even attempting to enroll in the LYFE program, and causes others to be rejected.

SOLUTIONS:

- ▶ Expand the number of LYFE sites, and streamline the process for students seeking hardship transfers.
- ▶ Conduct trainings for all staff involved in LYFE enrollment on barriers to enrollment for teen families and how to assist them in navigating the process.
- ▶ Take immediate steps to exempt LYFE participants from the requirements of paternity documentation, child support enforcement and good cause.
- ▶ Track students denied transfers or turned away from LYFE for lack of documentation or other reasons and attempt to connect them with services.

Forcing teens seeking child care services to initiate child support enforcement proceedings is inappropriate for several reasons. In addition to requiring young parents to miss multiple days of school to pursue a child support order in family court, the requirement also places an emotional burden on already vulnerable families, and fails to take into account special issues teens might have in initiating such proceedings. These include (1) difficulty in proving paternity; (2) fears about exposing a consensual sexual partner to statutory rape or other criminal charges; (3) the difficulty and futility of extracting child support payments from teen fathers who have little or no income; (4) the likelihood that legal proceedings might disrupt informal child support arrangements among teen parents and their families; (5) the difficulty youth living away from their families may have obtaining documentation of identity, income or good cause not to pursue proof of paternity and child care payments; and (6) specific issues faced by the large populations of immigrant and undocumented youth in the city's schools. LYFE program staff are offered no uniform guidance on addressing these potential difficulties.³⁵

As further discussed below, DOE does not track the number of students who apply for LYFE and are turned away or fail to complete the process. However, discussions with stakeholders suggest that many young mothers may choose to forgo quality early education for their children to avoid taking the father to court. This is not a tradeoff that the DOE should impose on young parents, especially if it is not legally required to do so. The NYCLU was unable to find a conclusive legal basis for this requirement in state or federal law.³⁶ Rather, this appears to be an ill-considered policy choice.

Eliminating the child support enforcement requirement for low income students, increasing sensitivity to the needs of teen parents, accurately tracking reasons for rejection and improving the youth-appropriateness of existing documentation requirements would help rectify the bureaucratic tangle preventing the LYFE program from serving the greatest possible number of parenting students in the city's schools.

PROBLEM:

As a consequence of poor outreach, barriers to enrollment, and lack of data tracking, the LYFE program as a whole is under-enrolled.

All of these problems have resulted in under-enrollment at some LYFE centers. Weekly enrollment data from late November 2007 showed that total program enrollment in every borough except Staten Island (which had only one LYFE site with a mere 14 slots) was under capacity despite full enrollment or over-enrollment at a few individual sites.³⁷ This pattern was consistent with data provided from the 2006-07 school year.

Under-enrollment is clearly not due not to a lack of demand for the program, one of the few services the DOE provides parenting students. The need is obvious – teen parents in New York City have far more children than can be enrolled in the existing slots available in the LYFE program.³⁸ But parenting students cannot take advantage of the program if they do not know about it, and they may be prevented from participating if too much red tape stands in their way.

The DOE also does not collect data on how many students apply for LYFE services and are rejected or do not complete the application process, and there is no centralized waiting list for LYFE program services. Tracking such data could shed light on the causes of under-enrollment and indicate where to expand capacity or open additional centers. It would also help ensure that students who need services eventually receive an appropriate placement.

Given the current economic crisis and the impending budget cuts, low enrollment may lead some to incorrectly conclude that the program is superfluous. In fact, LYFE’s enrollment does not begin to meet the tremendous need for day care services for parenting students. Improving the program’s outreach, training, and recruitment practices, eliminating administrative barriers to receiving services, and implementing data tracking systems would be a cost-effective way to support the city’s teen mothers and their children.

SOLUTIONS:

- ▶ Track the educational outcomes of pregnant and parenting students in DOE facilities in a manner that protects student confidentiality.
- ▶ Collect data on students who are deterred or rejected from accessing LYFE.
- ▶ Collect data on students who complain of discrimination in school based on pregnancy or parenting.
- ▶ Refrain from using under-enrollment as a justification for limiting or reducing any LYFE services.
- ▶ Reject all proposed funding cuts that endanger support services for pregnant and parenting students.
- ▶ Create a centralized application process for LYFE program services, to improve accountability and ensure students in need receive appropriate placement.

PROGRESS AND EMERGING CHALLENGES:

On Nov. 13, 2008, the DOE issued a revised regulation, Chancellor’s Regulation A-740, which provides clear guidance on principals’ responsibilities for informing staff and students about pregnant and parenting students’ rights. The regulation appropriately affirms students’ rights to confidential reproductive health care and information, and provides a much-needed update on resources available to pregnant and parenting students, including information on newly-created “referral centers” in each borough. It clearly places responsibility on principals to educate all staff and pregnant and parenting students about students’ rights and options.³⁹

If principals follow the mandates outlined in the regulation, it should become easier for pregnant and parenting students to access support services. But good policy is useless unless it is enforced, evaluated and supported by sufficient resources. To that end, we have proposed solutions in three main areas. First, we propose that DOE implement measures to improve collection and tracking of data on pregnancy-specific discrimination complaints, educational outcomes for pregnant and parenting students, and demand for LYFE program services. Second, we propose increased training for school officials and staff on the rights of and resources available to pregnant and parenting students and on outreach and enrollment for those services. Finally, we propose that successful programs like LYFE be expanded, and that barriers to those services, notably the child support enforcement requirement, be eliminated.

There are VERY few ACS day care places for infants, and my baby is 4 months old. I would not be able to pay for day care, so if the LYFE program closes I would be forced to quit school.

-- Denise Reyes, Port Richmond High School student

It is alarming that even as improved policies are initiated, support services for vulnerable students face potentially devastating funding cuts. Students who have participated in the LYFE program directly link it to their achievement in school and their success as parents. Funding cuts that would reduce the scale of the program or the depth of its services are unacceptable. Our elected officials must ensure that necessary budget cuts do not harm these important support services but rather target areas of waste.

Maintenance and expansion of LYFE and other critical support programs and implementation of the recommendations in this report would help create a supportive school environment for pregnant and parenting students that respects their rights and improves their academic achievement. A continued and improved investment in the city’s services for vulnerable teenage parents and their children will yield countless benefits – both financially and socially – for years to come.

ENDNOTES

¹ In 2006, 8,600 young women 19 and younger gave birth in New York City. New York State Department of Health, *Vital Statistics of New York State 2006*.

² New York City Comptroller William C. Thompson, *Undercounted and Underserved: New York City's 20,000 School-Aged Young Mothers* 1-2 (June 19, 2003).

³ N.Y. Educ. Law § 3205(1)(a) (McKinney's 2006) ("In each school district of the state, each minor from 6 to 16 years of age shall attend upon full time instruction"). In some school districts in New York, anyone who is 17 years old or younger must go to school. *Id.* § 3205(3) (empowering local boards of education to require compulsory attendance through the end of the school year during which the student becomes 17). See, e.g., Regulation of the Chancellor of the City School District of the City of New York, No. A-210, § 1.1, *Attendance Law* (2000) (requiring same).

⁴ Data come from information provided by the DOE in response to Freedom of Information Law requests filed by the New York Civil Liberties Union and the Resilience Advocacy Project in October, 2007, and April, 2008, publicly available DOE documents and personal conversations. Some of the information contained in this report may have changed since it went to press.

⁵ *LYFE Students Serviced 2006-2007* (undated) (data provided by DOE listing 750 students serviced by the LYFE program during 2006-07 school year); *Enrollment Data 2000-2007* (Nov. 21, 2007) (data provided by DOE listing 886 students enrolled in the Program for Pregnant Students during the 2006-07 school year; 1220 students enrolled in LYFE during the 2006-07 school year) (all sources cited above on file with NYCLU). See also Child Care, Inc., *2008 CCI Primer* (2008) (listing 470 children enrolled in LYFE as of November 13, 2007).

⁶ N.Y. Educ. Law § 3201-a (McKinney 2006); 20 U.S.C. § 1681 et. seq. 34 C.F.R. §§ 106.1, 106.34.

⁷ DOE, *Regulation of the Chancellor Number A-740: Pregnant and Parenting Students and Reproductive Health Privacy* 2 (Nov. 13, 2008).

⁸ See 34 C.F.R. § 106.40(b)(5); 8 N.Y.C.R.R. § 101.4(a)(1)(i) (2008); Chancellor's Regulation A-740, *supra* note 7; New York City Department of Education, *DOE Fact Finder; Pregnant Student Information*, <http://schools.nyc.gov/Apps/Forms/factfinder/ServiceDetails.aspx?id=52> (last visited Dec. 12, 2008); Memorandum from Lester W. Young, Jr., Senior Executive of the Office of Youth Development & School-Community Services of the NYC DOE, to Regional Superintendents, Local Instructional Superintendents, Directors of Regional Operations Centers, Regional Directors of Student Placement, Youth & Family Support Services, and all Principals (Sept. 8, 2008) (on file with NYCLU).

⁹ California Postsecondary Education Commission, *Median Income, Less than High School Graduate, Women, Table; Median Income, High School Graduate, Women, Table; Median Income, Bachelor's Degree, Women, Table* (information refers to 2005-06 and was obtained from US Census data; available at <http://www.cpec.ca.gov/SecondPages/Index.asp?Query=Relationship%20between%20Education%20and%20Income>, last visited Dec. 12, 2008).

¹⁰ See, e.g., American Academy of Pediatrics, *Policy Statement: Care of Adolescent Parents and their Children*, 107 *Pediatrics* 429, 434 (2001); M. Meadows et al., *School-based Support for Urban Adolescent Mothers*, 14 *J. Pediatric Health Care*, 221-227 (2000); Elizabeth Gillis Williams & Lois S. Sadler, *Effects of a High School-Based Child Care Center*, 10 *Prevention Researcher* 14-15 (2003); Lois S. Sadler et al., *Supporting Adolescent Mothers and Their Children through a High School Based Child Care Center and Parent Support Program*, 17 *J. Pediatric Health Care* 109-117 (2003); Lois S. Sadler, *Should School-Based Services Be Routinely Available to Teen Mothers?: Writing for the PRO Position*, 29 *Am. J. of Maternal Child Nursing* 10 (2004); Lois S. Sadler et al., *Promising Outcomes in Teen Mothers Enrolled in a School-Based Parent Support Program and Child Care Center*, *J. of School Health* (2007).

¹¹ See Sadler et al., *supra* note 10; Mike Muir, *Research Brief: School-based Child Care* (Jan. 19, 2004) available at <http://www.principalspartnership.com/schoolbasedchildcare.pdf>.

¹² Nat'l Ctr. for Health Statistics, *Health, United States, 2000, with Adolescent Health Chart Book* 62 (2000), citing Alan Guttmacher Inst., *Sex and America's Teenagers* (1994).

¹³ Sandra L. Hofferth & Lori Reid, *Early Childbearing and Children's Achievement And Behavior Over Time*, 34(1) *Perspectives on Sexual & Reproductive Health* (2002).

¹⁴ See Tamara S. Ling, *Lifting Voices: Towards Equal Education for Pregnant and Parenting Students in New York City*, 29 *Fordham Urb. L. J.* 2396-97 (2002).

¹⁵ Julie Bosman, *New York's Schools for Pregnant Girls Will Close*, *N.Y. Times* (May 24, 2007); Unknown Author, *Services for Pregnant and Parenting Teens (PPT) PowerPoint Presentation* 9 (May 2007) (document provided by DOE, on file with NYCLU).

¹⁶ *Program for Pregnant Students' 2007 Staff Development and Recognition Itinerary* (June 26, 2007) (document provided by DOE, on file with NYCLU).

¹⁷ See *supra* note 15, *Services for Pregnant and Parenting Teens (PPT) PowerPoint Presentation*. Action items mentioned in the presentation included publicizing a complaint hotline for discrimination complaints, identifying and removing barriers to accessing LYFE services, establishing accountability measures for principals against whom discrimination complaints are made, ensuring pregnant and parenting students were kept on track to graduation and clarifying pregnant and parenting students' right to remain in their home school.

¹⁸ Citizens' Committee for Children of New York and the Franklin and Eleanor Roosevelt Institute, *For a Better LYFE* (June 1990).

¹⁹ Unknown Author, *LYFE: Living for the Young Family Through Education* 2008, available at <http://schools.nyc.gov/Offices/District79/SchoolsProgramsServices/LYFE.htm> (last visited December 12, 2008); Unknown Author, *Services for Pregnant and Parenting Students*, (2008), available at <http://schools.nyc.gov/Offices/District79/SchoolsProgramsServices/Services+for+Pregnant+and+Parenting+Students.htm> (last visited Dec. 11, 2008).

²⁰ *LYFE Program Policies and Procedures Manual For Staff* 1.3 (Nov. 2006) (document provided by DOE, on file with NYCLU).

²¹ Untitled documents showing capacity and enrollment by LYFE center by week (document provided by DOE, on file with NYCLU). These data showed that some LYFE sites reached full enrollment very quickly and were even over-enrolled, but the program as a whole was under-enrolled. See discussion *infra* note 37.

²² New York City Department of Education, Financial Status Report 2008, at 6, http://schools.nyc.gov/offices/d_chanc_oper/budget/dbor/fsr/September/pdf/09Cover.pdf (last visited December 11, 2008) (listing \$3.2 million from ACS for LYFE in intra-city budget). Sources familiar with LYFE funding confirmed that the balance of the LYFE program budget, around \$10 million, comes from DOE. Telephone call with Joan Davis, former assistant principal of the LYFE program, New York (Oct. 23, 2007).

²³ See *LYFE: Living for the Young Family Through Education* 2008, *Services for Pregnant and Parenting Students*, *supra* note 19; *Referral Centers for High School Alternatives*, *supra* note 19.

²⁴ See NYC DOE web site search tool, available at <http://www.schools.nyc.gov> (last visited Aug. 20, 2008) (Searching for the LYFE program by name now yields a list of links at the top of which is the program's FAQ sheet, although one must know the program's name to locate these results).

²⁵ NYC DOE, *Online High School Directory Search* web page, available at <http://schools.nyc.gov/ChoicesEnrollment/High/Directory/> (last visited Dec. 11, 2008). Using the search function in the high school directory, entering "LYFE" or "Living for the Young Family through Education" turns up only three schools that mention the program by name in their high school directory entries.

²⁶ *LYFE Professional Development Offerings 2003-2007* (undated document provided by DOE, on file with NYCLU).

²⁷ See *LYFE Policy and Procedures Manual For Staff*, *supra* note 20, at 2-2.

²⁸ *LYFE Recruitment Strategies* (undated list provided by New York City Department of Education) (on file with NYCLU). This document references distributing pamphlets, but no pamphlet was included in the documents the NYCLU obtained and no pamphlets were referenced or available on the DOE web site. (This possibly refers to the brochure entitled, *If I am pregnant, can I stay in school?*, which mentions LYFE without providing any contact information and refers students to the now-nonexistent p-schools).

²⁹ See *supra* note 15, *Services for Pregnant and Parenting Teens (PPT) PowerPoint Presentation* at 3.2

³⁰ Personal communication between Resilience Advocacy Project staff and a youth advocate/case manager working closely with New York City schools (name withheld to protect privacy), New York City (July 9, 2008).

³¹ See *LYFE Program Policies and Procedures Manual*, *supra* note 20, at 2.2; see also New York City Administration for Children's Services (NYC ACS), *Application for Child Care Subsidy* (Jan. 2008); NYC ACS, *Child Support Requirements Notification Letter* (undated document, on file with NYCLU); New York City Administration for Children's Services, *Notice of Child Support Order, Pursuit of Child Support or Good Cause Claim* (undated document, on file with NYCLU); *Notice of Eligibility and Day Care Service & Fee Agreement* (undated document, on file with NYCLU); City of New York Human Resources Administration Agency for Child Development, *Notice When Requesting SS Number* (undated document, on file with NYCLU); NYC ACS Division of Child Care and Head Start, *Ethnicity and Race*, (undated document, on file with NYCLU).

³² NYC ACS *Child Support Requirements Notification Letter*, *supra* note 31.

³³ See N.Y. Soc. Servs. Law § 410-w; NYC ACS, *ACS Child Care Priorities*, from *NYC County Child Care Plan (2007-2009)* (on file with NYCLU).

³⁴ See 18 N.Y.C.R.R. § 415.3(c) (2008); *Child Support Requirements Notification Letter*, *supra* note 31. Good cause is strictly defined and requires parents to provide documentation proving one of several circumstances: that pursuing child support would result in a risk of serious and impairing physical or emotional harm to the child, the custodial caretaker or another member of their household; that the child was conceived as the result of incest or forcible rape; that the custodial parent is, or is receiving professional help in considering, putting the child up for adoption; that the non-custodial parent has surrendered or lost parental rights; or that the custodial parent has been given a domestic violence waiver within the last year. 18 N.Y.C.R.R. § 415.3(c); *Child Support Requirements Notification Letter*, *supra*.

³⁵ The documentation process fails to account for the unique needs of teenage parents in other ways, as well. For example, while the form asks if the applicant is seeking child care primarily in order to work, there is no specific consideration for people seeking child care so they can pursue basic education.

³⁶ Telephone conversations with DOE staff members first indicated that initiation of child support enforcement proceedings was not required for LYFE enrollment, but they later changed their position, and documents produced to the NYCLU confirm that it is DOE policy to require documentation of such proceedings for students who cannot pay the \$3/week fee. See *LYFE: Living for the Young Family Through Education*, *supra* note 19.

DOE has declined to respond to questions regarding its justification for imposing this requirement on students participating in the program, and the NYCLU has been unable to find a legal basis for the position that there is a non-negotiable mandate that child support enforcement must be followed for all low-income teen parents receiving educational services in New York City public schools.

³⁷ DOE provided site-by-site weekly capacity and enrollment data for each LYFE site for parts of the 2006-07 school year and parts of the 2007-08 school year. These data show that while some LYFE sites were filled to capacity, the majority were consistently enrolled below capacity. For example, during the week of November 26-30, 2007, the most recent week for which capacity and enrollment data were provided, total enrollment as a percentage of capacity in the program as a whole was 77 percent. While 11 sites were fully enrolled or over-enrolled, five sites' enrollment was at 50 percent or below. *LYFE Program 2007-08, Week of 11/26-11/30/2007* (document provided by DOE, on file with NYCLU).

³⁸ See *supra* note 1 (NYC data showing 8,600 teens gave birth in 2006); *supra* note 21 (citing data provided by DOE showing current total capacity of LYFE program as 638 child care slots); *supra* note 37 (citing data provided by DOE comparing weekly enrollment to capacity at LYFE centers).

³⁹ NYC DOE, *Regulation of the Chancellor Number A-740: Pregnant and Parenting Students and Reproductive Health Privacy* *supra* note 7, at 1 (Nov. 13, 2008).