



# STATE OF NEW JERSEY DEPARTMENT OF EDUCATION

## **2023 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 *2023 Report on Lactation-Related Policies in New Jersey Schools, Colleges, and Universities* is based on qualitative data collected through survey questionnaires sent out to New Jersey State schools, colleges and universities utilizing a Department memo. The results of the self-reported survey responses were provided to the Department from the State’s schools within the districts, and directly from the State’s colleges and universities. In total, three hundred four (304) New Jersey schools, and fourteen (14) 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 for their nursing child occurs 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, 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 three hundred four (304) reporting New Jersey schools, one hundred eighty-one (181) or sixty percent (60%) have *student* lactation-related policies. Of the one hundred twenty-three (123) schools that do not have a student lactation-related policy, ninety-two (92) or seventy-five percent (75%) accommodate requests from students to have access to a lactation room(s). Thirty-one (31) schools within this grouping have not had to accommodate requests from students to have access to a lactation room is because they are Pre-kindergarten to 8<sup>th</sup> grade.

Of the State's three hundred four (304) reporting New Jersey schools, two hundred fifty-four (254) or eighty-three percent (83%) of New Jersey's reporting schools have adopted *staff* lactation-related policies. Of the fifty (50) schools that have not adopted a staff lactation-related policy, forty-nine (49) or ninety-eight percent (98%) accommodate requests from staff members to have access to a lactation room(s).

Of the State's fourteen (14) reporting New Jersey colleges and universities, four (4) or twenty-nine percent (29%) have adopted *student* lactation-related policies. Although ten (10) reporting New Jersey colleges and universities have not adopted student lactation-related policies, nine (9) or ninety percent (90%) of these colleges and universities accommodate requests from students for access to a lactation room(s).

Of the State's fourteen (14) reporting New Jersey colleges and universities, nine (9) or sixty-four percent (64%) of reporting New Jersey's colleges and universities have adopted *staff* lactation-related policies. Of the five (5) 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).

### **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; on district's online public policy database; 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); shared with pregnant student(s) upon return to school; and/or via school wide communications (electronic and/or hardcopy).

For those schools, colleges, and universities that have adopted staff lactation-related policies, in addition to the means of communications noted above, these policies are 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; benefits office; new hire onboarding; newsletters; manager trainings; campus broadcast; 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](#).