



## ICEF POLICY REGARDING STUDENT PREGNANCY

Board Approval October 14, 2015

*Title IX* 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.”

*Title IX* specifically prohibits discrimination against any student based on pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery from any of these conditions. The regulation also prohibits schools from applying any rule related to a student’s parental, family, or marital status that treats students differently based on their sex.

Under *Title IX*, it is illegal for schools to exclude a pregnant student from participating in any part of an educational program. This prohibition applies to specific classes such as advanced placement or honors classes, extracurricular programs, interscholastic sports, honor societies, and opportunities for student leadership, among other activities. Schools may implement special instructional programs or classes for a pregnant student, but participation must be completely voluntary on the part of the student, and the programs and classes must be comparable to those offered to other students.

In addition, schools must excuse a student’s absences because of pregnancy or childbirth for as long as the student’s doctor deems the absences medically necessary. When students return to school, they must be allowed to return to the same academic and extracurricular status as before her medical leave began.

It is ICEF’s intent to follow the requirements and guidelines as set forth in *Title IX*. To this end ICEF’s Board of Directors has appointed a Title IX Coordinator to assist pregnant students and ICEF in following the regulation.

Any special services provided to students who have temporary medical conditions will also be provided to pregnant students. To clarify, if a school provides special services, such as homebound instruction or tutoring, for students who miss school because they have a temporary medical condition, it will do the same for a student who misses school because of pregnancy or childbirth.

ICEF schools will excuse student absences because of pregnancy or childbirth for as long as the student's doctor deems the absences medically necessary. When a student returns to school, she must be allowed to return to the same academic and extracurricular status as before her medical leave began.

ICEF schools will require a pregnant student or students who have given birth to submit medical certification for school participation only if the school also requires such certification from all students with physical or emotional conditions requiring the attention of a physician. Thus, for example, a student who has been hospitalized for childbirth must not be required to submit a medical certificate to return to school if a certificate is not required of students who have been hospitalized for other conditions.

ICEF 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. Particular actions that could constitute prohibited harassment include making sexual comments or jokes about a student's pregnancy, calling a pregnant student sexually charged names, spreading rumors about her sexual activity, and making sexual propositions or gestures. ICEF will take prompt and effective steps reasonably calculated to end pregnancy-related harassment, prevent its recurrence, and eliminate any hostile environment created by the harassment.

To ensure a pregnant student's access to its educational program, when necessary, ICEF will make adjustments to its regular program provided they 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.

ICEF will also ensure that teachers and employees do not discriminate against pregnant students. For example, a teacher may not refuse to allow a student to submit work after a deadline that she missed because of absences due to pregnancy or childbirth. Additionally, if a teacher's grading is based in part on class attendance or participation, the student should be allowed to earn the credits she missed so that she can be reinstated to the status she had before the leave.

ICEF will provide a notice that it does not discriminate on the basis of sex in its educational programs or activities. It will also state that inquiries concerning the application of *Title IX* and its implementing regulations may be referred to the *Title IX* coordinator. It will include the appropriate contact information for the Title IX Coordinator.

If a student or parent wishes to file a complaint of discrimination with the Office for Civil Rights ("OCR"), you may use the online complaint form available at <http://www.ed.gov/ocr/complaintintro.html>. To filing a complaint online, an original signature will need to be provided by mail. Printing and mailing the consent form linked at the bottom of the online complaint form will meet this requirement.

Alternatively, a letter can be sent to the OCR enforcement office responsible for the state in which the school is located. To find out which enforcement office is responsible for your state and to get contact information for it, call 1-800-421-3481, or check OCR's website at <http://wdcrobcopl01.ed.gov/CFAPPS/OCR/contactus.cfm>. The letter should provide the name of the

school, the name of the person who has been discriminated against, a description of the events or actions that you believe constitute discrimination, and the date(s) on which the events or actions occurred. The letter should be signed and dated and should provide contact information.

The complaint must be filed with OCR within 180 days from the date of the incident that is the basis of the complaint, although there may be limited exceptions that would allow additional time. ICEF's conflict resolution procedures are not required to be used before filing a complaint with OCR. Note that it is unlawful for a school to retaliate against an individual for bringing concerns about the rights of a pregnant and parenting student to a school's attention, making a complaint to OCR, or otherwise participating in an OCR investigation or proceeding.

Other rights might include the right to file suit in court claiming that a school violated *Title IX*. Filing of a complaint with OCR before filing a suit in court is not required. Any court actions may be filed using a private attorney.

I certify that this policy was adopted by the Board of Directors (d/b/a ICEF PUBLIC SCHOOLS, INC.) on October 15, 2015 at Los Angeles, California.



By:

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Ranie Lambe, Secretary