



FROM THE CENTER OUT

In our last issue of N.C. Insight, Susan M. Presti and Blanche Glimps examined the type of educational opportunities available to pregnant teenagers in North Carolina ("Pregnant Teenagers - Their Education is Suffering," Vol. 4, No. 3). Presti and Glimps cited a September 30, 1980, opinion by the N.C. Attorney General's Office that said a pregnant teenager does not have to be pregnant and handicapped in order to be eligible for education and related services, but that pregnancy alone gives the student the same right to educational programs as any other person defined by state law as a "child with special needs." A request for clarification of the opinion by the director of the Division for Exceptional Children in the Department of Public Instruction resulted in a further memorandum from the Attorney General's Office. This June 25, 1981, memorandum, published for the first time below, reaffirms the conclusions reached by Presti and Glimps.

TO: Theodore R. Drain, Director
Division for Exceptional Children

FROM: Edwin M. Speas, Jr.
Special Deputy Attorney General

Kaye R. Webb
Assistant Attorney General

DATE: June 25, 1981

RE: Public School Responsibility to Pregnant
Students

You have requested a clarification or reconsideration of an earlier opinion issued by this office. On September 30, 1980, a letter signed by Kaye Webb was sent to Ruby Milgrom, Chairman, Governor's Advocacy Council on Children and Youth. That letter briefly outlined the public school's responsibility toward pregnant students. You have expressed concern that the position taken in that letter would cause additional "fiscal stress" on school systems who will receive less funds during the 1981-82 school year to provide special education and/or related services to children with special needs.

As you know, G.S. 115-366 provides that the term "children with special needs" includes, without limitation, all children between the ages of 5 and 18 who because of permanent or temporary mental, physical or emotional handicaps need special education or related services, or are unable to have all their needs met in a regular class without special education or related services, or are unable to be educated adequately in the public schools. This term specifically includes pregnant students. There is no requirement that pregnant

students have a handicapping condition over and beyond pregnancy in order to be a child with special needs. To reach such a conclusion would contravene the clear language of the statute.

It remains the opinion of this office that a local school system has the *same legal responsibility to a pregnant student as to any other child defined by law as a child with special needs.* * Pregnancy is defined as a special need and it need not be associated with another special need before special education and related services must be provided to pregnant students. If after evaluation, it is determined that a pregnant student does not have special needs that cannot be met in a regular classroom, the school system has complied with the requirements of law. On the other hand, if a pregnant student has special needs, because of the pregnancy, that can not be met in a regular program, then the school system should develop an IEP [Individualized Education Program] which will provide a basis for meeting the student's need for special education and related services.

* Emphasis added.