



# STATE OF NEW JERSEY DEPARTMENT OF EDUCATION

## **2022 Report on Lactation-Related Policies in New Jersey Schools, Colleges, and Universities**

On August 15, 2019, Governor Phil Murphy signed legislation requiring certain public facilities and offices to provide on-site lactation rooms for nursing mothers. The legislation additionally requires the New Jersey Department of Health to provide information about the availability of lactation rooms, and the New Jersey Department of Education (Department) to provide information on lactation-related policies in New Jersey’s schools, colleges, and universities pursuant to *P.L. 2019, c. 242*.

*N.J.S.A. 26:4C-3* requires the Department to evaluate and report to the Governor and to the Legislature “on the lactation-related policies that have been implemented at schools, colleges, and universities in the State.” More specifically, each report submitted to the Governor and to the Legislature “shall:

- (1) Summarize the applicable policies in this area;
- (2) Indicate the number and percentage of policies that authorize access to a designated lactation room; and
- (3) Indicate the manner in which such policies were communicated to students, parents, and guardians during the preceding school year.”

With the foregoing in mind, the within *2022 Report on Lactation-Related Policies in New Jersey Schools, Colleges, and Universities* is based on data and information provided to the Department (from the State’s schools), and directly from the State’s colleges and universities. In total, six hundred fifty-one (651) New Jersey schools, and twenty-four (24) New Jersey colleges and universities, provided responsive data and information to the Department.

### **I. Summary of Applicable Lactation-Related Policies**

In general, student and staff lactation-related policies in New Jersey schools, colleges, and universities recognize that students and staff members who choose to breastfeed their infants shall receive the necessary accommodations required by law. The accommodations to be provided to students and staff members include, but are not limited to, the following:

- ❖ For students, the ability to breastfeed or express milk during the school day using their normal breaks, study hall, and/or meal times;
- ❖ For staff members, reasonable break times to express breast milk for their nursing child;

- ❖ For students and staff members, a functional room(s) to breastfeed or express milk, and which must be private, shielded from view, free from intrusion, sanitary, and located near a sink with running water, have a chair, and have an electrical outlet; and
- ❖ For students and staff members, the ability to store expressed milk in general refrigerators, in designated refrigerators provided in the lactation room(s), or in the student or staff member's personal cooler.

Student and staff lactation-related policies in New Jersey schools, colleges, and universities consistently recognize that a bathroom(s), even if private, is not a permissible or suitable location for a lactation room(s), and that appropriate signage must be displayed in a clear and conspicuous manner indicating that a lactation room(s) is being made available for the privacy and comfort of nursing students and staff members.

The aforementioned lactation-related policies in New Jersey schools, colleges, and universities implicate, among other laws, the Fair Labor Standards Act, the Patient Protection and Affordable Care Act, as well as the New Jersey Law Against Discrimination.

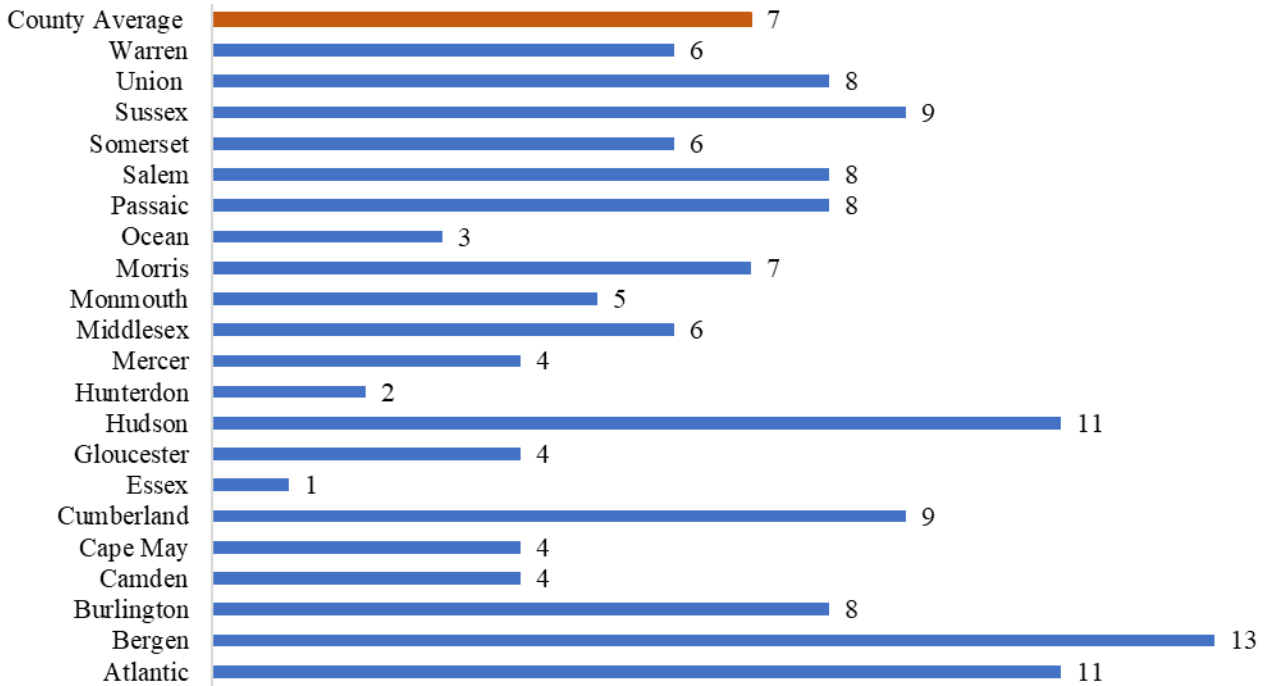
## **II. Number and Percentage of Lactation-Related Policies that Authorize Access to a Designated Lactation Room (State and County Wide)**

Based on the data provided to the Department's Equal Employment Opportunity/Affirmative Action Officer, of the State's six hundred fifty-one (651) reporting New Jersey schools, one hundred thirty-seven (137) or twenty-one percent (21%) have student lactation-related policies. Of the five hundred fourteen (514) schools that do not have a student lactation-related policy, three hundred forty-six (346) or sixty-seven percent (67%) accommodate requests from students to have access to a lactation room(s).

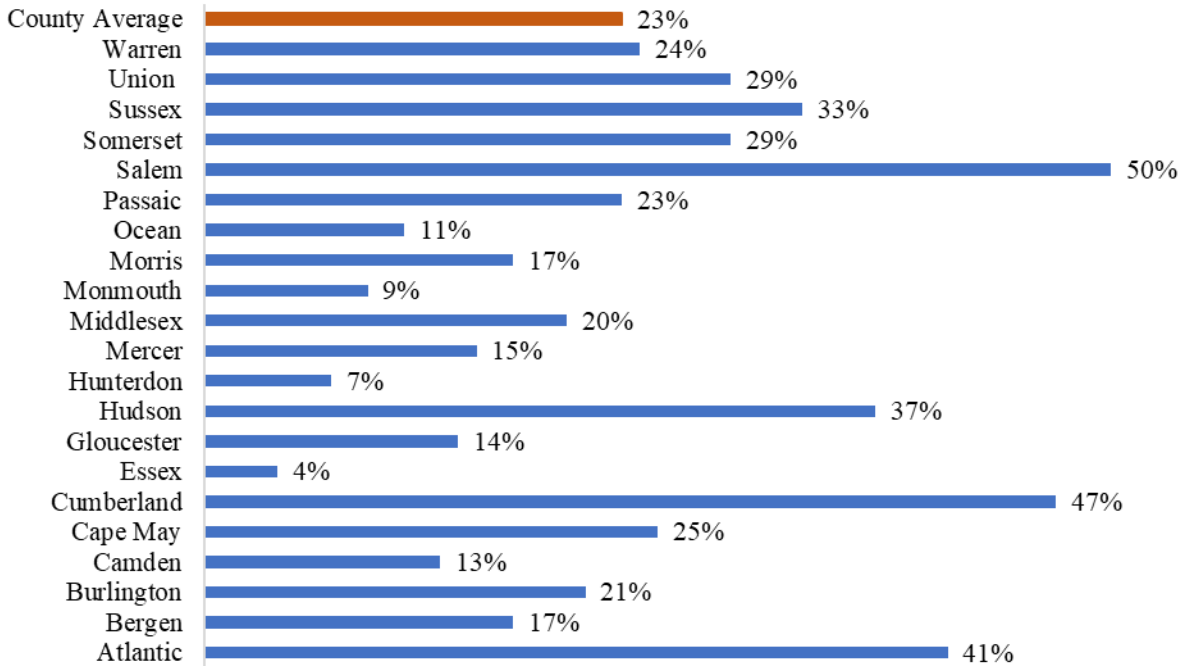
In addition, four hundred seventy-five (475) or seventy-three percent (73%) of New Jersey's reporting schools have adopted staff lactation-related policies. Of the one hundred seventy-six (176) schools that have not adopted a staff lactation-related policy, one hundred forty (140) or eighty percent (80%) accommodate requests from staff members to have access to a lactation room(s).

The following charts detail, by county, the number and percentage of student and staff lactation-related policies in the State's schools that authorize access to a designated lactation room(s):

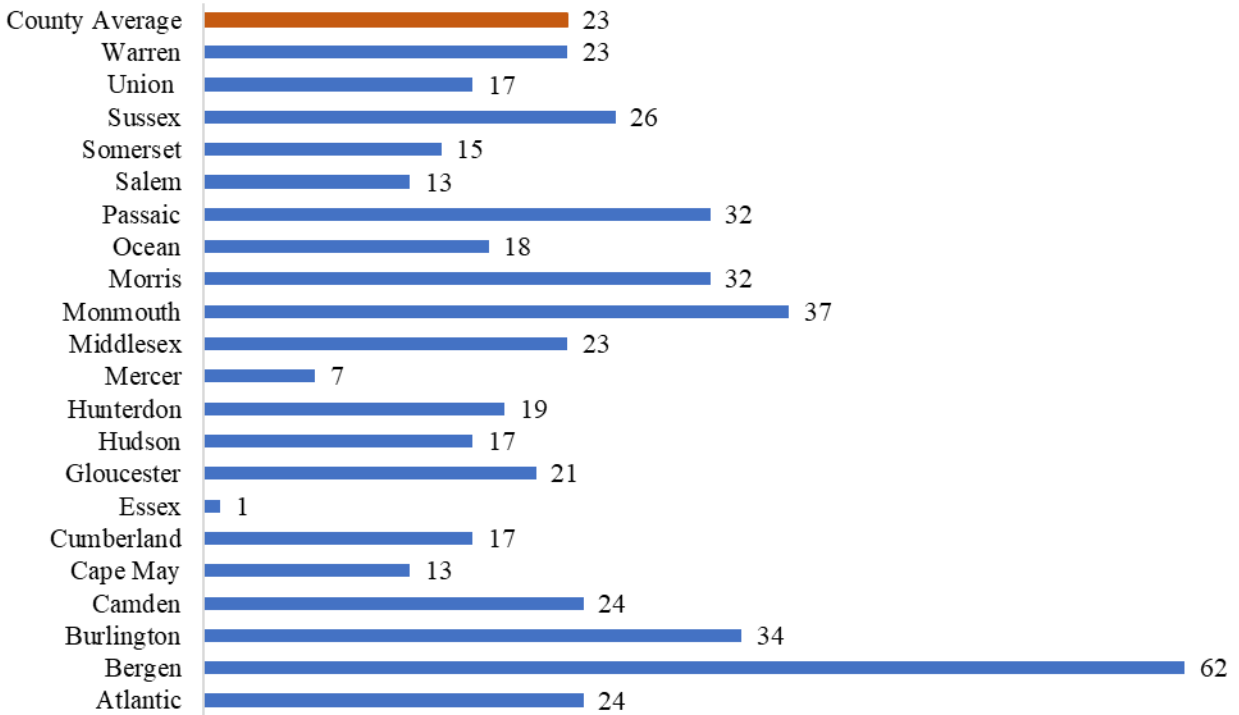
### Number of Schools with Student Lactation-Related Policies



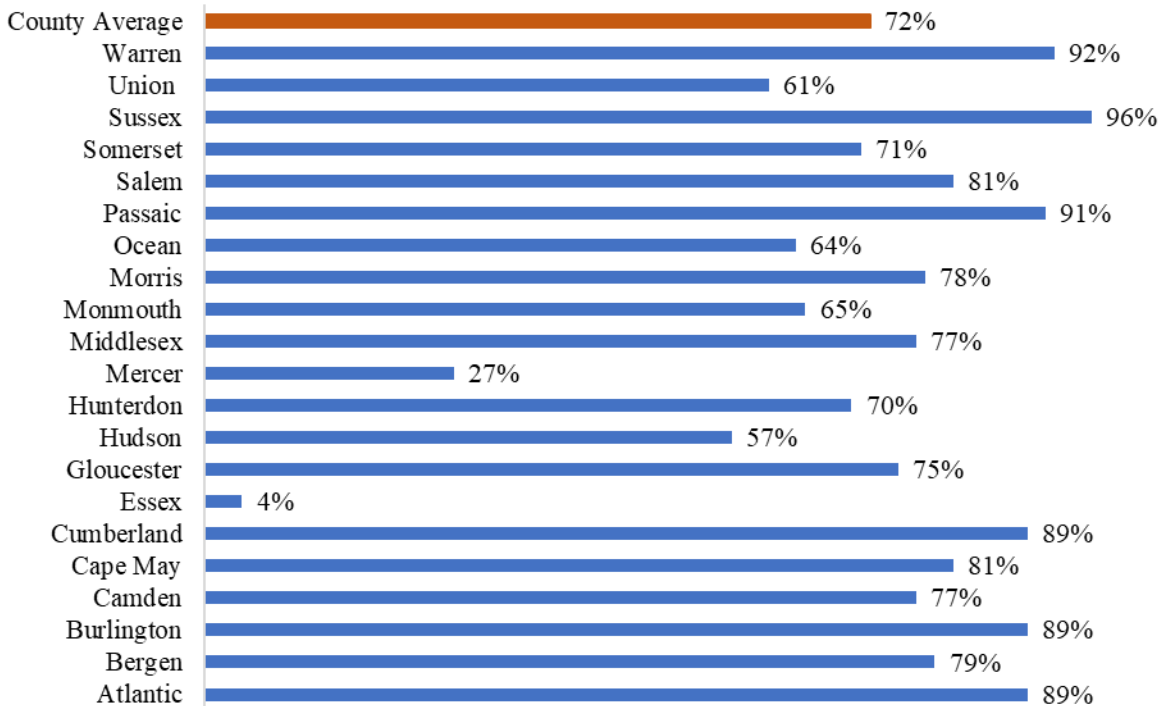
### Percentage of Schools with Student Lactation-Related Policies



### Number of Schools with Staff Lactation-Related Policies



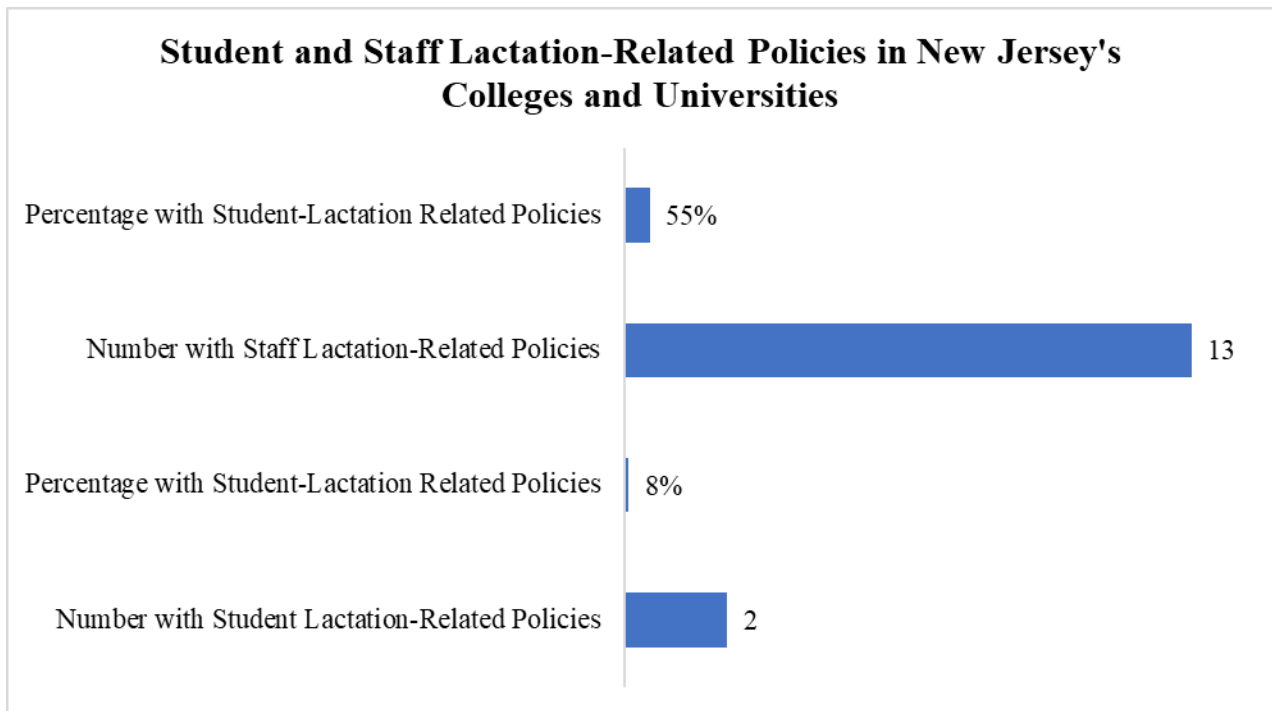
### Percentage of Schools with Staff Lactation-Related Policies



Of the State’s twenty-four (24) reporting New Jersey colleges and universities, two (2) or eight percent (8%) have adopted student lactation-related policies. Although twenty-two (22) reporting New Jersey colleges and universities have not adopted student lactation-related policies, twenty (20) or ninety-one percent (91%) accommodate requests from students for access to a lactation room(s).

Furthermore, thirteen (13) or fifty-five percent (55%) of reporting New Jersey’s colleges and universities have staff lactation-related policies. Of the eleven (11) reporting New Jersey colleges and universities that have not adopted staff lactation-related policies, one hundred percent (100%) accommodate requests from staff members for access to a lactation room(s).

The following chart details the number and percentage of student and staff lactation-related policies in the State’s colleges and universities that authorize access to a designated lactation room(s):



### III. Manner in which Lactation-Related Policies are Communicated to Students, Parents, and Guardians

For those schools, colleges, and universities that have adopted student lactation-related policies, the substance of those policies is generally communicated to students, parents, and guardians via, among other means: the school, college, or university’s website (internal and external); on school/building/campus specific websites; via student portals; at public board/trustee meetings; in the minutes from public board/trustee meetings; in student handbooks; in parent handbooks; during back to school nights/events; during new student orientation; in the distribution of annual “welcome back to school” or “summer” packets (electronic and/or hardcopy); in signage posted

in clear and conspicuous locations throughout buildings and campus; from the school nurse or other designated administrator/school official on an individualized basis; upon request from a student or parent (verbally and in writing); and/or via school wide communications (electronic and/or hardcopy).

In addition to the means of communications noted above, the substance of staff lactation-related policies in schools, colleges, and universities is typically communicated by way of the following: distribution of staff/faculty handbooks/manuals; staff/faculty bulletins or newsletters (electronic and/or hardcopy); via staff/faculty portals; from the Office of Human Resources to individual staff/faculty members (or upon request); during school/campus wide and school/building specific staff meetings (verbally and in writing); during professional development, in-service days, and/or staff training; and/or postings in staff/faculty only designated areas of school facilities (e.g., a faculty lounge).

Pursuant to *N.J.S.A. 26:4C-3*, the within report shall be posted at a publicly accessible location on the Department's website: [Lactation Room Policy Reports](#).