

## THE RIGHTS OF PREGNANT AND PARENTING STUDENTS

August 2024

Students who are pregnant and parenting deserve the opportunity to complete their education free from bias and discrimination and in a learning environment that is supportive and affirming. Too often, pregnant and parenting students face numerous hurdles to completing their K-12 education, including discrimination and harassment, difficulty finding child care and transportation, gaps in education, and being pushed out of school due to inadequate support.<sup>1</sup> Given these barriers, only about half of teen mothers earn a high school diploma by age 22, compared with 90% of girls who did not give birth as teens.<sup>2</sup> Schools must provide supports to pregnant and parenting students to ensure they have equitable access to a diploma.

This fact sheet explains the rights of pregnant or parenting students and identifies how to seek help if your rights are violated.

Note that this fact sheet reports the requirements of the 2024 Title IX rule. There are some legal challenges to the 2024 rule explained below. As explained here, schools that are enjoined from enforcement of the 2024 rule remain subject to Title IX case law, the 2020 Title IX rule, and Pennsylvania anti-discrimination laws. For more information see ELC’s legal analysis, [2024 Title IX Regulations and State Anti-Discrimination Laws Continue to Protect Rights of Transgender Students](#).

Unless there is a court order directing Pennsylvania schools otherwise – and at this stage that is the case for only specific schools listed [here](#) – all schools are required to comply with the 2024 federal regulations by Aug. 1, 2024. If your school is currently under an injunction barring enforcement of the 2024 Title IX rule, please see this fact sheet for a comparison of the 2020 rule requirements: [New 2024 Title IX Rule: Schools’ Obligation to Ensure Freedom From Sex Discrimination](#). However, all schools remain subject to Title IX caselaw and Pennsylvania Human Relations Act regulations.

### WHAT LAWS PROTECT THE RIGHTS OF PREGNANT AND PARENTING STUDENTS?

#### WHAT QUALIFIES AS ‘PREGNANCY RELATED’?

Federal and state laws require schools to protect pregnant or parenting students from harassment or discrimination.<sup>3</sup> Title IX of the Education Amendments of 1972, a civil rights law that applies to all schools receiving federal funds (including charter schools and approved private school placements), prohibits discrimination at school based on past, potential, or current pregnancies and related conditions.<sup>4</sup> The definition of “pregnancy or related conditions” includes pregnancy, childbirth, termination of pregnancy, and lactation, and all related medical conditions and recovery.<sup>5</sup> Title IX also prohibits discrimination on the basis of a student’s current, potential or past parental, family or marital status,<sup>6</sup> and defines “parental status” to include biological parents,

adoptive parents, foster parents, stepparents, legal guardians, and those actively seeking custody.<sup>7</sup> The latest Title IX regulations, effective in August 2024, further clarify specific rights of pregnant and parenting students under Title IX, as detailed below.

Students in Pennsylvania are also protected by the Pennsylvania Human Relations Act (PHRA), which prohibits gender-based discrimination in education and discrimination on the basis of familial status, including pregnancy.<sup>8</sup>

### ARE THERE COMMON BARRIERS FACING PREGNANT AND PARENTING STUDENTS?

Yes. While becoming a parent can be a strong motivator for many students to complete their education, students who are pregnant or parenting face significant challenges in managing schoolwork in addition to health and family responsibilities, and some students may not have supportive family or school communities. Students who are pregnant or are parents should not have to choose between their own health, the well-being of their children and receiving a high-quality education. Yet too often, school policies punish and segregate these students, excluding them from class or extracurricular activities or pushing them to inferior alternative programs, while penalizing them for medical absences. Students frequently report a discouraging environment that pushes them out of school, arising in part from teachers and administrators' low expectations, bias and hostility, and a school district's unwelcoming policies — all of which impose direct and indirect pressure to drop out.<sup>9</sup>

Punitive and inflexible school policies often push students who are pregnant or parenting out of school. Students may have to “miss class for medical appointments, for their own medical recovery and needs and when their children are ill or if their child-care arrangements fall through.”<sup>10</sup>

Additionally, pregnant students face higher rates of sexual harassment than nonpregnant peers, which negatively impacts their education.<sup>11</sup> Students who become pregnant are often subjected to unwanted sexual attention and harassment, and schools are more likely to ignore or punish pregnant or parenting students who report sexual harassment because of stereotypes that they are “promiscuous.”<sup>12</sup>

### HOW ARE BLACK AND BROWN STUDENTS IMPACTED?

#### WHAT ABOUT STUDENTS WITH DISABILITIES OR LGBTQ STUDENTS?

The challenges and discrimination faced by pregnant and parenting students are disproportionately felt by students living in poverty.<sup>13</sup> National data show that Hispanic and Black Americans have higher teen pregnancy rates.<sup>14</sup> Disparities in pregnancy rates are due in part to lack of access to high-quality health care and contraceptives,<sup>15</sup> and inadequate socioeconomic opportunities.<sup>16</sup> Due to structural and systemic racism, Black pregnant and parenting students also have higher rates of food insecurity and unstable housing exacerbating the challenges they already face to staying on track in school.<sup>17</sup>

Youth who are disabled are also likelier to become pregnant than their peers,<sup>18</sup> as are bisexual teenage girls compared with heterosexual teenage girls.<sup>19</sup> Given that youth with disabilities and LGBTQ+ students both experience heightened rates of bullying and exclusionary school discipline, school pushout for these students when pregnant or parenting is a significant concern.<sup>20</sup>

Racism, homophobia, and disability discrimination compound the sex-based discrimination that pregnant and parenting students may face in school.

### WHAT RIGHTS DO I HAVE AS A PREGNANT OR PARENTING STUDENT?

- **Pregnant or parenting students cannot be treated differently** based on their status or discriminated against based on sex stereotypes, including stereotypical views about the roles of mothers, fathers, or caretakers.<sup>21</sup>
- **Schools must address pregnancy or related harassment.**<sup>22</sup> This includes other students or staff making sexual comments about a student’s pregnancy, calling them sexually charged names, spreading rumors about their sexual activity, or making sexual propositions or gestures, if those comments prevent the student from fully participating in or benefitting from school programming.<sup>23</sup>
- **Schools must inform students of their rights** related to pregnancy or related conditions.<sup>24</sup>
- **Pregnant or parenting students cannot be coerced or pressured into attending a separate portion of school or alternative education program.** Participation in alternative programming must be completely voluntary. Offerings must be comparable to what non-pregnant/parenting students receive.<sup>25</sup>
- **Schools must allow the student to voluntarily take a leave of absence** to cover, at a minimum, the period of time deemed medically necessary by the student’s health-care provider. When the student returns to school, they must be reinstated to the academic status that they held when the voluntary leave began.<sup>26</sup>
- **A school cannot request medical certification** for pregnant students to participate in class, school programs, or extracurricular activities, unless all students are subject to the same requirements.<sup>27</sup>
- **Lactating students are entitled to a clean, private space to pump milk.** The space cannot be a bathroom and must be free from intrusion, shielded from others’ view, clean, and accessible for the student to express breast milk or breastfeed whenever they need. They are entitled to breaks during class to express breast milk or breastfeed.<sup>28</sup> Lactating students also have a right to breastfeed in public places.<sup>29</sup>
- **Students cannot be retaliated against by school staff or peers** for accessing these rights or submitting a complaint of discrimination.<sup>30</sup> This includes a prohibition on any retaliation for students that have or seek an abortion, which is defined as a pregnancy-related condition.<sup>31</sup>

### CAN I RECEIVE ADDITIONAL MODIFICATIONS WHILE PREGNANT OR LACTATING?

Yes. Title IX provides a clear right to “reasonable modifications” for pregnancy-related needs, which must be determined based on each pregnant student’s individualized needs.<sup>32</sup> Examples include:

- changes in physical space or supplies, e.g., an appropriately sized desk;
- elevator access;
- more frequent bathroom breaks;
- permission to eat or drink in class;

- the ability to attend class remotely, take voluntary leaves of absence without losing your academic status, or complete makeup work missed during excused absences;
- excused absences for medical appointments or pregnancy-related sickness;
- access to online or homebound instruction;
- changes in schedule or course sequence;
- extension of time for coursework and rescheduling of tests;
- freezing your grades as of the time of leave;
- providing additional time to complete assignments;
- counseling.

### HOW DO I ACCESS THESE PROTECTIONS? WHAT INFORMATION DOES A SCHOOL NEED?

A pregnant or parenting student (or their parent, other legal guardian, or representative) should inform their school about the student's pregnancy or related condition or the fact that the student is parenting.

The student must be provided with contact information for the school's Title IX coordinator and the Title IX coordinator must then inform the student of their rights.<sup>33</sup> The school must respond promptly and effectively when notified of potential pregnancy-related discrimination.<sup>34</sup>

A student's personally identifiable information collected within the school's Title IX obligations cannot be disclosed, except in limited circumstances.<sup>35</sup>

### AM I REQUIRED TO SUBMIT DOCUMENTATION ABOUT MY PREGNANCY OR RELATED CONDITION(S)?

A school cannot require documentation surrounding pregnancy or related conditions from a student unless doing so is necessary and reasonable to determine the extent of modifications to be offered or other specific actions the Title IX coordinator must take. A non-exhaustive list of situations in which the school **cannot require documentation** includes:<sup>36</sup>

- When the needs are obvious based on the student's statement that they are pregnant or experiencing related conditions, or the pregnancy and/or condition itself is obvious.
  - **Example:** The student is asking for a different size uniform, regardless of whether the coordinator agrees that the student's pregnancy is easily noticeable.
- When the student has previously provided documentation sufficient to substantiate that they have a pregnancy-related need.
  - **Example:** If a student already provided documentation stating they will periodically be late to class for the next two months due to morning sickness, it would not be necessary or reasonable to require that they provide another note when requesting to leave class early for a prenatal appointment.
- When a student says they are pregnant or experiencing related conditions and asks: to carry or keep water nearby; for a bigger desk; to sit or stand as needed; or to take breaks to eat, drink, or use the bathroom.
- When such documentation relates to the student's lactation needs.
- When modifications, leave, or other protections are available to students for non-pregnancy-related reasons without submitting supporting documentation.

- **Example:** If a school’s policy requires that students submit documentation for missing three or more class periods, it would not be necessary or reasonable to require documentation from a pregnant student missing less than three class periods for postpartum medical appointments.

On the other hand, it may be necessary and reasonable to ask for documentation if:<sup>37</sup>

- (1) The coordinator seeks documentation about the extent and anticipated duration of a modification.
  - **Example:** A pregnant student asks to avoid lifting heavy objects, and the coordinator wishes to confirm the extent of the lifting restriction and for how long it should last.
- (2) The student’s condition progresses such that documentation formerly provided to support a modification does not address the need for a new modification.
  - **Example:** A diabetic pregnant student provided documentation supporting their need to eat during class. The condition progresses and the student also needs breaks during class to administer insulin. It could be reasonable to suggest additional documentation of the need for breaks for medicine.

## AM I STILL REQUIRED TO DOCUMENT ABSENCES FROM SCHOOL DUE TO PREGNANCY-RELATED CONDITIONS?

Yes. Pennsylvania law requires all students of compulsory school-age to attend school.<sup>38</sup> Pennsylvania law broadly defines absences as “excused” when a student is prevented from attending school due to physical or mental conditions or “other urgent reasons.”<sup>39</sup> Schools should consider illness, medical, or mental health appointments as lawful absences.<sup>40</sup> However, such absences must be documented in accordance with school policies. You should consult your student handbook or code of conduct to learn what policies apply in your school. Each school district has rules and policies about calculating student attendance and how to document absences.<sup>41</sup>

Schools may excuse a student from attending school for the purpose of obtaining professional health care or therapy service, but **only if** the following requirements are met:

- The health or therapeutic services are delivered by a doctor or therapist who is licensed by the Commonwealth of Pennsylvania;
- It is not practical or possible for the student to receive the health care or therapy services outside of school hours; **and**
- The absence has as little interference as possible on the child’s regular program of study.<sup>42</sup>

If you are improperly marked as having an unexcused absence, you can request that your attendance record be corrected. See ELC’s [Attendance Record Correction Self-Advocacy Tool](#). For more information on attendance and truancy issues, see [ELC’s fact sheet on attendance barriers](#).

## WHAT IF I HAVE A COMPLAINT?

In Pennsylvania, schools can be held liable for failing to address sex- or gender-based discrimination and harassment under Title IX and the PHRA. Schools must have grievance procedures in place for Title IX complaints, and Title IX coordinators are obligated to assist complainants in pursuing a resolution. Complaints can also be filed with the U.S. Department of

Education Office of Civil Rights (OCR) under Title IX or with the Pennsylvania Human Relations Commission (PHRC) under the PHRA. For information on how to file a complaint with OCR, or with PHRC, please see our fact sheet, [Challenging Sex or Gender-Based Harassment at School: Student Rights and Complaint Options](#).

## WHAT IS THE STATUS OF LEGAL CHALLENGES TO THE NEW TITLE IX RULES? WHAT IS THE IMPACT IN PENNSYLVANIA?

In summer 2024, a number of lawsuits were initiated by other states seeking to prevent the 2024 final regulations from taking effect.<sup>43</sup> Pennsylvania is not a party to any of these lawsuits challenging the 2024 final regulations. At this time, there are no “universal” injunctions that would enjoin the final regulations from taking effect nationally. Some Pennsylvania schools are subject to a court order in the lawsuit *Kansas v. U.S. Department of Education* which was brought by other states and the national organization Moms for Liberty.

The *Kansas* district court judge issued an opinion on July 2, 2024, holding that the U.S. Department of Education cannot enforce the 2024 rule within the plaintiff states<sup>44</sup> as well as any schools where the children of members of the organizational plaintiffs (e.g. Moms for Liberty) attend school.<sup>45</sup> The judge ordered plaintiffs to submit a list of impacted schools<sup>46</sup> and noted that future members of Moms for Liberty are entitled to the injunction.<sup>47</sup> Through multiple filings as of Aug. 16, 2024, plaintiffs have identified a total of 244 Pennsylvania schools in 85 school districts and three charter schools.<sup>48</sup> The Department of Education has appealed the *Kansas* decision and similar injunctions in other states.

**Unless there is a court order directing Pennsylvania schools otherwise – and at this stage that is the case for only specific schools listed [here](#) – all schools must comply with the 2024 federal regulations by Aug. 1, 2024.** If your school is currently under an injunction barring enforcement of the 2024 Title IX rule, please see this fact sheet for a comparison of the 2020 rule requirements, [New 2024 Title IX Rule: Schools’ Obligation to Ensure Freedom From Sex Discrimination](#). **Schools that are enjoined from enforcement of the 2024 rule remain subject to Title IX case law, the 2020 Title IX rule, and Pennsylvania anti-discrimination law.** For more information, see ELC’s legal analysis, [2024 Title IX Regulations and State Anti-Discrimination Laws Continue to Protect Rights of Transgender Students](#).

After the court challenges and appeals finally conclude there will not be a grace period for compliance, so the time to prepare for implementation is now. Students and parents concerned their school has not implemented the 2024 Title IX rule can contact ELC’s Helpline at 215-238-6970.

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The Education Law Center-PA (ELC) is a nonprofit, legal advocacy organization with offices in Philadelphia and Pittsburgh, dedicated to ensuring that all children in Pennsylvania have access to a quality public education. Through legal representation, impact litigation, community engagement, and policy advocacy, ELC advances the rights of underserved children, including children living in poverty, children of color, children in the foster care and juvenile justice systems, children with disabilities, multilingual learners, LGBTQ students, and children experiencing homelessness.

ELC’s publications provide a general statement of the law. However, each situation is different. If questions remain about how the law applies to a particular situation, contact ELC’s Helpline for information and advice – visit [www.elc-pa.org/contact](http://www.elc-pa.org/contact) or call 215-238-6970 (Eastern and Central PA) or 412-258-2120 (Western PA) – or contact another attorney of your choice.



- <sup>1</sup> Educ. L. Ctr.-PA, *Clearing the Path: Creating School Success For Pregnant and Parenting Students and Their Children* 5-7 (2019).
- <sup>2</sup> Kate Perper et al., *Diploma Attainment among Teen Mothers*, CHILD TRENDS (2010), [https://www.researchgate.net/publication/234624857\\_Diploma\\_Attainment\\_among\\_Teen\\_Mothers\\_Fact\\_Sheet\\_Publication\\_2010-01](https://www.researchgate.net/publication/234624857_Diploma_Attainment_among_Teen_Mothers_Fact_Sheet_Publication_2010-01).
- <sup>3</sup> Title IX of the Education Amendments of 1972 (“Title IX”), 20 U.S.C. § 1681 *et seq.*; Off. for Civil Rights, U.S. Dep’t of Educ., *Know Your Rights: Pregnant or Parenting? Title IX Protects You From Discrimination At School*, U.S. DEP’T OF EDUC., <https://www2.ed.gov/about/offices/list/ocr/docs/dcl-know-rights-201306-title-ix.html?ref=hybridpedagogy.org>; Pa. Human Relations Act, 43 P.S. §§ 951- 963.
- <sup>4</sup> 34 C.F.R. § 106.40 (effective Aug. 1, 2024).
- <sup>5</sup> *Id.* § 106.2 (effective Aug. 1, 2024).
- <sup>6</sup> *Id.* § 106.40 (effective Aug. 1, 2024).
- <sup>7</sup> *Id.* § 106.2 (effective Aug. 1, 2024).
- <sup>8</sup> Pa. Human Relations Act, 43 P.S. § 951- 963.
- <sup>9</sup> See *Let Her Learn: Stopping School Pushout for Girls Who Are Pregnant or Parenting* 4, NAT’L WOMEN’S L. CTR. (2017), <https://nwlc.org/resources/stopping-school-pushout-for-girls-who-are-pregnant-or-parenting>.
- <sup>10</sup> *Id.* at 7.
- <sup>11</sup> See, e.g., *id.* at 11.
- <sup>12</sup> See 39 F.R. 33474, 33811-12. See also *Let Her Learn: Stopping School Pushout for Girls Who Are Pregnant or Parenting* 12, NAT’L WOMEN’S L. CTR. (2017), <https://nwlc.org/resources/stopping-school-pushout-for-girls-who-are-pregnant-or-parenting>.
- <sup>13</sup> Educ. L. Ctr.-PA, *Clearing the Path: Creating School Success For Pregnant and Parenting Students and Their Children* 3 (2019), <https://www.elc-pa.org/wp-content/uploads/2022/09/Clearing-the-Path-ELCs-Pregnant-and-Parenting-Students-Report-FINAL.pdf>.
- <sup>14</sup> Off. of Population Aff., U.S. Dep’t of Health and Human Serv., *Trends in Teen Pregnancy and Childbearing*, U.S. DEP’T OF HEALTH AND HUMAN SERV., <https://opa.hhs.gov/adolescent-health/reproductive-health-and-teen-pregnancy/trends-teen-pregnancy-and-childbearing#:~:text=During%20the%20same%20time%20period,to%2010.4%20for%20White%20adolescents>.
- <sup>15</sup> Charlotte T. Galloway et al., *Exploring African-American and Latino Teens’ Perceptions of Contraception and Access to Reproductive Health Care Services*, 60 J. ADOLESCENT HEALTH 57 (2017); S. Amanda Dumas et al., *Analysis of Pregnancy and Birth Rates Among Black and White Medicaid-Enrolled Teens*, 67 J. ADOLESCENT HEALTH 409 (Sept. 2020), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7483952/>.
- <sup>16</sup> Margery Austin Turner & Solomon Greene, *Causes and Consequences of Separate and Unequal Neighborhoods*, URB. INST., <https://www.urban.org/racial-equity-analytics-lab/structural-racism-explainer-collection/causes-and-consequences-separate-and-unequal-neighborhoods>. Mavis Sanders et al., *Most Black Children Live in Neighborhoods That Lack Amenities Associated with Child Well-being*, CHILD TRENDS (Feb. 24, 2023), <https://www.childtrends.org/publications/most-black-children-live-in-neighborhoods-that-lack-amenities-associated-with-child-well-being>.
- <sup>17</sup> Da’Shon Carr & Ewaoluwa Obatuase, *Cultivating a Safe and Inclusive Space for Pregnant and Parenting Students*. NEW AM. (Sept. 19, 2023).
- <sup>18</sup> Josia Klein, *Respect the Rights of Disabled Pregnant and Parenting Students*, NAT’L WOMEN’S L. CTR. (May 22, 2024), <https://nwlc.org/respect-the-rights-of-disabled-pregnant-and-parenting-students/>.
- <sup>19</sup> *A Call to Action to Support LGBTQI Pregnant, Expectant, and Parenting Students*, NAT’L WOMEN’S L. CTR. (March 11, 2022), <https://nwlc.org/resource/a-call-to-action-to-support-lgbtqi-pregnant-expectant-and-parenting-students/#>.
- <sup>20</sup> *Id.*; Klein, *supra* note 18.
- <sup>21</sup> 34 C.F.R. § 106.40 (effective Aug. 1, 2024).
- <sup>22</sup> *Id.* §§ 106.2, 106.10 (effective Aug. 1, 2024).
- <sup>23</sup> 39 F.R. 33474, 33765. See also Off. for Civil Rights, U.S. Dep’t of Educ., *Supporting the Academic Success of Pregnant and Parenting Students*, U.S. DEP’T OF EDUC. (2013), <https://www2.ed.gov/about/offices/list/ocr/docs/pregnancy.html>.
- <sup>24</sup> 34 C.F.R. § 106.40(b)(2) and (b)(3)(i).
- <sup>25</sup> *Id.* § 106.40(b)(1),(3)(iii); 39 F.R. 33474, 33782.
- <sup>26</sup> 34 C.F.R. § 106.40(b)(3)(iv) (effective Aug. 1, 2024).
- <sup>27</sup> *Id.* § 106.40(b)(5)(effective Aug. 1, 2024).
- <sup>28</sup> *Id.* § 106.40(b)(5)(v); § 106.40(b)(3)(v)(effective Aug. 1, 2024).
- <sup>29</sup> 35 P.S. § 636.1 *et seq.* (2007); 35 P.S. § 636.3 (right to breastfeed in “any location, public or private, where the mother and child are otherwise authorized to be present...”)

<sup>30</sup> 34 C.F.R. § 106.2 (effective Aug. 1, 2024).

<sup>31</sup> *Id.*

<sup>32</sup> *Id.* § 106.40(b)(3)(ii) (effective Aug. 1, 2024).

<sup>33</sup> *Id.* § 106.40(b)(3)(i) (effective Aug. 1, 2024).

<sup>34</sup> *Id.* §§ 106.40(b)(3), 106.44(a) (effective Aug. 1, 2024).

<sup>35</sup> *Id.* § 106.44(j) (effective Aug. 1, 2024) (limited exceptions include when prior written consent was provided; when the information is disclosed to parent/guardian; to carry out requirements of Title IX).

<sup>36</sup> *Id.* § 106.40(b)(3)(vi) (effective Aug. 1, 2024).

<sup>37</sup> 39 F.R. 33474, 33790.

<sup>38</sup> See 24 P.S. § 13-1326 (defining compulsory school age); 24 P.S. § 13-1327(a); *Compulsory School Attendance, Unlawful Absences, and School Attendance Improvement Conferences*, PA. DEP'T OF EDUC. (Jan. 2024), <https://www.education.pa.gov/Policy-Funding/BECS/Purdons/Pages/CompulsorySchoolAttendance.aspx>. In addition, “all persons residing in this Commonwealth between the ages of 6 and 21 years are entitled to a free and full education in the Commonwealth’s public schools.” 22 PA. CODE § 12.1(a).

<sup>39</sup> *Id.*

<sup>40</sup> *Compulsory School Attendance, Unlawful Absences, and School Attendance Improvement Conferences*, PA. DEP'T OF EDUC. (Jan. 2024), <https://www.education.pa.gov/Policy-Funding/BECS/Purdons/Pages/CompulsorySchoolAttendance.aspx>.

<sup>41</sup> 24 P.S. § 13-1329(a); 22 PA. CODE § 11.25(a).

<sup>42</sup> 24 PA. CODE § 11.23.

<sup>43</sup> See Libby Stanford, *Which States Have Sued to Stop Biden’s Title IX Rule?*, EDWEEK, updated August 01, 2024, <https://www.edweek.org/policy-politics/which-states-have-sued-to-stop-bidens-title-ix-rule/2024/07#:~:text=Legal%20challenges%20to%20Biden's%20Title%20IX%20rule%20and%20their%20status&text=The%20lawsuits%20all%20take%20issue,to%20be%20included%20in%20regulation>.

<sup>44</sup> *Kansas v. U.S. Dep’t of Educ.*, --F.Supp. 3d--, 2024 WL 3273285, \*20-21 (D.Kan. Jul. 2, 2024).

<sup>45</sup> *Id.* at \*21.

<sup>46</sup> *Id.* at \*21.

<sup>47</sup> *Kansas v. U.S. Dep’t of Educ.*, 2024 WL 3471331, \*4 (D. Kans. July 19, 2024).

<sup>48</sup> Only six Pennsylvania public schools were identified by the first deadline of July 15, but on July 19 the court extended the deadline for identifying schools. See Plaintiffs Notice of List of Schools, *Kansas v. U.S. Dep’t of Educ.*, No. 5:24-cv-04041, ECF No. 67 (D. Kan. July 15, 2024) (identifying six Pa. public schools); *Kansas v. U.S. Dep’t of Educ.*, 2024 WL 3471331, \*\* (D. Kans. July 19, 2024) (denying Ed. Dept.’s motion for stay pending appeal and extending deadline to July 24 for plaintiffs to submit names of member schools). After a deadline extension to July 26, 2024, plaintiffs identified 118 Pennsylvania schools from 49 school districts and 3 charter schools. See Plaintiffs Notice of List of Schools, *Kansas v. U.S. Dep’t of Educ.*, No. 5:24-cv-04041, ECF No. 72 (D. Kan. July 26, 2024) (identifying 118 Pa. schools). Plaintiffs submitted a third supplemental list of schools on July 31, 2024, with 126 additional Pennsylvania schools from 45 school districts. See Plaintiffs Notice of Supplemental List of Schools, *Kansas v. U.S. Dep’t of Educ.*, No. 5:24-cv-04041, ECF No. 74 (D. Kan. July 31, 2024) (identifying 126 additional Pa. schools).