

# toolkit

## Pregnancy discrimination is sex discrimination

and it is against the law. Advocating for fair policies that eliminate sex discrimination should be a priority for anyone who cares about school equity and ensuring access to a quality education for all students. Below we provide a number of resources and tools to help advocates organize in their community. In it you will find:

- 1 Pregnant and Parenting Students: A Guide for Schools
- 2 The Pregnant & Parenting Students' Bill of Rights Wallet Card
- 3 Sample Pregnant and Parenting Student Policies
- 4 A Sample Letter to Your School



# TITLE IX

## FACT SHEET

### Pregnant & Parenting Students: A Guide for Schools

#### What the Law Requires

Schools that receive federal funds must not discriminate against students on the basis of sex, including a student's pregnancy, childbirth, false pregnancy, termination, or recovery therefrom. Schools must provide equal access to school programs and extracurricular activities to students who might be, are, or have been pregnant. Schools are required to treat pregnant and parenting students the same way they treat other students who are similarly able or unable to participate in school activities.

#### Pregnancy Is Not Contagious

The idea that teenagers who see their classmates struggling to juggle schoolwork, childrearing, and adolescence will think that having children is easy and will want to get pregnant themselves is a myth. To effectively discourage teens from getting pregnant, schools should provide comprehensive, medically accurate, age appropriate sex education. "Making an example" of pregnant and parenting students by kicking them out of school is not just a flawed strategy, it is illegal.

#### Right to Stay in School

The law requires that if schools choose to offer separate programs or schools for pregnant and parenting students, participation in those programs must be completely voluntary. A school can tell its students about an alternative program as an option, but cannot urge or pressure its pregnant or parenting students to attend. Schools should let students know that they will be supported no matter what program they choose.

#### Right to an Equal Education

Any alternative programs for pregnant and parenting students must offer those students access to the same range of educational opportunities (including coursework and extracurricular and enrichment activities) as those offered for students who are not pregnant or parenting. Schools cannot segregate pregnant and parenting students into dead-end schools with parenting classes but no opportunities for graduation or college preparation. School districts with programs like these must shut them down.

#### Right to Participate

Under normal circumstances, there is no reason that a pregnant student's attendance at school and participation in activities would have adverse effects on her health or pregnancy. The law requires that a student be allowed to continue her studies and activities for as long as she wants, even up to the date of her delivery, unless the student and her physician decide otherwise. The school cannot impose participation requirements on pregnant girls that the school does not establish for all students with medical conditions that require treatment by a doctor.

#### Pregnancy-Related Absences

Schools must excuse absences for students who are pregnant or who give birth for as long as that student's doctor determines is necessary. At the conclusion of that period, the student must be given a reasonable amount of time to make up the work she missed.

## Homebound Instruction

The law requires schools to provide pregnant students with any special services they provide to students with temporary disabilities. Therefore, if a school provides special services, such as at-home tutoring, for students who miss school because they have a temporary disability, it must do the same for students who miss school because of pregnancy or childbirth. Regardless of what a school provides for students generally, it should consider providing at-home tutoring or other academic support for students with extended absences for reasons including pregnancy and parenting. This is a good investment, and makes sense as a matter of educational policy.

## Every Teacher Counts

Everyone at any school that receives federal funds is bound by the law – administrators, faculty and staff. If a school learns that a teacher is discriminating against students (or limiting educational opportunities for them – including extracurricular activities) because they are pregnant or parenting, the school is obligated to stop the discrimination. It's not enough to leave attendance and absence policies up to individual teachers; the law requires pregnancy-related absences to be excused.

## How to Improve Your School

### Change Your School's Policy

Schools should develop and implement programs and policies that support parenting students. Examples of good school policies are available at: [www.nwlc.org/pregnancytestforschools](http://www.nwlc.org/pregnancytestforschools). Programs can provide support for pregnant and parenting students – like child care, transportation, counseling, social service referrals, support groups, and homebound instruction for extended absences – while maintaining rigorous and relevant curricula that foster student engagement and prepare students for careers and post-secondary education. These types of supports help pregnant and parenting students stay in school and graduate.

### Designate a Title IX Coordinator

Every district is required to designate at least one employee as the Title IX coordinator to oversee compliance with the law. Schools should designate a Title IX coordinator and ask that individual to act as a liaison to pregnant and parenting students to ensure that these students are getting the attention and services they need.

### Educate the Masses

Prominently publish, display, and distribute information about Title IX, the name and contact information of your Title IX Coordinator, and any and all policies related to pregnant and parenting students. This sends a message to students, teachers, parents, and the community that young mothers are valued students who will be treated with respect in your school.



# walletcard



## PREGNANT AND PARENTING STUDENTS' BILL OF RIGHTS

1

You have the right to be treated with dignity and respect.

2

You have the right to be free of discrimination. No one can kick you out of school because you are pregnant or a parent.

3

Your school must excuse absences due to pregnancy or childbirth for as long as your doctor says it is necessary. All your teachers are required to give you a reasonable amount of time, after the conclusion of those absences, to make up the work you missed.

4

Separate programs or schools for students who are pregnant or parents must be completely voluntary. You cannot be forced to attend a separate school.

5

You have the right to the same opportunities as other students. If you attend a separate program, the classes and the activities offered must be equal to those at a mainstream school.

6

Special services that are provided for temporarily disabled students must also be provided for pregnant students. If temporarily disabled students get at-home tutoring to help them keep up with work, so should students who miss school because of pregnancy or childbirth.

7

Pregnant and parenting students do not have to turn in a doctor's note to continue going to school or to participate in activities unless all students with medical conditions are required to do so.

8

You have the right to be free of harassment and bullying. This includes sexual harassment, like being called a "slut" or having sexual rumors spread about you at school.

9

You have a right to privacy. Teachers and other school officials do not have the right to disclose your pregnancy to anyone without your permission.

10

You have the right to be free of retaliation. If you complain to school officials or your Title IX coordinator, teachers and administrators cannot retaliate or punish you for speaking out.

Print and clip. Fold along the lines. Carry it with you.



# wallet card

## DON'T TOLERATE DISCRIMINATION – TAKE ACTION

### REPORT

Are you being called names or intimidated because you are pregnant or a parent? Is a teacher refusing to excuse pregnancy-related absences? Are you being pressured to attend an alternative program?

If you experience any kind of trouble at school because you are pregnant or parenting, report the problem to a school administrator or to your school's Title IX Coordinator right away.

### DOCUMENT

Keep notes with dates and details of all pregnancy-related absences, all incidents of sexual harassment, and all interactions with school officials related to your pregnancy.

If you report an incident or ask the school to accommodate your needs, be sure to make a note of those requests as well as the outcome of each report.

### ADVOCATE

The National Women's Law Center cares about your success.

Visit us at:  
[www.nwlc.org/pregnancytestforschools](http://www.nwlc.org/pregnancytestforschools)

Contact us at:  
[info@nwlc.org](mailto:info@nwlc.org)  
OR  
**202-588-5180**

Print and clip. Fold along the lines. Carry it with you.



# Sample Pregnant and Parenting Student Policies

Several states and school districts have developed policies and programs for pregnant and parenting students – there is not enough room to list them all. The following are examples of pregnant and parenting student programs and policies from across the country.

## STATE PROGRAMS & POLICIES

**California** - <http://www.cde.ca.gov/ls/cg/pp/>

The California School-Age Families Education Program, also known as Cal-SAFE, is a school-based program for expectant and parenting students and their children. The program provides academic and support services to help students stay in school.

**Connecticut** - [http://www.cga.ct.gov/coc/PDFs/poverty/2010-09-13/pons\\_ppt.pdf](http://www.cga.ct.gov/coc/PDFs/poverty/2010-09-13/pons_ppt.pdf)

Connecticut operates a school-based grant program for five Connecticut school districts with high teen birth and school dropout rates. The project offers six core services to meet the primary outcome goals of improving high school completion rates and the health and wellness of students and their children.

**Florida** - <http://info.fl DOE.org/docu share/dsweb/Get/Document-1402/Goff%20Memo%2003-36TAP.pdf>

Florida provides a manual that outlines the requirements for the state-mandated Teenage Parent Programs.

**Illinois** - <http://www.poverty law.org/advocacy/women-and-family/essa-task-force/final-essa-task-force-report.pdf>

The Ensuring Success in School Task Force Report provides a number of suggestions and policies for improving secondary education for pregnant and parenting students.

**North Carolina** - <http://www.teen pregnancy.ncdhhs.gov/app.htm>

The North Carolina program is designed to support adolescent parents in their efforts to get an education, acquire job skills, improve parenting abilities and prevent future pregnancies.

**Oregon** – <http://www.ode.state.or.us/search/results/?id=269>

Oregon provides a list of teen parent programs and suggests a curriculum for school districts.

**Pennsylvania** - <http://ppt-elect.center-school.org/>

ELECT provides comprehensive support services to students who meet income eligibility requirements. The programs are voluntary and the duration of program enrollment extends to graduation or age 22.

**Wisconsin** - <http://dpi.wi.gov/sspw/pdf/schoolageparents.pdf>

Wisconsin provides instructions for how to provide services to school-age parents, including making program modifications to ensure they stay in school.

## SCHOOL AND DISTRICT POLICIES

**Model District Policy** - <http://www.massteenpregnancy.org/sites/default/files/policy/cd-model-district-policy-expectant-and-parenting-students.pdf> Developed by the Massachusetts Alliance on Teen Pregnancy, this model policy lays out the legal protections for pregnant and parenting students, responsibilities of administrators, and suggests policies related to absences.

**New York City Protocols** - <http://docs.nycenet.edu/docushare/dsweb/Get/Document-34/A740.pdf> Regulations on pregnant and parenting students that clarify the educational options for students who are pregnant or parenting, discuss confidentiality issues between staff and pregnant students, and holds principals accountable for ensuring that pregnant and parenting students get the services they need.

**Los Angeles Unified School District** - [http://www.lausd.k12.ca.us/lausd/offices/eec/pdfs/Bul\\_2060.pdf](http://www.lausd.k12.ca.us/lausd/offices/eec/pdfs/Bul_2060.pdf) A district policy that requires schools to make “reasonable adjustments” to facilitate the equal access and full participation of pregnant and parenting students. The policy also covers enrollment and participation, school climate, attendance, and excused absences.



# Sample Letter to Your School/District

[Your Name and Address]

[Date]

[School Official's Name]

[School or District Address]

Dear [Dr. or Mr. or Ms. \_\_\_\_\_],

I am a [student/parent] at [name of school]. I am concerned that current [name of your school/district] policy does not adequately address the needs of pregnant and parenting students.

Research shows that almost one-half of female dropouts say that pregnancy or becoming a parent played a role in their decisions to leave school. However, research also shows that young parents who receive adequate support from their schools can go on to succeed and graduate.

One of the big hurdles for pregnant and parenting students is overly rigid attendance and tardy policies. Title IX is the federal law that bans sex discrimination in public education. Title IX requires that absences related to pregnancy or childbirth must be excused for as long as is deemed medically necessary by the student's doctor. In addition, Title IX requires schools to allow students with pregnancy-related absences to make up the work they miss within a reasonable amount of time.

I am writing today to ask you to clarify the [name of your school/district] policy regarding excused absences and pregnant and parenting students. I am asking that you change the [name of your school/district] policy to reflect:

- Absences related to pregnancy and/or parenting responsibilities will be excused for as long as they are deemed medically necessary.
- Students can make up any work missed for pregnancy or parenting related absences in a reasonable amount of time

For a deeper analysis of the need for positive support for pregnant and parenting students, you may be interested in the report *A Pregnancy Test for Schools: The Impact of Education Laws on Pregnant and Parenting Students* by the National Women's Law Center. The report is available at [www.nwlc.org/pregnancytestforschools](http://www.nwlc.org/pregnancytestforschools).

Thank you for all that you do on behalf of the students of [name of your school/district]. Please help to implement a supportive learning environment and more flexible absence policies for pregnant and parenting students.

Sincerely,

[sign and print your name here]