

New Semester, New Look at Young Parenthood

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Title IX: Protections and Shortcomings for Pregnant and Parenting Students

Julia Guy | Newcomb College Institute Reproductive Rights Internship

About Title IX

Title IX is a federal law widely considered as a portion of the United States Education Amendments of 1972 to prohibit sex discrimination, including discrimination on the basis of pregnancy. Pregnant or parenting students at schools or universities receiving federal funding must be allowed equitable treatment or additional permissions to ensure that their right to an education is not abused because of their sex-based condition. However, schools comply with Title IX in diverse and inconsistent ways, often hindered by broad language in state guidance programs. Smaller district programs for adherence share a commitment to relationships, community, and accountability, all of which have suggested higher graduation rates for pregnant and parenting students. While more effective through ongoing, individualized engagement than state-run programs, these programs are often only accessible to those who actively seek them out. The lack of immediate access may prove disadvantageous for pregnant or parenting teenagers, who because of their developmental stage are less likely to actively search for programs or be accountable for their requirements (Ryan).

One of the goals within the research project was to gauge the weaknesses with the application of Title IX to determine how schools can better ensure that students can affirm their rights.

Methods

This project drew upon previously published academic literature, case briefs in lawsuits concerning a pregnant or parenting student claiming school discrimination, and publications from various state and independent grassroots organizations supporting the problematization of teen pregnancy prevention.



Deficiencies

1. The Parenting Student Gap

Federal and state education initiatives motivate schools to maintain stricter attendance policies in an attempt to raise standardized test scores and receive additional funding. While absences for medical appointments, which pregnant students are most likely to use, are typically considered "excused" absences and therefore will not negatively impact a student's academic record, an absence for child care or for a child's medical appointment is considered "unexcused," leaving parenting students the impossible choice between chronic truancy and parenting their child responsibly. Strict attendance policies additionally widen the gender gap, since fathering students are less likely to help take on parenting duties, leaving mothering students at a greater disadvantage and even more likely to drop out of school. To keep parenting students from falling behind, policy makers have recommended waiving minimum attendance policies for student parents and offering opportunities for makeup work (Hady).

2. Lack of Case Law Prevents Legislative Ease

The number of Title IX cases addressing the rights of pregnant and parenting students is disproportionately small to the number of students who, according to research, suffer violations of their rights in school. Though pregnancy falls under Title IX's umbrella, a perception of little or no case law, service providers' lack of knowledge, and the social and legal marginalization of the affected students prevents many cases from both forming and succeeding. The lack of case law may be caused in part by the unlikely availability of compensatory damages. Since the law is designed to prevent discrimination, courts are unclear on how to either establish a claim or award damages. Without a viable means of enforcement, schools are less likely to follow regulations, especially those that incorporate language for both equal treatment and special treatment, and are less likely to require that teachers and counselors receive education and training about Title IX's legal obligations, especially those specific to pregnant and parenting students. Because Title IX rights remain under-fried and unknown, many cases assert other rights, often to their detriment (Gough).

Possibilities for Success

To increase Title IX's enforcement of rights for pregnant and parenting students, law and education requirements for teachers and administrators must be imposed to help schools comprehend the regulation and apprehend discriminatory practices (Gough). To help mitigate the gap in accommodations for pregnant and parenting students, schools must implement flexible attendance policies to include necessary childcare. In order to best guarantee implementation success, experts recommend that the policies should be understood as already required by Title IX to more completely fulfill the regulation's protections for parenting students, rather than as an additional set of legislation requiring time, authoring, and debate (Hady).

Students' knowledge of their rights is equally important. Toolkits, such as the one the National Women's Law Center created for pregnant and parenting students, can help students both comprehend their rights without complex legal language and take action if their rights have been violated (NWLc).

Ultimately, the achievement gap for parenting student and a lack of litigated cases is a symptom of more than just the shortcoming of one regulation. Social and political shaming of pregnant and parenting teens and its resultant agendas not only widens gender inequality but also perpetuates a system of shame and dehumanization for those who choose to become pregnant or choose to maintain an unplanned pregnancy. Teen parents must be supported to provide maximum opportunities to both parent and child (Daniel).

References

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Hello! My name is Julia Guy, and I am thrilled to be joining Newcomb College Institute's Reproductive Rights and Reproductive Health Internship program this spring! I am a sophomore studying political economy and environmental studies, and I hope to pursue a career within environmental advocacy and policy. Reproductive justice is additional passion of mine, so I am grateful that I have this opportunity outside of the classroom to advance RJ research while learning about

research skills, social justice advocacy, and the intersection of grassroots activism and legislative approaches.

This semester, I am continuing a project I began as a research assistant for Dr. Clare Daniel last fall in which I am collecting and categorizing distribution materials from grassroots campaigns aiming to eliminate the stigma surrounding young parenthood as well as shame tactics utilized in teen pregnancy prevention campaigns. Additionally, I am documenting court cases concerning Title IX rights abuses of pregnant and parenting students, and I am conducting a literature review of shameful teen pregnancy prevention campaigns and support systems (or lack thereof) for pregnant and parenting youth. I am looking forward to share some of this information in the Conceiving Equity poster session later in the semester (see my poster above!). This semester, we are adding research on the discrepancy within both reproductive justice and mainstream consciousness between comprehensive sexuality education and elimination of shameful narratives for young parents. Using “teen pregnancy prevention” as a benchmark for sex education not only reinforces the narrative of young parents as irresponsible and unworthy of support despite often large socioeconomic inequalities, but also undermines the greater goal of reproductive justice to have the power, freedom, and resources to make healthy decisions about our bodies, sexuality, and reproduction for ourselves, including the decision to become a parent.

While I greatly enjoy working with Dr. Daniel, developing my research skills, and building my policy knowledge, another aspect of this internship I really appreciate is the biweekly RRRH intern meetings that have allowed me to meet other students working on reproductive justice research and advocacy for a wide variety of organizations and professors. Not only is it a great way to facilitate group discussions around reproductive justice as both a framework for academics and a lens for current events, but these meetings have also helped me learn more about the advocacy and nonprofit world in New Orleans with guest speakers from organizations ranging from fair housing assurance to abortion funding. This internship is already proving to be a fantastic opportunity, and I am excited to see where the rest of the semester leads!