

BILL ANALYSIS

Senate Research Center
88R19396 JTZ-D

C.S.S.B. 412
By: Paxton
Education
3/30/2023
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Federal law prohibits discrimination against pregnant and parenting college students and requires the provision of pregnancy-related accommodations. However, there are disparities between universities across Texas in student, faculty, and staff awareness in both what rights pregnant and parenting students are entitled to by law, and what is subsequently expected of them.

By improving student and faculty awareness of pregnant and parenting college students' rights, this bill seeks to ensure that these students receive the accommodations and protections to which they are entitled to eliminate unnecessary and illegal barriers to these students' college education, and in turn empower pregnant and parenting college students to stay in school and finish their degrees.

Pregnant or parenting students must be provided access to lecture recordings and instructional materials for classes excused under this bill if the those materials are made available to any other students who have an excused absence.

The required policy must include the appropriate point of contact for exercising each of the rights and accommodations that students are entitled to under this act.

C.S.S.B. 412 amends current law relating to protections for pregnant and parenting students enrolled in public institutions of higher education.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Higher Education Coordinating Board in SECTION 1 (Section 51.982, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter Z, Chapter 51, Education Code, by adding Section 51.982, as follows:

Sec. 51.982. PROTECTIONS FOR PREGNANT AND PARENTING STUDENTS. (a) Defines "institution of higher education" and "parenting student."

(b) Prohibits an institution of higher education from requiring a pregnant or parenting student, solely because of the student's status as a pregnant or parenting student or due to issues related to the student's pregnancy or parenting, to take a leave of absence or withdraw from the student's degree or certificate program; limit the student's studies; participate in an alternative program; change the student's major, degree, or certificate program; or refrain from joining or cease participating in any course, activity, or program at the institution.

(c) Requires an institution of higher education to provide reasonable accommodations to a pregnant student, including accommodations that would be provided to a student with a temporary medical condition or are related to the health and safety of the student and the student's unborn child, such as by

allowing the student to maintain a safe distance from substances, areas, and activities known to be hazardous to pregnant women or unborn children.

(d) Requires an institution of higher education to, for reasons related to a student's pregnancy, childbirth, or any resulting medical status or condition, 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 the institution allows for a student 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 under this section to the same extent that instructional materials and video recordings of lectures are made available to any other student with an excused absence.

(e) Requires an institution of higher education to allow a pregnant or parenting student to take a leave of absence and, if in good academic standing at the time the student takes a leave of absence, return to the student's degree or certificate program in good academic standing without being required to reapply for admission.

(f) Requires each institution of higher education to adopt a policy for students on pregnancy and parenting discrimination. Requires that the policy include the contact information for the employee or office of the institution that is the designated point of contact for a student requesting each protection or accommodation under this section, be posted in an easily accessible, straightforward format on the institution's Internet website, and be made available annually to faculty, staff, and employees of the institution.

(g) Requires the Texas Higher Education Coordinating Board (THECB), in consultation with institutions of higher education, to adopt rules as necessary to administer this section. Requires that the rules establish minimum periods for which a pregnant or parenting student is required to be given a leave of absence under Subsection (e). Requires THECB, in establishing those periods, to consider the maximum amount of time a student is authorized to be absent without significantly interfering with the student's ability to complete the student's degree or certificate program.

SECTION 2. Requires each public institution of higher education, not later than January 15, 2024, to adopt and post on the institution's Internet website the policy on pregnancy and parenting discrimination required under Section 51.982(f), Education Code, as added by this Act.

SECTION 3. Provides that Section 51.982, Education Code, as added by this Act, applies beginning with the 2024 spring semester.

SECTION 4. Effective date: September 1, 2023.