

2018 Regular Session

HOUSE BILL NO. 625

BY REPRESENTATIVES EDMONDS AND FALCONER

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

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 17:46(A)(2), 48, 231, 1171(B)(introductory paragraph) and (2),  
13 1202(A)(1)(b), 1211, 1212, 1970.26(C)(1)(f), and 1987(D)(1) are hereby amended and  
14 reenacted as follows:

15 §46. Sabbatical leave program

16 A.

17 \* \* \*

18 (2) Absence on sick leave under Subpart E of this Part or on maternity or  
19 adoptive leave of absence, as provided for under Subpart F of this Part, for the period  
20 of disability occasioned by pregnancy and ~~or childbirth~~ the birth of a child as

1 determined by a certificate from the employee's attending physician, shall not be  
2 deemed to interrupt the active service ~~herein as provided for~~ in this Section; nor shall  
3 absence on involuntary military service in the armed forces of the United States, nor  
4 on military leave under Subpart G of this Part be deemed to interrupt the active  
5 service ~~herein as provided for retroactive to the school session in 1960-61 beginning~~  
6 ~~in the year 1960~~ in this Section.

7 \* \* \*

8 §48. Maternity leave; adoptive leave

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

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

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

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

29 \* \* \*

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~~ Subpart, shall have the same status with respect  
5 to 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~~ of this Section shall not be deemed to be interrupted by any of  
14 the following:

15 \* \* \*

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

20 \* \* \*

21 §1202. Teachers; extended sick leave

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

23 \* \* \*

24 (b) Each teacher granted maternity or adoptive leave in accordance with the  
25 provisions of R.S. 17:48 or 1211 and who has no remaining sick leave balance  
26 available to take in the manner provided in this Section up to thirty days of additional  
27 extended sick leave in each six-year period of employment for personal illness

1 relating to pregnancy, illness of an infant, or for required medical visits certified by  
2 a physician as relating to infant or maternal health.

3 \* \* \*

4 §1211. Maternity leave for teachers; adoptive leave; tenure status unaffected;  
5 definition

6 A. ~~The~~ Each city ~~and~~ , parish, and other local public school boards  
7 ~~throughout the state~~ shall grant leaves of absence to regularly employed women  
8 teachers for a reasonable time before and after ~~childbirth~~ the birth of a child. If  
9 multiple children are born on the same date, the event shall be considered a single  
10 qualifying event. The granting of such leaves shall not affect any of the tenure rights  
11 which the teacher may have acquired ~~prior thereto~~ under the provisions of R.S.  
12 17:441 through 17:444 ~~or R.S. 17:461 through 17:463~~.

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

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

24 \* \* \*

25 §1212. Substitute teachers to fill vacancies; appointment

26 The position vacated by a teacher who has been granted a maternity or  
27 adoptive leave, or by a teacher transferred to the position vacated by a teacher taking

1 a maternity or adoptive leave, in accordance with R.S. 17:1211, may be filled by the  
2 respective school boards by the appointment of substitute teachers.

3 \* \* \*

4 §1970.26. Administration, faculty, staff; classification status; benefits

5 \* \* \*

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

11 \* \* \*

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

13 \* \* \*

14 §1987. School district for certain correctional centers for youth

15 \* \* \*

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

22 \* \* \*

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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 Reengrossed

2018 Regular Session

Edmonds

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

Present law provides relative to leave for teachers in public schools, including maternity leave.

Proposed law retains present law and additionally requires teachers be granted up to 30 days of leave upon adoption of a child.

Present law as amended by proposed law is applicable to teachers employed by local school boards, teachers employed by the Special School District, certain teachers at the New Orleans Center for Creative Arts, and teachers of students placed in the custody of the Dept. of Public Safety and Corrections. Present law as amended by proposed law is also applicable to certain social workers and school psychologists employed by local school boards.

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

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Delete provision limiting adoptive leave to women.