

By: Paxton, et al.

S.B. No. 412

(Guillen, Ramos, Morales of Maverick, Plesa, et al.)

A BILL TO BE ENTITLED

AN ACT

relating to protections for pregnant and parenting students enrolled in public institutions of higher education.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter 2, Chapter 51, Education Code, is amended by adding Section 51.982 to read as follows:

Sec. 51.982. PROTECTIONS FOR PREGNANT AND PARENTING STUDENTS. (a) In this section:

(1) "Institution of higher education" has the meaning assigned by Section 61.003.

(2) "Parenting student" means a student who is the parent or legal guardian of a child under 18 years of age.

(b) An institution of higher education may not require 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:

(1) take a leave of absence or withdraw from the student's degree or certificate program;

(2) limit the student's studies;

(3) participate in an alternative program;

(4) change the student's major, degree, or certificate program; or

(5) refrain from joining or cease participating in any course, activity, or program at the institution.

1       (c) An institution of higher education shall provide  
2 reasonable accommodations to a pregnant student, including  
3 accommodations that:

4           (1) would be provided to a student with a temporary  
5 medical condition; or

6           (2) are related to the health and safety of the student  
7 and the student's unborn child, such as allowing the student to  
8 maintain a safe distance from substances, areas, and activities  
9 known to be hazardous to pregnant women or unborn children.

10       (d) An institution of higher education shall, for reasons  
11 related to a student's pregnancy, childbirth, or any resulting  
12 medical status or condition:

13           (1) excuse the student's absence;

14           (2) allow the student to make up missed assignments or  
15 assessments;

16           (3) allow the student additional time to complete  
17 assignments in the same manner as the institution allows for a  
18 student with a temporary medical condition; and

19           (4) provide the student with access to instructional  
20 materials and video recordings of lectures for classes for which  
21 the student has an excused absence under this section to the same  
22 extent that instructional materials and video recordings of  
23 lectures are made available to any other student with an excused  
24 absence.

25       (e) An institution of higher education shall allow a  
26 pregnant or parenting student to:

27           (1) take a leave of absence; and

1           (2) if in good academic standing at the time the  
2 student takes a leave of absence, return to the student's degree or  
3 certificate program in good academic standing without being  
4 required to reapply for admission.

5           (f) Each institution of higher education shall adopt a  
6 policy for students on pregnancy and parenting discrimination. The  
7 policy must:

8           (1) include the contact information for the employee  
9 or office of the institution that is the designated point of contact  
10 for a student requesting each protection or accommodation under  
11 this section;

12           (2) be posted in an easily accessible, straightforward  
13 format on the institution's Internet website; and

14           (3) be made available annually to faculty, staff, and  
15 employees of the institution.

16           (g) The Texas Higher Education Coordinating Board, in  
17 consultation with institutions of higher education, shall adopt  
18 rules as necessary to administer this section. The rules must  
19 establish minimum periods for which a pregnant or parenting student  
20 must be given a leave of absence under Subsection (e). In  
21 establishing those periods, the board shall consider the maximum  
22 amount of time a student may be absent without significantly  
23 interfering with the student's ability to complete the student's  
24 degree or certificate program.

25           SECTION 2. Not later than January 15, 2024, each public  
26 institution of higher education shall adopt and post on the  
27 institution's Internet website the policy on pregnancy and

1 parenting discrimination required under Section 51.982(f),  
2 Education Code, as added by this Act.

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

5 SECTION 4. This Act takes effect September 1, 2023.