

Hot Topics in Education Law

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Alabama Public Employee Paid Parental Leave Act of 2025

APEPPLA

- New State Law
- Covers all state entities, school boards, and community colleges
- Provides paid parental leave for certain employees – under certain circumstances
- Effective July 1, 2025
- Codified at Ala Code 36-6A-1, *et seq.*

Eligibility

- Applies to **certified and non-certified** employees.
 - Essentially, this is **all employees who also meet the below requirement**
- Employee must have been **employed** by any local education agency (LEA) in Alabama for **at least 12 consecutive months** prior to the qualifying event.
 - Includes those employees **in a pay status** during **at least 12 consecutive months** prior to the qualifying event.

Eligibility

- LEAs include:
 - Traditional public school systems
 - Public charter schools
 - The Alabama Institute for Deaf and Blind.

Qualifying Event

- **Birth** of a child
- **Stillbirth**: Loss of an unborn child **at or after 20 weeks of gestation** that is confirmed in writing by a healthcare professional
- **Miscarriage**: Loss of an unborn child **at or after 12 weeks gestation** confirmed in writing by a healthcare professional.
- Placement of a child for adoption, provided the **child is three years of age or younger** at the time of placement with eligible employee.



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Qualifying Event

- Law states that abortions are not covered “unless necessary to prevent a serious health risk to the unborn child’s mother as permitted” by state law
- Healthcare professionals for purposes of this law include:
 - Physician
 - Physician assistant
 - Nurse practitioner
 - Midwife who is licensed in his or her respective field in the State of Alabama

Parental Leave

- **Female** employees: Up to **8 weeks** of paid parental leave for **birth, stillbirth, or miscarriage**
- **Male** employees: Up to **2 weeks** of paid leave for the same events.
- **Adoption:**
 - Up to **8 weeks** of leave for one parent, **regardless of sex**.
 - **2 weeks** for the other parent, if both are eligible employees, **regardless of sex**.



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Required Steps Before Leave

- The employee must:
 - Submit a completed **certification** to employer (developed by **ALSDE**)
 - Submit **acceptable proof** in support of the leave
 - Submit a **written plan** to the school board regarding:
 - His or her intended use of the parental leave
 - Any other leave he or she intends to take in connection with the qualifying event
 - Sign a **return-to-work agreement**, committing to remain employed for at least **8 weeks after** leave ends (this is waivable if employee is **unable** to return to work).
- In the event of an emergency that prevents the employee from completing these requirements before taking parental leave, the employee shall complete these requirements as soon as practicable after the emergency has ended.

Parental Leave Prior to Qualifying Event?

- This is not specifically identified by the Act, but expected in the regulations.
 - Finds basis in the language “in connection with”
 - Still requires the completion of the required certification, written plan, and proof.
- **“In connection with the birth,”** applies to following types of circumstances:
 - Prenatal appointments
 - Hospitalization in expectation of or caused by birth of a child
 - Based on Healthcare Provider’s order to limit physical activity

Parental Leave Prior to Qualifying Event?

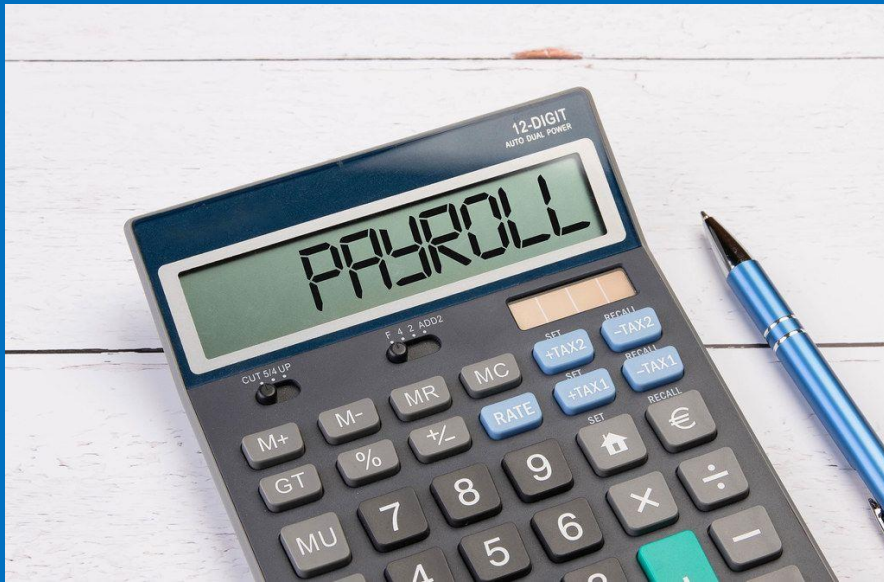
- . **“In connection with the placement . . . for adoption,”** applies to following types of circumstances:
 - Meeting with an adoption attorney
 - Hosting required in-home visits
 - Attending judicial proceedings related to the adoption
 - Attending counseling sessions regarding adoption
 - Submitting to a physical exam
 - Traveling to another country to complete the adoption

Intermittent Leave or Reduced Leave Schedule

Leave may be taken **intermittently or on a reduced schedule**, subject to these conditions:

- Must be used **within 365 days** of the qualifying event or the first day of parental leave taken, whichever is sooner.
- **Only one qualifying event may be used to claim leave per 365-day period**, even if another qualifying event occurs
- The employee must **maintain a continuing parental role** with the child.
- Intermittent/reduced schedule **for bonding purposes shall** be agreed to by the school system prior to the start of the leave.

Administration and Pay



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- Leave is paid at **100% of base pay** for the duration of the leave as if the employee worked continuously from the date the leave commenced until the date of return.
- Employees are **not required to use or exhaust** sick leave, annual leave, or any other leave or paid time off.
- Parental leave has **no cash value**, cannot roll over or be reserved for use during a subsequent qualifying event, and does not count toward retirement.

Pay Increases

“Nothing in this chapter shall be construed to prevent an eligible employee from receiving any cost-of-living salary increase provided generally to eligible employees or any merit increase to which the eligible employee would have been entitled to had he or she not taken parental leave.”



Benefits During Leave

- School boards will continue to pay their share of **health care premiums**.



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- Employees must continue paying their usual **employee share**.

Return to Work

- Upon return, employees must be **restored to position they held at time of qualifying event or to an** equivalent one with same:
 - Seniority
 - Status
 - Benefits
 - Pay
 - Other terms and conditions, including fringe benefits and service credits
 - **School board employees must be restored to the grade taught unless otherwise agreed.**
 - School Boards can **recover** the pay received by the employee during the leave if the employee **fails to return to work** – through **offset or otherwise**.

Rulemaking

- State Board of Education is required to adopt rules to implement and administer the Act as to school board employees. The rules will also apply to employees of a public charter school.
- Rules must set reasonable procedures necessary to implement the act, including any necessary forms for an eligible employee exercising his or her right to parental leave under this chapter.

Rulemaking

- The forms and procedures “shall not be unduly burdensome” to the employee.
- We expect these will be released soon.



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Written Notice at Hiring

- The rules must provide for all school board employees to receive written notice upon their being hired of:
 - Right to parental leave
 - Number of weeks available
 - Procedure for requesting leave

Reporting

By **October 1, 2026**, and annually through **October 1, 2030**, the State Department of Education must **report** to the Governor and Legislature and make publicly available information regarding the implementation and use of parental leave for the previous fiscal year

FMLA

- Act states that parental leave **shall run concurrently** with Family and Medical Leave Act (FMLA) leave
 - This may present some legal issues linked to whether the Paid Parental Leave otherwise meets the requirements of FMLA (e.g., **such as intermittent leave/reduced schedule issues**).
 - This is typically a school board's choice—but the Act makes the choice for us.

The FOCUS Act

(Freeing our Classrooms of
Unnecessary Screens for Safety)

Act 2025-386

Purpose of the FOCUS Act

- Combat classroom distractions caused by cell phones and similar devices
- Address student mental health concerns linked to excessive social media use
- Improve academic focus, safety, and digital responsibility
- Establish consistent statewide policies for device use and online conduct



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Key Provisions of the Law

- Effective School Year: 2025–2026
- **Prohibits student use and operation of wireless communication devices during the instructional day**
- **Requires off-person storage (e.g., locker, car) if devices are brought to school**
- Mandates local boards to **adopt Wireless Communication Device and Internet Safety Policies**
- Introduces mandatory Social Media Safety Course before 8th grade

Key Provisions of the Law

In the past, boards had wide discretion to determine their own policy for wireless communication devices.

The FOCUS Act largely removes local discretion

Possession and Storage

Students may not possess a wireless communication device in a school building or on school grounds during the instructional day unless:

- It is turned off; and
- Stored “off their person” in a locker, car, or similar storage location.

What Is an “Instructional Day”?

- The period of time during which the school is open and in session for purposes of meeting the minimum number of instructional days or hours.



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- Also includes class transitions, lunch non-instructional time, and any other time specified in a wireless communication device policy

Definition of “Wireless Communication Devices”

- Devices include: Cell phones, Tablets, Laptops, Pagers, Gaming devices



- Any other portable device identified in a wireless communication device policy that has the capability of exchanging voice, messaging, or other data communication with another electronic device.

Permitted Exceptions

- IEP, 504 Plan, or Individualized Health Plan accommodations
- Use for educational or learning purposes under staff supervision
- Emergency threatening life or safety of student or another person



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Local Policy Requirements

- Each local board of education must adopt a wireless communication device policy:
- Must be “reasonably” distributed to students, parents, faculty, staff, and the State Board of Education.

Considerations for Board Policy

Remember:

- The definition of **wireless communication device** includes: Cell phones, Tablets, Laptops, Pagers, Gaming devices; AND
- Any other portable device identified in a wireless communication device policy

Considerations for Board Policy

- Include frequently used wireless communication devices in your policy (e.g. Bluetooth earbuds).
- New devices may come out or become popular during the course of a school year.
- Consider incorporating a “catch all” in your policy:

“any other portable electronic device that has the capability of exchanging voice, messaging, or other data communication with another electronic device.”



Considerations for Board Policy

Remember:

The definition of **instructional day** includes:

- The period of time during which the school is open and in session for purposes of meeting the minimum number of instructional days or hours.
- class transitions, lunch non-instructional time, and
- any other time specified in a wireless communication device policy



Considerations for Board Policy

Consider incorporating a “catch all”:

Example:

- Any time that students are required to store their Wireless Communication Devices by the Code of Conduct or other school rules; or
- Any time students are instructed to store their devices by school staff.

Considerations for Board Policy

Storage:



- Students must store the Wireless Communication Device **off their person** in a locker, car, or similar storage location.
- Some students do not have a car on campus and some schools do not have lockers.
- In addition, different schools have different capacities and methods to store devices.

Considerations for Board Policy



Different storage needs calls for
administrative flexibility:

The Superintendent or designee is authorized to develop any additional rules necessary to carry out this policy including the procedures that would require students to store Wireless Communication Devices in specific locations within a given school.

Considerations for Board Policy

- Each local board policy must include disciplinary consequences:
- We recommend specifics regarding punishments to in the Code of Conduct:

Any violations of this policy can result in disciplinary action as outlined in the Code of Conduct.

Practical considerations

Choose disciplinary consequences wisely!

- If penalties are light, you risk noncompliance.
- If penalties are harsh:
 - you risk putting your administrators and teachers in an awkward position;
 - missed instructional time for students;
 - increase in alternative school placements, etc.



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Practical considerations

Messaging matters!



- School systems should start messaging regarding the new rules now.
- Include information on new rules at school orientation, in newsletters, and on social media.
- Consider getting ahead of parental concerns re: emergencies and safety:
 - Be clear regarding how parents can relay messages to students during the school day.
 - Consider current practices—do we need to revamp our front office practices? Our phone tree?

Preparing for Exceptions

- Accommodations: Prepare for increase in requests for 504 evaluations now (e.g. anxiety). Make sure frontline staff know the eligibility rules and standards
- Emergency exception: Include language in Code of Conduct that makes clear when using devices in an emergency is acceptable.
- Instructional exception: How much leeway do you want your staff to have? Train them on expectations.