
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2048 Session of
2019

INTRODUCED BY ISAACSON, McCLINTON, HANBIDGE, MURT, CALTAGIRONE,
FRANKEL, HILL-EVANS, KINSEY, OTTEN, ROZZI, SCHLOSSBERG AND
SCHWEYER, NOVEMBER 14, 2019

REFERRED TO COMMITTEE ON EDUCATION, NOVEMBER 14, 2019

AN ACT

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

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

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

12 ARTICLE XIV-C

13 MARRIED, PREGNANT, LACTATING AND PARENTING PUPILS

14 Section 1401-C. Definitions.

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

18 "School entity." A charter school, cyber charter school,
19 regional charter school, a school operated by a school district,

1 an intermediate unit or a nonpublic school.

2 Section 1402-C. Accommodations for lactating pupils.

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

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

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

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

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

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

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

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

27 (e) Pupil protection.--A pupil shall not incur an academic
28 penalty as a result of her use, during the school day, of the
29 accommodations under this section and shall be provided an
30 opportunity to make up any work missed due to that use.

1 Section 1403-C. Antidiscrimination for married, pregnant and
2 parenting pupils.

3 No school entity may do any of the following:

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

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

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

16 Section 1404-C. Attendance and absenteeism.

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

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

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

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

1 necessary.

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

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

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

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

28 (f) Confidentiality.--Health and personal information
29 regarding a pupil is confidential and may not appear in
30 cumulative records. A school entity may not consider a pupil's

1 pregnancy when determining educational or job opportunities,
2 awards and scholarships. Information received in confidence from
3 a pupil may be revealed to the pupil's parents or guardians, the
4 principal or other appropriate authority when the health, safety
5 or welfare of the pupil or another person is clearly in
6 jeopardy.

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