

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

AB 1784 (Pellerin)
Version: June 18, 2026
Hearing Date: June 30, 2026
Fiscal: Yes
Urgency: No
ME

SUBJECT

Postsecondary education: nondiscrimination: pregnancy or pregnancy-related issues

DIGEST

This bill provides that existing pregnancy and pregnancy-related nondiscrimination protections currently afforded to graduate students in California also apply to undergraduate students.

EXECUTIVE SUMMARY

Current California law provides protections for graduate students from discrimination for pregnancy and pregnancy related conditions. This bill strengthens these protections and also provides that undergraduate students are also entitled to these protections. The author and supporters of the bill assert that federal anti-discrimination protections for this population of students have weakened and therefore the author brings this bill to provide robust protections in state law. The author brings this bill to ensure that undergraduate students benefit from pregnancy and pregnancy-related nondiscrimination protections in California notwithstanding the Federal Administration's revocation of the 2024 Title IX regulations that provided parity in nondiscrimination protections among undergraduate and graduate students with regard to accommodations.

This Committee passed AB 1098 (Fong, Ch. 446, Stats. 2025) last year. It was a similar bill to the bill now before this Committee that was aimed at providing more protections for pregnancy or pregnancy-related issues in the postsecondary education space. However, that bill was subsequently gutted and amended to address a different topic. According to the author, AB 1784 is narrower than AB 1098 and reflects negotiations between the stakeholders.

This bill is author sponsored and supported by the American Association of University Women-California, the California Commission on the Status of Women and Girls,

and other organizations. There is no known opposition to the bill. The bill passed the Senate Education Committee with a 7 to 0 vote. Should this bill pass this Committee, it will then be referred to the Senate Appropriations Committee.

PROPOSED CHANGES TO THE LAW

Existing federal law:

- 1) 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. (34 CFR § 106.40.)
- 2) 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. (34 CFR § 106.40.)
- 3) Defines "pregnancy related conditions" to mean: pregnancy, childbirth, termination of pregnancy, or lactation; medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions. (34 CFR § 106.1.)

Existing state law:

- 1) Specifies 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. (Ed. Code § 66281.7.)
- 2) Provides that a postsecondary educational institution, including the faculty, staff, or other employees of the institution, shall not do either 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. (Ed. Code § 66281.7.)
- 3) Provides that 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. (Ed. Code § 66281.7.)

- 4) Reasonable accommodation within the meaning of 6), above, 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. (Ed. Code § 66281.7.)
- 5) 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 and requires a copy of this policy to be made available to faculty, staff, and employees in their required training. Requires the policy to be made available to all graduate students attending orientation sessions at a postsecondary educational institution. (Ed. Code § 66281.7.)
- 6) 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. (Ed. Code § 66281.7.)
- 7) Requires the California Community Colleges (CCC) and California State University (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 and lists reasonable accommodations. (Ed. Code § 66271.9.)
- 8) Prohibits students from incurring an academic penalty as a result of their use of the reasonable accommodations, and requires students to be provided the opportunity to make up any work missed due to such use. (Ed. Code § 66271.9.)

This bill:

- 1) Expands the definition of "gender" for purposes of the Equity in Higher Education Act to include pregnancy or pregnancy-related conditions.
- 2) Commencing September 1, 2027, prohibits a postsecondary educational institution from discriminating against a student or applicant based on the actual or potential familial status or marital status of the student or applicant, or based on the student's or applicant's pregnancy or pregnancy-related conditions, including by prohibiting the institution from requiring a student to take a leave of absence or withdraw from an educational or extracurricular program or activity, and prohibiting the institution from limiting the student's undergraduate or graduate program.

- 3) Requires a postsecondary educational institution to provide reasonable accommodations to an institutional program for a student, including an undergraduate student, experiencing pregnancy or a pregnancy-related condition to ensure the student's equal access to the institution's educational programs and activities, as provided.
- 4) Commencing September 1, 2027, requires a postsecondary educational institution to designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under the bill, as specified, and requires certain employees, upon being directly informed by a student of the student's pregnancy or pregnancy-related condition, to inform the student of their right to receive reasonable accommodations to maintain access to the educational program and provide the student with the contact information for the designated employee or employees.
- 5) Commencing September 1, 2027, allows any undergraduate student who is pregnant or has recently given birth or who is not the birth parent to take the leave and extension toward their degree that is currently allowed for graduate students under the Equity in Higher Education Act, as specified.
- 6) Commencing on September 1, 2027, requires a postsecondary educational institution to revise the graduate student pregnancy discrimination written policy they are required to create under the Equity in Higher Education Act to also include undergraduate students, and require a copy of the revised policy to be made available to all students attending orientation sessions.
- 7) Requires a postsecondary educational institution to post on the institution's website, and provide through on-campus medical centers, notice of the protections provided by these provisions.
- 8) Requires the Board of Governors of the California Community Colleges, on or before July 1, 2027, to adopt regulations for a systemwide policy that include the requirements of these provisions and best practices for implementing those requirements. Requires the governing board of each community college district, on or before September 1, 2027, to adopt those regulations, as provided.

COMMENTS

1. Stated need for the bill

According to the author:

California has long been a leader in ensuring educational equity for our students. Higher education is one of the most powerful factors for upward economic and social mobility, and access for our pregnant, postpartum, and

pregnancy-impacted students must be preserved. However, not all pregnant students experience support in balancing their academics during their pregnancy or when postpartum. In 2021, the U.S. Department of Education Office of Civil Rights found that the College of the Canyons had likely violated Title IX by not allowing a student to make up a quiz she missed while she was giving birth.

For a state that has done so much for reproductive care, this is not acceptable. AB 1784 updates the California Equity in Education Act to ensure that undergraduate students have the same protections and rights as their graduate student peers. These additional protections come at a crucial time for pregnant and parenting students given the Supreme Court's decision to strike down the constitutional right to abortion and ongoing attacks to the constitutional right to birth control. Furthermore, AB 1784 codifies the best practices of the 2024 Title IX regulations in state law, ensuring that the additional protections afforded to students by these overturned federal regulations continue to be accessible to California students.

2. This Committee passed a similar bill last year on a unanimous vote to provide pregnancy related condition protections for graduate students and undergraduate students in light of the federal clawing back of rights for this population

According to the Senate Education Committee analysis for the April 10, 2025, version of AB 1098 (Fong), a bill similar to AB 1784:

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 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. The Biden regulations provided broad protections for pregnancy-related conditions. As explained by the Senate Education Committee:

For pregnant students or students with pregnancy-related condition, the 2024 regulations provided the following:

1. A requirement to notify the Title IX coordinator of a student's pregnancy or pregnancy related condition or to at least provide the student with the coordinator's contact information;
2. Specific actions each institution must undertake to prevent discrimination and to ensure equal access – this is the first iteration of required modifications to an educational program beyond medical leave.
3. Defined for institutions reasonable modifications a campus could provide a student;
4. Extended voluntary leave of absence and clarity on the reinstatement process;
5. Lactation space; and,
6. Limitations on the required supporting documentation a student must provide to receive modifications.

Because of litigation¹, 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.

In response to these lessened protections AB 1098 was introduced by Assemblymember Fong and passed this Committee on a vote of 13 to 0 before being gut and amended to address a different topic. As presented before this Committee, the July 3, 2025 version of that bill sought to bridge the gap and ensure that there are robust protections against discrimination for pregnancy-related conditions for undergraduate students and to update the law to provide more protections for graduate students as well.

Currently, the California Equity in Higher Education Act provides protections to and accommodations for graduate students who are pregnant or have recently given birth,

¹ *State of Tennessee v. Cardona*, No. 2: 24-072DCR (E.D. Ky. Jan. 9, 2025) returned Title IX to 2020 regulations. The US Department of Education Office of Civil Rights issued a “Dear Colleague” letter to K-12 schools and higher education institutions confirming that “the United States Department of Education’s (ED) Office for Civil Rights (OCR) will enforce Title IX under the provisions of the 2020 Title IX Rule, rather than the 2024 Title IX Rule.” (See U.S. Dep’t of Educ., *Dear Colleague Letter: Title IX Enforcement Directive* (Jan. 31, 2025) available at <https://www.ed.gov/media/document/title-ix-enforcement-directive-dcl> [as of July 3, 2025].)

and provides protections and accommodations for a graduate student who is not the birth parent.

AB 1098 specified that postsecondary educational institutions may not discriminate against a student based on the student's current, potential, or past pregnancy or pregnancy-related conditions. The bill also would have prohibited a postsecondary educational institution from requiring 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. The institutions would have been required to take specified steps to make students aware of their protections and conduct outreach to ensure that students are able to be provided with accommodations.

Under the bill, postsecondary educational institutions must 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. The bill specifies what some of the reasonable accommodations may include. The accommodations could, among other things, include: 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 to all students by the institution; 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 also required the 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. The bill also required the institution to offer an undergraduate or graduate student who is not the birth parent a voluntary leave of absence because of the birth, adoption, or placement of the student's child. The postsecondary educational institution must inform the student as to how the leave of absence may affect the student's financial aid and, if applicable, the student's visa status. The bill provided that it is the intent of the Legislature, to the extent feasible for the postsecondary educational institution and in compliance with state and federal laws, for a postsecondary educational institution to ensure that the student's voluntary leave of absence does not disrupt the continuation of institution-based financial aid upon the student's return to the undergraduate or graduate program. The bill also required 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, or is not the birth parent but 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. 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.

3. Support

The American Association of University Women-California writes the following in support of AB 1784:

AB 1784 is an important measure that ensures pregnant undergraduates are provided the same rights and accommodations that are presently provided only to graduate students. In addition, the bill strengthens protections for both groups and requires colleges and universities to have more robust and effective means of informing students about their rights under federal and state law.

Pregnant and parenting students should be afforded every opportunity to pursue their academic goals and be protected from any bias or discrimination based on the student's pregnancy or pregnancy-related conditions. AB 1784 provides certainty for these students by prohibiting a college from requiring an undergraduate or graduate student to take a leave of absence or withdraw from an undergraduate or graduate program because of their pregnancy, or otherwise limit the student's studies, because the student is pregnant or experiencing pregnancy-related conditions. While students may request accommodations for bonding with a newborn or adopted infant or child, primary caregivers, who are largely women, are most susceptible to unjust conditions. The lack of accommodations, including medically necessary leave, access to participation in academic work during and post-pregnancy and accommodating a student's appropriate return rights to their academic standing, may ultimately drive them to withdraw from their studies and forgo their higher education goals.

AB 1784 protects the basic rights of pregnant students and provides important guidance for colleges and universities to ensure they provide equal access under the law for pregnant students and for those who are experiencing pregnancy - related conditions.

Lastly, the measure ensures colleges and universities inform students about their rights under federal and state law, thereby increasing the likelihood that they will seek the assistance of the Title IX coordinator to pursue those rights. A 2023 study published in the *Journal of Higher Education Policy* showed that Title IX is not being implemented consistently to its fullest extent. Increasing

regulations, and specificity enacting AB 1784, would help to reduce this issue and provide students with the accommodations they deserve.

SUPPORT

American Association of University Women-California
California Commission on the Status of Women and Girls
Early Edge California
Pregnant Scholar, Center for WorkLife Law
Reproductive Freedom for All California

OPPOSITION

None known

RELATED LEGISLATION

Pending legislation:

AB 1928 (Fong, 2026) requires that the grievance procedures for a Title IX violation afford each student party the opportunity to have a support person and an advisor accompany the student party during any stage of the process, as specified. AB 1928 is currently in this Committee.

AB 2212 (Bauer-Kahan, 2026) provides that in order to receive state funds for student financial assistance, the CSU, UC, and Community College governing entities, as well as the governing boards of independent postsecondary institutions, shall update institutional policies pertaining to the adjudication of complaints of sexual harassment, the prevention of sexual harassment, or any policy pertaining to sexual harassment to include specified information. AB 2212 is currently in this Committee.

Prior legislation:

AB 1098 (Fong, Ch. 446, Stats. 2025) was similar to AB 1784 in that it would have provided greater protections for students in postsecondary education that are similar to those that exist in graduate school. AB 1098 was subsequently gutted and amended to address a different topic.

AB 809 (Santiago, Ch. 265, Stats. 2019) required public postsecondary educational institutions to notify pregnant or parenting students of protections provided by Title IX and encouraged child development programs established by the public postsecondary educational institutions to give priority to children of students who are single parents.

AB 2350 (Bonilla, Ch. 637, Stats. 2014) prohibited postsecondary education institutions from requiring a graduate student to take a leave of absence, withdraw from a graduate program, or limit their studies due to pregnancy or pregnancy-related issues.

PRIOR VOTES:

Senate Education Committee (Ayes 7, Noes 0)

Assembly Floor (Ayes 74, Noes 0)

Assembly Appropriations Committee (Ayes 15, Noes 0)

Assembly Judiciary Committee (Ayes 12, Noes 0)

Assembly Higher Education Committee (Ayes 10, Noes 0)
