

# Know Your Rights: Pregnant and Lactating Students in Pennsylvania

You have the right to **equal treatment** in school, even when you are pregnant, breastfeeding, producing breast milk, or experiencing a related limitation.

This means you have the right:

- To stay in your school.
  - You can choose to attend a separate program, but your school can't force you.
- To stay in your extracurricular activities, sports, and special societies.
  - Including specific classes, school clubs, and other activities that are part of the school's educational program even if the activity is not operated directly by the school.
- To be treated like students with temporary, non-pregnancy-related limitations.
  - The school must give you the same special services.
  - The school cannot require you to produce a doctor's note unless it is required for students with non-pregnancy limitations
  - The school can require medical tests only when there is a legitimate health concern.
- To reasonable accommodations for pregnancy, which may include:
  - A larger desk, or frequent bathroom trips, homebound instruction, or elevator access.
  - Leave to attend medical appointments.
- To reasonable accommodations postpartum, which may include:
  - Temporary leave for childbirth with an opportunity to make up lost work.
- To be free from harassment.
  - Including verbal acts and name-calling, graphic and written statements, harassing conduct.
- To medical leave for as long as is medically necessary<sup>i</sup>
  - Without loss in status in academics or extracurricular activities.
  - With the opportunity to make up missed work.
- To be informed of your rights.
  - You can ask for your rights and your school must provide information.
  - You can seek help from the school's Title IX Coordinator.
  - You can file a complaint with your school.
  - Your school cannot take action against you if you make a request or complaint.

*These rights MAY not apply to every STUDENT.  
Contact the Women's Law Project for MORE INFORMATION AND ADVICE:  
Philadelphia: 215-928-5761 | [info@womenslawproject.org](mailto:info@womenslawproject.org)  
Pittsburgh: 412-281-2892 | [infopitt@womenslawproject.org](mailto:infopitt@womenslawproject.org)  
This publication provides general information and is not intended as legal advice.*



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The Women's Law Project can help you understand your rights at work.

If you are pregnant or have given birth, many workplaces have to give you:

<b>Equal Treatment</b>	Your employer cannot refuse to hire you, fire you, or otherwise discriminate against you because you are pregnant. Your employer must treat you the way it treats non-pregnant employees who are similar in their ability or inability to work.
<b>Reasonable Accommodations</b>	In many cases, especially if you work in Philadelphia, you have a right to a workplace accommodation for a pregnancy-related condition, if the accommodation does not impose an undue hardship on your employer.
<b>Leave of Absence</b>	Under the Family and Medical Leave Act, covered employers are required to give eligible employees twelve weeks of unpaid medical leave. Education employers may be required to provide you with a reasonable amount of unpaid leave for pregnancy- or childbirth-related reasons. Most Philadelphia and Pittsburgh employers must allow you to accrue 1 hour of paid sick leave each work week (up to 24 or 40 hours of sick leave per year). Philadelphia employers with less than 10 employees can provide sick leave that is unpaid.
<b>The Right to Ask for Your Rights</b>	If you ask for your rights or complain that your rights have been violated, your employer cannot respond by taking action against you.

If you are lactating, many workplaces have to give you:

<b>Equal Treatment</b>	An employer cannot refuse to hire you, fire you, or otherwise discriminate against you because you are lactating, breastfeeding, or producing breast milk. Your employer must treat you the way it treats other employees who are similar in their ability or inability to work.
<b>Break Time to Express Milk and a Private Space that Is Not a Bathroom</b>	In many cases, unless it would be an undue hardship, your employer must provide you with: (1) paid or unpaid break time to express milk, and (2) a private space, other than a bathroom, for you to express milk.

THESE RIGHTS DO NOT APPLY TO EVERY EMPLOYEE.  
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Many workplaces have to:

**Treat you the same  
as other employees who  
are similar in their  
ability to work.**

**Provide reasonable  
accommodations,  
if those  
accommodations are  
not an undue hardship  
for your employer.**

**Let you take leave.**

**Give you break time to  
express milk and  
a private space  
that is not a bathroom.**

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**Most schools have to:**

**Keep your medical  
information  
confidential.**

**Let you stay in  
school.**

**Give you  
reasonable  
accommodations,  
such as a bigger  
desk, class  
breaks,  
rescheduling  
exams, excusing  
absences, etc.**

**Make sure you are  
not harassed.**

**Let you stay in  
your  
extracurricular  
activities, sports,  
and special  
societies.**

**Give you leave and  
let you make up  
missed work.**

**Treat you like  
other students  
with temporary  
disabilities.**

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