

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 1601

6 By: Gise

7 COMMITTEE SUBSTITUTE

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

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

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

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

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

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

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

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

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

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

19       D. 1. A school district shall also provide for benefits for  
20 personnel other than teachers. Benefits for support personnel  
21 employees shall include provisions for paid sick leave of at least  
22 one (1) day per month of employment not to exceed the number of  
23 hours per day for which they are regularly employed cumulative to a  
24 total of sixty (60) days and cumulative sick leave shall be

1 transferable to another school district where the person is employed  
2 the next succeeding school year; provided, that the number of days  
3 transferred shall not exceed the maximum days permitted by the  
4 receiving district and that such transferred days shall be used  
5 first in case of illness up to a maximum of ten (10) transferred  
6 days per school year unless the local board of education authorizes  
7 the use of additional transferred days during the school year in an  
8 amount set by the board and, provided further, that if the receiving  
9 district pays such person for unused sick leave upon retirement or  
10 termination of employment, then said payments shall be for only  
11 those days accumulated in the receiving district. The school board  
12 of the sending district shall certify the exact number of days  
13 eligible for transfer. Each school district shall provide for all  
14 support employees, a minimum of three (3) days for personal business  
15 leave, upon the request of the support employee. Salary deductions  
16 for personal business leave shall not exceed an amount necessary to  
17 cover the costs of services provided to the district by the support  
18 employee and shall not exceed the salary of the support employee.  
19 The terms for personal business leave provided by this subsection  
20 shall not negate any locally negotiated leave policies which exceed  
21 the minimum benefits stated above. Payment for such leave shall be  
22 calculated with regard to the definition of "support employee"  
23 provided by Section 6-101.40 of this title. Provided that such  
24 benefits shall not exceed those authorized for teachers hereunder.

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

6        SECTION 3.        AMENDATORY        Section 1, Chapter 291, O.S.L.  
7 2023 (70 O.S. Supp. 2024, Section 6-104.8), is amended to read as  
8 follows:

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

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

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

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

7           5. Persons employed full time as teachers by the Office of  
8 Juvenile Affairs who have been employed by an Office of Juvenile  
9 Affairs facility for at least one year and have worked at least one  
10 thousand two hundred fifty (1,250) hours during the preceding  
11 twelve-month period,  
12 shall be entitled to six (6) weeks of paid maternity leave following  
13 the birth of the employee's child. The six (6) weeks of paid  
14 maternity leave shall be used immediately following the birth of the  
15 school district employee's child.

16           B. 1. Paid maternity leave provided pursuant to paragraphs 1,  
17 2, and 3 of subsection A of this section shall be in addition to and  
18 not in place of sick leave due to pregnancy, as authorized by  
19 Section 6-104 of ~~Title 70 of the Oklahoma Statutes~~ this title.

20           2. Paid maternity leave provided pursuant to paragraph 4 of  
21 subsection A of this section shall be in addition to and not in  
22 place of sick leave due to pregnancy, as authorized by Section  
23 510.6a of Title 57 of the Oklahoma Statutes.

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

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

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

23 D. An employee who takes maternity leave pursuant to the  
24 provisions of subsection A of this section shall not be deprived of



1 any compensation or other benefits to which the employee is  
2 otherwise entitled.

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

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

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