

ACCOMMODATION OF LACTATION NEEDS**A. Statement of Purpose.**

The District provides a supportive environment as to time and place for students and employees (collectively ("people with lactation or lactation related needs")) to express milk and address other lactation related needs. Subject to the terms and exceptions set forth in this policy, the District will accommodate the needs by providing reasonable times and suitable spaces for people with lactation or lactation related needs to express milk during school and work hours for one year after pregnancy. Lactation for purposes of this policy will include expression of milk by manual or mechanical means, medical condition related to lactation, and other lactation related needs.

No person with lactation needs will be discriminated against for milk expression or related activities as provided in this policy, and reasonable efforts will be made to assist people with lactation needs in meeting their lactation needs while at work or school.

B. Accommodation Notice and Plans.

A person with lactation needs should contact the building principal, school nurse, or employee's supervisor at least two weeks before the need for lactation accommodations arises. The District will endeavor to meet the break and space needs of each person with lactation needs. However, when ordinary accommodations (as discussed below) will create undue hardship to the operations of the school/workplace, the District will work with the person with lactation needs to determine whether other reasonable accommodations may be made. Such other accommodations could include such items as a change in work/class assignments, or schedules. When reasonable accommodations are unattainable, the school nurse, building principal or other administrator working with the person with lactation needs should consult with the District's Title IX Coordinator.

A lactation accommodation plan should be revisited upon the request of the person with lactation needs, or at least every three months, with adjustments made to the accommodations for lactation breaks as lactation needs change.

C. Reasonable Time to Express Milk during the School Day.

Absent undue hardship or other accommodations as established under Section B, above, a person with lactation needs will have a minimum of three opportunities ("lactation period") during a work or school day, at agreed upon intervals (which should include flexibility as appropriate and practicable) for the purpose of lactation or to address other needs relating to lactation. An employee or student can choose to use usual break and meal periods.

A person with lactation needs who is an hourly employee will be paid during lactation periods. People with lactation needs shall not be required to "make up" time relating to the use of unpaid lactation periods.

D. Suitable Private Areas for Lactation.

People with lactation needs will be provided with a private place, other than a bathroom, in each school district building in which a person with lactation needs spends the working or school day. The lactation area:

1. May be temporary or permanent.
2. Shall be shielded from view and free from intrusion by other persons, including without limitation other staff or students;

3. Shall be within a reasonable walk of the work-station or classroom of the person with lactation needs unless otherwise agreed by the person with lactation needs;
4. Have at a minimum:
 - A. An electrical outlet;
 - B. Appropriate seating;
 - C. A surface sufficient to place a breast pump;
 - D. A sink with running water, or be in reasonable proximity to one;
 - E. A refrigerator for milk storage if feasible, or be in reasonable proximity to one;
 - F. Shall be cleaned regularly by District staff assigned to that duty.

E. Responsibilities of the Person with Lactation Needs.

A person with lactation needs will:

1. Provide at least two weeks' advance notice of the need for lactation accommodations, preferably prior to their return to school. This will allow school administrators the opportunity to establish a location and work out scheduling issues. Note that, notwithstanding the requested two weeks' notice, an unnecessary delay in making a reasonable accommodation for a person with lactation needs could constitute a violation of the PWFA and Title IX.
2. Maintain the lactation area by wiping down surfaces with antibacterial wipes so the area is clean for the next user.
3. Provide their own supplies as is necessary.

F. Prohibited conduct.

Any intentional act which violates a lactating person's privacy, aims to frustrate a lactating person's intentions to use the lactation space, or constitutes harassment on account of a lactating person's needs or lactating status is prohibited, and shall be treated as violation of the applicable code of conduct, with possible disciplinary consequences and may constitute sexual discrimination and shall be reported to the Title IX Coordinator in accordance with policy ACAC.

G. Dissemination of policy.

This policy shall be printed or summarized in applicable employee and student handbooks. For employees, if the handbook is not provided at the time of hire, then the District will provide a copy of this policy at the time of hire.

Legal References:

RSA 275:78-83	<u>Policies Relating to Nursing Mothers</u>
20 U.S.C 1681, et seq	<u>Title IX of the Education Amendments of 1972</u>
89 FR 29182	<u>Pregnant Worker Fairness Act ("PWFA")</u>
42 U.S.C. 2000gg	<u>Pregnant Worker Fairness Act ("PWFA")</u>
42 U.S.C. 218d	<u>Pump for Nursing Mothers Act ("PUMP Act")</u>

Legal References Disclaimer: These references are not intended to be considered part of this policy, nor should they be taken as a comprehensive statement of the legal basis for the Board to enact this policy, nor as a complete recitation of related legal authority. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

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