

A. Statement of Purpose.

The District seeks to provide a supportive environment for its nursing students and employees (collectively “nursing mothers”). Subject to the terms and exceptions set forth in this policy, the District will accommodate the needs of nursing mothers by providing reasonable times and suitable spaces for nursing mothers to nurse during school and work hours for at least one year after the birth of the child. Nursing for purposes of this policy will include the initiation of lactation by manual or mechanical means as well as breastfeeding. Nothing within this Policy alters the District’s general policy prohibiting the presence of students’ and employees’ unenrolled children on school campus during the school day, except for the limited purpose of nursing in accordance with the accommodations provided under this Policy.

No nursing mother will be discriminated against for nursing or nursing related activities as provided in this policy, and reasonable efforts will be made to assist nursing mothers in meeting their infant feeding goals while at work or school.

B. Accommodation Notice and Plans.

A nursing or expectant mother should contact either the building principal or school nurse (if a student) or their supervisor (if an employee) at least two weeks before the need for nursing accommodations arises. The District will endeavor to meet the break and space needs of each nursing mother, and will work with the nursing mother to create an accommodation plan that is consistent with this policy as well as state and federal law. Each accommodation plan will be based on the student or employee’s individualized needs.

The District will make reasonable modifications to its policies, practices, and procedures as necessary to prevent sex discrimination and ensure equal access to the recipient’s education program or activity for nursing mothers. The District is not obligated to make a modification which would fundamentally alter the nature of its education program or activity.

A nursing accommodation plan should be revisited upon the nursing mother’s request, or at least every three months, with adjustments made to the accommodations as nursing needs change.

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

Absent other accommodations as established under Section B, above, a nursing mother will have a minimum of three opportunities (“nursing period”) during a work or school day, at agreed upon intervals (which should include flexibility as appropriate and practicable) for the purpose of nursing or to address other needs relating to nursing. In all circumstances, the nursing mother shall be provided with a reasonable time to nurse each time they have the need to express milk. An employee or student can use usual break and meal periods if she chooses; however, they will not be required to do so.

Unless addressed otherwise in a collective bargaining agreement, a nursing mother who is an hourly employee will not be paid during nursing periods unless either (a) the nursing period falls during a regular paid break (e.g., a paid lunch), or she is not completely relieved of duties during the nursing break. Nursing mothers shall not be required to “make up” time relating to the use of unpaid nursing periods.

D. Suitable Private Areas for Nursing.

Nursing mothers will be provided with a private place, other than a bathroom, in each school district building in which a nursing mother spends her working or school day. The nursing area:

1. May be temporary or permanent.
2. Shall be shielded from view and free from intrusion by other persons, including without limitation of other staff or students;
3. Shall be within a reasonable walk to the nursing mothers work-station or classroom unless otherwise agreed by the nursing mother;
4. Have at a minimum an electrical outlet and a chair if feasible;
5. Have a sink with running water if feasible, or be in proximity to one;
6. Have a refrigerator for breast milk storage if feasible, or be in proximity to one; and
7. Shall be cleaned regularly by District staff assigned to that duty.

E. Nursing Mother Responsibilities.

Nursing mothers will:

1. Provide at least two weeks' advance notice of the need for nursing accommodations, preferably prior to their return to school following the birth of the child. This will allow school administrators the opportunity to establish a location and work out scheduling. However, the failure to provide these this notice shall not relieve the District of its obligations under this Policy.
2. Maintain the nursing 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 nursing mother's privacy, aims to frustrate a nursing mother's intentions to use the nursing facilities, or constitutes harassment on account of a nursing mother's needs or breastfeeding status is prohibited, and shall be treated as a potential violation of the applicable code of conduct, with possible disciplinary consequences, and may constitute sexual harassment or discriminatory conduct and shall reported to the Title IX Coordinator.

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.

H. Notification to Title IX Coordinator

Any District employee who becomes aware of a student's pregnancy or related conditions, must promptly provide the student and, if applicable, an individual who has a legal right to act on behalf of the student, with the Title IX Coordinator's contact information and to inform that person that the Title IX Coordinator can coordinate specific actions to prevent sex discrimination and ensure the student's equal access to the District's programs. The Title IX Coordinator shall then provide the student and, if applicable, an individual who has a legal right to act on behalf of the student, with information about the District's Title IX obligations, along with the District's Notice of Nondiscrimination.

Legal References Disclaimer: These references are not intended to be considered part of this policy, nor should they be taken as a comprehensive statement of the legal basis for the Board to enact this policy, nor as a complete recitation of related legal authority. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

NH Statutes**Description**

RSA 275:78-83

Policies Relating to Nursing Mothers

Federal Statutes/Regulations**Description**

20 U.S.C 1681, et seq

Title IX of the Education Amendments of 1972

34 C.F.R. § 106.40

Title IX Regulations: Parental, family, or marital status; pregnancy or related conditions (students)

34 C.F.R. § 106.57

Title IX Regulations: Parental, family, or marital status; pregnancy or related conditions (employees)

42 U.S.C. 2000gg

Pregnant Worker Fairness Act ("PWFA")

42 U.S.C. 218d

Pump for Nursing Mothers Act ("PUMP Act")

Cross References**Code****Description**

AC

Non-Discrimination

ACAC

Title IX Sexual Harassment Policy and Grievance Process

GBEB

Staff Conduct

JIC

Student Conduct

Category: Priority (Required by Law)

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