

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 60th Legislature (2025)

4 COMMITTEE SUBSTITUTE
FOR
5 HOUSE BILL NO. 1601

By: Gise and **Pae** of the House

6 and

7 **Frix** of the Senate

8

9 COMMITTEE SUBSTITUTE

10 An Act relating to schools; creating the Advancing
11 Rights for Caregiving, Health, and Extended Recovery
12 (Maternity Leave Protection for Teachers) Act;
13 amending 70 O.S. 2021, Section 6-104, which relates
14 to teacher sick leave; creating exception to sick
15 leave limits; amending Section 1, Chapter 291, O.S.L.
16 2023 (70 O.S. Supp. 2024, Section 6-104.8), which
17 relates to paid maternity leave; allowing sick leave
18 use to extend maternity leave for certain employees;
19 specifying uses; requiring sufficient leave accrual;
20 providing limitation; stating medical exception to
21 limitation; requiring notification and concurrent use
22 with the Family and Medical Leave Act; providing for
23 noncodification; and providing an effective date.

24 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.

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

3 Section 6-104. A. 1. The board of education of each school
4 district in the state shall provide for sick leave for all teachers
5 employed in the district and shall pay such teachers the full amount
6 of their contract salaries during any absence from their regular
7 school duties for a period of time and under such conditions as the
8 board may determine, but not less than the minimum benefits
9 hereafter specified. Payment for sick leave shall be made on the
10 basis of the current salary rate then in effect for the teacher
11 receiving the payment. The Unless otherwise provided in Section 6-
12 104.8 of this title, the plan shall provide that a teacher may be
13 absent from his or her duties due to personal accidental injury,
14 illness or pregnancy, or accidental injury or illness in the
15 immediate family without the loss of salary for not to exceed ten
16 (10) days during each school year, except that said absence without
17 loss of salary for teachers employed on an eleven-month contract
18 shall not exceed eleven (11) days during each school year and for
19 those teachers employed on a twelve-month contract shall not exceed
20 twelve (12) days during each school year, if said contract is for
21 the work period, and not merely for pay purposes. The right to such
22 leave shall vest at the beginning of the school year. Each school
23 district shall provide for all teachers a minimum of three (3) days
24 for personal business leave, upon the request of the teacher.

1 Salary deductions for such leave shall not exceed the salary level
2 for substitute teachers. Provided further, that these terms for
3 personal business leave shall not negate any locally negotiated
4 leave policies which exceed the minimum benefits stated above. Each
5 school district may provide not more than five (5) days each year
6 for emergency leave. Each school district will determine the
7 purposes for which emergency leave can be used. Those days shall
8 not be chargeable to sick leave and will be noncumulative. Unused
9 sick leave shall be cumulative up to a total of sixty (60) days, and
10 cumulative sick leave shall be transferable to another school
11 district or to the Oklahoma School for the Blind or the Oklahoma
12 School for the Deaf where the teacher is employed the next
13 succeeding school year, provided that the number of days transferred
14 shall not exceed the maximum days permitted by the receiving school
15 and that such transferred days shall be used first in case of
16 illness and, provided further, that if the receiving school pays
17 teachers for unused sick leave upon retirement or termination of
18 contract, then said payments shall be for only those days
19 accumulated in the receiving school. The school board of the
20 sending district shall certify the exact number of days eligible for
21 transfer.

22 2. If a teacher is employed at the Oklahoma School for the
23 Blind or the Oklahoma School for the Deaf after July 1, 2017, any
24 unused sick leave up to a total of sixty (60) days that is

1 accumulated at a school district prior to such date shall be
2 transferable.

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

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

21 D. 1. A school district shall also provide for benefits for
22 personnel other than teachers. Benefits for support personnel
23 employees shall include provisions for paid sick leave of at least
24 one (1) day per month of employment not to exceed the number of

1 hours per day for which they are regularly employed cumulative to a
2 total of sixty (60) days and cumulative sick leave shall be
3 transferable to another school district where the person is employed
4 the next succeeding school year; provided, that the number of days
5 transferred shall not exceed the maximum days permitted by the
6 receiving district and that such transferred days shall be used
7 first in case of illness up to a maximum of ten (10) transferred
8 days per school year unless the local board of education authorizes
9 the use of additional transferred days during the school year in an
10 amount set by the board and, provided further, that if the receiving
11 district pays such person for unused sick leave upon retirement or
12 termination of employment, then said payments shall be for only
13 those days accumulated in the receiving district. The school board
14 of the sending district shall certify the exact number of days
15 eligible for transfer. Each school district shall provide for all
16 support employees, a minimum of three (3) days for personal business
17 leave, upon the request of the support employee. Salary deductions
18 for personal business leave shall not exceed an amount necessary to
19 cover the costs of services provided to the district by the support
20 employee and shall not exceed the salary of the support employee.
21 The terms for personal business leave provided by this subsection
22 shall not negate any locally negotiated leave policies which exceed
23 the minimum benefits stated above. Payment for such leave shall be
24 calculated with regard to the definition of "support employee"

1 provided by Section 6-101.40 of this title. Provided that such
2 benefits shall not exceed those authorized for teachers hereunder.

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

8 SECTION 3. AMENDATORY Section 1, Chapter 291, O.S.L.

9 2023 (70 O.S. Supp. 2024, Section 6-104.8), is amended to read as
10 follows:

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

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

22 3. Persons employed as teachers by the State Department of
23 Rehabilitation Services who have been employed by the State
24 Department of Rehabilitation Services for at least one year and have

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

3 4. Persons employed full time as correctional teachers or
4 vocational instructors by the Department of Corrections pursuant to
5 Section 510.6a of Title 57 of the Oklahoma Statutes who have been
6 employed by a Department of Corrections facility for at least one
7 year and have worked at least one thousand two hundred fifty (1,250)
8 hours during the preceding twelve-month period; and

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

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

18 B. 1. Paid maternity leave provided pursuant to paragraphs 1,
19 2, and 3 of subsection A of this section shall be in addition to and
20 not in place of sick leave due to pregnancy, as authorized by
21 Section 6-104 of ~~Title 70 of the Oklahoma Statutes~~ this title.

22 2. Paid maternity leave provided pursuant to paragraph 4 of
23 subsection A of this section shall be in addition to and not in
24

1 place of sick leave due to pregnancy, as authorized by Section
2 510.6a of Title 57 of the Oklahoma Statutes.

3 3. Paid maternity leave provided pursuant to paragraph 5 of
4 subsection A of this section shall be in addition to and not in
5 place of sick leave due to pregnancy, as authorized by Section 2-7-
6 202 of Title 10A of the Oklahoma Statutes.

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

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

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

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

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

21 SECTION 4. This act shall become effective November 1, 2025.
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23 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
03/06/2025 - DO PASS, As Amended and Coauthored.
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