

Title IX: Application to Pregnant and Parenting Students

Title IX provides that 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. These protections assure access to education programs and activities by pregnant and parenting students. It is the responsibility of the agency Title IX coordinator to assure that agency personnel understand the protections afforded to pregnant and parenting students (and employees) by Title IX and that the agency does not violate Title IX in their policies, procedures, or actions relative to pregnant or parenting students (or employees).

The regulations implementing Title IX state that a recipient (of federal financial assistance) shall not discriminate against any student or exclude any students from its educational programs or activities, including any class or extracurricular activity, on the basis of such student's pregnancy, childbirth, false pregnancy, terminations of pregnancy, or recovery there from. Female students may not be discriminated against based upon their pregnancy or parenting status or be treated differently than any other student enrolled at the school. These provisions also extend to a student who fathers a child.

A student may **voluntarily** request to participate in a separate program or activity offered by the recipient, but this action must be **initiated by the student**. Likewise, a male student who fathers a child shall have the same access to supports and services as those provided to pregnant/parenting female students, including the option to attend an alternative program provided exclusively for pregnant/parenting students upon his request. Agency personnel who discuss options other than continuing with their current schedules in their current school with pregnant/parenting students must take care to present **all** options available to such students in a non-judgmental, noncoercive manner.

Classifications based on pregnancy¹ are a form of sex discrimination, and Title IXs implementing regulations make it clear that schools may not exclude pregnant or parenting students from any educational program or otherwise discriminate against them². The regulations specifically prohibit "apply[ing] any rule concerning a student's actual or potential parental, family, or marital status which treats students differently on the basis of sex³". The regulation requirements assure equitable treatment of pregnant and parenting students.

The regulations clarify that a recipient shall treat pregnancy, childbirth, false pregnancy, termination of pregnancy, and recovery there from as a justification for a leave of absence for so long a period of time as is deemed **medically necessary** by the **student's physician**, at the conclusion of which the student shall be **reinstated to the status which she held when the leave began**. Educational agencies shall treat pregnancy, childbirth, false pregnancy, termination of pregnancy, and recovery there from in the same manner and under the same policies as any other **eligible medical condition**. Michigan law requires a district or agency to provide homebound/hospitalized instruction services to enrolled students who are certified by the student's attending physician, hospital or licensed treatment facility

¹ 20 U.S.C. § 1681(a)

² 34 C.F.R. § 106.40(b) (1)

³ 34 C.F.R. § 106.40(a)

as having a medical condition that requires the student to be hospitalized or to be confined to the home during regular school hours for a period longer than five (5) or more school days⁴.

Pregnant/parenting students who meet the requirement for homebound services must be allowed to keep up with their studies and to continue to progress toward their educational goals to the maximum extent possible given their medical limitations. The educational agency is responsible to provide instruction, textbooks, and other materials related to instruction, and to provide assignments and grade those assignments during the period of time that the student is qualified for homebound/hospitalized services.

⁴ Michigan Department of Education: Homebound and Hospitalized Services for Public School Students, rev. 2010.