




This *Breastfeeding and Lactation Support Policy* rescinds and supersedes all previous policy, memoranda, and/or guidance promulgated by DCPS on this subject matter.

Chancellor Approval: 

Effective: December 20, 2021

# Breastfeeding and Lactation Support Policy

## I. PURPOSE AND SCOPE

The District of Columbia Public Schools (DCPS) supports all employees and students who require space and time to express breast milk for a nursing child. This policy conveys the rights of breastfeeding and lactating parents and the requirements to provide lactation spaces and accommodating schedules. This policy does not address the full scope of protections related to pregnancy or post-pregnancy conditions.<sup>1</sup>

This policy rescinds and supersedes all previous policy, memoranda, and guidance promulgated by DCPS on this subject matter.

## II. AUTHORITY AND APPLICABLE LAW

Source	Citation
Federal Law	- 20 U.S.C. § 207(r) (Fair Labor Standards Act) – Reasonable Break Time for Nursing Mothers
District of Columbia Law	- D.C. Official Code § 2-1401.05 – Discrimination based on pregnancy, childbirth, related medical conditions, or breastfeeding - D.C. Official Code § 2-1402.82 – Rights of breastfeeding mothers - D.C. Official Code § 32-1231.01 <i>et seq.</i> – Reasonable accommodations for pregnant and nursing workers
District of Columbia Regulations	- 4 DCMR § 518 – Breastfeeding Guidelines

## III. KEY TERMS AND DEFINITIONS

Breastfeed means to provide breast milk from a mother’s breast or to express breast milk into a container or bottle. (4 DCMR § 599)

Undue hardship means any action that requires significant difficulty or expense when considered in relation to factors such as the size of the business, its financial resources, and the nature and structure of its operation. (D.C. Official Code § 2-1402.82(a)(2))

<sup>1</sup> For more information about pregnancy protections, please see D.C. Official Code § 32-1231.01 *et seq.* and DC Office of Human Rights resources at <https://ohr.dc.gov/page/pregnantworkers>.

## IV. REQUIREMENTS

### A. General

DCPS shall not unlawfully discriminate against any breastfeeding or lactating parent who requests or uses reasonable accommodations related to breastfeeding or expressing breastmilk.<sup>2</sup>

#### 1. Employees

DCPS shall not take adverse actions against an employee who requests or uses reasonable accommodations related to breastfeeding.<sup>3</sup>

Examples of adverse actions include, but are not limited to:





