

TEEN PARENT LEGAL RIGHTS: TITLE IX BRIEF



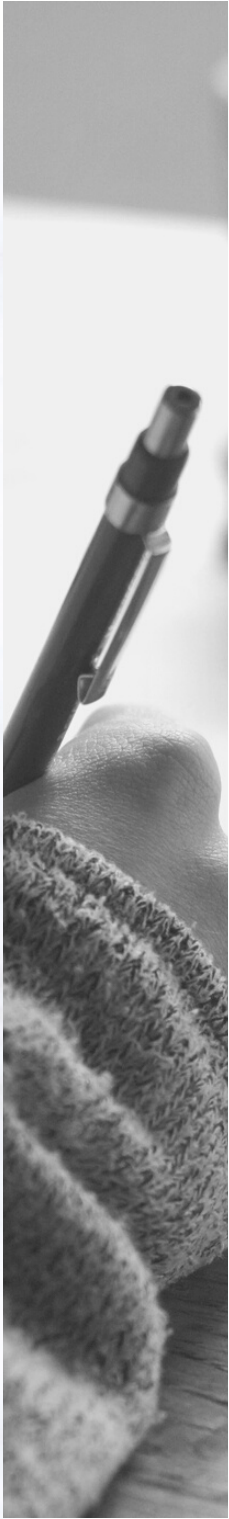
Overview

Title IX of the Education Amendments of 1972 provides that 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. This protection applies to students in a school's academic, educational, extracurricular, athletic, and other programs or activities. This includes protections for pregnant and parenting students in both university and K-12 settings.

Title IX helps ensure safe, quality educational opportunities for pregnant and parenting students. Without strong Title IX policies and effective implementation, however, too many pregnant and parenting students will continue to face discrimination, direct and indirect pressure to leave school or enter GED programs without fully exploring the full range of options available to them, or encounter other barriers that make it difficult to finish school such as inflexible school attendance policies.

A 2017 [report](#) on a nationwide survey of girls age 14-18 indicates that girls who are pregnant and parenting ranked protection from bullying and harassment among the most important things that schools can do to help them. Fortunately, policymakers and program administrators can build programs that both prevent discrimination and improve educational outcomes for pregnant and parenting teens. High quality education programs that provide academic support combined with support services promote Title IX compliance, improve graduation rates, and help students move on to post-secondary education or employment. But perhaps even more important is the need for programs to foster a shift in mindset that helps educators to stop assuming pregnant and parenting teens are unable or uninterested in completing school and instead help them—without judgment—to reach their full potential.





Compliance with Title IX is important not only because it's the law, but because helping pregnant and parenting teens complete their education has a positive effect on their life, the life of their child, and the community overall. It is important for educators and school administrators to keep in mind that Title IX sets forth the minimum protections that must be provided to pregnant and parenting students—states and individual school districts can go beyond these minimal requirements and implement additional protections to build comprehensive programs that help young parents succeed. Teen parent service providers can help pregnant and parenting students understand and assert their right to a quality education experience. Providers working within an educational institution can promote Title IX policies that are proactive, as opposed to reactionary, and help support comprehensive teen parent programs that benefit all pregnant and parenting teens. Service providers and expectant or young parents should be aware of the following legal rights.

Legal Rights

What does Title IX require? Title IX requires that all educational institutions that receive federal money prohibit discrimination based on sex in education programs and activities. This includes prohibiting discrimination against pregnant and parenting teens. Schools must implement policies prohibiting discrimination and develop a grievance process for students and staff to use if they are discriminated against. Schools are required to designate a Title IX Coordinator responsible for overseeing compliance with Title IX and the name and contact information of this person should be readily available to students and staff. The Office for Civil Rights within the U.S. Department of Education is responsible for Title IX enforcement.

What rights does Title IX provide to pregnant and parenting students? Title IX requires that schools make adjustments to their regular program that are reasonable and responsive to the needs of pregnant students and any conditions they experience in connection with their pregnancy. Adjustments or accommodations may take the form of at-home or online instruction for completing course work, flexible attendance policies and excused absences for pregnancy-related absences, and adequate time to make up missed assignments.

Can pregnant students stay in school? Yes. Title IX protects the rights of pregnant and parenting students to stay in school and requires they be treated the same as any other students who have temporary limitations or require reasonable accommodations.



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Do pregnant students have to participate in special educational programs? No. Pregnant or parenting students may choose to participate in special programs but participation must be completely voluntary and the quality of education and range of educational opportunities must be equal to those offered to other students who are not pregnant.

Do teachers have the right to refuse accommodations to pregnant or parenting students in their classrooms based on personal beliefs? No. Every school employee must comply with the requirements of Title IX.

How are pregnancy-related absences handled? Schools must excuse absences for pregnancy-related issues including giving birth and necessary recovery time, as determined by the student's doctor. Students must not be penalized for these absences and must be given reasonable time to make up missed assignments.

How are Title IX violations reported and addressed? Anyone who believes a school has discriminated against someone on the basis of sex, including pregnancy and parenting status, can file a complaint with the federal Office for Civil Rights (OCR). A student can file on their own behalf or their parents can file for them. Complaints can be filed [online](#) and must be made within 180 days of the most recent incident of harassment.

When filing a complaint it is necessary to provide your name, contact information, name of your school, description of the discrimination that occurred and why you believe it was related to pregnancy or parenting status, the name of the person that discriminated against you, names of any witnesses, the date of the most recent incident of discrimination, information on how you believe the discrimination impacted your education, how you would like the discrimination to be addressed, and information on whether you tried to resolve the issue through your school's grievance process (this is not required before filing a complaint with OCR).



OCR will notify you once they receive the complaint and will tell you if they decide to open an investigation. OCR may try to negotiate a resolution with the school or may enter sanctions against the school and outline enforcement actions that will be taken.

The new 2020 Title IX Regulations requires a school to take action when they have actual knowledge of a complaint of discrimination. Schools will be notified of complaints filed with OCR. You can also notify the school, apart from the OCR complaint process, by making a complaint with the school's Title IX Coordinator or other school administrator or employee. It is helpful to document the date, time, location, and circumstances surrounding the discriminatory incidents and any attempts you make with the school to address them.

What are some of the key supports that pregnant and parenting teens need to stay in school? Comprehensive programs that provide educational support as well as other support services such as onsite child care or early learning centers, transportation (including the ability to take young children on the school bus), and access to online learning or flexible scheduling to allow for delayed start times or weekend or summer programming can help young parents complete their education. Getting input from pregnant and parenting students about the types of supports needed can be helpful to ensuring programs are relevant and responsive. In addition, guidance counselors can also help students access educational supports or community resources to help pregnant and parenting students meet their needs and stay in school. While comprehensive programs may go beyond the baseline legal requirements of Title IX, they promote improved outcomes for students and their families, while uplifting the overarching spirit of the law.

Resources

[How to File a Discrimination Complaint with the Office for Civil Rights](#)

[National Women's Law Center Pregnant and Parenting Students' Rights Toolkit](#)

Office of Civil Rights [Title IX Coordinator Database](#), Searchable by State

For district, school, parent, and student inquiries in Colorado regarding Title IX, contact Rebeckah Ottenbreit, ottenbreit_r@cde.state.co.us or 303-866-6285, with the Colorado Department of Education, Office of Culturally and Linguistically Diverse Education.

