

2020 Second Extraordinary Session

HOUSE BILL NO. 18

BY REPRESENTATIVE GADBERRY

TEACHERS: Provides relative to sick leave benefits for certain teachers at schools under the jurisdiction of the office of juvenile justice (Item #42)

1 AN ACT

2 To amend and reenact R.S. 17:1200(B) and 1201(C)(1) and (D)(1), relative to teacher sick
3 leave; to provide relative to certain benefits of members of the teaching staff at
4 public schools; to provide relative to benefits received when the member of the
5 teaching staff is injured while acting in his official capacity; to provide that such
6 benefits shall also apply to certain instructors at schools located within secure care
7 facilities under the jurisdiction of the office of juvenile justice; and to provide for
8 related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 17:1200(B) and 1201(C)(1) and (D)(1) are hereby amended and
11 reenacted to read as follows:

12 §1200. Definitions

13 * * *

14 B.(1) As used in R.S. 17:1201, the words "teacher" or "teaching staff" shall
15 include any person employed by a city, parish, or other local public school board in
16 the state of Louisiana who holds a valid teaching certificate issued by the state
17 Department of Education, and any social worker, guidance counselor, or school
18 psychologist employed by a city, parish, or other local public school board in the
19 state who holds, as applicable, a valid professional ancillary certificate in school

1 social work, guidance counseling, or school psychology issued by the state
2 Department of Education.

3 (2) As used in R.S. 17:1201(C)(1) and (D)(1), the words "teacher" or
4 "teaching staff" shall also include an unclassified instructor employed by the
5 Department of Public Safety and Corrections, office of juvenile justice.

6 * * *

7 §1201. Amount of sick leave; reimbursement; injury on the job

8 * * *

9 C.(1)(a) Any member of the teaching staff of ~~the a public schools~~ school or
10 of a school located within a secure care facility under the jurisdiction of the
11 Department of Public Safety and Corrections, office of juvenile justice, who is
12 injured or disabled while acting in his official capacity as a result of assault or
13 battery by any student or person shall receive sick leave without reduction in pay and
14 without reduction in accrued sick leave days while disabled as a result of such assault
15 or battery. However, such member of the teaching staff shall be required to present
16 a certificate from a physician certifying such injury and disability. If the member of
17 the teaching staff who is receiving sick leave without reduction as provided in this
18 Section begins to draw his benefit from the Teachers' Retirement System of
19 Louisiana, the leave shall cease.

20 (b)(i) A member of the teaching staff of ~~the a public schools~~ school or of a
21 school located within a secure care facility under the jurisdiction of the Department
22 of Public Safety and Corrections, office of juvenile justice, who while acting in his
23 official capacity is disabled as a result of physical contact with a student while
24 providing physical assistance to a student to prevent danger or risk of injury to the
25 student shall receive sick leave for a period up to one calendar year without reduction
26 in pay and without reduction in accrued sick leave days while disabled as a result of
27 rendering such assistance. Such member of the teaching staff shall be required to
28 present a certificate from a physician selected by the teaching staff member
29 certifying the disability. Nothing in this Subsection shall prohibit a city, parish, or

1 other local public school board, or the office of juvenile justice for schools in
2 facilities under its jurisdiction, from extending this period beyond one calendar year.

3 (ii) At any time during the period of certified disability, if the school board
4 or the office of juvenile justice questions the validity of the physician certification
5 provided for in this Section, the board or the office of juvenile justice may require
6 the teaching staff member to be examined by a physician selected by the board or the
7 office of juvenile justice. In such a case, the board or the office of juvenile justice
8 shall pay all costs of the examination and any tests determined to be necessary. If
9 the physician selected by the board or the office of juvenile justice certifies the
10 disability, the leave shall be granted or continued as appropriate. If the physician
11 selected by the board or the office of juvenile justice disagrees with the certificate
12 of the physician selected by the staff member, then the board or the office of juvenile
13 justice may require the staff member to be examined by a third physician whose
14 name appears next in the rotation of physicians on a list established by the local or
15 state medical society for such purpose and maintained by the board. The board shall
16 provide the office of juvenile justice access to the list of such physicians upon
17 request. All costs of an examination and any tests required by a third physician shall
18 be paid by the board or the office of juvenile justice. The opinion of the third
19 physician shall be determinative of the issue.

20 (iii) The opinion of each physician consulted as provided in this
21 Subparagraph shall be submitted to the school board or the office of juvenile justice
22 in the form of a sworn statement that shall be subject to the provisions of R.S.
23 14:125.

24 (iv) The board or the office of juvenile justice shall not reduce the pay or
25 accrued sick leave of a member of the teaching staff who is absent from his duties
26 to seek medical attention or treatment as a result of an injury as provided in this
27 Subsection.

28 (v) If the member of the teaching staff's physician determines that the
29 member is able to return to active service as a member of the teaching staff with

1 restrictions and the board or the office of juvenile justice does not allow the member
2 to return to active service as a member of the teaching staff subject to those
3 restrictions, then the member's leave shall be granted or continued as provided in this
4 Subsection.

5 * * *

6 D.(1) Any member of the teaching staff in ~~the a public schools~~ school or in
7 a school located within a secure care facility under the jurisdiction of the Department
8 of Public Safety and Corrections, office of juvenile justice, who is injured or disabled
9 while acting in his official capacity shall be entitled to weekly wage benefits under
10 the workers' compensation law of the state of Louisiana ~~and/or~~ and to sick leave
11 benefits under Subsection ~~A~~ C of this Section, at his option, but in no event shall
12 such benefits exceed the total amount of the regular salary the member of the
13 teaching staff was receiving at the time the injury or disability occurred.

14 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 18 Engrossed 2020 Second Extraordinary Session Gadberry

Abstract: Extends certain benefits afforded to teachers of public schools who are injured while acting in their official capacity to unclassified instructors at schools located in secure care facilities under the jurisdiction of the office of juvenile justice.

Present law provides relative to sick leave benefits afforded to a member of the teaching staff of a public school who, while acting in his official capacity, is injured or disabled either as the result of assault and battery or as the result of physical contact with a student while providing physical assistance to prevent danger or risk of injury to the student, including that he shall receive sick leave without reduction in pay and without reduction in accrued sick leave days.

Proposed law retains present law and extends its application to unclassified instructors at schools in secure care facilities under the jurisdiction of the Dept. of Public Safety and Corrections, office of juvenile justice.

(Amends R.S. 17:1200(B) and 1201(C)(1) and (D)(1))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Education to the original bill:

1. Limit application of proposed law to unclassified instructors.