

Pregnant or Parenting at School: Know Your Rights

By law, you have the right to learn free from sex-based discrimination, including discrimination because of your pregnancy or related conditions. This law is called Title IX.¹

This fact sheet provides an overview of your rights under Title IX. All educational programs or activities that receive federal funding must follow Title IX.² That includes most colleges and universities, public K-12 schools, and even private K-12 schools if they receive federal funds.³ Title IX applies across the country.

If you have questions about your rights, or need assistance, contact A Better Balance's free and confidential legal helpline at 1-833-NEED-ABB (1-833-633-3222) or visit <https://www.abetterbalance.org/get-help/>.

You have the right to stay at your school.

- Some schools offer “alternative” educational programs or schools for pregnant students. Your school cannot pressure or force you to attend one of these programs. It must be your choice.⁴
- If your school offers an alternative program, that program must be “comparable” to your school’s traditional program.⁵ That means the program must offer you similar kinds of academic and extracurricular opportunities.⁶

You have the right to stay in your same classes and extracurricular activities.

- Your school may not exclude you from any classes or activities because of your pregnancy or a related condition, such as childbirth, miscarriage, abortion, or lactation.⁷
- That means you must be allowed to continue participating in your honors and AP classes, honor society, sports, extracurriculars, clubs, and leadership opportunities.

You have the right to learn free from harassment.

- Your school must take steps to protect you from sex-based harassment related to your pregnancy or a related condition, like childbirth, miscarriage, abortion, or lactation.
- Unlawful harassment includes unwelcome physical touching, name-calling, sexual jokes, sexual propositions, or spreading rumors about your sexual activity.⁸
- Your school must take prompt, effective action to stop the harassment and prevent it from happening again.⁹ For example, your school may need to provide you an escort to walk you to class.¹⁰ Your school must also address the impact the harassment had on you. For instance, your school may need to adjust poor grades you received as a result of the harassment.

You have the right to get the support you need to be able to continue learning.

Your school must make reasonable modifications, or adjustments, so that you can continue to learn while you are pregnant or recovering from childbirth.¹¹ Examples of modifications you can request include:

- More frequent breaks to use the restroom
- Larger desk or other physical modifications to your learning environment
- Access to the school elevator
- Protective gear, such as for science lab
- Breaks to express milk¹²
- And more

If your school denies you the changes you need to be able to learn, that could violate your rights under Title IX.

You have the right to the same special services that other students with temporary medical conditions receive.

Your school must offer you the same special services that it offers to non-pregnant students with temporary medical conditions.¹³ For example, those could include:

- Online classes
- At-home tutoring
- Independent study
- And more

You have the right to excused absences for pregnancy-related needs, including childbirth, without penalty.

- Your school must excuse your absences due to pregnancy or related conditions, such as for prenatal or postnatal appointments, to recover from childbirth, to obtain an abortion, or to pump milk.¹⁴ Your school must excuse these absences for as long as your doctor says is medically necessary.¹⁵
- Your teachers may not punish you for these pregnancy-related absences. For example, your teacher may not refuse to allow you to submit an assignment late because of pregnancy-related absences. Likewise, if your teacher bases students' grades on class participation or attendance, they should allow you to make up the credits you missed, so that you are not penalized for your absences.¹⁶
- When you return, your school must restore you to the same academic and extracurricular status as before you went on leave.¹⁷ That includes the opportunity to make up work you missed while you were away. For example, you could ask to get extra time to finish the class at a later date, to attend an online course credit recovery program, or to retake the semester.¹⁸ Generally, your school should allow you to decide how you want to make up the work.¹⁹

You have the right to learn free from sex discrimination based on your parental status.

- Your school may not discriminate against you based on your sex. That means sex discrimination related to your parental status, family status, or marital status is unlawful.²⁰
- For example, it is unlawful to treat you differently based on gendered stereotypes about how a parent should act. A school may not have a policy of offering excused absences to mothers but not fathers to take children to the doctor, for instance.
- Your school also has a responsibility to protect you from sex-based harassment related to your parental status, family status, or marital status.

You may have additional rights under other nationwide laws, state laws, or local laws.

- You may have rights under other nationwide laws. For example, if you have a pregnancy-related disability, you may have additional protection from discrimination at school under Title II of the Americans with Disabilities Act or Section 504 of the Rehabilitation Act.²¹ Or, if you are also a student employee, you might have rights under the [Pregnant Workers Fairness Act](#) or [PUMP for Nursing Mothers Act](#).
- Depending on where you go to school, you may have additional rights under state and local laws as well.²²

If your rights are not being respected, you have options.

- **You can call us.** If you have questions about your rights, or if you are having trouble getting what you need at school, call our free, confidential legal helpline at 1-833-633-3222 or write to us at <https://www.abetterbalance.org/get-help/>.
- You can ask your school's Title IX Coordinator for help, or report discrimination to them. By law, every school or school district must have a Title IX Coordinator. Your school must tell you the name and contact information for that person.
- You can file a formal complaint with the U.S. Department of Education's Office for Civil Rights,²³ or a lawsuit in court.

The information in this fact sheet is not legal advice. It is always advisable to consult an attorney about your individual circumstances.

¹ The full name of the law is "Title IX of the Education Amendments of 1972." 20 U.S.C. § 1681(a).

² 20 U.S.C. § 1681(a).

³ *Know Your Rights: Pregnant or Parenting? Title IX Protects You From Discrimination at School*, U.S. DEPT. OF ED. OFF. OF CIV. RTS., <https://www2.ed.gov/about/offices/list/ocr/docs/dcl-know-rights-201306-title-ix.html>; see also *Discrimination Based on Pregnancy and Related Conditions*, U.S. DEPT. OF ED. OFF. OF CIV. RTS. (Oct. 2022), <https://www2.ed.gov/about/offices/list/ocr/docs/ocr-pregnancy-resource.pdf> ("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.").

⁴ 34 C.F.R. § 106.40(b)(3).

⁵ 34 C.F.R. § 106.40(b)(3).

⁶ *Know Your Rights: Pregnant or Parenting? Title IX Protects You From Discrimination at School*, U.S. DEPT. OF ED. OFF. OF CIV. RTS., <https://www2.ed.gov/about/offices/list/ocr/docs/dcl-know-rights-201306-title-ix.html>.

⁷ 34 C.F.R. § 106.40(b)(1) (covering "related conditions" such as "childbirth" and "termination of pregnancy or recovery therefrom"). Although Title IX does not explicitly address lactation, lactation is widely understood to be a "related condition" to pregnancy. See,

e.g., EEOC Enforcement Guidance on Pregnancy Discrimination and Related Issues (June 25, 2015), <https://www.eeoc.gov/laws/guidance/enforcement-guidance-pregnancy-discrimination-and-related-issues>.

⁸ *Know Your Rights: Pregnant or Parenting? Title IX Protects You From Discrimination at School*, U.S. DEPT. OF ED. OFF. OF CIV. RTS., <https://www2.ed.gov/about/offices/list/ocr/docs/dcl-know-rights-201306-title-ix.html>.

⁹ U.S. DEPT. OF ED., OCR-00069, SUPPORTING THE ACADEMIC SUCCESS OF PREGNANT AND PARENTING STUDENTS 10 (June 2013), <https://www2.ed.gov/about/offices/list/ocr/docs/pregnancy.pdf> (“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.”).

¹⁰ 34 C.F.R. § 106.30 (describing “campus escort services” and other supportive services for victims of harassment); U.S. DEPT. OF ED, QUESTIONS & ANSWERS ON THE TITLE IX REGULATIONS 18 (June 28, 2022), <https://www2.ed.gov/about/offices/list/ocr/docs/202107-qa-titleix.pdf> (same).

¹¹ 34 C.F.R. § 106.40(b)(1); U.S. DEPT. OF ED., OCR-00069, SUPPORTING THE ACADEMIC SUCCESS OF PREGNANT AND PARENTING STUDENTS 9 (June 2013), <https://www2.ed.gov/about/offices/list/ocr/docs/pregnancy.pdf>.

¹² Your school should also offer you a private, clean space to express milk if you need it. If your school refuses to provide you space to pump, and that limits your education, that could violate Title IX. See *Fact Sheet: Protections for Lactating Students*, The Pregnant Scholar, <https://thepregnantscholar.org/wp-content/uploads/FACT-SHEET-Breastfeeding.pdf> (“Accommodations may be necessary to ensure that lactating students are not denied an equal educational opportunity merely because of their sex-linked health condition.”) (last updated Nov. 2021). Moreover, many schools are already required to provide a private, non-bathroom space for their employees to pump milk, under a law called the PUMP For Nursing Mothers Act. See PUMP For Nursing Mothers Act, Pub. L. No. 177-328, 136 Stat. 6093; see also *Talking to Your Boss About Your Pump*, A Better Balance (Apr. 18, 2023), <https://www.abetterbalance.org/resources/talking-to-your-boss-about-your-pump-your-rights-under-the-federal-pump-for-nursing-mothers-act/> (last updated Nov. 8, 2023). They can and should make those spaces available to you, too.

¹³ 34 C.F.R. § 106.40(b)(4); U.S. DEPT. OF ED., OCR-00069, SUPPORTING THE ACADEMIC SUCCESS OF PREGNANT AND PARENTING STUDENTS 10 (June 2013), <https://www2.ed.gov/about/offices/list/ocr/docs/pregnancy.pdf>.

¹⁴ 34 C.F.R. § 106.40(b)(5).

¹⁵ 34 C.F.R. § 106.40(b)(5); U.S. DEPT. OF ED., OCR-00069, SUPPORTING THE ACADEMIC SUCCESS OF PREGNANT AND PARENTING STUDENTS 10 (June 2013), <https://www2.ed.gov/about/offices/list/ocr/docs/pregnancy.pdf>.

¹⁶ *Know Your Rights: Pregnant or Parenting? Title IX Protects You From Discrimination at School*, U.S. DEPT. OF ED. OFF. OF CIV. RTS., <https://www2.ed.gov/about/offices/list/ocr/docs/dcl-know-rights-201306-title-ix.html>; see also *Discrimination Based on Pregnancy and Related Conditions*, U.S. DEPT. OF ED. OFF. OF CIV. RTS. (Oct. 2022), <https://www2.ed.gov/about/offices/list/ocr/docs/ocr-pregnancy-resource.pdf>.

¹⁷ 34 C.F.R. § 106.40(b)(5).

¹⁸ U.S. DEPT. OF ED., OCR-00069, SUPPORTING THE ACADEMIC SUCCESS OF PREGNANT AND PARENTING STUDENTS 10 (June 2013), <https://www2.ed.gov/about/offices/list/ocr/docs/pregnancy.pdf>.

¹⁹ U.S. DEPT. OF ED., OCR-00069, SUPPORTING THE ACADEMIC SUCCESS OF PREGNANT AND PARENTING STUDENTS 10 (June 2013), <https://www2.ed.gov/about/offices/list/ocr/docs/pregnancy.pdf>.

²⁰ 34 C.F.R. § 106.40(a).

²¹ 28 C.F.R. § 35.130(b)(7)(i) (“[A] public entity shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability.”); 34 C.F.R. § 104.44(a) (requiring federal funding recipients to make reasonable modifications to academic requirements when necessary to avoid discrimination against students on the basis of disability). See also *Disability Discrimination*, U.S. DEPT. OF ED. OFF. OF CIV. RTS., <https://www2.ed.gov/about/offices/list/ocr/frontpage/faq/disability.html> (describing the protections students may have under Title II and Section 504).

²² See, e.g., CAL. ED. CODE §§ 66023.5, 66027.4, 66027.6, 66025.81, 66027.81 (AB 2881) (2022); TEXAS ED. CODE § 51.982 (SB 412) (2023); see also *New Protections for Pregnant and Parenting Students in Texas*, The Pregnant Scholar (July 25, 2023), <https://thepregnantscholar.org/new-protections-for-pregnant-and-parenting-students-in-texas/>.

²³ To file a complaint with the U.S. Department of Education, visit <https://www2.ed.gov/about/offices/list/ocr/complaintintro.html>.