

Pregnant and Parenting School Employees
Office for Civil Rights
U.S. Department of Education
March 11th 2014

Question: “All the recent discussion of pregnancy and parenting from OCR has referenced Title IX's protections for students. Is there any basis to believe that protections would be different for pregnant and parenting school employees.”

Answer: “The Department’s regulation implementing Title IX contains a number of provisions related to pregnant and parenting students. These provisions relate only to pregnant and parenting students and do not cover school employees. For additional information regarding the Title IX regulations related to pregnant students please see OCR’s June 2013 [Dear Colleague letter](#) and [accompanying pamphlet](#) on supporting the academic success of pregnant and parenting students and [know your rights](#) document for pregnant and parenting students.

The Department’s regulation implementing Title IX contains separate provisions related to pregnancy and parenting employees in [Subpart E](#), which covers discrimination on the basis of sex in employment in education programs or activities. Recipients are prohibited from applying any policy or taking any employment action concerning the potential parental status of an employee or applicant for employment which treats persons differently on the basis of sex (34 C.F.R. § 106.57(a)(1)) or from discriminating against or excluding from employment any employee or applicant for employment on the basis of pregnancy (34 C.F.R. § 106.57(b)). Recipients also must treat pregnancy and any temporary disability resulting from pregnancy as any other temporary disability for all job-related purposes, including commencement, duration and extensions of leave, payment of disability income, accrual of seniority and any other benefit, service, and reinstatement, and under any fringe benefit offered to employees by virtue of employment (34 C.F.R. § 106.57(c)). In the case of a recipient which does not maintain a leave policy for its employees, or in the case of an employee with insufficient leave or accrued employment time to qualify for leave under such a policy, a recipient shall treat pregnancy as a justification for a leave of absence without pay for a reasonable period of time, at the conclusion of which the employee shall be reinstated to the status which she held when the leave began or to a comparable position, without decrease in rate of compensation or loss of promotional opportunities, or any other right or privilege of employment (34 C.F.R. § 106.57(d)).

In addition to the Title IX provisions related to pregnant and parenting employees described above, employees who are pregnant may also have rights under the Pregnancy Discrimination Act of 1978 (42 U.S.C. § 2000(e) et seq). The Pregnancy Discrimination Act amended Title VII of the Civil Rights Act of 1964. It states that discrimination on the basis of pregnancy constitutes unlawful sex discrimination under Title VII. Women affected by pregnancy must be treated in the same manner as other applicants or employees who are similar in their ability or inability to work. The Equal Employment Opportunity Commission is responsible for the enforcement of the Pregnancy Discrimination Act.”

