
SENATE COMMITTEE ON LABOR, PUBLIC EMPLOYMENT AND RETIREMENT
Senator Lola Smallwood-Cuevas, Chair
2025 - 2026 Regular

Bill No: AB 65 **Hearing Date:** July 1, 2026
Author: Aguiar-Curry
Version: December 3, 2024
Urgency: No **Fiscal:** No
Consultant: Alma Perez-Schwab

SUBJECT: School and community college employees: paid disability and parental leave

KEY ISSUE

This bill requires public school employers, for certificated or classified employees, and community college districts, for an academic or classified employee, to provide up to 14 weeks of fully paid pregnancy disability leave to employees who are unable to work due to pregnancy, miscarriage, childbirth, termination of pregnancy, or recovery from those conditions.

ANALYSIS

Existing federal law:

- 1) Establishes the Family Medical Leave Act (FMLA) to provide most employees the right to take up to 12 weeks of job-protected, unpaid time off work for the birth or adoption of a child, due to a serious health condition of the employee, for an exigency arising out of the fact that the employee's close relative is a military member on active duty, and for the employee to care for a close relative with a serious health condition. Applies these provisions to private employers that employ 50 or more employees during each of 20 or more calendar workweeks in the current or preceding year. (28 U.S.C. §2601 et seq., §2611)

Existing state law:

- 2) Establishes the California Family Rights Act (CFRA) and makes it an unlawful employment practice for an employer to refuse to grant a request from an eligible employee to take up to a total of 12 weeks off (unpaid) in any 12-month period for specified family care and medical leave. Defines "family care and medical leave" to mean taking leave to care for a new child; to care for a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner who has a serious health condition; to take leave because of the employee's own serious health condition; or for a qualifying exigency related to the employee's close family's active duty as a member of the Armed Forces, as specified. Provides that these provisions only apply to employers with five or more employees, and to employees who have held their job for at least a year and worked at least 1,250 hours in the previous 12-month period. (Government Code §12945.2)
- 3) Under Pregnancy Disability Leave (PDL) provisions, makes it an unlawful employment practice, unless based upon a bona fide occupational qualification, for an employer to refuse to allow an 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. (Government Code §12945)

- 4) Provides, through the State Disability Insurance (SDI) program, short-term wage replacement benefits to eligible workers (those who have made contributions to the SDI program) who are unable to work due to a non-work-related illness or injury and for a maximum of 52 weeks. SDI benefits can be used for an illness or injury, either physical or mental, which prevents an employee from performing their regular and customary work and includes elective surgery, pregnancy, childbirth, or other medical conditions. (Unemployment Insurance Code §2601-3308)
- 5) Provides, through the Paid Family Leave (PFL) program, a component of SDI, eligible employees up to eight weeks of wage replacement benefits within a 12-month period to workers who need to take time off work to care for a seriously ill child, spouse, parent, grandparent, grandchild, sibling, or domestic partner; to bond with a minor child within one year of the birth or placement of the child in connection with foster care or adoption; or to participate in a qualifying event because of a family member's military deployment. (Unemployment Insurance Code §3301)
- 6) 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 §44965)
- 7) Authorizes a person employed in a school district in a position requiring certification qualifications to use their sick leave for purposes of parental leave for a period of up to 12 workweeks. Provides that when a person has exhausted all available sick leave and continues to be absent, the amount deducted from the salary due to the person for any remaining portion of the 12-workweek period shall not exceed the sum that is actually paid a substitute employee employed to fill their position during the absence, but in no case shall this pay be less than 50 percent of their regular salary for the remaining portion of the 12 weeks for parental leave. (Education Code §44977.5)
- 8) Requires school districts to provide for a leave of absence from duty for *classified employees* who are 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. (Education Code §45193)
- 9) Requires a governing board of a community college district (CCD) to provide for leave of absence from duty for any *academic employee* of the district who is required to be absent because of pregnancy, miscarriage, childbirth, and recovery therefrom. The length of the leave of absence, including the date on which the leave shall commence and the date on which the employee shall resume duties, shall be determined by the employee and the employee's physician. (Education Code §87766)
- 10) Authorizes the governing board of any CCD to provide a leave of absence, as it deems appropriate, for any female *classified employee* due to pregnancy or convalescence following childbirth, and may adopt rules and regulations prescribing the manner of proof of pregnancy, the time during pregnancy at which the leave of absence shall be taken, and the

length of time for which the leave of absence shall continue after birth of the child. The board may also provide in the rules and regulations whether leave granted shall be with or without pay and, if with pay, the amount, if any, to be deducted from the salary due the employee for the period in which the absence occurs. (Education Code §88193)

- 11) Authorizes an academic or classified community college employee to use up to 12 weeks of their sick leave each school year for purposes of parental leave, including for the birth of a child, and when the employee has exhausted all available sick leave and continues to be absent due to parental leave, the amount deducted from the salary due them for any of the remaining portion of the 12-week period in which the absence occurs shall not exceed the sum that is actually paid a substitute employee and shall not be less than 50 percent of the academic or classified employees' regular salary. (Education Code § 87780.1 and § 88196.1)

This bill:

Certificated or Classified School District Employees:

- 1) Requires a public school employer to provide for a leave of absence for a certificated or classified employee who is required to be absent from duty because the employee is experiencing or has experienced pregnancy, miscarriage, childbirth, termination of pregnancy, or recovery from those conditions.
- 2) Requires the leave of absence to be with full pay, subject to a maximum of 14 weeks.
- 3) Prohibits a leave of absence taken from being deducted from any other leaves of absence available to the employee pursuant to state or federal regulations or laws.
- 4) Authorizes the paid leave to begin before and continue after childbirth if the employee is actually disabled by pregnancy, childbirth, termination of pregnancy, or related medical conditions.
- 5) Requires a public school to maintain group health coverage for an employee who takes this leave of absence for the duration of the leave at the same level and under the same conditions that coverage would have been provided if the employee had not taken a leave of absence.
- 6) Provides that, except as specified, there are no eligibility requirements, including, but not limited to, minimum hours worked or length of service, before an employee disabled by pregnancy, childbirth, termination of pregnancy, or related medical conditions is eligible for a paid leave of absence under these provisions.
- 7) Specifies that for part-time certificated or classified employees, the amount of paid leave per week, subject to a maximum of 14 weeks, shall be calculated in accordance with the following:
 - a. If the part-time employee works a fixed number of hours per week, the employee shall receive weekly pay for the total number of hours the employee is normally scheduled to work for the public school employer.

- b. If the part-time employee does not work a fixed number of hours per week, the employee shall receive weekly pay in an amount equaling the employee's average weekly pay during the six-month period immediately preceding the date that the employee began their paid leave.
 - i. If the part-time employee has been employed for less than six months, the employee shall receive weekly pay in an amount equaling the employee's average weekly pay during the entire period of that employment preceding the date that the employee began their paid leave.
- 8) Specifies that nothing shall diminish the obligation of a public school employer to comply with any collective bargaining agreement entered into by a public school employer and an exclusive bargaining representative, as specified, that provides greater disability or parental leave rights to employees than the rights established under these provisions.

Academic or Classified Community College District Employees:

- 9) Requires the governing board of a community college district to provide for a leave of absence from duty for an academic or classified employee of the community college district who is required to be absent from duty because the employee is experiencing or has experienced pregnancy, miscarriage, childbirth, termination of pregnancy, or recovery from those conditions.
- 10) Requires the leave of absence to be with full pay, subject to a maximum of 14 weeks.
- 11) Prohibits a leave of absence from being deducted from any other leaves of absence available to the employee pursuant to state or federal regulations or laws.
- 12) Authorizes the paid leave to begin before and continue after childbirth if the employee is actually disabled by pregnancy, childbirth, termination of pregnancy, or related medical conditions.
- 13) Requires a community college district to maintain group health coverage for an employee who takes this leave of absence for the duration of the leave at the same level and under the same conditions that coverage would have been provided if the employee had not taken a leave of absence.
- 14) Provides that, except as specified, there are no eligibility requirements, including, but not limited to, minimum hours worked or length of service, before an employee disabled by pregnancy, childbirth, termination of pregnancy, or related medical conditions is eligible for a paid leave of absence under these provisions.
- 15) Specifies that for part-time academic or classified employees, the amount of paid leave per week, subject to a maximum of 14 weeks, shall be calculated in accordance with the following:
 - a. If the part-time employee works a fixed number of hours per week, the employee shall receive weekly pay for the total number of hours the employee is normally scheduled to work for the community college district.
 - b. If the part-time employee does not work a fixed number of hours per week, the employee shall receive weekly pay in an amount equaling the employee's average weekly pay

during the six-month period immediately preceding the date that the employee began their paid leave.

- i. If the part-time employee has been employed for less than six months, the employee shall receive weekly pay in an amount equaling the employee's average weekly pay during the entire period of that employment preceding the date that the employee began their paid leave.

- 16) Specifies that nothing shall diminish the obligation of a community college district to comply with any collective bargaining agreement entered into by a community college district and an exclusive bargaining representative, as specified, that provides greater disability or parental leave rights to employees than the rights established under these provisions.

COMMENTS

1. Background:

Parental leave is proven to benefit families and communities by improving long-term health outcomes for mothers and children, decreasing stress for caregivers and new parents, encouraging equitable co-parenting, and reducing income volatility. Studies have found that longer paid maternity leave was associated with, among other things: 1) lower rates of postpartum depression and lower rates of depression later in life; 2) for mothers who chose to breastfeed, higher rates of breastfeeding that continued for twice as long; 3) a lower likelihood of the mother or child returning to the hospital with medical complications in the first year; and 4) babies were more likely to have well-child visits and timely vaccinations.¹ Additionally, women who take paid leave are more likely to return to work and to see a wage increase and less likely to rely on public assistance and food stamps.²

A 2010 study by the International Labour Organization of the United Nations found that out of 167 countries studied, 97 percent 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.³

Whether or not that leave is paid or has some wage replacement component is often the deciding factor on whether or not, and for how long, an employee is likely to take time to care for themselves and their families while financially providing for them. California has several medical leaves under which an employee may be able to take leave from work to care for their illness, that of specified family members or for the bonding with a new child. Below is a summary of some and their eligibility requirements, with the caveat that not all these programs may be available to all employees. Eligibility may depend on the employers covered by each program.

¹ Waldron, Patricia citing Stanford psychiatrist Amy Alexander, "The case for national paid maternity leave," *Women's Health*, May 18, 2020. <https://med.stanford.edu/news/insights/2020/05/the-case-for-national-paid-maternity-leave.html>

² Ibid.

³International Labour Organization, "Maternity and paternity at work: Law and practice across the world." https://www.ilo.org/sites/default/files/wcmsp5/groups/public/@dgreports/@dcomm/@publ/documents/publication/wcms_242615.pdf

	CA Family Rights Act (CFRA) <i>Job Protected</i>	Paid Family Leave (PFL) <i>No Job Protection</i>	Pregnancy Disability Leave (PDL) <i>Job Protected</i>	Reproductive Loss Leave <i>Job Protected</i>	Family Medical Leave Act (FMLA) <i>Job Protected</i>	AB 65 (This bill)
Employers Covered	Five or more employees	One or more (employee pays, employee gets)	Five or more employees	Public employers of any size/ private employers with five or more employees	50+ employees within 75-mile radius	Public Schools, Community College Districts
Employee Eligibility	Worked 1,250 hours in prior 12 months	Once employee earns \$300 in base period for fund contribution	Immediate as necessary	Worked with the employer at least 30 days	Worked 1,250 in prior 12 months	No minimum hours worked or length of service required
Reason for Leave	Employee serious health condition; seriously ill family member care; bond with newborn or newly placed adopted or foster child	Care for seriously ill family member; bond with a child within 1 year of birth, foster care or adoption placement; qualifying event because of a family member’s military deployment	Disability due to pregnancy, childbirth or related medical condition	Miscarriage, stillbirth, failed adoption, failed surrogacy, or unsuccessful assisted reproduction	Bond with a child w/in 1 year of birth, adoption or foster care placement OR due to serious pregnancy-related health condition	Pregnancy, miscarriage, childbirth, termination of pregnancy, or recovery from those conditions
Length of Leave	12 weeks in 12-month period	8 weeks in 12-month period	Up to 4 months	5 days, nonconsecutive, per loss event (max of 20 days w/in 12 months)	Up to 12 weeks	Determined by employee and physician
Paid or Unpaid	Unpaid, may run concurrent with other paid leave	Partial wage replacement (70-90%, depending on income)	Unpaid, may run concurrent with SDI for partial wage replacement	Unpaid, employee can use vacation, personal leave, paid sick leave, or comp time	Unpaid, employee can use vacation, paid sick time	Fully paid, up to a maximum of 14 weeks
Continued Health Coverage	Yes	No	Yes	Unspecified	Yes	Yes

Points of note regarding these leaves:

- When both state and federal laws apply, the employee receives the benefit of the more protective law.
- PFL provides benefit payments but not job protection; however, the employee’s job may be protected if taken concurrently with FMLA or CFRA.
- There is no pay associated with the FMLA and CFRA, other than what the employee has earned in other accrued leaves that may apply.

- Employees may only be eligible for the PFL program if they are covered by the SDI program. SDI is employee funded. If an employee does not pay into the SDI program, they are not eligible to receive disability benefits PFL.
- Nonindustrial Disability Insurance (NDI) program may cover certain state employees and provides a partial wage replacement benefit to eligible employees when they lose wages due to a non-work-related disability.

Existing leave options for public school and community college district employees:

The pregnancy-leave compensation provided to public school and community college employees (beyond differential pay as required by law) likely varies considerably based on local bargaining agreements and participation in disability insurance programs. While standard SDI contributions are not mandatory for public employees, some bargaining units and districts may negotiate elective participation. It is unclear how many community college or school districts participate in SDI or other privately contracted disability insurance, and some do not provide any such benefit. Coverage for such disability programs is strictly governed by local collective bargaining agreements.

This bill:

As noted above, existing law provides several overlapping forms of job-protected leave and wage replacement for pregnancy-related absences. Unfortunately, not all employees have access to these programs and in the education sector, such leaves are negotiated as part of the collective bargaining process. 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 for certificated, classified, and academic employees of school districts, charter schools, county offices of education, and community college districts.

Similar prior measures and inclusion in this year's budget:

The Legislature has considered similar proposals in recent years. Most recently through AB 2901 (Aguiar-Curry) of 2024, which was substantially similar to this bill and also proposed 14 weeks of paid leave but was ultimately held on the Senate Floor.

As noted by the Senate Education Committee analysis of this bill:

“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.”

2. Need for this bill?

According to the author:

“AB 65 would require all public schools and community colleges to provide up to 14 weeks of fully paid pregnancy disability leave, ending the practice of forcing educators to deplete their sick leave and absorb pay cuts during pregnancy. The current system is inadequate and disproportionately impacts female educators, creating significant financial and health-related hardships. Without a legal mandate, school districts are not required to provide paid pregnancy leave, leaving educators to navigate a system where they must use up their sick leave—often leaving them financially vulnerable when they need it most. This lack of consistent support for pregnancy-related disabilities also contributes to gender inequality in the workforce, as women are more likely to bear the burden of depleted leave balances and lost retirement benefits compared to their male counterparts. Additionally, the current policy inadvertently encourages sick employees to continue working, potentially jeopardizing their health and the health of their students and colleagues.

By passing legislation to ensure paid pregnancy disability leave, the state can create a uniform standard across all public schools and community colleges, ensuring that educators are financially supported during pregnancy and recovery, and that they do not face discrimination for choosing to have children. This will promote gender equity, protect the health and well-being of educators and their families, and help retain qualified teachers by offering a benefit that supports work-life balance. Without legislative action, these disparities are likely to persist, continuing to harm women and the education system as a whole.”

3. Proponent Arguments:

According to a coalition letter with various employee representative organizations, including several of the sponsors:

“In California – the fifth largest economy worldwide – one of the largest and predominantly female workforces in the state are excluded from pregnancy disability leave – a fundamental standard for reproductive rights in most countries across the globe.

This bill will finally end the discriminatory practice of giving employees who are pregnant no choice but to deplete their sick leave. When an educator is forced to use up their sick leave for pregnancy leave, they return to the classroom with no leave to care for sick family members or themselves. The current policy encourages sick educators to come to school endangering other educators, parents, and students. When an educator retires, CalSTRS converts unused sick leave to additional service credit. But school employees who have exhausted their sick leave due to pregnancy, miscarriage, childbirth, termination of pregnancy or recovery from those conditions are penalized.

Establishing pregnancy disability leave will help retain educators during a historic educator shortage. By requiring school and community college districts to provide fully paid pregnancy disability leave, AB 65 will help employees working in public schools and community colleges to take necessary time off without sacrificing their financial security, the health of their families or the health of their school communities.”

4. Opponent Arguments:

This bill was first introduced in December 2024. When it was going through the legislative process in 2025, there was opposition from various statewide educational organizations and local educational agencies. The bill became a two-year bill once it reached the Senate Education Committee. This year, the proposal has been included in the Governor's 2026-27 Budget. The organizations previously opposed to the measure in 2025 have submitted a letter this year of "support if amended" seeking amendments that address the funding source.

5. Double Referral:

This bill was double referred and prior to our hearing was heard and passed by the Senate Education Committee.

6. Prior/Related Legislation:

SB 1024 (Menjivar, 2026) would grant active firefighting members of specified fire departments, 26 weeks of fully paid postpartum and recovery leave for birth, stillbirth or miscarriage of a child and requires that, upon return, the firefighter be restored to their prior position, as provided. *SB 1024 is pending before the Assembly Appropriations Committee.*

AB 2901 (Aguiar-Curry, 2024) was substantially similar to this bill and 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. *AB 2901 died on the Senate inactive file.*

AB 1123 (Addis, Cervantes, 2023) would have required the California State University (CSU) to provide employees with a paid leave of absence of one semester of an academic year, as specified, following the birth of a child of the employee or the placement of a child with an employee in connection with adoption or foster care placement. *AB 1123 was vetoed by Governor Newsom.*

AB 500 (Gonzalez, 2019) 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. *AB 500 was vetoed by Governor Newsom.*

SUPPORT

California Teachers Association (Co-Sponsor)
California School Employees Association (Co-Sponsor)
California State Treasurer Fiona Ma (Co-Sponsor)
CFT – A Union of Educators & Classified Professionals (Co-Sponsor)
Faculty Association of California Community Colleges (Co-Sponsor)
Alhambra Teachers Association
American College of Obstetricians & Gynecologists - District IX
American Federation of State, County and Municipal Employees California
Anaheim Elementary Education Association
Anaheim Secondary Teachers Association

Asian Americans Advancing Justice Southern California
Asian Law Alliance
Asociación De Maestros Unidos
Associated Pomona Teachers
Association of Carmel Teachers
Association of Colton Educators
BreastfeedLA
Buellton Education Association
California Breastfeeding Coalition
California Child Care Resource and Referral Network
California Commission on the Status of Women and Girls
California Community College Independents
California Domestic Workers Coalition
California Employment Lawyers Association
California Faculty Association
California Federation Business Professional Women
California Federation of Labor Unions
California Immigrant Policy Center
California Latinas for Reproductive Justice
California Legislative Women's Caucus
California Pan-Ethnic Health Network
California Retired Teachers Association
California State Teachers' Retirement System
California Virtual Educators United
California WIC Association
California Women's Law Center
California Work & Family Coalition
Campbell Elementary Teachers Association
Caring Across Generations
Center for Community Action and Environmental Justice
Center for Workers' Rights
Child Care Law Center
Children Now
Citizens for Choice
City of Glendale
Corona-Norco Teachers Association
Covina Unified Education Association
CTA/NEA – Retired
Early Edge California
El Monte Elementary Teachers Association
Electric Universe
Elk Grove Education Association
Equal Rights Advocates
Food Empowerment Project
Fresno Unified School District
Friends Committee on Legislation of California
Fund Her
Grace - End Child Poverty
Hacienda La Puente Teachers Association
Health Access California

Health in Partnership
Human Impact Partners
Insure the Uninsured Project
Jewish Center for Justice
Junior League of Palo Alto - Mid Peninsula
Junior Leagues of California State Public Affairs Committee
LA Alliance for a New Economy
LA Best Babies Network
Lammersville Teachers Association
Legal Aid At Work
Livermore Education Association
Marin Child Care Council
Merced College Faculty Association
Moreno Valley Educators Association
National Council for Jewish Women LA
National Partnership for Women & Families
National Women's Political Caucus of California
Natomas Teachers' Association
NEA-Jurupa
Nevada Joint Union High School Teachers Association
Nourishing Justly
Oak Grove Educators Association
Oakland Unified School District
Orange County Equality Coalition
Our Family Coalition
Oxnard Educators Association
Parent Voices California
Partnership for Los Angeles Schools
Poder Latinx
Portola Valley Teachers Association
Public Counsel
Redlands Teachers Association
Rocklin Teachers Professional Association
Roseville Teachers Association
Sacramento City Teachers Association
San Benito Joint Union High School District Teachers Association
San Diego County Breastfeeding Coalition
San Jose Teachers Association
Santa Maria Elementary Education Association
Santa Monica-Malibu Classroom Teachers Association
Santa Rosa Teachers Association
SEIU California
Special Educators of Amador County
Tahoe Truckee Education Association
Teach Plus California
Teachers Association of Long Beach
Temecula Valley Educators Association
Tustin Educators Association
Twin Rivers United Educators
UAW Region 6

UFCW - Western States Council
United Teachers of Richmond
Universidad Popular
Vacaville Teachers Association
Walnut Creek Teachers Association
Walnut Valley Educators Association
Women's Foundation California
Woodland Education Association
Worksafe

OPPOSITION

None received

-- END --