U.S. DEPARTMENT OF EDUCATION

Supporting the Academic Success of Pregnant and Parenting Students

Under *Title IX* of the Education Amendments of 1972

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U.S. Department of Education
Office for Civil Rights

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Introduction

The Office for Civil Rights (OCR) in the U.S. Department of Education (ED) is responsible for enforcing laws prohibiting discrimination in federally assisted educational programs and activities. These laws include *Title IX* of the Education Amendments of 1972 (*Title IX*), which prohibits discrimination based on sex in education programs or activities. All public and private educational institutions that receive any federal financial assistance ("schools") must comply with this law. (Note, however, that an educational institution that is controlled by a religious organization is exempt from *Title IX* when the law's requirements would conflict with the organization's religious tenets.[1]) *Title IX* protects students in all of the academic, educational, extracurricular, athletic, and other programs or activities of schools. This includes prohibiting discrimination against pregnant and parenting students.

President Obama has set the ambitious goal that by 2020 the United States will lead the world in the proportion of persons who graduate from college.[2] In order to achieve this goal, we must support every student in completing high school, so he or she is ready for college or a career. To this end, it is imperative that we all work to ensure that pregnant and parenting students are not discriminated against as they strive to stay in school. With our help, young parents can graduate from high school ready for further success, instead of dropping out of school as a result of practices that make it difficult for them to succeed. OCR is committed to helping achieve this goal.

This pamphlet has been prepared for secondary school administrators, teachers, counselors, parents, and students.[3] The first section provides background on school retention problems associated with pregnant and parenting students.

The next two sections, "*Title IX* Requirements Regarding Pregnant and Parenting Students" and "Frequently Asked Questions Pertaining to *Title IX* Requirements Regarding Pregnant and Parenting Students," provide information on the law's specific requirements regarding pregnancy and parenthood. The final two sections, "Strategies to Assist Educators in Supporting Pregnant and Parenting Students" and "Programs Designed to Support Pregnant and Parenting Students," include strategies that educators can use and programs that schools can develop to address the educational needs of students who become pregnant or have children. These strategies and programs have been implemented by some school districts to address those needs while complying with *Title IX*. They are recommendations and are not legally mandated by *Title IX* or its regulations.

Although this pamphlet focuses on secondary schools, the underlying legal principles apply to all recipients of federal financial assistance, including postsecondary institutions.

Effect of Pregnancy and Parenthood on the Dropout Rate

As of October 2009, approximately 3 million 16- through 24-year-olds living in the United States were not enrolled in high school and had not earned a high school diploma or alternative credential.[4] Students give a range of reasons for dropping out of high school, both school- and family-related.[5] Pregnancy is consistently the most common family-related reason given by female students.[6] According to the Centers for Disease Control and Prevention, more than 329,000 young women ages 15 to 19 years in the United States were reported to have given birth in 2011.[7] Data collected by the National Center for Education Statistics in spring 2004 show that 27.8 percent of the female students who were high school sophomores in 2002 and subsequently dropped out did so due to pregnancy.[8] Similarly, a 2006 report found that, of 467 survey respondents ages 16 through 25 who had dropped out of public high schools in 25 different locations across the country, 26 percent of young men and young women combined — and one-third of young women — said that becoming a parent was a major factor in their decision to leave school.[9] Many of these young people reported that, before they became parents, they had been doing reasonably well in school; they also had a strong belief that they could have graduated had they stayed in school.[10] And according to the National Longitudinal Survey of Youth, only 51 percent of young mothers surveyed in 2007–08 who had children before age 20 earned their high school diplomas by age 22, while 89 percent of their peers who did not have children as teenagers earned their diplomas by that age.[11]

The economic and career prospects for students who drop out of school are limited. In 2010 adult women without a high school diploma earned on average only a little more than $17,000 for the year — approximately $8,000 less annually than women with a high school diploma.[12] A 2007 report found that having a high school diploma lowered the probability of needing benefits from Temporary Assistance for Needy Families by 40 percent and from food stamps by 19 percent.[13] And a 2006 report found only about 2 percent of mothers who had a baby before age 18 obtained a college degree by age 30.[14]

Before Congress passed *Title IX* in 1972, students who became pregnant or had children were often treated poorly and sometimes were dismissed from high school. Since the passage of *Title IX*, sex discrimination — including discrimination on the basis of pregnancy, childbirth, and parental status has been prohibited. Encouraging pregnant and parenting students to stay in school will have a positive effect on their lives and their children's lives. The nation as a whole will benefit from having a generation of young adults who are better educated and more economically self-sufficient.

Title IX Requirements Regarding 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.

ED's regulation implementing *Title IX* specifically prohibits discrimination against a student based on pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery from any of these conditions.[15] The *Title IX* regulation also prohibits a school from applying any rule related to a student's parental, family, or marital status that treats students differently based on their sex.[16]

Under *Title IX*, it is illegal for schools to exclude a pregnant student from participating in any part of an educational program.[17] This prohibition applies to specific classes such as advanced placement or honors classes, extracurricular programs, interscholastic sports, honor societies, and opportunities for student leadership, among other activities. Schools may implement special instructional programs or classes for a pregnant student, but participation must be completely voluntary on the part of the student, and the programs and classes must be comparable to those offered to other students.[18]

In addition, a school must excuse a student's absences because of pregnancy or childbirth for as long as the student's doctor deems the absences medically necessary. When a student returns to school, she must be allowed to return to the same academic and extracurricular status as before her medical leave began.[19]

Any special services provided to students who have temporary medical conditions must also be provided to a pregnant student.[20] Therefore, if a school provides special services, such as homebound instruction or tutoring, for students who miss school because they have a temporary medical condition, it must do the same for a student who misses school because of pregnancy or childbirth.[21]

A school may require a pregnant student or student who has given birth to submit medical certification for school participation only if the school also requires such certification from all students with physical or emotional conditions requiring the attention of a physician.[22] Thus, for example, a student who has been hospitalized for childbirth must not be required to submit a medical certificate to return to school if a certificate is not required of students who have been hospitalized for other conditions.

Frequently Asked Questions Pertaining to *Title IX* Requirements Regarding Pregnant and Parenting Students

May a school require a pregnant student to participate in a separate program for pregnant students?

No. Any such requirement would violate *Title IX*. A school may offer separate programs or schools for a pregnant student, but participation in those programs or schools must be completely voluntary.[23] A school may provide information to its students about the availability of an alternative program, but it may not pressure a pregnant student to attend that program. A pregnant student must be allowed to remain in her regular classes and school if she so chooses.

If a school offers a voluntary alternative program, that program must provide academic, extracurricular, and enrichment opportunities comparable to those provided to the students in the regular school program.[24] Although an alternative program need not be identical to the regular school program in the specific courses or range of courses, if it provides only vocational-track courses, with no opportunity for advanced academic or college-preparatory classes, it would not be considered comparable. It is critical to provide clear information about what courses are available, how credits are transferred between the regular program and alternative program, and how the student can meet graduation requirements.This helps ensure that any separate programs offered to a pregnant student are both voluntary and comparable to the regular program.

May a school require a pregnant student to obtain a doctor's permission before allowing her to attend school late in her pregnancy if the school is worried about the student's health or safety?

Schools cannot require a pregnant student to produce a doctor's note in order to stay in school or participate in activities, including interscholastic sports, unless the same requirement to obtain a doctor's note applies to all students being treated by a doctor.[25] That is, schools cannot treat a pregnant student differently from other students being cared for by a doctor, even when a student is in the later stages of pregnancy; schools should not presume that a pregnant student is unable to attend school or participate in school activities.

Can harassing a student because of pregnancy violate *Title IX*?

Yes. *Title IX* prohibits harassment of students based on sex, including harassment because of pregnancy or related conditions. Harassing conduct can take many forms, including verbal acts and name-calling, graphic and written statements, and other conduct that may be humiliating or physically threatening or harmful. Particular actions that could constitute prohibited harassment include 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. Schools must take prompt and effective steps reasonably calculated to end pregnancy-related harassment, prevent its recurrence, and eliminate any hostile environment created by the harassment. The school violates *Title IX* if sexual harassment or other pregnancy-related harassment by employees, students, or third parties is sufficiently serious that it interferes with

a student's ability to benefit from or participate in the school's program,[26] and the harassment is encouraged, tolerated, not adequately addressed, or ignored by school employees.

What types of assistance must a school provide to a pregnant student at school?

To ensure a pregnant student's access to its educational program, when necessary, a school must make adjustments to the regular program that are reasonable and responsive to the student's temporary pregnancy status. For example, a school might be required to provide a larger desk, allow frequent trips to the bathroom, or permit temporary access to elevators.[27]

In addition to allowing a pregnant student to attend classes, does a school need to allow her to participate in school clubs, class activities, interscholastic sports, and other school-sponsored organizations?

Yes. *Title IX* prohibits a school from excluding a pregnant student from any part of its educational program, including all extracurricular activities, such as school clubs, academic societies, honors programs, homecoming court, or interscholastic sports.[28] A pregnant student must also be eligible to hold leadership positions in these activities. In addition, a pregnant student may not be excluded from an activity that is part of the school's educational program even if the activity is not operated directly by the school.[29] For example, an after-school program run by a local nonprofit agency that rents the school's facilities at a reduced rate and is advertised and promoted by the school may not exclude a pregnant student from enrolling.

Does a school have to excuse a student's absences due to pregnancy or childbirth?

Yes. *Title IX* requires a school to excuse a student's absences due to pregnancy or related conditions, including recovery from childbirth, for as long as the student's doctor deems the absences to be medically necessary.[30] When the student returns to school, she must be reinstated to the status she held when the leave began, which should include giving her the opportunity to make up any work missed. A school may offer the student alternatives to making up missed work, such as retaking a semester, taking part in an online course credit recovery program, or allowing the student additional time in a program to continue at the same pace and finish at a later date, especially after longer periods of leave. The student should be allowed to choose how to make up the work.

If the school requires students with other medical conditions to submit a doctor's note, it may require the same from a pregnant student.[31]

Does a school need to provide special services to a pregnant student?

Title IX requires a school to provide the same special services to a pregnant student that it provides to students with temporary medical conditions.[32] For example, if a school provides at-home instruction or tutoring to students who miss school because of temporary medical conditions, it must do the same for a student who misses school because of pregnancy or childbirth.

What if some teachers at a school have their own policies about class attendance and make-up work?

Every school that receives federal financial assistance is bound by *Title IX*.[33] Schools must ensure that the policies and practices of individual teachers do not discriminate against pregnant students. For example, a teacher may not refuse to allow a student to submit work after a deadline that she missed because of absences due to pregnancy or childbirth. Additionally, if a teacher's grading is based in part on class attendance or participation, the student should be allowed to earn the credits she missed so that she can be reinstated to the status she had before the leave. Schools should ensure that their teachers and staff are aware of and follow *Title IX* requirements.

What procedures must a school district have in place related to discrimination on the basis of sex, including discrimination related to pregnancy and parental status?[34]

School districts must adopt and publish grievance procedures for students to file complaints of sex discrimination, including discrimination related to pregnancy or parental status.[35] The grievance process should provide a mechanism for school districts to investigate and evaluate complaints and must provide for prompt and equitable resolution of complaints. School districts should make sure that their grievance procedures are widely distributed and understandable by students, parents, and employees.

A school district must also designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under the law.[36] The coordinator's responsibilities include overseeing all *Title IX* complaints, including those alleging discrimination against pregnant and parenting students, and identifying and addressing any patterns or systemic problems that arise during the review of such complaints. The *Title IX* coordinator must have adequate training in *Title IX* requirements and must be able to explain the operation of the district's grievance procedures. A school district must notify all students and employees of the name, office address, and telephone number of its *Title IX* coordinator(s).

In addition, a school district must publish a notice that it does not discriminate on the basis of sex in its educational programs or activities.[37] The notice must also state that inquiries concerning the application of *Title IX* and its implementing regulations may be referred to the *Title IX* coordinator or to OCR. The notice must be displayed prominently in each announcement, bulletin, catalog, or application form used in connection with the recruitment of students or employees.[38] *Title IX* does not require a school district to adopt a policy specifically prohibiting discrimination against pregnant or parenting students, but OCR recommends that a school district's nondiscrimination policy makes clear that prohibited sex discrimination covers discrimination against pregnant and parenting students.

How do I enforce my rights under *Title IX*?

If you wish to file a complaint of discrimination with OCR, you may use the online complaint form available at http://www.ed.gov/ocr/complaintintro.html. If filing your complaint online, you will need to provide an original signature by mail, which may be done by printing and mailing the consent form linked at the bottom of the online complaint form.

Alternatively, you may send a letter to the OCR enforcement office responsible for the state in which the school is located. To find out which enforcement office is responsible for your state and to get contact information for it, call 1-800-421-3481, or check OCR's website at http://wdcrobcolp01.ed.gov/CFAPPS/OCR/contactus.cfm. In your letter, you should provide us with the name of the school or school district you are complaining about, the name of the person who has been discriminated against, a description of the events or actions that you believe constitute discrimination, and the date(s) on which the events or actions occurred. You should sign and date your letter and provide your contact information so we can reach you by phone, letter, and email.

The complaint must be filed with OCR within 180 days from the date of the incident that is the basis of your complaint, although there may be limited exceptions that would allow additional time. You are not required to use a school district's grievance procedures before filing a complaint with OCR. Note that it is unlawful for a school to retaliate against an individual for bringing concerns about the rights of a pregnant and parenting student to a school's attention, making a complaint to OCR, or otherwise participating in an OCR investigation or proceeding.

You also may have the right to file suit in court claiming that a school violated *Title IX*. You need not file a complaint with OCR before filing a suit in court. If you file a suit in court, OCR will close any complaint you filed with OCR that involves the same allegations against the same school. OCR cannot represent you in court. Thus, if you wish to file a court action, you must do so through your own attorney or on your own through the court's clerk's office. You may re-file your complaint with OCR within 60 days following the termination of the court proceeding if there was no decision on the merits or settlement of your complaint allegations.

Strategies to Assist Educators in Supporting Pregnant and Parenting Students

Going beyond their basic legal obligations under *Title IX*, administrators, teachers, and school counselors often seek ways to best help pregnant and parenting students to continue their education and maintain their academic progress. Schools can provide direction in coordinating the education, child care, and health care needed by pregnant and parenting students. Schools can also provide leadership in combating the myths surrounding pregnancy and parenting. Listed below are approaches implemented by some secondary schools to address the educational issues associated with pregnant and parenting students. These are examples of possible strategies; unless otherwise stated, they are not legally mandated by *Title IX* or its regulations. They are provided to assist educators in developing effective approaches to addressing these issues in their schools.

Administrators

- Contact other school administrators to learn about effective approaches that they have implemented to address the needs of pregnant and parenting students.
- Develop policies and procedures to address the needs of pregnant and parenting students. If your school district does not already provide services such as at-home instruction for students who have temporary medical conditions, consider implementing policies to do so and remember that if homebound instruction is made available to students with temporary medical conditions, it must also be provided to pregnant students. Allowing pregnant students to receive such support services could encourage them to remain in school. Additionally,

consider allowing excused absences for parenting students (both male and female) who need to take their children to doctors' appointments or to take care of their sick children. By treating the absences as excused, you give these students the opportunity to make up the work they missed without being penalized, and you prevent them from falling behind.

- Prepare guidance materials to assist teachers, school nurses, counselors, and other staff in responding to the needs of pregnant and parenting students so they can stay in school. Be mindful of issues facing male students who are parenting and opportunities to reach out to them.
- Have the school district's attorney, *Title IX* coordinator, or another knowledgeable person provide workshops for administrators, teachers, and other school staff on federal, state, and local laws related to the provision of services to pregnant and parenting students.
- Have the *Title IX* coordinator provide training to students to ensure that they know that *Title IX* prohibits discrimination against pregnant and parenting students.
- Follow up to determine the reason behind any student's decision to leave school before graduation. Collect and analyze this information to see how pregnancy and parenthood affect your district's dropout rate, and how those issues can be addressed or resolved.
- Consider asking pregnant and parenting students to share their views on ways that the school district can help them stay in school.
- Designate a private room for young mothers to breastfeed, pump milk, or address other needs related to breastfeeding during the school day.

- Establish policies expressing a commitment to the equal treatment of all students, regardless of their pregnancy or parenting status.
- Consider allowing pregnant or parenting students to engage in online course work to complete high school courses at home during an excused leave of absence.

Teachers

- As required by *Title IX*, assist pregnant and parenting students who have excused absences by providing them with make-up assignments and exams. As long as the absences are excused, schools should allow pregnant students to make up the work that they missed.
- Encourage pregnant and parenting students to seek the assistance of school counselors who can provide the support needed to help the students remain in school.
- Contact pregnant and parenting students who have dropped out of school and encourage them to return.
- Request to participate in workshops, or to hear from speakers who can share information, on how to provide support to pregnant and parenting students, including addressing the challenges that they may face trying to juggle work, complete school, and care for their children.

Counselors

- Recognize that pregnant and parenting students are more likely to drop out of school than are other students. Advise them of the importance of staying in school. Let them know of any school assistance that may be available to them for this purpose.

- Work with pregnant and parenting students individually and come up with a graduation plan tailored to each student's needs. This plan may include an academic credit-recovery component for pregnant and parenting students who have fallen behind.
- Contact pregnant and parenting students who have dropped out of school to see if you can offer them advice and encouragement to return.
- Whenever possible, conduct follow-up counseling with pregnant and parenting students after they drop out of school, providing them information about programs, services, and support that will help them return to school.
- Encourage the establishment of school policies and programs for pregnant and parenting students, particularly those at high risk of dropping out of school. Take a leadership role in determining what policies and programs can address students' various needs.
- Set up support groups to help pregnant and parenting students stay in school.
- Advise librarians, teachers, and pregnant and parenting students of books and materials that may be useful for keeping their education on track.
- Advise pregnant and parenting students of the availability of programs and services to help them stay in school and maintain their educational progress.
- Provide parents with information regarding the availability of programs and services that help all students stay in school and maintain their educational progress regardless of pregnancy or parenthood.

Programs Designed to Support Pregnant and Parenting Students

While not required by *Title IX*, some school districts have established programs to help pregnant and parenting students stay in school, graduate, and acquire the skills needed for parenting. Schools can provide leadership in coordinating the education, health care, counseling, and child care needed by pregnant and parenting students. These programs can provide these students with peer support and encouragement to help prevent the feelings of isolation that they may experience. These programs also can reduce the dropout rate, provide comprehensive prenatal care, and improve the health of student parents and their children.

Programs such as those described below can supplement pregnant and parenting students' regular academic course work. This is not an exhaustive list of suggested programs and may not be applicable to every specific setting in a particular school. The programs discussed in this section are provided only as examples and are not legally mandated by *Title IX*.

Prenatal, Parenting, and Life Skills Programs

Pregnant students may need prenatal programs to learn about nutrition, exercise, and caring for themselves while pregnant. Some schools have developed courses for credit, special classes during free periods, and after-school prenatal care programs. Schools can assist students in accessing such programs provided by other entities, such as community-based nonprofits, and can even offer course credits to students who take part in such programs.

Prenatal care programs may include not only pregnant students but also their partners, who can give invaluable support during pregnancy and after birth. Other programs may provide information and training in parenting skills and child development, including courses in child health and infant stimulation. Some of these programs include school nurseries, where students gain practical experience diapering, feeding, and bathing infants. Schools may also provide life-skills courses to teach pregnant and parenting students (both young men and young women) lessons on time management, including balancing schoolwork and parenting, and handling finances, so that they can continue and complete school. These programs also help prepare pregnant and parenting students for the challenges posed by higher education and work, such as by providing job-readiness training and mentoring services. They also may facilitate access for pregnant and parenting students to many health and social service programs.

Child Care and Early Learning Programs

These programs help keep parenting students in school by offering child care and early childhood education. They also enhance parenting skills and may provide transportation for students and their children. Even schools that cannot house a child care center can help pregnant and parenting students locate and secure high-quality, affordable early learning programs and services and connect parenting students with available resources in the community.

Dropout Prevention Programs

These programs identify students at a higher risk of dropping out, contact them, and encourage them to remain in or return to school. The programs can provide flexible academic options for pregnant and parenting students, so that they do not fall too far behind in earning credits towards graduation. They may also include an academic credit recovery component to help students who have already fallen far behind get back on track.

To obtain additional assistance, contact the OCR regional office responsible for the state in which the school is located. To find contact information for that office, call 1-800-421-3481 or 1-800-877-8339 (TDD) or check OCR's website at http://www.ed.gov/ocr.

Endnotes

[1] *Title IX* does not "apply to an educational institution which is controlled by a religious organization if the application of this subsection would not be consistent with the religious tenets of such organization." 20 U.S.C. § 1681(a)(3). *See also* 34 C.F.R. § 106.12(a). For application of this provision to a specific institution, please contact the appropriate OCR regional office.

[2] http://www.whitehouse.gov/issues/education/higher-education.

[3] This pamphlet replaces the pamphlet entitled *Teenage Pregnancy and Parenthood Issues Under Title IX of the Education Amendments of 1972* issued by the Office for Civil Rights in 1991.

[4] The 3 million 16- through 24-year-olds referred to are out of a total population of 38 million non-institutionalized civilians in that age range. *See* Chris Chapman et al., *Trends in High School Dropout and Completion Rates in the United States: 1972–2009* (National Center for Education Statistics, U.S. Department of Education, October 2011), available at http://nces.ed.gov/pubs2012/2012006.pdf. The statistics in this paragraph refer to the status dropout rate, which is the percentage of individuals in a given age range who are not in school and have not earned a high school diploma or alternative credential. It focuses on the overall age group as opposed to individuals in the U.S. school system. This rate is different from the event dropout rate, which estimates the percentage of public and private high school students who left high school between the beginning of one school year and the beginning of the next without earning a high school diploma or its equivalent. The national event dropout rate for the year beginning in October 2008 was 3.4 percent. The status dropout rate is also different than the averaged freshman graduation rate (AFGR), which estimates the percentage of public high school freshmen who graduate on time with a regular diploma four years after starting ninth grade. The national AFGR for U.S. public school students in the class of 2008–09 was 75.5 percent.

[5] Ben Dalton et al., *Late High School Dropouts: Characteristics, Experiences, and Changes Across Cohorts* (National Center for Education Statistics, U.S. Department of Education, June 2009). The study is based on a population of young women who were high school sophomores in 2002 who subsequently dropped out of school, and is available at http://nces.ed.gov/pubs2009/2009307.pdf.

[6] Ibid.

[7] The more than 329,000 young women referred to are out of a total population of approximately 10.7 million women in that age range. *See* Brady E. Hamilton et al., *Births: Preliminary Data for 2011*, National Vital Statistics Reports, Volume 61, Number 5 (National Center for Health Statistics, U.S. Department of Health and Human Services, October 3, 2012), available at http://www.cdc.gov/nchs/data/nvsr/nvsr61/nvsr61_05.pdf.

[8] *See* note 5.

[9] John M. Bridgeland et al., *The Silent Epidemic: Perspectives of High School Dropouts* (Bill & Melinda Gates Foundation, March 2006), available at http://www.gatesfoundation.org/united-states/Documents/TheSilentEpidemic3-06Final.pdf.

[10] Ibid.

[11] This figure is based on data from Round 11 of the National Longitudinal Survey of Youth 1997 cohort. The 1997 cohort includes nearly 9,000 persons who were born between 1980 and 1984. At the time of the data collection for Round 11, respondents were 22-28 years old. Center for Human Resource Research, The Ohio State University, National Longitudinal Survey of Youth 1997 Cohort, (Round 11) (Bureau of Labor Statistics, U.S. Department of Labor, 2007), available at http://www.bls.gov/nls/nlsy97.htm.

[12] U.S. Census Bureau, Current Population Survey: 2011 Annual Social and Economic Supplement, PINC-03 (2011), available at http://www.census.gov/hhes/www/cpstables/032011/perinc/new03_253.htm.

[13] Henry Levin et al., *The Costs and Benefits of an Excellent Education for All of America's Children* (Teachers College, Columbia University, January 2007), available at http://cbcse.org/wordpress/wp-content/uploads/2013/03/2007-Levin.Excellent-educatin-for-all-of-america%C2%B4s-children.pdf.

[14] Saul D. Hoffman, *By the Numbers: The Public Costs of Teen Childbearing* (The National Campaign to Prevent Teen Pregnancy, October 2006), available at http://www.thenationalcampaign.org/resources/pdf/pubs/btn_full.pdf.

[15] 34 C.F.R. § 106.40(b)(1). References to pregnancy include all of the related conditions covered by the regulation.

[16] Ibid., § 106.40(a).

[17] Ibid., § 106.40(b)(1).

[18] Ibid., § 106.40(b)(3).

[19] Ibid., § 106.40(b)(5).

[20] Ibid., § 106.40(b)(4).

[21] OCR also enforces *Title II of the Americans with Disabilities Act* (*Title II*), 42 U.S.C. § 12131 *et seq*., and its implementing regulations, and Section 504 of the *Rehabilitation Act of 1973* (Section 504), 29 U.S.C. § 794, and its implementing regulations. An uncomplicated pregnancy, by itself, does not constitute a physical impairment and therefore is not considered a disability under *Title II* or Section 504. Complications resulting from pregnancy may be impairments. Whether a student with a complication resulting from pregnancy is protected under Section 504 and *Title II* depends on whether the complication is an impairment that substantially limits a major life activity, or alternatively, whether the student has a record of or is regarded as having such impairment. *See* 34 C.F.R. § 104.3(j); 28 C.F.R. § 35.104. *See also* 29 C.F.R. Part 1630, App. § 1630.2(h).

[22] 34 C.F.R. § 106.40(b)(2).

[23] Ibid., § 106.40(b)(3).

[24] Ibid.

[25] Ibid., § 106.40(b)(2).

[26] OCR considers the conduct from both a subjective and objective perspective. For more information on the *Title IX* requirements related to sexual harassment, see OCR's *Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties* (January 19, 2001), available at http://www.ed.gov/ocr/docs/shguide.html; *Sexual Harassment: It's Not Academic* (Revised September 2008), available at http://www.ed.gov/ocr/docs/ocrshpam.html; Dear Colleague letter on Harassment and Bullying (October 26, 2010), available at http://www.ed.gov/ocr/letters/colleague-201010.pdf; and Dear Colleague letter on Sexual Violence (April 4, 2011), available at http://www.ed.gov/ocr/letters/colleague-201104.pdf.

[27] 34 C.F.R. § 106.40(b)(1).

[28] Ibid. A school may, however, require a pregnant student to obtain a doctor's certification to continue participation as long as such certification is required of all students for physical or emotional conditions requiring the attention of a physician. *See* 34 C.F.R. § 106.40(b)(2). *See also* page 8, supra.

[29] Ibid., § 106.31(a), (b)(6), (b)(7).

[30] Ibid., § 106.40(b)(5).

[31] Ibid., § 106.40(b)(2).

[32] Ibid., § 106.40(b)(4).

[33] Ibid., § 106.11.

[34] For more information on the procedural requirements of *Title IX*, see the sources listed in note 26.

[35] Ibid., § 106.8(b).

[36] Ibid., § 106.8(a).

[37] Ibid., § 106.9(a).

[38] Ibid., § 106.9(b).

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