

ACCOMMODATION OF LACTATION NEEDS**A. Statement of Purpose.**

The District provides a supportive environment as to time and place for students and employees (collectively “people with lactation or lactation related needs”) to express milk and address other lactation related needs. Subject to the terms and exceptions set forth in this policy, the District will accommodate the needs of people with lactation or lactation related needs by providing reasonable times and suitable spaces to express milk during school and work hours for one year after pregnancy. Lactation for purposes of this policy will include expression of milk by manual or mechanical means, medical conditions related to lactation, and other lactation related needs.

No person with lactation needs will be discriminated against for milk expression or related activities as provided in this policy, and reasonable efforts will be made to assist people with lactation needs in meeting their lactation needs while at work or school.

B. Accommodation Notice and Plans.

A person with lactation needs should contact the building Principal, school nurse (students only), employee’s supervisor or human resources (staff only) at least two weeks before the need for lactation accommodations arises. The District will endeavor to meet the break and private space needs of each person with lactation needs. However, when ordinary accommodations (as discussed below) create undue hardship for the operations of the school/workplace, the District will work with the person with lactation needs to determine whether other reasonable accommodations may be made. Such other accommodations could include items like a change in work/class assignments or schedules, additional break periods, permitted absences for medical appointments, and/or access to extra food and water throughout the day. When reasonable accommodations are unattainable, the building Principal or supervisor should consult with the District’s Human Rights/Non Discrimination Officer, Title IX Coordinator, or Superintendent.

A lactation accommodation plan should be revisited upon request of the person with lactation needs, or at least every three months, with adjustments made to the accommodations for lactation breaks as lactation needs change.

C. Reasonable Time to Express Milk during the School Day.

Absent other accommodations as established under Section B, above, a person with lactation needs will have a minimum of three opportunities (“lactation period”) during a work or school day, at agreed upon intervals (which should include flexibility as appropriate and practicable) for the purpose of lactation or to address other needs relating to lactation. An employee or student can choose to use usual break and meal periods.

A person with lactation needs who is an hourly will be paid during lactation periods.

ACCOMMODATION OF LACTATION NEEDS (continued)**D. Suitable Private Areas for Lactation.**

People with lactation needs will be provided with a private place, that is not a bathroom, in each school district building in which a person with lactation needs spends the working or school day. The lactation area:

1. May be temporary or permanent;
2. Shall be shielded from view and free from intrusion by other persons, including without limitation other staff or students;
3. Shall be within a reasonable walk of the workstation or classroom of the person with lactation needs unless otherwise agreed by the person with lactation needs;
4. Have at a minimum:
 - a. An electrical outlet;
 - b. Appropriate seating;
 - c. A surface sufficient to place a breast pump;
 - d. A sink with running water or be in reasonable proximity to one;
 - e. A refrigerator for milk storage or be in reasonable proximity to one; and,
 - f. Shall be cleaned regularly by District staff assigned to that duty.
 - g. Either a lock or a sign on the door displaying when in use.[lawyer question]
5. No employee will be required to surrender their workspace to a person with lactation needs.

E. Responsibilities of the Person with Lactation Needs.

A person with lactation needs will:

1. Provide at least two weeks' advance notice of the need for lactation accommodations, preferably prior to their return to school. This will allow school administrators the opportunity to establish a location and work out scheduling issues. Note that, notwithstanding the requested two weeks' notice, an unnecessary delay in making a reasonable accommodation for a person with lactation needs could constitute a violation of the Pregnant Workers Fairness Act (PWFA).
2. Maintain the lactation area by wiping down surfaces with antibacterial wipes so the area is clean for the next user.
3. Provide their own supplies as is necessary.

F. Prohibited Conduct.

Any intentional act which violates a lactating person's privacy, aims to frustrate a lactating person's intentions to use the lactation space, or constitutes harassment on account of a lactating person's needs or lactating status is prohibited, and shall be treated as violation of the applicable code of conduct with possible disciplinary consequences, and may constitute sex discrimination and shall be reported to the Title IX Coordinator in accordance with policy ACAC.

ACCOMMODATION OF LACTATION NEEDS (continued)**G. Dissemination of Policy.**

This policy shall be printed or summarized in applicable employee and student handbooks. For employees, if the handbook is not provided at the time of hire, then the District will provide a copy of this policy at the time of hire.

Legal References:

RSA 275:78-83, Policies Relating to Nursing Mothers

RSA 354-A:1, (Human Rights) Title and Purposes of Chapter

RSA 354-A:27, Opportunity for Public Education without Discrimination a Civil Right

RSA 354-A:6, Opportunity for Employment without Discrimination a Civil Right

89 FR 291182, Pregnant Workers Fairness Act (PWFA)

20 U.S.C 1681, et seq, Title IX of the Education Amendments of 1972

42 U.S.C. 2000gg, Pregnant Worker Fairness Act (PWFA)

42 U.S.C. 218d, Pump for Nursing Mothers Act (PUMP Act)

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