

Laws requiring school districts to accommodate and not discriminate against lactating employees and students

FEDERAL LAWS

Federal Statutes	Code of Federal Regulations
Title IX	
<p>20 U.S.C. § 1681</p> <p>Prohibits sex discrimination in educational institutions that receive federal funds.</p> <p>Requires that pregnant students and those recovering from childbirth-related conditions be provided with the same accommodations and support services available to other students with similar temporary medical needs.</p>	<p>34 C.F.R. § 106.40(b)(1)</p> <p>Prohibits discrimination against students based on parental status, pregnancy, childbirth, recovery from childbirth and related conditions.</p> <p>Guidance Document Department of Education Office for Civil Rights, <i>Supporting the Academic Success of Pregnant and Parenting Students under Title IX of the Education Amendments of 1972</i> (2013)</p> <p>Explains students' legal right to lactation accommodations under Title IX. Encourages schools to designate a private room for young mothers to breastfeed, express breast milk, or address other needs related to breastfeeding during the school day.</p>

Fair Labor Standards Act/Affordable Care Act	
<p>29 U.S.C. § 207(r)</p> <p>Requires employers to provide lactating mothers with breaks and a private location (other than a restroom) to express breast milk.</p>	

Title VII/Pregnancy Discrimination Act	
<p>42 U.S.C. § 2000e-2, 42 U.S.C. § 2000e(k)</p> <p>Prohibits sex discrimination in employment. Sex discrimination includes discrimination on the basis of pregnancy, childbirth, or related medical conditions. Requires women affected by pregnancy, childbirth, or related medical conditions be treated the same for all employment-related purposes, as other persons with temporary medical conditions.</p>	<p>29 C.F.R. § 1604.10</p> <p>Requires women affected by pregnancy, childbirth, or related medical conditions be treated the same for all employment-related purposes, as other persons with temporary medical conditions.</p> <p>Guidance Document Equal Employment Opportunity Commission, <i>Enforcement Guidance: Pregnancy Discrimination and Related Issues</i> (2015)</p> <p>Explains that Title VII prohibits discrimination based on lactation and breastfeeding. Lactating mothers must get the same type of accommodations given to employees with other similar temporary medical needs.</p>



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California Women's Law Center
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CALIFORNIA LAWS

California Statutes	California Code of Regulations
California Education Code/California Sex Equity in Education Act	
<p>Cal. Ed. Code § 201 Schools have an affirmative obligation to combat sexism, other forms of bias, and to provide equal educational opportunity to all students.</p> <p>Cal. Ed. Code § 220 Prohibits schools that receive support from the state from discriminating based on sex, and provides that all persons in public schools, regardless of their gender, gender identity, or gender expression have equal rights and opportunities in their educational institution.</p> <p>Cal. Ed. Code § 222 (new, added by AB 302) Schools shall provide reasonable accommodations to a lactating pupil on a school campus to express breast milk, breast-feed an infant child, or address other needs related to breast-feeding. Reasonable accommodations include, but are not limited to, (1) giving lactating students access to a private, secure room with a power source to deal with any needs associated with breastfeeding or expressing milk, (2) allowing lactating students to bring a breast pump to school and store expressed milk, (3) giving 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) processing student complaints about lactation accommodations through the Uniform Complaint Process (UCP).</p>	<p>5 Cal. Code Regs. § 4950 Prohibits schools from discriminating based on a student's pregnancy, childbirth, or recovery therefrom. Prohibits schools from applying any rule concerning a student's actual or potential parental, family, or marital status that treats students differently on the basis of sex.</p>
Unruh Civil Rights Act	
<p>Cal. Civil Code § § 51(b), (e)(5) Prohibits sex discrimination in public accommodations, which includes schools. Defines sex to include pregnancy, childbirth, or medical conditions related to pregnancy or childbirth.</p>	
California Labor Code	
<p>Cal. Labor Code § 1030 Requires every employer to provide lactating mothers with reasonable break time to express breast milk.</p> <p>Cal. Labor Code § 1031 Requires every employer to provide lactating mothers with a private location (other than a toilet stall), near the employee's work area, in order to express breast milk.</p>	
California Government Code	
<p>Cal. Gov. Code § 12940, Cal. Gov. Code § 12926(r) Prohibits employers from engaging in sex discrimination. Sex is defined to include breastfeeding or medical conditions related to breastfeeding.</p> <p>Cal. Gov. Code § 12945 Requires employers to provide reasonable accommodations for an employee who has a condition related to pregnancy, childbirth, or a related medical condition.</p> <p>Cal. Gov. Code § 11135 Prohibits discrimination on the basis of sex in any program or activity conducted, operated, administered or funded by the state.</p>	<p>2 Cal. Code Regs. §§ 7291.2(d), (u) Makes clear that the pregnancy-related accommodations that employers must provide include lactation accommodations.</p>
Breastfeeding Rights	
<p>Cal. Civil Code § 43.3 Provides that women have the right to breastfeed in any public or private location where they are otherwise allowed to be present.</p>	