

2024 Regular Session

SENATE BILL NO. 426

BY SENATOR JENKINS AND REPRESENTATIVE FREEMAN

SCHOOLS. Provides for paid parental leave for eligible employees. (gov sig)

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AN ACT

To enact Subpart C-1 of Part X of Chapter 2 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:1214, and R.S. 17:3996(B)(82), relative to parental leave for educators; to provide for paid leave for eligible employees; to provide for definitions; to provide for requirements to qualify for parental leave; to provide for compensation and length of time for use of parental leave; to provide for policies and procedures to implement the parental leave; to provide for certain notification; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Subpart C-1 of Part X of Chapter 2 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:1214, and R.S. 17:3996(B)(82) are hereby enacted to read as follows:

SUBPART C-1. PARENTAL LEAVE

§1214. Parental leave for educators; tenure status unaffected; definitions

A. As used in this Subpart, the following terms have the following meanings:

(1) "Child" means under the age of eighteen years, the biological,

1 adopted, or foster child, stepchild, legal ward, or other minor to whom a
2 covered individual stands in loco parentis.

3 (2) "Department" means the Louisiana Department of Education.

4 (3) "Eligible employee" means any individual identified in R. S. 17:43,
5 17:411, 17:441, 17:491, 17:1200, or 17:1205 who is classified as full or part time
6 and has been employed for at least twelve months with a local education agency.

7 (4) "LEA" means local education agency, which has the same definition
8 as in R.S. 17:1942.

9 (5) "Paid parental leave" means six weeks, or two hundred-forty hours,
10 of paid leave at one hundred percent of the eligible employee's base pay without
11 deduction to an eligible employee's annual, sick, or compensatory leave
12 balances.

13 (6) "Qualifying event" means:

14 (a) Before and after the birth of a child, including but not limited to
15 prenatal and postnatal appointments.

16 (b) Pregnancy loss, including stillbirth.

17 (c) Placement of a child with the employee for adoption, including but
18 not limited to mandatory meetings related to adoption or preplacement and
19 post-placement court proceedings.

20 (d) Placement of a child with the employee for foster care, including but
21 not limited to mandatory meetings related to foster placement or preplacement
22 and post-placement court proceedings.

23 (7) "Superintendent" means the superintendent of the Louisiana
24 Department of Education.

25 B.(1) Pursuant to this Section, every city, parish, and other local public
26 school board shall:

27 (a) Grant paid parental leave to an eligible employee who experiences a
28 qualifying event, and as of the date of the qualifying event has been employed
29 by the LEA for at least three months.

1 **(b) Allow the position to be filled by the appointment of substitute**
2 **teachers when it has been vacated by a teacher who has been granted paid**
3 **parental leave, or by a teacher transferred to the position when it has been**
4 **vacated by a teacher taking a maternity, foster, or adoptive leave pursuant to**
5 **this Section. A substitute teacher appointed, pursuant to this Subparagraph,**
6 **shall not acquire any tenure rights or privileges, unless the substitute teacher**
7 **has subsequently been appointed to fill a regular vacancy and has the necessary**
8 **qualifications.**

9 **(c) Allow an eligible employee to use paid parental leave continuously or**
10 **intermittently, provided that the paid parental leave is used within twelve**
11 **months of the qualifying event.**

12 **(d) Allow an eligible employee who takes fewer than six weeks, or two**
13 **hundred-forty hours, of paid parental leave to be entitled to reserve his**
14 **remaining weeks of paid parent leave for use at a later date should another**
15 **qualifying event occur within the same twelve month period.**

16 **(e) Compensate a full-time employee at the rate of one hundred percent**
17 **of the employee's base pay for a period not to exceed six weeks during the**
18 **available leave period.**

19 **(f) Compensate a part-time employee at the rate of one hundred percent**
20 **of the employee's base pay for a period not to exceed six weeks, based upon a**
21 **prorated basis corresponding to the percentage of hours the employee normally**
22 **works.**

23 **(g) Prohibit the donation of paid parental leave to another employee or**
24 **leave pool.**

25 **(h) Allow both parents, if they are eligible employees, paid parental leave**
26 **to be taken concurrently, consecutively, or at a different time as the other**
27 **eligible employee.**

28 **(i) Prohibit requiring the use of an eligible employee's sick, annual, or**
29 **other accrued leave before taking paid parental leave. Paid parental leave shall**

1 run concurrently with leave requested under the Family and Medical Leave Act
2 "FMLA".

3 (2)(a) It shall be unlawful for an LEA or any other person to commit
4 interference or restrain or deny the exercise of, or the attempt to exercise, any
5 right protected under this Section.

6 (b) It shall be unlawful for an LEA's absence control policy to count paid
7 parental leave taken under this Section, as an absence that may lead to or result
8 in discipline, discharge, demotion, suspension, or any other adverse action.

9 (3) The granting of paid parental leave shall not affect any of the tenure
10 rights which the eligible employee may have acquired under the provisions of
11 R.S. 17:441 et seq.

12 C. Every city, parish, and other local public school board shall adopt
13 policies and procedures to give effect to the intent and purposes of this Section.
14 However, unless as otherwise indicated, the following applies:

15 (1) In using paid parental leave, an eligible employee shall follow his
16 agency's customary leave practices. However, advance notice of both the
17 request for leave and approval of the leave request shall be submitted in writing
18 by both parties prior to the employee taking leave.

19 (2) Each LEA shall have the requesting employee complete a request for
20 leave form developed by the superintendent prior to the granting of leave.

21 (a) In addition to the request form, an LEA may require an employee
22 requesting paid parental leave to produce supporting documents of his request,
23 such as a birth certificate or insurance certificate confirming his relationship
24 to the child for whom parental leave is requested or proof of attendance at court
25 proceedings or other mandated meetings related to adoption or foster
26 placement. It shall not be required by an LEA that an employee produce
27 medical records or scientific evidence to prove paternity.

28 (3) Each LEA shall provide written notice to each employee upon hiring
29 and annually thereafter of all of the following:

1 (a) Its policies and procedures, pursuant to this Subsection.

2 (b) The employee's right to parental leave benefits under this Section and
3 the terms under which it may be used.

4 (c) The amount of parental leave benefits available to the employee.

5 (d) The procedure for applying for parental leave.

6 (e) That discrimination and retaliatory actions against an employee, for
7 requesting, applying for, or using parental leave benefits, are prohibited under
8 Subsection B of this Section.

9 (f) That the employee has a right to file a grievance against an LEA for
10 violating the provisions of this Section.

11 D. Any eligible employee who believes that his rights under this Section
12 have been violated, restrained, or denied or that he has been discharged or
13 otherwise discriminated against, may within twenty-four months after the
14 violation occurs, or the employee should reasonably have known that the
15 violation occurred, file a grievance pursuant to R.S. 17:100.4. If the department
16 finds that an LEA has violated the provisions of this Section, the department
17 shall order the LEA to take equitable action to remedy the violation.

18 E. Each LEA shall display and maintain a poster in a place accessible to
19 employees at the employer's place of business that contains the information
20 required by this Section in a form approved by the department. However, in the
21 event the LEA does not maintain a physical workplace, or an employee tele-
22 works or performs work through a web-based or app-based platform,
23 notification shall be sent by electronic communication or a posting in the
24 web-based or app-based platform.

25 F.(1) Funding for the implementation of this Section shall be included in
26 the appropriation of funds by the legislature to the department, at the request
27 of the superintendent, for the purpose of establishing and administering paid
28 parental leave.

29 (2) The department shall reimburse an LEA that provides paid parental

1 leave in an amount equal to the paid parental leave paid by the LEA to the
2 eligible employee pursuant to this Section. The department shall promulgate
3 rules and procedures for reimbursement of the funds within six months of the
4 notification by an LEA of providing the paid leave.

5 (3) The department shall conduct a public education campaign to inform
6 workers and employers regarding the availability of paid parental leave
7 benefits.

8 G. If any provision of this Section or the application thereof is held
9 invalid as to any person or circumstance, such invalidity shall not affect other
10 provisions or applications of this Section which can be given effect without the
11 invalid provisions or applications.

12 * * *

13 §3996. Charter schools; exemptions; requirements

14 * * *

15 B. Notwithstanding any state law, rule, or regulation to the contrary and
16 except as may be otherwise specifically provided for in an approved charter, a
17 charter school established and operated in accordance with the provisions of this
18 Chapter and its approved charter and the school's officers and employees shall be
19 exempt from all statutory mandates or other statutory requirements that are
20 applicable to public schools and to public school officers and employees except for
21 the following laws otherwise applicable to public schools with the same grades:

22 * * *

23 **(82) Paid parental leave, R.S. 17:1214.**

24 * * *

25 Section 2. The rules and regulations necessary for the implementation of the
26 provisions of this Act shall be adopted and promulgated by November 1, 2024.

27 Section 3. The provisions of this Act shall be implemented by each city, parish, and
28 other local public school board on January 1, 2025.

29 Section 4. This Act shall become effective upon signature by the governor or, if not

1 signed by the governor, upon expiration of the time for bills to become law without signature
2 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
3 vetoed by the governor and subsequently approved by the legislature, this Act shall become
4 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Michael Bell.

DIGEST

SB 426 Original 2024 Regular Session Jenkins

Proposed law creates the "Parental Leave for Educators Act".

Proposed law provides for definitions and requires that every city, parish, and other local public school board to allow the appointment of substitute teachers when a teacher is on parental leave under the provisions of proposed law.

Proposed law prohibits an appointed substitute teacher from acquiring tenure rights or privileges, unless the substitute has been appointed to fill a regular vacancy and has the necessary qualifications.

Proposed law provides that an eligible employee who takes fewer than six weeks, or 240 hours, of paid parental leave must be entitled to reserve his remaining weeks of paid parent leave for use at a later date should another qualifying event occur within the same 12-month period.

Proposed law provides that a full-time employee must be compensated at the rate of 100% of his base pay for a period not to exceed six weeks. Proposed law further provides that a part-time employee must be compensated at the rate of 100% of his base pay for a period not to exceed six weeks based upon a prorated basis with the percentage of hours the employee normally works.

Proposed law allows both parents, if they are eligible employees, paid parental leave to be taken concurrently, consecutively, or at a different time as the other eligible employee.

Proposed law prohibits requiring the use of an eligible employee's sick, annual, or other accrued leave before taking paid parental leave. Proposed law further provides that paid parental leave must run concurrently with leave requested under the Family and Medical Leave Act "FMLA".

Proposed law provides that the granting of parental leave cannot affect any of the tenure rights the employee has acquired under present law.

Proposed law provides that each LEA must provide in writing to each employee upon hiring and annually thereafter all of the following:

- (a) Its policies and procedures.
- (b) The employee's right to parental leave benefits and the terms under which it may be used.
- (c) The amount of parental leave benefits available to the employee.
- (d) The procedure for applying for parental leave.

- (e) That discrimination and retaliatory actions against an employee, for requesting, applying for or using parental leave benefits, are prohibited.

Proposed law provides for an employee to file a grievance within 24 months after a violation occurred if the employee believes that his rights were restrained, violated, denied, or otherwise discriminated against.

Proposed law provides for a severability clause.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 17:1214 and 3996(B)(82))