



STATE OF ALABAMA
DEPARTMENT OF EDUCATION



Eric G. Mackey, Ed.D.
State Superintendent of Education

June 23, 2025

MEMORANDUM

TO: City and County Superintendents of Education

FROM: Eric G. Mackey *EGM*
State Superintendent of Education

RE: Paid Parental Leave

On April 2, 2025, Governor Kay Ivey signed SB199 into law (Act 2025-81), which creates paid parental leave (PPL) for state employees, including teachers and other eligible local education agency (LEA) employees.

This law allows for eight weeks of PPL to eligible female employees in connection with the birth, stillbirth, or miscarriage of her child; two weeks of PPL for eligible male employees in connection with the birth, stillbirth, or miscarriage of his child; and eight weeks of PPL in connection with the placement of a child with an eligible employee for adoption, so long as the child is three years of age or younger at the time that he or she is placed with the employee. This change is codified in the *Code of Alabama*, Section 36-6A-1, et seq. (1975).

Local school boards are responsible for implementing this policy in accordance with rules adopted by the Alabama State Board of Education. The Act created an unusual scenario in which the Alabama State Board of Education, the State Personnel Department, and the Alabama Community College System were tasked with “jointly” adopting administrative rules to implement the Act. This joint rule-making process ensures consistency in the application of PPL across state employment. Because the Act becomes effective July 1, 2025, the Alabama State Board of Education adopted the attached emergency rule to provide guidance for employees of local boards of education who wish to utilize this leave beginning July 1, 2025. A permanent rule will make its way through the traditional rule-making process and will be shared with you once adopted. There will also be forthcoming guidance about the reporting requirements mandated by the Act.

An employee is eligible for PPL pursuant to Ala. Code § 36-6A-1(3)(b) if the employee is a full-time certified or noncertified employee of a LEA and has been employed by or in pay status for any LEA in this state for at least 12 consecutive months immediately preceding the occurrence of a qualifying event. Eligible employees will follow their employer’s customary

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leave practices that are not contradicted by the Act or the rule. PPL does not require employees to use or exhaust their sick or annual leave, but does run concurrently with any leave granted by the *Family and Medical Leave Act of 1993*.

Additionally, pursuant to the Act, the Alabama State Department of Education (ALSDE) created the attached PPL Certification Form for your use in each school. The form requires that each superintendent approve or deny each instance of PPL usage and that each employee agrees to abide by the requirements of the Act.

The funding for the Act was included in the Education Trust Fund (ETF) Budget (Act 2025-270). The ALSDE is directed to reimburse LEAs based on the daily substitute teacher rate, currently \$120 for each day of approved PPL leave. A total of three (3) reimbursement requests will be submitted by each LEA to the ALSDE. The first request will be submitted in January for the period of October to December. The second request will be submitted in July for the period of January to June. The third request will be submitted in October for the period of July to September. A DocuSign link and specific instructions will be emailed to the LEAs at the end of each reporting period. The required information will include the total number of employees who utilized PPL and the total number of PPL days taken during the reporting period.

If you have any questions or need additional information related to the financial components of the PPL, please contact Sonja Peaspanen (speaspanen@alsde.edu).

EGM/TH

Attachments

cc: Chief School Financial Officers

FY25-1008

**CERTIFICATION OF EMERGENCY RULES
FILED WITH THE
LEGISLATIVE SERVICES AGENCY
OTHNI LATHRAM, DIRECTOR**

Pursuant to Code of Alabama 1975, §§41 22 5(b) and 41 22 6(c)(2)a. and b.

I certify that the attached emergency new rule is a correct copy as promulgated and adopted on Friday, June 20, 2025.

AGENCY NAME:	Alabama State Board of Education State Department of Education
RULE NO. AND TITLE:	290-3-1-.05 Paid Parental Leave
EXPIRATION DATE OF RULE:	Saturday, October 18, 2025
NATURE OF EMERGENCY:	Adopt a Rule according to and in compliance with Alabama Act No. 2025-81 regarding Paid Parental Leave, which states that the law goes into effect July 1, 2025, and that the State Board of Education, with the State Personnel Department and Alabama Community College System, shall jointly adopt rules that implement this Act.
STATUTORY AUTHORITY:	Ala. Code §§ 16-3-13 and 36-6A-1, et seq., (1975).
SUBJECT OF RULE TO BE ADOPTED ON A PERMANENT BASIS:	Yes
NAME, ADDRESS, AND TELEPHONE NUMBER OF PERSON TO CONTACT FOR COPY OF RULE:	Robin Ennis Office of the General Counsel Alabama State Department of Education 50 N. Ripley St., Room 5103 Montgomery, AL 36130-2101 Telephone: 334-694-4916

Eric G Mackey

Eric Mackey

Signature of officer authorized
to promulgate and adopt rules and
regulations or his or her deputy

REC'D & FILED
JUN 20, 2025
LEGISLATIVE SVC AGENCY

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.

Author: Eric G. Mackey.

Statutory Authority: Ala. Code §§ 16-3-13 and 36-6A-1, et seq., (1975).

History: New Rule (ER): Filed June 20, 2025; effective June 20, 2025; expires October 18, 2025.

Paid Parental Leave (PPL) Certification Form

Form provided by the ALSDE for use by LEAs. Requestors must provide all information requested below.

Employee Name: _____

Employee Phone Number: _____

Work Email Address: _____

School: _____

School System: _____

Date of Request: _____

Date of Qualifying Event: _____

Parental Leave Start Date: _____

Reason Parental Leave Requested (Check One):

- ☐ I am requesting up to eight (8) weeks of paid parental leave in connection with the birth, stillbirth, or miscarriage of a child.
- ☐ I am requesting up to two (2) weeks of paid parental leave in connection with the birth, stillbirth, or miscarriage of my child.
- ☐ I am the legal parent of a child three years of age or younger who has been legally placed with me for adoption, or I have begun the adoption process of a child three years of age or younger. (Eligible employees are entitled to eight (8) weeks of paid parental leave. If both parents work for the state, then only **one** parent is eligible for the eight (8) weeks of paid parental leave.)

Anticipated Duration of Paid Parental Leave:

Anticipated or Actual Date of Birth, Stillbirth, Miscarriage, or Placement: _____

Date Paid Parental Leave begins: _____

Date Paid Parental Leave concludes: _____

Requested method of Paid Parental Leave: ☐ Continuous Use ☐ Intermittent use* _____

*Reason(s) for requesting intermittent leave: _____

*How do you intend to utilize intermittent leave? _____

Prior Paid Parental Leave Use

Employee Check One:

- ☐ I have not used any PPL in the 365 days preceding this request or for the qualifying event indicated on this form.
- ☐ I have used PPL in the 365 days preceding this request or for the qualifying event indicated on this request form. If yes, please provide the information below.

If applicable:

Date prior PPL commenced: _____

Date prior PPL leave ended: _____

Employer where prior PPL was used: _____

Amount of prior PPL used: _____

ADOPTION

Paid Parental Leave Eligibility

Complete this section for adoptions only.

Employee Check One:

- ☐ Neither my spouse nor any other parent of the minor child that I am adopting is employed with the state of Alabama in any capacity (such employment includes, but is not limited to, the State Executive Branch, the Legislative Branch, the Judicial Branch, or any state, local, or postsecondary educational institution).
- ☐ The child that I am adopting is also being adopted by an individual who is employed with the state of Alabama.

If you checked the second box, please provide the following information related to the other adopting parent:

Name: _____

Employing Entity: _____

Direct Supervisor: _____

Employee Certification (initial each box)

	I certify that paid parental leave is being taken because of the birth, miscarriage, or stillbirth of a child, or placement of a child with me for adoption, and will be used in accordance with the law.
	I understand and agree that I am required to present sufficient documentation to establish my eligibility for paid parental leave. Such documentation may include a birth certificate, letters from my doctor, or legal documentation establishing my intent to adopt.
	If I provide an anticipated date of a qualifying event, I shall notify my employer as soon as practicable of the actual date of the qualifying event.
	I understand and agree that utilizing parental leave in violation of the law and/or employer policy may result in disciplinary action, up to and including my termination.
	I understand and agree that my employer will deduct any leave fraudulently claimed under the <i>Alabama Public Employee Paid Parental Leave Act of 2025</i> .
	I understand and agree that my employer may remove any fraudulently or improperly granted leave from my paycheck, without any additional prior permission.
	I understand and agree that I am required to return to work for a minimum of eight (8) weeks following my use of paid parental leave and that any failure to comply with the return-to-work agreement may result in the recovery of the value of paid parental leave.
	I understand that any eligible leave under the <i>Family and Medical Leave Act (FMLA)</i> available to me shall run concurrently with the use of parental leave and that I am still required to comply with the FMLA, even if I qualify for paid parental leave.
	I have prepared a written plan and submitted it to my employer in accordance with <i>Alabama Administrative Code, Rule 290-3-1-.05</i> .

I hereby certify under penalty of perjury that, to the best of my knowledge, all information provided in this Certification is true, correct, and complete. I further agree and understand that any false or deceptive information provided herein, regardless of time of discovery, may cause forfeiture of any leave obtained and recovery of the value of any leave improperly received either from my future pay or by legal action. I further agree and understand that any false or deceptive information may result in discipline, up to and including termination.

Signature: _____

Date: _____

Required Documentation:

Qualifying Event	Required Documentation
The birth, stillbirth, or miscarriage of a child.	<ul style="list-style-type: none"> Completed PPL Certification Form Written Plan for Leave Additional Documentation (Select One): <ul style="list-style-type: none"> Birth Certificate. Proof of Birth (letter from health care provider (HCP) confirming birth.) Proof of Death (letter from HCP confirming death or death certificate).
Adoption of a child under three years of age or younger	<ul style="list-style-type: none"> Paperwork or court filing indicating the initiation of the adoption process Adoption Order Agreement confirming the initial date of placement

TO BE COMPLETED BY AGENCY PERSONNEL**Paid Parental Leave Eligibility**

Has the employee been employed with and in pay status for a covered employer for at least 12 consecutive months?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
What dates are utilized to determine the lookback period?	Start Date:	End Date:
Does the employee's request meet the definition of a qualifying event?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Is the employee eligible for FMLA leave?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	If no, indicate when the employee will become eligible: _____	
Did the employee provide a completed, signed PPL Certification Form?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Did the employee provide the required documentation?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Did the employee provide a written plan for leave use?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Did the employee complete and sign a return-to-work agreement?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Select documents received:

- ☐ Birth certificate
- ☐ Proof of Birth (letter from HCP confirming birth)
- ☐ Adoption Order
- ☐ Agreement confirming the initial date of placement
- ☐ Other: _____

Checklist:☐ Determine dates of leave eligibility based on the event.

Start Date: _____

End Date: _____

☐ Verify paid parental leave not taken in the previous 365 days.☐ Parental Leave Approved☐ Parental Leave Denied

Reason: _____

Signature of Superintendent:**Date**

Important Reminders:

- PPL is only available beginning July 1, 2025.
- PPL for birth, stillbirth, miscarriage, and adoption may be used intermittently, on a reduced schedule, or continuously.
- PPL shall run concurrently with FMLA, if available.
- Employees are eligible for PPL once they have been employed by or in pay status for any local education agency in the state for at least twelve (12) consecutive months.
- Employees are not required to use other leave before using PPL, but may do so if they choose.
- PPL must be taken within 365 days of the qualifying event. Any PPL available to the employee after 365 days is forfeited.
- PPL is paid at 100% of the eligible employee's normal rate of pay, as determined by the employer.
- This form does not replace the employer's obligation to provide timely written notifications to the employee required under the *Family and Medical Leave Act* (FMLA), the *Pregnancy Discrimination Act* (PDA), the *Americans with Disabilities Act* (ADA), or the *Pregnant Workers Fairness Act* (PWFA). Refer to the Acts and the employer's policies and procedures for more information.