
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 994 Session of
2023

INTRODUCED BY ISAACSON, FRANKEL, GIRAL, HANBIDGE, HILL-EVANS,
HOHENSTEIN, MADDEN, O'MARA, SANCHEZ AND WARREN,
APRIL 24, 2023

REFERRED TO COMMITTEE ON EDUCATION, APRIL 24, 2023

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

1 school operated by a school district, an intermediate unit,
2 nonpublic school, a school or school program associated with a
3 residential placement or a program to prepare for Commonwealth
4 Secondary School Diploma.

5 Section 1402-C. Accommodations for lactating pupils.

6 (a) Reasonable accommodations.--Each lactating pupil shall
7 be entitled to reasonable accommodations provided by a school
8 entity on a school campus to express breast milk, breastfeed a
9 child or address other needs related to breastfeeding.

10 Reasonable accommodations under this section include, but are
11 not limited to, all of the following:

12 (1) Access to a clean, private and secure room, other
13 than a restroom, with a working electrical outlet, chair and
14 table to express breast milk or breastfeed a child.

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

18 (3) Access to a place to store expressed breast milk
19 safely.

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

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

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

30 (3) Traveling to and from the designated location for

1 storing expressed breast milk.

2 (4) Cleansing and assembling breast pump equipment.

3 (5) Engaging in necessary personal care activities
4 associated with breastfeeding.

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

8 (d) Pupil protection.--A pupil shall not incur any academic
9 or nonacademic penalty, including any restriction on
10 participation in school-sponsored activities or extracurricular
11 activities, as a result of the pupil's use, at any time, of the
12 accommodations under this section and shall be provided an
13 opportunity to make up any work missed due to that use, without
14 academic penalty and with sufficient time to make up the work in
15 light of the pupil's individual needs.

16 Section 1403-C. Accommodations for pregnant and parenting
17 pupils.

18 (a) Reasonable accommodations.--A school entity shall
19 provide all reasonable accommodations for pregnant and parenting
20 pupils to stay on track to graduate by eliminating school
21 district and school building-level policies, procedures,
22 practices and administrative regulations that create barriers to
23 the continued enrollment, attendance, transportation, school
24 stability, full participation and success in school of pupils
25 who are pregnant or caring for a child of their own. To
26 determine the appropriate reasonable accommodations for a pupil,
27 the school entity shall initiate an informal, student-centered
28 interactive process with the pupil. Any proposed change in a
29 pupil's placement or modifications to a program must be
30 voluntary and cannot be mandated by the school entity. For the

1 purpose of this subsection, reasonable accommodations shall
2 include access to any of the following options:

3 (1) Full-time participation in the current program with
4 accommodations for tests and homework.

5 (2) A part-time, in-person core curriculum identical to
6 that offered to pupils who split time between the school
7 entity and an area career and technical school.

8 (3) A part-time, in-person schedule or a part-time cyber
9 school schedule.

10 (4) A full-time cyber school program.

11 (5) Leave as provided in section 1405-C(b), (c) and (d).

12 (b) Curriculum.--A school entity shall offer a parenting
13 pupil who chooses the core curriculum offered to pupils
14 attending an area career and technical school to enroll in the
15 area career and technical school or return to the pupil's
16 residence to parent the pupil's child. The core curriculum and
17 parenting options offered under this subsection shall fulfill
18 the pupil's graduation requirements.

19 (c) Child-care resources.--

20 (1) A school entity shall appoint a liaison that will
21 serve each pregnant and parenting pupil. The liaison shall
22 have all of the following duties:

23 (i) Ensuring outreach and coordination with local
24 service agencies and other Federal, State and local
25 public and private entities that provide services or
26 resources for parenting pupils to obtain free or reduced-
27 cost access to child care while continuing their
28 education.

29 (ii) Ensuring outreach and coordination with State
30 and local housing agencies responsible for comprehensive

1 housing affordability strategies for pregnant or
2 parenting pupils who are experiencing homelessness as
3 defined by 42 U.S.C. § 11434a(2)(B)(i) (relating to
4 definitions).

5 (2) A school entity shall provide pupils, parents and
6 guardians with information regarding existing resources and
7 support that may exist through Federal, State and local
8 public and private entities for free or reduced-cost access
9 to child care to ensure that parenting pupils can continue
10 their education.

11 (3) A school entity shall provide resources for pregnant
12 or parenting pupils on the school entity's publicly
13 accessible Internet website, in the student handbook and at
14 locations frequented by pupils, parents and guardians within
15 the school district, including authorized public libraries,
16 health care facilities, day-care centers, community and civic
17 organizations and religious institutions.

18 (4) Pupils, caregivers and education decision makers
19 appointed by a court of the school district shall also be
20 given the name, phone number and email for the liaison and
21 shall be informed within five school days if the liaison has
22 changed.

23 Section 1404-C. Antidiscrimination for married, pregnant,
24 lactating and parenting pupils.

25 No school entity may do any of the following:

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

1 (2) Expel, suspend or otherwise exclude a pupil from, or
2 require a pupil to participate in, a school program, school-
3 sponsored activity or extracurricular activity solely on the
4 basis of the pupil's marital, pregnancy, lactating or
5 parenting status.

6 (3) Discriminate in any manner against a pupil on the
7 basis of the pupil's actual or potential marital, pregnancy,
8 lactating or parenting status, including childbirth, false
9 pregnancy, lactation, reproductive tract condition, surgery
10 or treatment and related recovery.

11 Section 1405-C. Attendance and absenteeism.

12 (a) Compulsory attendance.--A pupil of compulsory school age
13 is not excused from the requirements of compulsory attendance
14 solely by reason of marriage, pregnancy, lactation, parenting or
15 seeking necessary medical care for the pupil or the pupil's
16 child. As used in this subsection, the term "compulsory school
17 age" shall have the same meaning as defined in section 1326.

18 (b) Leave of absence.--A school entity shall excuse absences
19 for reasons relating to pregnancy, lactation, childbirth,
20 parenting or adoption and as authorized under this article. A
21 principal or teacher in a school entity shall excuse a pupil for
22 nonattendance upon receipt of a certification by any licensed
23 health care practitioner or upon receipt of other satisfactory
24 evidence showing that the pupil is prevented from attending
25 school, or from application to study, due to any mental,
26 physical or other reasons, including absences relating to
27 pregnancy, lactation, childbirth, bonding with an infant and
28 other necessary medical or reproductive care or care needed for
29 the pupil's child, including reproductive tract conditions and
30 surgery or treatment as provided under subsection (c). At the

1 conclusion of the leave, the pupil may reenter the school and
2 shall be reinstated to the status held when the leave began,
3 including the status of the pupil's grades, which shall remain
4 the same as of the date of the pupil's leave of absence. The
5 pupil shall return to the same nonacademic and extracurricular
6 status held before the leave of absence began and shall have the
7 opportunity to make up for any work missed while the pupil was
8 absent. The pupil shall not be denied the ability to participate
9 in academic, school-sponsored or extracurricular activities due
10 to deadlines missed due to a leave of absence should the pupil
11 meet the other eligibility requirements.

12 (c) Leave due to pregnancy conditions.--

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

15 (2) After childbirth or receipt of reproductive medical
16 care related to pregnancy or childbirth, a pupil's absence
17 from school under subsection (b) shall be permitted for a
18 period of at least 30 or more school days from the start date
19 of delivery or medical care for physical recovery or to
20 recover from necessary medical care for the pupil or the
21 pupil's child or to complete the adoption process and time
22 permitted for the pupil to bond with the child.

23 (3) For an absence under paragraph (1) or (2), the pupil
24 must present documentation in accordance with this article to
25 support the requested leave and specifying the beginning and
26 expected end dates of the leave of absence deemed reasonable
27 under the pupil's individual circumstances. School entities
28 shall be flexible in accepting documentation, including
29 communications by email, phone, text or letters documenting
30 the need for a leave of absence.

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

10 (d) Parental leave.--

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

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

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

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

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

29 (e) Special programming and disability accommodations and
30 leave.--A pupil who is pregnant or is a custodial parent and

1 whose mental or physical condition prevents the pupil from
2 attending regular classes shall be assigned to homebound
3 instruction or remote learning or offered other educational
4 programming as determined by a school entity with input from the
5 pupil to enable the pupil to stay on track for graduation. A
6 pupil with a disability shall receive all legally required
7 special education services under Federal and State law during
8 the period of homebound instruction, remote learning or other
9 educational programming. Nothing in this article shall abridge
10 or curtail a pupil's right to receive a free appropriate public
11 education. The school entity shall offer homebound instruction,
12 remote learning or other educational programming from the date
13 the pupil is unable to attend school. A designee or point of
14 contact at the school entity shall remain in contact with the
15 pupil on at least a weekly basis for the duration of the pupil's
16 leave of absence. The pupil must present documentation stating
17 that the pupil is unable to attend school and specifying the
18 beginning and end dates of the leave of absence deemed
19 reasonable based on the individual needs of the pupil. School
20 entities shall be flexible in accepting documentation, including
21 emails, phone, text or letters documenting the need for a leave
22 of absence.

23 (f) Confidentiality.--Health and personal information
24 regarding a pupil is confidential and may not appear in
25 cumulative records or disclosed without the pupil's consent to
26 the extent authorized by existing law. Personal health
27 information, including pregnancy, may be revealed to the pupil's
28 parents or guardians, the principal or other appropriate
29 authority as permitted by law.

30 Section 1406-C. Notification of rights and enforcement.

1 (a) Notification of rights.--The Department of Education
2 shall issue guidelines to ensure compliance with this article
3 within one year of the effective date of this section. A school
4 entity shall publish the rights provided in this article in the
5 student handbook and on the school's publicly accessible
6 Internet website. Documentation shall be provided regarding the
7 school entity's efforts to comply with this article and make the
8 documentation available to the department upon request.

9 (b) Enforcement.--A school entity shall develop complaint
10 and enforcement procedures for a pupil who claims that the
11 school entity has not complied with the provisions of this
12 article. The school entity's Title IX coordinator under 34 CFR
13 106.8(a) (relating to designation of coordinator, dissemination
14 of policy, and adoption of grievance procedures) shall have the
15 duty to ensure the school entity's compliance with the
16 provisions of this article.

17 (c) Remedies.--

18 (1) A person claiming a violation under this article may
19 take any of the following actions as a sole action,
20 concurrently or in sequence:

21 (i) If otherwise permitted by the laws or rules of
22 this Commonwealth, bring an action for preliminary
23 injunctive relief in an appropriate court. Any order or
24 relief shall be granted in accordance with Pa.R.C.P. No.
25 1531 (relating to special relief, injunctions).

26 (ii) Make, sign and file with the Pennsylvania Human
27 Relations Commission a verified complaint, in writing, in
28 accordance with the procedures under the act of October
29 27, 1955 (P.L.744, No.222), known as the Pennsylvania
30 Human Relations Act, with all appeals, enforcement

1 mechanisms, judicial review and remedies, including
2 damages and attorney fees, available under the
3 Pennsylvania Human Relations Act. The Pennsylvania Human
4 Relations Commission may also award actual damages,
5 including damages caused by humiliation and
6 embarrassment, to effectuate the purpose of this article.

7 (2) The remedies and procedures provided in paragraph
8 (1) shall not foreclose an individual's remedies under
9 Federal law or other applicable laws of this Commonwealth.

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