

**MATERNITY LEAVE  
(REGULATIONS)**

Common Education Schools:

The board of education shall provide maternity leave to all full-time employees of the school district who have been employed by the school district for at least one year and have worked for the school district for at least one thousand two hundred fifty (1,250) hours during the preceding twelve-month period. Eligible employees shall be entitled to six (6) weeks of paid maternity leave following the birth of the employee’s child. The six (6) weeks of maternity leave shall be immediately following the birth of the school district employee’s child.

Current Legislations shall be considered as part of this policy.

**REFERENCE: 70 O.S. §6-104.8**

Dear \_\_\_\_\_:

Gore Schools’ has received your request for maternity leave. We appreciate your early communication with the district so we can ensure your job responsibilities are covered by others while you care for yourself and your growing family.

This document is intended to provide you with helpful benefit-related information as you plan your maternity leave. While it will not replace other legally required documents that must be completed, we hope it will allow you to better understand the options and support the district can provide to you. I am also attaching all Gore Board of Education policies that relate to leave following the birth of a child. **This includes the new Oklahoma law that allows eligible school employees to take up to six weeks of paid maternity leave.**

Congratulations on this wonderful milestone in your life! We are thrilled to welcome a new member – your little one – to the Pirate family!

Sincerely,

Lucky McCrary  
Superintendent

Cont. for FAQ’s

## Maternity Leave FAQ & Resources

Senate Bill 1121, approved by Oklahoma legislators and signed by the Governor this spring, authorizes six weeks of paid maternity leave for school employees, among others. Although there are requirements to qualify, this new benefit is expected to make a positive difference for Oklahoma teachers and their families.

The OSSBA team has prepared several resources to help districts support their employees and properly implement the law before employees return for the 2023-24 school year. The state Board of Education is also expected to make rules related to the law. OSSBA will provide more information when it is available.

### Who is eligible for the state-approved maternity leave?

The new law grants paid leave for female employees in the following roles who have (1) worked full time for the district or entity at least one year and (2) worked at least 1,250 hours during the 12 months prior to the maternity leave request:

- All common education employees.
- Classroom instructional employees of career technology centers.
- Teachers employed by the state Department of Rehabilitation Services.
- Teachers employed as correctional teachers or vocational instructors by the state Department of Corrections.
- Teachers employed by an Office of Juvenile Affairs facility.

### Can eligible employees use maternity leave whenever they choose?

No. The six weeks must be taken immediately after the birth of the child.

### What if the baby is born during the summer or during a school break, like Christmas?

The six weeks of leave still begins immediately and runs consecutively without interruption, regardless of school breaks. For example, if the baby is born on July 20 and the mother's contract for the new school year begins two weeks later, she would have four weeks of leave remaining after her original report date.

This new benefit is intended for salary protection, and there is not a loss of salary for employees during non-contract days.

### Does the new law require any changes to board policies?

Yes. In addition to a new policy about the maternity leave, districts will need to revise policies related to:

- Family Medical Leave Act.
- Locally approved shared sick leave programs and sick leave banks.
- Additional sick days for teachers, specifically the 20 days provided to teachers by state law for personal injury, illness or pregnancy.

OSSBA's Policy Services team will provide the new policy and revised policies for subscribers in an upcoming edition of PSST. Learn more about this service: [ossba.org/services/policy-services/](https://ossba.org/services/policy-services/)

### Will this change how employees can use their accrued sick leave after the birth of a child?

The six weeks of maternity leave must be used first; then, the employee can use any paid sick leave available to them.

### Can maternity leave run concurrently with Family Medical Leave Act (FMLA) leave?

Yes. The new law provides employees with six weeks of paid maternity leave and, when it runs concurrently with FMLA, they have an additional six weeks of unpaid leave remaining. The district's practice of including the maternity leave within the 12 weeks of FMLA leave should be reflected in board policy.

### How does maternity leave affect the district's shared leave program or sick leave bank?

Oklahoma law does not require school districts to offer a shared leave program or sick leave bank. Districts that do should

ensure their board policy requires maternity leave to be exhausted before sick leave program/bank days are granted to an otherwise eligible employee.

**How does the maternity leave work with other leave allowed by state law?**

Oklahoma law already provides 20 days of paid leave to teachers for personal injury, illness or pregnancy – less the cost of a substitute to cover their classroom. While this leave does not apply to bonding after birth, employees may use it for necessary physical recovery or pregnancy. Prior to taking these 20 days post birth, the employee must have exhausted all maternity leave and sick leave. This should be reflected in district policy.

**Are employees who are new to the district eligible for paid maternity leave this school year?**

No. New employees will not be eligible because they will not have worked full-time for the district for a year nor worked at least 1,250 hours during the 12 months prior to the maternity leave request.

**Is there anything else school leaders should do?**

This is a perfect opportunity to review procedures and processes related to employee leave following the birth of a child. Work to communicate proactively with employees about how much total leave they have, how many days they will be paid for and when their benefits will expire. Provide them with as much information as possible to help them plan for their growing family.

**How will districts be reimbursed for the cost of this leave?**

Some details about reimbursement are still unknown; however, the law states that:

- School districts will file a claim with the state Board of Education to be repaid.
- Other entities, like the Department of Career Tech, will file claims with the Director of the Office of Management and Enterprise Services to be repaid.

More information about the reimbursement process is expected to be available in the future.

The screenshot shows a web browser displaying the OSSBA (Oklahoma State School Boards Association) website. The main content is a chart titled "OKLAHOMA SCHOOL MATERNITY LEAVE".

**OKLAHOMA SCHOOL MATERNITY LEAVE**

Oklahoma's new maternity leave law provides school employees who have given birth six paid weeks of leave, which runs concurrently with their 12 weeks of unpaid FMLA leave. **Their position and health insurance benefits are protected until their unpaid or paid leave is exhausted, whichever is longer.** Additional local leave or payroll protection benefits may also apply. In cases of health complications, the Americans with Disabilities Act should be followed as well.

**Job Protection**

- Additional district-approved unpaid leave granted by negotiated agreement of leave of absence, if applicable
- \*12 Weeks of Unpaid FMLA Leave (if the employee works at a school site that has 50 or more employees within a 75-mile radius)

**Paid Leave**

- An employee may have disability or payroll protection insurance that provides additional salary; however, this does not assist with job protection or benefits past 12 weeks.
- K-12 TEACHERS ONLY:** 20 paid days (minus the actual cost of the substitute) as granted by Oklahoma statute when personal paid leave is exhausted. (Total leave cannot exceed total number of days in the school contract period. Can be used for personal injury/illness, does not apply for bonding. Can also be taken for pregnancy before birth.)
- Days available through district sick leave bank, if applicable and the employee qualifies
- Use of employee's paid sick leave
- All K-12 SCHOOL EMPLOYEES & CLASSROOM INSTRUCTION CAREER TECH EMPLOYEES:** \*Six weeks of paid leave, which begins the day of the child's birth (including during summer and holiday breaks)

\*Must be employed at least one year and have worked at least 1,250 hours

A vertical arrow on the left side of the chart is labeled "Stackable", indicating that the leave benefits can be combined.