

SUBJECT: EDUCATIONAL SERVICES FOR MARRIED/PREGNANT STUDENTS**Overview**

The District is committed to creating and maintaining an environment which is free from discrimination and harassment. This policy addresses educational services for married/pregnant students. It is just one component of the District's overall commitment to maintaining a discrimination and harassment-free educational and work environment.

The opportunity to participate in all of the education programs and activities operated by the District will not be restricted or denied because of a student's current, potential, or past parental, family, or marital status.

The District 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. It does not constitute prohibited discrimination when the District allows a student, based on pregnancy or related conditions, to voluntarily participate in a separate portion of its education program or activity, provided the District ensures that the separate portion is comparable to that offered to students who are not pregnant and do not have related conditions.

Definitions

For purposes of this policy, the following definitions apply:

- a) "Parental status" means the status of a person who, with respect to another person who is under the age of 18 or who is 18 or older but is incapable of self-care because of a physical or mental disability, is:
 1. A biological parent;
 2. An adoptive parent;
 3. A foster parent;
 4. A stepparent;
 5. A legal custodian or guardian;
 6. In loco parentis with respect to such a person; or
 7. Actively seeking legal custody, guardianship, visitation, or adoption of such a person

(Continued)

Students

**SUBJECT: EDUCATIONAL SERVICES FOR MARRIED/PREGNANT STUDENTS
(Cont'd.)**

- b) "Pregnancy or related conditions" means:
1. Pregnancy, childbirth, termination of pregnancy, or lactation;
 2. Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or
 3. Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

Preventing Discrimination and Ensuring Equal Access

Under Title IX, the District must take specific actions to promptly and effectively prevent sex discrimination and ensure equal access to the District's education program or activity once the student, or a person who has a legal right to act on behalf of the student, notifies the Title IX Coordinator of the student's pregnancy or related conditions. The Title IX Coordinator must coordinate these actions.

The District will not require supporting documentation for any of these actions unless the documentation is necessary and reasonable for the District to determine the reasonable modification to make or whether to take additional specific actions. Examples of situations when requiring supporting documentation is not necessary and reasonable include, but are not limited to:

- a) When the student's need for a specific action is obvious, such as when a student who is pregnant needs a bigger uniform;
- b) When the student has previously provided the District with sufficient supporting documentation;
- c) 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;
- d) When the student has lactation needs; or
- e) When the specific action is available to students for reasons other than pregnancy or related conditions without submitting supporting documentation.

(Continued)

**SUBJECT: EDUCATIONAL SERVICES FOR MARRIED/PREGNANT STUDENTS
(Cont'd.)**

Reasonable Modifications

The District will make reasonable modifications to the District's policies, practices, or procedures as necessary to prevent sex discrimination and ensure equal access to the District's education program or activity. Each reasonable modification must be based on the student's individualized needs. In determining what modifications are required, the District must consult with the student. A modification that the District can demonstrate would fundamentally alter the nature of its education program or activity is not a reasonable modification.

The student has discretion to accept or decline each reasonable modification offered by the District. If a student accepts the District's offered reasonable modification, the District must implement it.

Reasonable modifications may include, but are not limited to: breaks during class to express breast milk, breastfeed, or attend to health needs associated with pregnancy or related conditions, including eating, drinking, or using the restroom; intermittent absences to attend medical appointments; access to online or homebound education; changes in schedule or course sequence; extensions of time for coursework and rescheduling of tests and examinations; allowing a student to sit or stand, or carry or keep water nearby; counseling; changes in physical space or supplies (for example, access to a larger desk or a footrest); elevator access; or other changes to policies, practices, or procedures.

Voluntary Access to Separate and Comparable Portion of the District's Education Program or Activity

The District will allow the student to voluntarily access any separate and comparable portion of the District's education program or activity.

Voluntary Leaves of Absence

The District will allow the student to voluntarily take a leave of absence from the District's education program or activity to cover, at minimum, the period of time deemed medically necessary by the student's licensed healthcare provider. To the extent that a student qualifies for leave under a leave policy maintained by the District that allows a greater period of time than the medically necessary period, the District must permit the student to take voluntary leave under that policy instead if the student so chooses.

When the student returns to the District's education program or activity, the student must be reinstated to the academic status and, as practicable, to the extracurricular status that the student held when the voluntary leave began.

(Continued)

Students

**SUBJECT: EDUCATIONAL SERVICES FOR MARRIED/PREGNANT STUDENTS
(Cont'd.)**Lactation Space

The District must ensure that the student can access a lactation space, which must be a space other than a bathroom, that is clean, shielded from view, free from intrusion from others, and may be used by a student for expressing breast milk or breastfeeding as needed.

Comparable Treatment to Other Temporary Medical Conditions

To the extent consistent with law and regulation, the District will treat pregnancy and related conditions in the same manner and under the same policies as any other temporary medical conditions with respect to any medical or hospital benefit, service, plan, or policy the District administers, operates, offers, or participates in with respect to students admitted to the District's education program or activity.

Certification to Participate

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

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

Notification

When a student, or a person who has a legal right to act on behalf of the student, informs any District employee of the student's pregnancy or related conditions, unless the employee reasonably believes that the Title IX Coordinator has been notified, the employee must promptly:

- a) Provide that person with the Title IX Coordinator's contact information;
- b) 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.

(Continued)

Students

**SUBJECT: EDUCATIONAL SERVICES FOR MARRIED/PREGNANT STUDENTS
(Cont'd.)**

Additionally, the District must promptly inform the student, and, if applicable, the person who notified the Title IX Coordinator of the student's pregnancy or related condition and has a legal right to act on behalf of the student, of the District's related obligations under Title IX and provide the District's notice of nondiscrimination under Title IX.

34 CFR Part 106