

2019 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 45

BY REPRESENTATIVE HOFFMANN

CORRECTIONAL FACILITIES: Requests the Dept. of Public Safety and Corrections to study laws and policies relative to benefits, including sick leave, for teachers at facilities under the jurisdiction of the office of juvenile justice who are injured or disabled as a result of assault or battery while acting in their official capacity

1 A CONCURRENT RESOLUTION

2 To urge and request the Department of Public Safety and Corrections to study laws and
3 policies relative to benefits, including sick leave, for teachers at facilities under the
4 jurisdiction of the office of juvenile justice who are injured or disabled as a result of
5 assault or battery while acting in their official capacity and to submit a written report
6 of findings and conclusions, including any recommendations for related legislation,
7 to the House Committee on the Administration of Criminal Justice and the Senate
8 Committee on Judiciary C not later than sixty days prior to the beginning of the 2020
9 Regular Session of the Legislature.

10 WHEREAS, Louisiana law grants the Department of Public Safety and Corrections,
11 office of juvenile justice (OJJ) full control of all juvenile institutions, facilities, and programs
12 under its administration and tasks OJJ with ensuring that all children in OJJ institutions,
13 facilities, and programs receive appropriate education; and

14 WHEREAS, some citizens have expressed concern that there are inconsistencies in
15 terms of how under some circumstances, teachers at OJJ facilities are subject to the same
16 requirements and eligible for the same benefits as teachers who are employed by public
17 school boards but under other circumstances, they are subject to different requirements and
18 eligible for different benefits; one example of this is sick leave for teachers injured or
19 disabled while acting in their official capacity as a result of assault or battery by any student
20 or person; and

1 WHEREAS, Louisiana law provides that any member of the teaching staff of a
2 public school who is injured or disabled while acting in his official capacity as a result of
3 assault or battery by any student or person shall receive sick leave without reduction in pay
4 and without reduction in accrued sick leave days while disabled as a result of such assault
5 or battery; in the definition of "teaching staff" for these purposes, the law limits the term to
6 those employed by a city, parish, or other local public school board, which has caused some
7 confusion relative to teachers at OJJ facilities who are injured or disabled on the job under
8 these circumstances; and

9 WHEREAS, adding to this confusion is the fact that students in OJJ facilities are
10 treated in many ways like students in public schools under the jurisdiction of public school
11 boards; for example, school-age children in the custody of OJJ and any alternative school
12 located in a secure care facility under OJJ's jurisdiction are included by the State Board of
13 Elementary and Secondary Education (BESE) in the formula used to determine the cost of
14 a minimum foundation program of education in all public elementary and secondary schools
15 in the state; and

16 WHEREAS, there is a need for clarification as to under what circumstances teachers
17 in OJJ facilities are treated like teachers in traditional public school settings and under what
18 circumstances their treatment differs from teachers in such settings, particularly with respect
19 to OJJ teachers who are injured or disabled on the job.

20 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
21 urge and request the Department of Public Safety and Corrections to study laws and policies
22 relative to benefits, including sick leave, for teachers at facilities under the jurisdiction of
23 the office of juvenile justice who are injured or disabled as a result of assault or battery while
24 acting in their official capacity and to submit a written report of its findings and conclusions,
25 including any recommendations for related legislation, to the House Committee on the
26 Administration of Criminal Justice and the Senate Committee on Judiciary C not later than
27 sixty days prior to the beginning of the 2020 Regular Session of the Legislature.

28 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
29 secretary of the Department of Public Safety and Corrections.

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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Hoffmann

Requests that the Dept. of Public Safety and Corrections study laws and policies relative to benefits, including sick leave, for teachers at facilities under the jurisdiction of the office of juvenile justice who are injured or disabled as a result of assault or battery while acting in their official capacity and submit a written report of findings and conclusions, including any recommendations for related legislation, to the House Committee on the Administration of Criminal Justice and the Senate Committee on Judiciary C not later than 60 days prior to the beginning of the 2020 R.S.