

PREGNANT AND PARENTING STUDENTS AND EMPLOYEES

Policy Code: 4023/7233

A. STUDENTS

1. Nondiscrimination

The Guilford County Board of Education (the “Board”) will provide all pregnant and parenting students with the same educational instruction as other students or its equivalent. ~~Pregnant and parenting s~~Students will not be discriminated against or excluded from school or from any program, class, or extracurricular activity based on the students’ current, potential, or past pregnancy or related conditions or because they are ~~pregnant or~~ parenting students. School administrators shall provide assistance and support to encourage pregnant and parenting students to remain enrolled in school and graduate. For purposes of this policy, “pregnancy or related conditions” means pregnancy, childbirth, termination of pregnancy, or lactation; medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

2. General Requirements

In accordance with state law, school system officials shall use, as needed, supplemental funds from the At-Risk Student Services allotment to support programs for pregnant and parenting students. Students who are pregnant or parenting will be given excused absences from school for pregnancy and related conditions for the length of time the students’ physicians find medically necessary. These absences include those due to the illness or medical appointment during school hours of a child of whom the student is the custodial parent. Homework and make-up work will be made available to pregnant and parenting students to ensure that they have the opportunity to keep current with assignments and avoid losing course credit because of their absence from school, and, to the extent necessary, a homebound teacher will be assigned.

3. Providing Title IX Coordinator Contact and Other Information

When a student or student’s parent or guardian informs any school system employee of the student’s pregnancy or related conditions, the employee shall promptly provide that person with the Title IX coordinator’s contact information and inform that person that the Title IX coordinator can coordinate specific actions to prevent sex discrimination and ensure the student’s equal access to the school system’s education program or activity. The employee does not need to provide such information if the employee reasonably believes that the Title IX coordinator has already been notified of the student’s pregnancy or related conditions.

4. Specific Actions to Prevent Discrimination and Ensure Equal Access

Once a student or student's parent or guardian notifies the Title IX coordinator of the student's pregnancy or related conditions, the Title IX coordinator must coordinate the following specific actions designed to promptly and effectively prevent sex discrimination and ensure access to the school system's education program or activity:

- a. inform the student (and, if applicable, the student's parent or guardian) of the school system's Title IX obligations under 34 C.F.R. 106.40(b)(1) through (5) and 34 C.F.R. 106.44(j) and provide the school system's notice of nondiscrimination on the basis of sex (see policy 1720/4030/7235, Title IX Nondiscrimination on the Basis of Sex);
- b. consult with the student in order to offer, based on the student's individualized needs, reasonable modifications to school system policies, practices, or procedures, as necessary, and implement each reasonable modification offered by the school system and accepted by the student;
- c. allow the student to voluntarily access any separate and comparable portion of the school system's education program or activity provided that the separate portion is comparable to that offered to students who are not pregnant and who do not have related conditions;
- d. allow the student to voluntarily take a leave of absence from the school system education program or activity to cover, at a minimum, the period of time deemed medically necessary by the student's licensed healthcare provider and when the student returns following the voluntary absence, reinstate the student to the academic status and, as practicable, to the extracurricular status that the student held when the absence began; and
- e. ensure that the student can access, as needed, a lactation space, other than a bathroom, that is clean, shielded from view, free from intrusion by others, and may be used for expressing breast milk or breastfeeding.

Supporting documentation or certifications will not be required except as permitted by law.

B. EMPLOYEES

The board prohibits discrimination in employment on the basis of ~~current, potential, or past pregnancy, childbirth, or related medical conditions.~~ Pregnancy or related conditions will be treated as any other temporary medical conditions for all job-related purposes. ~~(See also policy 1710/4021/7230, Prohibition Against Discrimination, Harassment, and Bullying) Pregnant and nursing employees will be provided accommodations as required by law.~~

1. Reasonable Accommodations for Pregnancy-Related Limitations

In accordance with the Pregnant Workers Fairness Act, qualified applicants and employees will be provided reasonable accommodations for known limitations related to pregnancy, childbirth, or related medical conditions, unless the accommodation would impose an undue hardship on the operation of the school system or is otherwise unreasonable. No adverse action will be taken against a qualified applicant or employee for requesting or using a reasonable accommodation for known limitations related to pregnancy, childbirth, or related medical conditions.

2. Break Time to Express Milk

~~For one year after~~ After the birth of an employee's child, the employee will be provided reasonable break times to express breast milk for the child or breastfeed as needed each time the employee has need to express milk. The principal at each school and the site supervisor at other school system buildings and facilities will designate a place, other than a bathroom, that the employee may use to express milk or breastfeed. Any designated place must be functional as a space for expressing milk or breastfeeding, shielded from view, and free from intrusion from others.

Legal References: Consolidated Appropriations Act, P.L. 117-328, div. II - Pregnant Workers Fairness Act, 29 C.F.R. pt. 1636; Fair Labor Standards Act, as amended, 29 U.S.C. 201, *et seq.*; Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e *et seq.*, 29 C.F.R. pt. 1604; Title IX of the Education Amendments Act of 1972, 20 U.S.C. 1681 *et seq.*, 34 C.F.R. pt. 106; G.S. 115C-375.5

Cross References: ~~title IX~~ Nondiscrimination on the Basis of Sex (policy 1720/4030/7235), ~~Prohibition Against Discrimination, Harassment, and Bullying (policy 1710/4021/7230)~~, Equal Educational Opportunities (policy 4001), Attendance (policy 4400)

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