

Date of Hearing: April 22, 2025

ASSEMBLY COMMITTEE ON HIGHER EDUCATION  
Mike Fong, Chair  
AB 65 (Aguiar-Curry) – As Introduced December 3, 2024

**SUBJECT:** School and community college employees: paid disability and parental leave

**SUMMARY:** Requires K-12 public schools and community college districts (CCD's) to provide up to 14 weeks of paid leave for employees experiencing pregnancy, miscarriage, childbirth, termination of pregnancy, or recovery from those conditions. Specifically, **this bill:**

*Community College Districts (CCD's):*

- 1) Requires the governing board of a CCD to provide for a leave of absence from duty for an academic or classified employee of the CCD who is required to be absent from duty because the employee is experiencing or has experienced pregnancy, miscarriage, childbirth, termination of pregnancy, or recovery from those conditions. Requires the length of the leave of absence, including the date on which the leave commences and the date on which the employee resumes duties, to be determined by the employee and the employee's physician. Requires the leave of absence be with full pay, subject to a maximum of 14 weeks. Prohibits a leave of absence from being deducted from any other leaves of absence available to the employee pursuant to state or federal regulations or laws. Authorizes the paid leave may begin before and continue after childbirth if the employee is actually disabled by pregnancy, childbirth, termination of pregnancy, or related medical conditions.
- 2) Requires a CCD to maintain group health coverage for an employee who takes a leave of absence under this provision for the duration of the leave of absence at the same level and under the same conditions that coverage would have been provided if the employee had not taken a leave of absence.
- 3) States that there are no eligibility requirements, including, but not limited to, minimum hours worked or length of service, before an employee disabled by pregnancy, childbirth, termination of pregnancy, or related medical conditions is eligible for a paid leave of absence under this provision.
- 4) Requires that written and unwritten employment policies and practices of a CCD be applied to disability due to pregnancy or childbirth on the same terms and conditions applied to other temporary disabilities.
- 5) States that nothing in this measure shall be construed to diminish the obligation of a CCD to comply with any collective bargaining agreement entered into by a CCD and an exclusive bargaining representative that provides greater disability or parental leave rights to employees than the rights established under this measure.

*K-12 public schools:*

- 1) Requires a public school employer to provide for a leave of absence from duty for a certificated or classified employee of the public school employer who is required to be absent from duty because the employee is experiencing or has experienced pregnancy, miscarriage, childbirth, termination of pregnancy, or recovery from those conditions. Requires that the length of the leave of absence, including the date on which the leave commences and the date on which the employee shall resume duties, be determined by the employee and the employee's physician. Requires the leave of absence to be with full pay, subject to a maximum of 14 weeks. Prohibits a leave of absence from being deducted from any other leaves of absence available to the employee pursuant to state or federal regulations or laws. Authorizes the paid leave to begin before and continue after childbirth if the employee is actually disabled by pregnancy, childbirth, termination of pregnancy, or related medical conditions.
- 2) Requires a public school employer to maintain group health coverage for an employee who takes a leave of absence under this provision for the duration of the leave of absence at the same level and under the same conditions that coverage would have been provided if the employee had not taken a leave of absence.
- 3) States that there are no eligibility requirements, including, but not limited to, minimum hours worked or length of service, before an employee disabled by pregnancy, childbirth, termination of pregnancy, or related medical conditions is eligible for a paid leave of absence under this provision.
- 4) Requires written and unwritten employment policies and practices of a public school employer be applied to disability due to pregnancy or childbirth on the same terms and conditions applied to other temporary disabilities.
- 5) States that nothing in this measure shall be construed to diminish the obligation of a public school employer to comply with any collective bargaining agreement entered into by a public school employer and an exclusive bargaining representative that provides greater disability or parental leave rights to employees than the rights established under this measure.

**EXISTING LAW:**

- 1) Under Fair Employment and Housing Act (FEHA) and associated regulations, it is an unlawful employment practice, unless based upon a bona fide occupational qualification, for an employer to refuse to allow a female employee disabled by pregnancy, childbirth, or a related medical condition to take a leave for a reasonable period of time not to exceed four months and thereafter return to work. The employee is entitled to utilize any accrued vacation leave during this period of time. (Government Code (GC) 12945) Also under the FEHA, reasonable accommodation of a disability related to pregnancy can include an extended leave of absence.
- 2) The California Family Rights Act (CFRA) provides certain employees up to 12 weeks of unpaid, job-protected leave a year for the purpose of bonding with a child, caring for a parent, spouse, or child with a serious health condition, or due to an employee's own serious

health condition, and requires group health benefits to be maintained during the leave as if employees continued to work instead of taking leave. (GC 12945.2)

- 3) Requires the governing board of a CCD to provide a leave of absence for any academic employee required to be absent due to pregnancy, miscarriage and recovery therefrom. Stipulates that the length and time frame of the absence are determined by the employee and the employee's physician. (Education Code (EDC) 87766)
- 4) Authorizes the governing board of a CCD to provide a leave of absence, as it deems appropriate, for any female classified employee due to pregnancy or convalescence following childbirth, and to adopt rules and regulations prescribing the manner of proof of pregnancy, the time during pregnancy at which the leave shall be taken, and the length of time for which the leave of absence shall continue after the birth of the child. (EDC Section 88193).
- 5) Provides that when an academic or classified community college employee is absent for up to five months due to illness or accident, the amount deducted from the salary due them during the absence shall not exceed the sum that is actually paid a substitute employee. (EDC Sections 87780 and 88196.)
- 6) Authorizes an academic or classified community college employee to use up to 12 weeks of their sick leave each school year for purposes of parental leave, including for the birth of a child, and when the employee has exhausted all available sick leave and continues to be absent due to parental leave, the amount deducted from the salary due them for any of the remaining portion of the 12-week period in which the absence occurs shall not exceed the sum that is actually paid a substitute employee and shall not be less than 50 percent of the academic or classified employees' regular salary. (EDC Sections 87780.1 and 88196.1)

**FISCAL EFFECT:** Unknown. This bill was keyed non-fiscal by Legislative Counsel.

**COMMENTS:** *Double-referral.* AB 65 (Aguiar-Curry) was previously heard in the Assembly Committee on Education on March 12, 2025, where it passed with unanimous support.

*Purpose.* According to the author, "California's public school educators do not have the paid pregnancy leave they deserve. Only after they have used all their sick leave are educators eligible to receive differential pay for up to five months when they cannot work due to pregnancy-related disabilities. Differential pay is the educator's regular salary subtracted by the cost of their substitute. School employees are left with the decision to either 'schedule' pregnancies based on the school calendar or try to get by with significantly less pay. This current practice disproportionately discriminates against women as they are required to deplete their leave balances to bear children. When an educator retires, CalSTRS converts unused sick leave to additional service credit. But school employees who have exhausted their sick leave due to pregnancy, miscarriage, childbirth, termination of pregnancy or recovery from those conditions are penalized – on average, women earn almost \$100,000 less in retirement than their male colleagues."

*Benefits of early bonding.* In a study conducted by, Child Psychiatry & Human Development, the premise was to evaluate the bonding between the mother-figure and child derived from, "a

birth cohort from which data were collected at four timepoints: prenatally during the third trimester, and postnatally at 3, 8 and 24 months, (with the findings) there is also theoretical evidence of the importance of an affectionate bond between mother and child for the child's developmental outcomes. In a good, reciprocal relationship, both the mother-figure and the child value closeness and affectionate interaction and strive to promote it." The article concludes that, "the link between perinatal mother-baby bonding and a child's social-emotional development has been under-investigated. There is also a consensus on the need for further research on the development of prenatal bonding after childbirth and the association between perinatal bonding and a child's developmental outcomes."<sup>1</sup>

Echoing the study above, in a detailed paper published by the National Institute for Health, it was determined that, "the first months after birth are a highly sensitive period for the development of the bonding between parents and their infant, and it has been found to predict the later relationship between babies and parents. However, bonding improves during the first months of a child's life."<sup>2</sup>

*Benefits of recovery time post pregnancy.* Whether the pregnancy ends with a healthy baby or a less than ideal outcome, it is just as imperative that time off to heal is met without unnecessary hassle and worries. In a 2022 study conducted by the National Library of Medicine, it was noted that, "miscarriage is the most common reason for pregnancy loss, affecting around one in four pregnancies. It is classified as a traumatic event, associated with an increased risk for depression, anxiety, post-traumatic stress, alcohol dependence, somatic symptoms, sexual dysfunction, suicide, and complicated grief...in the case of the pregnancy loss in the second trimester, the level of post-traumatic stress symptomatology 6 weeks after termination was found to be significantly higher compared to a first trimester pregnancy loss."<sup>3</sup>

A 2024 study by the Sage Journal titled, *Improving access, understanding, and dignity during miscarriage recovery in British Columbia, Canada: A patient-oriented research study*, concluded that, "the findings of this research demonstrate the need for improved prenatal care guidelines for early pregnancy loss, follow-up care after a miscarriage, mental health screening and supports, and bereavement leave legislation."<sup>4</sup>

*Current pregnancy leave options.* Please refer to page five of this analysis to see a comparison of four pregnancy related leave options for public school educators: California Family Rights Act (CFRA), Paid Family Leave (PFL), Pregnancy Disability Leave (PDL), and Family Medical Leave (FMLA). AB 65 is listed for comparison purposes.

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<sup>1</sup> <https://link.springer.com/article/10.1007/s10578-022-01398-5#Abs1>

<sup>2</sup> <https://pmc.ncbi.nlm.nih.gov/articles/PMC10670067/#:~:text=The%20first%20months%20after%20birth,life%20%5B2%2C6%5D.>

<sup>3</sup> <https://pmc.ncbi.nlm.nih.gov/articles/PMC8775379/>

<sup>4</sup> <https://journals.sagepub.com/doi/full/10.1177/17455057231224180>

**	CA Family Rights Act (CFRA)	Paid Family Leave (PFL)	Pregnancy Disability Leave (PDL)	Family Medical Leave Act (FMLA)	AB 65 (This bill)
<b>Reason for Leave</b>	Employee serious health condition; seriously ill family member care; bond with newborn or newly placed adopted or foster child	Care for seriously ill family member; bond with a child within 1 year of birth, foster care or adoption placement; qualifying event because of a family member's military deployment	Disability due to pregnancy, childbirth or related medical condition	Bond with a child w/in 1 year of birth, adoption or foster care placement OR due to serious pregnancy-related health condition	Pregnancy, miscarriage, childbirth, termination of pregnancy, or recovery from those conditions
<b>Employee Eligibility</b>	Worked 1,250 hours in prior 12 months	Once employee earns \$300 in base period for fund contribution	Immediate as necessary	Worked 1,250 in prior 12 months	Unspecified
<b>Length of Leave</b>	12 weeks in 12-month period	8 weeks in 12-month period	Up to 4 months	Up to 12 weeks	Determined by employee and physician
<b>Paid or Unpaid</b>	Unpaid, may run concurrent with other paid leave including differential pay	Partial wage replacement (70-90% after 1/1/25), then differential pay  SDI benefits if paying in	Unpaid, May use sick leave, then differential pay  SDI benefits if paying in	Unpaid, employee can use vacation, paid sick time runs concurrently with PDL and CFRA	Full pay, up to a maximum of 14 weeks

*\*\*It is important to note that the above chart is a broad summary of a highly complex system and does not reflect all requirements and options. Local practice may vary significantly, since some of these benefits can be modified by collective bargaining agreements. It does not include all types of leave or apply to all employees, and it may not apply to all education employers. This chart is provided for summary purposes and should not be used to guide local decision-making.*

**Differential pay.** The Moore-Brown-Roberti Family Rights Act (CFRA) is the state-law equivalent of the federal Family and Medical Leave Act (FMLA). Both acts provide for up to 12 weeks of unpaid family and medical leave for public and private employees. Current law requires that certificated employees of school districts be provided with differential pay during their FMLA leave. Differential pay is calculated by subtracting the cost of a substitute employee from the certificated employee's salary. For example, if the certificated employee made \$50,000 and the substitute costs \$35,000, then the certificated employee would be paid the difference of \$15,000 during maternity or paternity leave after exhausting all accrued sick time.

**Maintenance of health coverage.** This bill creates parity between workers on leave under State Disability Insurance (SDI) and teachers with regard to the maintenance of health coverage. Existing regulations require that an employer maintain and pay for group health coverage for an eligible female employee who takes pregnancy disability leave for the duration of the leave, not to exceed four months over the course of a 12-month period per pregnancy, beginning on the

date the pregnancy disability leave begins, at the same level and under the same conditions that coverage would have been provided if the employee had not taken pregnancy disability leave.

*Arguments in support.* The bill's sponsor, California Teachers Association (CTA), writes that, "this bill will finally end the discriminatory practice of giving employees who are pregnant no choice but to deplete their sick leave. When an educator is forced to use up their sick leave for pregnancy leave, they return to the classroom with no leave to care for sick family members or themselves... establishing pregnancy disability leave will help retain educators during a historic educator shortage. By requiring school and community college districts to provide fully paid pregnancy disability leave, AB 65 will help employees working in public schools and community colleges to take necessary time off without sacrificing their financial security, the health of their families or the health of their school communities."

California School Employees Association, a co-sponsor, states that, "California law does not guarantee pregnancy leave for pregnant educators. This disproportionately penalizes women. Classified school employees are forced to plan their pregnancies around school breaks or take an unpaid leave of absence, after they exhaust all their sick leave. Many of them do not return to work, and those who do, return to a school site with no remaining leave to care for sick family members or themselves. As a result, the current policy encourages sick educators to come to school ill—endangering students, other school staff, and parents."

*Arguments in opposition.* According to the California Association of School Business Officials (CASBO), "we acknowledge and appreciate the intent of the author to provide additional support to employees experiencing pregnancy-related conditions. However, our opposition to the bill stems from the fiscal impact that it would have on local educational agencies (LEAs) and the complexity it would add to an already complicated set of employee-leave programs."

Without a budget appropriation, AB 65 would increase the financial pressures on local education agencies and community colleges. We must take into account the impact of this additional fiscal burden, as well as the impact on our ability to fully staff classrooms and educational programs that are already experiencing a teacher shortage. For example, should one percent of K-14 staff utilize this leave provision, for 12 weeks, LEAs could face expenses ranging from \$40 million to \$100 million in Proposition 98 General Fund. Aside from the direct costs of providing paid leave, LEAs are anticipated to bear additional expenses in the form of substitute employee wages, which could amount to a higher amount during the period when eligible employees are on leave."

*Related legislation.* AB 2901 (Aguiar-Curry) of the 2023-24 Session which was held on the Suspense File in the Senate Committee on Appropriations was substantially similar in nature to this bill.

AB 500 (Gonzalez) of the 2019-20 Session would have required that school districts, charter schools, and community colleges provide at least six weeks of full pay for pregnancy-related leaves of absence taken by certificated, academic, and classified employees. This bill was vetoed by the Governor with the following message:

“Providing every California worker with paid family leave is a noble goal and a priority for my administration. However, this bill will likely result in annual costs of tens of millions of dollars that should be considered as part of the annual budget process and as part of local collective bargaining. Moreover, this proposal should be considered within the broader context of the Paid Family Leave Task Force, which is assessing increased paid family leave for all of California's workers.”

AB 2012 (Medina) Chapter 994, Statutes of 2018 requires that a person employed in a position requiring certification qualifications, a person employed in an academic position, or a classified employee receive no less than 50% of his or her regular salary during parental leave, after sick leave has been exhausted, regardless of the type of parental leave pay system used by the school district or community college district.

AB 568 (Gonzales-Fletcher) of the 2017-18 Session would have required that school districts and community colleges provide at least six weeks of full pay for pregnancy-related leaves of absence taken by certificated, academic, and classified employees. This bill was vetoed by the Governor, who stated:

“I have signed two previous bills, AB 2393 of 2016 and AB 375 of 2015, that allow these employees to receive differential pay for maternity and paternity leave. I believe further decisions regarding leave policies for school employees are best resolved through the collective bargaining process at the local level. I would also encourage districts to consider participating in the State Disability Insurance program that would allow these employees to receive pay in addition to what is already being provided.”

AB 375 (Campos) Chapter 400, Statutes of 2015, requires certificated school employees on maternity or paternity leave to receive differential pay after exhausting accrued sick leave.

AB 2393 (Campos), Chapter 883, Statutes of 2016, allowed school district classified employees and community college academic and classified to receive differential pay.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

California Teachers Association (Sponsor)  
American Congress of Obstetricians & Gynecologists - District IX  
American Federation of State, County and Municipal Employees, AFL-CIO  
Asian Americans Advancing Justice-southern California  
Asian Law Alliance  
Breastfeed LA  
CA Commission on the Status of Women and Girls  
California Breastfeeding Coalition  
California Child Care Resource and Referral Network  
California Community College Independents  
California Domestic Workers Coalition  
California Employment Lawyers Association

California Faculty Association  
California Federation Business and Professional Women  
California Immigrant Policy Center  
California Legislative Women's Caucus  
California Pan-ethnic Health Network  
California Retired Teachers Association  
California School Employees Association  
California State Teachers' Retirement System  
California State Treasurer  
California Wic Association  
California Work & Family Coalition  
Caring Across Generations  
Center for Community Action and Environmental Justice  
Center for Workers' Rights  
CFT- a Union of Educators & Classified Professionals, AFL, AFL-CIO  
Child Care Law Center  
Children Now  
Citizens for Choice  
Early Edge California  
Electric Universe  
Equal Rights Advocates  
Faculty Association of California Community Colleges  
Food Empowerment Project  
Friends Committee on Legislation of California  
Grace - End Child Poverty  
Health Access California  
Human Impact Partners  
Insure the Uninsured Project  
Jewish Center for Justice  
Junior Leagues of California State Public Affairs Committee (CALSPAC)  
LA Alliance for a New Economy  
LA Best Babies Network  
Legal Aid At Work  
Marin Child Care Council  
National Council of Jewish Women Los Angeles  
National Partnership for Women & Families  
National Women's Political Caucus of California  
Nourishing Justly  
Orange County Equality Coalition  
Our Family Coalition  
Parent Voices California  
Poder Latinx  
Public Counsel  
San Diego County Breastfeeding Coalition  
Teach Plus - California  
UAW Region 6  
UFCW - Western States Council



Women's Foundation California  
Worksafe

**Opposition**

Association of California School Administrators  
California Association of School Business Officials (CASBO)  
Kern County Superintendent of Schools Office

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