



Title IX and Pregnant & Parenting Students

KNOW YOUR RIGHTS

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Poll Questions



Overview of Presentation

- Title IX and schools' obligations to provide equal opportunities for pregnant and parenting students
- Examples of discrimination
- Steps to take if there is a problem at your school
- Gloria Malone, Teen Mom NYC



Title IX

- “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”
- Since 1972
- Regulations issued by the U.S. Department of Education are more specific regarding the treatment of pregnant and parenting students
- Primarily enforced by the Department of Education’s Office for Civil Rights (OCR)



Title IX & Pregnancy

- Basic Rules:
 - Schools may not discriminate (in academic or extracurricular activities) based on pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery from any of these conditions.
 - Schools must treat students affected by pregnancy and related medical conditions the same as students similarly affected by temporary disabilities **AND** must excuse all pregnancy-related absences for as long as medically necessary.



School Requirements

- Classes and School Activities:
 - Schools must allow pregnant and parenting students to continue participating in classes and extracurricular activities;
 - Special instructional programs or classes for pregnant and parenting students must be voluntary *and* must offer the same range of opportunities as student's home school; and
 - Schools may be required to make reasonable adjustments based on the student's need, such as larger desk or temporary elevator pass.



School Requirements

- Excused Absences and Time off for Medical Issues:
 - Schools must excuse pregnancy-related absences for as long as medically necessary;
 - Schools must ensure that teachers understand Title IX requirements related to excused absences and medical leave; and
 - Schools must provide pregnant students with same special services provided to students with temporary disabilities.
 - For example, if a school provides homebound instruction for students with disabilities, the school should provide homebound instruction to students with pregnancy-related complications.



School Requirements

- Returning to School After Absences:
 - At end of leave period, student must be returned to status she held before leave began;
 - Student must be given reasonable opportunity to make up work missed while on leave; and
 - If grading is based in part on class attendance or participation, the school must allow student to earn credits she missed.



School Requirements

- Clubs, Activities, & Sports:
 - Cannot exclude pregnant students from extra-curricular activities of any kind;
 - Pregnant students also must be eligible to hold leadership positions, receive honors, etc.; and
 - This is true even if the activity is not operated directly by the school (for example, if a local nonprofit rents school facilities to conduct an afterschool activity).



School Requirements

- Harassment
 - Title IX prohibits harassment based on sex, including harassment because of pregnancy or related conditions.
 - Harassment includes 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.



School Requirements

- Policies and Procedures:
 - Schools must have and distribute a policy against sex discrimination;
 - Schools must adopt and publish complaint procedures;
 - Schools must designate an employee to carry out its Title IX responsibilities (known as the Title IX Coordinator) and tell the school community how to reach him or her; and
 - Schools must make reasonable adjustments to regular policies that are responsive to the student's temporary pregnancy status.
 - For example, allowing more frequent bathroom breaks.



States & Districts Can Go Further

- For example, NYC regulation makes clear that pregnant and parenting students have Title IX rights
 - Each principal is accountable for ensuring his/her PPS are not discriminated against in violation of Title IX;
 - Principals must ensure student access to information about health care, child care, and other services;
 - Students who do not want to stay at present school can transfer to zoned schools; and
 - Students who attend schools that require excessive travel can request a transfer to school closer to home.



Examples of Discrimination

- Tend to fall into four general categories:
 - Environment of discouragement;
 - Rigid Application of Rules;
 - The Unequal Alternative; and
 - Inaccessible Homebound Services.

- Lack of guidance, support, or encouragement
- Active hostility at school
 - Feeling welcome at school motivates students to work harder
- Examples:
 - Steering into lesser alternative schools or GED programs;
 - Allowing harassment by peers to continue;
 - Humiliating students or otherwise stigmatizing them;
 - Forbidding pregnant students from walking at graduation;
 - Excluding eligible students who are or were pregnant from National Honor Society chapter



Rigid Application of Rules

- Absence Rules:
 - Most absence limitations, known as truancy laws, are automatic in some places; and
 - Most states lack clear policy on excused absences for pregnant and parenting students.
- Other Examples:
 - Threatening a young woman who no longer fits into school uniform with detention; and
 - Turning pregnant students away at the door because not dressed in uniform.



Unequal Alternatives

- Pregnant and parenting students pushed into unequal, dead-end programs;
- Example: NYC “P Schools” (shut down in 2007)
 - Average daily attendance was only 47%
 - Less than half of students transitioned back into mainstream high schools
 - Girls had access to child care but were not earning credits, were not on track for graduation, were not getting job skills
 - Quilting passed for Geometry because it involved cutting shapes!
- It is important to get a rigorous academic instruction, not just child care and parenting classes



Homebound Instruction

- Most pregnant and parenting students will not be able to attend school for some period of time before or after giving birth;
- School systems that offer homebound, hospital, or online learning to K-12 students who are temporarily disabled must offer it to pregnant and parenting students on same basis;
- In NYC, pregnant or parenting students can request homebound instruction with a doctor's note.



Other Concerns

- Breastfeeding Needs
 - Breastfeeding, or lactation is pregnancy-related medical condition and if schools do not provide breaks and clean, private spaces to express breast milk, it can pose serious hardship for student mothers
 - Failure to express milk on schedule can lead to engorgement, discomfort, pain, fever, infection, and reduced supply;
 - Serious distraction and can negatively impact ability to learn;
 - Refusal to accommodate these needs sends message that being a mother is not compatible with educational success;
 - Women should not have to choose between going to school and breastfeeding their children.
- NOTE: no court has ruled on this issue in the school context



Helpful resources

- You can use these documents to persuade your school to do the right thing
- NWLC Materials: www.nwlc.org/pregnantandparentingstudents
- OCR Guidance Documents on Pregnant and Parenting Students
 - Dear Colleague Letter
<http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201306-title-ix.pdf>
 - Pamphlet on Supporting the Academic Success of Pregnant and Parenting Students Under Title IX
<http://www2.ed.gov/about/offices/list/ocr/docs/pregnancy.pdf>
 - Know Your Rights document for Pregnant and Parenting Students
<http://www2.ed.gov/about/offices/list/ocr/docs/dcl-know-rights-201306-title-ix.pdf>



Applies to Colleges Too

- Example: CUNY Complaint & Settlement
- Relief for client and policy changes, including:
 - **Memo** on Title IX and pregnancy distributed to all faculty and staff, colleges' legal departments, and student affairs and academic departments;
 - College **student handbooks and website** will include info on Title IX and pregnancy;
 - All Title IX Coordinators and Directors of Student Affairs will get **training on new policy**; and
 - Information about the university's obligation relating to student pregnancy will be included in **Title IX trainings** given to faculty and students.



Problem at your school?

- Contact your school's or district's Title IX Coordinator;
- Contact anyone at your school that you trust (such as, a school counselor, assistant principal, or teacher); and/or
- Contact the National Women's Law Center;
- Retaliation against someone for coming forward with a Title IX concern is prohibited by law.



Still problems at your school?

- Consider filing complaint with the Office for Civil Rights;
 - To find out which office is responsible for your state:
 - Call 1-800-421-3481 *or*
 - Visit OCR's website at <https://wdcrobcop01.ed.gov/CFAPPS/OCR/contactus.cfm>
 - Online complaint form at <http://www.ed.gov/ocr/complaintintro.html>
- Complaints through OCR:
 - A complaint is a document that details the ways you believe your school violated the law;
 - It can be filed by anyone that believes there has been discrimination;
 - It should include supporting documents (such as, emails between you and the school or a copy of the school policy); and
 - You must file within 180 days of the date of discrimination.



Another option

- Filing a lawsuit:
 - Only the discriminated student, or the parents of the student if she is below age 18, can file a lawsuit;
 - Time limitations depend on location, ranging from one to six years; and
 - May want to seek the help of a lawyer first.



Gloria Malone

- High school
- Pregnancy and birth
- Educational



Educational attainment

- Pregnancy is a motivator to continue and complete ones education.
<http://yas.sagepub.com/content/38/3/348.abstract>
- Educational pushout
 - [ICAH story series](#)
 - [Family Leave laws for student teen parents](#)
- [Backlash for completeing](#)
- [Pregnant and parenting students can- and should- enforce their Title IX rights](#)



Educational push out/punishment

- Poverty → pregnancy → unintended pregnancy → educational pushout → more poverty = more unintended pregnancy.
- [#BlackGirlsMatter](#)
- [Family Leave Laws Need to Include Teen Parents](#)
- [ICAH story series](#)



What can schools do to help?

How to make education accessible to student parents

5 Ways schools can make education more accessible to student parents

Jan 15, 2015



by Gloria Malone

♥ Follow





Who is getting it right?

- Boston “bill of rights”
- New Mexico
 - GRADS
 - Leave law



How can YOU help?

- Start where you are at.
- You don't have to be “that person” in “that position” to do something.
- [Real Education for Healthy Youth Act](#)
- [Pregnant and Parenting Student Access to Education Act.](#)
- Donate
- Elevate the voices of teen and young parents every chance you get



5 Ways

TO BE AN ALLY TO YOUNG PARENTS

1. Conduct an internal reflection of your views on teen pregnancy and young parenthood and challenge any negative perceptions
2. Be an active voice against harmful campaigns, strategies and media
3. Ensure your messaging excludes stereotypes, shame, and narrowly framed data sources
4. Invite young parents to the table and give them meaningful and genuine roles to help shape your work
5. Respect young mothers and young fathers and believe in their ability to make the best informed choices for themselves and their families

#NOTEENSHAME



[#NoTeenShame](#)



#NoTeenShame





Questions?

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