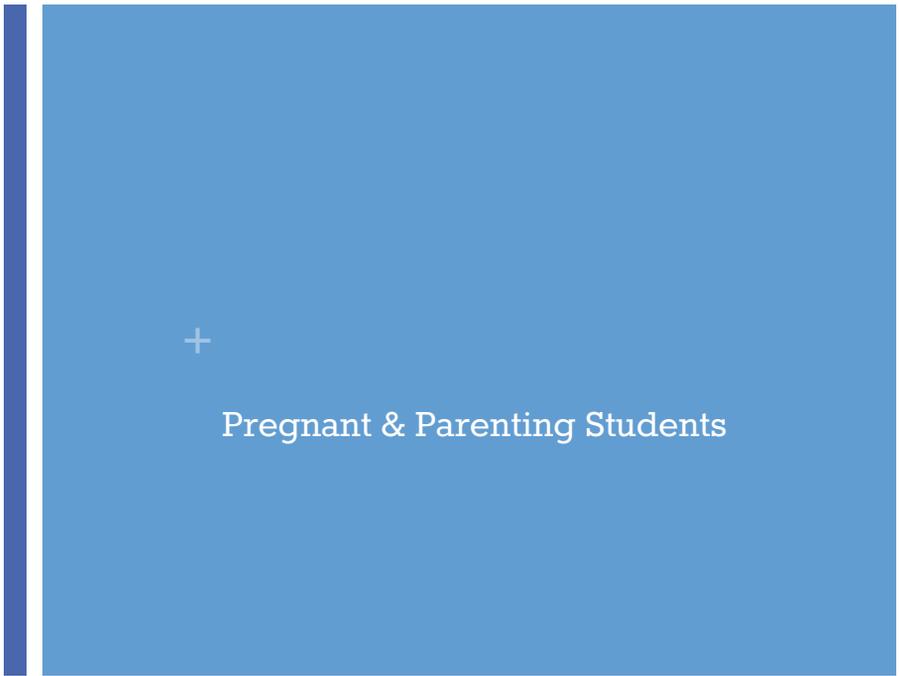


Advancing Workplace Lactation in Education Settings and Beyond



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Pregnant & Parenting Students

+ Problems Pregnant and Parenting Teens Experience

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



A REPORT BY THE ACLU OF CALIFORNIA

- Stigmatizing behavior in the classroom.
- Prevented from taking the courses necessary to apply to many four year colleges.
- Denied a secure and private place to breastfeed or pump milk.
- Pushed out of their regular schools and into continuation schools.

+ Treatment of Pregnant Students

- Title IX regulations prohibit discrimination against a student based on pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery from any of these conditions.
- Schools cannot exclude pregnant students from participating in any educational program, including sports, honor societies, or extracurricular activities.
- Schools *can* have special instructional programs or classes for pregnant students but they must be voluntary and they must be comparable to those offered to other students.

Sources: 34 C.F.R. § 106.40; U.S. Department of Education, Office for Civil Rights, *Supporting the Academic Success of Pregnant and Parenting Students Under Title IX of the Education Amendments of 1972* (2013)

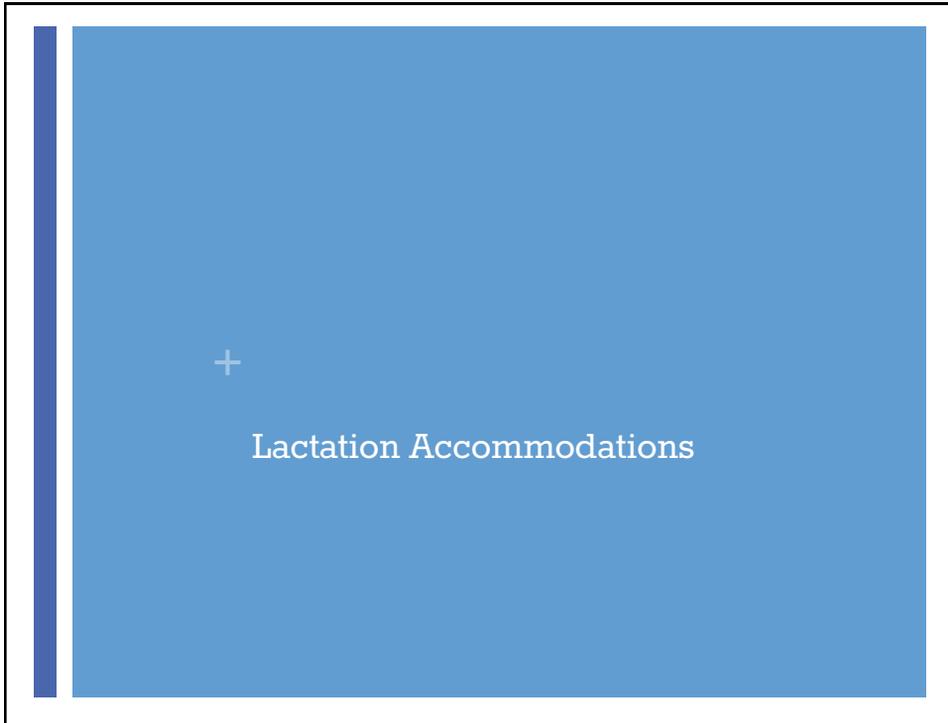
+ Treatment of Pregnant Students

- Schools must provide reasonable accommodations to pregnant students.
- Any special services provided to students who have temporary medical conditions must also be provided to a pregnant student.
- A school can require a pregnant student to submit medical certification only if it also requires the same of all students under a doctor's care.
- Schools must be very careful about confidentiality of pregnancy information: protected under Constitution, HIPPA, & CA laws.

Sources: 34 C.F.R. § 106.40; U.S. Department of Education, Office for Civil Rights, *Supporting the Academic Success of Pregnant and Parenting Students Under Title IX of the Education Amendments of 1972* (2013)

+ Treatment of Pregnant and Parenting Students

- CA law provides pregnant & parenting teens these same protections.
 - **California Sex Equity in Education Act:** Can't apply any rule concerning a student's actual or potential parental, family, or marital status that treats students differently on the basis of sex.
 - **Unruh Civil Rights Act:** Business establishments, which includes schools, can't discriminate based on sex. "Sex" includes, but is not limited to, pregnancy, childbirth, or medical conditions related to pregnancy or childbirth.



+ 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.



+ Lactation Accommodation Law

Title IX & CA Law:

- If a school provides reasonable accommodations to students with temporary medical conditions, must do the same for breastfeeding students.
- Accommodations must be made for breastfeeding employees, who are also protected from any retaliation for taking breaks to breastfeed and pump.
- Treating lactating student, employee, or parent/guardian differently or denying reasonable accommodations is sex discrimination.

For more information about 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>.

+ Lactation Accommodation Law

- AB 302: Effective January 1, 2016
- All public or charter 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
 - 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
 - Provide a **place to safely store** expressed milk

Sources: 29 U.S.C. § 207(r); Cal. Educ. Code § 222; Cal. Labor Code §§ 1030-31; ACLU of Cal., BreastfeedLA & Cal. Women's Law Center, *ABC's of Breastfeeding in Los Angeles County School Districts* (2015)

+ Lactation Accommodation Law

- ✓ 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

Sources: 29 U.S.C. § 207(r); Cal. Educ. Code § 222; Cal. Labor Code §§ 1030-31; ACLU of Cal., BreastfeedLA & Cal. Women's Law Center, *ABC's of Breastfeeding in Los Angeles County School Districts* (2015)

+ Lactation Accommodation Process

- Title IX and CA Uniform Complaint Procedures available
- 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 CDE, which must issue a final, written decision within 60 days of filing

Sources: Cal. Educ. Code § 222; BreastfeedLA & Cal. Women's Law Center, *ABC's of Breastfeeding in Los Angeles County School Districts* (2015)

+ Public Breastfeeding

- People have a right to breastfeed in public and in government buildings.
- ACLU and BFLA have received many complaints from parents told they cannot breastfeed on school grounds during school events and teacher conferences.

Sources: Cal. Civil Code § 43.3.







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

Contents

- Introduction.....1
- LA County by the Numbers.....4
- Grades by District.....5
- Effective Implementation.....8
- Adopt Policy.....9
- Train Staff & Communicate Policy.....10
- Identify Staff.....12
- Provide Space & Time to Pump.....14
- Conclusion.....15
- End Notes.....16

Updated July 2016



ABC's of Breastfeeding in Los Angeles County School Districts

ACLU of SoCal, BreastfeedLA and California Women's Law Center

<http://breastfeedla.org/schooldistricts/>

Introduction

The ACLU of Southern California (ACLU SoCal), BreastfeedLA, and the California Women's Law Center (CWL/C) 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. 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.¹

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.² 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.³

+ ABC's of Breastfeeding: Method

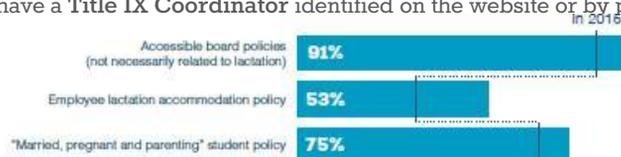
All 81 LA County School Districts were evaluated on the same five criteria:

1. Are the school board policies available online?
2. Does the school district have an employee lactation accommodations policy?
3. Does the school district have a pregnant and parenting student policy?
4. Does the school district student policy include lactation accommodations?
5. Can the Title IX Coordinator be easily identified?

+ ABC's of Breastfeeding: Findings

Improvements

- 48% of school districts **improved** in at least one evaluated area over 2015
- LA County **average grade "C"**
- 8 schools districts received a **"A" grade**
- The majority of school districts have **accessible** board policies (91%)
- 53% have lactation accommodation policies for **employees**
- 75% **have a married, pregnant and parenting student policy**
- 51% have a **Title IX Coordinator** identified on the website or by phone



+ ABC's of Breastfeeding: Findings

Opportunities

- Only 22% have lactation accommodation policies for students
- 35% of school districts received a failing score of "D" or lower
- Much more progress to be made to reach the goal of 100% compliance



+ ABCs of Breastfeeding: Recommendations



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

- Make sure to have two lactation accommodations policies: one for employees and one for students
- If you don't have a policy, adopt one right away; if you do have one, review it for compliance and best practices
- CSBA has a new model lactation accommodations policy for students (5146).
- New model lactation accommodations policy for employees <http://breastfeedla.org/at-work-2>
- Contact BreastfeedLA, ACLU SoCal or CWLC for FREE assistance

+ ABC's of Breastfeeding: Recommendations



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

- Convey non-discrimination and lactation accommodations policies through **multiple channels to both students (and their parents!) and staff**
- Provide policies to all new hires, people who take leave
- Post information in employee/student handbook, website/Intranet, break rooms, office, the more the better
- Provide **trainings** to school administrators

+ ABCs of Breastfeeding: Recommendations



Identify staff who will be responsible for implementing these policies and handling complaints

- **Designate** at least **one employee** as the Title IX Coordinator right away
- **Share** the Title IX Coordinator's name and contact information in an easily searchable location on website and with the rest of the office staff
- **Designate** at least one **HR employee** for handling lactation accommodations for employees right away
- Consider creating a **dedicated webpage** with all relevant contact information, links to policies and a commitment to implement Title IX

+ ABCs of Breastfeeding: Recommendations



Provide space and time to pump: Identify appropriate space and allow time for staff and students to pump, without any penalty

- Dedicate a permanent space for milk expression
- The space must be private, clean and secure and **MUST NOT** be a bathroom
- Provide time to express milk without penalty to employees and students
- Provide students and employees information on how to access pumps through WIC or health insurance plans

+ ABC's of Breastfeeding: Recommendations



Designated space to express milk - Requirements:

- **MUST NOT** be a bathroom
- In close proximity to the employee's work area
- Private room that is free from intrusion
- For up to 1 year after a child's birth & each time there is a need to express milk

Best practices:

- Electrical outlet
- Chair to sit and surface area to place pump
- Nearby sink with running water (for cleanup)
- Nearby refrigerator for storage
- Clean, quiet and well-lit

+ ABC's of Breastfeeding: Recommendations

Restrooms = Impermissible place to express milk



Private space with the essentials = permissible space to express milk



+ ABC's of Breastfeeding: Recommendations

Time to express milk -

Requirements:

- Reasonable amount of break time for up to one year after the birth of the child as frequently as needed for all nursing mothers (frequency and duration of milk expression may vary)
- For students: break time without incurring academic penalty and with the ability to make up any missed work

Best practices:

- Provide a teacher's aide if an employee is away from the classroom to express milk

+ Implementation: For Providers & Advocates

- Breastfeeding benefits the workplace and school performance with less absenteeism and improved performance and morale
- When school districts:
 - 1) adopt strong lactation accommodations policies
 - 2) identify a Title IX Coordinator
 - 3) train staff and communicate policy
 - 4) provide access to time, space and breast pumps...

...they support families to continue breastfeeding for the mutual benefit of parent and child, the community and moreover, our society



+ Next Steps

- BreastfeedLA, ACLU SoCal and CWLC continue to offer technical assistance to schools to improve lactation accommodations and policy.
- Working on a new report to review lactation accommodations and policies at Colleges and Universities in Los Angeles. (To Be Released August 2017)

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Questions?



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Imperial County
Clinicas de Salud
del Pueblo, Inc.

WIC Program

Regional
Breastfeeding
Liaison Project

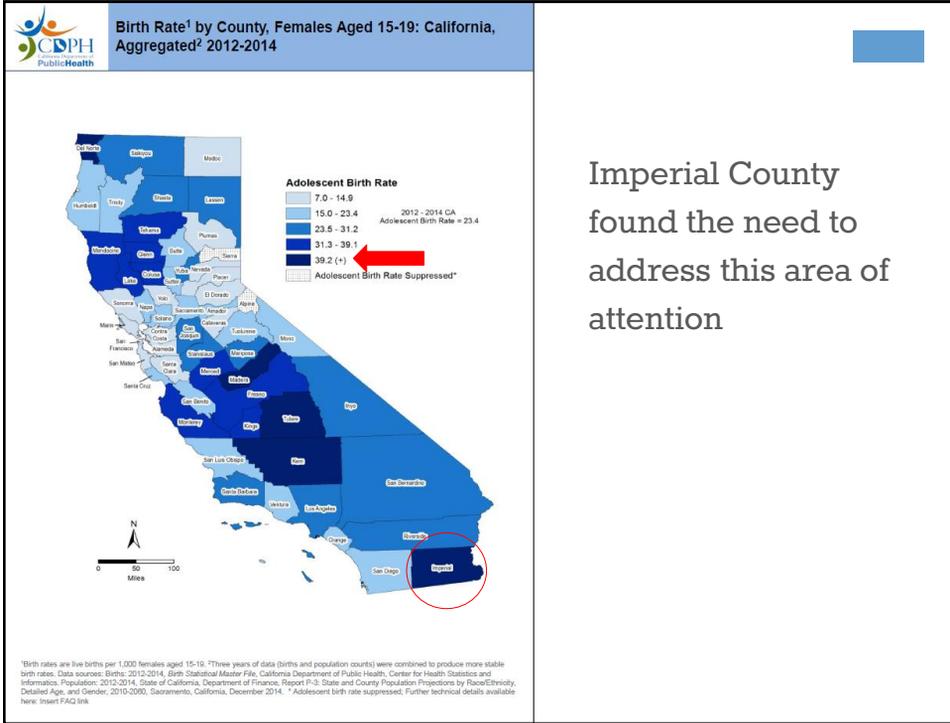


Clinicas de Salud del Pueblo
Health Community Health Center (HCHC)

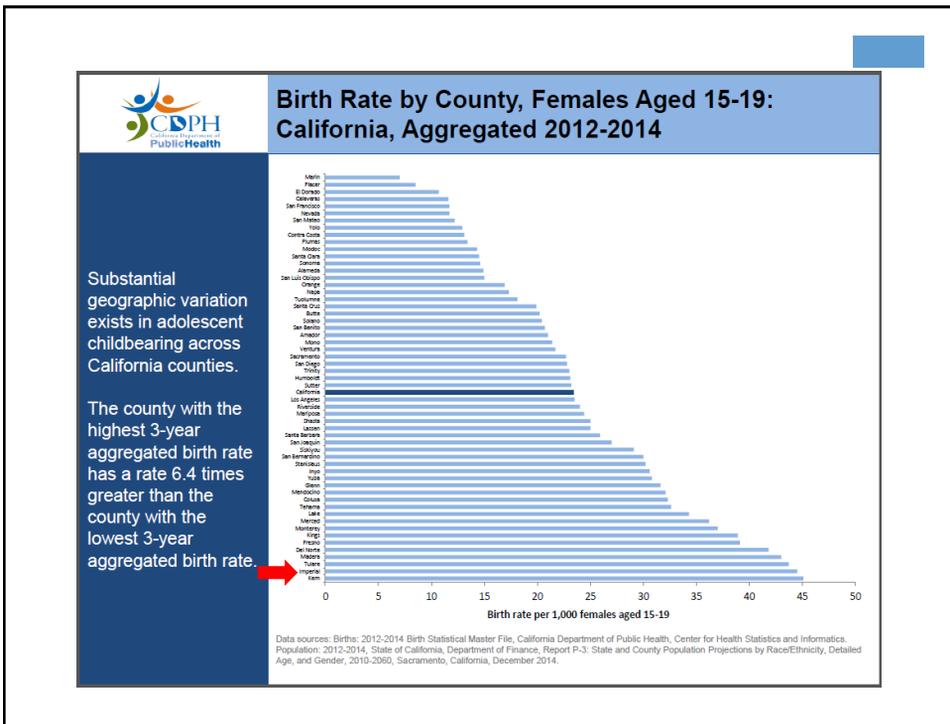


CALIFORNIA
wic
WOMEN, INFANTS & CHILDREN
Families grow healthy with WIC

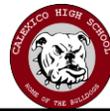
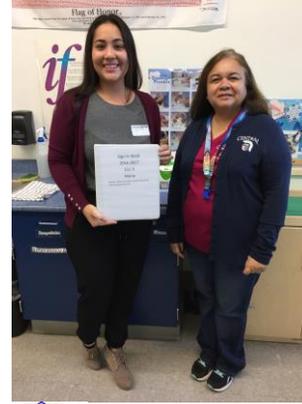
High School Student
Pump Loan System



Imperial County found the need to address this area of attention



Identified and built relationships with Title IX Coordinators and High School contacts



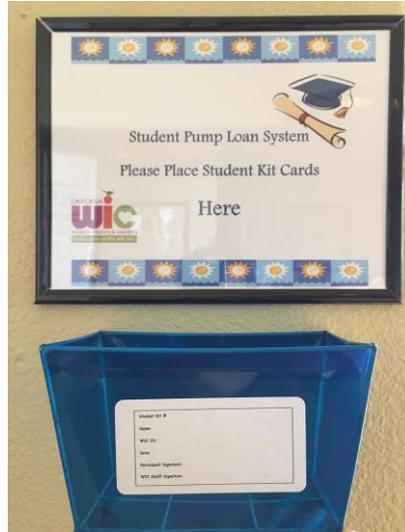
Student Kits



Contents:

- Personal Pump Kit
- WIC Magazine
*Breastfeeding and
Returning to Work or
School*
- Breastfeeding Law Card
- School Contact
Directory
- Nursing Pads
- Pump Cleaning Wipes

Tracking System



Pumping Station



Expecting mother, plans to Breastfeed





Questions?

