

Date of Hearing: April 22, 2026

ASSEMBLY COMMITTEE ON EDUCATION
Al Muratsuchi, Chair
AB 1750 (Caloza) – As Amended April 13, 2026

[Note: This bill was double referred to the Assembly Public Employment and Retirement Committee and was heard by those Committees as it relates to issues under their jurisdiction.]

SUBJECT: School employees: absences due to illness or accident

SUMMARY: Repeals existing law requiring public school employees to pay for the cost of their substitutes while out on extended illness leave. Specifically, **this bill:**

- 1) Specifies that any K-12 employee who exhausts all available sick leave and continues to miss work due to illness or injury shall receive their full salary for up to an additional five months.
- 2) Repeals the authority of the governing board of a K-12 district to pay its employees who have exhausted all available sick leave and continue to be absent from work due to illness or injury 50% of the employee's regular salary.
- 3) Makes technical corrections related to compulsory leave, parental leave, and industrial accident or illness leave.

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. Under the FEHA, reasonable accommodation of a disability related to pregnancy can include an extended leave of absence. (Government Code (GC) 12945)
- 2) The Moore-Brown-Roberti Family Rights Act, commonly known as 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 that school districts provide for a leave of absence from duty for a certificated employee of the school district who is required to be absent from duties because of pregnancy, miscarriage, childbirth, and recovery therefrom. Requires that the length of the leave of absence be determined by the employee and the employee's physician. (Education Code (EC) 44965)

- 4) Requires that school districts provide for a leave of absence from duty for a classified employee of the school district who is required to be absent from duties because of pregnancy, childbirth, and convalescence therefrom. Requires that the length of the leave of absence be determined by the employee and the employee's physician. (EC 45193)
- 5) Specifies that when any K-12 or CCC employee described above has exhausted all available sick leave and continues to be absent from work due to illness or injury, the employee's salary shall be reduced by the cost of a substitute employee, even if a substitute is not actually hired, for up to five school months. (EC 44977, 45196, 87780, and 88196)
- 6) Requires that certificated and classified employees participate in the differential pay program receive no less than 50% of their regular salary during the period of such absence. (EC 44983)

FISCAL EFFECT: This bill has been keyed non-fiscal by the Office of Legislative Counsel.

COMMENTS:

Need for the bill. According to the author, "Our teachers dedicate their lives to supporting our students. When they are sick or recovering, their focus should be on their health—not on how they'll afford to pay for a substitute. AB 1750 puts our teachers first, ensuring full pay during extended absences. Teachers should not have to pay the price for circumstances beyond their control. Standing by those who teach our children is not just good policy—it's just the right thing to do."

Paid Family Leave (PFL). The PFL program extends disability compensation to individuals (male or female) who take time off work to care for a seriously ill child, spouse, parent, domestic partner, or to bond with a new child, or a child in connection with adoption or foster care placement. The PFL program is a component of the State Disability Insurance (SDI) program and workers covered by the SDI program are also covered for this benefit. Employees may only be eligible for the PFL program if they are covered by the SDI program through a negotiated agreement with the State. If an employee does not pay into the SDI program, he or she would not be eligible to receive disability compensation under PFL.

Pregnancy Disability Leave and Family Medical Leave Act (FMLA): Typically, mothers are on pregnancy disability leave during the first 6-8 weeks, or longer, after a baby's birth. They are also entitled, under the FMLA and state law, to take 12 weeks of additional leave for bonding.

Under current law, during pregnancy disability leave certificated school district employees use any sick leave, and once it is exhausted are entitled to differential pay (as described above). During their subsequent FMLA leave, they are also entitled to use sick leave and then receive differential pay. Differential pay may be no less than 50% of the employee's salary.

Differential pay. The CFRA is the state-law equivalent of the 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. As an example, if the certificated employee made \$50,000 and the substitute cost \$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. This bill eliminates the practice of differential pay. Given the State's budget situation in the coming years, it is unclear whether this bill will be supported with State resources.

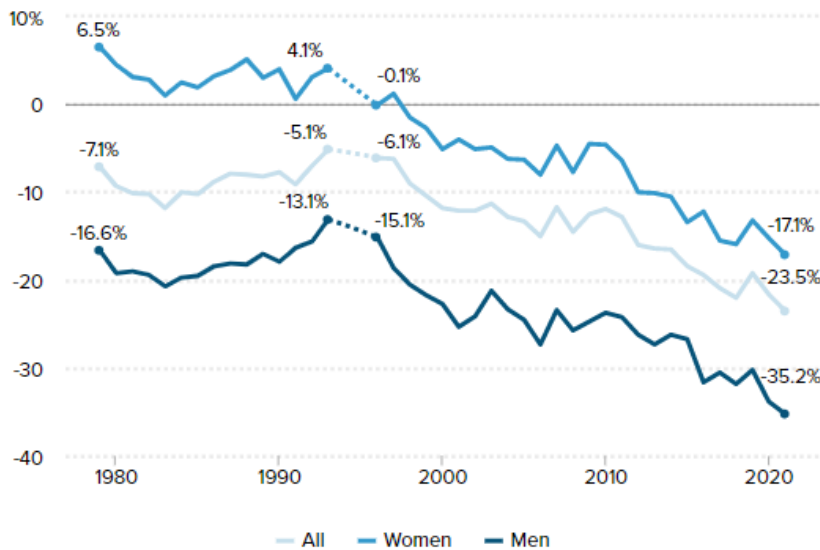
What do school districts currently provide for pregnancy-related leave? The pregnancy-leave compensation provided to school district employees (beyond differential pay as required by law) varies considerably based on local bargaining agreements and participation in disability insurance programs.

The wage gap. Research indicates that teachers earn 23.5% less than comparable college graduates. This percentage represents the wage gap between teachers and similarly educated peers. Over time this wage gap has increased, and as a result, teacher salaries are falling further and further behind. Below are key findings from research conducted by Sylvia Allegretto and published by the Economic Policy Institute in 2022:

- *Inflation-adjusted average weekly wages of teachers have been relatively flat since 1996.* The average weekly wages of public school teachers (adjusted only for inflation)

Teachers earn 23.5% less than comparable college graduates

Public school teacher weekly wage penalty (or premium) for all teachers and by gender, 1979–2021



increased by just \$29 from 1996 to 2021, from \$1,319 to \$1,348 (in 2021 dollars). In contrast, inflation-adjusted weekly wages of other college graduates rose from \$1,564 to \$2,009 over the same period—a \$445 increase.

- *The relative teacher wage penalty grew to a record high in 2021.* It was 23.5% in 2021, up from 6.1% in 1996. The penalty for men rose from 15.1% to 35.2% over that period. Women had a negligible wage penalty of 0.1% in 1996 but faced a wage penalty of 17.1% in 2021. (Source: Allegretto, 2022)

- *The benefits advantage for teachers has not been enough to offset the growing wage penalty.* The teacher total compensation penalty was 14.2% in 2021 (a 23.5% wage penalty offset by a 9.3% benefits advantage). The bottom line is that the teacher total compensation penalty grew by 11.5 percentage points from 1993 to 2021.

- *The relative teacher wage penalty exceeds 20% in 28 states.* Teacher weekly wage penalties estimated for each state range from 3.4% in Rhode Island to 35.9% in Colorado. In 28 states, teachers are paid less than 80 cents on the dollar earned by similar college-educated workers in those states.

Parental leave in the United States and other countries. A 2019 study by the Institute for Women's Policy Research found that paid maternity leave keeps women in the workforce and lowers their need for public assistance. Most developed nations pay new mothers at least half of their salary during their time off, according to a December 2022 report by the Organization for Economic Cooperation and Development (OECD) that studied maternity leave in its 38 member countries, of policies in place as of April 2022. On average, maternity leave in the OECD countries lasts 18.5 weeks. Only one developed country — the United States — offers no national paid maternity leave, although some individual states and employers do offer it.

A 2010 study by the International Labor Organization of the United Nations found that out of 167 countries studied, 97% provide paid maternity leave for women. Only four out of the 167 countries studied did not: Lesotho, Papua New Guinea, Swaziland, and the United States. Australia was also listed in this study as not providing paid maternity leave, but their policy changed and parents there currently receive 18 weeks of paid leave.

Examples of countries with progressive paid maternity/paternity leave laws as of 2020 include Ireland with 6.5 months of paid leave, Italy with 5 months of paid leave, England with nearly 10 months of paid leave, and Sweden with nearly 16 months of paid leave.

Arguments in support. The California School Employees Association states, “In 2019, the case of a San Francisco teacher unable to work due to breast cancer and forced to pay the cost of her substitute made headlines. Cancer and other serious illnesses are devastating for families and financial pressures add to their distress. No worker should have to pay for the employee covering their work. Classified employees are the lowest paid employees working in our public schools. Over half of our members work part-time, most pay a large portion of their wages for health care and over 70% are women. Many are mothers and grandmothers and they need stability during an injury or an illness. For most school employees, district-provided paid leave is the only safety net that exists for prolonged illnesses. Teachers and classified school employees do not participate in the state disability program and cannot rely on it when unable to work. Currently, schools offer one of two types of extended leave. Some provide employees with 100 days of leave at half pay. Teachers receive 100 days on top of other leave, while classified employees must exhaust all other leave first and subtract those days. Other districts provide a five-month leave, but deduct the cost of a substitute from an employee’s wages, resulting in huge pay disparities.

Arguments in opposition. The Association of California School Administrators states, “The change proposed by AB 1750 would dramatically increase costs without a dedicated funding stream to meet those costs. Under AB 1750, LEAs would be forced to pay full salary to absent staff in addition to the salary for substitutes. This change could also contradict existing negotiated contracts, leading to additional costs associated with contract renegotiations. This increase in expenses would deplete LEAs’ limited resources, restricting our ability to provide quality educational supports and services to students and interfering with our duty as public agencies to be responsible stewards of public funds. This additional cost would also come at a time when a growing number of districts are falling into fiscal distress, as they face rising costs, declining enrollment, and the cessation of pandemic-era funding.”

Related legislation. AB 2901 (Aguiar-Curry) of the 2023-24 Session would have required school and community college districts to provide up to 14 weeks of paid leave for employees experiencing pregnancy, miscarriage, childbirth, termination of pregnancy, or recovery from those conditions, beginning January 1, 2028, and only if an appropriation is made for this purpose in the budget. This bill was held on the Senate Floor.

SB 205 (Leyva) of the 2021-22 Session would have repealed existing laws requiring public school and community college employees to pay for the cost of their substitutes while out on extended illness leave. This bill was held on the Senate Floor.

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 Conference Board of the Amalgamated Transit Union
California School Employees Association
California Teachers Association
Church State Council
Faculty Association of California Community Colleges
Peace Officers Research Association of California
Teamsters California

Opposition

Alameda County Office of Education
Associaiton of California School Administrators
Association of California School Administrators
California Association of School Business Officials
California Association of School Business Officials (CASBO)
California County Superintendents
Chief Executive Officers of the California Community Colleges Board
Dublin Unified School District
Fresno Unified School District
Hayward Unified School District
Kern County Superintendent of Schools
Kern County Superintendent of Schools Office
Livermore Valley Joint Unified School District
Newark Unified School District
Pleasanton Unified School District
Riverside County Office of Education
Riverside County Superintendent of Schools
San Bernardino County District Advocates for Better Schools (SANDABS)
School Employers Association of California
School Employers Association of California (SEAC)
Small School Districts Association
Sunol Glen Unified School District
Torrance Unified School District
Vallejo City Unified School District

Analysis Prepared by: Chelsea Kelley / ED. / (916) 319-2087