

2019 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 45

BY REPRESENTATIVE HOFFMANN AND SENATOR WALSWORTH

A CONCURRENT RESOLUTION

To urge and request the Department 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 and to submit a written report of findings and conclusions, including any recommendations for related legislation, to the House Committee on Administration of Criminal Justice and the Senate Committee on Judiciary B not later than sixty days prior to the beginning of the 2020 Regular Session of the Legislature.

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

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

WHEREAS, Louisiana law provides that any member of the teaching staff of a public school who is injured or disabled while acting in his official capacity as a result of assault or battery by any student or person shall receive sick leave without reduction in pay and without reduction in accrued sick leave days while disabled as a result of such assault or battery; in the definition of "teaching staff" for these purposes, the law limits the term to

those employed by a city, parish, or other local public school board, which has caused some confusion relative to teachers at OJJ facilities who are injured or disabled on the job under these circumstances; and

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

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

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby urge and request the Department 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 and to submit a written report of its findings and conclusions, including any recommendations for related legislation, to the House Committee on Administration of Criminal Justice and the Senate Committee on Judiciary B not later than sixty days prior to the beginning of the 2020 Regular Session of the Legislature.

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

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE