

REFERENCE COPY

FILE: EBBC
BasicCritical

EXPLANATION: LACTATION SUPPORT

This policy was previously considered supplemental, and not all districts will have a copy in their manual. MSBA now recommends that all districts adopt this policy. House Bill 432 (2021) requires school districts to adopt written policies to provide accommodations to lactating employees and students to express breast milk, breastfeed a child or address other needs related to breastfeeding. The district is required to have a policy adopted before July 1, 2022.

According to this new law, the district must:

1. Provide a minimum of three opportunities during a school day, at intervals agreed upon by the district and the individual, to accommodate expressing breast milk or breastfeeding a child.
2. Make accommodations for at least one year after the birth of the child, though districts may provide accommodations for a longer period.
3. Designate a room in each school building—other than a restroom—exclusively for lactation activities such as breastfeeding or expressing milk.
4. Ensure that the designated room is near a sink with running water and a refrigerator for storage.
5. Ensure that the designated room has ventilation, a door that may be locked, a work surface, a chair and convenient electrical outlets.

This policy now addresses members of the public who are nursing as well. Section 191.918, RSMo., allows breastfeeding or expressing milk, with discretion, in any public or private location where the person is otherwise authorized to be.

Please note that the federal Fair Labor Standards Act already requires districts to provide "reasonable" breaks for nonexempt employees to express breast milk. See <https://www.dol.gov/agencies/whd/nursing-mothers>. However, the new state law is more detailed and applies to all employees and students.

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~~NURSING MOTHERS~~LACTATION SUPPORT

~~The district recognizes that many women choose to breastfeed their children for a variety of reasons and will attempt to accommodate women who are breastfeeding or who need to express breast milk while on district property as long as such actions do not disrupt the education environment.~~For the convenience of district staff, students and the public and to support the care of children, the district will provide accommodations as required by law for lactation activities. For the purposes of this policy, "lactation activities" include expressing breast milk, breastfeeding a child or addressing other needs related to lactation. The district will provide employees and students a minimum of three opportunities during a school day, at intervals agreed upon by the district and the individual, to express breast milk or breastfeed a child for at least one year following the child's birth.

Lactation Rooms

In accordance with state law, the district allows breastfeeding or expressing breast milk, with discretion, in any public or private location where the person is otherwise authorized to be. To further accommodate lactation activities, the superintendent or designee will identify at least one room that is not a restroom in each school building to be used exclusively for lactation activities. The room will meet the requirements of state law.

Employees

~~The district will provide reasonable break time for an employee to express breast milk for her nursing child each time the employee has a need to express. To the extent possible, such break times shall run concurrently with the break times already provided to the employee. Employees are encouraged to notify their supervisors in advance of their intent to make use of this policy if they need accommodations for lactation activities.~~ The supervisor ~~shall~~will work with the employee to address arrangements and scheduling to ensure that the employee's duties are covered during the break time ~~to~~ and minimize disruptions to the school day.

Providing breaks to classroom teachers and other employees who directly supervise ~~and educate~~ students throughout the day is particularly challenging ~~since~~because students cannot be left unsupervised and student learning cannot be disrupted. The district expects these employees to be particularly flexible and, ~~whenever~~ possible, to use planning periods, lunch breaks, routine breaks in their class schedule or other free time to meet their ~~expressing~~lactation-related needs.

~~In accordance with law, the district will provide a location, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public to express breast milk.~~

This policy does not entitle an employee to bring or keep an infant at work during times when the employee is required to be working. ~~However, if the infant is present during an employee's break or at other times, the employee may nurse the child.~~

~~This policy shall be communicated to all current employees and included in new employee orientation training.~~

Students

~~Students will be allowed to express breast milk while on district property, and the district will attempt to accommodate these activities during the school day. Lactating students should contact the counselor, who will ~~work~~make arrangements with the student to address ~~arrangements and create a schedule that results in the least amount of missed class time. When possible, s~~Students will be allowed to make up work missed because of absences authorized under this policy due to lactation activities. If it is not possible to make up the missed work, the student will be provided an alternative assignment.~~

~~The district will provide one or more locations, other than bathrooms, for students to express breast milk. The locations will be shielded from view and free from intrusion from others, except that when scheduling does not permit the use of a private location at the time the student has a need to express, students who need to express may opt to share space rather than wait for a private space.~~

~~This policy does not entitle a student to bring an infant to school during the school day when the student is required to be in class. However, if the infant is present during a break or at other times, the student may nurse the child while at school.~~

Public

~~Members of the public will be are allowed to nurse or express breast milk engage in lactation activities while on district property and may use the district's designated lactation rooms to do so. If additional privacy is desired or necessary, district staff will provide direction to the designated locations for these activities.~~

~~*Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.* Search the index for this section and the cross references to identify related policies, administrative procedures and forms.~~

Adopted: 08/10/2015

Revised:

Cross Refs: AC, Prohibition Against Illegal Discrimination, Harassment and Retaliation
GBA, Exempt and Nonexempt Employees
JECC, Assignment of Students to Grade Levels/Classes
KK, Visitors to District Property/Events

Legal Refs: §§ 160.995, 191.918, RSMo.
Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681

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29 U.S.C. 207

Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e-1 - 2000e-17

Pregnancy Discrimination Act, 42 U.S.C. § 2000e-(k)

Raytown C-2 School District, Raytown, Missouri