

Date of Hearing: April 8, 2025

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Mike Fong, Chair

AB 1098 (Fong) – As Introduced February 20, 2025

[Note: This bill is double referred to the Assembly Judiciary Committee, where the Committee will hear it as it relates to issues under its jurisdiction.]

SUBJECT: Postsecondary education: undergraduate and graduate students: pregnancy or pregnancy-related issues

SUMMARY: Updates existing law to provide parity between pregnant undergraduate and graduate students by extending existing leave of absences to undergraduate students and adds a new definition for the type of required accommodations higher education institutions must provide to students who are pregnant or experiencing pregnancy conditions. Specifically, **this bill:**

- 1) Clarifies that it is the policy of the State of California that all persons, regardless of sex, should enjoy freedom from discrimination of any kind on postsecondary education campuses. Including, but not limited to discrimination on the bases a student's current, potential, or past parental, family or marital status as prohibited by Title IX of the Education Amendment of 1972.
- 2) Prohibits a postsecondary education institution from discriminating against a student based on the student's current, potential, or past pregnancy or pregnancy-related conditions.
- 3) Clarifies a postsecondary education institution has not committed discrimination when it permits pregnant students or those experiencing pregnancy-related conditions to voluntarily participate in a separate portion of an education program or activity as long as the separate portion is comparable to the program offered to those who are not pregnant or experiencing pregnancy-related symptoms.
- 4) Prohibits a postsecondary education institutions from doing the following:
 - a) Requiring an undergraduate or graduate student to take a leave of absences or withdraw from an undergraduate or graduate program, if the student is pregnant or is experiencing pregnancy-related symptoms; or,
 - b) Limiting the student's undergraduate or graduate studies because the student is pregnant or experiencing pregnancy-related symptoms.
- 5) Requires a postsecondary education institution to do the following:
 - a) Require each responsible employee, upon being informed of a student's pregnancy or pregnancy-related symptoms, to provide the student with the Title IX coordinator's contact information and to inform the student of the Title IX coordinator's ability to provide accommodations for the student to ensure the student retains equal access to the education program;

- b) Provide reasonable accommodations through the Title IX coordinator to any recently pregnant student, currently pregnant student or a student experiencing pregnancy-related symptoms. The reasonable accommodations are provided so the student may complete their undergraduate or graduate courses of study and research. At the very least, a postsecondary education institution is required to excuse a student's absences for medical reasons. A reasonable accommodation will be based on the individual student's need and in determining the accommodation, the Title IX coordinator will consult with the student. A student is permitted to reject or accept any reasonable accommodation and if a student accepts a reasonable accommodation, the postsecondary education institution is required to implement it. Defines the following reasonable accommodations as being permissible:
- i) Breaks during class to express breast milk, breast feed, or attend to health needs associated with pregnancy or pregnancy related conditions (includes eating, drinking, or using the restroom);
 - ii) Intermittent absences to attend medical appointments;
 - iii) Access to online or homebound education;
 - iv) Changes to schedule or course sequences;
 - v) Time extensions for coursework and rescheduling of tests and examinations;
 - vi) Being allowed to sit or stand or carry or keep water nearby;
 - vii) Counseling;
 - viii) Changes in physical space or supplies;
 - ix) Elevator access;
 - x) Other accommodations for the pregnant student's health or safety;
 - xi) Allowing the student to take a leave of absence;
 - xii) Other changes to the postsecondary educational institution's policies, practices, or procedures.
- 6) Clarifies that any accommodation requested by the student, that the postsecondary education institution can demonstrate would fundamentally alter the nature of the education program is not a reasonable accommodation.
- 7) Requires a postsecondary education institution to permit a leave of absences for pregnant graduate students or undergraduate students who has recently given birth for a period consistent with the time deemed medically necessary by the student's licensed healthcare provider or a period of 12 months, whichever period of time is longer. The purpose of the period of time is for the student to prepare for and take preliminary and qualifying examinations. An additional extension of 12 months will be added towards the time to degree for those who take a leave of absences unless a longer extension is medically necessary.

- 8) Requires for a postsecondary education institution, if a graduate student takes a leave of absences as permitted in (7), to reinstate the student at the same academic status and as practical, to the same extracurricular status that the student held before their voluntary leave of absence began.
- 9) Requires a postsecondary education institution to permit a leave of absences for pregnant undergraduate students or undergraduate students who has recently given birth for a period consistent with the time deemed medically necessary by the student's licensed healthcare provider or a period of 12 months, whichever period of time is longer.
- 10) Prohibits the postsecondary education institution from reducing the undergraduate student's institution-based financial aid upon the undergraduate student's return from the voluntary leave of absence. The postsecondary education institution will ensure the undergraduate student's leave of absence will not disrupt the undergraduate student's institution-based financial aid, and clarifies this prohibition does not require the postsecondary education institution from providing the financial aid during the undergraduate student's leave of absence.
- 11) Requires for a postsecondary education institution, if an undergraduate student takes a leave of absences as permitted in (9), to reinstate the student at the same academic status and as practical, to the same extracurricular status that the student held before their voluntary leave of absence began.
- 12) Requires a postsecondary education institution to permit a graduate student that is not the birth parent, and who chooses to take a leave of absence because of the birth of a child, to be allowed a period consistent with the policies of the postsecondary education institution, or a period of one month (whichever is longer) to prepare for and take preliminary and qualifying examinations. Requires the postsecondary education institution to provide the student an extension of one month toward the time to degree while in candidacy for a graduate program and if necessary, additional time as deemed medically necessary to care for the student's partner or their child. Upon returning to the postsecondary education institution, the graduate student will be reinstated to the same academic status and extracurricular status the student held prior to the leave.
- 13) Requires a postsecondary education institution to permit an undergraduate student that is not the birth parent, and who chooses to take a leave of absence because of the birth of a child, to be allowed a period consistent with the policies of the postsecondary education institution, or a period of one month (whichever is longer) to prepare for and take preliminary and qualifying examinations. Prohibits the postsecondary education institution from reducing the undergraduate student's institution-based financial aid upon the undergraduate student's return from the voluntary leave of absence. The postsecondary education institution will ensure the undergraduate student's leave of absence will not disrupt the undergraduate student's institution-based financial aid, and clarifies this prohibition does not require the postsecondary education institution from providing the financial aid during the undergraduate student's leave of absence. Upon returning to the postsecondary education institution, the undergraduate student will be reinstated to the same academic status and extracurricular status the student held prior to the leave.

- 14) Requires a postsecondary education institution to provide a pregnant or recently pregnant student access to a private and secure room for lactation. The lactation room shall be consistent with existing requirements located in Education Code Section 66271.9.
- 15) Prohibits a postsecondary education institution from requiring a student to produce supporting documentation prior to the provision of reasonable accommodations by the institution; unless, supporting documentation is necessary and reasonable for the institution to determine if the reasonable accommodations are necessary to provide a student with equal access to education.
- 16) Requires each postsecondary education institution to have a written policy for students on procedures for addressing pregnancy complaints under Title IX and procedures for accessing reasonable accommodations under Title IX consistent with this measure. A copy of the policy will be emailed to students, faculty, staff, and employees at the beginning of each academic year and will be available to faculty, staff, and employees in their required training. The policy will be made available to all students during their student orientation.
- 17) Requires each postsecondary education institution to notify pregnant and parenting students of the protections afforded to them through Title IX and as required pursuant to the provision of the measure. Requires each postsecondary education institution to post the requirements established above on the campus website.
- 18) Requires each postsecondary education institution with an on-campus medical center to provide notice of the protections provided by Title IX and established by the measure to students who request information on the policies or protections for pregnant students or students with children.
- 19) Defines “postsecondary educational institutions” to mean a campus of the California Community Colleges (CCC), the California State University (CSU), the University of California (UC), private postsecondary educational institutions, or independent institutions of education that receive state financial assistance, as defined.

EXISTING LAW: *Federal law.*

- 1) No person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance except for specified circumstances including membership of fraternities and sororities (United States Code Title 20, Chapter 38, Section 1681... colloquially known as Title IX).
- 2) Outlines the required response a postsecondary higher education institution must undertake, when the institution is made aware of an alleged sexual harassment incident on campus. The regulations include a requirement for a formal complaint, a grievance procedure for an investigation into whether the incident based on a standard of evidence occurred, and a method of appealing the outcome of the grievance process (Federal Code of Regulations Title 34, Subtitle B, Chapter 1, Subpart D, Section 106.45).
- 3) Prohibits a postsecondary higher education institution, that receives funding from the federal government, from discriminating against or excluding a student from educational programs or activities based on the student’s pregnancy, childbirth, false pregnancy, termination of

pregnancy, or recovery unless the student volunteers to participate in the separate program. Stipulates a postsecondary higher education institution can require a student to obtain a certificate from a physician stating the student is able to participate in the education program; but only if the certificate from the physician is required for all students in the program. The separate portion of the activity offered to pregnant students or those experiencing pregnancy-like conditions must be the same as the education program offered to non-pregnant students. Requires the institution to treat pregnancy or pregnancy-like conditions in the same manner as a temporary disability when it comes to any college or university - administered medical or hospital benefit, service, plan, or policy. If the institution does not provide a leave policy for its students or if the student does not qualify for the leave, the institution will provide leave for as long as a physician deems is medically necessary (Federal Code of Regulations Title 34, Subtitle B, Chapter 1, Subpart D, Section 106.40).

State law.

- 1) Each postsecondary education institution in the state of California, are prohibited from requiring a graduate student from taking a leave of absences or withdrawing from the program or limiting the student's graduate studies based on the fact the student is pregnant or experiencing pregnancy-related issues. A postsecondary education institution is required to provide reasonable accommodations to the pregnant graduate student so the student may complete their graduate program. Provides the terms and conditions for leaves of absences for graduate students, who are pregnant or have recently given birth and provides a leave of absence for non-birthing parents. Requires the policies regarding pregnancy protections to be posted in various locations on campus and requires employees to be trained on the policies (Education Code (EDC) Section 66281.7).
- 2) Requires the CCC and the CSU), and encourages a satellite campus of CCC or CSU, and the UC, to provide reasonable privacy accommodations for a lactating student to express breast milk, breast-feed an infant child, or address other needs related to breast-feeding (EDC Section 66271.9).

FISCAL EFFECT: Unknown.

COMMENTS: *Purpose.* As stated by the author, "California has long been a leader in advancing the civil rights of students in order to preserve educational equity on campus. AB 1098 would amend the California Education Code to provide parity between undergraduate and graduate students who are experiencing a pregnancy or pregnancy conditions. The Education Code provides protections for graduate students to take a leave of absences but it does not provide the same protections to undergraduate students. Every student should be afforded equal rights and opportunities in postsecondary education institution regardless of their disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, immigration status, or pregnancy/pregnancy – related condition. AB 1098 codifies this basic right and provides tangible guidance for colleges and universities for how to provide equal access under the law for pregnant students and for those who are experiencing pregnancy – related conditions."

Existing protections for pregnant students. Since 1972, a prohibition on discrimination on the bases of sex has existed for all postsecondary education institutions in the United States that receive funding from the Federal Government. Colloquially known as Title IX, the 27 words contained in the Education section of Federal code, has expanded beyond the simple

understanding of equal access to sports and education opportunities for women. Title IX provides protections from sexual harassment and establishes a baseline commitment to ensure the restoration of equal access to education when sex-based barriers are established. One of these identified sex-based barriers is pregnancy or pregnancy-like conditions.

Between 2000 and 2020, the Bush-era regulations and Dear Colleague letters governed Title IX. Dear Colleague letters are the best practices identified by the U.S. Department of Education for the implementation of laws or regulations by higher education institutions. In 2013, the Obama Administration issued a “dear colleague” letter providing additional clarity as to the types of accommodations and protections a college or university must provide to a student who is pregnant or experiencing pregnancy-like conditions.¹ The 2013 “Dear Colleague Letter” and additional guidance prohibited a college from separating a pregnant student into an alternative education program, prohibited a college or university from requiring medical documentation for continual participation in educational programs, and stated accommodations are required to preserve equal access for pregnant students.² Examples of accommodations included larger desks and leave of absences for medical reasons.² The reason for the clarification from the U.S. Department of Education was, “as of October 2009, approximately 3 million 16- through 24-year-olds living in the United States were not enrolled in high school and had not earned a high school diploma or alternative credential. Students give a range of reasons for dropping out of high school, both school- and family-related. Pregnancy is consistently the most common family-related reason given by female students.”²

In response to the new interpretation on pregnancy accommodations and leave of absences for pregnant students, California decided to codify leave of absences and reasonable accommodations for graduate students with the enactment of AB 2350 (Bonilla), Chapter 637, and Statutes of 2014. The measure only applied to graduate students because of the focus by the Obama Administration to increase female graduate participation in science, technology, engineering, and mathematic (STEM) field. The Obama Administration had tasked the, “United States Department of Education to lead an initiative with the Department of Justice, the Department of Energy, the National Aeronautics and Space Administration, the National Science Foundation, and the Department of Health and Human Services to create a common guidance program to ensure that grant recipients are complying with Title IX.”³

In 2020, the Trump Administration finalized new Title IX regulations, which changed the manner in which postsecondary education institutions were required to address sex discrimination and sexual harassment on campus. The new regulations provided the following protections for all pregnant undergraduate and graduate students:

- 1) Prohibits discrimination against a student based on the student’s sex, which includes a student’s pregnancy or pregnancy-related conditions. Defines pregnancy-related conditions as childbirth, false pregnancy, termination of pregnancy, and recovery;
- 2) Requires the college or university to provide the pregnant student with any medically necessary leave of absences as long as the leave is determined by the student’s physician;

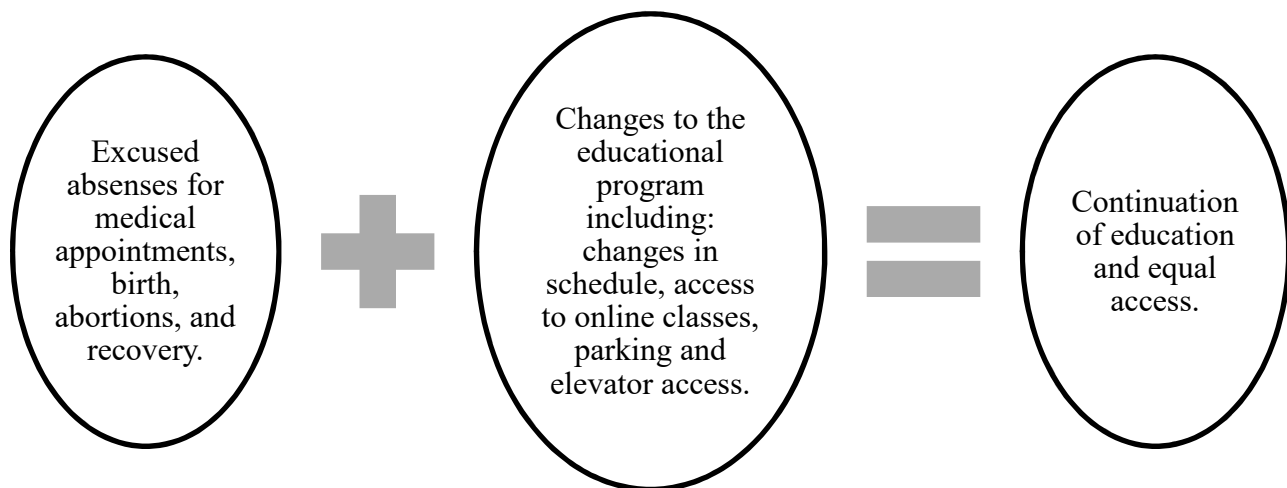
¹ <https://www.ed.gov/about/offices/list/ocr/letters/colleague-201306-title-ix.html>

² https://www.ed.gov/laws-and-policy/civil-rights-laws/sex-discrimination/pamphlet--supporting-the-academic-success-of-pregnant-and-parenting-students-under-title-ix-of-the-education-amendments-of-1972#_Toc4

³ Declarations and Findings from AB 2350 (Bonilla).

- 3) Requires the college or university to provide supportive measures to pregnant students; however, the supportive measures must be comparable in nature with those provided to students who are temporarily disabled;
- 4) Permits a college to provide a separate educational program, but only if the student volunteers to participate and is not forced. The separate educational program must be comparable to the original educational program; and,
- 5) Prohibits the requirement a student must produce a physician certification for approval to participate in any educational program; unless, such physician certification is required of all participants.⁴

The above regulations translated into two core accommodations for pregnant students on college campuses:



The 2020 Title IX regulations prohibit a higher education institution from denying admission to a student based on pregnancy or pregnancy – related conditions. Furthermore, the Title IX protections provided to pregnant students extend to include pregnant employees at higher education institutions.

Biden 2024 regulations. In April 2024, the Biden Administration issued a new Title IX regulation with a delayed implementation date of August 2024. According to the National Women’s Law Center, the new regulations “[strengthened] protections against sex-based harassment and [clarified] protections on discrimination based on LGBTQI+ status and pregnant and parenting status.”⁵ The new regulations provided greater clarity regarding the protections and accommodations a college or university should provide to a pregnant student to prevent discriminations. Specifically the 2024 Title IX regulations:

- 1) Updated the definition of discrimination on the bases of a student’s past, current or potential pregnancy, or pregnancy related condition. The new definition for pregnancy-related conditions includes: lactation, childbirth, termination of pregnancy, or recovery;

⁴ <https://thepregnantscholar.org/wp-content/uploads/Overview-of-Title-IX-Regulation-Changes.pdf>

⁵ <https://nwlc.org/resource/bidens-new-title-ix-rule-fact-sheet-and-chart/>

- 2) Required the institution to provide pregnant students or those experiencing pregnancy-related conditions with the Title IX coordinator's contact information so that the Title IX coordinator may inform the students of their rights to accommodations and protections from discrimination;
- 3) Continued the ability for institutions to provide excused absences for medical reasons; however, the new 2024 regulations permitted the leave to be passed on advice from any licensed medical provider and states the institution must reinstate the student to their prior academic and if possible extracurricular activities;
- 4) Required institutions to provide students with reasonable modifications to existing educational programs in order to maintain access to educational programs; and,
- 5) Required institutes to provide private, clean, non-bathroom space for students to lactate or breastfeed.⁶

From the moment the final rules were in-print, the 2024 Title IX Regulations were subject to litigation. By August 2024, nine different cases against the U.S. Department of Education were filed and statewide injunctions barring federal enforcement of the rule were granted for 26 states. An additional injunction permitted individual K-12 schools, colleges, and universities to forgo implementing the 2024 Title IX Regulations including, colleges, and universities in California.⁷ The primary concerns of the Courts, States, and conservative advocacy groups was the expansion of the 2024 Title IX Regulations to include sex-based harassment and sex-based discrimination which would include protections based on gender identity and gender expression.

Despite appeals by the U.S. Department of Education, each of the partial injunctions were upheld by the U.S. Appellate Courts in various districts, and ultimately, in one case by the U.S. Supreme Court. The litigation continued throughout the United States Judicial System until the regulations were vacated by ruling issued on January 09, 2025.

On January 9, 2025, the United States District Court for the Eastern District of Kentucky issued a new ruling in the State of Tennessee v. Cardona, Case No. 2:24-072-DC that effectively ended the enforcement and use of the 2024 Title IX regulations nationwide. The ruling stated the 2024 Title regulations: (1) exceeded the U.S. Department's statutory authority, (2) violated the U.S. Constitution, and were (3) were arbitrary and capricious.⁸ After the vacating of the 2024 Title IX regulations, the Pregnant Scholar at the Center for WorkLife Law at the UC College of the Law, San Francisco (Pregnant Scholar), issued a statement noting that, "this shameful decision puts pregnant and postpartum students, and millions of others, in harm's way. Without the protections offered by the 2024 Title IX regulations, pregnant students will struggle to get the accommodations and leave they need to both stay healthy and continue their education."⁹

On February 4, 2025, the U.S. Department of Education (department) issued a "Dear Colleague Letter" stating the department would enforce Title IX with the 2020 Title IX regulations and with a definition of biological sex for sex discrimination.¹⁰ The reversal in compliance standards

⁶ <https://nwlc.org/wp-content/uploads/2024/06/Biden-Title-IX-Rule-Fact-Sheet-6.12.24-vF.pdf>

⁷ <https://www.scag.gov/media/pskl4phx/ks-v-u-s-dept-of-education-list-of-schools-enjoined.pdf>

⁸ <https://caselaw.findlaw.com/court/us-dis-crt-e-d-ken-nor-div-at-cov/116844509.html>

⁹ <https://thepregnantscholar.org/title-ix-rule-vacated-our-statement/>

¹⁰ <https://www.ed.gov/media/document/title-ix-enforcement-directive-dcl-109477.pdf>

leaves California undergraduate students with fewer pregnancy-related protections than their graduate peers. AB 1098 (M. Fong) seeks to rectify this disparity by providing the same protections for both undergraduate and graduate students.

Arguments in support. The California Commission on the Status of Women and Girls expresses their support, as “AB 1098 is necessary to provide all students, regardless of their academic level, the same protections and safeguards against discrimination due to pregnancy. We know parents with higher education backgrounds are better able to provide for their families. This bill will ensure pregnant students have the necessary systems of support in place to create a positive educational experience, subsequently creating pathways to success for future generations.”

Additionally, the Pregnant Scholar states, “this bill could not have come at a better time. The Department of Education’s Office of Civil Rights, which is tasked with enforcing Title IX protections for pregnant and parenting students, has been gutted. The San Francisco office was shuttered, leaving over a thousand cases in limbo and causing uncertainty as to whether the Department will investigate complaints. It is imperative that the state step in to provide the guidance our students and educational institutions are no longer receiving from the federal government. AB 1098 would prohibit at the state level discrimination based on the student’s current, potential, or past pregnancy related condition or parental status—ensuring that our students are safe from attempts to roll back the scope of federal protections and enforcement. The bill’s sections on pregnancy discrimination, medically necessary leave, and accommodations align with the Department’s 2024 Title IX Rule, which was implemented following years of public comment and review. These provisions have received widespread support, and most CA educational institutions are already familiar with them. By enacting AB 1098, California can guarantee that our colleges and universities consistently provide equal educational opportunities to pregnant and parenting students, regardless of the turmoil in Washington.”

Committee comments. In September 2021, College of the Canyons entered into a resolution with the U.S. Department of Education Office for Civil Rights (OCR) after a student alleged the campus had violated Title IX because the pregnant student alleged she was denied the ability to make up course work missed due to labor and delivery.¹¹ At the time of the allegation and resolution, Title IX included specified protections for pregnant students.

In 2018, OCR entered into a resolution with California State University East Bay, due to an allegation that a pregnant student had been discriminated against when the university failed to provide academic adjustments to ensure she could participate in the education program during her absences and failed to allow her to return to the same academic status. The resolution between the University and OCR included reimbursing the student her tuition and campus fees and removing the course from her transcript.¹² The student was a graduate student in a post-graduate certificate program at CSU East Bay.

In both cases, additional clarity on the type of leave of absences, program modifications, and policies upon return to campus would have helped the institutions avoid potential violations of Title IX and allegations of discrimination. This measure seeks to provide such clarity for institutions by expanding the existing leave protections to undergraduate students and by

¹¹ <https://ocrcas.ed.gov/sites/default/files/ocr-letters-and-agreements/09202416-a.pdf>

¹² <https://ocrcas.ed.gov/sites/default/files/ocr-letters-and-agreements/09182245-a.pdf>

defining reasonable accommodations or modifications, a college or university should provide to avoid discrimination claims.

Title IX has always implicitly protected pregnant students and those experiencing pregnancy conditions. However, the 2024 Title IX regulations explicitly enumerated the protections to avoid any misinterpretation or misunderstanding on the type of modifications, accommodations, and leave of absences colleges and universities were to provide to pregnant students. The ruling to vacate the 2024 Title IX regulations did not result in a voiding of pregnancy protections, but rather left each college or university to decide what remedies and leave of absences they would provide to ensure students have access to education. As highlighted by legal experts, the Pregnant Scholar, under the 2020 Title IX regulations, “students regularly called our helpline because they were kicked out for missing a couple classes to attend doctor’s appointments, told they’re no longer welcome in school, or forced to sacrifice their safety during pregnancy or postpartum.”¹³ Without clarity of guidance, the vague nature of the 2020 Title IX regulations for pregnant students will result in the adjudication of protections through complaints filed with the OCR.

Committee staff note the U.S. Department of Education has reduced its staffing capacity including cutting several OCR offices. Even with fully staffed offices, OCR often took months and in some cases years to investigate and resolve complaints against colleges and universities.

This measure would address the gap in guidance by updating existing leave of absence requirements to include undergraduate students, defining the types of reasonable accommodations each campus is to offer pregnant students, and identifying a designated coordinator to assist students in accessing accommodations. This measure mirrors many of the provision in the pregnancy and pregnancy-related protections in the 2024 Title IX regulations. One of the main judicial arguments for the appeals of the injunctions, was the fact the concerns raised by the plaintiff States did not apply with the pregnancy sections of the updated 2024 Title IX regulations. The argument made by the U.S. Department of Education was for partial stay or carve out injunction for the pregnancy or pregnancy-related conditions sections of the regulations.¹⁴ In the end, the judicial ruling to vacate the 2024 Title IX regulations was based on the definition of “sex-based discrimination” and not the section regarding additional accommodations and protections for pregnant students.

Even with the vacated ruling, the National Women’s Law Center and the Association of Title IX Administrators have contended colleges and universities are still able to adopt portions of the 2024 Title IX regulations as institutional policy as long as the adopted policies are not in conflict with the 2020 Title IX regulations. In both entities suggest colleges and universities implement the pregnancy and pregnancy-related provisions of the 2024 Title IX regulations.¹⁵

Furthermore, this concept of providing additional protections in state law is supported by legal arguments offered by a Judicial Decision for one of the 2024 Title IX regulations injunctions. In the memorandum and order in the United States District Court for the District of Kansas case, *State of Kansas v. U.S. Department of Education*, case no. 24-4041-JWB, the Judge stated that

¹³ <https://thepregnantscholar.org/title-ix-rule-vacated-our-statement/>

¹⁴ [20240724175121021_Brief and Appendix to file.pdf](#)

¹⁵ <https://www.atixa.org/blog/best-practices-to-keep-from-2024-regulations/> and <https://nwlc.org/resource/complying-with-the-trump-title-ix-rule/>

“nothing in this order limits the ability of any school to adopt or follow its own policies, or otherwise comply with applicable state or local laws or rules regarding the subjects addressed herein.”¹⁶

California has a history of taking national best practices when it comes to Title IX and codifying the practices to provide additional protections for students while also maintaining compliance with the existing federal regulations. This measure is an exercise in state rights to provide additional protections to pregnant students to prevent sex discrimination from occurring on college and university campuses.

To align the bill provisions with the intentions of the author, the Committee has suggested and the author has agreed to the following amendments:

- 1) Amends Section 66281.7, subdivision (a) to read as follows:

It is the policy of the State of California, pursuant to Section 66251, that all persons, regardless of their sex, should enjoy freedom from discrimination of any kind, including, but not limited to, discrimination based on the student’s current, potential, or past parental, family, or marital ~~status as prohibited by Title IX of the Education Amendments of 1972 (20 U.S.C. Sec. 1681, et seq.)~~ status, in the postsecondary educational institutions of the state.

- 2) Amends Section 66281.7, subdivision (c), paragraph (2) to read as follows:

A postsecondary educational institution shall require each responsible employee, as defined in Section 66281.8, upon being informed of a student’s pregnancy or pregnancy-related condition, to give the student the ~~Title IX~~ coordinator’s contact information and inform the student that the ~~Title IX~~ coordinator can coordinate specific actions to prevent sex discrimination by ensuring that the student has equal access to educational programs offered by the postsecondary educational institution.

- 3) Amends Section 66281.7, subdivision (c), paragraph (3), subparagraph (A) to read as follows:

(3) (A) A postsecondary educational institution, through the postsecondary educational institution’s ~~Title IX~~ coordinator, shall provide reasonable accommodations to a pregnant student or a recently pregnant student so the student may complete their undergraduate or graduate courses of study and research. ~~Reasonable accommodations shall be based on the individual student’s needs.~~ In determining the accommodations to provide a student, the ~~postsecondary educational institution’s Title IX~~ coordinator shall consult with the student.

- 4) Amends Section 66281.7, subdivision (c), paragraph (3), subparagraph (B) to read as follows:

(B) ~~Reasonable accommodation~~ accommodations shall ~~include excusing absences that are medically necessary, as required under Title IX.~~ Reasonable accommodations may include, but are not limited to, all of the following:

¹⁶ <https://adflegal.org/case/state-kansas-v-us-department-education/attachment/memorandum-and-order-4/>

- 5) Amends Section 66281.7, subdivision (c), paragraph (3), subparagraph (B), clause (xi) to read as follows:

Allowing the student to take a leave of ~~absence~~. *absence that is not medically necessary.*

- 6) Repeals and replaces the language in Section 66281.7, subdivision (c), paragraph (4), (5), (6), and (7) to read as follows:

(4) A postsecondary educational institution shall offer to an undergraduate or graduate pregnant student or an undergraduate or graduate student who has recently given birth a leave of absence pursuant to this paragraph. An undergraduate or graduate student who chooses to take a leave of absence because the student is pregnant or has recently given birth shall be allowed a period consistent with the policies of the postsecondary educational institution, or a period of 12 months, whichever period is longer, to prepare for and take preliminary and qualifying examinations, and an extension of at least 12 months toward normative time to degree while in candidacy for an undergraduate or graduate degree, unless a longer extension is medically necessary. The postsecondary educational institution shall not reduce the student's institution-based financial aid upon the student's return from the voluntary leave of absence. This prohibition does not require the postsecondary educational institution to provide institution-based financial aid during the student's voluntary leave of absence. However, it shall ensure that the student's voluntary leave of absence does not disrupt the continuation of institution-based financial aid upon the student's return to the undergraduate or graduate program. Upon the student's return to the undergraduate or graduate program, the student shall be reinstated to the academic status and, as practicable, to the extracurricular and employment status the student held before their voluntary leave of absence began.

(5) A postsecondary educational institution shall offer to an undergraduate or graduate student who is not the birth parent a leave of absence pursuant to this paragraph because of the birth, adoption, or placement of the student's child. An undergraduate or graduate student who is not the birth parent and who chooses to take a leave of absence because of the birth, adoption, or placement of the student's child shall be allowed a period consistent with the policies of the postsecondary educational institution, or a period of one month, whichever period is longer, to prepare for and take preliminary and qualifying examinations, and an extension of at least one month toward normative time to degree while in candidacy for an undergraduate or graduate degree, unless a longer period or extension is medically necessary to care for the student's partner or their child. The postsecondary educational institution shall not reduce the student's institution-based financial aid upon the student's return from the voluntary leave of absence. This prohibition does not require the postsecondary educational institution to provide institution-based financial aid during the student's voluntary leave of absence. However, it shall ensure that a student's voluntary leave of absence does not disrupt the continuation of institution-based financial aid upon the student's return to the undergraduate or graduate program. Upon the student's return to the undergraduate or graduate program, the student shall be reinstated to the academic status and, as practicable, to the extracurricular and employment status the student held before their voluntary leave of absence began.

(6) An enrolled undergraduate or graduate student in good academic standing who chooses to take a leave of absence because the student is pregnant, or has recently given birth, shall

return to the their undergraduate or graduate program in good academic standing following a leave period consistent with the policies of the postsecondary educational institution, or of up to one academic year, whichever period is longer, subject to the reasonable administrative requirements of the institution, unless there is a medical reason for a longer absence, in which case the student's standing in the undergraduate or graduate program shall be maintained during that period of absence. Upon the student's return to the undergraduate or graduate program, the student shall be reinstated, as practicable, to the extracurricular and employment status with the postsecondary educational institution the student held before their voluntary leave of absence began.

(7) An enrolled undergraduate or graduate student in good academic standing who is not the birth parent and who chooses to take a leave of absence because of the birth, adoption, or placement of the student's child shall return to their undergraduate or graduate program in good academic standing following a leave period consistent with the policies of the postsecondary educational institution or of up to one month, whichever period is longer, subject to the reasonable administrative requirements of the postsecondary educational institution. Upon the student's return to the undergraduate or graduate program, the student shall be reinstated, as practicable, to the extracurricular and employment status with the postsecondary educational institution the student held before their voluntary leave of absence began.

7) Repeals and replaces Section 66281.7, subdivision (d), paragraph (1) to read as follows:

(d) (1) Each postsecondary educational institution shall adopt a written policy for students on pregnancy discrimination. The policy shall include procedures for accessing reasonable accommodations under this section and for addressing pregnancy discrimination complaints for alleged noncompliance with this section. The procedures for addressing pregnancy discrimination complaints shall be consistent with the postsecondary educational institution's procedures for addressing other forms of discrimination.

8) Amends Section 66281.7, subdivision (g) to read as follows:

(g) For purposes of this section, ~~“postsecondary”~~ the following definitions apply:

(1) “Coordinator” means the same employee designated by the postsecondary educational institution pursuant to paragraph (2) of subdivision (b) of Section 66281.8.

(2) “Postsecondary educational institution” means a campus of the University of California, the California State University, or the California Community Colleges, or a private postsecondary educational institution or independent institution of higher education that receives state financial assistance, as defined in Section 213, or state student financial aid, as defined in Section 214.

REGISTERED SUPPORT / OPPOSITION:

Support

Alliance for Children's Rights

American College of Obstetricians & Gynecologists - District IX

California Catholic Conference

California Commission on the Status of Women and Girls
California Wic Association
Center for Worklife Law – Pregnant Scholar
CFT- a Union of Educators & Classified Professionals, AFT, AFL-CIO
Michelson Center for Public Policy

Opposition

None on file.

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