

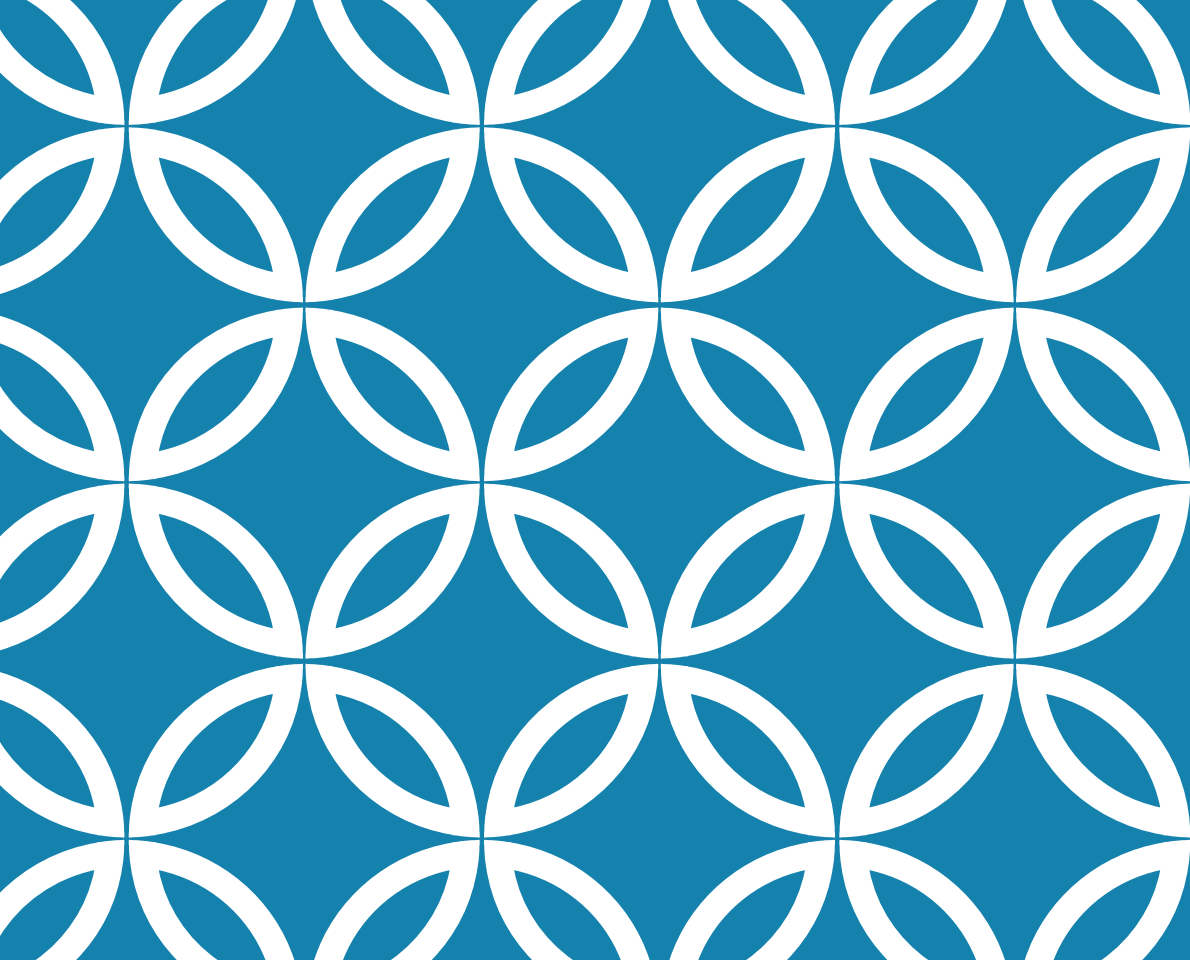


# OPPORTUNITIES FOR BREASTFEEDING TEENS: IMPLEMENTING AB302



UC San Diego Extension





# OPPORTUNITIES FOR BREASTFEEDING TEENS: IMPLEMENTING AB302

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# ACLU OF NORTHERN CALIFORNIA



- Community engagement – technical assistance, district outreach
- Public education
- Legislation
- Litigation

# BREASTFEEDLA



BreastfeedLA advocates for breastfeeding families by identifying the barriers to successful breastfeeding.

- Community Education
- Outreach
- Advocacy

# BREAKING DOWN EDUCATIONAL BARRIERS FOR CALIFORNIA'S PREGNANT & PARENTING STUDENTS



A REPORT BY THE ACLU OF CALIFORNIA

## Breaking Down Educational Barriers for California's Pregnant & Parenting Students:

*ACLU OF CALIFORNIA*

<https://www.aclunc.org/publications/breaking-down-educational-barriers-californias-pregnant-parenting-students>

 BreastfeedLA

 **ACLU**  
AMERICAN CIVIL LIBERTIES UNION  
OF NORTHERN CALIFORNIA

# STORIES



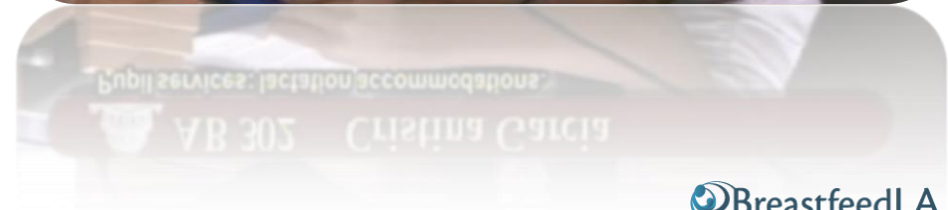
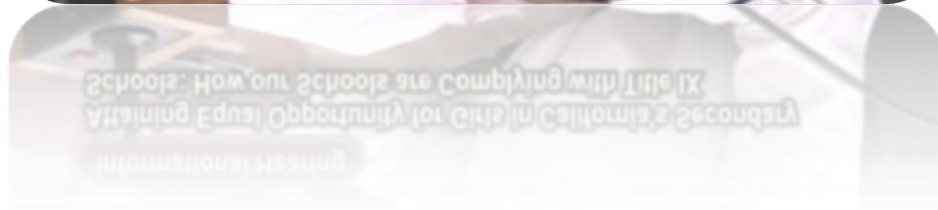
I had to pump at all hours of the night and early in the morning before school so that I could have enough milk for my baby and so that I wouldn't have to pump at school.

But even when I was at school, I still had to pump every two hours or often try to deal with the pain. Sometimes, the pain was so unbearable that I had no other choice but to walk into the public restroom and go into the stall to pump.

I eventually stopped producing the same amount of milk. My inability to feed or pump milk while at school ended up affecting my child's access to my milk at home.



# GOING TO THE CAPITOL



# BACKGROUND

- **TITLE IX + CA LAW:** If a school provides reasonable accommodations to students with temporary medical conditions, must do the same for breastfeeding students
- **EMPLOYEES:** Accommodations must be made for breastfeeding employees, who are also specifically protected from any retaliation for taking breaks to breastfeed

FOR MORE INFORMATION re: discrimination and accommodations laws for pregnant students and employees in schools, see: <https://www.aclusocal.org/wp-content/uploads/2015/10/BFLA-School-District-Laws.pdf>



# REQUIREMENTS

Effective **JANUARY 1, 2016**.

All public schools with *at least one student* who is lactating must:

- ✓ Provide a **private, secure room**—other than a restroom—to deal with any needs associated with breastfeeding or expressing milk;

# REQUIREMENTS

- ✓ Allow lactating students to bring **any equipment** used to express breast milk to school, including a breast pump;
- ✓ Provide **access to a power source** for that equipment and a place to safely store expressed milk;
- ✓ Provide a **place to safely store** expressed milk;

# REQUIREMENTS

- ✓ Provide students with **reasonable time or time away** from the classroom to accommodate their lactation schedule;
- ✓ Ensure students **do not incur an academic penalty** for any such breaks they may require;
- ✓ Ensure students have the **ability to make up** any work missed during these breaks;

# REQUIREMENTS

Accept and investigate complaints of noncompliance under the [Uniform Complaint Procedure](#), which requires schools to investigate complaints and issue a decision within 60 school days.

Decisions may be appealed to the California Department of Education, which must issue a final, written decision within 60 days of filing.



**A B C's of Breastfeeding**  
in Los Angeles County School Districts

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Published  
October 2015

**Introduction**

The ACLU of Southern California (ACLU SoCal), BreastfeedLA, and the California Women's Law Center (CWLC) prepared this Report Card on the state of lactation accommodation policies in Los Angeles County school districts as a baseline assessment of breastfeeding policy support for women in education, both employees and students.

**Breastfeeding is recommended by every major health care organization.<sup>1</sup>** Recognizing the overwhelming health benefits of breastfeeding for both parent and child, federal and state law strongly supports the rights of parenting employees and students to provide breast milk to their children, and to be free from discrimination or harassment because of their lactation needs. School districts may not discriminate against students or employees based on sex or parenting status, which includes pregnancy-related conditions, and have an affirmative obligation to combat such discrimination.<sup>2</sup>

**School districts must provide both employees and parenting students with accommodations that allow them to continue breastfeeding after the birth of their babies.** Employees or students who are recovering from childbirth or who are lactating must be provided with the same accommodations and support services available to other employees or students with similar medical needs.<sup>3</sup> Required lactation accommodations for employees include a reasonable amount of break time to pump milk in a private location, other than a toilet stall or bathroom, near where the employee works.<sup>4</sup>

# ABC's of Breastfeeding in L.A. County School Districts:

ACLU OF SOUTHERN CALIFORNIA, BREASTFEED LA,  
& CALIFORNIA WOMEN'S LAW CENTER

<https://www.aclusocal.org/issues/reproductive-justice-and-gender-equity/abc-breastfeeding/>

<https://www.aclusocal.org/wp-content/uploads/2015/10/BFLA-School-District-Laws.pdf>



# ABC'S OF BREASTFEEDING: FINDINGS

- The majority of school districts have accessible board policies
- Only 33 % of had lactation accommodation policies for **employee**
- Only 17 % had lactation accommodations policies for **students**
- Only 23 % of school districts had an easily identifiable Title IX Coordinator
- Of the 81 school districts including LACOE, only 1 received an A and the vast majority (68) scored a C or less

# ABC'S OF BREASTFEEDING: RECOMMENDATIONS

## 1) Adopt policies

- Adopt affirmative policies that support breastfeeding women and their specific lactation accommodation needs.

## 2) Train staff and communicate policies

- Give staff appropriate training to implement, evaluate, and monitor compliance. Inform employees, parents, and students of their rights under these policies.

# ABC'S OF BREASTFEEDING: RECOMMENDATIONS

## 3) Identify staff name

- Of who will be responsible for implementing these policies and handling complaints.

## 4) Provide space and time to pump

- Identify appropriate space and allow time for staff and students to pump, without any penalty.



# IMPLEMENTATION: FOR PROVIDERS & ADVOCATES

- Educate students and their parents
  - Talk to them about their rights
  - Post information in a visible place
  - Make information easy to read and in-language
- Engage and educate your schools
- Be proactive, be creative

# IF YOU BELIEVE A SCHOOL IS NOT COMPLYING...

- **CONTACT THE DISTRICT** – e.g., Title IX Coordinator
- **SUBMIT A COMPLAINT** – Uniform Complaint Procedure (UCP)
  - Within 6 months of the incident
  - District has 60 days to respond
  - Appeal to CA Dep't of Education within 60 days
  - UCP form: <https://www.aclusocal.org/issues/lgbt-equality/student-rights-project/uniform-complaint-form/>
  - More information about the UCP: [https://www.aclunc.org/sites/default/files/how\\_to\\_file\\_a\\_complaint\\_with\\_your\\_school.pdf](https://www.aclunc.org/sites/default/files/how_to_file_a_complaint_with_your_school.pdf)
- **CONTACT THE ACLU**

# QUESTIONS?

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