
SENATE COMMITTEE ON APPROPRIATIONS

Senator Anna Caballero, Chair
2025 - 2026 Regular Session

AB 1098 (Fong) - Postsecondary education: undergraduate and graduate students: pregnancy or pregnancy-related issues

Version: July 3, 2025

Urgency: No

Hearing Date: August 18, 2025

Policy Vote: ED. 7 - 0, JUD. 13 - 0

Mandate: Yes

Consultant: Lenin Del Castillo

Bill Summary: This bill extends protections regarding pregnancy-related leave of absences to undergraduate students in postsecondary educational institutions. The bill also establishes a new definition for the type of pregnancy-related accommodations that these institutions are required to provide to students.

Fiscal Impact:

- The Chancellor's Office estimates one-time Proposition 98 General Fund costs of up to \$1.6 million for community college districts to adopt updated policies and post notices of the pregnancy protections and policies on their websites, and additional ongoing costs in the low millions of dollars each year to provide accommodations to students. The extent of the ongoing costs would depend on several factors, including the number of students that require an accommodation and the compensation level for the faculty providing instruction to the students.
- The Chancellor's Office estimates one-time General Fund costs of \$12,000 to \$24,000 to issue guidance on the updated policy requirements.
- The CSU indicates there could be additional, unknown General Fund costs each year for campuses to update and distribute policies and provide training. However, the CSU indicates that much of this bill reflects updates already adopted pursuant to the 2024 Biden administration Title IX regulations.
- The UC indicates that the bill's costs would be minor and absorbable since it has already implemented or is in the process of implementing these Title IX requirements.

Background: Existing law prohibits an institution of higher education that receives federal financial assistance from discriminating in its education program or activity against any student based on the student's current, potential, or past pregnancy or related conditions. The law provides that an institution of higher education does not engage in prohibited discrimination when it allows a student, based on pregnancy or related conditions, to voluntarily participate in a separate portion of its education program or activity provided the recipient ensures that the separate portion is comparable to that offered to students who are not pregnant and do not have related conditions.

Existing law provides that it is the policy of the State of California that all persons, regardless of their sex, should enjoy freedom from discrimination of any kind, including, but not limited to, pregnancy discrimination as described in Title IX, in the postsecondary educational institutions of the state.

Existing law applies each of the following requirements to postsecondary educational institutions in California (a campus of the University of California (UC), the California State University (CSU), or the California Community Colleges (CCC), a private postsecondary educational institution, or an independent institution of higher education that receives state financial assistance):

1. A postsecondary educational institution, including the faculty, staff, or other employees of the institution, shall not do any of the following solely due to pregnancy or pregnancy-related issues: require a graduate student to take a leave of absence or withdraw from the graduate program or limit the student's graduate studies.
2. A postsecondary educational institution, including the faculty, staff, or other employees of the institution, shall reasonably accommodate pregnant graduate students so they may complete their graduate courses of study and research. A reasonable accommodation within the meaning of this requirement may include, but is not necessarily limited to, allowances for the pregnant student's health and safety, such as allowing the student to maintain a safe distance from hazardous substances, allowing the student to make up tests and assignments that are missed for pregnancy-related reasons, or allowing the student to take a leave of absence. Reasonable accommodation shall include excusing absences that are medically necessary, as required under Title IX.

Existing law requires each postsecondary educational institution to have a written policy for graduate students on pregnancy discrimination and procedures for addressing pregnancy discrimination complaints under Title IX or state law. A copy of this policy shall be made available to faculty, staff, and employees in their required training. This policy shall be made available to all graduate students attending orientation sessions at a postsecondary educational institution.

Existing law requires each public postsecondary educational institution to notify pregnant and parenting students of the protections provided by Title IX through prominently posting a notice of the Title IX protections on the institution's internet website.

Proposed Law: This bill provides that all students have the right to participate fully in the educational process free from discrimination and harassment and specifies that it is the policy of the State of California that all persons shall enjoy freedom from discrimination of any kind, including, but not limited to, pregnancy discrimination.

This bill provides that a postsecondary educational institution shall not discriminate against a student based on the student's current, potential, or past pregnancy or pregnancy-related conditions. It specifies that a postsecondary educational institution has not committed discrimination when it permits a student, based on pregnancy or pregnancy-related conditions, to voluntarily participate in a separate portion of an

education program or activity, if the postsecondary educational institution ensures that the separate portion is comparable to the education program or activity offered to students who are not pregnant and do not have pregnancy-related conditions.

This bill specifies that a postsecondary educational institution, including the faculty, staff, or other employees of the institution, shall not do any of the following solely due to pregnancy or pregnancy-related issues: require an undergraduate or graduate student to take a leave of absence or withdraw from an undergraduate or graduate program; or limit the student's undergraduate or graduate studies.

This bill provides that a postsecondary educational institution shall require employees who are obligated to report pursuant to the institution's nondiscrimination policy, upon being directly informed by a student of the student's pregnancy or pregnancy-related conditions, to give the student the coordinator's contact information and inform the student that the coordinator, or their designee, 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.

This bill requires a postsecondary educational institution, through the coordinator and, if necessary, in coordination with the institution's Title IX office, to provide reasonable accommodations to a pregnant student or a recently pregnant student to support the student's ability to complete their undergraduate or graduate courses of study and research. In determining appropriate accommodations, the coordinator, or their designee, shall consult with the student.

This bill specifies that reasonable accommodations may include, but are not limited to, all of the following: breaks during class to express breast milk, breast feed, or attend to health needs associated with pregnancy or pregnancy-related conditions, including eating, drinking, or using the restroom; intermittent absences to attend medical appointments; if readily available, access to online education; changes in schedule or course sequence; time extensions for coursework and rescheduling of tests and examinations; being allowed to sit or stand, or carry or keep water nearby; mental health counseling as provided by the institution to all students; changes in physical space or supplies in the educational classroom; elevator access; other accommodations for the pregnant student's health or safety; allowing the student to take a leave of absence that is not medically necessary; and other changes to the postsecondary educational institution's policies, practices, or procedures. The bill provides that an accommodation is not considered reasonable if the postsecondary educational institution determines the accommodation would fundamentally alter the nature of its education program or activity. The determination as to whether the requested accommodation would fundamentally alter the nature of the education program shall be made in consultation with relevant faculty, administrators, the postsecondary educational institution's coordinator, and, if necessary, the institution's Title IX coordinator.

This bill specifies that a student may voluntarily accept or reject any reasonable accommodation offered pursuant to this section, and provides that if a student accepts a reasonable accommodation offered pursuant to this section, the institution shall implement it as soon as practicable.

This bill provides that 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 voluntary leave of absence, as specified. It also provides that a postsecondary educational institution shall offer to an undergraduate or graduate student who is not the birth parent a voluntary leave of absence, as specified, because of the birth, adoption, or placement of the student's child.

This bill provides that an enrolled undergraduate or graduate student in good academic standing who chooses to take a voluntary 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.

This bill provides that an enrolled undergraduate or graduate student in good academic standing who is not the birth parent and who chooses to take a voluntary 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.

This bill requires a postsecondary educational institution to provide a pregnant or recently pregnant student access to a private and secure lactation room, as specified.

Staff Comments: According to the Senate Education Committee Analysis for this bill, the implementation and enforcement of Title IX are largely prescribed by federal regulations and a "Dear Colleague" letter which provides 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. The 2013 "Dear Colleague" letter and additional guidance prohibited a college or university 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.

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 2020 Title IX regulations prohibited a higher education institution from denying admission to a student based on pregnancy or pregnancy-related conditions, and extended protections to include

pregnant employees at higher education institutions. The 2020 regulations provided protections for pregnant students and students with pregnancy-related conditions. The Biden Administration then issued a Title IX regulation to be implemented in August of 2024 which provided broad protections for pregnancy-related conditions. However, because of litigation, the 2024 Title IX regulations ended nationwide. The U.S. Department of Education issued a “Dear Colleague” letter on February 4, 2025 specifying that Title IX would be enforced pursuant to the 2020 Title IX regulations.

This bill proposes to add protections against discrimination for pregnancy-related conditions for undergraduate students and to update the law to provide more protections for graduate students as well. According to 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.”

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