

SENATE BILL NO. 157

BY SENATOR JENKINS AND REPRESENTATIVES ADAMS, BRASS, BROUSSARD, CARPENTER, CARRIER, CHASSION, COATES, FISHER, FONTENOT, FREEMAN, FREIBERG, GREEN, DANA HENRY, JACKSON, KNOX, LAFLEUR, TERRY LANDRY, LYONS, MACK, MARCELLE, MARTINEZ, MENA, MURRAY, NEWELL, SCHLEGEL, STAGNI, TAYLOR, WALTERS AND YOUNG

1 AN ACT

2 To enact Subpart C-1 of Part X of Chapter 2 of Title 17 of the Louisiana Revised Statutes
3 of 1950, to be comprised of R.S. 17:1214 and 1214.1, and R.S. 17:3996(B)(92), and
4 to repeal R.S. 17:48, 500.2(A)(1)(b), 1202(A)(1)(b), 1206.2(A)(1)(b), and 1211,
5 relative to parental leave for educators; to provide for paid leave for eligible
6 employees; to provide for definitions; to provide for requirements to qualify for
7 parental leave; to provide for compensation and length of time for use of parental
8 leave; to provide for policies and procedures to implement the parental leave; to
9 provide for certain notification; to provide for a special fund; to provide for
10 implementation; to provide for an effective date; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. Subpart C-1 of Part X of Chapter 2 of Title 17 of the Louisiana Revised
13 Statutes of 1950, comprised of R.S. 17:1214 and 1214.1, and R.S. 17:3996(B)(92) are hereby
14 enacted to read as follows:

15 SUBPART C-1. PARENTAL LEAVE

16 §1214. Parental leave for educators; tenure status unaffected; definitions

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

19 (1) "Child" means under the age of eighteen years, the biological,
20 adopted, or foster child, stepchild, legal ward, or other minor to whom a
21 covered individual stands in loco parentis.

1 **(2) "Department" means the Louisiana Department of Education.**

2 **(3) "Eligible employee" means any individual identified in R.S. 17:43,**
3 **17:411, 17:441, 17:491, 17:1170, 17:1200, or 17:1205 who is classified as full or**
4 **part time and has been employed for at least twelve months with a local**
5 **education agency.**

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

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

12 **(6) "Qualifying event" means:**

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

15 **(b) Pregnancy loss, including stillbirth.**

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

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

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

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

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

29 **(b) Allow the position to be filled by the appointment of substitute**
30 **teachers when it has been temporarily vacated by a teacher who has been**

1 granted paid parental leave, or by a teacher transferred to the position when it
2 has been temporarily vacated by a teacher taking a maternity, foster, or
3 adoptive leave pursuant to this Section. A substitute teacher appointed pursuant
4 to this Subparagraph shall not acquire any tenure rights or privileges, unless
5 the substitute teacher has subsequently been appointed to fill a regular vacancy
6 and has the necessary qualifications.

7 (c) Restore an eligible employee to the same position and same
8 assignment at the same school held before the taking of paid parental leave
9 upon return from such leave.

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

13 (e) Prohibit an eligible employee who takes fewer than six weeks, or two
14 hundred forty hours, of paid parental leave reserving his remaining weeks of
15 paid parental leave for a subsequently occurring qualifying event.

16 (f) Compensate a full-time employee at the rate of one hundred percent
17 of the employee's base pay pursuant to the salary schedule provided in R.S.
18 17:418 for a period not to exceed six weeks during the available leave period.

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

25 (i) 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 (j) 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
30 run concurrently with leave requested under the Family and Medical Leave Act

1 "FMLA".

2 (k) At least twelve months must elapse from the beginning of one
3 parental leave period before an employee is eligible for another parental leave
4 period. For a new parental leave period, there must be a new qualifying event
5 on or after the twelve month waiting period.

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

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

12 (3) The granting of paid parental leave shall not affect any of the tenure
13 rights or privileges which the eligible employee may have acquired.

14 (4)(a) The provisions of this Section shall not diminish an employer's
15 obligation to comply with any of the following that provide more generous leave
16 or more generous benefits:

17 (i) A collective bargaining agreement.

18 (ii) An employer policy.

19 (iii) An employment contract.

20 (iv) Any applicable local, state, or federal law.

21 (b) An individual's rights, privileges, or remedies to paid parental leave
22 and benefits under this Section shall not be diminished by a collective
23 bargaining agreement entered into, retained, amended, or renewed, or an
24 employer policy adopted, amended, or retained, after the effective date of this
25 Section.

26 (c) The provisions of this Section shall not diminish an individual's
27 rights, privileges, or remedies under a collective bargaining agreement,
28 employer policy, or employment contract, as applicable.

29 (d) Any agreement by an individual to waive the individual's rights
30 under the provisions of this Section is null and void as against public policy.

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

4 (1) Prior to taking paid parental leave, an eligible employee shall submit
5 a request for paid parental leave form thirty days before the qualifying event
6 to the LEA. However, if an eligible employee learns of the qualifying event less
7 than thirty days in advance of the qualifying event then the eligible employee
8 must give written notice of the qualifying event to the LEA as soon as
9 reasonably possible to receive paid parental leave.

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

12 (b) In addition to the request form, an LEA shall require an employee
13 requesting paid parental leave to produce supporting documents of his request,
14 such as a birth certificate or insurance certificate confirming his relationship
15 to the child for whom parental leave is requested or proof of attendance at court
16 proceedings or other mandated meetings related to adoption or foster
17 placement. It shall not be required by an LEA that an employee produce
18 medical records or scientific evidence to prove paternity.

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

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

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

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

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

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

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

1 D. Any eligible employee who believes that his rights under this Section
2 have been violated, restrained, or denied or that he has been discharged or
3 otherwise discriminated against, may within twenty-four months after the
4 violation occurs, or the employee should reasonably have known that the
5 violation occurred, file a grievance pursuant to R.S. 17:100.4.

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

13 F.(1) Subject to the availability of funds in a fiscal year, the department
14 shall reimburse an LEA, from the special fund created pursuant to R.S.
15 17:1214.1, that provides paid parental leave in an amount equal to the cost of
16 substitute employees required to fill the position of an eligible employee on
17 parental leave not to exceed six weeks.

18 (2) The department shall use existing communication methods to inform
19 workers and employers regarding the availability of paid parental leave
20 benefits.

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

25 §1214.1. Paid Parental Leave For Educators Fund

26 A. There is hereby established in the state treasury, as a special fund, the
27 Paid Parental Leave for Educators Fund, hereinafter referred to in this Section
28 as the "fund".

29 B. After allocation of money to the Bond Security and Redemption Fund
30 as provided in Article VII, Section (9)(B) of the Constitution of Louisiana, the

1 treasurer shall deposit into the fund any monies designated for the fund and
2 received by the state treasurer from donations, gifts, grants, appropriations, or
3 any other source of revenue.

4 C. Monies in the fund shall be invested in the same manner as monies in
5 the state general fund. Interest earned on investment of monies in the fund shall
6 be deposited into the fund. All unexpended and unencumbered monies in the
7 fund at the end of the fiscal year shall remain in the fund.

8 D. Monies in the fund shall be appropriated to the Louisiana Department
9 of Education to fund the costs associated with reimbursing a local education
10 agency for substitute employees to fill the position of an eligible employee on
11 paid parental leave pursuant to R.S. 17:1214.

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 (92) Paid parental leave, R.S. 17:1214.

24 * * *
25 Section 2. R.S. 17:48, 500.2(A)(1)(b), 1202(A)(1)(b), 1206.2(A)(1)(b), and 1211 are
26 hereby repealed.

27 Section 3. The rules and regulations necessary for the implementation of the
28 provisions of this Act shall be adopted and promulgated by November 1, 2026.

29 Section 4. The implementation of the provisions of this Act shall be subject to the
30 appropriation of funds by the legislature for this purpose.

1 Section 5. This Act shall become effective upon signature by the governor or, if not
2 signed by the governor, upon expiration of the time for bills to become law without signature
3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
4 vetoed by the governor and subsequently approved by the legislature, this Act shall become
5 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____