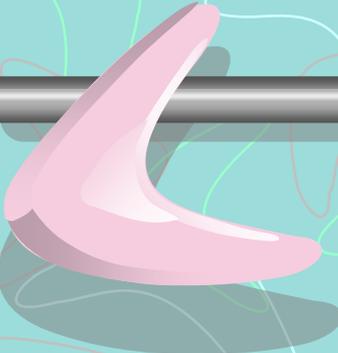


Title IX



Pregnant and Parenting
Students



State Title IX Compliance

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Happy Birthday,
Title IX!

Title IX of the Education Amendments of 1972

(20 U.S.C. §§ 1681 *et seq.*)

"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."

Other Relevant Federal Laws

Title VI of the Civil Rights Act of 1964:

- Prohibits discrimination based on
- **race, color or national origin**
- In programs or activities receiving federal financial assistance



Section 504 of the Rehabilitation Act of 1973

- Prohibits discrimination based on
- **disability**
- In programs or activities receiving federal financial assistance

Other Relevant Federal Laws

Title II of the Americans with Disabilities Act of 1990:

- Prohibits discrimination based on disability in public entities



Matthew Shepard & James Byrd, Jr. Hate Crimes Prevention Act of 2009.



federal prosecution of hate crimes committed on the basis of a person's protected characteristics of race, religion, ethnicity, nationality, gender, sexual orientation, gender identity, and disability



42 U.S.C. § 1983 : US Code - Section 1983: Civil action for deprivation of rights

- Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the **deprivation of any rights, privileges, or immunities** secured by the Constitution and laws, **shall be liable** to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

Connecticut Statute – Sec. 10-15c



The public schools shall be open to all children five years of age and over . . . and each such child shall have, and shall be so advised by the appropriate school authorities, an equal opportunity to participate in the activities, programs and courses of study offered in such public schools . . . without discrimination on account of

Connecticut Statute – Sec. 10-15c



...race, color, religious creed, **sex**, age, national origin, ancestry, marital status, **sexual orientation, gender identity or expression**, disability (including, but not limited to, intellectual disability, past or present history of mental disorder, physical disability or learning disability), genetic information, or any other basis prohibited by Connecticut state and/or federal nondiscrimination laws.



What does Title IX cover?

- Financial Aid/scholarships
- Facilities & Housing
- Course offering and access
- Educational programs/activities
- Health Insurance Benefits
- Marital & Parental Status
- Employment Assistance
- Recruitment
- Admissions
- Athletics
- Counseling
- Employment



What Is Discrimination “On The Basis Of Sex”?

- Includes pregnancy and related medical conditions

Title IX: Pregnancy



BASIC RULES

- Schools may not discriminate (in academic or extracurricular activities) based on pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery from any of these conditions.
- Schools must treat students affected by pregnancy and related medical conditions the same as students similarly affected by temporary disabilities.



Title IX Regulations on Treatment of P/P Students

- Equal access to school and activities.
- Special programs or schools must be *voluntary*.
- Doctor's note can be requested only if done for all students with conditions requiring medical care.
- Absences must be excused for as long as student's doctor deems medically necessary.
- Special services for temporarily disabled must be offered to pregnant students too.



Barriers faced by pregnant and parenting students

- Discrimination:
 - Insufficient time to recover post-partum
 - Not allowed to make up work missed
 - Not allowed to receive student recognition
 - Stigmatized, harassed
 - Steered into alternative programs that are not rigorous and do not keep them on track for graduation



More barriers

- Child care
- Transportation
- Juggling challenge
- Lack of guidance, support, encouragement
- Stereotypes internalized, affects engagement in school



Examples of Title IX Violations

School District in Georgia

- Students who have been pregnant cannot participate in certain extracurricular activities
- Students must return to school within one week (or one day) of giving birth
- Absences following childbirth are not excused
- Pregnant or postpartum students not eligible for homebound instruction



Examples of Title IX Violations

School District in Michigan

- Encouraged student to get GED instead of high school diploma
- Prevented student from making up work missed while recovering from childbirth
- Pregnant or postpartum students not eligible for homebound instruction



State and local laws can provide additional protections.

E.g., North Carolina, New York City:

- Absences due to the illness or medical appointment of student's child must be excused if he or she is custodial parent.
- Homework and make-up work shall be made available to PPS during absences.
- To extent necessary, homebound teacher shall be assigned.



What is sexual harassment?

Harassment can take many forms. It can be verbal acts, like name-calling; images and graphics; written statements; or other actions that may be physically threatening, harmful, or humiliating.

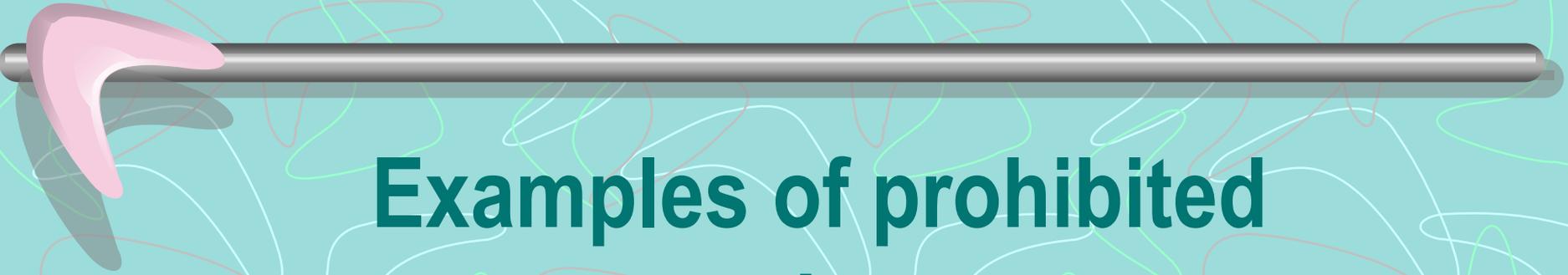
Harassment can include the use of cell phones or the internet (sometimes known as “cyberbullying”).

The harassing student and target do not have to be of the opposite sex.



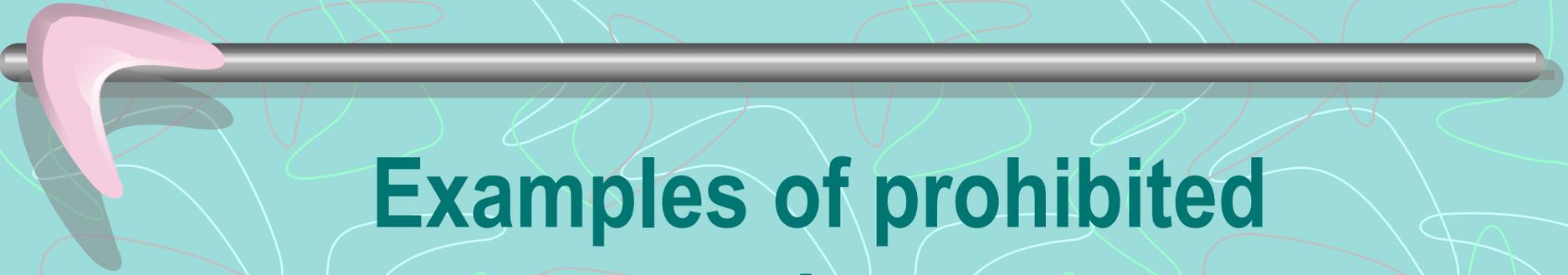
Does harassment based on pregnancy count as sexual harassment?

Yes. Harassment based on sex does not have to be sexual in nature. Harassment because of pregnancy, any related medical conditions, or recovery therefrom, is *always* sex discrimination. If you're experiencing harassment because you're pregnant or have been pregnant, Title IX can protect you. Title IX prohibits other types of pregnancy discrimination too (such as not excusing pregnancy-related absences).



Examples of prohibited pregnancy harassment:

A student becomes pregnant, and now a group of girls are repeatedly texting her during class and tweeting about her at school, calling her a “slut” and a “whore.”



Examples of prohibited pregnancy harassment:

A girl becomes pregnant, and fellow students have been spreading rumors about her sexual behavior, repeatedly asking her questions about the “baby daddy,” inquiring how many times she’s had sex and what position she and her partner were in when she got pregnant, etc.



Examples of prohibited pregnancy harassment:

A student who's pregnant has been repeatedly sexually propositioned by a group of boys in her class. They say things like, "we know you put out," and "why would a girl like you say no?"



FAQs

- ***“How do we know if a student can continue going to school or doing sports or other activities once she is pregnant?”***
- ***“Isn’t it dangerous for a pregnant student to attend school late in her pregnancy? Our school does not want to be responsible for her health and safety at that point.”***



FAQs

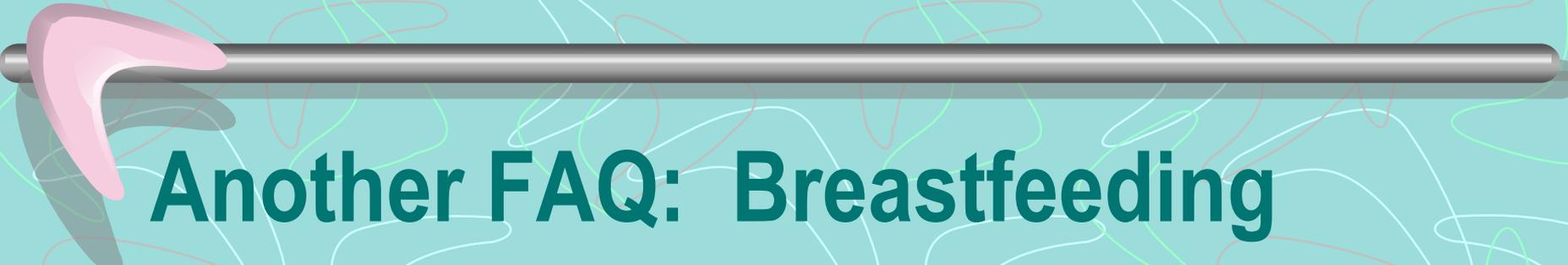
- ***“I’m a school administrator and it is fine with me if pregnant girls keep coming to school but one of my teachers does not want them in his class. That means I’m not violating Title IX myself, right?”***
- ***“If we give special treatment to pregnant and parenting students, other students will want to get pregnant too. Shouldn’t we instead “make an example” out of the students who get pregnant?”***



Pregnancy is not contagious!

“I want . . . To dispel the myth that [providing these services in the same school setting] will make other girls want to get pregnant. It hasn't. And it's very cost effective.”

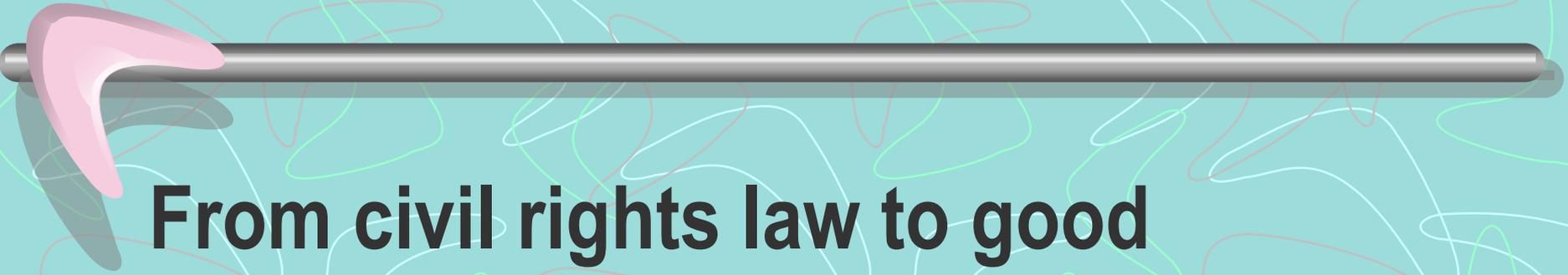
- Asst. Superintendent in Texas who started program providing supports to pregnant and parenting students in mainstream high school.



Another FAQ: Breastfeeding

Title IX does not directly address breastfeeding

- **Good educational policy**
- **CT ST § 53-34b.** No person may restrict or limit the right of a mother to breast-feed her child.
- **CT ST § 46a-64.** Discriminatory public accommodations practices prohibited. Penalty.
- **CT ST § 31-40w.** Breastfeeding in the workplace.



From civil rights law to good educational policy

What *can and should* schools do to improve the graduation rates and success of pregnant and parenting students?



Recommendations

1. Ensure compliance with Title IX (school climate)
2. Excused absences for illness or medical appt. of student's child
3. Flexibility in scheduling
4. Goal-setting and guidance, encouragement
5. Individualized graduation plans



Recommendations

6. Home instruction during maternity leave
7. Child care, transportation assistance
8. Secondary pregnancy prevention
9. Access to social services and health care
10. “Parenting” classes teaching range of life skills
11. Outreach to dropouts



Public Act
11- 232
(effective July 1, 2011)

**AN ACT CONCERNING THE
STRENGTHENING OF
SCHOOL BULLYING LAWS**



Public Act
11- 55
(effective October 1, 2011)

AN ACT CONCERNING DISCRIMINATION



Example

- Parents calls the school to complain that her daughter has been “bullied.”



Example

- Parent claims boy had touched daughter inappropriately



Example ... continued

- School replies that it is not “bullying” because it occurred just once.



Example ... continued

- What went wrong here?





Oct. 2010 on Bullying

U.S. Dept. of Education - OCR

Clarifies that bullying is form of harassment
when based on protected characteristic

Protections exist under Title IX and
anti-gay harassment is often covered by Title IX



Boston Office – USDOE OCR

Has conducted investigations of three CT school that identified a complaint as bullying when it was a civil rights violation.

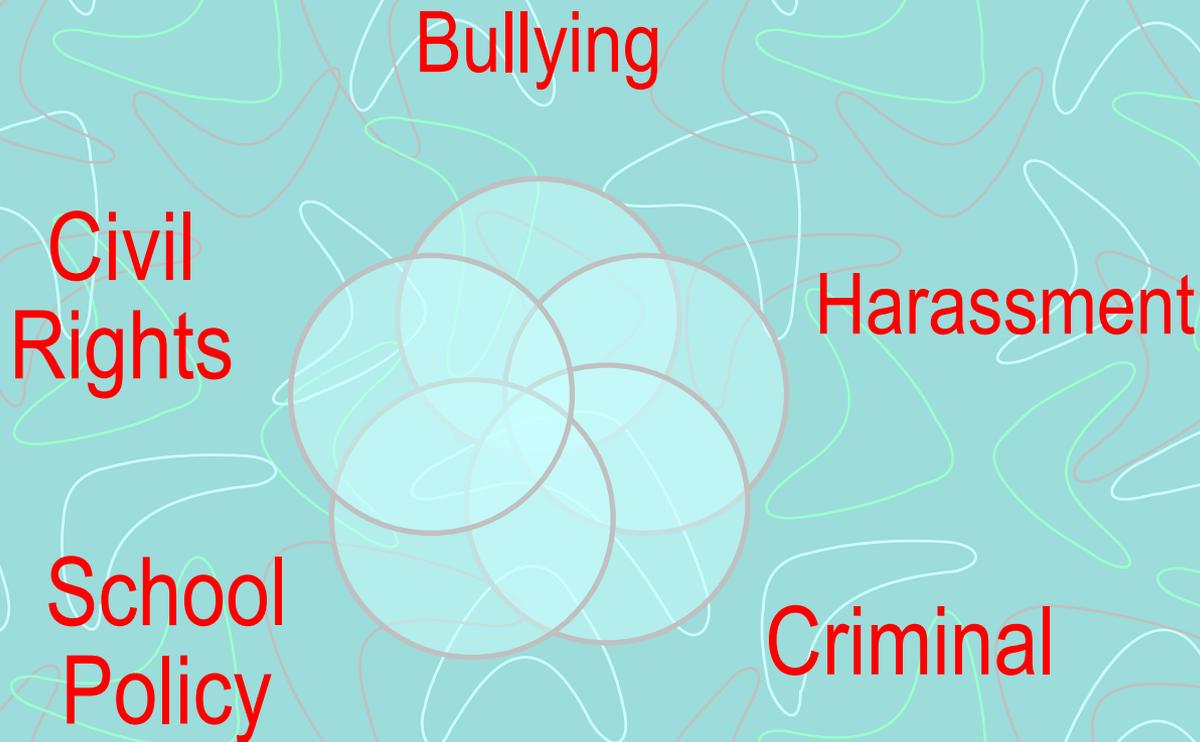


What is the Difference?

- **Bullying**
- **Harassment**
- **Criminal Acts**
- **Civil Rights Violations**
- **Violations of School Policy**



Offenses May Overlap



Application of the Law

The Shopping Mall



The School



Where Can You Get Help?



Available Resources





To File a Complaint or Get Technical Assistance . . .

Boston Office Office for Civil Rights

US Department of Education, 8th Floor

Telephone: 617-289-0111

FAX: 617-289-0150; TDD: 877-521-2172

Email: OCR.Boston@ed.gov

OCR on the web: <http://www.ed.gov/about/offices/list/ocr/know.html>

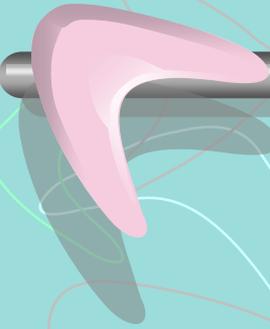


To File a Complaint or Get Technical Assistance . . .

The Commission on Human Rights and Opportunities (CHRO)

21 Grand Street, Hartford, CT 06106 Tel: 860-541-3400 or
800-477-5737

Web site: <http://www.state.ct.us/chro/>



National Women's Law Center

National Women's Law Center

11 Dupont Circle, Suite 800 Washington, DC 20036

Tel: (202) 588-5180

Email: info@nwlc.org

Websites: <http://www.nwlc.org>

and www.titleix.info



Connecticut Women's Education & Legal Fund

75 Charter Oak Ave. Suite 1300

Hartford, CT 06106

Tel: 860-247-6090

Fax: 860-524-0705

Info & referral-

860-524-0601 or 800-479-2949

Email: cwealf@cwealf.org

Website: <http://www.cwealf.org>



Permanent Commission on the Status of Women

18-20 Trinity Street

Hartford, Ct 06106

Tel: 860-240-8300

Fax: 860-240-8314

Email: PCSW@po.state.ct.us

Website: <http://www.cga.state.ct.us/pcsw/>



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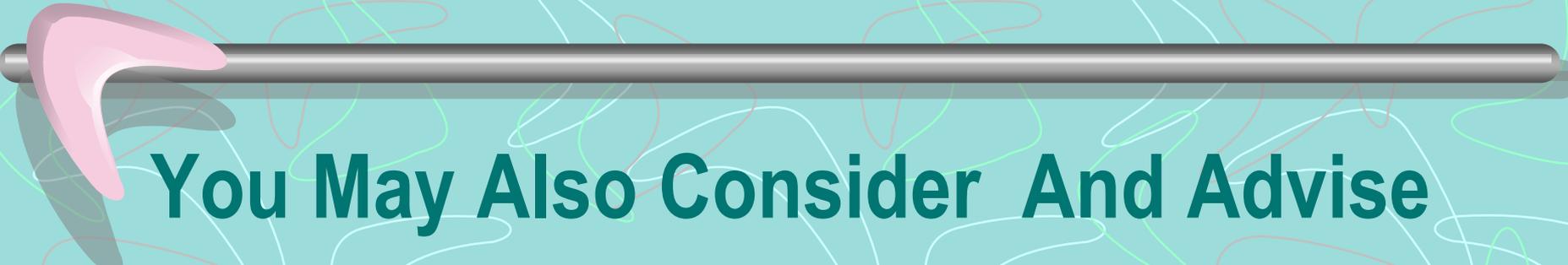
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email: william.howe@ct.gov



You May Also Consider And Advise

- **Calling the Police**
- **Calling DCF**
- **Obtaining a Lawyer**
- **Seek Revocation of Teaching Certification**
- **Combination of the above**

