



## FACT SHEET

AB 1098 (Mike Fong)  
As Introduced February 20, 2025

### SUMMARY

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AB 1098 (M. Fong) updates the Sex Equity in Education Act by expanding existing protections and campus supports for pregnant or pregnancy impacted graduate students and institutes protections and campus supports for pregnant or pregnancy impacted undergraduate students.

### BACKGROUND

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Preventing and addressing sex discrimination on college campuses is required by both the federal Title IX of the Education Amendments of 1972 (Title IX) and the California Sex Equity in Education Act.

Title IX and the California Sex Equity in Education Act provide procedures for how a campus is to provide academic and structural accommodations for pregnant or pregnancy impacted students in order to preserve the student's right to equal access to their chosen educational program.

In April 2024, the Biden Administration issued a final rule amending the Title IX regulations to provide additional protections and safeguards for the prevention of sex discrimination on college campuses. The regulations updated the section pertaining to the type of supports colleges are required to offer pregnant students to avoid sex discrimination claims. A Dear Colleague letter issued on February 4, 2025, confirmed the U.S. department of Education had vacated the regulations due to an Executive Order regarding the definition of sex and recent federal court findings regarding the legality and constitutionality of the regulations.

### NEED FOR THE BILL

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Current Title IX stipulates colleges may not discriminate against a student based on their actual or potential parental, family, or marital status. Title IX further opines on how colleges may provide accommodations for pregnant students in a manner that would not be discriminatory. The California Sex Equity in Education Act provides additional accommodations each college and university is required to offer to students who are either pregnant or have recently welcomed a child. However, the additional protections provided by California Education Code are limited to graduate students.

### SOLUTION

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AB 1098 expands upon the existing protections currently provided to graduate students to those who are enrolled in undergraduate programs. AB 1098 would also codify the procedures introduced by the April 2024 Title IX regulations that defined the type of accommodations and supports colleges and universities should provide to students who are pregnant or have welcomed a child. AB 1098 would provide clear procedures each college and university must implement to ensure students are able to equally access their educational program regardless of parental or pregnancy status.

### STAFF CONTACT

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