



2021 New Jersey County School Districts Lactation Room Policy Annual Report

The State of New Jersey Senate and General Assembly enacted an Act in 2019 addressing 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.”

The New Jersey Department of Higher Education holds jurisdiction of policies, programs and other related matters as they related to colleges and universities. Whereas the New Jersey Department of Education (Department) supports public schools, educators and districts to ensure all of New Jersey's 1.4 million students have equitable access to high quality education and achieve academic excellence. Because the Department’s jurisdiction is limited to K–12 grade level public schools, the data collection provided within this report is the result of surveying its twenty-one counties and the school districts within those counties. Specifically, the Department’s Office of Equal Employment Opportunity/Affirmative Action collected data from school districts regarding Lactation Room policies, relevant lactation room policies, and public-school districts without such policies but accommodate lactating or nursing student and/or staff with clean secure private spaces.

In accordance with subsection C.26:4C-3 of this Act the Department findings on this subject matter are 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.¹ (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”).¹ 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.

¹ [New Law Protects Breastfeeding in All NJ Workplaces](#)

2. Number and percentage of 8–12 grade level school policies that authorize access to a designated lactation room:
 - Fifteen reporting New Jersey county school districts serve 719 grade level schools; however, no district has a dedicated lactation room policy currently in place.
 - 15.2% of reporting school districts have relevant policies and/or adhere to laws (i.e. FLSA, NJLAD) for nursing and/or lactating students.
 - Reporting school districts accommodating nursing and/or lactating students with designated spaces for the purpose of expressing milk is 10.8%.

3. Number and percentage of school districts with policies that authorize access to a designated lactation room:
 - Sixteen of twenty-one New Jersey counties report school districts employ staff of approximately 118,553; however, no district has a dedicated lactation room policy currently in place.
 - 44.9% of reporting school districts have relevant policies and/or adhere to laws (i.e. FLSA, NJLAD) for nursing and/or lactating staff.

Although no school districts currently have standalone policies specific to lactation rooms; 6.67% of the reporting schools accommodate lactating and/or nursing staff for the purpose of expressing milk with providing private spaces in various forms.

4. Determined way such policies were communicated to students, parents, and guardians and staff during the preceding school year:
 - Lactation room policies currently do not exist for reporting districts regarding 8–12 grade level schools, as a result no communication has been disseminated to students, parents and guardians.
 - Relevant postnatal accommodation policies are communicated via school district websites, local Board of Education websites, student handbooks, staff manuals and hyperlinks to the website of Strauss Esmay, LLP.

Pursuant to C.26:4C-3, each report submitted shall be posted at a publicly accessible location on the Department’s internet website.

Prepared by: Bulisa K. Sanders, CAAP, EEO Officer
Director of EEO/AA & Equity Compliance

Issued: August 1, 2021