



## Know Your Rights: Pregnant & Parenting Students' Rights Under Title IX

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If you are facing sex-based harassment or discrimination as a student, [the Legal Network for Gender Equity](#) can help connect you to attorneys. Attorneys in our Legal Network will have a first meeting or call with you for free.

This fact sheet focuses on federal law. Federal laws set minimum protections. Depending on the laws and policies of your state or city, you may have more protections.

### ***How does federal law protect pregnant and parenting students?***

Title IX of the Education Amendments of 1972 (often referred to as "Title IX") is a federal civil rights law that prohibits discrimination on the basis of sex, which includes pregnancy-related discrimination, against students at schools that receive federal funding. In addition to bringing private lawsuits against schools for Title IX violations, students can file administrative complaints with federal agencies, like the U.S. Department of Education, to conduct an investigation. The U.S. Department of Education currently enforces Title IX regulations issued by the first Trump Administration in 2020, as well as earlier regulations issued in 1975 and 2006, which provide greater detail on how schools must comply with Title IX.<sup>1</sup> Schools must not discriminate against students based on pregnancy, false pregnancy<sup>2</sup>, termination of pregnancy, which includes abortion,<sup>3</sup> and recovery from any of these conditions. Breastfeeding is also a condition related to pregnancy, so your school must help students who need to pump or breastfeed on campus.

Schools must also offer accommodations to students for pregnancy, childbirth, termination of pregnancy, or recovery from any of these conditions to the extent accommodations are also offered to students experiencing other temporary medical conditions or disabilities.<sup>4</sup> “Accommodations” are adjustments made to ensure that you can access education without discrimination. See the below section, “What are my rights under Title IX as a pregnant or parenting student?” for more examples of accommodations for pregnant and parenting students.

Schools cannot treat parents differently based on sex. This means that while schools cannot treat mothers less favorably than fathers, or vice versa, schools may be able to treat parenting students differently from non-parenting students, as long as they do so equally across genders.

### ***Examples: What does pregnancy discrimination look like in educational settings?***

Discrimination based on pregnancy or pregnancy-related conditions can take many forms. Here is a list of some examples of pregnancy-related discrimination that are prohibited under Title IX:<sup>5</sup>

- You are late turning in an assignment because of something related to your pregnancy or childbirth, and the teacher doesn’t allow you to make up the work.
- Your school prohibits you from participating in extracurricular activities because you are pregnant.
- A teacher prevents you from making frequent trips to the restroom, which may be necessary because of your pregnancy.
- Your school requires you to provide a doctor’s note after you’ve been hospitalized for childbirth but does not require a doctor’s note from students hospitalized for other conditions.
- The school forces you to participate in special instructional programs or classes for pregnant students (you certainly can participate—but your school may not make or pressure you to do so).
- A teacher refuses to let you make up schoolwork that you missed because you were out of the classroom pumping.
- Your school fails to protect you from verbal harassment surrounding your pregnancy or because you had an abortion.

## ***Which schools does Title IX apply to?***

All **public** K-12 schools (including public charter schools), colleges, and universities.

Some **private** K-12 schools, and most **private** colleges, and universities, including those that receive federal funding to provide free or reduced-cost lunches, federal student financial aid (like Pell grants), or other types of federal funding, including grants to support research.

Any education program or activity operated by a recipient of federal financial assistance, including some museums, libraries, and prisons.

## ***Which schools does Title IX not apply to?***

**Religious organizations:** Schools, colleges, and universities that are controlled by religious organizations are exempt from Title IX's requirements to the extent that Title IX conflicts with the religious tenants of the organization. Find a list of educational institutions that have opted out from complying with Title IX as it relates to protecting the rights of pregnant and parenting students [here](#).

**Military schools:** Title IX does not apply to an educational institution that primarily trains students for military services of the United States or the merchant marine.<sup>6</sup>

## ***What are my rights under Title IX as a pregnant or parenting student?***

Under Title IX, your school is required to:

- Allow you to participate in classes and extracurricular activities, regardless of pregnancy status. (Your school may not require you to submit a doctor's note unless it requires a doctor's note from all students who have conditions requiring medical treatment.);
- Allow you to choose if you would like to participate in special programs for pregnant students (but it may not force you to participate);
- Provide you with reasonable accommodations. These can include:
  - » using elevators to get to class;
  - » providing a larger desk;
  - » allowing breaks during class or exams for breastfeeding or any pregnancy-related health needs;
  - » allowing you to reschedule exams or make up work you may have missed because of medical leave related to your pregnancy
  - » allowing you to return to school and be reinstated to your status prior to any leave you took related to pregnancy or related health needs;

- » excusing your absences for as long as your doctor deems medically necessary for absences related to pregnancy or childbirth;
- Provide you with the same services it provides for all students with temporary medical conditions;
- Protect you from sex-based harassment, which includes harassment because of your pregnancy, termination of your pregnancy (including abortion), or pregnancy-related conditions; and
- Protect you from retaliation. Retaliation is when students, staff, or faculty at your school treat you worse or punish you for pursuing your rights under Title IX, including reporting that you experienced pregnancy-based discrimination. Retaliation can include being cut out of extracurriculars, being disciplined for something that was not a problem before you raised the discrimination issue, or being accused of defamation (lying about experiencing the discrimination). To learn more, [read this toolkit, written by and for survivors, about defamation lawsuits and other retaliation.](#)

### ***Does Title IX apply to the discrimination I experienced?***

It depends. Your school is responsible for establishing a policy against sex discrimination and policies for reporting it. (See the next section below for more information.)

Examples of discrimination based on pregnancy or parenting status can include:

- Denying excused absences for classes missed for pregnancy-related absences.
- Receiving academic penalties (for example, a lower participation grade) for missing classes for pregnancy-related absences.
- Denying the ability to make up work that was missed during a pregnancy-related absence.
- Harassment from students, teachers, or faculty regarding your pregnancy or any pregnancy-related condition.
- Forcing participation in any special program for pregnant students that other non-pregnant students are not required to attend or forcing you to switch to a separate academic program, for example, a night school program.
- Failing to provide the same services and reasonable accommodations the school gives to students with temporary medical conditions.
- Denying the ability to participate in school activities and events because of your pregnancy.

## *How do I report pregnancy discrimination to my school?*

If you feel like your school is discriminating against you because you are pregnant or parenting, you can:

**Make a report:** How you can make this report will depend on the policies and procedures at your school. Each school is required to have a policy against sex discrimination, and this policy should make clear that discrimination against pregnant and parenting students is not allowed. Each school should also have a published grievance procedure that explains how students can file complaints of sex discrimination, including discrimination related to pregnancy or parenting status.

If you are thinking about reporting discrimination related to pregnancy or parenting status, it is a good idea to keep a record of:

- Any pregnancy-related absences,
- Any instance(s) of harassment related to pregnancy or parenting,
- The impact on your education (keep copies of your report cards and other school records); you can also keep copies of health, financial, housing, and other records that show the impact of discrimination or harassment on your life,
- All interactions with school officials about your pregnancy, including how they responded if you reported harassment or other discrimination, and
- Any retaliation that has occurred after you reported the discrimination. Remember that retaliation is illegal and prohibited by Title IX.

**Who to report to:** Your school (or school district or university system) is required to have an employee whose job it is to ensure your school is following Title IX, including helping students who report sex-based discrimination or harassment. This person is often, but not always, called the “Title IX Coordinator.” Your school may also designate certain employees as “confidential employees” who are typically not required to share what you say with other people but can point you to resources. If you want to maintain confidentiality, you should ask to make sure that the employee is able to keep your confidence.

## *My school isn't helping me. Now what should I do?*

If you reported discrimination or harassment to your school, and they did not help you or made things even worse, you can ask a trusted adult or school employee to help advocate for you. But if that still doesn't work, you have more options:

**File a Report with the U.S. Department of Education:** You can [file a complaint](#) against your school with the U.S. Department of Education's Office for Civil Rights (OCR). You may file with OCR even if you have not filed a complaint with your school. You have 180 days after the last act of discrimination by your school to file a complaint with OCR. Depending on your specific situation, OCR may investigate your school for violating your Title IX

rights. If your school or another agency (like the Department of Justice) is still processing your formal complaint, then OCR will not process your complaint at the same time, but you can file an OCR complaint within 60 days after that other complaint process is done. At the end of the process, OCR will send you and your school a “Letter of Findings.” You don’t need a lawyer to file an OCR complaint, but it can be helpful to have one.

**Other agency complaint:** Depending on where you live, you may also be able to file a complaint against your school with a state or city agency. Different states and cities have different systems for addressing harassment in schools, but depending on your state or city, you might file with the education department, attorney general’s office, or another agency. The state or city agency may investigate your school for violating your rights under state law. You don’t need a lawyer to file a state or city agency complaint, but it can be helpful to have one.

**File a lawsuit:** You can file a Title IX lawsuit against your school in federal court. And depending on what state you’re in, you might have additional protections under state law. Moreover, how courts have interpreted Title IX’s requirements may vary based on the state you’re in. For example, if you’re reporting sexual harassment, you must show the court that you reported the discrimination or harassment to a high-ranking person at your school, but who counts as high-ranking enough depends on how courts in your state have previously decided who that person is. In general, the deadline for filing a Title IX lawsuit depends on your state and typically ranges from 1 to 6 years after the Title IX violation. You don’t need a lawyer to file a lawsuit, but it’s recommended to have one.

To get connected to a lawyer who can provide a free legal consultation regarding sex-based discrimination at school, you can reach out to the [National Women’s Law Center’s Legal Network for Gender Equity](#) by filling out this [brief online form](#).

### **More Information:**

If you’ve experienced sex-based harassment at school, to learn more about your rights and the protections available under Title IX, click [here](#).

To learn more about how your school can support you while complying with the Trump administration’s interpretation of Title IX as to sexual harassment, click [here](#).

To learn more about getting supportive measures from your school, click [here](#).

To learn more about protecting yourself from defamation lawsuits and other retaliation, click [here](#).

To learn more about accessing school records if you reported sex-based harassment, click [here](#).

To learn more about the prior 2024 Title IX rule under the Biden administration that was vacated (or set aside by a court) in January 2025, click [here](#).

