

Sick Child Parenting Student Absences
Office for Civil Rights
U.S. Department of Education
September 29th, 2015

Question: Under Title IX must a school excuse a student's absences to take care of a sick child?

Example: *We have a student who is the mother of a 4 year old. She has provided us with medical documentation that the child has a severe seizure disorder that has required her to miss a day of class. The instructor excused the absence and allowed her to make up missed work. I believe this was the right call under Title IX. The question is what to do if she needs to miss multiple days because of the medical condition.*

Is my thinking correct that we would treat this like a pregnant student situation? For instance, the absences should be excused but if they become too frequent and she misses several days we should consider other options, like an incomplete or refunding her for the class.

Answer: Each case is fact-specific and each determination is based on the particular set of facts presented. Although we do not give legal advisory opinions, we do provide information on how the civil rights laws that OCR enforces apply generally.

As you are aware, OCR enforces Title IX of the Education Amendments of 1972 and its implementing regulation at 34 C.F.R. Part 106 (Title IX). Title IX prohibits discrimination against a student based on pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery from any of these conditions and requires a school to excuse a student's absences because of pregnancy and related conditions for as long as the student's doctor deems them medically necessary. (34 C.F.R. § 106.40(b)) Once a student's doctor has determined that the student is recovered from childbirth, a student who has a child generally falls under the Title IX regulation related to parental status at 34 C.F.R. § 106.40(a) as opposed to the regulation related to pregnancy at 34 C.F.R. § 106.40(b). The Title IX parental status regulation prohibits schools from applying any rule related to a student's parental status that treats students differently based on their sex. This means that, for example, a school could not have a policy of excusing absences for female parenting students who need to miss school to take care of a sick child while not excusing these same absences for male parenting students. Although not required under Title IX, a school may decide on its own to excuse absences or make other arrangements for parenting students (both male and female) who need to miss school to take care of a sick child. For additional information regarding the Title IX regulations related to pregnant and parenting students please see OCR's June 2013 pamphlet on [Supporting the Academic Success of Pregnant and Parenting Students Under Title IX](#).

OCR is committed to providing the public, including students and their families, school staff and administrators, and other interested persons, with information about the civil rights laws OCR enforces. In responding to correspondence, OCR provides general, publicly available information about a wide variety of civil rights issues in the education context. OCR does not, however, provide legal or other advice or issue advisory opinions to customers concerning specific factual scenarios. Correspondence issued by OCR in response to an inquiry from the public does not constitute a formal statement of OCR policy and should not be construed as creating or articulating new policy. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public.

