

ASSEMBLY THIRD READING

AB 1669 (Pacheco)

As Amended April 16, 2026

Majority vote

SUMMARY

Establishes a reasonable accommodation standard for students who are experiencing medical or mental health conditions and establishes a leave of absence policy at postsecondary education institutions for all students who are experiencing a medical or mental health condition.

Major Provisions

- 1) Requires each postsecondary education institution (institution) by the beginning of the 2027-2028 academic year to do the following:
 - a) Adopt a policy to allow a student to take a voluntary medical leave of absence (medical leave) for a period of time either as determined by the postsecondary education institution or for one academic year, whichever is longer. The adopted policy will:
 - i) Prohibit anyone from requiring a student, who elects to take a medical leave, to formally withdraw from the institution. Defines withdraw as a student who is unable to enroll in coursework at the institution;
 - ii) Prohibit anyone from denying a student, who elects to take a medical leave, the ability to re-enroll in coursework at the institution or in a program of study upon returning from the medical leave;
 - iii) Permits the student to return from medical leave with the same good academic standing the student enjoyed prior to the medical leave;
 - iv) Allows a student to take a longer medical leave than as permitted by the policy if there is a medical necessity. Permits an institution the ability to request documentation from the student if a request is made to extend the medical leave;
 - v) Include procedures for how the student may access and use the medical leave policy; and,
 - vi) Require the postsecondary education institution to consider whether the student on medical leave is permitted on campus and whether the student can partake and participate in campus activities during the medical leave.
 - b) Requires a postsecondary education institution to provide reasonable accommodations to a student facing a medical challenge that substantially limits one or more major life activity. The purpose of the reasonable accommodation is to ensure the student is able to complete their courses of study and research. The reasonable accommodation may include any of the following:
 - i) Extended testing time in a reduced distraction environment;
 - ii) A reduced courseload; and,

- iii) Allowing the student to make up work without penalty, providing for excused absences if the student misses class due to a medical appointment.
- c) Defines when a requested accommodation is no longer deemed reasonable.
- 2) Permits a postsecondary education institution to maintain an existing medical leave policy if the components of (a) of this analysis are incorporated.
- 3) Requires a postsecondary education institution to:
 - a) Provide documentation of the medical leave to students during their campus orientations and provide the medical leave policy in an email to all students and employees at the beginning of each academic semester or term;
 - b) Post the medical leave policy, as described in (a) of this analysis, on the postsecondary education institution's internet website;
 - c) Requires the registrar's office and the campus administrator's office to provide a copy of the medical leave policy if a student requests information on how to withdraw from the institution, and,
 - d) Require the medical center on campus to provide a copy of the medical leave policy, as described in (a) of this analysis, to a student who requests information on protections for students facing health and mental health challenges and when otherwise appropriate.

COMMENTS

Rights for disabled students and those suffering medical conditions. Postsecondary education institutions in California are prohibited by both state and federal law from discriminating against a student or applicant with a mental or physical disability. Despite providing student's protection from discrimination by postsecondary education institutions on the basis of their disability, the California Education Code does not enumerate how the institution shall prevent or address discrimination based on a mental health condition.

The measure seeks to rectify this oversight by providing all students with the ability to take a medical leave from the courses without fear of retaliation from the institution in the form of forced withdrawal. The measure also requires postsecondary education institutions to provide reasonable accommodations to students experiencing mental-health or health condition, to ensure the student maintains access to their coursework.

The provisions of measure are similar in nature to the responsibilities required of a postsecondary education institution in the Federal Regulations for Section 504 of the Rehabilitation Act (regulations). Subpart E of the Regulations pertains to postsecondary education institutions and states each institution is prohibited from excluding a student from any education or activity solely on the basis of a mental or emotional illness. Each postsecondary education institution is then further required to provide modifications for students with an emotional or mental illness to help the student maintain the ability to complete the academic requirements of the course or program. Section 104.44 of the Regulations spells out permissive accommodations as "changes in the length of time permitted for the completion of degree

requirements, substitution of specific courses required for the completion of degree requirements, and adaptation of the manner in which specific courses are conducted."

Guidance produced by the U.S. Department of Education states that "under Section 504, a student with an anxiety disorder can be a student with a disability for purposes of Section 504 if the student's anxiety disorder substantially limits one or more of the student's major life activities." The guidance states a college or university may accept a student has an anxiety disorder without any documentation or medical test. Once the student self-identifies as having the anxiety disorder, the postsecondary education institutions must provide reasonable accommodations for the student.

This measure seeks to implement the U.S. Department of Education's guidance for anxiety disorders for any student who is experiencing a health or mental health related condition. The provisions of the measure require any accommodation provided by the postsecondary education institutions to be targeted to help the student maintain enrollment and successfully complete their chosen degree or field of study.

Leave of absence policies at California postsecondary education institutions. As explained earlier, each of the public higher education segments provides mental health services to their students; however, none of the segments have a systemwide policy to permit a student to take a leave of absence for a medical or mental-health condition.

Despite the gap in State law and the lack of a systemwide policy, some campuses have taken it upon themselves to provide students with the ability to take a medical leave. The policies of the campuses vary in the duration of the leave and the terms of eligibility for the leave. Some campuses at the California State University (CSU) and University of California (UC) allow a student to take up to two semesters off without penalty to their academic enrollment; however, all of the UC and CSU campus-based policies reviewed include restrictions on when a student must apply and the reasons for which a student may be permitted a leave of absence.

California Code of Regulations Title 5, Section 550204 permits a community college student to withdraw from a course by the fourth week of an academic term without penalty to their transcript or grade point average. The student who seeks to withdraw after the fourth week is permitted an excused withdraw if the student has an extenuating circumstance which includes accidents, illness, or other circumstances beyond the student's control. A community college district is permitted to refund tuition for any student who is granted a withdraw from a course due to an extenuating circumstance.

This measure will provide continuity in postsecondary education institution's medical leave policies across the State by ensuring all students are afforded the ability to take a medical leave without academic penalties or prescriptive medical documentation demonstrating the medical condition. This measure will provide equitable access for all students by permitting students to seamlessly return to coursework after a medical leave without having to re-apply for admission to their campus or academic program.

According to the Author

As delineated by the author, "nearly half of college students endure mental health challenges, including 37% who struggle with depression and nearly one-third who experience anxiety. While research indicates that poor mental health impedes academic performance, college students don't always have easy access to appropriate tools or institutional support to manage these challenges.

In some situations, the best solution for a student may be to take a leave of absence from school to focus on their mental or physical health. However, not all California colleges and universities offer a clear leave-of-absence framework. While some schools allow a student to take a medical leave of absence, others require that a student facing a mental health crisis completely withdraw. In some cases, students must reapply with no guaranteed pathway to readmission."

As further explained by the author, "AB 1669 gives students the flexibility to step away when necessary to focus on medical or mental health treatment by creating a clear, equitable, and protected pathway for students to return to their studies where they left off – without having to face academic consequences or reapply. The bill supports student health and well-being while helping more students stay on track to complete their education."

Arguments in Support

As stated by the co-sponsors of the measure, the University of California Student Association (UCSA), "students should be able to easily access mental and physical health resources necessary to achieve their personal and academic goals, yet college students lack the appropriate tools and institutional support to manage these challenges. In some situations, the best solution for a student may be stepping away from school to focus on their mental or physical health. Following a leave of absence, a student may return to school ready to complete their studies after addressing any mental and physical health challenges. However, campuses across the University of California system do not offer a streamlined, clear leave-of-absence framework. While some UC's allow a student to take a leave of absence, others ask students facing a mental health crisis to completely withdraw. In some cases, students may be required to reapply with no guaranteed readmission—even if they already have begun their studies. AB 1669 gives students the flexibility they deserve to step away from school to focus on medical or mental health treatment. The bill creates a clear, accessible, equitable, and protected pathway for students to return to their studies where they left off—without having to face academic consequences."

Arguments in Opposition

None on file.

FISCAL COMMENTS

According to the Assembly Committee on Appropriations:

- 1) One-time General Fund costs of approximately up to \$2 million and up to \$1 million ongoing annually for campus of the UC, collectively statewide, to facilitate updating policies and programming as necessary and provide ongoing case management compliance monitoring.
- 2) Ongoing General Fund costs of an unknown amount but possibly in the hundreds of thousands of dollars annually for campuses of the CSU, collectively statewide, to facilitate updating policies and programming as necessary and provide ongoing case management compliance monitoring.
- 3) One-time Proposition 98 General Fund costs ranging from approximately \$2.4 million to \$5.4 million for CCC districts, collectively statewide, to develop and implement new medical leave of absence policies.

VOTES

ASM HIGHER EDUCATION: 9-0-1

YES: Fong, DeMaio, Boerner, Jeff Gonzalez, Jackson, Muratsuchi, Patel, Sharp-Collins, Tangipa

ABS, ABST OR NV: Celeste Rodriguez

ASM APPROPRIATIONS: 15-0-0

YES: Wicks, Hoover, Aguiar-Curry, Calderon, Caloza, Dixon, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache, Ta, Tangipa

UPDATED

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