

It's Not Just About Sports . . . The Rights of Pregnant and Parenting Students under Title IX

Title IX of the Education Amendments of 1972 prohibits any federally funded education program or activity from engaging in sex discrimination. It says simply:

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 education program or activity receiving Federal financial assistance.

Title IX's prohibition against sex discrimination is very broad, and it protects students, faculty, and staff. Title IX is well known for requiring gender equity in athletics programs, which is an important application of the law, but athletics is just one of the many areas Title IX covers.

For example, Title IX says that schools cannot discriminate on the basis of pregnancy – and all related conditions (such as childbirth, false pregnancy, termination of pregnancy or recovery therefrom) – or on the basis of parental, family, or marital status. In general, that means that schools must treat pregnant and parenting students in just the same way they treat other students.

Some of Title IX's requirements specific to pregnant and parenting students are:

- A school may not exclude a student from school or extracurricular activities because she is pregnant, has had a child, has had an abortion, or is recovering from any of these conditions;
- A school can require a pregnant student to submit a doctor's note saying that she is able to participate in school activities, but *only* if the school requires a doctor's note from all students with conditions requiring medical care;
- Absences due to pregnancy or childbirth must be excused for as long as they are deemed medically necessary by the student's doctor, after which the student must be reinstated to the status she held when the leave began and must be given an opportunity to make up the work she missed;
- Any special services for temporarily disabled students (such as homebound instruction or tutoring) must also be provided for pregnant students;
- A school may offer special programs or schools for pregnant and parenting students, *but such programs must be voluntary*. A pregnant or parenting student must be allowed to remain in regular classes if s/he chooses to do so; and
- Any voluntary program specifically designed for pregnant students should offer opportunities equal to those offered for non-pregnant students, including academically rigorous courses and the same range of extracurricular and enrichment activities.

Schools are required to designate an employee as "Title IX Coordinator," to ensure compliance and to take and investigate any complaints of sex discrimination.

Available research suggests that schools can make a difference in whether pregnant and parenting students succeed. A school that complies with Title IX can increase the chances that pregnant and parenting students will remain in school and graduate. For more information on these issues, please contact the National Women's Law Center at info@nwlc.org.