

Regular Session, 2011

ACT No. 405

HOUSE BILL NO. 454

BY REPRESENTATIVE HARRISON

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

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
21 provisions of Subparagraph (a) of this Paragraph during a fiscal year for which the
22 amount of the state and local base per pupil cost determination, as established in the
23 minimum foundation program formula most recently approved by the legislature, is
24 not an increase of at least two and seventy-five hundredths percent over the amount

1 established for the previous fiscal year, and at the beginning of such fiscal year the
2 school board has a fund balance deficit that exceeds five percent and an unrestricted
3 fund balance of less than seven and one-half percent. However, the school board
4 shall honor any approved leave that it approved prior to the date the minimum
5 foundation program formula is approved by the legislature.

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

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

12 * * *

13 §1176. Grounds for rejection of application

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

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

1 school board shall honor any approved leave that it approved prior to the date the
2 minimum foundation program formula is approved by the legislature.

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

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

9 * * *

10 §1202. Teachers; extended sick leave

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

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

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

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

4 * * *

5 §1206.2. Employees; extended sick leave

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

12 (b) For Fiscal Year 2011-2012 and Fiscal Year 2012-2013, a city, parish, or
13 other local public school board may but shall not be required to comply with the
14 provisions of Subparagraph (a) of this Paragraph during a fiscal year for which the
15 amount of the state and local base per pupil cost determination, as established in the
16 minimum foundation program formula most recently approved by the legislature, is
17 not an increase of at least two and seventy-five hundredths percent over the amount
18 established for the previous fiscal year, and at the beginning of such fiscal year the
19 school board has a fund balance deficit that exceeds five percent and an unrestricted
20 fund balance of less than seven and one-half percent. However, the school board
21 shall honor any approved leave that it approved prior to the date the minimum
22 foundation program formula is approved by the legislature.

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

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

29 * * *

1 Section 3. This Act shall become effective upon signature by the governor or, if not
2 signed by the governor, upon expiration of the time for bills to become law without signature
3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
4 vetoed by the governor and subsequently approved by the legislature, this Act shall become
5 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____