
SENATE COMMITTEE ON EDUCATION

Senator Sasha Renée Pérez, Chair

2025 - 2026 Regular

Bill No: AB 65 **Hearing Date:** June 17, 2026
Author: Aguiar-Curry
Version: December 3, 2024
Urgency: No **Fiscal:** No
Consultant: Ian Johnson

Subject: School and community college employees: paid disability and parental leave.

NOTE: This bill has been referred to the Committees on Education and *Labor, Public Employment and Retirement*. A “do pass” motion should include referral to the Committee on *Labor, Public Employment and Retirement*.

SUMMARY

This bill requires school districts, charter schools, county offices of education, and community college districts (CCDs) to provide up to 14 weeks of fully paid pregnancy disability leave to certificated, classified, and academic employees who are unable to work due to pregnancy, miscarriage, childbirth, termination of pregnancy, or related recovery. The bill prohibits the leave from being charged against other available leave balances, requires continuation of health benefits during the leave, and establishes the benefit regardless of an employee’s length of service or hours worked.

BACKGROUND

Existing law:

- 1) Prohibits, under the Fair Employment and Housing Act (FEHA), employers from denying a reasonable period of pregnancy disability leave, not to exceed four months, for employees disabled by pregnancy, childbirth, or related medical conditions.
- 2) Provides, under the California Family Rights Act (CFRA), eligible employees up to 12 weeks of unpaid, job-protected leave for specified family and medical purposes and requires maintenance of health benefits during the leave.
- 3) Requires school districts to provide certificated employees with a leave of absence due to pregnancy, miscarriage, childbirth, and recovery, with the duration determined by the employee and physician.
- 4) Requires school districts to provide classified employees with a leave of absence due to pregnancy, childbirth, and related recovery, with the duration determined by the employee and physician.
- 5) Requires certificated, academic, and classified employees who exhaust available sick leave and remain absent due to illness, injury, or parental leave to receive

differential pay, generally equal to the employee's salary less the cost of a substitute, and not less than 50% of the employee's regular salary.

- 6) Requires governing boards of CCDs to provide pregnancy leave for academic employees and authorizes governing boards to establish pregnancy leave policies for classified employees.

ANALYSIS

This bill:

- 1) Requires public school employers and CCDs to provide up to 14 weeks of fully paid leave to certificated, classified, and academic employees who are unable to work because of pregnancy, miscarriage, childbirth, termination of pregnancy, or recovery from those conditions. The duration of the leave is determined by the employee and the employee's physician.
- 2) Authorizes the paid leave to begin before childbirth and continue afterward when the employee is disabled by pregnancy, childbirth, termination of pregnancy, or a related medical condition.
- 3) Prohibits leave provided under the bill from being deducted from any other leave entitlement available under state or federal law, including sick leave and family and medical leave.
- 4) Requires public school employers and CCDs to maintain group health coverage during the leave at the same level and under the same conditions as if the employee had remained actively employed.
- 5) Prohibits public school employers and CCDs from imposing eligibility requirements, including minimum hours worked or minimum length of service, before an employee may access the leave.
- 6) Requires pregnancy-related disabilities to be treated under employer policies and practices on the same terms and conditions as other temporary disabilities.
- 7) Specifies that the bill does not diminish any greater disability or parental leave rights provided through collective bargaining agreements.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "Today, teachers in California do not receive paid pregnancy leave. This forces teachers to deplete all of their sick leave and then receive reduced 'differential' pay where they effectively pay for their own substitute teacher. This practice makes it hard for pregnant teachers to care for their families and has long term financial consequences. 70% of teachers are women, and studies have shown that the women in the teaching ranks will receive nearly \$100,000 less than their male counterparts in their retirement because they are forced to use up all of their accrued sick leave. At a time when our educators are leaving this vital profession due to the pressures of

the pandemic, and college students seek other paths for their careers, AB 65 takes a necessary step to invest in our educators by giving them 14 weeks of paid pregnancy leave. AB 65 will help to attract and retain educators. But, more importantly, it will grant the basic human right to care for one's child to the people we count on every day to educate our children and grandchildren.”

- 2) **Significant expansion of existing leave benefits.** Existing law already provides several overlapping forms of job-protected leave and wage replacement for pregnancy-related absences, including Pregnancy Disability Leave under FEHA, bonding leave under CFRA and FMLA, differential pay requirements specific to school employees, and, in some districts, access to State Disability Insurance or private disability insurance programs. This bill would create a new standalone entitlement of up to 14 weeks of fully paid leave that would not be charged against any existing leave balances and would operate in addition to other available leave benefits. As a result, the measure represents a significant expansion of current leave protections for K-14 employees.
- 3) **Fiscal and workforce considerations.** The principal policy question raised by the bill is not whether pregnancy-related leave should be available, but who should bear the cost of providing enhanced wage replacement. Existing law generally spreads costs among employees, employers, and, in some cases, disability insurance programs. By contrast, this bill places responsibility for providing up to 14 weeks of full salary directly on school districts and CCDs. While supporters argue that enhanced leave policies may improve recruitment and retention of educators, opponents have expressed concern regarding the potentially substantial ongoing Proposition 98 costs, the need to secure qualified substitutes during extended absences, and the cumulative impact on local budgets during a period of continuing fiscal pressure.
- 4) **Similar measures have faced fiscal concerns in prior years.** The Legislature has considered similar proposals multiple times. AB 500 (Gonzalez, 2019) would have required six weeks of paid pregnancy disability leave for school and community college employees and was vetoed by Governor Newsom, who stated that the costs should be considered through the annual budget process and collective bargaining. More recently, AB 2901 (Aguiar-Curry, 2024), which was substantially similar to this bill and also proposed 14 weeks of paid leave, advanced through the policy process but was ultimately held on the Senate Floor. The recurring history of these measures reflects broad interest in expanding pregnancy-related leave benefits, while also highlighting persistent questions regarding fiscal sustainability and implementation.
- 5) **This proposal is currently part of budget negotiations.** The policy contained in this bill is largely aligned with a proposal included in the Governor's 2026-27 May Revision. The Governor proposes requiring public school employers and CCDs to provide up to 14 weeks of paid pregnancy disability leave to all employees and proposes funding the associated costs through the discretionary Cost-of-Living Adjustment (COLA) provided to local educational agencies (LEAs). Both the Senate and Assembly adopted the proposal as part of their budget actions, while utilizing placeholder trailer bill language to preserve ongoing negotiations regarding the appropriate funding mechanism.

As a result, the central policy question raised by this bill is already being considered through the budget process. Committee staff notes that budget trailer legislation may ultimately establish a statewide framework for paid pregnancy disability leave before this bill completes the legislative process. Accordingly, AB 65 is best viewed as advancing a policy proposal that is currently the subject of active budget negotiations between the Administration and the Legislature.

- 6) ***Stakeholder discussion has evolved.*** As discussions regarding paid pregnancy disability leave have shifted into the budget process, some education stakeholders have moved beyond the question of whether such a benefit should be provided and have instead focused on implementation issues. In a recent letter regarding the Governor's paid pregnancy disability leave proposal, a coalition of LEAs and education organizations expressed support for providing employees with paid pregnancy disability leave while identifying a number of outstanding administrative questions, including the interaction of the benefit with payroll systems, retirement programs, payroll taxes, and State Disability Insurance. The coalition also noted the need for LEAs to update policies, payroll practices, and employee communications before implementation.

This feedback suggests that, as the Legislature considers establishing a statewide paid pregnancy disability leave framework, questions regarding administration and benefit coordination may become increasingly important alongside the underlying policy considerations.

SUPPORT

California Teachers Association (sponsor)
American College of Obstetricians & Gynecologists - District IX
American Federation of State, County, and Municipal Employees
California Community College Independents
California Domestic Workers Coalition
California Faculty Association
California Federation of Teachers
California Legislative Women's Caucus
California Retired Teachers Association
California School Employees Association
California State Teachers' Retirement System
California State Treasurer
City of Glendale
Early Edge California
Faculty Association of California Community Colleges
Fresno Unified School District
Health Access California
Oakland Unified School District
Partnership for Los Angeles Schools
Teach Plus - California

OPPOSITION

None received

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