



Protections for Pregnant and Parenting Students

Title IX 101 Webinar Series

Date

Oregon Department of Education

Civil Rights Unit

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Webinar Expectations

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- Questions will be **answered** at the end of each section.
- General questions will be addressed at the end during the **open Q & A**
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- This webinar will not be recorded; however, you will receive a **follow up email** with a PDF of the slide deck.

Today's Agenda

- What is Title IX
- What the Data Shows: Youth Pregnancy and Parenting
- Protections for Pregnant/Parenting Students: Title IX and Oregon Law
- Supporting Pregnant/Parenting Students
- Resources, Support, and Options

Content Note:

This webinar discusses protected class discrimination. Explicit and discriminatory language is occasionally used. All examples are solely for educational purposes and are designed to contain elements of situations that may occur in Oregon K-12 schools/districts.

Terms & Acronyms



OCR – U.S. Department of Education Office for
Civil Rights

CRC – Civil Rights Coordinator



What is Title IX

Title IX: Sex Discrimination

1972 civil rights law that prohibits sex discrimination in federally funded education programs.

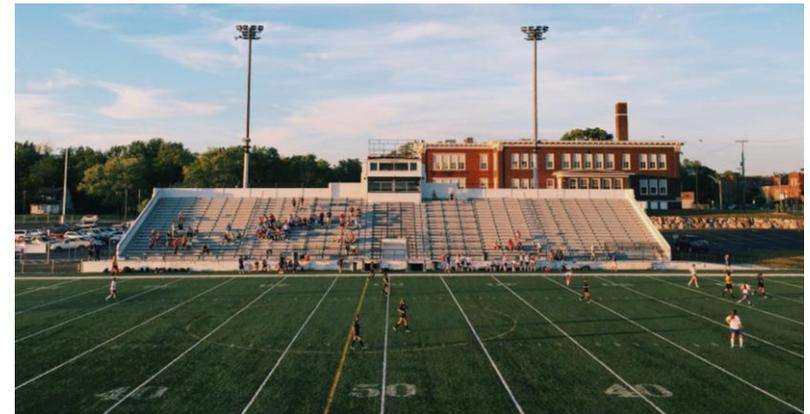
Title IX applies to all public K-12 schools in Oregon, including public charter schools.

“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.”

Education Programs and Activities

Title IX applies to all parts of a school's education programs and activities!

- In the classroom
- At lunch and recess
- On the bus
- On field trips
- At athletic events, including away games
- During clubs and after-school programs



photos from [Savann Prak](#) and [Aaron Burden](#); unsplash.com

School/District Obligations Under Title IX

Sex discrimination under Title IX includes different treatment based on sex, including pregnancy/parenting status and sexual harassment. Under Title IX, schools cannot...

- Deny a student aid, benefits, or services based on sex
- Make separate rules or systems for students based on sex
- Partner with organizations that discriminate based on sex
- Ignore harassment or bullying based on sex, including sexual harassment, comments about a student's sex or gender, etc

Title IX and Pregnancy/Parenting

A recipient shall not apply any rule concerning a student's actual or potential parental, family, or marital status which treats students differently on the basis of sex.

34 CFR 106.40(a)

Pregnancy includes “pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery therefrom.”

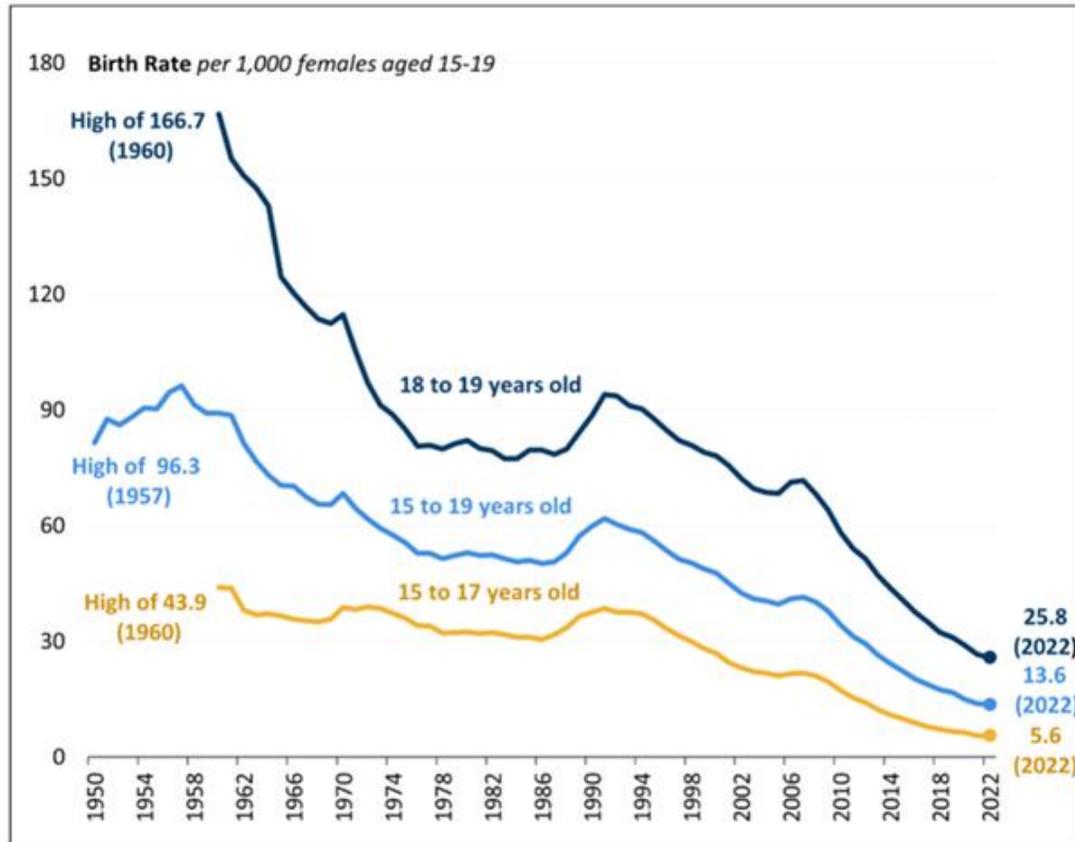


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What the Data Shows: Youth Pregnancy and Parenting

Youth Pregnancy and Parenting Rates



[Data and Statistics on Adolescent and Reproductive Health, HHS](#)

In 2024 in Oregon, there were **2,023** pregnancies and 1,144 live births for youth 19 and under. **614** of those pregnancies were for youth **17 and under.**

[OHA](#)

While Oregon's youth birth rate is the 12th lowest in the U.S., several Oregon counties have birth rates well above the national average.

[CDC](#), [OHA](#)

Barriers for Parenting Youth

Only **50%** of teen mothers receive a high school diploma by the time they're 22 years old. **1/3** never receive a high school diploma or GED.

ChildTrends Fact Sheet, 2010

- Lack of support at school
- Discouraged from staying in school or pursuing goals
- Punitive absence policies
- Lack of childcare
- Transportation
- Economic instability
- Lack of available accommodations in schools
- Inaccessible homebound instruction
- Unequal educational alternatives
- Insufficient time to study/work
- School violence or bullying

Opportunities for Parenting Youth

"...young mothers typically report that becoming a parent gave them **more motivation to succeed academically**—even if they were previously disengaged in school."

[National Women's Law Center](#)

[Research shows](#) that when services are provided (such as supportive school accommodations, access to sexual and reproductive health care, and community-based social services), it can lead to positive experiences and outcomes for school-aged parents and their children.



Protections for Pregnant/Parenting Students: Title IX and Oregon Law

Title IX

Title IX prohibits discrimination based on marital and parental status, including specific prohibitions related to pregnancy and related conditions.

[34 CFR 106.40](#)

[2013 OCR Guidance: Supporting the Academic Success of Pregnant and Parenting Students](#)

[2013 OCR Resource: Know Your Rights: Pregnant or Parenting? Title IX Protects You From Discrimination At School](#)



U.S. DEPARTMENT OF EDUCATION

Supporting the Academic Success of Pregnant and Parenting Students

Under *Title IX* of the Education Amendments of 1972

[OCR-00069]

Oregon Law: ORS 336.640

[ORS 336.640](#) requires the State Board of Education to adopt procedures related to the education of pregnant and/or parenting students. Under the requirements, schools are obligated to:

- (a) Inform pregnant and parenting students and their parents of the availability of such services in the school district, education service district or in the community;
- (b) Facilitate the provision of such services, including counseling, life skills and parenting education, child care, transportation, career development and health and nutrition services to pregnant and parenting students;
- (c) Inform pregnant and parenting students and their parents of the availability of resources provided by other agencies, including health and social services;
- (d) Provide educational programs and schedules that address the individual learning styles and needs of pregnant and parenting students; and
- (e) Develop individualized educational programs or services, or both, to address the needs of pregnant or parenting students when their educational needs cannot be met by the regularly provided school program.

Obligation: Educational Access

A recipient shall not discriminate against any student, or exclude any student from its education program or activity, including any class or extracurricular activity, on the basis of such student's pregnancy [or related conditions]...

34 CFR 106.40(b)(1)

No pregnant or parenting student shall be excluded from the public schools solely on the basis of pregnancy or parenthood.

ORS 336.640(3)

This includes all programs activities of the school, including classes, extracurricular activities, clubs, athletics, field trips, and more.

Obligation: Limited Certification to Participate

“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. 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.”

Guidance, 2013 (citing 34 CFR 106.40(b)(2))



photo from [Vince Fleming](#); unsplash.com

Option: Separate Programs

“A school may offer separate programs or schools for a pregnant student, but participation in those programs or schools must be completely voluntary.”

Guidance, 2013 (citing 34 CFR 106.40(b)(3))

Schools MAY offer separate programs to pregnant or parenting students.

- Enrollment must be completely voluntary; if a student wishes to remain in their home school, they must be allowed to do so.

Obligation: Support Options



photo from [Ryan Fields](https://unsplash.com/photos/ryan-fields); unsplash.com

- (a) Inform pregnant and parenting students and their parents of the availability of such services in the school district, education service district or in the community;
- (b) Facilitate the provision of such services, including counseling, life skills and parenting education, child care, transportation, career development and health and nutrition services to pregnant and parenting students;
- (c) Inform pregnant and parenting students and their parents of the availability of resources provided by other agencies, including health and social services;

[ORS 336.640\(1\)](#)

Obligation: Reasonable Adjustments

“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.”

Guidance, 2013 (citing 34 CFR 106.40(b)(3))

Examples of adjustments:

- Allowing the student to sit, stand, or carry water
- Periodic excused absences for medical appointments
- Providing a larger desk or larger uniforms
- Excusing the student to breastfeed or express breast milk

Obligation: Leaves of Absence

“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.

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.”

Guidance, 2013 (citing 34 CFR 106.40(b)(2))

Obligation: Responding to Harassment

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... 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.

Guidance, 2013

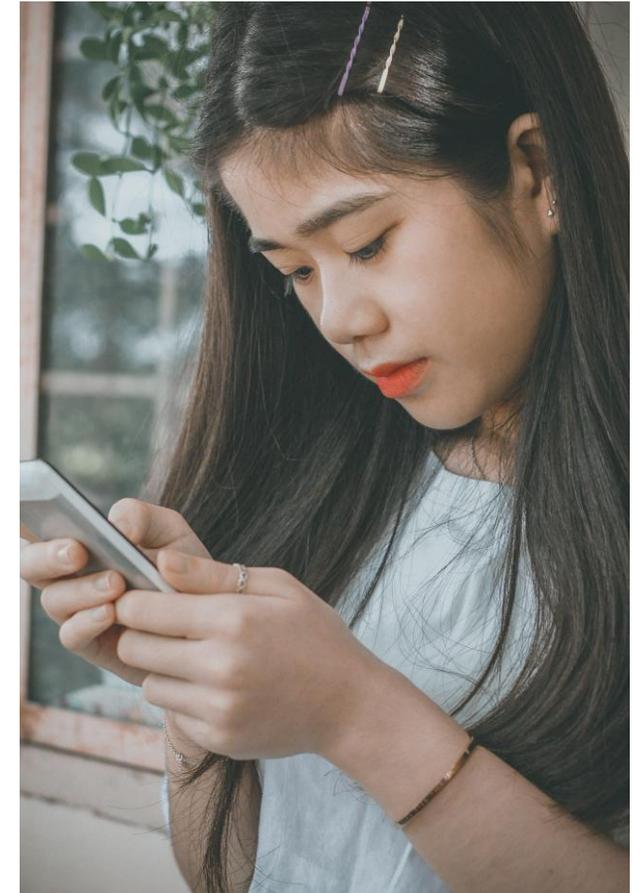


photo from Y-n-y-n; unsplash.com

Scenario: Chelley



photo from Omar Roque; Unsplash

Chelley discloses to her school counselor that she is three months pregnant. Chelley is worried about telling her softball coach because she is afraid she will be pulled from the team; she also doesn't want to be forced to attend the school's alternative program for parenting students, since she's determined to take as many advanced classes as possible and get a scholarship to Oregon State. Chelley asks the counselor what she can do to ensure that her pregnancy doesn't impact her academic opportunities.

What is the school required to do for Chelley under Title IX and Oregon law?



Supporting Pregnant/ Parenting Students

Troy University Pregnancy Discrimination Case

“...when the student became unable to fit into a classroom desk due to her pregnancy, she requested a table for one of her classes, but never received one. She also was penalized in a class for poor attendance and received a failing grade in another class because she was denied the ability to make up work.

OCR’s investigation identified concerns that:

- The university did not make reasonable and responsive adjustments responsive to the student’s pregnancy-related requests.*
- Those responses the university did offer to the student’s requests were ad hoc and uncoordinated.*
- The Title IX coordinator did not consistently or timely intervene when the student alerted him to issues with certain classes.*
- No evidence reflected that the Title IX coordinator responded to a professor who sought guidance in addressing the student’s requests. And,*
- The absence of available information about how to obtain pregnancy-related adjustments contributed to the university’s uncoordinated response and left the student to make multiple requests through both the university’s Title IX coordinator and individual professors.”*

[U.S. Department of Education’s Office for Civil Rights Announces Resolution of Pregnancy Discrimination Investigation of Troy University in Alabama](#)

What can we learn from Troy's OCR case?

In the resolution agreement, the school was required to:

- update and/or draft policies on addressing accommodation requests for pregnant students
- add information to their website about the rights of pregnant students and how to request adjustments/accommodations
- provide training to staff
- track requests and responses for pregnancy adjustments/accommodations

Questions to ask:

- How do you know if you are serving any pregnant or parenting students?
- What services does your school or district provide to pregnant or parenting students?
- How do pregnant or parenting students learn about their rights?
- Do you have a process in place so that pregnant and parenting students can request and receive adjustments/accommodations?

Ensure civil rights processes are in place at school, and that staff know they apply to pregnant and parenting students.

- Title IX Coordinators and Civil Rights Coordinators should receive appropriate training on protections for pregnant and parenting students under Title IX.
 - Civil rights personnel should review Title IX and Oregon law and ensure district compliance.
- Nondiscrimination policies and procedures should be used to address any discrimination experienced by pregnant or parenting students.

Train appropriate staff on responding to pregnant and parenting students and their rights.

- Identify personnel who are most likely to encounter and provide support to pregnant and parenting students: school counselors, school nurses, building administrators, civil rights personnel, etc.
- Ensure a key subset of staff in each building understand the rights and options available to pregnant and parenting students.

Audit your available resources for pregnant and parenting students at school and in the community.

- Oregon law requires school districts to facilitate the provisions of available resources to pregnant and parenting students, including resources such as childcare, transportation, and counseling.
- Explore resources available in your community widely, not just in your school/district.
- Check your policies and procedures – do they take into account needed flexibility and support for pregnant and parenting students?
 - Ex: attendance policies, cell phone policy, athletics policies

Address common barriers for pregnant and parenting students.

"Girls who are pregnant or parenting ranked **protection from bullying and harassment** among the most important things that schools could do to help them."

[National Women's Law Center](#)

- Students need program flexibility to succeed.
- Ensure staff are serving as supportive advocates and not enhancing barriers.



Resources, Support, and Options

Finding Your Title IX Coordinator

Schools are required to post the name (or title), phone number, and email address for their Title IX Coordinator on their website [34 CFR 106.8\(b\)\(2\)\(i\)](#)

- This is also required for a school's Civil Rights Coordinator, an Oregon-based requirement [OAR 581-021-0045\(4\)\(b\)\(E\)\(iii\)](#)
- Where to look:
 - District (or charter school) website
 - Footer of homepage
 - Link (or search): Title IX, nondiscrimination

Title IX Complaint Options

Local Complaint
File at your school/district



ODE Complaint
Appeal a complaint to ODE after
attempting to resolve at the local level

OCR Complaint
File with the U.S. Department of
Education

Resources at ODE

For Students, Families, and Communities

ODE.CivilRightsSupport@ODE.oregon.gov

- One-on-one support available for navigating civil rights complaint processes and resolution options

For School and District Staff

ODE.CivilRights@ODE.oregon.gov

- Virtual open trainings available throughout the school year; district-specific trainings possible (reach out!)
- One-on-one technical assistance available with Civil Rights Specialists

Remember...

- Discrimination against a pregnant/parenting students is a form of sex discrimination covered by Title IX.
- Both Title IX and Oregon law require school districts to take specific actions to support pregnant and parenting students, and prohibit other actions that would discriminate against pregnant and parenting students.
- While youth pregnancy rates are decreasing in Oregon, these students face significant educational barriers. Pregnant and parenting youth can succeed academically when they receive support and resources at school.
- If a student experiences discrimination or harassment due to their pregnancy or parenting status, they can file a civil rights complaint with the school, with the Office for Civil Rights, or with ODE.

Resources

ODE Civil Rights Website

- [Resources for Families and Communities Experiencing Discrimination](#)
- [Resources for Title IX Coordinators](#)

Advocates for Youth: Know Your IX

U.S. Department of Education: File a Civil Rights Complaint

25-26 Title IX 101 Webinar Series

Title IX 101

- Wednesday, Sept 24, 1:30-2:30 pm
- [Tuesday, Jan 20, 12-12 pm](#)

Addressing Sexual Harassment Under Title IX and Oregon Law

- Wednesday, Oct 8, 1:30-2:30 pm
- [Tuesday, Feb 3, 12-1 pm](#)

Title IX and Athletic Access

- Wednesday, Oct 22, 1:30-2:30 pm
- [Tuesday, Feb 17, 12-1 pm](#)

Protections for Pregnant and Parenting Students

- Wednesday, Nov 5, 1:30-2:30 pm
- [Tuesday, Mar 3, 12-1 pm](#)

Navigating the Title IX Complaint Process

- [Wednesday, Nov 19, 1:30-2:30 pm](#)
- [Tuesday, Mar 17, 12:00-1:00 pm](#)



CONTACT US

School and district staff:

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Students, families, and community members:

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