

2020 Regular Session

HOUSE BILL NO. 286

BY REPRESENTATIVE GADBERRY

TEACHERS: Provides with respect to policies relative to benefits for teachers at facilities under the jurisdiction of the office of juvenile justice

1 AN ACT

2 To amend and reenact R.S. 17:1201(C)(1) and (D)(1), relative to teacher sick leave; to
3 provide relative to certain benefits of members of the teaching staff at public schools;
4 to provide relative to benefits received when the member of the teaching staff is
5 injured while acting in his official capacity; to provide that such benefits shall also
6 apply to teachers of schools located within secure care facilities under the
7 jurisdiction of the office of juvenile justice; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 17:1201(C)(1) and (D)(1) is hereby amended and reenacted to read
10 as follows:

11 §1201. Amount of sick leave; reimbursement; injury on the job

12 * * *

13 C.(1)(a) Any member of the teaching staff of the public schools, or of a
14 school located within a secure care facility under the jurisdiction of the Department
15 of Public Safety and Corrections, office of juvenile justice, who is injured or disabled
16 while acting in his official capacity as a result of assault or battery by any student or
17 person shall receive sick leave without reduction in pay and without reduction in
18 accrued sick leave days while disabled as a result of such assault or battery.
19 However, such member of the teaching staff shall be required to present a certificate
20 from a physician certifying such injury and disability. If the member of the teaching

1 staff who is receiving sick leave without reduction as provided in this Section begins
2 to draw his benefit from the Teachers' Retirement System of Louisiana, the leave
3 shall cease.

4 (b)(i) A member of the teaching staff of the public schools, or of a school
5 located within a secure care facility under the jurisdiction of the Department of
6 Public Safety and Corrections, office of juvenile justice, who while acting in his
7 official capacity is disabled as a result of physical contact with a student while
8 providing physical assistance to a student to prevent danger or risk of injury to the
9 student shall receive sick leave for a period up to one calendar year without reduction
10 in pay and without reduction in accrued sick leave days while disabled as a result of
11 rendering such assistance. Such member of the teaching staff shall be required to
12 present a certificate from a physician selected by the teaching staff member
13 certifying the disability. Nothing in this Subsection shall prohibit a city, parish, or
14 other local public school board, or the office of juvenile justice for schools in
15 facilities under its jurisdiction, from extending this period beyond one calendar year.

16 (ii) At any time during the period of certified disability, if the school board
17 or the office of juvenile justice questions the validity of the physician certification
18 provided for in this Section, the board or the office of juvenile justice may require
19 the teaching staff member to be examined by a physician selected by the board or the
20 office of juvenile justice. In such a case, the board or the office of juvenile justice
21 shall pay all costs of the examination and any tests determined to be necessary. If
22 the physician selected by the board or the office of juvenile justice certifies the
23 disability, the leave shall be granted or continued as appropriate. If the physician
24 selected by the board or the office of juvenile justice disagrees with the certificate
25 of the physician selected by the staff member, then the board or the office of juvenile
26 justice may require the staff member to be examined by a third physician whose
27 name appears next in the rotation of physicians on a list established by the local or
28 state medical society for such purpose and maintained by the board. The board shall
29 provide the office of juvenile justice access to the list of such physicians upon

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)]

HB 286 Original

2020 Regular Session

Gadberry

Abstract: Extends certain benefits afforded to teachers of public schools who are injured while acting in their official capacity to teachers of schools located in secure care facilities under the jurisdiction of the office of juvenile justice.

Present law provides that any member of the teaching staff of the public schools 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.

Present law provides that a member of the teaching staff of the public schools who while acting in his official capacity is disabled as a result of physical contact with a student while providing physical assistance to a student to prevent danger or risk of injury to the student shall receive sick leave for a period up to one calendar year without reduction in pay and without reduction in accrued sick leave days while disabled as a result of rendering such assistance. Present law further provides that a city, parish, or other local public school board may extend this period beyond one calendar year. In this regard, present law further provides that the school board shall not reduce the pay or accrued sick leave of a member of the teaching staff who is absent from his duties to seek medical attention or treatment as a result of the injury or disability.

Present law provides a procedure by which the school board can confirm the validity of a physician's certification of the teacher's injury or disability.

Present law provides that any member of the teaching staff in the public schools who is injured or disabled while acting in his official capacity shall be entitled to weekly wage benefits under the workers' compensation law of the state of La. and to sick leave benefits under present law, at his option, but in no event shall such benefits exceed the total amount of the regular salary the member of the teaching staff was receiving at the time the injury or disability occurred.

Proposed law retains present law and extends its application to members of the teaching staff at any school in a secure care facility under the jurisdiction of the Dept. of Public Safety and Corrections, office of juvenile justice.

(Amends R.S. 17:1201(C)(1) and (D)(1))