AN ACT

Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," providing for married, pregnant, lactating and parenting pupils.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, is amended by adding an article to read:

ARTICLE XIV-C

MARRIED, PREGNANT, LACTATING AND PARENTING PUPILS

Section 1401-C. Definitions.

The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"School entity." A charter school, cyber charter school, regional charter school, a school operated by a school district,
an intermediate unit or a nonpublic school.

Section 1402-C. Accommodations for lactating pupils.

(a) Reasonable accommodations.--Each school entity shall provide reasonable accommodations for a lactating pupil on a school campus to express breast milk, breastfeed an infant child or address other needs related to breastfeeding. Reasonable accommodations under this section include, but are not limited to, all of the following:

(1) Access to a private and secure room, other than a restroom, to express breast milk or breastfeed an infant child.

(2) Permission to bring onto a school campus a breast pump and any other equipment used to express breast milk.

(3) Access to a power source for a breast pump and any other equipment used to express breast milk.

(4) Access to a place to store expressed breast milk safely.

(b) Time.--A lactating pupil on a school campus shall be provided a reasonable amount of time during the school day to express breast milk or breastfeed an infant child.

(c) Condition.--A school entity shall provide the accommodations specified in subsection (a) only if there is at least one lactating pupil on the school campus.

(d) Existing facilities.--A school entity may use an existing facility to meet the requirements specified in subsection (a).

(e) Pupil protection.--A pupil shall not incur an academic penalty as a result of her use, during the school day, of the accommodations under this section and shall be provided an opportunity to make up any work missed due to that use.
Section 1403-C. Antidiscrimination for married, pregnant and parenting pupils.

No school entity may do any of the following:

(1) Deny enrollment based upon a pupil's marital, pregnancy or parenting status. A pupil who is married, pregnant or a parent may enroll in any school or program for which the pupil would otherwise qualify.

(2) Expel, suspend or otherwise exclude a pupil from, or require a pupil to participate in, a school program solely on the basis of the pupil's marital, pregnancy or parenting status.

(3) Discriminate against a pupil on the basis of the pupil's actual or potential marital, pregnancy or parenting status, including childbirth, false pregnancy, termination of pregnancy and related recovery.

Section 1404-C. Attendance and absenteeism.

(a) Compulsory attendance.--A pupil under 17 years of age is not excused from the requirements of compulsory attendance solely by reason of marriage, pregnancy or parenting.

(b) Leave of absence.--The superintendent or the superintendent's designee may grant a leave of absence from school to a pupil for pregnancy, childbirth and abortion as provided in subsection (c). At the conclusion of the leave, the pupil may reenter the school and shall be reinstated to the status held when the leave began in the same manner as any pupil whose nonattendance is a result of an excused absence or temporary disability.

(c) Maternity leave.--The following apply:

(1) A pupil who is pregnant may request a leave of absence under subsection (b) for as long as medically
necessary.

(2) After childbirth, a pupil's absence from school under subsection (b) shall be permitted for a period not to exceed 30 school days from the date of delivery for physical recovery and adjustment to parenting, unless an extension of time is medically necessary.

(3) For an absence under paragraph (1) or (2), the pupil must present a medical certification from the pupil's physician stating that the pupil is unable to attend school and specifying the beginning and end dates of the leave of absence deemed necessary by the physician.

(d) Parental leave.--An absence of a pupil shall be considered excused when the absence is due to the illness or medical appointment of a child for whom the pupil is the custodial parent. A school entity may require verification of illness for the absence in accordance with policies applicable to all pupils.

(e) Homebound instruction.--A pupil who is pregnant or is a custodial parent and whose mental or physical condition prevents the pupil from attending regular classes may be assigned to homebound instruction. The pupil must present a medical certification from the pupil's physician stating that the pupil is unable to attend school and specifying the beginning and end dates of the leave of absence deemed necessary by the physician. Homebound instruction may not be granted to the pupil because of lack of child care or solely because the student is in her third trimester of pregnancy.

(f) Confidentiality.--Health and personal information regarding a pupil is confidential and may not appear in cumulative records. A school entity may not consider a pupil's
pregnancy when determining educational or job opportunities, awards and scholarships. Information received in confidence from a pupil may be revealed to the pupil's parents or guardians, the principal or other appropriate authority when the health, safety or welfare of the pupil or another person is clearly in jeopardy.

Section 2. This act shall take effect in 60 days.