

PREGNANCY, ADA/504 & TITLE IX

Supporting Students & Employees
Across Offices



Judith Risch
Judith Risch Advisory Services
judy@judithrisch.com

MEET THE SPEAKER



Judith Risch

Judy is one of the nation's foremost experts on digital accessibility. She is a twenty-year veteran of the Office for Civil Rights, including five years as Project Director of the National Digital Accessibility Task Force, where she oversaw Section 504 and ADA Title II enforcement across educational institutions and contributed to the 2024 DOJ ADA Title II digital accessibility regulation.

Judy's practice encompasses both policy guidance and technical implementation. On the policy side she assists institutions with compliance guidance, civil rights investigations, accessibility strategy and governance, and training for administrators, legal counsel, and IT staff. On the technical side she supports WCAG 2.0/2.1/2.2 conformance review and remediation, manual and automated audits (JAWS, NVDA), VPAT review, and accessible technology procurement.

TODAY'S SESSION

01

Why it matters — students & employees

02

Title IX & pregnancy: the legal foundation

03

ADA/504 & pregnancy: where it overlaps

04

Employees, PWFA & the crossover zone

05

SCENARIOS — group discussion (8 hypotheticals)

WHY IT MATTERS

~1 in 10

female community college dropouts cite unplanned pregnancy as the reason

1 in 5

college students is a parent or caregiver during enrollment

Mean age

of first birth is now 27+ — most are current students

These are your students. When institutions fail to act, students drop out — not because of pregnancy, but because of our response to it.

TITLE IX: THE FOUNDATION

The Core Prohibition

Title IX prohibits sex discrimination in educational programs — and this explicitly includes discrimination based on pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom.

Key Obligations

- Allow makeup of missed work — without penalty
- Provide reasonable adjustments (larger desk, restroom breaks, remote access)
- Treat student similarly to one with a temporary disability
- Allow return to same academic/extracurricular status
- Leave of absence for as long as medically necessary

Title IX vs. ADA/504 at a glance

	Title IX	ADA/504
Trigger	Pregnancy/related condition	Qualifying disability
Tone	Adjustments (mandatory)	Accommodations (interactive)
Provider note	Only if required for all similar conditions	Usually required
Who decides	Title IX Coordinator	DS/504 Coordinator
Overlap?	Yes — both can apply	Yes — both can apply

ADA/504 & PREGNANCY

Pregnancy alone is NOT a disability under ADA/504...

EXCEPT when one of these situations is present:

A pregnancy-related impairment exists

e.g., gestational diabetes, severe sciatica, hyperemesis gravidarum requiring hospitalization

Delivery results in a new disability

e.g., broken pelvis, nerve damage/foot drop, postpartum psychosis

A condition becomes long-lasting

e.g., gestational diabetes → Type 2; postpartum depression → ongoing mental health condition

The student is regarded as having a disability

Even without a formal diagnosis, if treated as disabled — ADA may apply

When ADA/504 applies → engage in the interactive process. Document. Follow your accommodation procedures.

THE CROSSOVER ZONE

How to decide which law — or both — applies

TITLE IX ONLY

- Healthy pregnancy, no impairment
- Prenatal appointments
- Standard pregnancy leave
- Desk/furniture adjustment

BOTH APPLY

- Gestational diabetes (Type II)
- Severe morning sickness requiring hospitalization
- Postpartum depression (ongoing)
- Injury/disability from delivery

ADA/504 ONLY

- Pre-existing disability
- Condition unrelated to pregnancy
- Long-term postpartum condition
- New disability from delivery

KEY QUESTION: Does the student have a condition that substantially limits a major life activity? If yes → ADA/504 also applies.

PART 2

SCENARIOS

Group Discussion

Split into Title IX and ADA/504 teams. For each scenario, discuss the questions as your office — then we'll debrief together.

The Chemistry Lab

THE SITUATION

A student in a nursing science program discloses her pregnancy to a faculty member and asks to be excused from a series of lab sessions involving chemicals known to be harmful to a developing fetus. The instructor refuses, saying completion of the labs is required to pass the course and no exceptions can be made.

DISCUSS

1. As the Title IX Coordinator, what are your immediate next steps?
2. Is there an ADA/504 angle here, or is this purely Title IX?
3. How do you balance the faculty member's course requirements with the student's rights?
4. What creative alternatives can ensure equal access?

The Heart Condition

THE SITUATION

A student had a healthy pregnancy and delivered without issue. On her first night post-delivery, she was diagnosed with AFIB — a permanent heart condition. She had Title IX adjustments during pregnancy (larger desk, restroom breaks). The Title IX office now insists the AFIB is still a Title IX matter because it arose during a pregnancy-related hospital stay.

DISCUSS

1. Is this Title IX, ADA/504, or both — and why?
2. At what point does a condition 'cross the lane' from T9 to ADA?
3. How do the two offices communicate a transition to the student?
4. What happens to the existing Title IX adjustments?

The Nursing Break vs. Mask Break

THE SITUATION

Student A was approved for a Title IX adjustment allowing her to exit a structured 3-hour exam to nurse her infant outside with her partner. One term later, Student B in the same program — diagnosed with cystic fibrosis — requests exam breaks to step outside and remove her mask. The exam office denies Student B's request, citing test security risk and potential fundamental alteration.

DISCUSS

1. Were both decisions legally correct? Explain your reasoning.
2. What is a 'fundamental alteration' and when does it actually apply?
3. How could both situations have been handled more consistently?
4. What does this scenario reveal about policy gaps on your campus?

The Leave Extension

THE SITUATION

A student had an uneventful pregnancy but a traumatic delivery resulting in her child having severe cerebral palsy. She requested a one-year leave from the Title IX office (granted). She now returns requesting a second year, citing ongoing demands of medical care for her child. Title IX refers her to Disability Services.

DISCUSS

1. Was the first year of leave appropriately granted under Title IX?
2. Is the second year a Title IX matter, an ADA/504 matter, or neither?
3. What is the student's actual legal basis for continued leave?
4. How do you support this student without creating an open-ended obligation?

The Six-Week Recovery

THE SITUATION

An admissions counselor returns six weeks after an uncomplicated delivery. Her physician recommends temporary lifting restrictions and extra breaks during her recovery. Her supervisor sends her to the Disability/ADA office, which declines — correctly noting that normal recovery from childbirth is not a disability. She is now stuck between offices with nothing in place.

DISCUSS

1. Is normal recovery from childbirth ever an ADA/504 matter?
2. Which law actually covers her — and which office owns the request?
3. What should the ADA office have done besides saying no?
4. How would this play out differently if she were a student?

The Student-Athlete

THE SITUATION

A pregnant student-athlete in her first trimester informs her coach she is pregnant. The coach immediately removes her from all practice and competition, citing 'safety liability.' The athletic trainer backs the coach. The student — who has been cleared by her OB to continue training at a modified level — is now effectively benched for the season.

DISCUSS

1. What Title IX obligations apply specifically to athletics?
2. Who should the student contact first, and what should happen next?
3. What if the student's physician later recommends she stop competing — does that change the analysis?
4. What policies should your athletics department have that it likely doesn't?

The Pregnant Professor

THE SITUATION

A pregnant faculty member with gestational diabetes requests schedule adjustments, snack breaks during long seminars, and relocation of one class from a distant building. HR says gestational diabetes is a disability — so the ADA office should handle it. The ADA office says pregnancy is not a disability — so it's an HR/Title IX matter. Three weeks pass; the semester starts with nothing in place.

DISCUSS

1. Is gestational diabetes an ADA matter, a PWFA matter, or both?
2. Which office should own the request — and who decides when offices disagree?
3. What are the legal risks of the three-week delay itself?
4. Design the intake protocol that would have prevented this standoff.

The Postpartum Transition

THE SITUATION

A student who received Title IX adjustments during pregnancy delivered 10 weeks ago. She returns to class but is struggling significantly — missing assignments, disengaged, tearful in advising meetings. She has not re-contacted the Title IX office. Her advisor refers her to DS for 'emotional issues.' DS screens her and suspects she may have postpartum depression, but she has no formal diagnosis.

DISCUSS

1. What is the advisor's obligation at this point — and did they do the right thing?
2. Can DS provide interim accommodations without a formal diagnosis?
3. Is Title IX still in play 10 weeks postpartum?
4. How should your campus coordinate care for this student across offices?

LESSONS LEARNED & BEST PRACTICES

Proactive outreach

Don't wait for students or employees to find you. Publish pregnancy rights on your website, in handbooks, at orientation and onboarding.

Document everything

Dates of disclosure, adjustments offered, faculty notified. OCR looks for documented follow-through — not just policies.

Post-delivery check-in

At 6 and 12 weeks post-delivery, check whether adjustments should close, continue, or transition to ADA/504.

Centralize coordination

Title IX, DS, and HR should share one protocol — not separate silos. One person, one coordinated plan.

Train faculty directly

Faculty are often the first point of contact and the most common point of failure. Annual training matters.

QUESTIONS & FINAL THOUGHTS

Before you leave — one takeaway:

What is one thing you will do differently on your campus after today's session?

Thank you.