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ACCOMMODATING THE PREGNANT & PARENTING STUDENT

October 2026



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ABOUT US

OUR MISSION

To provide the best Care and Support for our clients, Community Partners, employees, contractors, collaborators, vendors, and all others who encounter our company.

GOAL

To assist schools and districts in providing a safe and healthy learning and working environment for students, faculty, and staff.



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OVERVIEW:

- Background
- Existing Legal Framework
- Accommodation Planning and Implementation
- Hypos
- Takeaways



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2026 COMPLIANCE LANDSCAPE



- Pregnancy protections under Title IX remain in effect
- The 2020 Title IX regulations address sexual harassment, not the process for pregnancy discrimination/accommodation reports
- Schools should focus on practical implementation, not wait for regulatory certainty

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EXISTING LEGAL FRAMEWORK

Student Laws	Employee Laws
• Title IX • Section 504 • ADA • State and Local Laws	• Title VII • Pregnancy Discrimination Act • PWFA • PUMP Act • FMLA

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WHAT IS TITLE IX?

Federal civil rights law passed in 1972. Prohibits sex discrimination in education programs. Includes protections for pregnancy and parenting students.

"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."

Pregnancy protections have existed under Title IX since 1970s.

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WHERE TITLE IX PREGNANCY PROTECTIONS COME FROM:

- Title IX prohibits discrimination “on the basis of sex”
- Pregnancy and related conditions are included within sex discrimination
- 34 CFR §106.40 governs pregnancy and parental status
- 2020 Title IX regulations apply only to sexual harassment but….

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REGULATORY LANGUAGE

Recipients of federal funds "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... [and] shall not discriminate against any student, or exclude any student from its education programs or activity, including any class or extracurricular activity, on the basis of such student's pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery therefrom, unless the student requests voluntarily to participate in a separate portion of the program or activity of the recipient." 34 CFR §106.40

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TITLE IX/ PREGNANCY DISCRIMINATION

- Explicitly included in regs. A form of sex discrimination against women.
- Pregnant women must be treated the same as other students with a temporary medical condition that requires treatment. Institutions/Schools cannot unilaterally presume what limitations, if any, should be placed on a pregnant woman's participation.

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ADMISSIONS

An institution must treat impairments related to pregnancy, etc. in the same way and under the same policies as any other temporary impairment or physical condition. 34 CFR 106.21.

FINANCIAL AID

An institution cannot, on the basis of sex

- Provide different amounts of types of aid
- Limit eligibility for assistance
- Apply different criteria
- Discriminate based on marital/parental status

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APPLIES TO:

- Admissions
- Discipline
- Physical Education
- Recruitment
- Housing
- Employment
- Athletics
- Student Treatment/Services
- Counseling/Guidance
- Academic Programs
- Classroom Assignment
- Grading
- Vocational Education
- Recreation
- Financial Aid



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DEPARTMENT OF EDUCATION GUIDANCE

- Addresses issues of assistance, program progression, and leave
- Adjustments may be required to ensure access to the educational program (i.e., larger desks)
- A student may be reinstated to the status she held when leave related to pregnancy began
- Excused absences for medical reasons
- Exceptions for late work and class attendance or participation credit

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EMPLOYMENT



- Institutions "shall not discriminate against or exclude from employment any employee or applicant for childbirth, false pregnancy, termination of pregnancy, or recovery therefrom." 34 CFR 106.57
- Title VII also states in regulation policies relating to pregnancy and childbirth. 29 CFR 1604.10

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PUMP ACT AND PWFA

The PUMP Act expanded workplace protections for lactating employees under the Fair Labor Standards Act (FLSA).

- Requires employers to provide reasonable break time for employees to express breast milk for up to one year after childbirth.
- Employers must provide a private space, other than a bathroom, that is shielded from view and free from intrusion.

The Pregnant Workers Fairness Act requires employers to provide reasonable accommodations for employees affected by pregnancy, childbirth, or related medical conditions, unless doing so would cause undue hardship.

- Applies to employees and applicants, including faculty, staff, and student employees.
- Requires an interactive process similar to the ADA (e.g., modified duties, flexible schedules, temporary reassignment, additional breaks).
- Prohibits forcing employees to take leave if a reasonable accommodation would allow them to continue working.
- Prohibits retaliation for requesting or using pregnancy-related accommodations.
- Common in higher education contexts involving teaching schedules, lab work, clinical placements, and physical job requirements.

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DON'T FORGET

- State Law

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PREGNANCY DISCRIMINATION

Pregnancy + Related Conditions

Title IX prohibits students and employees from discrimination based on:

- Pregnancy
- False Pregnancy
- Childbirth
- Termination of Pregnancy
- OR recovery therefrom.

REMEMBER

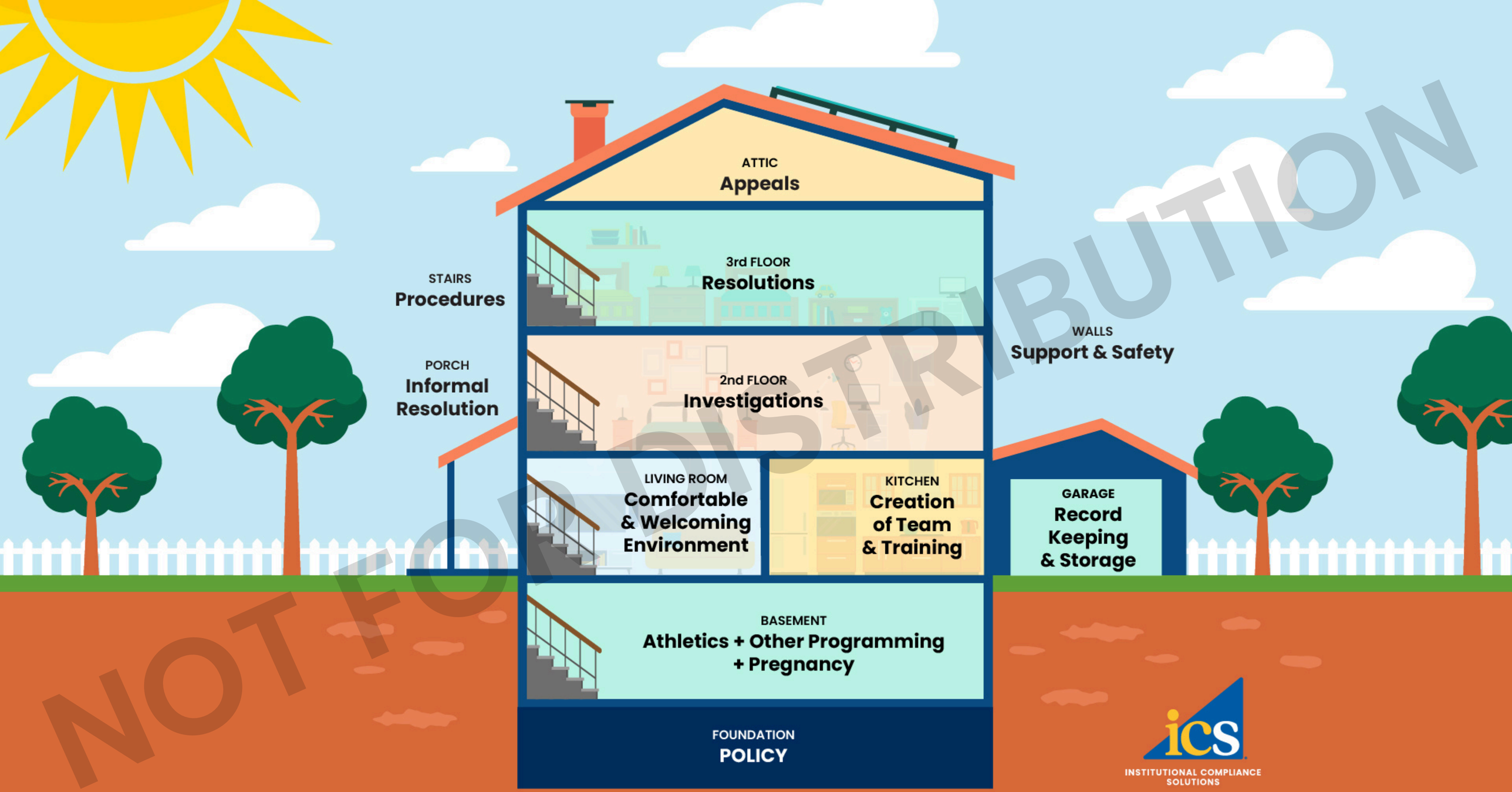
- Must be treated the same as any other temporary disability
- Must be reinstated to the status held when individual began their leave

RECENT UPDATES

- New OCR Resource on Pregnancy Discrimination
- Proposed Rules on Pregnancy Discrimination
- Lingering Questions Post *Bostock*

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Coordinator Response to Pregnancy or Related Conditions Notification

PROVIDE REASONABLE MODIFICATIONS

Make reasonable modifications to school's policies, practices or procedures to prevent sex discrimination and ensure equal access.

Modifications must be individualized.

Consult with the student to determine appropriate modifications.

- A modification is not reasonable if school can demonstrate would fundamentally alter the nature of its education program or activity. (High bar)

Student may accept OR decline each modification offered. If accepted, school MUST implement it. Requesting documentation is limited.

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INTERACTIVE ACCOMMODATIONS PROCESS

Take a page from ADA Process/HR



- Work with pregnant & parenting students individually/tailored plan to student's needs and focused on academic success
- Advise pregnant/parenting students of the ability of programs and services to help them stay in school and continue progress

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Limitation on supporting documentation

- **Must NOT require supporting documentation unless:**
  - The documentation is necessary and reasonable for the school to determine the reasonable modifications to make or whether to take additional specific actions.
- **NOT NECESSARY WHEN :**
  - A student's need for a specific modification is obvious (such as when a student may need a bigger uniform or desk etc.).
  - A student has previously provided sufficient supporting documentation.
  - When the reasonable modification is allowing the student to carry or keep water nearby, sit or stand, take breaks to eat, drink or use the restroom.
  - When the student has lactation needs.
  - When the specific action is available to students for reasons other than pregnancy or related conditions without submitting supporting documentation.

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EQUAL TREATMENT & CERTIFICATION TO PARTICIPATE

- **Must** treat pregnancy or related condition in the same manner and under the same policies as any other temporary medical conditions with respect to medical or hospital benefit, service, plan, or policy.
- **Must NOT** require a student who is pregnant or has related conditions to provide certification from healthcare provider or other person that they are physically able to participate in class, program, or extracurricular UNLESS:
  - The certified level of physical ability or health is necessary for participation;
  - The school requires 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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INITIAL MEETING WITH COORDINATOR OR DESIGNEE

Gather Information

- Anticipated due date;
- Current status in program;
- Any labs or field experiences;
- Comfort level communicating with professors?

Evaluate Needs

- What barriers are you experiencing, if any?
- What accommodations are you requesting?
- Anticipated timeframe?

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Examples of modifications:

- Breaks during class to express breast milk.
- Breastfeed or attend to health needs associated with pregnancy or related condition including:
  - Eating/drinking.
  - 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 or rescheduling of tests and exams.
  - Allowing the student to sit or stand.
  - Allowing the student to keep water nearby.
  - Counseling.
  - Changes in physical space or supplies.
    - Ex. Access to a larger desk or footrest.
  - Elevator Access.
  - Other.

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QUICK NOTE: LANGUAGE

Modification vs. Accommodation

- “Modification” used under vacated 2024 Title IX Regs.
- “Accommodation” is more consistent with ADA.
- Whichever you use, distinguish pregnancy “modification/accommodation” under Title IX as different/separate from ADA accommodations for other disability related needs.

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ACCOMMODATIONS: EXCUSED ABSENCES



- Excused absences for pregnancy-related medical appointments
- Any limits on excused absences for pregnant and parenting students should be consistent with limits on excused absences for other students. i.e. documentation may be required for prolonged absences

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ACCOMMODATIONS: LEAVE OF ABSENCE

- Pregnancy is justification for leave of absence for so long as is deemed medically necessary by the student's physician (length of leave will vary)



- Once leave concluded, reinstated to status held when leave began
- Sometimes leave of absence is the only feasible alternative
- Watch out for course sequencing/ pre-requisite issues

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ACCOMMODATIONS VS. LEAVE

Relieved of full-time duties

- Extension of coursework or certain academic responsibilities
- Eligibility clock extended
- Financial support stays intact
- May be altered

Relieved of all responsibilities

- Stops coursework/academic requirements - Eligibility clock extended
- Stops clock
- May forgo financial support entirely
- May have timeframe governing return

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ACCOMMODATIONS: CLINICAL PROGRAMS & FIELDWORK

- Understand student sequence in placement rotations
- Ask questions about requirements/locations
  - Do they have to fulfill a certain type of rotation in sequence?
- Discuss alternative options such as working ahead, over breaks, or making up hours through an Incomplete
- Cannot fundamentally alter the nature of the program – flexibility alone often does not do that.
- Differentiate between in class and out of class assistance
- Readmission Policy should they choose a leave of absence

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PARENTING ACCOMMODATIONS: ABSENCES



DOE: Institutions should consider developing policies that allow parenting students to take leave time or make up hours for "parenting students (both male and female) who need to take their children to doctors' appointments or to take care of their sick children."

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PARENTING ACCOMMODATIONS: NURSING/LACTATION SPACES



- DOE encourages schools to "designate a private room" (not a restroom)
- Increased access to lactation stations can increase retention
- Attention to campus maps and closest lactation space

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LACTATION SPACE CRITERIA

- Shielded from view (private)
- Free from intrusion (lock or “in use” signage)
- Not a bathroom
- Functional for pumping (outlet, surface for supplies; wash station/sink recommended)
- Available as needed (consider how conflicts will be managed)
- Milk storage (must allow a cooler or offer safe storage option)



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POSSIBLE SCRIPT CONSIDERATIONS FOR TEACHERS/FACULTY RE: LACTATION BREAKS:



No!

- You will need to withdraw.
- This class does not allow breaks.
- This is a facilities issue, not mine.
- Clinical sites do not allow that.



Yes!

"Thank you for letting me know. The University supports students who are pregnant or lactating, and we want to make sure you have equal access to your coursework. I am going to connect you with our Title IX Coordinator so we can formalize any accommodations that you need. In the meantime, we can work out reasonable break time for class. Let's talk about what timing works best."

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SPECIAL CASES – LABS

- Pregnancy accommodations may have a possible impact on student workers, lab technicians/lab managers, graduate students, faculty
- Laboratory warning signs
- Written policy
- Accommodations
- Institutions may issue a generally applicable warning concerning any possible chemicals or potential exposure
- Posting warnings can inform students of risks
- Warnings also assist non-pregnant students with medical issues

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SPECIAL CASES – *STUDENT WORKER*

- Possible accommodations include online work and technology for on-campus interactions; leave time or flexibility in work schedule
- Coordinate employee accommodations with Title IX & HR
- Fact-specific evaluation

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SPECIAL CASES – *STUDENT WORKER CONTINUED*

- Dual Coverage: Title IX + employment lactation rights + ADA as needed
- Student reports pregnancy/lactation needs
- Interactive process (academic/HR)
- Determine whether accommodations required under Title IX, ADA or employment law (or all)
- Document decisions and timelines

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Education and Training of faculty and staff is imperative on these obligations!

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TRANSPARENCY IS KEY!

- Explain the Institution/School's OBLIGATION under Title IX.
- Clarify the INDIVIDUALIZED nature of the requests.
- Emphasize how your coordination of this PROTECTS them by ensuring equitable adherence under federal laws.
- Explain HOW you will COMMUNICATE with them when requesting modifications that impact their classes.
- Establish a COLLABORATIVE approach to shared communication, reporting, or concerns about a request.

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UNDERSTANDING COMMON BARRIERS TO ACCOMMODATIONS:

- Faculty/Teacher Concerns:
  - This is not how the course is taught.
  - The Handbook/Syllabus doesn't allow for that.
  - This is not equitable to my other students.
  - This is asking too much of me. I'm not paid well enough for this.
  - Our Board/Licensure requirements do not allow for this.

- Housing Concerns:
  - This student doesn't qualify for that dorm/housing option.

- Parking Concerns:
  - We have a shuttle for that.

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NAVIGATING COMMUNICATION WITH FACULTY/STAFF:

- Explain your role and the reason for your outreach.
  - A meeting/phone call may be best 1st interaction, if possible.
  - Always follow-up by email to document either way.

- Discuss the requested accommodation clearly and the parameters surrounding the request.

- Discuss each person's role in the implementation plan - them, you, student.

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NAVIGATING COMMUNICATION WITH FACULTY/STAFF:

- Ask them if there are any concerns/issues they foresee with this request – If yes, actively brainstorm solutions together.
  - Be prepared to help articulate and evaluate if something will "fundamentally alter nature of program."
  - Changing sequence, moving online, adjusting sites is not necessarily a fundamental alteration!

- Develop a plan to follow-up and check-in.

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HYPO 1:

Charlotte discovers she is pregnant during her sophomore year. She is due in May, around exams. She is experiencing nausea and fatigue and, in March, is put on bed rest by her doctor. She asks to take one course via Zoom, to withdraw from two other courses, and to finish a course through an independent study.

What accommodations will you need to discuss with Charlotte? What potential barriers might you face?

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HYPO 2:

Charlotte is enrolled in an online nursing program. Students are required to attend two on-campus immersion weekends each semester.

Charlotte is now pregnant with her second child and cannot travel. She is due near immersion weekend.

The department balks and states participation is fundamental.

How do you assist Charlotte and the program with this?

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HYPO 3:

A student in a community college nursing program tells the clinical coordinator she is pregnant. The coordinator removes her from clinical rotations until after delivery, saying the placements are “too demanding,” even though the student wants to continue and has met all program requirements.

Can the college remove her based on pregnancy? What facts, if any, would justify a participation requirement applied to all students?

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HYPO 4:

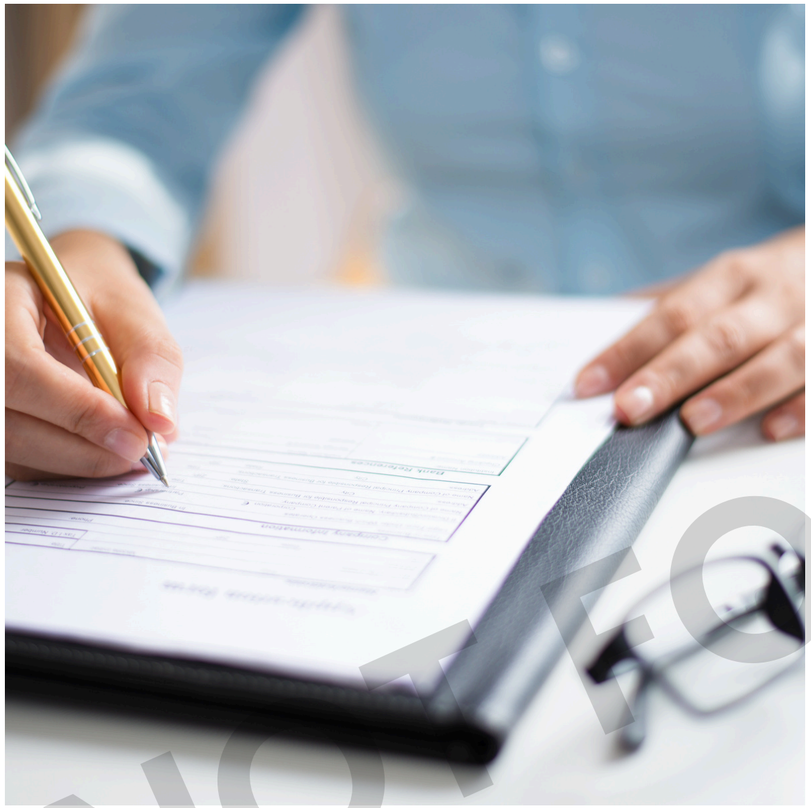
A student misses two weeks of class after childbirth on her physician's advice. Her professor refuses to let her make up a lab assessment, although students who miss it for other medical reasons are offered a makeup session. The professor says the student should withdraw and retake the course.

How should the college address the medically necessary absence, the missed assessment, and the student's return to class?

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COMPLIANCE ASSESSMENT



- Conduct: Conduct a thorough, honest assessment of your current approach to accommodating pregnant and parenting students (think like a student)
- Consider: Consider both history of accommodations (or not) pregnant and parental requests
- Posture: Be on offense, not defense

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EVALUATE STRUCTURE AND STAFFING



Weigh the pros and cons of these approaches based on your institution:

- Centralized approach (like ADA requests)
  - Through Title IX Coordinator
  - Through Disability Resource Center
- Decentralized approach
  - Academic Deans
  - Individual Professors

Identify at least one employee to carry out these responsibilities, including overseeing complaints of discrimination against pregnant and parenting students

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POLICIES & PROCEDURES

- Must have and distribute a policy against sex discrimination
- Adopt and publish grievance procedures
- Review Handbooks for overlapping/conflicting guidance

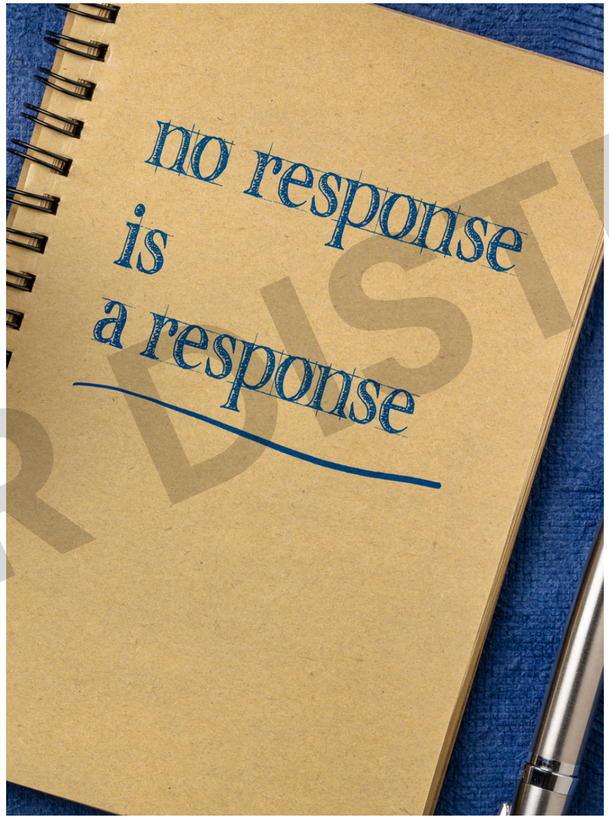
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COMMON MISTAKES

Policy

1. Targeted medical documentation requirements
2. Deference to policies that are discriminatory at clinical sites/schools
3. Restart requirements from beginning rather than when leave began
4. Zero absence attendance policies



Procedure

- OCR often finds lack of prompt response to student Title IX grievances
- Individuals who report any type of discrimination, including pregnancy discrimination, should receive a prompt response
- Comparable treatment to other temporary medical conditions

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OTHER CONSIDERATIONS:

- What's on your website?
  - Access to resources
  - Contact information
  - How to get support

- Do you educate those who receive withdrawal notices from students?
  - Goal is to help students see that they have resources to maintain access to education.
  - Provide those individuals with resources to share on your behalf before the withdrawal, if possible.

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WHAT'S YOUR WORKFLOW?

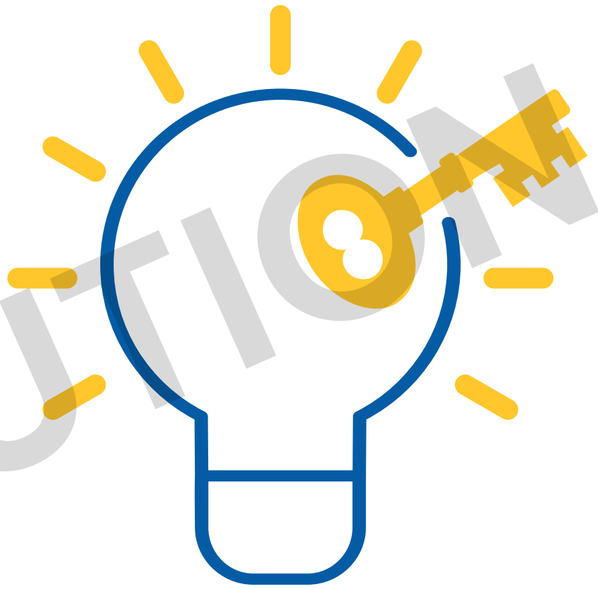
- Who receives the request for accommodation?
- Who communicates with the student or employee?
- What is the minimum information and documentation needed (consistent with temporary disability)?
- Who needs to be looped in now? Later? (Think ADA/HR/Clinical Sites/Professors)
- How will I loop those people in?
- What gets documented and where?
- Who follows-up?



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FINAL TAKEAWAYS



- Lactation Space Audit
- Policy for Sex Discrimination, including Pregnancy
- Multi-Departmental Handbook Review
- Website/Resource Audit
- Accommodation Workflow
- Education for Faculty/Staff on Pregnancy Accommodations
- Communicate & Collaborate!!

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K-12

HIGHER ED

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