

Lactation Accommodations in California Schools:

FACTS ABOUT CALIFORNIA'S 2015 LAW AB 302

On October 9, 2015, Governor Brown signed into law AB 302, reaffirming the right of parenting students in California schools to reasonable lactation accommodations. Under existing law, school districts are already required to provide reasonable accommodations to lactating students, but the new law offers greater specificity and guidance to schools about what these accommodations must include.

Background

Under federal Title IX and the California Sex Equity in Education Act, 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.

However, although lactating students' right to these reasonable accommodations is protected under current law, in practice, it is still common for student requests for these accommodations to be denied simply because administrators are ill-informed or unaware of these rights. Failure to provide adequate lactation accommodations results in students deciding to forego breastfeeding, enroll in a school site exclusively based on the ability to pump or breastfeed during school hours, or even stop attending school altogether.

Requirements

Beginning January 1, 2016, *all* schools in California with a student who is lactating must at least:

- 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 and a place to safely store expressed milk;
- Provide students with reasonable break 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; and
- 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.

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