

BILL ANALYSIS

S.B. 412
By: Paxton
Higher Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Education Code provisions do not currently provide for a student's right to accommodations at a public institution of higher education based on pregnancy status or parenting conditions. Because pregnant and parenting students are not guaranteed reasonable accommodations, a leave of absence, or an excused absence by an institution, they may have diminished access to higher education. S.B. 412 seeks to ensure certain state-level protections for pregnant and parenting students enrolled in public institutions of higher education by providing for reasonable accommodations, leaves of absence, and excused absences for those students and by requiring such an institution to adopt a policy for students on pregnancy and parenting discrimination.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Higher Education Coordinating Board in SECTION 1 of this bill.

ANALYSIS

S.B. 412 amends the Education Code to establish protections for students enrolled in public institutions of higher education who are pregnant or are the parent or legal guardian of a child under 18 years of age.

S.B. 412 prohibits an institution of higher education from requiring a student, solely because of their status as a pregnant or parenting student or due to related issues, to do any of the following:

- take a leave of absence or withdraw from their degree or certificate program;
- limit their studies;
- participate in an alternative program;
- change their major, degree, or certificate program; or
- refrain from joining or cease participating in any course, activity, or program at the institution.

S.B. 412 requires an institution of higher education to do the following with respect to pregnant or parenting students:

- provide reasonable accommodations to a pregnant student, including accommodations that would be provided to students with a temporary medical condition or that are related to the health and safety of the student and their unborn child;
- for reasons related to a student's pregnancy, childbirth, or any resulting medical status or condition, as follows:
 - excuse the student's absence;

- allow the student to make up missed assignments or assessments;
- allow the student additional time to complete assignments in the same manner as is allowed for students with a temporary medical condition; and
- provide the student with access to instructional materials and video recordings of lectures for classes for which the student has an excused absence to the same extent that those materials and recordings are made available to any other student with an excused absence;
- allow a pregnant or parenting student to take a leave of absence and, if in good academic standing, return to their degree or certificate program without being required to reapply for admission; and
- adopt and post in an easily accessible, straightforward format on its website not later than January 15, 2024, a policy for students on pregnancy and parenting discrimination, which must be made available annually to the institution's faculty, staff, and employees and include the contact information for the employee or office that is the designated point of contact for a student requesting each protection or accommodation.

S.B. 412 requires the Texas Higher Education Coordinating Board (THECB), in consultation with institutions of higher education, to adopt rules as necessary to administer the bill's provisions. The rules must establish minimum periods for which a pregnant or parenting student must be given a leave of absence. The bill requires the THECB, in establishing these minimum periods, to consider the maximum amount of time a student may be absent without significantly interfering with their ability to complete a degree or certificate program.

S.B. 412 applies beginning with the 2024 spring semester.

EFFECTIVE DATE

September 1, 2023.