

Title IX Protocol And Procedures For Pregnancy And Related Conditions Involving Students

Introduction

Title IX regulations, issued by the Secretary of Education and take effect on August 1, 2024, amends the regulations implementing Title IX of the Education Amendments of 1972 (Title IX). The final regulations, which prohibit discrimination on the basis of sex—including pregnancy and related conditions—in educational programs and activities, strengthen requirements that schools provide reasonable modifications and ensure equal access for students based on pregnancy or related conditions.

Policy Statement

The Newton Public Schools does not discriminate in its education program or activity against any student based on the student's current, potential, or past pregnancy or related conditions.

Definition

Pregnancy or Related Conditions means:

- Pregnancy, childbirth, termination of pregnancy, or lactation;

- Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or

- Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

All Employee Reporting Responsibilities

- When a student, or a person who has a legal right to act on behalf of the student, informs any employee of the District of a student's pregnancy or related conditions, unless the employee reasonably believes that the Title IX Coordinator has been notified, the employee will:
 - Promptly provide that person with the Title IX Coordinator's contact information:

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- Inform that person that the Title IX Coordinator can coordinate specific actions to prevent sex discrimination and ensure the student's equal access to the District's education program or activity.
- Act in conformity with the Protocol For Reporting and Investigating Sexual Harassment and Retaliation Pursuant to Title IX regarding preventing and reporting discrimination based on pregnancy and related conditions.

Responsibilities Of The Title IX Coordinator

Upon receiving information about a student's pregnancy or pregnancy related conditions, the Title IX Coordinator shall coordinate actions on behalf of the District to promptly and effectively prevent sex discrimination and ensure equal access to the District's education program or activity pursuant to the provisions of Title IX. These actions include:

- **Notice of Nondiscrimination**: Informing the student, and if applicable, the person who notified the Title IX Coordinator of the student's pregnancy or related conditions and has a legal right to act on behalf of the student, of the District's obligations under Title IX and providing the District's notice of nondiscrimination.
- **Reasonable Modifications**: Arranging for the provision of reasonable modifications to facilitate the student's participation in educational programs and activities and prevent sex discrimination. All reasonable modifications should be tailored to each student's individualized needs, and the Newton Public Schools must consult with the student when determining what modifications will be made available. Modifications that fundamentally alter the educational program or activity are not reasonable modifications. Reasonable modifications may include, but are not limited to:
 - Lactation breaks to pump breast milk or breastfeed
 - Breaks to attend to health needs that are associated with pregnancy or related conditions, including eating, drinking or using the restroom
 - Intermittent absences to attend medical appointments
 - Access to online or home education programs
 - Schedule changes
 - Time extensions for coursework and the ability to reschedule tests/exams
 - Allowing students to sit or stand as needed
 - Allowing students to carry or keep water nearby

- Changes in physical space or supplies (e.g., larger desks, footrests)
- A larger uniform or other required clothing/equipment
- Elevator access
- Counseling services
- Other changes to policies, practices or procedures as determined by the Title IX Coordinator

The student may accept or decline any reasonable modification offered by the Newton Public Schools.

The District will only require supporting documentation that is necessary and reasonable to determine reasonable modifications. The District will not request documentation for reasonable modifications such as when a student who is pregnant needs a bigger uniform; when the student has previously provided the recipient with sufficient supporting documentation; when the reasonable modification because of pregnancy or related conditions at issue is allowing a student to carry or keep water nearby and drink, use a bigger desk, sit or stand, or take breaks to eat, drink, or use the restroom; when the student has lactation needs.

- **Access to Lactation Spaces**: Ensuring access to a safe lactation space. Lactation spaces are cleaned regularly, shielded from view, and free from the intrusion of others.
- **Voluntary Access to Alternative Programming**: Providing voluntary access to any separate and comparable portion of the District’s education program or activity. Students may NOT be forced to participate in alternative programs based on their pregnancy or related conditions.
- **Voluntary Leave of Absence**: Arranging a voluntary leave of absence for a reasonable time determined by the student’s healthcare provider because of their pregnancy or related conditions. When the student returns from a leave of absence, the student must be reinstated to the same academic status, and as practicable, to the extracurricular status that the student held when the voluntary leave began. To request tutoring in these circumstances, a family must fill out the District’s home-hospital tutoring form.

Certification To Participate In Activities

Pregnant students and those experiencing related conditions may not be excluded from any classes or activities because of their pregnancy or related conditions.

The Newton Public Schools will not require a student who is pregnant or has related conditions to provide certification from a healthcare provider or any person that the student is physically able to participate in the District’s class, program, or extracurricular activity unless:

- The certified level of physical ability or health is necessary for participation in the class, program, or extracurricular activity;
- The recipient requires such certification of all students participating in the class, program, or extracurricular activity; and
- The information obtained is not used as a basis for discrimination.

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