



# STATE OF NEW JERSEY DEPARTMENT OF EDUCATION

## 2020 Lactation Room Policy Report

In compliance with the Senate and General Assembly of the State of New Jersey enacted Act concerning lactation rooms and policies supplementing Title 26 of the Revised Statutes which states, “Within one year following the effective date (August 1, 2019) of this act, and on an annual basis thereafter, the Department of Education shall evaluate, and report to the Governor and, pursuant to section 2 of P.L. 1991, c.164 (C.52:14-19.1), to the Legislature, on the lactation-related policies that have been implemented at schools, colleges, and universities in the State.” However, the New Jersey Department of Education jurisdiction is limited to K–12 grade level institutions. The NJ Department of Higher Education holds jurisdiction of policies, programs and other related matters as they related to colleges and universities. As a result, the Office of Equal Employment Opportunity/Affirmative Action and Equity Compliance surveyed its twenty-one county school districts policies related to secured, clean, private spaces for lactating and/or nursing staff and students.

In accordance with subsection C.26:4C-3 of this Act the NJ Department of Education’s Office of Equal Employment Opportunity/Affirmative Action and Equity Compliance compiled its findings on this subject matter based on the following criteria:

### 1. Summary of the applicable polices in this area:

- ***Fair Labor Standards Act (FLSA) to provide basic accommodations for breastfeeding mothers at work.*** These accommodations include time for women to express milk and a private space that is not a bathroom each time they need to pump.
- ***New Jersey Law Against Discrimination(NJLAD)*** amended to require, upon request, a nursing mother be allowed reasonable breaks to express milk or breastfeed a child during the workday and given access to a safe, private place

near her work area to do so.<sup>12</sup> (A toilet stall is explicitly inadequate.) Employers are also prohibited under the NJLAD from terminating an employee for breastfeeding or for taking breaks to express breast milk (“retaliatory termination”).

**2. Number and percentage of 8-12 grade level school policies that authorize access to a *designated lactation room*:**

- 21 New Jersey county school districts serve 826 8–12 grade level schools and approximately 82,307 school staff; of which 0% have a designated lactation room policy in place currently.
- 3.02% of reporting schools adhere to relevant policies and/or laws (i.e. FLSA, NJLAD) for lactating staff and 2.66% of reporting schools for students. Although 0% of school districts currently have policies specific to providing lactation rooms; 14.64% of the reporting schools accommodate lactating staff for the purpose of expressing milk with providing private spaces in various forms. Whereas 17.31% of 8–12th grade schools accommodate lactating students with designating space for the purpose of expressing milk.

**3. Determined way such policies were communicated to students, parents, and guardians during the preceding school year:**

- No lactation room policies exist currently regarding for 8–12 grade level schools, as a result no communication has been disseminated to students, parents and guardians.
- Relevant policies are communicated via school district websites and hyperlink to the website of Strauss Esmay, LLP.

Each report submitted pursuant to C.26:4C-3 shall be posted at a publicly accessible location on the Department of Education’s Internet website.

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<sup>1</sup> [New Jersey Assembly Bill No. 2294](#)/ New Jersey Senate Bill 2709, “An Act concerning breastfeeding and amending P.L.1945, c.169.” Introduced 4 Feb 2016, effective 8 Jan 2018.

<sup>2</sup> [New Law Protects Breastfeeding in All NJ Workplaces](#). (2018, March 12). Retrieved January 06, 2021, from <https://info.newjerseyattorneys.com/new-law-protects-breastfeeding-in-all-nj-workplaces>