

Regular Session, 2011

HOUSE BILL NO. 454

BY REPRESENTATIVE HARRISON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

SCHOOLS/EMPLOYEES: Exempts, under specified fiscal conditions, a local school board from complying with requirements that the board grant requests for certain kinds of leave

1 AN ACT

2 To amend and reenact R.S. 17:500.2(A)(1), 1176, 1202(A)(1), and 1206.2(A)(1), relative
3 to the granting of certain types of leave by a city, parish, or other local public school
4 board; to provide relative to the requirement that the board grant certain sabbatical
5 leave requests; to provide relative to the requirement that the board permit certain
6 employees to take extended sick leave; to provide exceptions to such requirements;
7 to provide an effective date; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. This Act shall be known as the "Education Reform Act".

10 Section 2. R.S. 17:500.2(A)(1), 1176, 1202(A)(1), and 1206.2(A)(1) are hereby
11 amended and reenacted to read as follows:

12 §500.2. School bus operators; extended sick leave

13 A.(1)(a) Except as provided in Subparagraph (b) of this Paragraph, Every
14 every city, and parish, and other local public school board shall permit each school
15 bus operator to take up to ninety days of extended sick leave in each six-year period
16 of employment, which may be used for personal illness or illness of an immediate
17 family member in the manner provided in this Subsection at any time that the school
18 bus operator has no remaining regular sick leave balance.

19 (b) For Fiscal Year 2011-2012 and Fiscal Year 2012-2013, a city, parish, or
20 other local public school board may but shall not be required to comply with the

1 provisions of Subparagraph (a) of this Paragraph during a fiscal year for which the
2 amount of the state and local base per pupil cost determination, as established in the
3 minimum foundation program formula most recently approved by the legislature, is
4 not an increase of at least two and seventy-five hundredths percent over the amount
5 established for the previous fiscal year. However, the school board shall honor any
6 approved leave that it approved prior to the date the minimum foundation program
7 formula is approved by the legislature.

8 (c)(i) Notwithstanding the provisions of Subparagraph (b) of this Paragraph,
9 in the case of a catastrophic illness or injury, a school board shall comply with the
10 provisions of Subparagraph (a) of this Paragraph.

11 (ii) For the purposes of this Subparagraph, "catastrophic illness or injury"
12 means a life-threatening, chronic, or incapacitating condition affecting an employee
13 or a member of an employee's immediate family, as verified by a licensed physician.

14 * * *

15 §1176. Grounds for rejection of application

16 A. Any applicant who, at the expiration of the semester in which he applies,
17 is ineligible for the sabbatical leave requested or who has not complied with the
18 provisions of R.S. 17:1172 through ~~17:1174~~, shall have his or her application
19 rejected, but all other applicants shall have their applications granted, except as
20 provided in Subsection B of this Section, provided that all leaves requested in such
21 applications could be taken without violating the following provision: At no time
22 during the school year shall the number of persons on sabbatical leave exceed five
23 percent of the total number of teachers employed in a given parish.

24 B. For Fiscal Year 2011-2012 and Fiscal Year 2012-2013, a city, parish, or
25 other local public school board may but shall not be required to grant leave
26 applications pursuant to Subsection A of this Section during a fiscal year for which
27 the amount of the state and local base per pupil cost determination, as established in
28 the minimum foundation program formula most recently approved by the legislature,
29 is not an increase of at least two and seventy-five hundredths percent over the

1 amount established for the previous fiscal year. However, the school board shall
2 honor any approved leave that it approved prior to the date the minimum foundation
3 program formula is approved by the legislature.

4 C.(1) Notwithstanding the provisions of Subsection B of this Section, in the
5 case of a catastrophic illness or injury, a school board shall comply with the
6 provisions of Subsection A of this Section.

7 (2) For the purposes of this Subsection, "catastrophic illness or injury" means
8 a life-threatening, chronic, or incapacitating condition affecting an employee or a
9 member of an employee's immediate family, as verified by a licensed physician.

10 * * *

11 §1202. Teachers; extended sick leave

12 A.(1)(a) Except as provided in Subparagraph (b) of this Paragraph, Every
13 parish and every city, parish, and other local public school board shall permit each
14 teacher to take up to ninety days of extended sick leave in each six-year period of
15 employment, which may be used for personal illness or illness of an immediate
16 family member in the manner provided in this Subsection at any time that the teacher
17 has no remaining regular sick leave balance.

18 (b) For Fiscal Year 2011-2012 and Fiscal Year 2012-2013, a city, parish, or
19 other local public school board may but shall not be required to comply with the
20 provisions of Subparagraph (a) of this Paragraph during a fiscal year for which the
21 amount of the state and local base per pupil cost determination, as established in the
22 minimum foundation program formula most recently approved by the legislature, is
23 not an increase of at least two and seventy-five hundredths percent over the amount
24 established for the previous fiscal year. However, the school board shall honor any
25 approved leave that it approved prior to the date the minimum foundation program
26 formula is approved by the legislature.

27 (c)(i) Notwithstanding the provisions of Subparagraph (b) of this Paragraph,
28 in the case of a catastrophic illness or injury, a school board shall comply with the
29 provisions of Subparagraph (a) of this Paragraph.

(ii) For the purposes of this Subparagraph, "catastrophic illness or injury" means a life-threatening, chronic, or incapacitating condition affecting an employee or a member of an employee's immediate family, as verified by a licensed physician.

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§1206.2. Employees; extended sick leave

A.(1)(a) Except as provided in Subparagraph (b) of this Paragraph. Each every city, parish, and other local public school board shall permit each employee, as defined in R.S. 17:1205 to take up to ninety days of extended sick leave in each six-year period of employment which may be used for personal illness or illness of an immediate family member in the manner provided in this Subsection at any time that the employee has no remaining regular sick leave balance.

(b) For Fiscal Year 2011-2012 and Fiscal Year 2012-2013, a city, parish, or other local public school board may but shall not be required to comply with the provisions of Subparagraph (a) of this Paragraph during a fiscal year for which the amount of the state and local base per pupil cost determination, as established in the minimum foundation program formula most recently approved by the legislature, is not an increase of at least two and seventy-five hundredths percent over the amount established for the previous fiscal year. However, the school board shall honor any approved leave that it approved prior to the date the minimum foundation program formula is approved by the legislature.

(c)(i) Notwithstanding the provisions of Subparagraph (b) of this Paragraph, in the case of a catastrophic illness or injury, a school board shall comply with the provisions of Subparagraph (a) of this Paragraph.

(ii) For the purposes of this Subparagraph, "catastrophic illness or injury" means a life-threatening, chronic, or incapacitating condition affecting an employee or a member of an employee's immediate family, as verified by a licensed physician.

* * *

Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature

- 1 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
2 vetoed by the governor and subsequently approved by the legislature, this Act shall become
3 effective on the day following such approval.

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)]

Harrison

HB No. 454

Abstract: Exempts, under specified fiscal circumstances and in certain fiscal years, a local school board from complying with statutory requirements that the board permit certain school employees to take sabbatical leave or extended sick leave.

Present law provides, in part, that certain applicants for sabbatical leave shall have their applications granted by a local school board provided that all leaves requested could be taken without violating the prohibition that at no time during the school year shall the number of persons on sabbatical leave exceed 5% of the total number of teachers employed in a given parish.

Relative to teachers, school bus operators, and other employees who are not teachers or whose employment does not require the holding of a teacher's certificate or who are not employed as bus drivers.

Present law provides that every city and parish school board shall permit such employees to take up to 90 days of extended sick leave in each six-year period of employment, which may be used for personal illness or illness of an immediate family member in the manner provided by law at any time that the employee has no remaining regular sick leave balance.

Proposed law provides, for FY 2011-2012 and FY 2012-2013, that a local school board may but shall not be required to comply with present law relative to both sabbatical leave and extended sick leave during a fiscal year for which the amount of the state and local base per pupil cost determination, as established in the most recent legislatively approved minimum foundation program (MFP) formula, is not an increase of at least 2.75% over the amount established for the previous fiscal year; however, proposed law requires the school board to honor any leave that it approved prior to the date the MFP formula is approved by the legislature and requires compliance with present law in the case of catastrophic illness or injury, defined as a life-threatening, chronic, or incapacitating condition affecting an employee or a member of an employee's immediate family, as verified by a licensed physician. Provides that proposed law shall be known as the "Education Reform Act".

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 17:500.2(A)(1), 1176, 1202(A)(1), and 1206.2(A)(1))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Education to the original bill.

1. Relative to both sabbatical leave and extended sick leave:
 - (a) Limits applicability of proposed law exception granted to certain school

boards under certain fiscal conditions to FY 2011-2012 and FY 2012-2013.

- (b) Requires a school board to honor leave approved prior to the date the MFP formula is approved by the legislature and to comply with present law in the case of catastrophic illness or injury.