

5120 (IHBCA) Accommodation of Pregnancy and Related Medical Conditions: Students 5120 (IHBCA)

A. Policy Purpose.

This policy is intended to enable students who are pregnant or have related medical conditions to receive the accommodations to which they are entitled under Title IX of the Education Amendments of 1972 (Title IX) and under NH RSA 193:38.

The Milford School District does not treat students differently on the basis of sex with respect to current, potential, or past parental, family, or marital status. The District does not discriminate against any student based on the student's current, potential, or past pregnancy or related conditions.

B. Terms.

1. **Pregnancy.** "Pregnancy" refers to the pregnancy of the specific student in question and includes, but is not limited to, current pregnancy, past pregnancy, termination of pregnancy, potential or intended pregnancy (which can include infertility, fertility treatment, and the use of contraception), labor, and childbirth (including natural and cesarean delivery).
2. **Related Medical Conditions.** "Related medical conditions" are medical conditions relating to pregnancy. This includes prenatal/antenatal and postpartum medical conditions, recovery from pregnancy as defined above, and lactation and related conditions. See Policy 2425 (ACN) for lactation accommodations.

C. District and Employee Responsibilities Upon Notification of Student Pregnancy or Related Condition.

When a student, or a person who has a legal right to act on behalf of the student, informs any District employee of the student's pregnancy or related medical conditions, the employee shall promptly provide that person with the Human Rights Officer/Title IX Coordinator's contact information and inform that person that the Human Rights Officer/Title IX Coordinator can coordinate specific actions to prevent sex discrimination and ensure the student's equal access to the District's educational programs and activities.

Pursuant to Board policy 5125 (ACAC) and Title IX, any staff member who learns that a student is pregnant or is informed of such by the pregnant student will immediately inform the Human Rights Officer/Title IX Coordinator.

Consistent with RSA 186:11, IX-e, Milford School District Policy 5116 (JLP) no employee of the District, including the Human Rights Officer/Title IX Coordinator, may withhold from a parent/guardian information regarding a student's pregnancy unless such employee reasonably believes, and a reasonably prudent person would believe, that such disclosure would result in abuse, abandonment, or neglect. If information indicating abuse, abandonment or neglect exists, the employee is mandated to report such information as described in Policy 2408 (JLF) and RSA 169-C:29 and 30.

D. Specific Actions to Prevent Discrimination and Ensure Equal Access.

When the student, or a person who has a legal right to act on behalf of the student, informs the Human Rights Officer/Title IX Coordinator of the pregnancy or related condition, the Human Rights Officer/Title IX Coordinator shall act to prevent sex discrimination and ensure equal access to the District's educational programs and activities. The Human Rights Officer/Title IX Coordinator must inform the person of the District's obligations and provide adequate notice of nondiscrimination.

Based on the student's individualized needs and in consultation with the student, the District will make reasonable modifications to policies, practices, or procedures as necessary to prevent sex discrimination and ensure equal access to the District's educational programs and activities. The Human Rights Officer/Title IX Coordinator will help the student access these rights.

The student may accept or decline each reasonable modification offered by the District. If the student accepts an offered reasonable modification, the District must implement it.

Examples of reasonable modifications may include, but are not limited to, the following:

1. breaks to attend to health needs associated with pregnancy or related conditions, including eating, drinking, or using the restroom;
2. intermittent absences to attend medical appointments;
3. access to extended learning opportunities, such as online or homebound education;
4. changes in schedule or course sequence;
5. extensions of time for coursework and rescheduling of tests and examinations;
6. allowing a student to sit or stand, or carry or keep water nearby;

7. counseling;
8. changes in physical space or supplies (for example, access to a larger desk or a footrest); elevator access;
9. other changes to policies, practices, or procedures; or
10. breaks during class to express breast milk or breastfeed in an appropriate lactation space (i.e., a space other than a bathroom, that is clean, shielded from view, free from intrusion from others, and which may be used by a student for expressing breast milk or breastfeeding as needed). See Policy 2425 (ACN) regarding lactation.

E. Voluntary Leaves of Absence.

The student may voluntarily take a leave of absence from school for, at a minimum, the period of time deemed medically necessary by the student's licensed healthcare provider. If the student qualifies for a longer period of leave under another District leave policy, the student is permitted to take voluntary leave under that policy instead, if the student so chooses. Upon return to school, the student will be reinstated to the academic status and, as practicable, the extracurricular status that the student held when the voluntary leave began.

F. Supporting Documentation.

The District will treat pregnancy or related conditions in the same manner and under the same policies as any other temporary medical conditions. The District may not require supporting documentation for activities that are generally available to students without documentation.

The District will require supporting documentation only when necessary and reasonable for determining whether reasonable modifications are needed or whether to take additional specific actions. Supporting documentation is not necessary or reasonable when the student's need is obvious, such as when a pregnant student needs a larger desk, water nearby, or restroom breaks, or when a postpartum student has lactation needs.

The District may not require a student who is pregnant or has related conditions to provide certification that the student is physically able to participate in class, programs, or extracurricular activity unless such certification is required of all students participating in the class, program, or extracurricular activity.

G. Complaints or Reports.

Complaints or reports regarding violations of this policy should be made in the first instance in accordance with the procedures outlined in policy [5125 \(ACAC\)](#).

NH Statutes

RSA 169-C

Description

[Child Protection Act](#)

RSA 186:11, IX-e

[Notice to Parents/Guardian Required](#)

RSA 186:11, XXXIII

[Discrimination](#)

RSA 193:38

[Discrimination in Public Schools](#)

RSA 354-A:1

[\(Human Rights\) Title and Purposes of Chapter](#)

RSA 354-A:27

[Opportunity for Public Education without Discrimination
a Civil Right](#)

Federal Statutes

20 U.S.C 1681, et seq

Description

[Title IX of the Education Amendments of 1972](#)

29 U.S.C. 794

[Rehabilitation Act of 1973 \(Section 504\)](#)

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