



## **Best Practices for Issues Related to Pregnancy and Athletic Participation**

### 1. Introduction

Title IX of the Education Amendments of 1972 bars discrimination on the basis of sex, which includes the guarantee of equal educational opportunities to pregnant and parenting students. BP 6145.2 and AR 6145.2 provide, in part, that no person shall, on the basis of physical disability, be excluded from participation in, be denied the benefits of, be denied equivalent opportunity in, or otherwise be discriminated against in interscholastic, intramural, or club athletics. (Education Code 220, 230; 5 CCR 4920; 34 CFR 106.41)

This means that our student-athletes cannot be discriminated against because of their parental or marital status, pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery therefrom.

### 2. Scope

These Best Practices provide for pregnant and parenting students, including those with pregnancy related conditions, and remind of the prohibition against retaliation of any student or employee who complains about issues related to the implementation of these Best Practices.

### 3. General Principals

- a. The District should treat pregnancy, childbirth, false pregnancy, termination of pregnancy and recovery from any of these conditions in the same manner, and under the same policies, as any other temporary disability.
- b. The obligation for a female athlete to report the condition of her pregnancy or pregnancy related condition to her coach should be no different than the obligation of the athletes to inform their coach of other medical conditions. Districts should work to create an environment which encourages the student athlete to voluntarily reveal her pregnancy, pregnancy related condition, and his or her parenting status, in order for the District to provide appropriate support for physical and mental health.

- c. Female athletes should undergo the same type of physical examination and tests to be eligible for athletic competition as males.
  - d. The District should not require any written or verbal contract that requires a student-athlete to not get pregnant or become a parent as a condition of participating on a team.
4. After a Pregnancy-Related Condition is Disclosed
- a. When a student-athlete reveals her pregnancy, a pregnancy related condition or parenting status to athletics personnel, they should reiterate the District's commitment to protection of the student-athlete's team membership status and should refer the student-athlete to a District representative trained in providing support about pregnancy, including the athlete's options and rights to continue to participate in athletics, and the effect, if any on student-athlete eligibility rules. As part of that support, the student should be encouraged her to work in collaboration with her maternal health care provider. The District should maintain the privacy of the information as they would any other medical condition. Athletics personnel should not counsel the student on pregnancy related choices.
  - b. The District may require such a student to obtain the certification of a physician that the student is physically and emotionally able to continue participation in her athletic team so long as such a certification is required of student-athletes who experience other temporary disabilities. Because of the great variety in the demands of certain sports and in the health fitness of the pregnant female athlete, no standard timeline for the permissibility of competition during pregnancy should be established.
  - c. The District should not suggest to any student-athlete that his or her continued participation on a team will be affected in any way by pregnancy or parental status.
  - d. Districts should allow a pregnant or parenting student-athlete to fully participate on the team, including all team-related activities, unless the student-athlete's physician or other medical caregiver certifies that participation is not medically safe.
  - e. Districts should allow a pregnant student-athlete to continue to participate in a limited manner on the team, including all team-related activities, unless the student-athlete's physician or other medical caregiver certifies that partial participation is medically unsafe.
  - f. A student-athlete with a pregnancy-related condition must be provided with the same types of modifications provided to other student-athletes to allow continued team participation. They are entitled to assistance and rehabilitation on the same

basis as such assistance is provided to student-athletes with other temporary disabilities.

- g. Medically necessary absences from team activities due to pregnancy should be considered excused absences. If a student takes a medical pregnancy leave, at the end of that leave they should be reinstated to the same status they had before the leave.
- h. Districts should not allow a hostile or intimidating environment on the basis of pregnancy or parental status to exist. Acts or statements from coaches or students that are hostile toward pregnancy or parenting, or that shun or shame the student-athlete because she is pregnant or parenting, constitute sex harassment and/or discrimination and should be strictly prohibited.

#### 5. Non-Retaliation

As with all complaints of discrimination, retaliation should be specifically prohibited against anyone who complains about pregnancy or parental status discrimination, even if the person was in error about the lawfulness of the conduct.