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**SUPPORTING PREGNANT AND PARENTING STUDENTS
IN MIDDLE SCHOOLS AND HIGH SCHOOLS:**

Lactation Accommodations





About This Report

“SUPPORTING PREGNANT AND PARENTING STUDENTS IN MIDDLE AND HIGH SCHOOLS”

is a series of small reports analyzing state legal protections for pregnant and parenting students across 50 states and the District of Columbia. Young parents deserve the opportunity to complete their education free from bias and harassment, and in environments that are supportive of their circumstances. Yet too often, young parents are overlooked, face stigma, and are required to navigate education systems that were not designed to address their unique needs. Moreover, as young people across the country lose rights and access to the full range of reproductive health care, fewer young people will be able to control their reproductive futures. While protections that ensure that every pregnant and parenting student has the necessary support to complete their education are long overdue – they are particularly urgent now given the deteriorating reproductive health care landscape.

According to the most recent data available, only 51% of teenage mothers complete their high school diploma by age 22.¹ All students deserve the opportunity to attain their high school diploma, which contributes to increased future earnings.² It is especially important for young parents who have children that they are responsible for. School policies that were created without consideration for the needs of pregnant and parenting students make it difficult to keep them in school. To increase graduation rates for young parents, it is important to change the policies that become barriers to education for them. This report series investigates a few essential accommodations that will support pregnant and parenting students in completing their education.

“Supporting Pregnant and Parenting Students in Middle Schools and High Schools” is a review of state laws and policies that guarantee the right to lactation accommodations for pregnant and parenting students in secondary schools. Inadequate lactation accommodations can present particular challenges for a new parent navigating an education system that does not consider their needs. This report addresses the supports that policymakers can implement to ensure that lactating students can stay in school.

- 1 Kate Perper, Kristen Peterson, and Jennifer Manlove, *Diploma attainment among teen mothers*. Child Trends (Jan. 2010) <https://www.childtrends.org/publications/diploma-attainment-among-teen-mothers>.
- 2 U.S. Bureau of Labor Statistics, “Measuring the Value of Education,” <https://www.bls.gov/careeroutlook/2018/data-on-display/education-pays.htm> (last accessed April 5, 2023).





Introduction

Every student deserves to learn in a nurturing school environment that supports them and prepares them for the future.

Unfortunately for young parents, the stigma of teen pregnancy¹ and parenthood contributes to many middle and high schools ignoring their unique needs. These students also often experience severe discrimination and harassment such as unwanted touching, verbal threats, being forced to withdraw from college preparation classes, and being punished for taking time off to recover from childbirth.²

Only 51 percent of teenage mothers earn a high school diploma by age 22 compared to 89 percent of girls who do not parent as a teen.

As a result, only 51 percent of teenage mothers earn a high school diploma by age 22 compared to 89 percent of girls who do not parent as a teen.³ Less than 2 percent of teen mothers graduate from college by age 30.⁴ In addition, 33 percent of Black teen mothers and 54 percent of Latina teen mothers never obtain a high school diploma or GED.⁵ Further, research shows that some LGBTQ youth are more likely to become pregnant than their non-LGBTQ peers; however their unique experiences are routinely ignored and their needs are unmet.⁶

Pregnant and parenting students can thrive when they receive the support necessary to complete their education. In fact, young mothers typically report that becoming a parent gave them more motivation to succeed academically—even if they were previously disengaged in school.⁷ Some of the supports that can help pregnant and parenting students stay in school include lactation accommodations, flexible attendance policies, and access to quality child care. Through policy changes and supportive programs, schools can ensure that becoming a parent does not derail a student's education.

This resource is for state policymakers and advocates seeking to better support pregnant and parenting students and is part of a series of reports surveying state laws and programs that impact pregnant and parenting students. This report specifically addresses state laws that provide accommodations for lactating students. Ensuring that students have a comfortable and private space to express breast milk, is one of the ways we can ensure that parenting students can continue their education.

The Scope of Our Analysis

This report outlines laws in all 50 states, the District of Columbia (D.C.), and Puerto Rico. These laws typically apply to all public middle and high schools. In some states, these laws also apply to K-12 charter schools, private K-12 schools that receive public funds, and some private institutions for higher education (IHEs). To verify the scope of a specific law, we encourage readers to reference the endnotes.

To conduct our research, we used state legislature websites and state board of education websites. We used the legal research database, Westlaw to find the most recent version of each statute or regulation and cross-checked these sources with public legal databases such as FindLaw and CaseText. This report is current as of September 2022.

Data collection and research practices are still evolving to include gender nonconforming youth. We know that not everyone who can become pregnant is a cisgender woman or girl and not all cisgender women or girls can become pregnant.⁸ We also know that many transgender

men and nonbinary people can lactate,⁹ and may prefer the term “chestfeeding” instead of breastfeeding.¹⁰ Unfortunately, the experiences of intersex, nonbinary, gender non-conforming, and transgender pregnant and parenting people are underrepresented in data collection systems. As such, most of the data cited in this series is limited to the experiences of pregnant and parenting cisgender women and girls.

While not addressed in this report, we remain committed to advocating for more comprehensive and intersectional data collection systems that can better capture the experiences of the diverse communities we advocate for.¹¹

DISCLAIMER

While text, citations, and data are, to the best of the authors' knowledge, current as of the date the report was prepared, there may well be subsequent developments, including legislative actions and court decisions, that could alter the information provided herein. This report does not constitute legal advice; individuals and organizations considering legal action should consult with their own counsel.





Lactation Accommodations Keep Parenting Students in School

Lactation accommodations are necessary to ensure equal educational opportunities for parenting students.

Providing adequate accommodations to lactating students removes one barrier for them to completing their education and supports students' familial needs. Access to lactation accommodations outside of the home can impact how long a parent will breastfeed their child. Unfortunately, 60 percent of mothers do not breastfeed for as long as they intend to.¹² Pumping breast milk can take 15 to 45 minutes and requires specialized equipment and supplies including a breast pump.¹³ A public restroom is not an appropriate space to express milk or breastfeed, because breast milk is food that should be expressed in a sanitary environment and because restrooms will often lack basics for pumping such as an outlet and a flat surface in a private space. Without expressing breast milk, lactating students may experience pain and be at risk of health complications such as clogged ducts and mastitis (inflammation of breast tissue that sometimes involves infection).¹⁴ An inability to pump also leads to a reduction in milk supply, making it harder to continue breastfeeding¹⁵ and frustrating the ability of new parents to provide nutrition for infants. What's more, while the stock rates are improving, many families still report that the infant formula shortage in the United States limits their access to alternatives to feed their infants.^{16 17}

Title IX of the Education Amendment of 1972 ("Title IX") is a federal law that prohibits discrimination based on a student's pregnancy and pregnancy-related medical conditions, and parental status.¹⁸ To clarify the scope of these protections, in 2013, the U.S. Department of Education's Office for Civil Rights urged schools to "[d]esignate a private room for young [parents] to breastfeed, pump milk, or address other needs related to breastfeeding during the school day."¹⁹ In June 2022, the Biden administration proposed changes to the Title IX rules.²⁰ One of the proposed changes is to require (rather than just encourage) all schools covered under Title IX²¹ to provide a private and sanitary space, other than a bathroom for students to express breast milk.²² While the proposed rules are not yet final, they indicate a growing recognition of the need for such spaces in schools.

Providing lactation accommodations is not costly to schools. Under the Fair Labor Standards Act, employers are required to provide covered employees with lactation accommodations including a reasonable break time and a private location (that is not a bathroom) to express breast milk.²³ For this reason, schools should already have

Unfortunately, 60 percent of mothers do not breastfeed for as long as they intend to.



lactation spaces available to employees. For such institutions, the cost of providing lactation space to students will often be minimal—lactating students may simply use the preexisting lactation space and coordinate times to use the space with lactating employees. Schools can create a space for multiple people by placing partitions or screens in a lactation room.²⁴ For schools without a lactation space, the cost of implementing such a space is minimal as recipients may use an existing facility, as long as it is private. At a minimum, the lactation space should be equipped with a flat surface and chair and in reasonable proximity to running water and an electrical outlet. Additionally, the space may have multiple purposes and only be dedicated to lactation during specified times.

In addition to providing lactation spaces, schools should guarantee students' right to express milk or breastfeed outside of designated lactation spaces if they wish. For example, it may be faster for a student to nurse at a nearby child care facility depending on the length of their commute. Additionally, fully portable breast pumps enable lactating persons to express milk in public and other private spaces if they wish to. This would align with laws in all 50 states, the District of Columbia, Puerto Rico, and the Virgin Islands that allow lactating people to breastfeed in any public or private place they are otherwise allowed to be.²⁵ Protection of lactating students' right to express breast milk or nurse outside designated spaces enables lactating students to make the arrangements that work best for them and challenges outdated messages that it is shameful or indecent to express breast milk or breastfeed.

Without adequate time and space to lactate, students are forced to choose between their health, their child's access to nutrition, and their education. A former breastfeeding high school student from Georgia recalled "my school was not prepared and often made makeshift accommodations when I needed to express milk. Struggles such as those are enough to make a parent want to quit."²⁶ Similarly, a growing number of college student parents are harassed and denied permission to turn off their camera during virtual classes to address their lactation needs.²⁷ All states should require schools to provide lactation accommodations to students.

"My school was not prepared and often made makeshift accommodations when I needed to express milk. Struggles such as those are enough to make a parent want to quit."

What We Found: Student Lactation Laws by State

- All 50 states, D.C., and Puerto Rico allow lactating mothers to breastfeed in any public or private place they are otherwise allowed to be. Some of these laws, however, do not grant the right to pump breast milk in any location and none require public or private places to provide lactation rooms or other lactation accommodations.²⁸
- Eight states ([Arkansas](#),²⁹ [California](#),³⁰ [Illinois](#),³¹ [Louisiana](#),³² [Maryland](#),³³ [Missouri](#),³⁴ [Nebraska](#),³⁵ and [Virginia](#),³⁶) explicitly require schools to provide lactating students a space to express breast milk or breastfeed.
- [D.C.](#) prohibits lactation discrimination in educational institutions but does not create an affirmative right to lactation accommodations for students.³⁷
- [New Jersey](#) requires the State Department of Education to provide an annual report for the governor about the lactation policies that have been implemented at schools, colleges, and universities in the state to ensure compliance with federal employment guidelines that require lactation accommodations.³⁸ However, this law does not require that schools adopt lactation policies.
- [Oklahoma](#)³⁹ requires each school district board of education to adopt a policy allowing lactating school district employees a reasonable paid break time each day to use a designated lactation room that is not a toilet stall to express milk or breastfeed. This law does not apply to students.
- The remaining states and Puerto Rico do not require any K-12 schools to provide any lactation accommodations to students.





Developing Lactation Accommodations Laws

When implementing any policy, it is critical to assess the unique needs of the students and educational institutions the law covers. For example, a policy for lactation accommodations in a jurisdiction with a high percentage of students enrolled in English as a Second Language (ESL) programs may need to ensure that their policies are readily accessible in multiple languages. At the very least, all policies related to lactating students should include the following:

- ✓ **TIME:** Students should be permitted to leave the classroom to express breast milk or breastfeed for as long as they need. Students should not be penalized for the time they spend tending to their breastfeeding needs, including traveling to a lactation room or other space to express breast milk. In a virtual learning environment, students should be granted permission to turn off their camera to address their lactation needs.
- ✓ **SPACE:** Students should be provided access to a private and sanitary space that is not a bathroom to express breast milk. The room should ideally be equipped with a chair, flat surface, sink with running water (or nearby access to running water), electrical outlet (or nearby access to an outlet), and a place to store expressed milk. The space should be well-lit and free from intrusion. The lactation space should be in reasonable proximity to the student's specific place of study.
- ✓ **PERMISSION:** Students must be permitted to carry a cooler, pump, and other breastfeeding equipment to school.
- ✓ **OPPORTUNITY:** Students need the opportunity to make up work missed while tending to lactation needs.
- ✓ **NONDISCRIMINATION:** Schools should explicitly prohibit lactation-based harassment and discrimination against students, including discriminating against transgender and gender non-conforming students who express milk.
- ✓ **INCLUSIVE LANGUAGE:** Lactation accommodations laws should, where appropriate, use broadly applicable language such as "nursing," and "lactating or breastfeeding student" rather than "breastfeeding mothers." These terms are more inclusive of non-binary and gender nonconforming parents.
- ✓ **ENFORCEMENT MECHANISM:** Schools must provide a clear mechanism for students to report instances where they were denied lactation accommodations or where their accommodations were not effective (e.g., when the lactation room is not in reasonable proximity to their place of study). Such information should be collected at the state level.
- ✓ **SUPPORT:** Schools should designate an appropriate employee to publicize and inform pregnant and parenting students of the lactation policy, location of lactation spaces, and how to request additional accommodations if their needs are not being met.

Examples of State Lactation Accommodations Laws

No state law has all of the components recommended above. Below are examples of states that have some lactation accommodations laws but could go further in providing comprehensive support to lactating students. For higher education advocates seeking some model policies, The Pregnant Scholar,⁴⁰ the University of Connecticut,⁴¹ the University of New Mexico,⁴² and the University of Northern Colorado⁴³ have resources on lactation accommodations in that context.

LOUISIANA

Louisiana's Support Pregnant and Parenting Students Act⁴⁴ passed in 2022 and requires all public high schools in the state to develop a breastfeeding policy for students. The state law requires all high school lactation policies to, at a minimum (1) provide access to a private and secure room, other than a restroom, to express breast milk or breastfeed a child, (2) permit students to bring breastfeeding equipment to school, (3) provide access to a power source for breastfeeding equipment, (4) provide access to a place to store breast milk safely, and (5) provide lactating students a reasonable amount of time to make up for worked missed while addressing lactation needs.

To improve this state law, Louisiana can broaden its scope to provide accommodations to lactating students in middle school. The state law could also be amended to include a nondiscrimination provision to the text to ensure schools prohibit lactation-based discrimination and harassment against students. Finally, the law could include a mechanism with which lactating students can report inadequate accommodations and request improved accommodations.

CALIFORNIA

California law⁴⁵ requires schools operated by a public school district or county and all charter schools to provide lactating students access to a private and secure room to express breast milk or breastfeed an infant child. The lactation spaces must be equipped with a power source and cannot be a restroom. Schools must also provide lactating students with a space to store expressed breast milk, and an opportunity to make up work missed while tending to lactation needs. The law clarifies that a school need only provide such accommodations if there is at least one lactating student enrolled in the school. This statute also provides lactating students with a mechanism to file a complaint if a school is in noncompliance with the law. The local educational agency (LEA) must review and respond to the complaint and the person who filed the complaint can appeal the LEA's decision.

The California law is comprehensive, however, it should be amended to clarify that lactation spaces must be within reasonable proximity to the lactating student's specific place(s) of study and equipped with a flat surface. Additionally, the law could clarify that lactating students have a right to express breast milk outside of a designated lactation space. Finally, the law should prohibit lactation-based harassment and discrimination in schools.



Conclusion

Pregnant and parenting students deserve the opportunity to complete their education without unnecessary barriers that push them out of the classroom. Providing adequate lactation accommodations are critical to create supportive learning environments that challenge the stigma associated with young parenthood. With these accommodations, students will be able to better balance their health, the wellness of their families, and their educational pursuits.

Acknowledgements

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Endnotes

- 1 Wittenberg, Jean-Victor, et al., *Stigma as a Source of Stress for Adolescent Mothers and Their Babies*, *The Journal of Nervous and Mental Disease* Vol. 210 Issue 9, p 650-654 (September 2022), https://journals.lww.com/ionmd/Abstract/2022/09000/Stigma_as_a_Source_of_Stress_for_Adolescent_2.aspx
- 2 Nat'l Women's Law Ctr., *Let Her Learn: Stopping Pushout For Girls Who are Pregnant or Parenting*, (2017), <https://nwlc.org/resources/stopping-school-pushout-for-girls-who-are-pregnant-or-parenting/>.
- 3 Kate Perper, Kristen Peterson, and Jennifer Manlove, *Diploma attainment among teen mothers*. *Child Trends* (Jan. 2010) <https://www.childtrends.org/publications/diploma-attainment-among-teen-mothers>
- 4 Cynthia Costello, *Pathways to postsecondary education for pregnant and parenting teens*. Institute for Women's Policy Research. (May 2014), <https://files.eric.ed.gov/fulltext/ED556724.pdf>
- 5 Kate Perper, Kristen Peterson, and Jennifer Manlove, *Diploma attainment among teen mothers*. *Child Trends* (Jan. 2010), https://www.childtrends.org/wp-content/uploads/2010/01/child_trends-2010_01_22_FS_diplomaattainment.pdf
- 6 Nat'l Women's Law Ctr., *A Call to Action to Support LGBTQI Pregnant, Expectant, and Parenting Students* (March 2022), <https://nwlc.org/resource/a-call-to-action-to-support-lgbtqi-pregnant-expectant-and-parenting-students/>
- 7 Nat'l Women's Law Ctr., *Let Her Learn: Stopping Pushout For Girls Who are Pregnant or Parenting*, 1,(2017), <https://nwlc.org/resources/stopping-school-pushout-for-girls-who-are-pregnant-or-parenting/>.
- 8 See, e.g., Margaret Besse, Nik M. Lampe, and Emily S. Mann, *Experiences with Achieving Pregnancy and Giving Birth Among Transgender Men: A Narrative Literature Review*, *Yale J. Biol Med.* 93(4): 517-528 (Sept 2020), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7513446/>
- 9 The Lactation Network, *Breastfeeding FAQ for Trans and Non-Binary Parents*, <https://lactationnetwork.com/blog/breastfeeding-faq-for-trans-and-non-binary-parents/>
- 10 Nat'l Women's Law Ctr., *A Call to Action to Support LGBTQI Pregnant, Expectant, and Parenting Students* (March 2022), <https://nwlc.org/resource/a-call-to-action-to-support-lgbtqi-pregnant-expectant-and-parenting-students/>
- 11 See, e.g. Nat'l Women's Law Ctr. *Mandatory Civil Rights Data Collection Public Comment*, Docket No. ED-2021-SCC-0158, at 86 Fed. Reg. 70831, (Feb. 2022) at 32, <https://nwlc.org/wp-content/uploads/2022/02/CRDC-comment-2.11.22-vF.pdf>
- 12 Odom EC, Li R, Scanlon KS, Perrine CG, Grummer-Strawn L. *Reasons for earlier than desired cessation of breastfeeding*. *Pediatrics*. 2013;131(3):e726-732.
- 13 U.S. Dep't. of Agriculture, *Learning to Pump and Hand Express Milk*, <https://wicbreastfeeding.fns.usda.gov/learning-pump-and-hand-express-milk>
- 14 Nat'l Women's Law Ctr., *Breastfeeding FAQ* (2016), <https://nwlc.org/resource/faq-breastfeeding-students/>.
- 15 *Id.*
- 16 See, e.g. *Deidre McPhillips, "Formula Shortage has Improved in the US but still poses challenges for many," CNN Health* (Oct. 18, 2022), <https://www.cnn.com/2022/08/02/what-you-need-to-know-about-the-us-baby-formula-shortage.html> ("Stock rates are still worse than they were before the formula shortage hit.")
- 17 "Baby formula imports to face tariffs again in 2023," *Reuters* (Dec. 28 2023), <https://www.reuters.com/world/us/baby-formula-imports-face-tariffs-again-2023-wsj-2022-12-28/>
- 18 34 C.F.R. § 106.40
- 19 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), 16, <https://www2.ed.gov/about/offices/list/ocr/docs/pregnancy.pdf>
- 20 Nat'l Women's Law Ctr., *The Biden Administrations' Proposed Department of Education Title IX Rules, Explained*, (June 14, 2022), <https://nwlc.org/resource/the-biden-administrations-proposed-department-of-education-title-ix-rules-explained/>
- 21 20 U.S.C. §1681. Title IX applies to all schools that receive federal funding. This includes all public K-12 schools (including public charter schools), all public colleges and universities, some private K-12 schools, and almost all private colleges and universities. This also includes any private school that accepts federal grants or loans, any private school that received Paycheck Protection Program (PPP) loans during the COVID-19 pandemic, and some private schools that are a 501(c)(3) organization. See, Christine Garner, *Title IX and Private K-12 Schools, Stop Sexual Assault in Schools* (March 17, 2018), <https://stopsexualassaultinschools.org/guest/title-ix-and-private-k-12-schools/>; Kathleen E. Dion and Seth B. Orkand, *Federal Court Suggests Title IX Applies to Private Schools Receiving PPP Loans*, *The National Law Review* (July 18, 2022), <https://www.natlawreview.com/article/federal-court-suggests-title-ix-applies-to-private-schools-receiving-ppp-loans>; Brigid Harrington, *Federal Court Rules that Tax-Exempt Private Schools Must Comply with Title IX*, *JD Supra* (July 26, 2022), <https://www.jdsupra.com/legalnews/federal-court-rules-that-tax-exempt-2096539>
- 21 34 C.F.R. §106.40(b)(1)
- 22 Proposed Rules, 87 Fed. Reg. at 41571-72 (proposed 34 C.F.R. §106.40(b)(3)(ii)-(iv)).
- 23 29 U.S.C. §207(r)(1).
- 24 NYC FAC: Lactation Accommodations and Model Policy NYC Admin. Code § 8-107(2) at #21, <https://www1.nyc.gov/site/cchr/law/lactation-faqs.page>
- 25 National Conference of State Legislatures, *State Breastfeeding Laws*, <https://www.ncsl.org/research/health/breastfeeding-state-laws.aspx>
- 26 75 Current and Former Pregnant and Parenting Students, Title IX Public Comment, Docket ID ED-2021-OCR-0166, RIN 1870-AA16, <https://nwlc.org/wp-content/uploads/2022/09/PPS-students-comment-9.12.22.pdf>
- 27 See, e.g. Jessica Lee, *Pregnant Scholar Profiles: Marcella Mares, The Pregnant Scholar* (Nov. 13, 2020), <https://thepregnantscholar.org/profiles-marcella-mares/>
- 28 National Conference of State Legislatures, *State Breastfeeding Laws*, <https://www.ncsl.org/research/health/breastfeeding-state-laws.aspx>
- 29 Ark. Code Ann. § 6-18-719(b)(4)(A), available at <https://casetext.com/statute/arkansas-code-of-1987/title-6-education/subtitle-2-elementary-and-secondary-education-generally/chapter-18-students/subchapter-7-health/section-6-18-719-healthy-active-arkansas-schools-act>, requires each public school and open-enrollment public chart school's health and wellness priorities to include (i) initiatives and age-appropriate education for primary students on breastfeeding as healthy nutrition; (ii) the development of support and space in public schools for nursing mother public school employees and public school students; and (iii) the recognition that public schools should adopt an early culture of breastfeeding and an acknowledgement of its influence on healthy nutrition.
- 30 Cal. Education Code § 222 (2015), requires a school operated by a school district or county office, the California School for the Deaf, California School for the Blind, and charter schools to provide reasonable accommodations to lactating pupils on a school campus to express breast milk, breast-feed an infant child, or address other needs related to breast-feeding, available at <https://casetext.com/statute/california-codes/california-education-code/title-1-general-education-code-provisions/division-1-general-education-code-provisions/part-1-general-provisions/chapter-2-educational-equity/article-4-sex-equity-in-education-act/section-222-accommodations-for-lactating-pupils>
- 31 Ill. Rev. Stat. Ch.105 §5/10-20.60(2017) and §5/34-18.53 (2017), requires public schools and charter schools to provide reasonable accommodations to a lactating pupil on a school campus to express breast milk, breastfeed an infant child, or address other needs related to breastfeeding. Where a student files a complaint that the school has not complied with these laws, the school shall implement the grievance procedure of 23 Ill. Admin. Code 200, <https://www.ilga.gov/legislation/ilcs/fulltext.asp?DocName=010500050K10-20.60>
- 32 La. Stat. Tit. 17 §221.8 (2022) (Support Pregnant and Parenting Students Act) requires high schools to provide reasonable accommodations for lactating students on campus
- 33 MD Educ. Code §4-139(c) (2021) requires schools to designate a private lactation space, that is not a bathroom or closet, with a flat surface and seating option, and to provide lactating pupils access to a nearby refrigerator and electrical outlet, <https://casetext.com/statute/code-of-maryland/article-education/division-ii-elementary-and-secondary-education/title-4-local-school-administration/subtitle-1-county-boards-of-education/section-4-139-management-of-data-received-from-a-county-board>
- 34 Mo. Rev. Stat. §160.3005 (2021) requires the Missouri Department of Elementary & Secondary Education to develop a model policy, by Jan 1, 2022 on breastfeeding accommodations. Public school districts must adopt a written policy by July 1, 2022, <https://casetext.com/statute/missouri-revised-statutes/title-xi-education-and-libraries/chapter-160-schools-general-provisions/section-1603005>.
- 35 Neb. Rev. Stat. §79-2.149 (2021) and Neb. Rev. Stat. §20-170(2018) requires public, private, denominational, or parochial day schools to develop a breastfeeding policy and provide students with a private or appropriate facilities or accommodation for milk expression and storage, <https://nebraskalegislature.gov/laws/statutes.php?statute=20-170>.
- 36 VA Code Ann §22.1-79.6 (2014) requires each local school board to adopt a policy to designate a non-restroom location that is shielded from public view, for employees and students to take breaks of reasonable length to express milk to feed her child until the child reaches the age of one, <https://law.lis.virginia.gov/vacode/title22.1/chapter7/section22.1-79.6/>
- 37 D.C. Code § 2-1401.05 and 2-1402.81-.83 amends the D.C. Human Rights Act, which applies to educational institutions and prohibits sex discrimination. "sex discrimination" includes breastfeeding discrimination, See, https://ohr.dc.gov/sites/default/files/dc/sites/ohr/publication/attachments/OHR%20Enforcement%20Guidance%20-%20Breastfeeding_092719.pdf
- 38 NJ Rev Stat § 26:4C-3 (2020) requires the report to include (i) a summary of lactation policies, (ii) the number and percentage of policies that authorize access to a lactation room; and (iii) the manner in which these policies were communicated to students, parents, and guardians, <https://law.justia.com/codes/new-jersey/2021/title-26/section-26-4c-3/>.
- 39 70 Okl. St. Ann. S5-149.3, available at <https://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=488919>
- 40 The Pregnant Scholar, *Model Campus Lactation Policy for Students*, (September 2020), available at <https://thepregnantscholar.org/wp-content/uploads/Model-Lactation-Policy-for-Students.pdf>
- 41 Human Resources, *Lactation Policy, Resources & Locations*, University of Connecticut, available at <https://hr.uconn.edu/lactation-policy-resources-locations/>
- 42 Director, Women's Resource Center, *Administrative Policies and Procedures Manual: Policy 2570: Lactation Support Program*, University of New Mexico Policy Office(Dec. 17, 2015), <https://policy.unm.edu/university-policies/2000/2750.html>
- 43 Alena M. Clark, Yvette Lucero-Nguyen, *Toolkit for Establishing Lactation Support on University and College Campuses: Using University of Northern Colorado as a Institutional Model*, 2nd Edition, (2021), available at, <https://ksbreastfeeding.org/wp-content/uploads/2021/02/Lactation-Support-on-University-Campuses.pdf>
- 44 La. Stat. Tit. 17 §221.8 (2022)
- 45 Cal. Education Code § 222 (2015)



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