

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

<p>I. (a) PLAINTIFFS</p> <p style="text-align: center;">C. B. and A. C.</p> <p>(b) County of Residence of First Listed Plaintiff <u>Dauphin</u> (EXCEPT IN U.S. PLAINTIFF CASES)</p> <p>(c) Attorney's (Firm Name, Address, and Telephone Number) (see attachment)</p>	<p>DEFENDANTS</p> <p style="text-align: center;">Central Dauphin School District (see attached)</p> <p>County of Residence of First Listed Defendant <u>Dauphin</u> (IN U.S. PLAINTIFF CASES ONLY)</p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.</p> <p>Attorneys (If Known) unknown</p>
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<p>II. BASIS OF JURISDICTION (Place an "X" in One Box Only)</p> <p>O 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> Federal Question (U.S. Government Not a Party)</p> <p>O 2 U.S. Government Defendant <input type="checkbox"/> Diversity (Indicate Citizenship of Parties in Item III)</p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)</p> <table style="width:100%;"> <tr> <td style="width:33%;">Citizen of This State</td> <td style="width:33%;">PTF DEF <input checked="" type="checkbox"/> 1 <input type="checkbox"/> 30 1</td> <td style="width:33%;">Incorporated or Principal Place of Business In This State</td> <td style="width:33%;">PTF DEF G 4 <input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td>O 2 <input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td><input type="checkbox"/> 5 <input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td>G 3 G 3</td> <td>Foreign Nation</td> <td>O 6 O 6</td> </tr> </table>	Citizen of This State	PTF DEF <input checked="" type="checkbox"/> 1 <input type="checkbox"/> 30 1	Incorporated or Principal Place of Business In This State	PTF DEF G 4 <input type="checkbox"/> 4	Citizen of Another State	O 2 <input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5 <input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	G 3 G 3	Foreign Nation	O 6 O 6
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Citizen or Subject of a Foreign Country	G 3 G 3	Foreign Nation	O 6 O 6										

IV. NATURE OF SUIT (Place an "X" in One Box Only)	
<p>CONTRACT</p> <p>O 110 Insurance</p> <p>O 120 Marine</p> <p>O 130 Miller Act</p> <p>G 140 Negotiable Instrument</p> <p>D 150 Recovery of Overpayment & Enforcement of Judgment</p> <p><input type="checkbox"/> 151 Medicare Act</p> <p>O 152 Recovery of Defaulted Student Loans (Excl. Veterans)</p> <p>O 153 Recovery of Overpayment of Veteran's Benefits</p> <p>G 160 Stockholders' Suits</p> <p><input type="checkbox"/> 190 Other Contract</p> <p><input type="checkbox"/> 195 Contract/Product Liability</p> <p><input type="checkbox"/> 196 Franchise</p> <p>REAL PROPERTY</p> <p>G 210 Land Condemnation</p> <p>G 220 Foreclosure</p> <p>O 230 Rent Lease & Ejectment</p> <p><input type="checkbox"/> 240 Torts to Land</p> <p>O 245 Tort Product Liability</p> <p>O 290 All Other Real Property</p>	<p>TORTS</p> <p>PERSONAL INJURY</p> <p>O 310 Airplane</p> <p><input type="checkbox"/> 315 Airplane Product Liability</p> <p>O 320 Assault, Libel & Slander</p> <p>ID 330 Federal Employers' Liability</p> <p>O 340 Marine</p> <p>O 345 Marine Product Liability</p> <p><input type="checkbox"/> 350 Motor Vehicle</p> <p>G 355 Motor Vehicle Product Liability</p> <p>G 360 Other Personal Injury</p> <p>PERSONAL INJURY - Med. Malpractice</p> <p>G 365 Personal Injury Product Liability</p> <p>O 368 Asbestos Personal Injury Product Liability</p> <p>PERSONAL PROPERTY</p> <p>G 370 Other Fraud</p> <p>G 371 Truth in Lending</p> <p>G 380 Other Personal Property Damage</p> <p>G 385 Property Damage Product Liability</p> <p>PRISONER PETITIONS</p> <p>G 510 Motions to Vacate Sentence</p> <p>Habeas Corpus:</p> <p>O 530 General</p> <p>G 535 Death Penalty</p> <p>G 540 Mandamus & Other</p> <p>O 550 Civil Rights</p> <p><input type="checkbox"/> 555 Prison Condition</p>
	<p>FORFEITURE/PENALTY</p> <p><input type="checkbox"/> 610 Agriculture</p> <p><input type="checkbox"/> 620 Other Food & Drug</p> <p>G 625 Drug Related Seizure of Property 21 USC 881</p> <p><input type="checkbox"/> 630 Liquor Laws</p> <p>G 640 R.R. & Track</p> <p>O 650 Airline Regs.</p> <p><input type="checkbox"/> 660 Occupational Safety/Health</p> <p><input type="checkbox"/> 690 Other</p> <p>LABOR</p> <p>O 710 Fair Labor Standards Act</p> <p>O 720 Labor/Mgmt. Relations</p> <p>G 730 Labor/Mgmt. Reporting & Disclosure Act</p> <p>G 740 Railway Labor Act</p> <p>G 790 Other Labor Litigation</p> <p>O 791 Empl. Ret. Inc. Security Act</p>
	<p>BANKRUPTCY</p> <p><input type="checkbox"/> 422 Appeal 28 USC 158</p> <p>O 423 Withdrawal 28 USC 157</p> <p>PROPERTY RIGHTS</p> <p>G 820 Copyrights</p> <p>O 830 Patent</p> <p>O 840 Trademark</p> <p>SOCIAL SECURITY</p> <p>O 861 HIA (1395ff)</p> <p>G 862 Black Lung (923)</p> <p>O 863 DIWC/DIWW (405(g))</p> <p>O 864 SSID Title XVI</p> <p>O 865 RSI (405(g))</p> <p>FEDERAL TAX SUITS</p> <p><input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)</p> <p>O 871 IRS—Third Party 26 USC 7609</p>
	<p>OTHER STATUTES</p> <p><input type="checkbox"/> 400 State Reapportionment</p> <p>I/ 410 Antitrust</p> <p>G 430 Banks and Banking</p> <p>D 450 Commerce</p> <p>G 460 Deportation</p> <p><input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations</p> <p>G 480 Consumer Credit</p> <p>O 490 Cable/Sat TV</p> <p>G 810 Selective Service</p> <p>G 850 Securities/Commodities/Exchange</p> <p>O 875 Customer Challenge 12 USC 3410</p> <p>G 890 Other Statutory Actions</p> <p>G 891 Agricultural Acts</p> <p>G 892 Economic Stabilization Act</p> <p>G 893 Environmental Matters</p> <p>G 894 Energy Allocation Act</p> <p>G 895 Freedom of Information Act</p> <p>D 900 Appeal of Fee Determination Under Equal Access to Justice</p> <p>O 950 Constitutionality of State Statutes</p>

V. ORIGIN (Place an "X" in One Box Only)

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from another district (specify) 6 Multidistrict Litigation 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing. (Do not cite jurisdictional statutes unless diversity.)

Fourteenth Amendment, Title IX, Equal Rights Amendment to PA Constitution.

Brief description of cause: **Civil rights violations based on gender and parenting status.**

VII. REQUESTED IN COMPLAINT:

D CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND \$** _____

CHECK YES only if demanded in complaint: **JURY DEMAND:** O Yes O No

VIII. RELATED CASE(S) IF ANY (See instructions): **JUDGE** Jos. Lindsey, MDJ **DOCKET NUMBER** unknown

DATE _____ SIGNATURE OF ATTORNEY OF RECORD _____

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

ATTACHMENT

1. Defendants, continued

Scola, Dr. John A., **Superintendent**, Central Dauphin East School District

Nuehard, Todd A., Principal, Central Dauphin East High School

Conway, Sherry L., Home & School Officer, Central Dauphin School District

1. Plaintiffs' Counsel, continued

Monica D. Cliatt

J. Palmer **Lockard**

Widener University School of Law

3605 Vartan Way, 2nd Floor

Harrisburg, PA 17110

Emily Martin

Lenora Lapidus

American Civil Liberties Foundation

Women's Rights Project

125 Broad Street, 18th Fl.

New York, NY 10004

Witold J. Walczak

American Civil Liberties Union of

Pennsylvania

313 **Atwood** Street

Pittsburgh, PA 15213

have refused to excuse those absences and have repeatedly criminally prosecuted A.C. and her mother for violation of **Pennsylvania's** Compulsory School Attendance Law. This is an action for declaratory and **injunctive** relief and damages to redress violations of, *inter alia*, A.C.'s fundamental right to parent under the Fourteenth Amendment to the United States Constitution, Title IX, and the Equal Rights Amendment to the Pennsylvania Constitution.

JURISDICTION AND VENUE

2. Jurisdiction is conferred upon this Court by:

- a. 28 U.S.C. §1331 granting district courts original jurisdiction in civil actions arising under the Constitution, laws or treaties of the United States.
- b. 28 U.S.C. §1343(a)(3), granting district courts **original** jurisdiction in civil actions to redress the deprivation under color of any State law, statute, ordinance, regulation, custom, or **usage**, of any right, privilege or immunity, secured by the Constitution of the United States or by any Act of Congress providing for equal rights of citizens of all persons within the jurisdiction of the United States.
- c. 28 U.S.C. §1343(a)(4), granting district courts original jurisdiction in civil actions to recover damages or to secure equitable relief under any Act of Congress providing for the protection of civil rights.
- d. 42 U.S.C §1983, granting a private right of action to redress the deprivation, under color of state law, of rights secured by the United States Constitution; 20 U.S.C. §§ **1681-1688**, granting an implied private right of action to address the deprivation of rights secured by Title IX; and 28 U.S.C. §§ 2201 and 2202, and Fed. R. Civ. P. 57, granting a right to seek declaratory relief.
- e. 28 U.S.C § 1367, granting district courts supplemental jurisdiction.

3. Venue is proper in this district pursuant to 28 U.S.C. § 1391 because all or a substantial part of the events giving rise to the claims in this action took place in the Middle District of Pennsylvania.

PARTIES

4. **Plaintiff A.C.** is a minor **child**, 16 years of age, who is a resident of Dauphin County, **Pennsylvania**, and is a student in the Central Dauphin School District (hereinafter "the School District") attending Central Dauphin East High School (hereinafter "**C.D. East High School**").
5. Plaintiff **C.B.** is the natural and custodial parent of **A.C.** and resides in Dauphin County.
6. Defendant **Dr. John A. Scola** was at all times relevant to this lawsuit the duly-appointed Superintendent of the School District and was responsible for the daily operations of the school district. Defendant **Scola** is sued individually and in his official capacity.

7. Defendant Todd **Neuhard** was at all times relevant to this lawsuit the Principal of the C.D. East High School. Defendant Neuhard is sued individually and in his official capacity.

8. Defendant Sherry L. Conway was at all times relevant the Home and School Visitor for C.D. East High School. Defendant Conway is sued individually and in her official capacity.

9. Defendant School District is a political subdivision of the Commonwealth of Pennsylvania. Defendant School District maintains its administrative offices at 600 Rutherford **Road, Harrisburg**, PA 17109,

STATEMENT OF FACTS

10. Paragraphs 1-9 are incorporated herein.

11. A.C. was born July 2, 1990.

12. C.B. and A.C. moved to **Hummelstown**, Pennsylvania, in 2003. At that time, A.C. enrolled as a seventh-grade student in the School District. A.C. attended Central Dauphin East Middle School (hereinafter "C.D. East Middle School").

13. A.C. learned she was pregnant during the latter part of her seventh-grade year in February 2004.
14. A.C.'s son was born on November 11, 2004, during A.C.'s eighth-grade year.
15. A.C. currently attends C.D. East High School.
16. A.C.'s parental status obligates her to provide custody, care, control, support, and emotional and medical care for her son and from time to time affects her ability to attend school.
17. The School District knows of her parental status.
18. Despite her parental status, A.C. has continued to attend school and complete her classroom assignments.
19. At the time of this filing, A.C. is an honor roll student who also works approximately sixteen hours per week at McDonald's restaurant.

20. Since she was 15 years old, A.C. has worked part-time for different employers including **Hershey's** Chocolate World, Wal-Mart, and Chuck E. Cheeses in an effort to financially support her son.
21. A.C. lives with her mother, C.B., and her three younger siblings.
22. A.C. and her mother cannot afford outside child care for Plaintiff A.C.'s son. Therefore, when A.C. is in school he is cared for by C.B.
23. Because C.B. suffers from a disability, there are occasions when C.B. is unable to watch **A.C.'s** son.
24. A.C. has missed school from time to time because her parenting duties required her to attend doctor appointments for her son or stay home when her son is ill or when there is no other appropriate child care for her son,
25. On January 4, 2006, C.D. East High School sent C.B. a letter stating that she is required to submit doctor's excuses for any absence by A.C. due to illness. See C. D. East High School letter dated January 4, 2006, attached and incorporated herein as Exhibit A.

26. In accordance with the school's request, A.C. provides notes from her son's doctors explaining her absences from school when she has missed school because her child is ill and she has accompanied him to doctor appointments.

27. Despite having excuses from her son's **physicians**, the School District, by and through the C.D. East High School secretary, K. **Wary**, the Home and School Visitor, Sherry L. Conway, and the Principal, Todd A. **Neuhard**, refuses to excuse A.C.'s absences because the doctor visits are not for A.C.'s personal illness. See absences marked as **unexcused**, attached and incorporated herein as Exhibit B.

28. The District's attendance policy states the following:

Parents are encouraged to call the school office when their child will be absent from school.

Excused absence includes the absence of a pupil for any one of the following reasons: illness, quarantine, death in immediate **family**, exceptionally urgent reasons (these do not include work at home nor other absences for parent or pupil convenience such as vacation trips).

Unexcused absence is the absence of a pupil for any reason other than those classified above, and the term "exceptionally urgent reasons" shall be strictly construed.

After three (3) days of unexcused absence by pupils under

seventeen (17) years of age, a legal notice is served on the parents. This constitutes a first offense. After the first **offense is closed**, one session of illegal absence constitutes a second offense. If a second **offense occurs**, the parent or guardian is subject to a fine or imprisonment in accordance with the compulsory attendance laws of Pennsylvania.

.See Attendance Policies, attached and incorporated herein as Exhibit C.

29. The School District counts absences due to parenting obligations as **unexcused** and, by and through its Home and School Visitor, Sherry L. Conway, has repeatedly prosecuted A.C. and C.B. for violation of the compulsory school attendance law based on A.C.'s unexcused absences. See Criminal Complaint dated April 24, 2006, attached and incorporated herein as Exhibit D.
30. By way of private criminal complaints, the School District has prosecuted A.C. four times and C.B. five times. See Magisterial District Judge Case Profile Inquiry, attached and incorporated herein as Exhibit E.
31. In *April* of 2004, when A.C. was pregnant, she was repeatedly unable to attend school due to morning sickness.

32. While unable to attend school, A.C. made up her work and completed her assignments at home, which her individual teachers encouraged and permitted.
33. Despite A.C.'s efforts, the School District filed a private complaint on April 26, 2004, against C.B., under the Compulsory Attendance Law. These charges were dismissed.
34. In the fall of 2004, A.C. attended the first two months of her eighth-grade year, prior to her son's birth. She was unable to continue attending school in October of 2004, when she was in the final weeks of her pregnancy, due to fear that her peers' reckless behavior, including pushing and shoving, would harm her unborn baby.
35. A.C. returned to school six weeks after her son's birth. The School District filed complaints against A.C. and C.B. on January 26, 2005. C.B. was found guilty and A.C.'s charges were dismissed.
36. A.C.'s son suffers from asthma, and shortly after he was born, he experienced a respiratory problem that required hospitalization.

37. During her son's **hospitalization**, A.C. missed time from school.
38. The School District filed complaints against C.B and A.C. on March 7, 2005. After a hearing, C.B. was found guilty and the charges against A.C. were dismissed.
39. A.C. also missed school on multiple occasions during her ninth-grade year, in order to care for her son when he was sick or no other appropriate child care was available. During that academic **year**, the School District filed complaints against A.C. and C.B. in December of 2005 and April of 2006.
40. For the complaints filed on December 13, 2005, a hearing was held on January 10, 2006.
41. During the hearing held on January 10, 2006, Magisterial District Judge Lindsey told A.C. he was going to call Children and Youth Services to remove her son from her custody if she continued to miss school. C.B. was found not guilty and A.C. was found guilty.

42. When the school filed another private complaint on April 24, 2006, A.C. and C.B., fearing A.C.'s son would be taken from her, sought legal counsel.
43. A hearing on the April 24, 2006, complaints was held on August 23, 2006, and the court withheld decision.
44. **Pennsylvania's** Compulsory Attendance Law provides for an exception for absences due to "physical, mental or other urgent reasons." 24 P.S. 13-1329.
45. Other exceptions to the Compulsory Attendance Law include the following:
- a. Farming pursuant to 24 P.S. 13-1330
 - b. Agricultural activities pursuant to 24 P.S. 13-1329; 22 Pa. Code 11.41
 - c. Domestic service pursuant to 24 P.S. 13-1330
 - d. Educational trips pursuant to
- Commonwealth v. Hall. 309 Pa. **Super.** 407 and the Central Dauphin School District Attendance Policy
46. The phrase "other **urgent** reasons in the Compulsory Attendance Law is not **defined**, and interpretation is left to the discretion of various school employees.

47. Exceptions to C.D. East High School's attendance policy are determined arbitrarily on an ad hoc basis
48. A.C. and C.B. have repeatedly tried to communicate, both orally and in writing, with the Principal, the Home and School **Visitor**, and the Superintendent to resolve the situation; however, all attempts have been ignored by Defendants.
49. During and after her compulsory school violation hearings, Defendant Conway and other school employees have told A.C. that she should transfer to the Dauphin County Vo-Tech School to pursue her education because that school has a **daycare facility** or that she should participate in home schooling rather than continuing classroom studies at C.D. East High School. A.C. intends to attend college.
50. The Pennsylvania Department of Education requires Pennsylvania school districts to develop policies that "guide principals and teachers when presented with situations involving pregnant and parenting students." Pregnant and Parenting Students, BEC 24 P.S. § 13-1327, issued September 1, 2003 (replacing BEC 24 P.S. § 13-1327, issued July 1, 1998).

51. The Defendant School District has not developed a policy to guide principals and teachers when presented with situations involving pregnant and parenting **students**.

52. C.B. and **A.C.**, by and through counsel, have written the Superintendent requesting the School District develop such a policy, and this request has been ignored. See Widener University letter dated November 3, 2006, attached and incorporated herein as Exhibit F.

53. The Defendant School District and School District employees have interpreted the School District's attendance policy, and **specifically**, C.D. East High **School's** attendance policy, as requiring that each and every day of **A.C.'s** absence from school as a result of parenting obligations be classified as **unexcused**.

54. The Defendant School District and School District employees have used this interpretation of the attendance policy to intentionally discriminate against **A.C.** on the basis of her sex and to unduly burden the exercise of her constitutional right to parent her child.

55. A.C. has acquired several absences due to parenting obligations that should have been excused.
56. As a result of the acts and omissions on the part of the Defendants, A.C. and C.B. have suffered extreme humiliation, **embarrassment**, and mental anxiety and anguish, as well as substantial financial loss.
57. A.C. has suffered detention, **in-school** suspension, fines, warrants, and driver's license suspensions as a result of the school's policies and prosecution regarding her absences incurred to provide medical care and supervision to her child when the child is **ill** or no other care is available,
58. Under Defendant's attendance policy, A.C. will continue to be subjected to school discipline and both she and her mother will continue to be subject to legal action whenever A.C. misses school to care for her son when he is ill or to attend her son's doctor appointments. See School District Attendance Policies, attached and incorporated herein as Exhibit C.
59. A.C. has considered withdrawing from school to avoid repeated prosecutions and losing custody of her child.

60. Defendant's attendance policy is causing A.C. irreparable harm for which there is no adequate remedy at law.
61. At all times relevant to this complaint, Defendants' actions have been taken under the color of state law.
62. Defendant School District receives federal assistance.

COUNT I

(Violation of Due Process Clause of the Fourteenth Amendment of the U.S. Constitution, 42 U.S.C. S 1983)

63. Paragraphs 1-62 are incorporated herein.
64. Defendants' application of their attendance policy to A.C. impermissibly infringes upon A.C.'s constitutional, fundamental right and obligation to parent protected by the Due Process Clause of the Fourteenth Amendment to the United States Constitution.

COUNT II

(Violation of Title IX of the Education Amendment Act of 1972, 20 U.S.C. § 1681(a) and 34 C.F.R. § 106.40(b))

65. Plaintiffs restate the allegations contained in paragraphs 1-64.
66. Defendants' acts punishing A.C. for taking time to attend to her child's medical needs reflect gender stereotypes regarding the incompatibility of **women's** obligations as mothers with academic responsibilities and thus discriminate on the basis of sex in violation of 20 U.S.C. §1681, *et. seq.*
67. Discrimination on the basis of sex is prohibited by 20 U.S.C, §1681, *et. seq.* (Title IX) of the Education Amendments of 1972, stating in relevant part;
- 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 program or activity receiving federal financial assistance , . .
68. This prohibition of discrimination on the basis of sex includes discrimination based on gender stereotypes. As Title IX's regulations interpreting this prohibition makes clear, discrimination based on female students' pregnancy, **childbirth**, or status as mothers constitutes just such disparate treatment on the basis of gender stereotypes. 34 C.F.R. § 106.40(b).

69. Defendants' discrimination on the basis of sex has injured both A.C. and C.B.

COUNT III

**(Violation of Equal Rights Amendment; Pennsylvania State Constitution,
Pa. Const art 1 §28—Disparate Treatment)**

70. Paragraphs 1-69 are incorporated herein.
71. The Pennsylvania Equal Rights Amendment (“ERA”) provides: “Equality **under** the law shall not be denied or abridged in the Commonwealth of Pennsylvania because of the sex of the **individual.**” Pa. Const. art. 1 § 28.
72. Defendants' acts punish A.C. for taking time to attend to her child's medical needs reflecting gender stereotypes regarding the incompatibility of **women’s** obligations as mothers with academic responsibilities and thus discriminate on the basis of sex in violation of Pennsylvania's Equal Rights Amendment.
73. Defendants' application of its attendance policy to A.C. is not narrowly tailored to forward a compelling state interest.

74. Defendants' discrimination on the basis of sex has injured both A.C. and C.B.

COUNT IV

**(Violation of Equal Rights Amendment; Pennsylvania State Constitution,
Pa. Const. art 1 §28—Disparate Impact.)**

75. Paragraphs 1-74 are incorporated herein.

76. Defendants' policy of refusing to excuse a **parent's** absences necessitated by a **child's** illness is a policy with a disparate impact on females, given that female students are more likely to be the custodial parents of minor children, and thus discriminates on the basis of sex in violation of **Pennsylvania's** Equal Rights Amendment.

77. Defendants' application of its attendance policy to A.C. is not narrowly tailored to forward a compelling state interest.

78. Defendants' discrimination on the basis of sex has injured both A.C. and C.B.

PRAYER FOR RELIEF

Wherefore, Plaintiffs respectfully request that this Court grant the following relief:

79. Accept jurisdiction of this cause and set it for prompt hearing.

80. Issue a declaratory judgment that the defendants have illegally infringed upon A.C.'s fundamental right to parent in violation of the 14th Amendment to the United States Constitution.

81. Issue a declaratory judgment that Defendants have illegally discriminated against A.C. on the basis of her sex.

82. Order preliminary and permanent **injunctive** relief preventing Defendants and Defendants' employees and agents from categorizing as **unexcused** those of A.C.'s absences that are due to her need to attend her **child's** medical appointments or to attend her child when ill if she provides doctor excuses.

83. Order preliminary and permanent injunctive relief preventing Defendants and **Defendants'** employees and agents from initiating criminal actions against A.C. or C.B. for absences due to parenting obligations.

84. Order preliminary and permanent **injunctive** relief requiring Defendants and Defendants' employees and agents to permit A.C. to make up and obtain credit for **schoolwork** given during days she is absent from school due to parenting obligations.
85. Order preliminary injunctive relief preventing Defendants and Defendants' employees and agents from harassing A.C. or C.B. in any manner during the course of this legal action.
86. Order permanent injunctive relief preventing Defendants and Defendants' employees and agents from refusing to afford A.C. suitable education services by means of its attendance policy or from otherwise discriminating against her on account of her sex or parenting status.
87. Award Plaintiffs compensatory and punitive damages.
88. Award Plaintiffs their costs and reasonable attorney fees pursuant to 42 U.S. § 1988 and any other applicable provision of law.

89. Order such further relief as this Court may deem just, proper, and equitable or to which Plaintiffs may become entitled during this litigation.

RESPECTFULLY SUBMITTED
WIDENER UNIVERSITY SCHOOL OF LAW

s/ _____
Monica D. Cliatt, Esq.
PA. I.D. # 84848
Widener Civil Law Clinic
3605 Vartan Way, Suite 201
Harrisburg, PA 17110
717-541-0320
lawclinichb@mail.widener.edu

s/ _____
J. Palmer Lockard
PA. LD. # 33681
Widener Civil Law Clinic
3605 Vartan Way, Suite 201
Harrisburg, PA 17110
717-541-0320
lawclinichb@mail.widener.edu

s/ _____
Emily J. Martin
Lenora M. Lapidus
American Civil Liberties Union Foundation
Women's Rights Project
125 Broad Street, 18th Floor
New York, NY 10004
(212) 549-2615
(Motion for admission pro hac vice pending)

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

C.B. and A.C.,
Plaintiffs

Civil Action no. _____

vs.

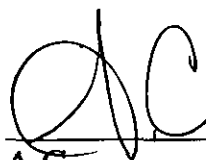
CENTRAL DAUPHIN SCHOOL DISTRICT
Dr. John A. **Scola**, Superintendent
Todd A. **Neuhard**, Principal
Sherry L. **Conway**, Home and School Visitor
Defendants

(Electronically Filed)


VERIFICATION

C.B. and A.C., being first duly **sworn**, each says:

1. I am one of the plaintiffs in the **above-entitled** action.
2. The foregoing complaint is true to my own knowledge, except as to those matters in it alleged upon information and **belief**, and as to those matters I believe it to be true.



A.C.



C.B.

EXHIBIT A

CENTRAL DAUPHIN EAST HIGH SCHOOL

626 Rutherford Road
Harrisburg, Pennsylvania 17109
Phone (717) 541-1662

TODD NEUHARD, Principal

KAREN CALLOWAY
Assistant Principal

SCOTT CAMPBELL
Assistant Principal

PETER EBERT
Assistant Principal

GREG GOLDTHORP
Assistant Principal

January 4, 2006

Ms. C [REDACTED] B [REDACTED]
[REDACTED]
[REDACTED]

Re: A [REDACTED] C [REDACTED], grade 9

Dear Ms. B [REDACTED],

In accordance with school policy, this is to inform you that A [REDACTED] has a poor attendance record at East Senior High School. We are concerned and want to notify you that this problem needs to be corrected. The following policy will be in effect immediately with A [REDACTED]:

Any absence due to illness, including tardies, must be verified by a medical doctor in order for the absence to be excused. If this is not done you, as the parent, will be held liable under the Pennsylvania Compulsory Attendance Laws.

PLEASE NOTE: The school will not accept medical excuses signed by office staff, co-signatures or signature stamps. Any medical excuse with any type of alteration will be immediately returned to the student and the day(s) marked unexcused.

Your child was placed on this doctor's note requirement due to excessive absence time from school. Excessive absence time is determined by a 20% or higher rate of absence days during a monthly review of your student's attendance record. In order for a student to be removed from this requirement, the student must have one month of perfect attendance from the date of the last absence/tardy. Once this requirement has been met, it will be the responsibility of the student to arrange a meeting with the Home and School Visitor to review his/her attendance record.

If you have any questions, please contact us by calling 541-1662, extension 178.

Sincerely,



S. L. Conway, A.
Home and School Visitor

EXHIBIT B

STATE



Milton S. Hershey Medical Center
College of Medicine

CERTIFICATE FOR SCHOOL/WORK ABSENCE

UNEXCUSED

A [REDACTED] C [REDACTED] AGE 15

ESS _____

HIS PATIENT HAS BEEN UNDER MY CARE FROM 3/20 TO 3/20

AND MAY RETURN TO SCHOOL/WORK ON _____

REASONS: Students Brother was hospitalized 3/20 +

1 Surgery 3/21. Students mother baby sits NO [REDACTED]

3/21/06 Signature [REDACTED] Title _____ Date 13/21/06

STATE



Milton S. Hershey Medical Center
College of Medicine

University Pediatrics Assoc.
670 Cherry Drive
Suite 102
Hershey, PA 17033
717-531-7300 FAX 717-531-8991

CERTIFICATE FOR SCHOOL/WORK ABSENCE

UNEXCUSED
Not for appointment

U [REDACTED] [REDACTED] AGE _____

ESS _____

HIS PATIENT HAS BEEN UNDER MY CARE FROM _____ TO _____

AND MAY RETURN TO SCHOOL/WORK ON _____

REASONS: A [REDACTED] brought son to

appt.

3/8/06 Signature [REDACTED] Title MDA

CERTIFICATE FOR SCHOOUWORK ABSENCE

9
NAME A [redacted] [redacted] AGE _____
ADDRESS _____

THIS PATIENT HAS BEEN UNDER MY CARE FROM _____ TO _____
AND MAY RETURN TO SCHOOL/WORK ON _____

COMMENTS: A [redacted] was seen at her (M) in clinic
today please excuse her from school today

DATE: 4/2/06 Signature/Title _____

HOSP 18 (REV. 9/03)

UNEXCUSED

ENNSTATE



Milton S. Hershey Medical Center
College of Medicine

9 CERTIFICATE FOR SCHOOUWORK ABSENCE

NAME A [redacted] [redacted] AGE _____
ADDRESS _____

THIS PATIENT HAS BEEN UNDER MY CARE FROM 3-6-06 TO 3-6-06
AND MAY RETURN TO SCHOOUWORK ON 3-1-06

COMMENTS: At hospital with son

DATE: 3-6-06 Signature/Title _____

JSP 18 (REV. 9/03)

EXHIBIT C

Central Dauphin School District

HOME

OUR DISTRICT

SCHOOL BOARD

ADMINISTRATION

ACADEMICS

COMMUNITY

TECHNOLOGY

CALENDAR

Attendance Policies

- Overview
- School Attendance
- Excused & Unexcused Absences
- Tardiness
- > Early Dismissal Requests
- Religious Holidays
- Educational Trips
- Leaving School Property

Absences: Excused and Unexcused

Parents are encouraged to call the school office when their child is absent from school.

Excused absence includes the absence of a pupil for any of the following reasons: illness, quarantine, death in immediate family, exceptionally urgent reasons (these do not include work at home nor other absences for parent or pupil convenience such as vacation trips).

Unexcused absence is the absence of a pupil for any reason other than those classified above, and the term "exceptionally urgent reasons" shall be strictly construed.

After three (3) days of unexcused absence by pupils under seven (7) years of age, a legal notice is served on the parents. This is a first offense. After the first offense is closed, one session of ill absence constitutes a second offense. If a second offense occurs, parent or guardian is subject to a fine or imprisonment in accordance with the compulsory attendance laws of Pennsylvania.



Central Dauphin School District

Absences: Excused and Unexcused

Parents are encouraged to call the school office when their child will be absent from **school**.

Excused absence includes the absence of a pupil for any one of the following reasons: **illness, quarantine,** death in immediate family, exceptionally urgent reasons (these do not include work at home nor other absences for parent or pupil convenience such as vacation trips).

Unexcused absence is the absence of a pupil for any reason other than those classified **above,** and the term "exceptionally urgent **reasons**" shall be strictly construed.

After three (3) days of **unexcused** absence by pupils under **seventeen** (17) years of age, a legal notice is served on the parents. This constitutes a first offense. After the first offense **is** closed, one **session** of illegal absence constitutes a second offense. If a second offense occurs, the parent or guardian is subject to a fine or imprisonment in accordance with the compulsory attendance laws of Pennsylvania.

EXHIBIT D

MDJ Name: Hon.

JOSEPH S LINDSEY

Address: 5201 JONESTOWN ROAD
HARRISBURG PA 17112

Telephone: (717)671-8640

DEFENDANT:

NAME and ADDRESS

RE: [REDACTED]

[REDACTED]

Docket No.:

Date Filed: 24Apr06

OTN: N/A

(Above to be completed by court personnel)

(Fill in defendant's name and address)

Notice: Under Pa.R.Crim.P. 506, your complaint may require approval by the attorney for the Commonwealth before it can be accepted by the magisterial district court. If the attorney for the Commonwealth disapproves your complaint you may petition the court of common pleas for review of the decision of the attorney for the Commonwealth.

Fill in as much information as you have.

Defendant's Race/Ethnicity <input type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Asian <input type="checkbox"/> Native American <input type="checkbox"/> Hispanic <input type="checkbox"/> Unknown	Defendant's Sex <input checked="" type="checkbox"/> Female <input type="checkbox"/> Male	Defendant's D.O.B. 7/2/90	Defendant's Social Security Number	Defendant's SID (State Identification Number)
Defendant's A.K.A. (also known as)	Defendant's Vehicle Information Plate Number State		Registration Sticker (MMYY)	Defendant's Driver's License Number State

I, Central Dauphin School District, 626 Rutherford Road, Harrisburg, PA 17109

(Name of Complainant-Please Print or Type)

do hereby state: (check appropriate box)

1 - I accuse the above named defendant who lives at the address set forth above

D I accuse the defendant whose name is unknown to me but who is described as _____

Q I accuse the defendant whose name and popular designation or nickname is unknown to me and whom I have therefore designated as John Doe

with violating the penal laws of the Commonwealth of Pennsylvania at Central Dauphin Sch District
(Place Political Subdivision)

Lower Paxton Township

in Dauphin County on or about Dec. 12 2005

Participants were: (if there were participants, place their names here, repeating the name of the above defendant)

Defendant's Name: [REDACTED]
Docket Number: [REDACTED]



**PRIVATE
CRIMINAL COMPLAINT**

2. The acts committed by the accused were:
(Set forth a **summary** of the facts sufficient to advise the defendant of the nature of the offense charged. A citation to the statute allegedly **violated**, without more, is not **sufficient**. In a summary case, you must cite the specific section and **subsection** of the statute or ordinance allegedly violated.)

Violation of the compulsory school law of the Commonwealth of Pennsylvania in that

A [REDACTED] date of birth **7/2/90**, was absent from school on the following dates:

December 12, 16, 2005; January **6**, 9, March **8**, 17, 20, **24**, 27, 2006,

a total of 9 days.

All of which were against the peace and dignity of the Commonwealth of Pennsylvania and contrary to the Act of Assembly, or in violation of 13-1327 and A
(Section) (Subsection)
of the PA CRIME CODE -TITLE 24
(PA Statute)

3. I ask that process be issued and that the defendant be required to answer the charges I have made.

4. I verify that the facts set forth in this complaint are true and correct to the best of my knowledge or information and belief. This verification is made subject to the penalties of Section **4904** of the Crimes Code (**18 Pa.C.S. § 4904**) relating to unsworn falsification to authorities.

April 18, 2006
Date

[Signature]
Signature of Complainant

Office of the Attorney for the Commonwealth Approved Disapproved because: _____

(Name of Attorney (or Commonwealth-Please Print or Type)

(Signature of Attorney for Commonwealth)

(Date)

AND NOW, on this date April 24, 2006 | certify that the complaint has been properly completed and verified:

12-1-06
(Magisterial District)

[Signature]
(Issuing Authority)

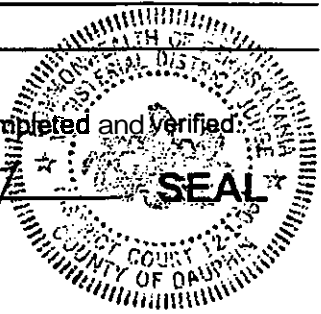


EXHIBIT E

No. 396 P. 2

Feb. 22. 2007 2:56PM MDJ JOSEPH S. LINDSEY 12--06

5722SS1 Y5R3MO 040528 Print Key Output CCS00H 02/22/07 Page 1 14:36:46

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User : JTEETER

CSI20D01 MAGISTERIAL DISTRICT JUDGE SYSTEM 2/22/07
D12106B Case Profile Inquiry 12-1-06

Docket No: [REDACTED] Title: COMMONWEALTH OF PENNSYLVANIA
Case Type: PRIV. COMPLAINT vs B...
Underlying Case:
File Date: 4/26/04 Archive Date: 6/23/09 CLOSED
Disposition: DIS case Status: DISP
Dispositor Date: 6/22/05 Status Date: 6/22/05

Charge	Description	Disp	Dfsp	Date
S 24 513 1333	VIOLATION OF COMPULSORY ATTENDANCE REQ	DIS		062205

Dismissed

Last Name	First Name	Middle	Type	Sequence
CENTRAL DAUPHIN EAST	JUNIOR HIGH		AF FT	U01
[REDACTED]	[REDACTED]		DEF	001

F3=Exit F12=Previous

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Print Key Output

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02/22/07

Page 1
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User : JTEETER

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MAGISTERIAL DISTRICT JUDGE SYSTEM
Case Profile Inquiry

2/22/07
12-1-06

Docket No: [REDACTED]
Case Type: PRIV. COMPLAINT
Underlying Case:
File Date: 3/07/05
Disposition: GT
Disposition Date: 4/26/05

Title: COMMONWEALTH OF PENNSYLVANIA
vs B. [REDACTED]
Archive Date: 8/01/09 CLOSED
Case Status: D1SP
Status Date: 4/26/05

Charge	Description	Disp	Disp Date
S 24 613 1327 S5A	COMPULSORY SCHOOL ATTENDANCE	GT	042605

↑ guilty by trial

Last Name	First Name	Middle	Type	Sequence
CENTRAL BAUPHIN EAST	MIDDLE SCHOOL		AFFT	001
[REDACTED]	[REDACTED]		DEF	001

F3-Exit F12-Previous

02/22/07 14:36:43

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Display Device : D12106B
User : JTEETFR

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D12106B

MAGISTERIAL DISTRICT JUDGE SYSTEM
Case Profile Inquiry

2/22/07
12-1-06

Docket No: [REDACTED]
Case Type: PRIV. COMPLAINT
Underlying Case:
File Date: 12/13/05
Disposition: NG
Disposition Date: 1/10/06

Title: COMMONWEALTH OF PENNSYLVANIA
vs B. C.
Archive Date: 1/10/10 CLOSED
Case Status: DISP
Status Date: 1/10/06

Charge	Description	Disp	Disp Date
S 24 §13 1327 §5A	COMPULSORY SCHOOL ATTENDANCE	NG	011006

↑ not guilty

Last Name	First Name	Middle	Type	Sequence
CENTRAL DAUPHIN EAST	HIGH SCHOOL		AFFT	001
[REDACTED]	[REDACTED]		DEF	001

F3-Exit F12-Previous

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Display Device : D12106B
User : JTEETER

CSI200#1 MAGISTERIAL DISTRICT JUDGE SYSTEM 2/22/07
D12106B Case Profile Inquiry 12-1-06

Docket No: [REDACTED] Title: COMMONWEALTH OF PENNSYLVANIA
Case Type: PRIV. COMPLAINT vs B [REDACTED], C [REDACTED]
Underlying Case:
File Date: 4/24/06 Archive Date: 0/00/00
Disposition: Case Status: FILE
Disposition Date: 0/00/00 Status Date: 0/00/00

Charge	Description	Disp	Disp Date
S 24 913*1327 95A	VIOLATION OF COMPULSORY SCHOOL LAW		000000

Last Name	First Name	Middle	Type	Sequence
CENTRAL DAUPHIN SCHO	OL DISTRICT		AFFT	001
[REDACTED]	[REDACTED]		DEF	001

F3-Exit F12-Previous

* No disposition available - case to be reviewed
6/8/07.

Display Device : D12106F
User : ESILER

CS120001 MAGISTERIAL DISTRICT JUDGE SYSTEM
D12106F Case Profile Inquiry

2/22/07
12-1 06

Docket No: [REDACTED] Title: COMMONWEALTH OF PENNSYLVANIA
Case Typcd PRIV. COMPLAINT vs C [REDACTED], A [REDACTED]
Underlying Case:
File Date: 1/26/05 Archive Date: 4/27/09 CLOSED
Disposition: NG Case Status: DISP
Disposition Date: 4/26/05 Status Date: 4/26/05

Charge	Description	Dlsp	Disp Date
S 24 §13-1333	VIOLATION OF COMPULSORY ATTENDANCE REQ	NG	042605

↑ not guilty

Last Name	First Name	Middle	Type	Sequence
CENTRAL DAUPHIN EAST	MIDDLE SCHOOL		AFFT	001
C [REDACTED]	A [REDACTED]		DET	001
PARENT/GRDN OF A [REDACTED]	D [REDACTED]		GRDN	001

F3-Exit F12-Previous

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User : FSILER

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012106F

MAGISTERIAL DISTRICT JUDGE SYSTEM
Case Profile Inquiry

2/22/07
1Z-1-06

Docket No: ██████████
Case Type: PRIV. COHPLATH
Underlying Case:
File Date: 3/07/06
Disposition: NG
Disposition Date: 4/26/05

Title: COMMONWEALTH OF PENNSYLVANIA
vs ██████████, NINE
Archive Date: 4/27/09 CLOSED
Case Status: DISP
Status Date: 4/26/05

Charge	Description	Disp	Disp Date
S 24 §13-1327 SSA	COMPULSORY SCHOOL ATTENDANCE	NG	042605

↑ not guilty

Last Name	First Name	Middle	Type	Sequence
CENTRAL DAUPHIN FAST	MIDDLE	SCHOOL	AFFT	001
██████████	██████████		DEF	001
PARENT/GRDN OF ██████████	██████████		GRDN	001

5722551 V5R3M0 040528

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Page 1

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MAGISTERIAL DISTRICT JUDGE SYSTEM
Case Profile Inquiry

2/22/07
12-1-06

Docket No: NT-0001311-05
Case Type: PRIV. COMPLAINT
Underlying Case:
File Date: 12/13/05
Disposition: GT
Disposition Date: 1/10/06

Title: COHHOMFEATR^H OF PENNSYLVANIA
*s C[REDACTED] A[REDACTED]
Archive Date: 1/08/11 CLOSED
Case Status:
Status Date: 1/10/06

Charge	Description	Disp	Disp Date
S 24 §13-1333	V1OLA11CN OF COMPULSORY ATTENDANCE REQ	GT	011006

guilty by trial

Last Name	First Name	Middle	Type	Sequence
CENTRAL DAUPHIN EAST	HIGH SCHOOL		AFFT	001
C[REDACTED]	A[REDACTED]		DEF	001
PARENT/GRDN OF A[REDACTED]	C[REDACTED]		GRDN	001

F3=Exit F12=Previous

5722551 V5R3MD D40528

Print Key Output

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Page 1

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User : ESILER

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MAGISTERIAL DISTRICT JUDGE SYSTEM
Case Profile Inquiry

2/22/07
12-1-06

Docket No: [REDACTED]
Case Type: PRIV. COMPLAINT

Title: COMMONWEALTH OF PENNSYLVANIA
vs C [REDACTED], A [REDACTED]

Underlying Case:
File Date: 4/24/06

Archive Date: 3/00/00

Disposition:
Disposition Date: 0/00/00

Case Status: FILE
Status Date: 0/00/00

Charge	Description	Disp	Disp Date
S 24 §13-1327 SSA	VIOLATION OF COMPULSORY SCHOOL LAW		000000

Last Name	First Name	Middle	Type	Sequence
CENTRAL DAUPHIN SCHO	OL DISTRICT		AFFT	001
[REDACTED]	[REDACTED]		DEF	001
CI TATT	MONICA	D	DPVA	001
PARENT/GUARDIAN OF A	[REDACTED]		GRDN	001

F3-Exit F12-Previous

* no disposition available - review set for
6/8/07.

5722SS1 Y5R3M0 040528

Print Key Output

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02/22/07 13:49:13

Page 1

Display Device : D12106F
User : ESILER

CSI20001
D12106F

MAGISTERIAL DISTRICT JUDGE SYSTEM
Case Profile Inquiry

2/22/07
12-1-06

Docket No: _____
Case Type: PRIV. COMPLAINT
Underlying Case:
File Date: 12/13/05
Disposition: GT
Disposition Date: 1/10/06

Title: COMMONWEALTH OF PENNSYLVANIA
vs C [REDACTED], AN [REDACTED]
Archive Date: 1/08/11 CLOSED
Case Status:
Status Date: 1/10/06

Charge	Description	Disp	Disp Date
S 24 §13-1333	VIOLATION OF COMPULSORY ATTENDANCE REQ	GT	011006

↑ guilty by trial

Last Name	First Name	Middle	Type	Sequence
CENTRAL DAUPHIN EAST	HIGH SCHOOL		AFFT	001
C [REDACTED]	A [REDACTED]		DEF	001
PARENT/GRDN OF ft [REDACTED]	C [REDACTED]		GRDN	001

F3=Exit F12=Previous

EXHIBIT F

November 3, 2006

Mr. John A. Scoia
 Superintendent
 Central Dauphin School Board
 Central Dauphin School District
 600 Rutherford Road
 Harrisburg, PA 17109

Dear Mr. Scoia:

Our office represents a Central Dauphin East High School student regarding her status as a parenting student. While investigating issues involved in this case, we have learned that the Central Dauphin School District does not have a written policy regarding pregnant and parenting teens. The Pennsylvania Department of Education requires that a policy be developed to "guide principals and teachers when presented with situations involving pregnant or parenting students." *Pregnant and Parenting Students, BEC 24 P.S. §13-1327*, issued September 1, 2003 (replacing *BEC 24 P.S. §13-1327*, issued July 1, 1998)

Article XIII Section 13-1327 of the Public School Code of 1949 states that "every child of compulsory school age having a legal residence in this Commonwealth . . ." is required to attend school. A student may be excused from attending school "if the board receives certification from a licensed practitioner, or other satisfactory evidence, that the student is unable to attend school or apply herself or himself to study because of any mental, physical, or other urgent reasons." 24 P.S. Section 13-1329. While urgent reasons are to be "strictly construed," the Pennsylvania Department of Education allows Section 13-1329 to be interpreted to allow the board to excuse attendance "when extenuating circumstances necessitate that a pregnant or parenting student not attend school. For example, the board could grant excuses in situations where a parenting student does not have responsible day care available." See *Pregnant and Parenting Students, BEC 24 P.S. §13-1327*.

A policy developed by the board must be designed to accommodate the need of parenting students to care for their child. The U.S. Department of Education notes that compliance with Title IX of the Education Amendments of 1972 requires "administrative flexibility" and "absence policies typically must be adjusted to allow pregnant and parenting teens to care for ill children as well as meet their own needs for medical care."

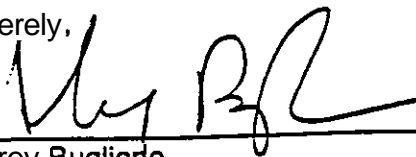
School-Based and School-Linked Programs for Pregnant and Parenting Teens and Their Children - May 1999 avail. <http://www.ed.gov/pubs/ParentingTeens/chapter2a.html>.

The Pennsylvania Department of Education also recognizes that teen parents will inevitably be conflicted between their legal requirement to attend school and their legal and moral obligation to care for their child in the event of a sudden or unexpected loss of a responsible day care provider or illness to the child. Central Dauphin School District's failure to formulate a policy leaves the decision whether to excuse a teen parent's absence due to urgent reasons involving her child entirely to the discretion of the school secretary or principal. This arbitrary discretion exposes the teen parent to unjust and often unexpected prosecution under the compulsory attendance laws of the state and infringes on her obligation and ability to care for her child.

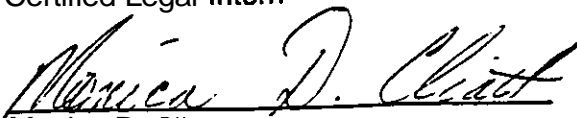
We now ask the Central Dauphin School Board to adopt a policy that actively supports and protects a pregnant or parenting teen's educational and parenting success. We further request that until such a policy is developed that the school district refrain from prosecuting teen parent students under the truancy laws where the student provides documentation that their absence was due to their child's illness or an unexpected loss of responsible day care.

We look forward to hearing from you and working with you to develop a policy that meets the needs of the school and the parenting student. However, if we do not hear from you within two weeks we will assume you have denied our request.

Sincerely,



Audrey Bugliorfe
Certified Legal Intern



Monica D. Cliatt
Supervising Attorney

AB:jh

cc: Michael Mausner, President Central Dauphin School Board