

1 SENATE BILL 188

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026**

3 INTRODUCED BY

4 Mimi Stewart

10 AN ACT

11 RELATING TO PUBLIC SCHOOLS; ENACTING THE PAID PARENTAL LEAVE
12 FOR QUALIFIED SCHOOL EMPLOYEES ACT; PROVIDING UP TO TWELVE
13 WEEKS OF PAID PARENTAL LEAVE TO QUALIFIED EMPLOYEES OF SCHOOL
14 DISTRICTS OR CHARTER SCHOOLS; PROVIDING FOR REIMBURSEMENTS TO
15 SCHOOL DISTRICTS OR CHARTER SCHOOLS THAT PROVIDE PARENTAL
16 LEAVE; PROVIDING FOR RULES; MAKING AN APPROPRIATION.

17
18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

19 **SECTION 1.** A new section of the Public School Code is
20 enacted to read:

21 "[NEW MATERIAL] SHORT TITLE.--This act may be cited as the
22 "Paid Parental Leave for Qualified School Employees Act"."

23 **SECTION 2.** A new section of the Public School Code is
24 enacted to read:

25 "[NEW MATERIAL] DEFINITIONS.--As used in the Paid Parental
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1 Leave for Qualified School Employees Act:

2 A. "employer" means a school district or charter
3 school;

4 B. "parental leave" means the paid leave that may
5 be used by a qualified employee;

6 C. "period of parental leave" means the time frame
7 during which a qualified employee uses parental leave received
8 pursuant to the Paid Parental Leave for Qualified School
9 Employees Act;

10 D. "qualified employee" means a full-time employee
11 of a school district or charter school who has been employed
12 for at least fifty-two consecutive weeks immediately preceding
13 the commencement of parental leave and who meets the
14 eligibility requirements established by department rule; and

15 E. "qualifying event" means the occurrence of:

16 (1) the birth or adoption of a qualified
17 employee's child; or

18 (2) the foster care placement of a child in
19 the custody of a qualified employee."

20 **SECTION 3.** A new section of the Public School Code is
21 enacted to read:

22 "[NEW MATERIAL] PARENTAL LEAVE--QUALIFIED EMPLOYEE--USE--
23 NO ACCRUAL--NO VALUE--NO PAYOUT.--

24 A. A qualified employee may receive up to twelve
25 weeks of parental leave within a consecutive fifty-two-week

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1 period that begins on the date of the occurrence of the
2 qualified employee's first qualifying event, and the parental
3 leave shall be used:

4 (1) within that fifty-two-week period; and
5 (2) consecutively by week; except that if the
6 qualified employee is a foster parent, the qualified employee
7 may request and receive approval to use parental leave in non-
8 consecutive one-week periods.

9 B. Parental leave is paid leave, and the time
10 accrued during a period of parental leave shall count toward a
11 qualified employee's years of service.

12 C. Parental leave has no cash value, and a
13 qualified employee's unused parental leave shall not be:

14 (1) paid out to the qualified employee upon
15 the employee's separation from employment;
16 (2) used in the calculation of the qualified
17 employee's retirement benefits; or
18 (3) reserved or saved for future qualifying
19 events, except for a qualified employee who is a foster parent
20 who may have multiple qualifying events within a fifty-two-week
21 period.

22 D. A holiday or vacation day provided on an
23 employer's calendar that occurs during a qualified employee's
24 period of parental leave shall not be included as part of the
25 parental leave.

E. If the approved period of parental leave extends beyond a qualified employee's contractual term of employment, the employer of the qualified employee shall allow use of the parental leave to continue under the qualified employee's subsequent contractual term, if any, or until separation of employment.

F. A qualified employee shall not be required to exhaust any other accrued leave before requesting or using parental leave, and parental leave shall not be counted to reduce the total amount of leave to which the qualified employee is otherwise entitled pursuant to contract, policy, collective bargaining agreement or other law; provided, however, that an employer subject to the federal Family and Medical Leave Act of 1993 may require the employee's parental leave to run concurrently with leave used under that act.

G. A qualified employee who uses parental leave shall be paid in full for regular pay during the period of parental leave.

H. During a period of parental leave, the employer of a qualified employee shall maintain health insurance coverage for the qualified employee and pay the employer's share of the health insurance premiums under the same terms that would apply if the qualified employee was not using parental leave, and the qualified employee shall remain responsible for paying the employee's share of the health

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1 insurance premiums.

2 I. Nothing in the Paid Parental Leave for
3 Qualified School Employees Act shall be construed to prohibit
4 an employer from providing other benefits to a qualified
5 employee."

6 SECTION 4. A new section of the Public School Code is
7 enacted to read:

8 "[NEW MATERIAL] RETURN TO WORK AFTER LEAVE.--

9 A. After a period of parental leave, a qualified
10 employee shall be:

11 (1) restored to the position held when the
12 parental leave was commenced; or

13 (2) placed in an equivalent position with the
14 same or greater benefits, wages and other terms and conditions
15 of employment.

16 B. Nothing in this section shall be construed to
17 entitle a restored qualified employee to a right to any benefit
18 or position of employment other than the benefit or position
19 the qualified employee would have been entitled to had the
20 qualified employee not used parental leave.

21 C. Certification or training required by an
22 employer as a condition of employment may remain in place and
23 applicable to a qualified employee who uses parental leave;
24 provided that nothing in this subsection shall supersede
25 another provision of law or a collective bargaining agreement

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1 that governs the qualified employee's return to work after
2 using parental leave."

3 **SECTION 5.** A new section of the Public School Code is
4 enacted to read:

5 "[NEW MATERIAL] DEPARTMENT--EMPLOYER--REIMBURSEMENT
6 PROCESS.--The department shall develop and administer a
7 reimbursement process for employers that provide parental leave
8 pursuant to the Paid Parental Leave for Qualified School
9 Employees Act. The department shall fully reimburse an
10 employer for eligible costs incurred in providing parental
11 leave to qualified employees. Eligible costs shall be
12 determined by rule of the department and shall, at a minimum,
13 include the costs of substitute educators or others required to
14 perform the duties of a qualified employee during a period of
15 parental leave."

16 **SECTION 6.** A new section of the Public School Code is
17 enacted to read:

18 "[NEW MATERIAL] EMPLOYERS--SCHOOL DISTRICTS AND CHARTER
19 SCHOOLS--DEPARTMENT GUIDANCE.--

20 A. With guidance from the department, each employer
21 shall establish and distribute written guidelines governing
22 application for and approval and administration of parental
23 leave, including notice and documentation requirements.

24 B. Each employer shall annually submit to the
25 department a report containing information on the parental

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1 leave awarded to and used by the employer's qualified
2 employees. In the report, the employer shall provide:

3 (1) for each qualified employee who received
4 parental leave, the demographic characteristics of the
5 qualified employee, including age, gender, race and ethnicity,
6 and the duration of parental leave used;

7 (2) a description of the employer's outreach
8 and communication efforts to inform employees about the
9 availability of parental leave for qualified employees; and

10 (3) any feedback received related to parental
11 leave that could improve employee recruitment or retention."

12 **SECTION 7.** A new section of the Public School Code is
13 enacted to read:

14 "[NEW MATERIAL] ANNUAL REPORT---

15 A. The department shall compile and submit an
16 annual report that includes:

17 (1) the projected and actual participation of
18 qualified employees requesting or using parental leave;

19 (2) the demographics, characteristics and
20 duration of periods of parental leave as reported by employers
21 pursuant to Section 6 of the Paid Parental Leave for Qualified
22 School Employees Act;

23 (3) any survey results from employees or
24 employers regarding the impact of parental leave;

25 (4) administrative costs incurred and

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reimbursement costs paid by the department for providing parental leave; and

(5) analysis of the impact on employee recruitment or retention directly associated with providing parental leave.

B. The report required pursuant to this section shall be transmitted to the governor, the secretary and the legislative finance committee and shall promptly be made publicly available on the department's website."

SECTION 8. A new section of the Public School Code is enacted to read:

"[NEW MATERIAL] RULE ADOPTION.--By August 1, 2026, the department shall adopt rules necessary to establish eligibility requirements for parental leave, to develop and administer a reimbursement process for employers that provide parental leave and to implement and administer all other provisions of the Paid Parental Leave for Qualified School Employees Act."

SECTION 9. APPROPRIATION.--Seven million five hundred thousand dollars (\$7,500,000) is appropriated from the general fund to the public education department for expenditure in fiscal year 2027 and subsequent fiscal years to carry out the provisions of the Paid Parental Leave for Qualified School Employees Act, including reimbursing school districts or charter schools for eligible costs for substitutes for educators or other qualified employees. Any unexpended balance

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remaining at the end of a fiscal year shall not revert to the general fund.

SECTION 10. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2026.

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