
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1807 Session of
2021

INTRODUCED BY ISAACSON, GILLEN, DALEY, FRANKEL, HILL-EVANS,
HOHENSTEIN, PASHINSKI, SANCHEZ AND SIMS, AUGUST 24, 2021

REFERRED TO COMMITTEE ON EDUCATION, AUGUST 24, 2021

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, an area career and technical school, a
20 school operated by a school district, an intermediate unit or a

1 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 a child or
6 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 clean, private and secure room, other
10 than a restroom, with a working electrical outlet, chair and
11 table to express breast milk or breastfeed a child.

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

15 (3) Access to a place to store expressed breast milk
16 safely.

17 (b) Time.--A lactating pupil on a school campus shall be
18 provided a reasonable amount of time for one or more intervals
19 as needed during the school day to express breast milk or
20 breastfeed a child. For the purpose of this subsection, a
21 reasonable amount of time shall be based on the individual needs
22 of the pupil and shall include a sufficient amount of time to
23 perform all of the following:

24 (1) Expressing breast milk or breastfeeding a child.

25 (2) Traveling to and from the designated location for
26 expressing breast milk or breastfeeding a child.

27 (3) Traveling to and from the designated location for
28 storing expressed breast milk.

29 (4) Cleansing breast pump equipment.

30 (c) Existing facilities.--A school entity may use an

1 existing facility to meet the requirements specified in
2 subsection (a).

3 (d) Pupil protection.--A pupil shall not incur any academic
4 or nonacademic penalty as a result of the pupil's use, at any
5 time, of the accommodations under this section and shall be
6 provided an opportunity to make up any work missed due to that
7 use.

8 Section 1403-C. Accommodations for pregnant and parenting
9 pupils.

10 (a) Reasonable accommodations.--A school entity shall
11 provide reasonable accommodations for pregnant and parenting
12 pupils to stay on track to graduate by mitigating school
13 district policies, procedures and administrative regulations
14 that create barriers to the continued enrollment, attendance,
15 transportation, school stability and success in school of pupils
16 who are pregnant or caring for a child of their own. To
17 determine the appropriate reasonable accommodations for a pupil,
18 the school entity shall initiate an informal, interactive
19 process with the pupil. For the purpose of this subsection,
20 reasonable accommodations shall include access to any of the
21 following options:

22 (1) A full-time cyber school program.

23 (2) A part-time, in-person schedule or a part-time cyber
24 school schedule.

25 (3) A part-time core curriculum identical to that
26 offered to pupils who split time between the school entity
27 and an area career and technical school.

28 (b) Curriculum.--A school entity shall offer a parenting
29 pupil who chooses the core curriculum offered to pupils
30 attending an area career and technical school to enroll in the

1 area career and technical school or return to the pupil's
2 residence to parent the pupil's child if the pupil agrees to
3 take five hours of parenting classes per school year. The core
4 curriculum and parenting options offered under this subsection
5 shall fulfill the pupil's graduation requirements.

6 (c) Child care resources.--

7 (1) A school entity shall appoint a liaison for pregnant
8 and parenting pupils who shall have all of the following
9 duties:

10 (i) Ensuring outreach and coordination with local
11 service agencies and other Federal, State and local
12 public and private entities that provide services or
13 resources for parenting pupils to obtain free or reduced-
14 cost access to child care while continuing their
15 education.

16 (ii) Ensuring outreach and coordination with State
17 and local housing agencies responsible for comprehensive
18 housing affordability strategies for pregnant or
19 parenting pupils who are homeless as a result of the
20 pregnancy or parenting.

21 (2) A school entity shall provide pupils, parents and
22 guardians with information regarding existing resources and
23 support that may exist through Federal, State and local
24 public and private entities for free or reduced-cost access
25 to child care to ensure parenting pupils can continue their
26 education.

27 (3) A school entity shall provide resources for pregnant
28 or parenting pupils on the school entity's publicly
29 accessible Internet website, in the student handbook and at
30 locations frequented by pupils, parents and guardians within

1 the school district, including authorized public libraries,
2 health care facilities, day care centers, community and civic
3 organizations and religious institutions.

4 Section 1404-C. Antidiscrimination for married, pregnant,
5 lactating and parenting pupils.

6 No school entity may do any of the following:

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

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

16 (3) Discriminate in any manner against a pupil on the
17 basis of the pupil's actual or potential marital, pregnancy,
18 lactating or parenting status, including childbirth, false
19 pregnancy, lactation, reproductive tract condition, surgery
20 or treatment and related recovery.

21 Section 1405-C. Attendance and absenteeism.

22 (a) Compulsory attendance.--A pupil of compulsory school age
23 is not excused from the requirements of compulsory attendance
24 solely by reason of marriage, pregnancy, lactation or parenting.
25 As used in this subsection, the term "compulsory school age"
26 shall have the same meaning as defined in section 1326.

27 (b) Leave of absence.--A school entity shall honor excused
28 absences for reasons relating to pregnancy, lactation,
29 childbirth or adoption and as authorized under this article. A
30 principal or teacher in a school entity may excuse a pupil for

1 nonattendance upon receipt of a certification by any licensed
2 health care practitioner or upon receipt of other satisfactory
3 evidence showing that the pupil is prevented from attending
4 school, or from application to study, due to any mental,
5 physical or other urgent reasons, including absences relating to
6 pregnancy, lactation, childbirth and reproductive tract
7 condition, surgery or treatment as provided under subsection
8 (c). At the conclusion of the leave, the pupil may reenter the
9 school and shall be reinstated to the status held when the leave
10 began, including the status of the pupil's grades, which shall
11 remain the same as of the date of the pupil's leave of absence.
12 The pupil shall return to the same nonacademic and
13 extracurricular status held before the leave of absence began
14 and shall have the opportunity to make up for any work missed
15 while the pupil was absent.

16 (c) Leave due to pregnancy conditions.--The following apply:

17 (1) A pupil who is pregnant may request a leave of
18 absence under subsection (b).

19 (2) After childbirth, a pupil's absence from school
20 under subsection (b) shall be permitted for a period of 30 or
21 more school days from the date of delivery for physical
22 recovery or to complete the adoption process and permit the
23 pupil to bond with the child.

24 (3) For an absence under paragraph (1) or (2), the pupil
25 must present documentation in accordance with this article to
26 support the requested leave stating that the pupil is unable
27 to attend school and specifying the beginning and end dates
28 of the leave of absence deemed reasonable under the pupil's
29 individual circumstances.

30 (4) Upon receipt of the information provided under

1 paragraph (3), a school entity shall develop an
2 individualized parenting pupil academic plan to enable the
3 pupil to remain engaged in school while on leave. The plan
4 shall include all educational services that are necessary to
5 ensure education is provided to the pupil during the leave of
6 absence, including homebound instruction, remote learning and
7 provision of all special education services as required under
8 Federal and State law.

9 (d) Parental leave.--

10 (1) An absence of a pupil shall be considered excused
11 when any of the following apply:

12 (i) The absence is due to the illness or medical
13 appointment of a child for whom the pupil is the
14 custodial parent. A school entity may require
15 verification of illness for the absence in accordance
16 with policies applicable to all pupils.

17 (ii) The absence is due to the cancellation by a
18 child care facility, person or entity who was scheduled
19 to watch the child for whom the pupil is the custodial
20 parent.

21 (iii) The absence is due to the refusal of a child
22 care facility, person or entity to watch the child for
23 whom the pupil is the custodial parent because the pupil
24 is experiencing financial difficulty and unable to pay
25 the child care facility, person or entity.

26 (2) An excused absence under paragraph (1)(ii) or (iii)
27 shall not exceed 15 school days.

28 (e) Instruction and programming.--A pupil who is pregnant or
29 is a custodial parent and whose mental or physical condition
30 prevents the pupil from attending regular classes shall be

1 assigned to homebound instruction or remote learning or offered
2 other educational programming as determined by a school entity
3 with input from the pupil to enable the pupil to stay on track
4 for graduation. A pupil with a disability shall receive all
5 legally required special education services under Federal and
6 State law during the period of homebound instruction, remote
7 learning or other educational programming. The school entity
8 shall offer homebound instruction, remote learning or other
9 educational programming from the date the pupil is unable to
10 attend school. A designee or point of contact at the school
11 entity shall remain in contact with the pupil on a weekly basis
12 for the duration of the pupil's leave of absence. The pupil must
13 present documentation stating that the pupil is unable to attend
14 school and specifying the beginning and end dates of the leave
15 of absence deemed reasonable based on the individual needs of
16 the pupil. Homebound instruction may not be granted to the pupil
17 because of lack of child care or solely because the pupil is in
18 the pupil's third trimester of pregnancy.

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

28 Section 1406-C. Data collection and enforcement.

29 (a) Data collection.--The Department of Education shall
30 issue guidelines to ensure compliance with this article. A

1 school entity shall maintain documentation regarding the school
2 entity's efforts to comply with the article and make the
3 documentation available to the department upon request.

4 (b) Enforcement.--A school entity shall develop complaint and
5 enforcement procedures for a pupil who claims that the school
6 entity has not complied with the provisions of this article. The
7 school entity's Title IX coordinator under 34 CFR 106.8(a)
8 (relating to designation of coordinator, dissemination of
9 policy, and adoption of grievance procedures) shall have the
10 duty to ensure the school entity's compliance with the
11 provisions of this article.

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