



# A B C's of Breastfeeding

in Los Angeles County School Districts

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## 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>

Students have long been entitled to the same types of accommodations but in 2015 California enacted a new law, AB 302, which clarifies the obligations of the school districts. School districts must: (1) give lactating students access to a private, secure room with a power source to deal with any needs associated with breastfeeding or expressing milk, (2) allow lactating students to bring a breast pump to school and store expressed milk, (3) give lactating students reasonable break time or time away from the classroom to accommodate their lactation schedule without incurring an academic penalty and with the ability to make up any work missed, and (4) process student complaints about lactation accommodations through the Uniform Complaint Process (UCP).<sup>5</sup>

The California School Boards Association (CSBA) has a model policy for “Married, Pregnant, and Parenting Students,” which contains recommended policy language on lactation accommodations, written long before the recent legislative clarification in AB 302: “When necessary, the district shall provide reasonable accommodations to pregnant and parenting students to enable them to access the educational program. A pregnant student shall have access to any services available to other students with temporary disabilities or medical conditions. A lactating student shall have access to a private location, other than a restroom, to breastfeed or express milk for her infant child.”<sup>6</sup> CSBA’s sample board policy for employees similarly recommends a lactation policy for school staff.<sup>7</sup>

**All school districts that receive federal assistance must also designate at least one employee to be the Title IX Coordinator.** A Title IX Coordinator is the person who is responsible for answering questions, handling complaints, and ensuring compliance with federal law that prohibits sex discrimination, which includes discrimination against parenting students. A school district must notify all students and employees of the name, office address, and telephone number of its Title IX Coordinator(s).<sup>8</sup>

**Despite these clear legal obligations, many women who plan to breastfeed do not meet their own goals, or health care recommendations for exclusive breastfeeding for the first 6 months because they lack institutional support in the workplace or school.** The ACLU SoCal, BreastfeedLA and the California Women’s Law Center have received a number of complaints and questions from parenting employees and students in school districts throughout Los Angeles County who (1) don’t know their rights to continue to express breast milk or breastfeed their child after they return to work or school; (2) have faced difficulties when they return to work or school after giving birth and are denied reasonable accommodations that allow them to express breast milk or breastfeed their child, or experience discrimination or harassment as a result of their lactation needs; and (3) don’t know who to turn to within their school district for help addressing these problems.

As a result of these barriers, many parents give up on breastfeeding or even leave the school environment. A recent report published by the ACLU of California interviewed pregnant and parenting students in Fresno County. As one student succinctly stated, “I asked if I could pump at school and the school told me it was not recommended. They kept giving me excuses, so I decided to leave.”<sup>9</sup>

Concerned about this stream of complaints, BreastfeedLA embarked on a study to discover how many school districts in Los Angeles County had institutional School Board level support for lactation accommodations in the form of clear and accessible policies. BreastfeedLA also set out to learn whether an employee or student could easily identify the person who should be able to help them solve challenges related to lactation accommodations, the Title IX Coordinator.

Between December 2014 and January 2015, BreastfeedLA assessed 81 Los Angeles County school districts including the Los Angeles County Office of Education (LACOE). The method of research was to do what an employee or student looking for information about lactation rights or support would do: use an internet search engine

*“I was 28 when I had my first baby. I didn’t feel supported by my school, especially when my female co-workers would “mooooo” outside the bathroom I was sitting in while pumping. I had to pump in a bathroom!”*

*Anonymous  
Los Angeles County teacher  
now 32*

*“I was 17 when I had my oldest and I felt supported when they would call me out of class when my son was hungry and when the cafeteria lady would give me extra snacks.*

*I didn’t feel supported when the teachers would get upset and give me attitude when I would have to leave to feed my baby, which eventually made me stop breastfeeding and switch to formula.”*

*Anonymous  
Los Angeles County student*

*“I asked if I could pump at school and the school told me it was not recommended. They kept giving me excuses, so I decided to leave.”*

and browse the school district website for information and school policies. In their research, BreastfeedLA asked five questions:

- Are the School Board policies accessible online?
- Does the District have an employee lactation accommodation policy?
- Does the District have a pregnant and parenting student policy?
- Does the District student policy include lactation accommodations?
- Can we easily identify the Title IX Coordinator?

Based on these questions, the school districts were graded and a report card was created. The five measures were awarded 1 point each. The grades were given on a 5 point scale, where 5 points equaled an A and 1 point equaled an F. A score of zero was an F-.

**Here's what was found in 2015.** The majority of school districts had accessible board policies. However, only 33 percent of school districts had lactation accommodation policies for employees and only 17 percent had lactation accommodations policies for students. Only 23 percent 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.

**Far too many school districts in Los Angeles County were failing to provide clear institutional support to employees and students for their lactation accommodation needs and were leaving breastfeeding employees and students unclear about their rights and unable to meet their breastfeeding goals.** Clear and accessible board policies are a critical step in ensuring compliance and informing lactating employees and students of their rights. District officials, who must provide accommodations, understand their legal obligations when there is clear policy. Without clear, affirmative guidance, employees and students are vulnerable to violations of their rights and school districts are at greater risk of sex discrimination complaints or lawsuits.

**Compounding the problem is how hard it was to identify the Title IX Coordinator in most school districts.** Unfortunately, this is not uncommon in our state. Equal Rights Advocates surveyed the San Francisco Bay Area county school districts and found that many schools are not designating a specific employee as the Title IX Coordinator or providing that information to students or parents. For example, resolving Title IX complaints was the primary job function for only 4 percent of the Title IX Coordinators identified in the Equal Rights Advocates study.<sup>10</sup>

**Los Angeles County school districts must ensure there is a clear message to all staff and students that lactating people in the school environment will be supported and accommodated.** At a minimum, districts should adopt clear policies and clearly inform students and staff about their rights and what to do if they have encountered trouble obtaining lactation accommodations. No school employee or student should be forced to choose between the health of their children and their jobs or education.

**School districts win when they support women to breastfeed!**

## July 2016 Update:

### Lactation Accommodations in Los Angeles County School Districts

Since we released our ABC's of Breastfeeding research study in January of 2015, Los Angeles County School Districts have overall improved their lactation accommodations policies and/or the accessibility of those policies affecting both employees and students. **48% of school districts improved in at least one evaluated area over the prior year**, raising the LA County's average by one letter grade to a "C." All but seven out of the 81 Los Angeles County school districts now have accessible board policies (compared to 14 in 2015). **51% of school districts have an easily identifiable Title IX Coordinator**—a 28% improvement from 2015. **Eight school districts, including LACOE, received a perfect "A" grade** for meeting all of the lactation accommodations requirements. More than half, **53% of school districts now have employee lactation accommodations policies**—a 20% increase from 2015.

While improvements have been made in some areas, there is still much progress to be made. **Fewer than a quarter (22%) of school districts have student lactation accommodations policies**, which is only a 5% improvement from 2015. **35% of school districts received a failing score of "D" or lower**, failing to meet the lactation accommodations requirements.

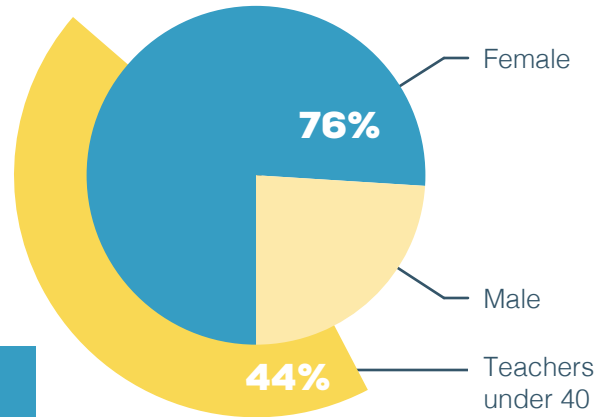


# LA County School Districts by the Numbers



What percentage is female?

Approximately 76% of education employees are female,<sup>13</sup> with 44% of public school teachers under the age of 40.<sup>14</sup>

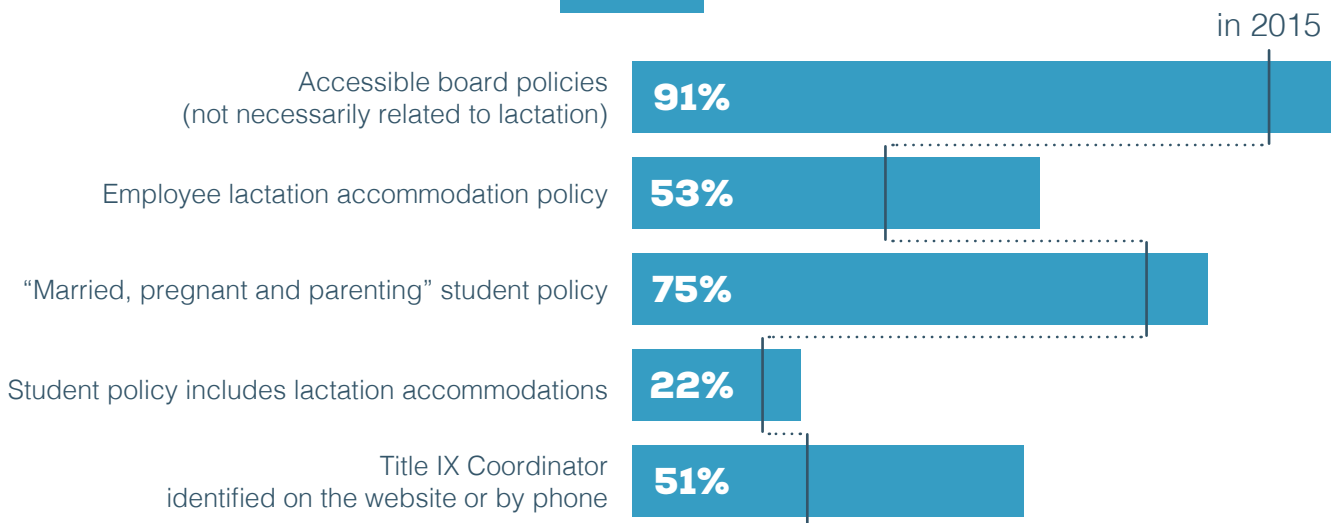


## GOAL:

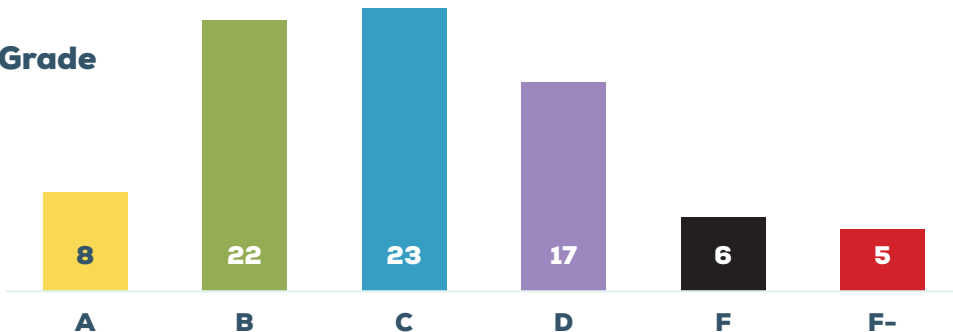
100% of schools are in compliance with the law through policy adoption and implementation.

## 2016 LA County Average Grade

**C**



## Totals by Grade



# Report Card: LA County School Districts

★ = improved lactation accommodations

	Grade		Accessible board policies	Employee lactation accommodation policy	Pregnant & Parenting student policy	Student policy includes lactation accommodation	Title IX Coordinators
	2016	2015					
ABC Unified School District	D	D	✓		✓		
Acton-Agua Dulce Unified School District	C	D	✓		✓		★ ✓
Alhambra Unified School District	C	C	✓		✓		✓
Antelope Valley Joint Union HS District	B	B	✓	✓	✓		✓
Arcadia Unified School District	D	F	★ ✓				✓
Azusa Unified School District	B	C	✓	✓	✓	★ ✓	
Baldwin Park Unified School District	D	D	✓		✓		
Bassett Unified School District	B	C	✓	✓	✓		★ ✓
Bellflower Unified School District	B	C	✓	✓	✓		★ ✓
Beverly Hills Unified School District	D	D	✓				✓
Bonita Unified School District	D	F-	★ ✓				★ ✓
Burbank Unified School District	B	C	✓	✓	✓		★ ✓
Castaic Union School District	B	D	✓	★ ✓	✓		★ ✓
Centinela Valley Union High School District	C	C	✓		✓		✓
Charter Oak Unified School District	C	C	✓		✓		✓
Claremont Unified School District	C	C	✓	✓	✓		
Compton Unified School District	C	D	✓		✓		★ ✓
Covina-Valley Unified School District	C	F	✓	★ ✓	★ ✓		
Culver City Unified School District	C	D	✓	★ ✓	✓		
Downey Unified School District	D	D	✓				✓
Duarte Unified School District	B	D	✓	★ ✓	✓		★ ✓
East Whittier City School District	F	F	✓				
Eastside Union School District	C	D	✓		✓		★ ✓
El Monte City School District	D	D	✓		✓		
El Monte Union High School District	B	C	✓	✓	✓		★ ✓
El Rancho Unified School District	B	C	✓	★ ✓	✓		✓
El Segundo Unified School District	A	D	✓	★ ✓	✓	★ ✓	★ ✓

# Report Card: LA County School Districts

★ = improved lactation accommodations

	Grade		Accessible board policies	Employee lactation accommodation policy	Pregnant & Parenting student policy	Student policy includes lactation accommodation	Title IX Coordinators
	2016	2015					
Garvey School District	C	D	✓		✓		★ ✓
Glendale Unified School District	A	B	✓	✓	✓	★ ✓	✓
Glendora Unified School District	C	F	✓	★ ✓			★ ✓
Gorman Joint School District	F-	F-					
Hacienda La Puente Unified School District	D	F-	★ ✓		★ ✓		
Hawthorne School District	B	B	✓	✓	✓	✓	
Hermosa Beach City School District	D	D	✓		✓		
Hughes-Elizabeth Lakes Union School District	F	F-					★ ✓
Inglewood Unified School District	B	B	✓	✓	✓	✓	
Keppel Union School District	F	F-	★ ✓				
La Canada Unified School District	F	F	✓				
Lancaster School District	A	B	✓	✓	✓	✓	★ ✓
Las Virgenes Unified School District	D	D	✓		✓		
LACOE	A	B	✓	✓	✓	✓	★ ✓
Lawndale Elementary School District	B	B	✓	✓	✓	✓	
Lennox School District	B	C	✓	★ ✓	✓	✓	
Little Lake City School District	D	D	✓	✓			
Long Beach Unified School District	C	C	✓		✓	✓	
Los Angeles Unified School District	A	C	✓	★ ✓	✓	★ ✓	✓
Los Nietos School District	C	C	✓	✓	✓		
Lowell Joint School District	D	D	✓		✓		
Lynwood Unified School District	A	B	✓	✓	✓	✓	★ ✓
Manhattan Beach Unified School District	C	C	✓	✓	✓		
Monrovia Unified School District	D	D	✓		✓		
Montebello Unified School District	B	C	✓	★ ✓	✓		✓
Mountain View School District	F-	F-					
Newhall School District	F-	F-					

# Report Card: LA County School Districts

★ = improved lactation accommodations

	Grade		Accessible board policies	Employee lactation accommodation policy	Pregnant & Parenting student policy	Student policy includes lactation accommodation	Title IX Coordinators
	2016	2015					
Norwalk-La Mirada Unified School District	D	D	✓				✓
Palmdale School District	B	F	★✓	★✓	★✓		✓
Palos Verdes Peninsula Unified School District	B	B	✓	✓	✓	✓	
Paramount Unified School District	D	F	✓		★✓		
Pasadena Unified School District	B	B	✓	✓	✓	✓	
Pomona Unified School District	C	C	✓		✓	✓	
Redondo Beach Unified School District	C	D	✓	★✓	✓		
Rosemead School District	B	F	★✓	★✓	★✓		✓
Rowland Unified School District	C	C	✓		✓		✓
San Gabriel Unified School District	A	B	✓	✓	✓	✓	★✓
San Marino Unified School District	B	B	✓	✓	✓		✓
Santa Monica-Malibu Unified School District	C	F	✓	★✓	★✓		
Saugus Union School District	B	C	✓	✓	✓		★✓
South Pasadena Unified School District	B	C	✓	✓	✓		★✓
South Whittier Unified School District	F	F	✓				
Sulphur Springs Union School District	D	F-	★✓	★✓			
Temple City Unified School District	C	F	✓	★✓	★✓		
Torrance Unified School District	A	A	✓	✓	✓	✓	✓
Valle Lindo School District	F-	F-					
Walnut Valley Unified School District	C	C	✓	✓	✓		
West Covina Unified School District	B	C	✓		✓	✓	★✓
Westside Union School District	C	C	✓	✓	✓		
Whittier City School District	F-	F-					
Whittier Union High School District	D	D	✓				✓
William S. Hart Union High School District	C	C	✓		✓		✓
Wilsona School District	C	C	✓	✓	✓		
Wiseburn Unified School District	F	F					✓

## Effective Implementation of Lactation Accommodation Duties

How to achieve effective implementation?

Effective implementation involves four specific strategies:

### 1 Adopt Policy

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

### 2 Train Staff and Communicate Policy

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

### 3 Identify Staff

Name 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.

What follows are concrete recommended actions and examples of effective implementation discovered during Breastfeed LA's analysis for Los Angeles County school districts.





# 1 Adopt Policy

Having a clear policy helps ensure that all employees and students will have access to consistent support. The policy should address both employees' and students' rights to lactation accommodations, but also make clear the process by which problems and complaints will be handled. For students, AB 302 requires that complaints about lactation accommodations be handled through the UCP (uniform complaint procedures) process. A policy also helps clearly define the roles and responsibilities of supervisors, employees, and students. Ultimately, this aids in creating a school culture that normalizes lactation support as an expected part of school and work-life balance.

## Recommended Action

- Adopt a lactation accommodation policy for students and staff immediately. Make sure that the policy complies with all requirements of state and federal law, including California's new AB 302, both with respect to substantive rights and process for handling complaints.
- Amend sex discrimination policies to make clear that discrimination based on "pregnancy and childbirth related conditions, including lactation," is prohibited sex discrimination.
- Amend disability policies to make clear that pregnancy and childbirth related conditions are entitled to accommodations on equal terms to other temporary disabilities.
- Incorporate lactation accommodation employee and student policies into any existing wellness policies.
- Call the ACLU SoCal, CWLC, or BreastfeedLA if you would like assistance shaping a good policy.

## Best Practice

The California School Boards Association (CSBA) has template policies for employee lactation accommodations (4033)<sup>15</sup> and student lactation accommodations (5146).<sup>16</sup> CSBA policies are available through the Gamut system. Gamut is an online policy information service that incorporates the CSBA Policy Update Reference Manual. The new AB 302 also provides specific guidance on the type of accommodations that schools must provide and how complaints should be handled. The U.S. Department of Education Office for Civil Rights has specific guidance on what Title IX requires by way of pregnant and parenting students. These are good places to start shaping effective and legally compliant policies.

# 2

## Train Staff and Communicate Policy

When districts actively communicate support for lactating women, they remove one barrier to breastfeeding for employees and parenting students. The best written policy is not effective if no one knows about it, has access to it, or knows the process for how to complain about problems relating to lactation. While Title IX Coordinators and Human Resource professionals may be ultimately responsible for implementing lactation accommodation policies, all staff should be trained on the policies so that they can answer questions and the whole community knows that the district supports the breastfeeding needs of employees and students.

### Recommended Action

- Convey non-discrimination and lactation accommodations policies, as well as information about complaint processes, through multiple channels to staff.
  - Provide policies to all new hires.
  - Provide policies to all people who take pregnancy-related or parental bonding leave.
  - Post information about lactation rights in visible common spaces and in the employee handbook.
  - Make policies and information about lactation accommodation accessible to staff on the school website or internal intranet.
  - Provide a listing of identified spaces for expressing and storing breastmilk in your facilities.
- Convey non-discrimination and lactation accommodations policies, as well as information about complaint processes, through multiple channels to students and their parents.
  - Provide information about the policies in the student handbook.
  - Post information about the policies in visible places such as the office, the nurse's office, and other places used to regularly communicate information to students.
  - Put information about the policies in a prominent and easily accessible section of the district website. When evaluating website access, consider:
    - Can a student perform an online search of the name of your school district and "breastfeeding" and find a page with affirmative support for lactation accommodations?
    - Does it link to a clear contact for the Title IX Coordinator with a name, office address, e-mail and telephone number?
    - Do you link directly to your policies related to lactation accommodations?
    - Is there a listing of identified spaces for expressing and storing breastmilk in your facilities?

## Recommended Action (continued)

- Provide training to school site administrators on their obligations to provide accommodations for lactation for both employees and students.
  - Require HR personnel and Title IX Coordinator to attend trainings in support of lactation accommodation policy implementation.
  - Train any staff members responsible for handling UCP complaints about the lactation accommodation policies and practices for students.
  - Ensure that school nurses and instructors are aware of the lactation accommodation policies and practices for students.
- Issue an administrative circular reminding schools of their obligations. August is National Breastfeeding Month and a good time for reminders.

## Best Practices

### **Communicating the Employee Lactation Accommodation Policy**

The San Diego Unified School District issued a Board Resolution in support of their employee lactation accommodations policy and sent an administrative circular outlining the District's policy and available resources to assist the school principal or site administrator on their obligations under the law.

There are multiple examples of schools that have accommodated employees, and how they did it, at the U.S. Department of Health and Human Services, Office on Women's Health website resource, "Supporting Nursing Moms At Work: Employer Solutions, Education".<sup>17</sup>

### **Providing Resources: Student Lactation Accommodation Policy**

Los Angeles Unified School District's "Pregnant or Parenting" policy includes important contact information for child care and other case management resources, and information in both English and Spanish.<sup>18</sup> Note, however, that while this policy is comprehensive in many important ways, and communicates how a student could access many resources, it lacks appropriate accommodations for lactation or examples of how a lactating student could be accommodated.

## **3** Designate a Title IX Coordinator and Key Human Resource Staff

Designating a point person on staff who is (1) knowledgeable about the law and school policy on lactation accommodations; (2) required and able to handle questions and complaints; and (3) is actually *known* to staff, students, and parents is a key component of effective implementation. Indeed, all school districts that receive federal assistance must designate at least one employee to be the Title IX Coordinator. In April 2015, the U.S. Department of Education's Office of Civil Rights issued detailed guidance about Title IX coordinators. The guidance also covers the need to make the coordinator known and accessible to the school community.<sup>19</sup> If districts or schools have a point person for UCP complaints, this person must also be knowledgeable about lactation accommodation policies and practices since AB 302 designates the UCP process as the appropriate mechanism for handling lactation accommodation complaints.

Lactation accommodation policy for employees is administered through a personnel or human resources department. A district's superintendent for human resources should be the front line administrator that ensures that schools are compliant with the law. They should coordinate with the District and site-specific Title IX Coordinator to ensure that teachers, staff and students are aware of their rights to reasonable accommodations when breastfeeding and that those rights are being respected and enforced.

### Recommended Action: Title IX Coordinator

- Immediately, each district should identify at least one district employee, with a name, title, email, address, and phone number as their Title IX coordinator.
- Review the U.S. Department of Education Office of Civil Rights guidance on Title IX Coordinators and ensure your district is in compliance.
- Evaluate your website:
  - Does the front page of the district website include a clear "Non-discrimination-Title IX" statement?
  - Does it link to a clear contact for the Title IX Coordinator, with a name, office address and telephone number?
  - Is the term "Title IX Coordinator" used to describe the contact?
  - Does the website directly link to your Title IX policies as well as your other relevant anti-discrimination and lactation accommodation policies?



## Recommended Action: Human Resources Director

- Immediately, each district should identify at least one human resource employee who is responsible for implementing lactation accommodation policies, educating staff on this policy, and handling complaints on the subject.
- Evaluate your website:
  - Can an employee easily identify her rights to a lactation accommodation?
  - Does it link to a clear contact within Human Resources for questions or concerns?
  - Is there clear guidance on how to be accommodated at the facility?
  - Is there a listing of identified spaces in the facilities within the school district?
  - Is there a HR link directly to policies?
  - Is there educational information provided by your health plan on how to access breastfeeding support, supplies and counseling, as mandated under the Affordable Care Act?

## Best Practices

El Rancho Unified School District has a dedicated page with the name of the Title IX Coordinator, contact information and a message of commitment to implement Title IX.<sup>20</sup>

El Monte Union High School District has a dedicated Non-Discrimination-Title IX-Civil Rights page with excellent notification brochures.<sup>21</sup> Adding a direct contact's name and email to this page would improve the implementation.

# 4 Access to Appropriate Space, Time and Breast Pumps

An employee or student's right to breastfeed or pump milk is meaningless if they do not actually have the space and time to do so in an accessible, secure, and clean location that has the basic items they need, such as an outlet and access to a water source. Students in particular may need help accessing breast pumps themselves. Lactating employees and students also need a place to safely store milk so that they can keep it fresh and transport it home for their child. Lactation spaces that are easily identifiable, whether dedicated, temporary or shared, reduces conflict and creates efficiency. When employees and students know exactly where they will be able to address their needs for expressing milk, they better balance their lactation needs with the requirements of their work.

## Recommended Action: Dedicated Space

- Provide clear guidance to school administrators on how to identify appropriate locations for milk expression.
- Make a list of spaces available for staff to pump and make that list accessible.
- Make a list of spaces available for students to pump and make that list accessible.
- Ensure your district is following the requirements of California law, including the new AB 302, and federal law.
- Make sure all lactation spaces are private, secure, and clean.
- Utilize U.S. Department of Health and Human Services, Office on Women's Health, *Supporting Nursing Moms at Work: Employer Solutions* database to identify best practice solutions for lactation accommodations within the education sector.<sup>22</sup>

## Recommended Action: Access to Pumps

- Provide employees and students with information on how to access pumps through WIC or their health insurance plans.

## Recommended Action: Time to Pump

- Ensure instructors provide students time off from class, if necessary, to breastfeed or express milk, and the ability to make up any classwork or participation points missed during this time. Schools should work with a student to adopt a lactation schedule, set by the lactating student, which allows her to breastfeed or express milk at regular intervals.
- Ensure there is no penalty imposed for breastfeeding or expressing milk.
- Identify supervision of students for teachers who will need additional break time for lactation.

## Best Practices

Districts would be best served by following the lead of the County of Los Angeles, whose Department of Human Resources Director advised each department to identify and report existing reasonable lactation accommodation locations. The information was collected via survey, combined, and then posted on the HR website for all employees to access.

California's Cal-SAFE program has created many reciprocal relationships between their programs and the USDA Women, Infants, and Children (WIC) program to support students at school sites. Eleven LA County districts (41 high schools) have cooperative agreements with WIC agencies to provide on-site breast pumps for students. Only 1 of these districts has a student policy to support the use of these pumps on campus. Although WIC may provide breast pumps, it is a mandate of health care reform for insurance payers to provide breastfeeding support, supplies and counseling.<sup>23</sup>

## Conclusion

The health benefits of breastfeeding for both parent and child are great. Breastfeeding benefits the workplace and school performance with less missed days due to illness of a child. When school districts (1) adopt strong lactation accommodations policies; (2) identify a Title IX Coordinator and key human resource staff; (3) train staff and communicate the policy; and (4) provide access to time, space and breastpumps they support families to continue breastfeeding.



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ACLU of Southern California  
aclusocal.org  
213-977-9500



California Women's Law Center  
cwlc.org  
323-951-1041



## Endnotes

- 1 See, e.g., Am. Acad. of Pediatrics, *Breastfeeding FAQ*, <https://www2.aap.org/breastfeeding/faqsBreastfeeding.html> (last visited Sept. 30, 2015); U.S. SURGEON GENERAL, EVERYONE CAN HELP MAKE BREASTFEEDING EASIER, SURGEON GENERAL SAYS IN “CALL TO ACTION” (Jan. 20, 2011), <http://www.surgeongeneral.gov/library/calls/breastfeeding/executivesummary.pdf>.
- 2 42 U.S.C. § 2000e-2 and 42 U.S.C. § 2000e(k) (Federal statutes, Title VII and the Pregnancy Discrimination Act, prohibiting sex and pregnancy discrimination in employment); 29 C.F.R. § 1604.10 (Title VII implementing regulations); U.S. Equal Emp’t Opportunity Comm’n, *Enforcement Guidance: Pregnancy Discrimination and Related Issues*, (June 25, 2015), [http://www.eeoc.gov/laws/guidance/pregnancy\\_guidance.cfm#\\_ftnref50](http://www.eeoc.gov/laws/guidance/pregnancy_guidance.cfm#_ftnref50) (explaining that discrimination based on lactation and breastfeeding is prohibited); 29 U.S.C. § 207(r) (Requires employers to provide nursing mothers with breaks and a private location (other than a restroom) to pump milk); 20 U.S.C. § 1681 (Federal statute, Title IX, prohibiting sex discrimination in schools receiving federal assistance); 34 C.F.R. § 106.40(b) (1) (Title IX implementing regulations); CAL. EDUC. CODE § 201, 220 (California statute, California Sex Equity in Education Act, prohibiting sex discrimination in schools); CAL. CODE REGS. tit. 5, § 4950 (California Sex Equity in Education Act implementing regulations); CAL. CIV. CODE § 51 (California statute, Unruh Civil Rights Act, prohibiting sex discrimination by public accommodations, including schools); CAL. GOV’T CODE §§ 12926(r), 12940 (California statute, Fair Employment and Housing Act, prohibiting sex discrimination in employment); CAL. GOV’T CODE § 12945 (California statute requiring employer to provide reasonable accommodation for an employee for a condition related to pregnancy, childbirth, or a related medical condition, which includes lactation accommodations); CAL. CODE REGS. tit. 2 §§ 7291.2(d), (u) (California regulation making clear that pregnancy-related accommodations that employers must provide include lactation accommodations); CAL. LAB. CODE §§ 1030-31 (requiring lactation accommodations for employees).
- 3 See, e.g., 29 C.F.R. § 1604.10; 34 C.F.R. § 106.21(c)(3).
- 4 See, e.g., 29 U.S.C. § 207(r); CAL. LAB. CODE §§ 1030-31.
- 5 CAL. EDUC. CODE § 222, added by Cal. Assembly Bill 302 (2014). See also, 20 U.S.C. § 1681; 34 C.F.R. § 106.40(b)(1); CAL. EDUC. CODE §§ 201, 220; CAL. CODE REGS. tit. 5 § 4950; CAL. CIV. CODE § 51; U.S. DEP’T OF EDUC., OFFICE OF CIVIL RIGHTS, SUPPORTING THE ACADEMIC SUCCESS OF PREGNANT AND PARENTING STUDENTS UNDER TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 (June 2013), <http://www2.ed.gov/about/offices/list/ocr/docs/pregnancy.pdf>.
- 6 CAL. SCHOOL Bd. ASS’N, SAMPLE BOARD POLICY BP 4033(a), LACTATION ACCOMMODATION (June 2011), [https://www.csba.org/GovernanceAndPolicyResources/DistrictPolicyServices/~media/CSBA/Files/GovernanceResources/PolicyNews\\_Briefs/Employees/2011\\_07\\_SamplePolicy\\_LactationAccommodation.ashx](https://www.csba.org/GovernanceAndPolicyResources/DistrictPolicyServices/~media/CSBA/Files/GovernanceResources/PolicyNews_Briefs/Employees/2011_07_SamplePolicy_LactationAccommodation.ashx).
- 7 *Id.*
- 8 34 C.F.R. § 106.8(a); 34 C.F.R. § 106.9; Letter from Catherine E. Lhamon, Assistant Secretary for Civil Rights, United States Dep’t of Educ., to school districts, colleges, and universities receiving federal funding (Apr. 24, 2015), <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201504-title-ix-coordinators.pdf>.
- 9 ACLU OF CALIFORNIA, BREAKING DOWN EDUCATIONAL BARRIERS FOR CALIFORNIA’S PREGNANT AND PARENTING STUDENTS (Jan. 2015), [https://www.aclunc.org/sites/default/files/2015\\_edequity\\_pregnant\\_parenting\\_teens\\_california.pdf](https://www.aclunc.org/sites/default/files/2015_edequity_pregnant_parenting_teens_california.pdf).
- 10 EQUAL RIGHTS ADVOCATES, ENDING HARASSMENT NOW: KEEPING OUR KIDS SAFE AT SCHOOL, (2015), <http://www.equalrights.org/wp-content/uploads/2015/06/era-title-ix-report.pdf>.
- 11 Employment Development Department, (2014), 2nd Quarter Statistics of the number of employees in public education, *Personal Communication*.
- 12 The number of students was calculated using data from the Los Angeles County Office of Education Public Schools Directory data, available at <http://schooldirectory.lacoe.edu>.
- 13 American Fed’n of Labor—Cong. of Indus. Org., Dep’t of Professional Employees, *Women in the Professional Workforce* (Feb. 2015), <http://dpeaflcio.org/professionals/professionals-in-the-workplace/women-in-the-professional-and-technical-labor-force/>.
- 14 U.S. DEP’T OF EDUC., NATIONAL CENTER FOR EDUCATION STATISTICS, TEACHER ATTRITION AND MOBILITY: RESULTS FROM THE 2008-2009 TEACHER FOLLOW-UP SURVEY (NCES 2010-353) (Aug. 2010), <http://nces.ed.gov/fastfacts/display.asp?id=28>.
- 15 Cal. School Bd. Ass’n, *supra* note 6.
- 16 *Id.*
- 17 U.S. Dep’t of Health and Human Services, Office on Women’s Health, *Breastfeeding Support: Industry Solutions, Education* (Aug. 4, 2014), <http://www.womenshealth.gov/breastfeeding/employer-solutions/industry/education.html>.
- 18 King, Michelle and Kevin S. Reed, *Pregnant and Parenting Students Educational Rights*, Los Angeles Unified School District BUL-2060.0 (Oct. 25, 2005), [http://notebook.lausd.net/pls/ptl/docs/PAGE/CA\\_LAUSD/FLDR\\_ORGANIZATIONS/FLDR\\_GENERAL\\_COUNSEL/PREGNANT%20AND%20PARENTING%20BULLETIN%202060.0%20\(FINAL\).PDF](http://notebook.lausd.net/pls/ptl/docs/PAGE/CA_LAUSD/FLDR_ORGANIZATIONS/FLDR_GENERAL_COUNSEL/PREGNANT%20AND%20PARENTING%20BULLETIN%202060.0%20(FINAL).PDF)
- 19 U.S. Dep’t of Educ., Office for Civil Rights, *supra* note 9.
- 20 Dora Soto-Delgado, *Notification of California Department of Education Title IX*, EL RANCHO UNIFIED SCHOOL DISTRICT, [http://www.erusd.org/apps/pages/index.jsp?uREC\\_ID=153863&type=d&pREC\\_ID=547463](http://www.erusd.org/apps/pages/index.jsp?uREC_ID=153863&type=d&pREC_ID=547463), (last visited Oct. 19, 2015).
- 21 El Monte Union High School Dist., *Non-Discrimination, Title IX Notice, Civil Rights*, [http://www.emuhd.org/index.php/district/non\\_discrimination\\_title\\_ix\\_notice/](http://www.emuhd.org/index.php/district/non_discrimination_title_ix_notice/), (last visited Oct. 19, 2015).
- 22 U.S. Dep’t of Health and Human Services, Office on Women’s Health, *Breastfeeding Support: Industry Solutions, Education* (Aug. 4, 2014), <http://www.womenshealth.gov/breastfeeding/employer-solutions/industry.html>
- 23 U.S. Dep’t of Health and Human Services, Health Resources and Services Administration, *Women’s Preventative Services Guidelines*, <http://www.hrsa.gov/womensguidelines/>, (last visited Sept. 30, 2015).