

The Rights of Pregnant and Parenting Students and Employees in CA Schools



BreastfeedLA

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Why are Lactation Accommodations Important?

Breastfeeding is a public health imperative:

- Breastfeeding protects babies from infections and illnesses including diarrhea, ear infections, and pneumonia.
- Breastfed babies have a lower risk for asthma, obesity, diabetes, sudden infant death syndrome (SIDS) and other conditions
- Mothers who breastfeed have a decreased risk of breast and ovarian cancers, among other conditions.

Breastfeeding mothers must express milk about as often as their baby feeds to continue producing an adequate amount of milk and to avoid painful engorgement and health complications.

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Why are Lactation Accommodations Important?

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- ❖ When giving birth in the hospital, over 94% of families in California report intending to breastfeed their children, yet by 2 months, only 38% are exclusively breastfeeding.
- ❖ Workers who had access to both time and space for expressing breast milk are 2.3 times as likely to be breastfeeding exclusively at 6 months, but:
 - 41% of breastfeeding workers are not provided with reasonable break time
 - 55% do not have access to a private space
 - **60% do not have access to both break time and space¹**
- ❖ Research shows that workers who receive support to express milk at work are:
 - more likely to return from maternity leave and not to further extend their leave
 - have improved morale and better satisfaction; and,
 - are more productive and loyal to their employer.

¹ Kozhimannil et al., Access to Workplace Accommodations to Support Breastfeeding after Passage of the Affordable Care Act, Women's Health Issues, 2015.



Why are lactation accommodations important?

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<https://youtu.be/ZaN3DCVHXr8> – Tanya's Story

<https://youtu.be/3LxtkCrxGcg> – Nicolette's Story



What are the challenges for breastfeeding employees?

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Pregnant and Parenting Students

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



A REPORT BY THE ACLU OF CALIFORNIA

Problems they encounter:

- Stigmatizing behavior
- Prevented from taking the courses necessary or desired
- Forced to withdraw or prevented from successfully finishing courses
- Restricted from activities
- Denied a secure and private place to breastfeed or pump milk

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4.8 million college students are raising children.¹¹

Women make up 71% of all student parents.¹¹



Women of color

are the most likely students to be raising children while pursuing a postsecondary degree.¹¹

Nearly half of all black women in college have dependent children (47%).¹¹



Students with children

are especially unlikely to complete a certificate or degree within six years of enrollment, with only



33% attaining a degree or certificate in that time.¹¹



Common Accommodations for Pregnant/Parenting Students

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- Delayed deadlines
- Bathroom breaks
- Breaks for rest or water
- Time to pump breast milk during class or exams
- Parking space
- A larger chair so pregnant student can sit comfortably
- Modification of equipment, test, or training materials, or policies



K-12 Student Lactation Space Requirements (Ed. Code § 222)

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Explicit lactation protections for K-12 students

- Schools must provide
 - ▶ a private and secure room, other than a restroom,
 - ▶ access to a power source
 - ▶ access to a place to safely store expressed breast milk
- Students must be permitted to directly breastfeed their infant in the lactation space.
- Students may use the universal complaint procedure



General Student Lactation Requirements

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- **Time to express milk:**
 - ▶ Reasonable amount of break time as frequently as needed (frequency and duration of milk expression may vary)
 - ▶ Break time without incurring academic penalty and with the ability to make up any missed work
- **Sanitary Space**
- **Freedom from harassment**

Bottom Line:

If lactation space adequacy or related issues prevent student from equal access to an education, it is a Title IX problem!



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

ABC's of Breastfeeding in Los Angeles County School Districts

*ACLU of SoCal, BreastfeedLA and
California Womens Law Center*

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

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ABC's of Breastfeeding: Method

All 81 LA County School Districts and over 100 LA universities and colleges 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?

Lactation 101: Lactation Accommodations in Los Angeles Higher Education

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CALIFORNIA WOMEN'S LAW CENTER

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Lactation 101

Lactation Accommodations
in Los Angeles County
Higher Education

*BreastfeedLA and
California Women's Law Center*

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+ Lactation 101: Findings

Report Card Results from 2016-2017 for LA Universities and Colleges:

- Most schools have **accessible policies online (94%)**
- **61%** of LA's universities and colleges have a **Title IX Coordinator** identified on the website or by phone

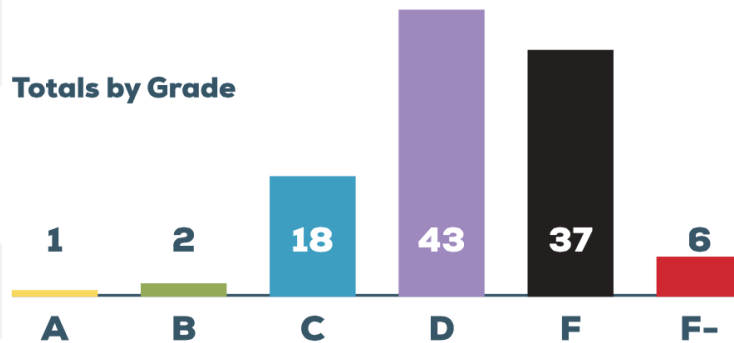
+ Lactation 101: Findings

Opportunities for Improvement: LA Universities and Colleges

- Only **one** school earned an A grade.
- A staggering **87%** of the universities and colleges had a **failing grade of D or lower**.
- Most schools did not have an employee lactation accommodation policy (**84%**).
- **93%** of the schools did not have a **pregnant/parenting policy**.
- **98%** of the school's student policies did not have **lactation accommodation policies**.

Lactation 101: Results

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Totals by Grade
Future policy work...

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- AB 2785, Student Services, Lactation Accommodations (Rubio) – Passed September 30, 2018!!!
- California Women’s Law Center, Center for Worklife Law, and BreastfeedLA continue to provide training and support to colleges, universities, and schools.
- Provided training and support to 15 community colleges last year.
- California Women’s Law Center released a reassessment of K-12 schools to see if they have made improvements since the last report.

More Information

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BreastfeedLA.org

[California Women's Law Center](#)

ThePregnantScholar.org

Resources:

[Model Employer Breastfeeding Policy and Toolkit](#)

[Model University Breastfeeding Policy](#)

[Surgeon General's Call to Action to Support Breastfeeding](#)

[Pregnancy Accommodation Info for Attorneys](#)

