

FREQUENTLY ASKED QUESTIONS ON **Title IX Requirements Regarding Pregnant and Parenting Students**



Can harassing a student because of pregnancy violate Title IX?

Yes. Title IX prohibits harassment of students on the basis of sex, including harassment because of pregnancy or related conditions. Harassing conduct can take many forms, including verbal acts and name-calling, graphic and written statements, and other conduct that may be humiliating or physically threatening or harmful. Particular actions that could constitute prohibited harassment include making sexual comments or jokes about a student's pregnancy, calling a pregnant student sexually charged names, spreading rumors about her sexual activity, and making sexual propositions or gestures. Schools must take prompt and effective steps reasonably calculated to end pregnancy-related harassment, prevent its recurrence, and eliminate any hostile environment created by the harassment.

May a school require a pregnant student to participate in a separate program for pregnant students?

No. Any such requirement would violate Title IX. A school may offer separate programs or schools for a pregnant student, but participation in those programs or schools must be completely voluntary. A school may provide information to its students about the availability of an alternative program, but it may not pressure a pregnant student to attend that program. A pregnant student must be allowed to remain in her regular classes and school if she so chooses.

May a school require a pregnant student to obtain a doctor's permission before allowing her to attend school late in her pregnancy if the school is worried about the student's health or safety?

Schools cannot require a pregnant student to produce a doctor's note in order to stay in school or participate in activities, including interscholastic sports, unless the same requirement to obtain a doctor's note applies to all students being treated by a doctor. Schools cannot treat a pregnant student differently from other students being cared for by a doctor, even when a student is in the later stages of pregnancy; schools should not presume that a pregnant student is unable to attend school or participate in school activities.

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What types of assistance must a school provide to a pregnant student at school?

To ensure a pregnant student's access to its educational program, when necessary, a school must make adjustments to the regular program that are reasonable and responsive to the student's temporary pregnancy status. For example, a school might be required to provide a larger desk, allow frequent trips to the bathroom, or permit temporary access to elevators.

What if some teachers at a school have their own policies about class attendance and makeup work?

Every school that receives federal financial assistance is bound by Title IX. Schools must ensure that the policies and practices of individual teachers do not discriminate against pregnant students. For example, a teacher may not refuse to allow a student to submit work after a deadline that she missed because of absences due to pregnancy or childbirth. Additionally, if a teacher's grading is based in part on class attendance or participation, the student should be allowed to earn the credits she missed so that she can be reinstated to the status she had before the leave. Schools should ensure that their teachers and staff are aware of and follow Title IX requirements.

Source: Excerpted from U.S. Department of Education, Office for Civil Rights, *Supporting the Academic Success of Pregnant and Parenting Students Under Title IX of the Education Amendments of 1972*, Washington, D.C., 2013. This publication is in the public domain and is available on OCR's website at <http://www2.ed.gov/about/offices/list/ocr/docs/pregnancy.pdf>.