

2018 Regular Session

HOUSE BILL NO. 625

BY REPRESENTATIVE EDMONDS

TEACHERS/LEAVE: Provides relative to maternity and adoptive leave for teachers

1 AN ACT

2 To amend and reenact R.S. 17:46(A)(2), 48, 231, 1171(B)(2), 1202(A)(1)(b), 1211, 1212,
3 1970.26(C)(1)(f), and 1987(D)(1), relative to maternity and adoptive leave for
4 teachers; to provide relative to sabbatical leave for teachers in public schools and
5 special schools; to provide relative to benefits for visiting teachers and supervisors
6 of child welfare and attendance; to provide relative to extended sick leave for
7 teachers; to provide relative to maternity leave for nonclassified employees of the
8 New Orleans Center for Creative Arts and employees of the school districts for
9 certain correctional centers for youth; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 17:46(A)(2), 48, 231, 1171(B)(2), 1202(A)(1)(b), 1211, 1212,
12 1970.26(C)(1)(f), and 1987(D)(1) are hereby amended and reenacted as follows:

13 §46. Sabbatical leave program

14 A.

15 * * *

16 (2) Absence on sick leave under Subpart E of this Part or on maternity or
17 adoptive leave of absence, as provided for under Subpart F of this Part, for the period
18 of disability occasioned by pregnancy and ~~or childbirth~~ the birth of a child as
19 determined by a certificate from the employee's attending physician, shall not be
20 deemed to interrupt the active service ~~herein as provided for~~ in this Section; nor shall

1 absence on involuntary military service in the armed forces of the United States, nor
2 on military leave under Subpart G be deemed to interrupt the active service ~~herein~~
3 ~~as provided for retroactive to the school session in 1960-61 beginning in the year~~
4 ~~1960~~ in this Section.

5 * * *

6 §48. Maternity leave; adoptive leave

7 A. The superintendent of the Special School District shall grant leaves of
8 absence to regularly employed women teachers for a reasonable time before and after
9 ~~childbirth~~ the birth of a child. If multiple children are born on the same date, the
10 event shall be considered a single qualifying event. The granting of such leaves shall
11 not affect any of the tenure rights which the teacher may have acquired ~~prior thereto~~
12 under the provisions of Subpart C of this Part.

13 B. The superintendent of the Special School District shall grant leaves of
14 absence not to exceed thirty days to regularly employed women teachers after the
15 legal adoption of a child. If multiple children are legally adopted on the same date,
16 the event shall be considered a single qualifying event. The granting of such leaves
17 shall not affect any of the tenure rights which the teacher may have acquired under
18 the provisions of Subpart D of this Part.

19 ~~B.C.~~ C. The position vacated by a teacher who has been granted a maternity or
20 adoptive leave, or by a teacher transferred to the position vacated by a teacher taking
21 a maternity or adoptive leave, in accordance, may be filled by the appointment of
22 substitute teachers.

23 ~~D.~~ D. A substitute teacher appointed under the provisions of Subsection B of
24 this Section shall not acquire any of the tenure rights or privileges provided for in
25 Subpart C of this Part, unless the substitute teacher has subsequently been appointed
26 to fill a regular vacancy and has the necessary qualifications.

27 * * *

1 §231. Retirement, tenure, and other welfare benefits of visiting teachers, or
2 supervisors of child welfare and attendance

3 Visiting teachers, or supervisors of child welfare and attendance, employed
4 under the provisions of this Sub-part, shall have the same status with respect to
5 teacher retirement, tenure, sabbatical leave, sick leave, maternity leave, adoptive
6 leave, and all other teacher-welfare provisions as other teachers or supervisors whose
7 employment requires that they hold valid teachers' certificates issued by authority of
8 the state board of education.

9 * * *

10 §1171. Eligibility for sabbatical leaves

11 * * *

12 B. Active service accumulated toward sabbatical leave as provided in
13 Subsection A hereof shall not be deemed to be interrupted by any of the following:

14 * * *

15 (2) Absence on maternity or adoptive leave as provided under Subpart C of
16 this Part, provided that such leave shall be for the period of disability occasioned by
17 pregnancy or childbirth as determined by a certificate from the employee's attending
18 physician.

19 * * *

20 §1202. Teachers; extended sick leave

21 A.(1) Every city, parish, and other local public school board shall permit:

22 * * *

23 (b) Each teacher granted maternity or adoptive leave in accordance with the
24 provisions of R.S. 17:48 or 1211 and who has no remaining sick leave balance
25 available to take in the manner provided in this Section up to thirty days of additional
26 extended sick leave in each six-year period of employment for personal illness
27 relating to pregnancy, illness of an infant, or for required medical visits certified by
28 a physician as relating to infant or maternal health.

29 * * *

1 §1211. Maternity leave for teachers; adoptive leave; tenure status unaffected;
2 definition

3 A. ~~The~~ Each city and , parish, and other local public school boards
4 ~~throughout the state~~ shall grant leaves of absence to regularly employed women
5 teachers for a reasonable time before and after ~~childbirth~~ the birth of a child. If
6 multiple children are born on the same date, the event shall be considered a single
7 qualifying event. The granting of such leaves shall not affect any of the tenure rights
8 which the teacher may have acquired ~~prior thereto~~ under the provisions of R.S.
9 17:441 through 17:444 ~~or R.S. 17:461 through 17:463~~.

10 B. Each city, parish, and other local public school board shall grant leaves of
11 absence not to exceed thirty days to regularly employed women teachers after the
12 legal adoption of a child. If multiple children are adopted on the same date, the event
13 shall be considered a single qualifying event. The granting of such leaves shall not
14 affect any of the tenure rights which the teacher may have acquired under the
15 provisions of R.S. 17:441 through R.S. 17:444.

16 B C. As used in this Subpart, the word "teacher" shall include any member
17 of the teaching staff of a public school in the state and any social worker or school
18 psychologist employed by a local school board in the state who holds a valid
19 professional ancillary certificate in school social work or school psychology issued
20 by the state Department of Education.

21 * * *

22 §1212. Substitute teachers to fill vacancies; appointment

23 The position vacated by a teacher who has been granted a maternity or
24 adoptive leave, or by a teacher transferred to the position vacated by a teacher taking
25 a maternity or adoptive leave, in accordance with R.S. 17:1211, may be filled by the
26 respective school boards by the appointment of substitute teachers.

27 * * *

28 §1970.26. Administration, faculty, staff; classification status; benefits

29 * * *

1 C.(1) The following laws may be made applicable to any nonclassified
2 employee and shall be applicable to each nonclassified employee of the New Orleans
3 Center for Creative Arts who was employed by the Orleans Parish School Board at
4 the New Orleans Center for the Creative Arts prior to July 1, 2000, to the same
5 degree as such provisions apply generally and subject to revision by law:

6 * * *

7 (f) Maternity leave, adoptive leave (R.S. 17:1211).

8 * * *

9 §1987. School district for certain correctional centers for youth

10 * * *

11 D.(1) The provisions of Part I-A of Chapter 1 of this Title relative to
12 benefits, privileges, and rights of certain employees in state special schools,
13 including but not limited to provisions relative to compensation, probationary and
14 permanent employment status, and sabbatical, sick, personal, maternity, adoptive,
15 and military leaves also shall be applicable to such employees of the school district
16 established by this Part.

17 * * *

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 625 Original

2018 Regular Session

Edmonds

Abstract: Adds adoptive leave to all provisions for maternity leave for teachers.

Present law (R.S. 17:48) provides that the superintendent of the Special School District is responsible for matters pertaining to maternity leave for teachers in the special schools and programs. Proposed law adds adoptive law provision.

Present law (R.S. 17:1211) provides for maternity leave for school social workers and psychologists employed by school boards who hold a professional ancillary certificate issued by the state Dept. of Education and whose employment requires such certificate. Proposed law adds adoptive law provision.

Proposed law adds adoptive law references to all maternity leave provisions in Title 17.

(Amends R.S. 17:46(A)(2), 48, 231, 1171(B)(2), 1202(A)(1)(b), 1211, 1212, 1970.26(C)(1)(f), and 1987(D)(1))