

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  
21 absence on involuntary military service in the armed forces of the United States, nor

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 on military leave under Subpart G be deemed to interrupt the active service ~~herein~~  
2 ~~as provided for retroactive to the school session in 1960-61 beginning in the year~~  
3 ~~1960~~ in this Section.

4 \* \* \*

5 §48. Maternity leave; adoptive leave

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

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

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

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

26 \* \* \*

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 \* \* \*

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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)]

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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))