
THIRD READING

Bill No: AB 1098
Author: Fong (D)
Amended: 7/3/25 in Senate
Vote: 21

SENATE EDUCATION COMMITTEE: 7-0, 6/25/25
AYES: Pérez, Ochoa Bogh, Cabaldon, Choi, Cortese, Gonzalez, Laird

SENATE JUDICIARY COMMITTEE: 13-0, 7/15/25
AYES: Umberg, Niello, Allen, Arreguín, Ashby, Caballero, Durazo, Laird, Stern, Valladares, Wahab, Weber Pierson, Wiener

SENATE APPROPRIATIONS COMMITTEE: 7-0, 8/29/25
AYES: Caballero, Seyarto, Cabaldon, Dahle, Grayson, Richardson, Wahab

ASSEMBLY FLOOR: 79-0, 6/2/25 - See last page for vote

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

SOURCE: Author

DIGEST: This bill extends a pregnancy-related leave of absences to undergraduate students that are currently afforded to graduate students, and establishes a new definition for the type of pregnancy-related accommodations institutions of higher education are required to provide to students.

ANALYSIS:

Existing law:

- 1) 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):

- a) 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:
 - i) Require a graduate student to take a leave of absence or withdraw from the graduate program.
 - ii) Limit the student's graduate studies.
 - b) 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. 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. (Education Code (EC) § 66281.7)
- 2) 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. (EC § 66281.7)
 - 3) Requires the CCCs and CSU, by January 1, 2020, and encourages a satellite campus of these systems and the UC, to provide reasonable accommodations on their respective campuses for a lactating student to express breast milk, breast-feed an infant child, or address other needs related to breast-feeding. Lists reasonable accommodations. (EC § 66271.9)

This bill:

- 1) Provides that all students have the right to participate fully in the educational process free from discrimination and harassment, and recasts existing state policy on discrimination to specifically include pregnancy discrimination.
- 2) Requires each postsecondary educational institution to adopt a written policy for students on pregnancy discrimination, and requires the policy to include procedures for accessing reasonable accommodations and for addressing pregnancy discrimination complaints for alleged noncompliance.
- 3) Requires the procedures for addressing pregnancy discrimination complaints to be consistent with the postsecondary educational institution's procedures for addressing other forms of discrimination. Requires a copy of the policy to be emailed to students, faculty, staff, and employees at the beginning of each academic year.
- 4) Prohibits a postsecondary educational institution from discriminating against a student based on the student's current, potential, or past pregnancy or pregnancy-related conditions. Deems 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.
- 5) Extends to undergraduate students the prohibitions against requiring a graduate student to take a leave of absence or withdraw, or against limiting a student's studies. Extends reasonable accommodations and leaves of absence to undergraduate students.
- 6) Requires a postsecondary educational institution to require employees who are obligated to report pursuant to the institution's non-discrimination policy, upon being directly informed by a student of the student's pregnancy or pregnancy-related conditions, to give the student the discrimination 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.

- 7) Authorizes reasonable accommodations to include specified actions, and expands such accommodations to also include (in addition to existing 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, allowing the student to take a leave of absence, or excusing absences that are medically necessary):
- a) 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.
 - b) Intermittent absences to attend medical appointments.
 - c) If readily available, access to online education.
 - d) Changes in schedule or course sequence.
 - e) Being allowed to sit or stand, or carry or keep water nearby.
 - f) Mental health counseling as provided by the institution to all students.
 - g) Changes in physical space or supplies.
 - h) Elevator access.
 - i) Allowing the student to take a leave of absence that is not medically necessary.
 - j) Other changes to the postsecondary educational institution's policies, practices, or procedures.
- 8) 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. Requires the determination to be made in consultation with relevant faculty, administrators, the postsecondary educational institution's coordinator, and if necessary, the institution's Title IX coordinator.

- 9) Prohibits a postsecondary educational institution from requiring a student to provide supporting documentation before the postsecondary educational institution provides reasonable accommodations, unless (as consistent with the policies of the institution) documentation is necessary and reasonable for the postsecondary educational institution to determine whether the reasonable accommodation is necessary to provide the student with equal access to education.
- 10) Specifically requires a postsecondary educational institution to offer to an undergraduate or graduate pregnant student or an undergraduate or graduate student who has recently given birth a voluntary leave of absence.
- 11) Requires, if a student chooses to take a voluntary leave of absence, that the student be informed by the postsecondary educational institution as to how the leave of absence may affect the student's financial aid, and if applicable, the student's visa status. States legislative intent that the leave of absence does not disrupt the continuation of institution-based financial aid.
- 12) Expands leaves of absence for students who are not the birth parent to include adoption or placement of the student's child.
- 13) Requires each postsecondary educational institution to implement the requirements of this bill by September 1, 2026.

Comments

Backstory on Title IX regulations and pregnancy-related protections. The implementation and enforcement of Title IX are largely prescribed by federal regulations and a "Dear Colleague" letter. 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. 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 the following protections for all pregnant *undergraduate and graduate students*:

- a) Prohibited discrimination against a student based on the student's sex, which includes a student's pregnancy or pregnancy-related conditions. Defined pregnancy-related conditions as childbirth, false pregnancy, termination of pregnancy, and recovery;
- b) Required the college or university to provide the pregnant student with any medically necessary leave of absence *as long as the leave is determined by the student's physician*;
- c) Required the college or university to provide supportive measures to pregnant students, provided that the supportive measures are comparable in nature with those provided to students who are temporarily disabled;
- d) Allowed a college to provide a separate educational program, but *only if the student volunteers to participate and is not forced*, and required the separate educational program to be comparable to the original educational program; and,
- e) Prohibited the requirement that a student must produce a physician certification for approval to participate in any educational program; unless, such physician certification is required of all participants.

In April 2024, the Biden Administration issued a new Title IX regulation with a delayed implementation date of August 2024. The 2024 Title IX regulations:

- f) Updated the definition of discrimination on the basis of a student's past, current or potential pregnancy, or pregnancy related condition. The 2024 definition for pregnancy-related conditions included: lactation, childbirth, termination of pregnancy, or recovery;
- g) Required the institution to provide pregnant students or those experiencing pregnancy-related conditions with the discrimination coordinator's contact information so that the coordinator may inform the students of their rights to

accommodations and protections from discrimination;

- h) Continued the ability for institutions to provide excused absences for medical reasons; however, the 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*;
- i) Required institutions to provide students with *reasonable modifications* to existing educational programs in order to maintain access to educational programs; and,
- j) Required institutions to provide private, clean, non-bathroom *space for students to lactate or breastfeed*.

The 2024 Title IX regulations were challenged in court, and were subsequently vacated on January 9, 2025, when the United States District Court for the Eastern District of Kentucky issued a new ruling in *State of Tennessee v. Cardona* that effectively ended the enforcement and use of the 2024 Title IX regulations nationwide. On February 4, 2025, the United States Department of Education issued a “Dear Colleague” letter stating it would enforce Title IX with the 2020 Title IX regulations and with a definition of biological sex for sex discrimination.

The ruling to vacate the 2024 Title IX regulations does not result in a voiding of pregnancy-related protections, but leaves each college or university to decide which accommodations and leave of absences to provide. This bill essentially codifies in state law many of the pregnancy-related protections in the 2024 Title IX regulations by extending provisions to undergraduate students, defining the types of reasonable accommodations each campus must offer pregnant students, and identifying a designated coordinator to assist students in accessing accommodations. This bill also includes provisions that are not included in the 2024 regulations. Further, this bill requires an institution to offer a voluntary leave of absence to a student who is pregnant or who recently gave birth (as well as to a student who is not the birth parent).

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Senate Appropriations Committee:

- 1) The CCC 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.

- 2) The CCC Chancellor's Office estimates one-time General Fund costs of \$12,000 to \$24,000 to issue guidance on the updated policy requirements.
- 3) 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.
- 4) 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.

SUPPORT: (Verified 8/29/25)

Alliance for Children's Rights
 American Association of University Women - California
 American College of Obstetricians & Gynecologists - District IX
 California Competes: Higher Education for a Strong Economy
 California Faculty Association
 California State Student Association
 California Wic Association
 California Women's Law Center
 CFT- A Union of Educators & Classified Professionals, AFT, AFL-CIO
 Early Edge California
 EdTrust-West
 Michelson Center for Public Policy
 Public Counsel
 Student Senate for California Community Colleges
 The California Alliance for Student Parent Success

OPPOSITION: (Verified 8/29/25)

None received

ASSEMBLY FLOOR: 79-0, 6/2/25

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

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