

PREGNANCY & PARENTING RIGHTS

This Pregnancy & Parenting Rights Package provides a comprehensive overview of protections, accommodations, and responsibilities related to pregnancy, childbirth, termination of pregnancy, recovery, lactation, and parenting status. It applies to students, employees, applicants, student workers, supervisors, faculty, and administrators.

Governing laws include Title IX, California Education Code, Title 5, FEHA, FMLA, CFRA, PDL, and the California Labor Code.

Title IX¹ requires: “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance...”

Academic and Workplace Pregnancy and Related Conditions Accommodation Framework

Southwestern Community College District (SWCCD) is a recipient of federal student aid funding and grants. As such, SWCCD, may not discriminate on the basis of sex (being a female and experiencing pregnancy and related conditions). Thus, providing accommodation to students, employees, applicants, faculty, supervisors, and administrators experiencing pregnancy and pregnancy related conditions is mandatory.

This section is provided together because it aligns pregnancy and parenting-related academic and workplace accommodations for students and employees to ensure consistency across instructional and employment contexts.

Legal Requirements: Student Academic Accommodation (Title IX, FEHA, Ed. Code)

FEDERAL: Students impacted by pregnancy, childbirth, termination or loss of pregnancy, recovery, lactation, post pregnancy conditions or parenting responsibilities are entitled to reasonable academic adjustments. Accommodation must be provided without academic penalty and without requiring disclosure of unnecessary medical information.

Reasonable academic accommodation may include, but are not limited to:

- Excused absences related to pregnancy or parenting needs
- Opportunity to make-up work, exams, quizzes, labs, or clinical activities with loss of points
- Extended or flexible deadlines for assignments, exams, quizzes
- Attendance flexibility and alternative participation options (online)
- Temporary modifications to participation or physical requirements
- Breaks for lactation or medical needs
- Reinstatement to the same academic status following approved leave

¹ Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681(a).

CALIFORNIA: protections for students are often even stronger than federal Title IX rules, as they are governed by the California Fair Employment and Housing Act (FEHA) and the California Education Code.

1. General Modifications & Accommodations

California law is very protective regarding "known limitations." For most common needs, the threshold for requiring documentation is high.

- **Minor Accommodations:** For adjustments like more frequent restroom breaks, access to water, or the ability to sit, schools generally cannot require medical documentation if the need is obvious or the request is minor.
- **The "Interactive Process":** California requires schools and employers to engage in a "timely, good faith, interactive process." If your request is straightforward, they should grant it without creating unnecessary bureaucratic hurdles.

2. Lactation Rights (California Education Code § 222 & 66271.9)

California has specific statutes (beyond just general anti-discrimination law) that mandate lactation accommodations for students in K-12 and higher education (CCC, CSU, and UC systems).

- **Documentation:** Under California law, a school cannot require medical documentation to prove a student needs to pump or breastfeed. The right to lactate is considered a fundamental right for as long as the student has the need.
- **Requirements:** Schools must provide a private, secure room (not a restroom) with a power source and access to a sink and refrigerator nearby.

3. Pregnancy Disability & Recovery

Students seeking a leave of absence for recovery from childbirth or a pregnancy-related complication (like hyperemesis or preeclampsia), the rules are slightly different:

- **Medical Necessity:** To qualify for a formal "Pregnancy Disability Leave" or an excused absence that exceeds the standard school policy, the school can request a medical certification. The school is only entitled to know:
 1. That the student has a medical condition related to pregnancy/recovery.
 2. The date the leave/accommodation should begin.
 3. The estimated duration.
- **Privacy:** The school is not generally entitled to your specific diagnosis or detailed medical records.

4. "Fit to Participate" Requirements

Similar to Title IX, California law prohibits schools from requiring a "clearance note" for you to participate in normal school activities unless they require that same note from *every* student who has a temporary medical condition.

Summary Checklist for California Students

Action	Documentation Required?
Pumping/Breastfeeding	No. Prohibited by CA law.
Minor Classroom Tweaks	Usually No. Especially if the need is "obvious."
Short Absences (< 3 days)	Only if required for all other sick students.
Long-term Medical Leave	Yes. A basic note confirming medical necessity.

Pro-Tip: If a California school administrator insists on a doctor's note for something minor (like carrying a water bottle or taking a 10-minute pumping break), you can point them to California Education Code Section 66271.9 (for Higher Ed).

Legal Requirements: Employee Workplace Accommodation (FEHA, PDL, CFRA, FMLA, Title IX)

Employees and applicants affected by pregnancy, childbirth, termination, or loss of pregnancy, recovery, lactation, post pregnancy conditions, parenting responsibilities or bonding are entitled to reasonable accommodation and protected leave. Accommodation must be provided through an interactive process and without retaliation.

Reasonable workplace accommodation may include, but are not limited to:

- Modified or light duty assignments-duty assignments
- Adjusted or flexible work schedules
- Remote or telework options when available
- Additional or extended breaks, including lactation and bathroom breaks
- Ergonomic or physical workspace adjustments
- Pregnancy Disability Leave (up to four months, as medically necessary)
- CFRA/FMLA bonding leave, as applicable

In California, the rules for medical documentation are a complex mix of federal (FMLA, Title IX) and state (FEHA, PDL, CFRA) laws. Generally, documentation requirements depend on why one is taking leave or seeking an accommodation. The most important takeaway for California employees is that lactation and baby bonding have the strictest prohibitions against documentation, while disability leave usually requires a doctor's note.

1. Lactation Accommodations (FEHA & CA Labor Code)

California law is incredibly strict here to protect the rights of parents.

- Documentation Required? No.
- Details: Under California Labor Code and FEHA, an employer cannot require a doctor's note or any medical proof to provide employees with pumping breaks or a private lactation space.
- The Law: The request alone triggers the employer's obligation to provide a compliant space (not a bathroom) and reasonable break time.

2. Reproductive Loss Leave (SB 848)

As of 2024, California employees are entitled to 5 days of leave following a "reproductive loss event" (miscarriage, failed adoption, unsuccessful IVF, etc.).

- Documentation Required? No.
- Details: The law explicitly states that employers cannot require medical documentation or proof for this specific 5-day leave. It is designed to protect privacy during a sensitive time.

3. Reasonable Accommodations (Title IX & FEHA)

If employees are still working but need "reasonable accommodations" (e.g., a chair, fewer lifting requirements, or more frequent water breaks), then:

- Minor Needs: If the need is "obvious" (like a larger uniform) or minor, documentation is often not required or is discouraged.
- Significant Adjustments: For more complex changes (like a transfer to a less strenuous role), the employer can ask for a medical certification stating that the transfer is "medically advisable."

Quick Reference Table

Reason for Request	Law	Documentation Required?
Disability Leave (PDL/FMLA)	PDL / FEHA	Yes (Certification of disability)
Lactation/Pumping	CA Labor Code	No (Prohibited)
Baby Bonding (CFRA)	CFRA	No (Only proof of birth/placement)
Reproductive Loss	SB 848	No (Prohibited)
Minor Accommodations	FEHA / Title IX	No (If need is obvious)

Shared Principles for Students and Employees

All pregnancy and related conditions and parenting related accommodation are governed by the following principles:

- Non-discrimination² and non-retaliation
- Confidential handling of information
- No requirement requestor must disclose unnecessary medical details
- Compliance means SWC is providing equal access to programs, benefits, and opportunities to pregnant, lactating and parenting students and employees
- Complaints regarding noncompliance will be referred to Title IX and EEO and processed as gender-based discrimination
- Human Resources, Student Affairs and Academic Affairs will be notified as appropriate

Lactation Accommodation

Space Requirements

- SWCCD must provide a private, clean, safe lactation space that is not a restroom and includes seating, a flat surface, an outlet, and nearby running water.
- Campus maps include a designation for Lactation spaces. All campus maps can be located [here](#). The map legend identifies lactation locations by campus:
- Specific lactation rooms by campus are identified on the Title IX and EEO webpage at [Pregnancy, Lactation & Recovery](#).

Break Time

- Reasonable break time must be provided for pumping, with flexibility for additional unpaid time if needed.

Student-Specific Considerations

- Students must be provided flexibility for pumping breaks, access to lactation spaces, make-up work, and attendance adjustments.

² Read SWC's Notice of Nondiscrimination 2026 [here](#).

Employee-Specific Requirements

- Employers must provide lactation breaks, compliant spaces, and protection from retaliation.

Reporting Options

- Title IX and EEO Office – handles discrimination, harassment, retaliation, and denial of academic adjustments and employee accommodations, workplace discrimination, and leave coordination.
 - Supervisors & Faculty – responsible for appropriate response, referral, and confidentiality.
 - The reporting form for pregnancy discrimination is located on the Title IX webpage at [Title IX & EEO](#).
-