

(H.B. 1596)

(No. 220)

(Approved August 21, 2004)

AN ACT

To establish the Bill of Rights of the Pregnant Student.

STATEMENT OF MOTIVES

The Constitution of the Commonwealth of Puerto Rico consecrates and guarantees the freedoms, rights and prerogatives we enjoy under our Democratic System of Government. Thus, Section 1 of Article II provides that “The dignity of the human being is inviolable. All men are equal before the law. No discrimination shall be made on account of race, color, sex, birth, social origin or condition, or political or religious ideas.”

Pursuant to said principles, Section 5 of the same Article II, indicates that every person has the right to an education which shall be directed to the full development of the human personality to the strengthening of respect for human rights and fundamental freedoms and that there shall be a system of free and wholly non-sectarian public education.

In consonance with said constitutional mandates, a system of public education has been established through the Department of Education, whose fundamental ministerial duty is to provide the tools and resources needed to achieve said purposes. The approval of Act No. 149 of July 15, 1999, established a new model or concept of teaching with the primordial goal of

providing greater academic, fiscal and administrative autonomy to the schools, an initiative known as “Schools of the Community.” This new public policy cannot, of course, ignore the aforementioned constitutional framework that orders and sets guidelines for the full development of the personality of the students without any type of obstacle or discrimination whatsoever.

It is now public knowledge that there has been an alarming increase of teenage pregnancies in the schools throughout the Island. Three teenagers give birth every two hours (36 per day), an amount which is equal to a total of 13, 104 births per year and that one of every five (5) children are born to teenage mothers, according to the Secretary of the Department of Health, Dr. Johnny Rullán.

The total number of babies born in 1998 on the Island was of 60,518 (100.00%), of which 12,327 (20.37%) were born to teenage mothers. According to the statistics of the Department of Health, some of the towns with the highest birth rates were: Maricao, 36.4%; Loíza, 31.4% and Vieques, 30.6%. Puerto Rico is the country with the highest rate of precocious pregnancies in the world. Data from 1997 reveals that on that year Puerto Rico had one of the highest rates of teenage pregnancies at world level. An average of 76 out of every 1,000 pregnant women was between the ages of 15 and 19.

One of the greatest problems pregnant teenagers face is discrimination in their schools (if they are students) by the teachers, counselors, directors and other staff members. The schools often consider teenage pregnancy to be an offense because it goes against their philosophy and regulations and believe it to be a bad example which will cause a proliferation of teenage pregnancies. In the case of the public schools, this situation is even more

worrisome since the government provides free education and our Constitution does not establish conditions for our teenagers to be able to study, as we have pointed out. On the other hand, we have received information indicating that many teachers, counselors and directors urge pregnant teenagers to attend school at night or even to drop from the regular teaching curriculum.

Another important matter to consider concerning teenage pregnancy has to do with the fact that when medical complications arise during pregnancy, the doctors will often recommend that the young women remain bedridden during part of their pregnancy. When this happens many pregnant teens lose the school year.

Peer pressure, pressure from friends and from the partner and the pleasure, curiosity, love, immaturity and affirmation of the partner's masculinity are some of the reasons teenagers give for deciding to have sexual relations at an early age. Studies define the term "early age" as being under nineteen (19).

Although it was normal during the 70's for young people to start their families at an early age, today such pregnancies are considered to be a social evil.

The existence of teenage mothers began to be seen as a problem when the number of single mothers who lacked the financial means of supporting a family by themselves increased. Already by 1985 this was perceived as a health problem. In view of this situation, it has been recommended that the matter of teenage pregnancies must be handled as a social and not merely an individual problem. Furthermore, the parents, as the closest and most influential persons in the lives of their children, must be the first to assume the role of sex educators for their offspring. It is imperative that more

aggressive strategies for providing orientation on sexual matters and on the skills needed to improve the quality of life be included in the school curriculum. The lack of scientific knowledge on sexual matters and reproductive health has been recognized as a factor which fosters unwanted pregnancies, abortions and infections of the reproductive tract, including HIV.

There is evidence which indicates that low-income young women who have received counseling during pregnancy and after the birth of their babies are less prone to become pregnant for a second time and that the investment society may make during that critical stage in the life of a women is recovered in many ways in the long run. Furthermore, the teaching of the medical aspects of a pregnancy and the advice of professionals to the young on planning a pregnancy, on their education, and on family relations as well as on the training needed to obtain employment are fundamental ingredients for them to achieve their full social development.

For all the aforementioned reasons this Legislature needs to make clear and to reaffirm that the public policy of the Government cannot be one of discrimination against those students of our Public Education System who become pregnant. On the contrary, we have to provide them with the tools that will allow them to reach their full development as students with equal rights and to ensure that they receive from the government agencies all the services they need due to their pregnant condition.

The “Bill of Rights of the Pregnant Student” shall contain specific measures to guarantee the permanency of these young women in the regular school curriculum, provide government efforts to ensure their safety and suitable care and eliminate all discrimination that might affect their full

development through an education of excellence that will ensure their future and that of their family unit.

These are the highest goals set forth in the present “Bill of Rights of the Pregnant Student,” that apply to the Public Education System of Puerto Rico.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.-The Constitution of the Commonwealth of Puerto Rico establishes that there shall be a public education system that shall not discriminate on account of race, color, sex, birth, social origin or condition, or political or religious ideas. To guarantee the essential equality of all human beings, it is hereby declared that every pregnant student, without impairment to the laws in effect, shall be entitled to:

1. Enjoy a tranquil and peaceful environment, and the respect to her right to intimacy and dignity and to not being a victim of bodily or emotional harm or of psychological pressures due to her pregnancy in all school premises of the public education system of the country;

2. Receive professional advice, aid and counseling through available programs and by personnel trained in the planning and the consequences of teenage pregnancy, the medical conditions and the possible changes in her health she may experience during that period and on how to develop optimum family and community relations according to her situation, as well as on the rights, responsibilities and duties she must assume as a mother, with special emphasis on ensuring that she will be able to remain as a regular student of the public education system;

3. Receive from the Department of Education, if available and as needed, emergency medical or therapeutic assistance, tutors or teachers for

the various courses so that she may capably meet the curriculum requirements as so finish her school year;

4. Receive any financial aid and guidance on government subsidy programs or alternatives that will allow her to achieve her full social development and that of her family unit and to continue participating as a regular student of the education system.

5. The establishment of effective coordination to access the resources of the Department of the Family to attend to possible social, family or community problems that have led to her pregnancy or that may affect said pregnancy or her studies;

6. The establishment of effective coordination to access the resources of the Department of Health to follow-up and provide proper care for her pregnant condition so that her capacity as a student of the school curriculum is not affected.

Section 2.-The Department of Education of Puerto Rico shall establish the mechanisms and systems needed to publish and give general circulation to the Bill of Rights of the Pregnant Student. Within thirty (30) days as of the date of approval of this Act, the Department of Education shall publish said document in full in at least one (1) newspaper of general circulation for two (2) consecutive days.

Section 3.-This Act shall take effect thirty (30) days after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 220 (H.B. 1596) of the 7th Session of the 14th Legislature of Puerto Rico:

AN ACT to establish the Bill of Rights of the Pregnant Student,

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, today 30th of August of 2005.

Francisco J. Domenech
Director