

Stricken language would be deleted from and underlined language would be added to present law.
Act 128 of the Regular Session

State of Arkansas *As Engrossed: H1/30/23 H2/2/23 S2/16/23*
94th General Assembly **A Bill**
Regular Session, 2023

HOUSE BILL 1161

By: Representatives Hudson, Pilkington, Ennett, D. Garner, Gramlich, McCullough, Ray, *Brooks*

By: Senators C. Tucker, L. Chesterfield, B. Davis, Dees, J. Dotson

For An Act To Be Entitled

AN ACT TO CREATE THE SUPPORT FOR PREGNANT AND
PARENTING STUDENTS ACT; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE THE SUPPORT FOR PREGNANT AND
PARENTING STUDENTS ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 6, Chapter 18, Subchapter 2, is amended to add an additional section to read as follows:

6-18-234. Support for Pregnant and Parenting Students Act.

(a) This section shall be known and may be cited as the "Support for Pregnant and Parenting Students Act".

(b) Each public school district and open-enrollment public charter school shall include in its attendance policy the requirement that the public school district or open-enrollment public charter school shall:

(1) Excuse absences due to conditions that are related to pregnancy or parenting, including without limitation:

(A) Labor, delivery, and recovery;

(B) A prenatal and postnatal medical appointment and other medically necessary, pregnancy-related absences;

(C) The illness or medical appointment of a child belonging to a parent who is enrolled at the public school district or open-enrollment public charter school; and

(D) A legal appointment related to pregnancy or parenting.



including without limitation appointments regarding:

- (i) Adoption;
- (ii) Custody; and
- (iii) Visitation;

(2)(A) Provide at least ten (10) school days of excused absences for both a parenting mother and a parenting father after the birth of a child.

(B) The absences required under subdivision (b)(2)(A) of this section shall not count towards the requirement that a public school district or open-enrollment public charter school dismiss or drop from its attendance records a student who is absent from daily attendance for more than ten (10) consecutive school days under § 6-18-213(f).

(3)(A) At the conclusion of a pregnancy-related or parenting-related period of absence, allow a student to make up missed work in a reasonable amount of time that shall not be less than the number of days the student was absent.

(B) A student may choose from various options to make up missed work, including without limitation:

- (i) Retaking a semester at the public school district or open-enrollment public charter school in which he or she is enrolled;
- (ii) Participating in an online course credit recovery program;
- (iii) Being granted six (6) weeks to continue at the same pace and finish the semester at a later date, provided that the student may:
 - (a) Complete his or her coursework within the current school year; or
 - (b) Attend previously scheduled summer school classes made available by the public school district or open-enrollment public charter school in which he or she is enrolled; and
 - (iv) Receiving home-based instruction services to the extent made available by the public school district or open-enrollment public charter school;

(4) Provide that, for absences or checkouts for reasons listed under subdivision (b)(1) of this section, the following shall be accepted as

validation for the absence or checkout:

(A) Documentation from a student's physician; or

(B) Permission from a parent, legal guardian, or person standing in loco parentis;

(5)(A) Provide for reasonable accommodations for a lactating student on the public school district or open-enrollment public charter school campus to express breast milk, breastfeed, or address other breastfeeding needs, including without limitation:

(i) Access to a private and secure room other than a restroom to express breast milk or breastfeed a child;

(ii) Permission to bring a breast pump and any other equipment used to express breast milk to school;

(iii) Access to a power source for a breast pump or any other equipment used to express breast milk;

(iv)(a) Access to a place to safely store breast milk.

(b) A place in which breast milk may be stored under subdivision (b)(5)(A)(iv)(a) of this section shall include, but not be limited to, a refrigerator or cooler in:

(1) A nurse's office;

(2) A teachers' lounge; or

(3) Another private location or location with limited accessibility in which the breast milk may be safely secured; and

(v) Access to a location to clean a breast pump and any other equipment used to express breast milk at school.

(B) However, this section does not require a public school district or open-enrollment public charter school to provide a lactating student additional excused absences from the school day to breastfeed a child off the public school district or open-enrollment public charter school campus;

(6) Ensure that a lactating student shall be provided a reasonable amount of time to accommodate the need to express breast milk; and

(7) Provide that a student shall not incur an academic penalty as a result of the use, during the school day, of the reasonable accommodations provided under subdivisions (b)(5) and (6) of this section and

shall be provided the opportunity to make up any work missed due to the use of the reasonable accommodations provided under subdivisions (b)(5) and (6) of this section.

(c)(1) A public school district that is associated with a public high school that provides access to child care either on campus or off campus shall adopt a policy that requires information regarding the child care provided on campus or off campus be provided to student mothers and student fathers.

(2) If a public high school does not provide child care either on campus or off campus, the public school district associated with the public high school shall adopt a policy that identifies and notifies students of child care providers available to the students.

/s/Hudson

APPROVED: 2/24/23