

# An Act

ENROLLED HOUSE  
BILL NO. 1601

By: Gise, Pae, Ranson, and  
Waldron of the House

and

Mann, Frix, and Stanley of  
the Senate

An Act relating to schools; creating the Advancing Rights for Caregiving, Health, and Extended Recovery (Maternity Leave Protection for Teachers) Act; amending 70 O.S. 2021, Section 6-104, which relates to teacher sick leave; creating exception to sick leave limits; amending Section 1, Chapter 291, O.S.L. 2023 (70 O.S. Supp. 2024, Section 6-104.8), which relates to paid maternity leave; allowing sick leave use to extend maternity leave for certain employees; specifying uses; requiring sufficient leave accrual; providing limitation; stating medical exception to limitation; requiring notification and concurrent use with the Family and Medical Leave Act; providing for noncodification; and providing an effective date.

SUBJECT: Schools

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as the "Advancing Rights for Caregiving, Health, and Extended Recovery (Maternity Leave Protection for Teachers) Act" or the ARCHER Act.

SECTION 2. AMENDATORY 70 O.S. 2021, Section 6-104, is amended to read as follows:

Section 6-104. A. 1. The board of education of each school district in the state shall provide for sick leave for all teachers employed in the district and shall pay such teachers the full amount of their contract salaries during any absence from their regular school duties for a period of time and under such conditions as the board may determine, but not less than the minimum benefits hereafter specified. Payment for sick leave shall be made on the basis of the current salary rate then in effect for the teacher receiving the payment. The Unless otherwise provided in Section 6-104.8 of this title, the plan shall provide that a teacher may be absent from his or her duties due to personal accidental injury, illness or pregnancy, or accidental injury or illness in the immediate family without the loss of salary for not to exceed ten (10) days during each school year, except that said absence without loss of salary for teachers employed on an eleven-month contract shall not exceed eleven (11) days during each school year and for those teachers employed on a twelve-month contract shall not exceed twelve (12) days during each school year, if said contract is for the work period, and not merely for pay purposes. The right to such leave shall vest at the beginning of the school year. Each school district shall provide for all teachers a minimum of three (3) days for personal business leave, upon the request of the teacher. Salary deductions for such leave shall not exceed the salary level for substitute teachers. Provided further, that these terms for personal business leave shall not negate any locally negotiated leave policies which exceed the minimum benefits stated above. Each school district may provide not more than five (5) days each year for emergency leave. Each school district will determine the purposes for which emergency leave can be used. Those days shall not be chargeable to sick leave and will be noncumulative. Unused sick leave shall be cumulative up to a total of sixty (60) days, and cumulative sick leave shall be transferable to another school district or to the Oklahoma School for the Blind or the Oklahoma School for the Deaf where the teacher is employed the next succeeding school year, provided that the number of days transferred shall not exceed the maximum days permitted by the receiving school and that such transferred days shall be used first in case of illness and, provided further, that if the receiving school pays teachers for unused sick leave upon retirement or termination of contract, then said payments shall be for only those days accumulated in the receiving school. The school board of the sending district shall certify the exact number of days eligible for transfer.

2. If a teacher is employed at the Oklahoma School for the Blind or the Oklahoma School for the Deaf after July 1, 2017, any unused sick leave up to a total of sixty (60) days that is accumulated at a school district prior to such date shall be transferable.

B. The plan of each school district for sick leave benefits may include other terms and conditions, but shall not provide less sick leave benefits than those prescribed herein. Hospital and medical proceeds may not be charged against sick leave benefits, but the proceeds received by the teacher from any insurance provided by the district for loss of compensable time may be charged against sick leave benefits. Provided the board of education may provide all or part of hospital and medical benefits, and sickness, accident, health and life insurance or any of the aforesaid for any or all of its employees. On authorization of the teacher, the district may approve payroll deductions for such teacher's portion of the aforesaid.

C. Each school district shall grant a teacher leave for jury service or as a witness subpoenaed in a criminal, civil or juvenile proceeding and shall pay the teacher during such service the full, current contract salary. Provided that the district may deduct any compensation received for serving as a juror or witness from the teacher's salary during such service.

D. 1. A school district shall also provide for benefits for personnel other than teachers. Benefits for support personnel employees shall include provisions for paid sick leave of at least one (1) day per month of employment not to exceed the number of hours per day for which they are regularly employed cumulative to a total of sixty (60) days and cumulative sick leave shall be transferable to another school district where the person is employed the next succeeding school year; provided, that the number of days transferred shall not exceed the maximum days permitted by the receiving district and that such transferred days shall be used first in case of illness up to a maximum of ten (10) transferred days per school year unless the local board of education authorizes the use of additional transferred days during the school year in an amount set by the board and, provided further, that if the receiving district pays such person for unused sick leave upon retirement or termination of employment, then said payments shall be for only those days accumulated in the receiving district. The school board of the sending district shall certify the exact number of days eligible for transfer. Each school district shall provide for all

support employees, a minimum of three (3) days for personal business leave, upon the request of the support employee. Salary deductions for personal business leave shall not exceed an amount necessary to cover the costs of services provided to the district by the support employee and shall not exceed the salary of the support employee. The terms for personal business leave provided by this subsection shall not negate any locally negotiated leave policies which exceed the minimum benefits stated above. Payment for such leave shall be calculated with regard to the definition of "support employee" provided by Section 6-101.40 of this title. Provided that such benefits shall not exceed those authorized for teachers hereunder.

2. Support employees, as defined by Section 6-101.40 of this title, shall be entitled to pay for any time lost when school is closed on account of epidemics or otherwise when an order for such closing has been issued by a health officer authorized by law to issue the order.

SECTION 3. AMENDATORY Section 1, Chapter 291, O.S.L. 2023 (70 O.S. Supp. 2024, Section 6-104.8), is amended to read as follows:

Section 6-104.8. A. 1. Full-time employees of a public school district in this state who have been employed by the school district for at least one year and have worked at least one thousand two hundred fifty (1,250) hours during the preceding twelve-month period;

2. Persons employed full time as classroom instructional employees of technology center school districts supervised by the State Board of Career and Technology Education who have been employed by the technology center school district for at least one year and have worked at least one thousand two hundred fifty (1,250) hours during the preceding twelve-month period;

3. Persons employed as teachers by the State Department of Rehabilitation Services who have been employed by the State Department of Rehabilitation Services for at least one year and have worked at least one thousand two hundred fifty (1,250) hours during the preceding twelve-month period;

4. Persons employed full time as correctional teachers or vocational instructors by the Department of Corrections pursuant to Section 510.6a of Title 57 of the Oklahoma Statutes who have been employed by a Department of Corrections facility for at least one

year and have worked at least one thousand two hundred fifty (1,250) hours during the preceding twelve-month period; and

5. Persons employed full time as teachers by the Office of Juvenile Affairs who have been employed by an Office of Juvenile Affairs facility for at least one year and have worked at least one thousand two hundred fifty (1,250) hours during the preceding twelve-month period,

shall be entitled to six (6) weeks of paid maternity leave following the birth of the employee's child. The six (6) weeks of paid maternity leave shall be used immediately following the birth of the school district employee's child.

B. 1. Paid maternity leave provided pursuant to paragraphs 1, 2, and 3 of subsection A of this section shall be in addition to and not in place of sick leave due to pregnancy, as authorized by Section 6-104 of ~~Title 70 of the Oklahoma Statutes~~ this title.

2. Paid maternity leave provided pursuant to paragraph 4 of subsection A of this section shall be in addition to and not in place of sick leave due to pregnancy, as authorized by Section 510.6a of Title 57 of the Oklahoma Statutes.

3. Paid maternity leave provided pursuant to paragraph 5 of subsection A of this section shall be in addition to and not in place of sick leave due to pregnancy, as authorized by Section 2-7-202 of Title 10A of the Oklahoma Statutes.

C. 1. Employees described in subsection A of this section shall have the right to utilize accrued sick leave to extend the duration of their maternity leave beyond the six (6) weeks provided by this section. Such sick leave may be used for recovery from childbirth, bonding with a newborn, or caring for a newborn, and shall not require additional approval from a school board or employer, provided the employee has sufficient sick leave to cover the extended duration. Sick leave used pursuant to this subsection shall not exceed six (6) weeks, unless a licensed medical professional provides written certification recommending additional leave for medical necessity related to the employee's recovery from child birth, or for the care of the newborn, to achieve a combined twelve (12) weeks of FMLA leave in accordance with paragraph 2 of this subsection.

2. An employee seeking to use sick leave to extend the duration of their maternity leave shall notify their employer in accordance with the Family and Medical Leave Act of 1993 (FMLA). FMLA leave shall run concurrently with the paid sick leave extended duration.

D. An employee who takes maternity leave pursuant to the provisions of subsection A of this section shall not be deprived of any compensation or other benefits to which the employee is otherwise entitled.

~~D.~~ E. Each fiscal year, the Legislature shall appropriate adequate funding to the Public School Paid Maternity Leave Revolving Fund created in Section 7 6-104.9 of this ~~act~~ title for the purpose of providing paid maternity leave to eligible school district employees pursuant to paragraph 1 of subsection A of this section. If the Legislature does not appropriate adequate funding specifically for the purpose of providing paid maternity leave to school district employees, the State Board of Education shall allocate from the funds appropriated to the State Board of Education for the support of public school activities an amount to fully fund paid maternity leave.

~~E.~~ F. The State Board of Education, the State Board of Career and Technology Education, the Commission for Rehabilitation Services, the State Board of Corrections, and the Board of Juvenile Affairs may promulgate rules to implement the provisions of this section.

SECTION 4. This act shall become effective November 1, 2025.

Passed the House of Representatives the 17th day of March, 2025.

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Presiding Officer of the House  
of Representatives

Passed the Senate the 30th day of April, 2025.

\_\_\_\_\_  
Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this \_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.  
By: \_\_\_\_\_

Approved by the Governor of the State of Oklahoma this \_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this \_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.  
By: \_\_\_\_\_