



BACKGROUNDER – STUDENT LACTATION ACCOMMODATIONS

BACKGROUND: Under federal Title IX¹ and the California Sex Equity in Education Act², pregnant students and those recovering from childbirth-related conditions must be provided with the same accommodations and support services available to other students with temporary medical conditions.

Lactation is indisputably related to pregnancy and childbirth, and students who are nursing may need to express milk or breastfeed as frequently as every two to three hours. The California School Boards Association has a model policy for parenting students that includes optional lactation language, but few schools adopt it. Current law specifies how lactation accommodations are to be provided to school staff³, but there is nothing in the Education Code that specifies how schools should meet parenting students' rights to lactation accommodations.

PROBLEM: Although lactating students' right to accommodations is protected under current law, in practice, student requests for these accommodations may be denied because administrators are ill-informed or unaware of a lactating student's rights. Failure to provide adequate lactation accommodations at one school site may result in a student's decision to forego breastfeeding altogether or enroll in a school site exclusively based on the ability to pump or breastfeed during school hours.

A 2015 report published by ACLU of California, *Breaking Down Educational Barriers for California's Pregnant and Parenting Students*, found that some lactating students were discouraged by school administrators from expressing milk at school. One student was told by her high school counselor that if she wanted to express milk at school she should transfer to a continuation school or independent study, both of which limit students' academic opportunity and ability to take college-track classes. After transferring to a continuation school, she was allowed to pump, but only during certain hours.

The report also found that, even when a student's request to pump milk at school was granted, a student may not have access to a private, secure room or refrigerator to safely store the breast milk. One student requested accommodations to express milk during school hours and was offered a public, shared restroom as her only option.

Not providing a private, secure room and a consistent pumping schedule for lactating students could cause significant pain and discomfort to these students and potentially lead to breast infections, as well as causing embarrassing leakage issues and general distress. These factors could deter students from expressing milk or attending school altogether.

The health benefits associated with breastfeeding for both infants and a lactating parent have been widely acknowledged through research. The range of health benefits include infant growth and development while also protecting them from serious health conditions, including allergies, diabetes, ear and gastrointestinal tract infections, and obesity. Breastfeeding also reduces the risk that a lactating parent will develop breast and ovarian cancer, diabetes, and cardiovascular disease.

PURPOSE: Pregnant and parenting students should not be forced to make decisions about where to attend school or whether to breastfeed their child solely based on whether they can access appropriate lactation accommodations at school. California law should be clear that accommodations for lactating students include access to a private, secure room to breastfeed or express milk.

Assembly Bill 302 (Cristina Garcia) would specify that high schools with one or more lactating students shall provide these students with access to a private, secure room to deal with any needs associated with breastfeeding or expressing milk. AB 302 would also require schools to allow lactating students to bring a breast pump to school and store expressed milk, and it would require schools to provide these students with reasonable break time or time away from the classroom to accommodate their lactation schedule.

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¹ 34 C.F.R. § 106.40(b)(1).

² See CAL. EDUC. CODE § 200 *et seq.*

³ Cal. Labor Code § 1031.