ALABAMA STATE BOARD OF EDUCATION
STATE DEPARTMENT OF EDUCATION
ADMINISTRATIVE CODE

CHAPTER 290-3-1
PUBLIC SCHOOL GOVERNANCE

290-3-1-.05 Paid Parental Leave.

Unless stated otherwise, terms in this Rule shall have the same definition as provided in Ala. Code § 36-6A-1, et seq. (1975).

(1) Paid Parental Leave. Beginning July 1, 2025, an eligible employee shall be entitled to the following:

(a) 8 weeks of paid parental leave for a mother in connection with the birth, stillbirth, or miscarriage of her child;

(b) 2 weeks of paid parental leave for a father in connection with the birth, stillbirth, or miscarriage of his child;

(c) 8 weeks of paid parental leave in connection with the placement of a child with an eligible employee for adoption, provided the child is three years of age or younger at the time that he or she is placed with the eligible employee.

i. If parents who jointly adopt a child are both eligible employees, one parent shall be entitled to eight weeks of paid parental leave and one parent shall be entitled to two weeks of paid parental leave in connection with the adoption.

(2) Eligible Employee. An employee is eligible for paid parental leave pursuant to Ala. Code § 36-6A-1(3)(b) if the employee is a full-time certified or noncertified employee of a local education agency and has been employed by or in pay status for any local education agency in this state for at least 12 consecutive months immediately preceding the occurrence of a qualifying event.

(3) Establishing Eligibility.

(a) Prior to granting paid parental leave, the employer shall have the employee complete a certification form, as provided by the Alabama State Department of Education.

(b) In addition to the certification form, the employer shall require an employee requesting paid parental leave to provide acceptable proof in support of the request for paid parental leave.

(c) An eligible employee may not take paid parental leave under this Rule unless he or she meets all of the following requirements:

(i) Submitted a completed certification, as set forth in Paragraph (3)(a).

(ii) At least 30 days prior to the use of the paid parental leave, the eligible employee shall provide the employer a written plan regarding his or her intended use of the paid parental leave and any other leave he or she intends to take in connection with a qualifying event.

(iii) The eligible employee shall agree in writing to the employer that he or she will not separate from employment for a period of at least eight weeks following the conclusion of any leave taken in connection with a qualifying event.

(iv) An employer may waive the requirement of paragraph (3)(c)(iii) in circumstances where the eligible employee is unable to return to work due to his or her own serious health condition or a serious health condition of an immediate family member.

(d) In the event of an emergency that prevents an eligible employee from completing the requirements of paragraph (3)(c) prior to taking paid parental leave, the eligible employee shall complete the requirements as soon as practicable after the emergency has ended, including providing sufficient documentation to establish a qualifying condition.

(4) Leave Prior to Qualifying Event. In the event an employee desires to take paid parental leave prior to the occurrence of a qualifying event as defined in Ala. Code § 36-6A-1(7), the employee must comply with all the requirements of paragraph (3) above.

(a) Prior to the qualifying event, "in connection with the birth" shall mean the eligible employee is:(1) attending prenatal appointments or other visits to a Healthcare Provider due to the expected birth of a child; (2) has been hospitalized in expectation of the birth of a child or due to a condition caused by or related to the expected birth of a child; or (3) otherwise requires leave due to a Healthcare Provider's order requiring the mother to limit her physical activity prior to the expected birth of a child.

(b) Prior to the qualifying event, "in connection with the placement of a child with an eligible employee for adoption" shall mean the eligible employee is utilizing leave for one of the following: (1) meeting with an attorney regarding the adoption of the child; (2) hosting in-home visits necessary

for the completion of the adoption; (3) attending judicial proceedings regarding the adoption of the child; (4) attending counseling sessions regarding the adoption; (5) submitting to a physical examination; or (6) traveling to another country to complete an adoption.

(i) The term "in connection with the placement of a child with an eligible employee for adoption" shall not include foster care or the placement of a child with the employee for any other temporary, non-adoption purpose.

(5) Compensation. Paid parental leave under this Rule shall be paid at 100 percent of the eligible employee's base pay, as determined by the employer, and shall remain at 100 percent of the employee's base pay as if the eligible employee worked continuously from the date that paid parental leave commenced until the eligible employee's return to work.

(6) Duration.

(a) Paid parental leave under this Rule is available for use only during the 365 days following the commencement of a qualifying event or within 365 days of the eligible employee taking paid parental leave for the qualifying event, whichever occurs sooner.

(b) Paid parental leave under this Rule may be used continuously, intermittently, or on a reduced scheduled basis. Eligible employees utilizing leave under this Rule shall be subject to the following limitations:

(i) The eligible employee shall maintain a continuing parental role with any child whose birth or adoption was a qualifying event; and

(ii) Such intermittent or reduced schedule leave, including leave taken for bonding purposes, shall be agreed to by the employer prior to the start of the leave.

(7) Restoration to Position.

(a) Upon the expiration of paid parental leave, an employer shall restore the eligible employee to the position that he or she held at the time of the qualifying event or to an equivalent position with equivalent seniority, status, employment benefits, pay, and other terms and conditions of employment, including fringe benefits and service credits, that the eligible employee received or was entitled to prior to the commencement of his or her paid parental leave. An eligible employee shall be entitled to any cost-of-living salary or merit salary increase to which the eligible employee

would have been entitled had he or she not taken paid parental leave.

(8) Failure to Comply. Any failure of the employee to abide by these Rules may result in the employer denying paid parental leave. The employer may recover any improperly granted paid parental leave, whether it be through the substitution of other available leave, leave without pay, offset, or otherwise.

(9) Limitations.

(a) Paid parental leave does not require the employee to exhaust his or her sick leave, annual leave, or any other leave or paid time off prior to use.

(b) An eligible employee may only use paid parental leave in connection with one qualifying event during a 365-day period, even if more than one qualifying event occurs.

(c) After an eligible employee exhausts all available paid parental leave, any additional leave an employee wishes to take shall be taken in accordance with these Rules and his or her employer's policy.

(d) Eligible employees using paid parental leave under this Rule shall follow their employer's customary leave practices that are not contradicted by this Rule. Further, any leave taken under this Rule shall run concurrently with any leave granted under Ala. Code § 25-1-61 and the Family and Medical Leave Act of 1993.

(10) Duty to Inform. An employer shall provide each employee notice of his or her rights under this Rule upon his or her hiring, including the eligibility requirements, leave availability, and the procedure for utilizing leave under this Rule.

(11) Employer Policies. Employers may adopt policies and procedures to implement this Rule so long as they do not conflict with Ala. Code § 36-6A-1, et seq., (1975), or any Rule of the Board.

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Statutory Authority: Ala. Code §§ 16-3-13 and 36-6A-1, et seq., (1975).
History: New Rule: Published August 29, 2025; effective October 13, 2025.