

STUDENT HEALTH RIGHTS



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CONFIDENTIAL MEDICAL RELEASE FROM SCHOOL AND MINOR CONSENT FOR CONFIDENTIAL MEDICAL SERVICES

Do I have the right to access and receive health services as a student?

YES. In California, students have many rights when it comes to accessing health services. In fact, California has some of the strongest laws in the country that protect your right to access certain health care services, including reproductive and sexual health services, on a confidential basis. These services are sometimes called “confidential medical services.”

Does my age affect what types of medical services I can access as a student?

YES. In California, students of any age have the right to access birth control (including emergency contraception), pregnancy testing and prenatal care, abortion services, and rape, abuse, or assault services confidentially and without needing anyone else’s permission.

If you are 12 years of age or older, you also have the right to access mental health and drug or alcohol treatment, as well as prevention, testing, and treatment for sexually transmitted infections (STIs) and HIV/AIDS confidentially and without needing anyone else’s permission.

It is your right to get these health services confidentially. This means the clinic or doctor cannot tell anyone—including your family—why you were there unless you say it is okay.

Do I need to bring my parent to come with me to access these medical services?

NO. Minors are allowed to consent to these medical services on their own. However, if you can, and it is safe to do so, we encourage you to talk to your parent, guardian, or other trusted adult for support.

In California, you have the right to free or low-cost reproductive health care if you don’t have insurance, do not want to use your parent’s or spouse’s insurance, or can’t afford it on your own. Learn more [here](#). If you are using your parent or guardian’s insurance plan, you might have to take action to keep your health information confidential. Learn more [here](#). Note that doctors are required to report certain situations, such as sexual assault or rape, to both the authorities and your parent or guardian after treatment is provided.

Can I go see a doctor during school hours to access these specific services?

YES. California law requires schools to excuse students for certain medical appointments, such as those above. Schools must keep information about your appointment confidential, even from parents. Your school must let you go to your appointment and cannot notify your parents or try to get their permission.

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Your school can call the doctor or clinic to confirm you have an appointment and the appointment's time (but cannot ask about the kind of care you are receiving). Your teachers must allow you to make up any missed assignments. Learn more [here](#).

RIGHT TO ACCESS MENSTRUAL PRODUCTS AT SCHOOL

Does my school have to provide free menstrual products?

MAYBE. California public schools must provide free menstrual or period products—including both tampons and pads—at all times in at least half of the school's bathrooms if two requirements are met:

- Your school serves students in any of the grades 6 through 12 (usually middle or high school); AND
- Your school is a Title I school, which means at least 40% of students at your school are enrolled in the free and reduced lunch program. You can find out if your school is a Title I school [here](#)ⁱ or ask an administrator at your school if it is a Title I school.

This requirement to provide free period products to low-income middle and high schools affects around 4,000 schools in California and is critical to many students who don't always have access to hygiene products at home. You can read the law [here](#) and learn more [here](#).

Do I have to ask for free menstrual products at my school to get them?

NO. You should not have to ask for free pads or tampons each time you need them. Title I schools must make pads and tampons available in at least half of the restrooms on campus at all times, regardless of whether the restrooms are “multi-user” restrooms or “single-user” restrooms.ⁱⁱ Note, in California, as of 2017, any “single-user” restrooms must be designated “all gender” restrooms.ⁱⁱⁱ

Additionally, because California schools must allow students to use restrooms consistent with their gender identity,^{iv} and cannot deny students equal access to services based on gender or gender identity,^v you can request that your school make menstrual products available in restrooms that reflect your gender identity, if they do not already. As a best practice, schools should already be providing menstrual products in a variety of restroom types, including “single-user” restrooms, “girls’ restrooms,” and “boys’ restrooms.”

Can I do something if my school is a Title I middle school or high school, but is not providing free menstrual hygiene products like it is supposed to?

YES. There are several steps you can take if your school qualifies as a Title I middle school or high school and is not providing menstrual products or is not making them available in at least half of restrooms on campus. First, confirm with your principal, vice principal, or another school administrator that your school is a Title I school. If your school is a Title I school, ask for the name and contact information of the school staff member who is tasked with ensuring that the school provides menstrual products. Go and talk to that person and let them know that California

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Education Code Section 35292.6 requires your school to make pads and tampons available for free in half of all school restrooms. You can also send your school a letter asking them to fix the problem—for a sample letter, check out the resources linked at the end of this page.

If your school fails to make menstrual products available, you can contact either your school district’s Title I Coordinator or Title IX Coordinator and let them know that California law requires Title I middle schools and high schools to provide free menstrual products in at least half of on campus restrooms and that your school is failing to meet these requirements. Notify them in writing if you can, using the sample letter linked at the end of this resource as a guide. To find out who your Title I Coordinator or your Title IX Coordinator is, ask your principal, vice principal, or other school administrator. You can also look at your school district’s board policies on your school’s website or your school’s website generally to see if they provide contact information for either your Title I or Title IX Coordinators.

If your school still refuses or fails to help, you can file a written Uniform Complaint Procedure (“UCP”) discrimination complaint. Learn more about UCP complaints [here](#). Your school district must respond to your written complaint within 60 days. Make sure you keep a copy of your complaint for your records.

For help, you can also reach out to us at [ACLU of Northern California](#), [ACLU of Southern California](#), or [ACLU of San Diego & Imperial Counties](#).

Can I be punished for not participating in school activities due to my period?

IT DEPENDS. California law says that students may be temporarily exempted from physical education classes if they are “ill or injured.”^{vi} If you are seeking an excused absence from physical education classes or sports practices because of your period, you can provide a note from a doctor, parent, or guardian, or speak with your teacher or coach, specifying why you need to be excused. While school officials have discretion to grant or deny individual student’s request to be excused, schools cannot discriminate against students on the basis of gender or gender identity.^{vii}

If your school is punishing you because of your period or your need to access menstrual products, you can [file a Title IX complaint with the federal Department of Education](#). Alternatively, you can file a written Uniform Complaint Procedure (“UCP”) discrimination complaint. Find out more about UCP complaints [here](#). Your school district must respond to your written complaint within 60 days. As always, make sure you keep a copy of your complaint for your records. You can also contact us for help at [ACLU of Northern California](#), [ACLU of Southern California](#), or [ACLU of San Diego & Imperial Counties](#).

RESOURCES FOR MORE INFO ON STUDENT HEALTH RIGHTS

- [ACLU OF CALIFORNIA YOUR HEALTH YOUR RIGHTS](#)
- [MY SCHOOL MY RIGHTS PREGNANT AND PARENTING STUDENTS](#)

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- SAMPLE LETTER TO SCHOOL REQUESTING PERIOD PRODUCTS
- WESTERN CENTER FOR LAW & POVERTY AB 10 FACTSHEET ON CA LAW REQUIRING LOW-INCOME MIDDLE AND HIGH SCHOOLS TO PROVIDE MENSTRUAL PRODUCTS



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ⁱ To find out if your school is a Title I school, go to <https://nces.ed.gov/globallocator/>. Search for your school, then click “More Information” at the top of the page. Look under “School Details” (about the middle of the page). If your school is marked “Title I School – Yes,” and it serves any students between 6th and 12th grade, the school must provide free menstrual products in half of school restrooms. If your school page says “Title I School” and either “No” or simply a dash (“–”), or does not have any grades from 6th through 12th, then it is not required to provide free menstrual products.

ⁱⁱ Cal. Educ. Code § 35292.6(a).

ⁱⁱⁱ Cal. Health & Safety Code § 118600.

^{iv} Cal. Educ. Code § 221.5(f).

^v Cal. Educ. Code §§ 200–220.

^{vi} Cal. Educ. Code § 51214.

^{vii} Cal. Educ. Code § 220; 20 U.S.C. §§ 1681 *et seq.*