

Pregnant and Parenting Students

Section 3000 - Students

The district is committed to a positive and productive education free from sex-based discrimination as required by Federal and State laws for all students in its education programs and activities, including discrimination based on current, potential, past pregnancy, or related conditions, or marital or parental status. Sex-based harassment is a form of sex-based discrimination and includes harassment based on pregnancy or related conditions or marital or parental status.

A. Key Definitions/Terms

- **Caretaking** means caring for and providing for the needs of a child.
- **Familial status** refers to the configuration of one's family or one's role in a family.
- **Marital status** refers to the state of being married, single, or divorced.
- **Medically necessary** is a determination made by a health care provider of a student's choosing.
- **Parental status** refers to the status of a person who, with respect to another person who is under the age of 18 (or a person who is 18 or older but who is incapable of self-care because of a mental or physical disability is a biological, adoptive, foster, or stepparent; a legal custodian or guardian; in loco parentis with respect to such a person; or actively seeking legal custody, guardianship, visitation, or adoption of such a person.
- **Parental, family, and marital status discrimination** is different treatment based on one or more of those statuses. For example, treating an unmarried mother worse than a married mother, treating a married person of one sex or gender more or less favorably than a married person of another gender based on sex stereotypes, or treating a man who is married to a man worse than a woman who is married to a man.
- **Pregnancy discrimination** includes treating a pregnant student or a student with a pregnancy-related condition less favorably than similar individuals not so affected and includes a failure to provide legally mandated leave or accommodations.
- **Pregnancy and pregnancy-related conditions** include (but are not limited to)
 - pregnancy, childbirth, false pregnancy, termination of pregnancy, miscarriage, lactation (expressing breast milk);
 - medical conditions related to the above;
 - recovery from above; and
 - any other conditions in accordance with State and Federal law.
- **Pregnant student/birthparent** refers to the student who is or was pregnant.

- **Reasonable modifications** mean individualized modifications to the district's policies, practices, or procedures that are comparable to the modifications offered for any other temporary medical condition. A modification that the district can demonstrate would fundamentally alter the nature of its education program or activity is not a reasonable modification.
- **Student's legal representative** means a parent or other person who has a legal right to act on behalf of the affected student.

B. Student Protections

The district must give all pregnant and parenting students equal access to district programs, extracurricular activities, athletic programs, and educational opportunities. The district may not require students to change educational plans (e.g., drop out of a class or program) or deny an honor or award based on pregnancy or parental status, including valedictorian status, scholarships, participation in graduation, or election for class office or homecoming court. The district cannot expel or suspend a student for being pregnant or being a parent.

C. Specific actions to prevent discrimination and ensure equal access

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 any employee or the Title IX Coordinator of the student's pregnancy or related conditions.

D. The Title IX Coordinator's Responsibility

If a student (or a student's legal representative) informs the Title IX Coordinator of the student's pregnancy or pregnancy-related condition, then the Title IX Coordinator must inform the student or legal representative of the following:

- The district's policy of nondiscrimination.
- The district's obligation to provide equal access and modifications.
- The district's confidentiality obligations under State and Federal laws, and this policy and procedure.

E. Employees Must Provide Notice of the Title IX Coordinator

If a student (or a student's legal representative) informs any district employee of the student's pregnancy or related condition, the employee must promptly provide them with the district's Title IX Coordinator's contact information and also inform the affected student (or the student's legal representative) that the Title IX Coordinator can coordinate specific actions to prevent pregnancy and pregnancy-related discrimination to ensure a pregnant or parenting student's equal access to the district's education program or activity.

Such notice does not need to be provided to the student if the employee reasonably believes that they have already been notified about the Title IX Coordinator.

All employees must receive training on the district's obligations under Federal, State, and local laws and regulations and district policy and procedures prohibiting sex discrimination, including those related to pregnancy or pregnancy-related conditions or marital or parental status as stated in 3205P.

F. Privacy and Confidentiality

As stated in Policy 3230 - Searches of Students and Student Privacy, Washington State law provides that at certain ages, students attain the right to decide for themselves what records will remain confidential, even from their parents, and what activities the student will participate in. A student's pregnancy or pregnancy-related conditions may constitute confidential medical or educational information. Disclosing information about a pregnancy or pregnancy-related condition may violate privacy laws. To ensure the safety and well-being of the student, school employees should not disclose a student's pregnancy status or pregnancy-related conditions to others unless (1) legally required to do so or (2) the student has authorized such disclosure.

Except, the district may disclose some information to provide reasonable modifications. For example, the district may need to tell specific staff to implement reasonable modification for a student, but does not need to disclose why the reasonable modification is being provided.

The following are other exceptions that may apply:

- 1) A person with the legal right to consent to the disclosure provides written consent and specifies to whom the disclosure may be made.
- 2) As required by laws, regulations, or to comply with State or Federal grant awards or other funding agreement.
- 3) When required by Federal, State or local law, including FERPA, and those laws do not conflict with Title IX.

G. Comparable treatment to other temporary medical conditions

The district must treat pregnancy or 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.

B. Certification to participate

The district must 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:

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

The superintendent establishes this procedure to ensure the protection and equal treatment of pregnant persons, individuals with pregnancy-related conditions, and new parents. Nothing in this procedure should be construed to allow different treatment on the basis of sex concerning a student's current, potential, or past parental, family, or marital status, except as necessary to provide pregnancy or pregnancy-related medical accommodations.

The district establishes this policy and the accompanying Superintendent's procedures for ensuring the protection and equal treatment of students who are or become pregnant, individuals with pregnancy-related conditions, and new parents.

Pregnancy or related conditions include:

- Pregnancy, childbirth, termination of pregnancy, or lactation;
- Medical conditions related to the above; or
- Recovery from above.

The district must also not adopt or implement any policy, practice, or procedure concerning a student's current, potential, or past parental, family, or marital status that treats students differently on the basis of sex, except as necessary to provide pregnancy or pregnancy-related medical accommodations.

This commitment and discrimination prohibition extends to all students involved in academic, educational, extracurricular, athletic, and other programs or activities of the school, whether that program or activity is in a school facility, on school transportation, or at a class or school training held elsewhere.

The district does not engage in prohibited discrimination when it 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 or parenting, and do not have related conditions.

This policy is a component of the district's responsibility to create and maintain a safe, civil, respectful, and inclusive learning community and will be implemented in conjunction with comprehensive training of staff and volunteers. Specific notice, training, and compliance requirements are included in the accompanying procedure 3206P.

Investigation and Response / Grievance Procedures

The Superintendent will develop and implement procedures for receiving, investigating, and resolving complaints or reports of sex-based discrimination and will include reasonable and prompt timelines and delineate roles and responsibilities for such. The procedure can be found at 3205P.1.

Complaints alleging discrimination or harassment based on a person's actual or perceived pregnancy status are to be taken seriously and handled in the same manner as other sex-based discrimination and harassment complaints.

If an investigation reveals that sex-based harassment has created a hostile environment, the district will take prompt and effective steps reasonably calculated to end the sex-based harassment, eliminate the hostile environment, prevent its recurrence, and, as appropriate, remedy its effects.

Allegations of criminal misconduct and suspected child abuse will be reported to law enforcement or Child Protective Services as required by law. A criminal investigation does not

relieve the district of its independent obligation to investigate and resolve sex-based harassment.

Retaliation and False Allegations

Retaliation, as defined under Federal and State laws and the Superintendent's procedure, including retaliation by a student against another student, is prohibited and will result in appropriate discipline. The district will take appropriate actions to protect involved persons from retaliation.

It is a violation of this policy to knowingly report false allegations of sex-based discrimination. Persons found to knowingly report or corroborate false allegations will be subject to appropriate discipline as discussed in the Superintendent's procedure.

This policy and its procedure will support that effort by facilitating district compliance with local, state, and federal laws concerning sex-based discrimination.

Cross References: 3205 – Sex Discrimination of Students Prohibited
3210 - Nondiscrimination
3230 – Searches of Students and Student Privacy
3231 - Student Records

Legal References: RCW 28A.640.101 Sexual Equality, Purpose – Discrimination Prohibited
RCW 28A.642 Discrimination Prohibition
RCW 49.60.040 Definitions
20 U.S.C. §§ 1681-1688 Title IX of the Education Amendments Act of 1973
34 C.F.R. § 106.40 Title IX Regulations (2024 Amendments)

Adoption Date: __/__/20__