



Fact Sheet

Student Abortion and Miscarriage

December 2022

A student-facing version of this document is regularly updated at <https://thepregnantscholar.org/abortion-and-miscarriage/>

Title IX, the nationwide law against sex discrimination in education, protects students who are or were pregnant by prohibiting harassment and discrimination and guaranteeing certain accommodations relating to pregnancy. This also includes students who have an abortion or experience a miscarriage or other pregnancy loss. (Note, the Title IX regulations refer to “termination” of pregnancy, which is a technical term that includes abortion, miscarriage, and other pregnancy loss.)

The Title IX regulations state that:

“A recipient shall not discriminate against any student, or exclude any student from its education program or activity, including any class or extracurricular activity, on the basis of such student’s pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery therefrom...” 34 CFR 106.40(b)(1)

While many states now have restrictions that make it more difficult to access abortion and miscarriage care, those restrictions do not change Title IX, which is a federal law that applies nationwide. Students navigating pregnancy-related conditions are entitled to time off and absences, academic adjustments, and non-discrimination. Keep reading to find out more.

Important note: *religious schools, colleges, and universities can be exempted from Title IX requirements. [Learn more here.](#)*

TIME OFF SCHOOL

Under Title IX, schools, colleges, and universities must excuse absences related to pregnancy, childbirth, miscarriage or abortion, so long as a doctor says the student’s absence is medically necessary. What is considered “medically necessary” is not something an educational institution can decide; it is up to the care provider and can include any absence necessary for the treatment plan the student and their care provider decide on.

Absences can include time off for medical appointments (including transportation to those appointments) as well as time off to recover from any treatments or procedures related to pregnancy. Recovery can include physical as well as mental recovery.

Students may be required to provide a note from a doctor explaining that they need the time off if others are also required to provide documentation for their health-related absences. *The note does not need to specify that the absence is related to abortion or miscarriage*, but should state the date(s) of the absence, and that it was a pregnancy-related medically necessary absence.

For more on student rights to time off, see [our page on leave and absences](#).

ACADEMIC ADJUSTMENTS

Title IX requires educational institutions to provide accommodations for pregnancy *and related conditions*, like the end of a pregnancy and recovery from it. For example, some students are not ready to return to class in person following a pregnancy loss and want access to virtual learning options. Others may be ready to return but need additional bathroom breaks or lactation breaks. If a student needs a change at school to allow them to fully recover, that is referred to as an “academic adjustment,” “modification,” or “reasonable accommodation.”

For more on student rights to academic adjustments, see [our page on accommodations](#).

DISCRIMINATION AND HARASSMENT

Title IX requires schools, colleges, and universities to protect students from discrimination and harassment related to their pregnancy—including abortion, miscarriage or other pregnancy loss. That includes discrimination or harassment from professors, administrators, other employees, and even students. If a student is being penalized or made to feel unwelcome or unsafe on campus on the basis of their pregnancy, pregnancy loss, or abortion, that may be illegal under federal law. Students are entitled to continue their education without discrimination or harassment, and the campus is responsible for taking action to protect students from these harms. Title IX administrators and other student service providers are encouraged to publicize the availability of support and complaint procedures for students facing these challenges.

NEED HELP?

The Pregnant Scholar team provides free assistance to students in higher education who are or were pregnant. We also provide technical assistance and training for campuses on how to best support pregnant and parenting students.

[Contact us!](#)



www.thepregnantscholar.org