

By: Johnson

S.B. No. 350

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a paid parental leave policy at public schools and an
3 allotment under the Foundation School Program for the cost of
4 providing paid parental leave under that policy.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subchapter A, Chapter 22, Education Code, is
7 amended by adding Section 22.0035 to read as follows:

8 Sec. 22.0035. PAID PARENTAL LEAVE POLICY. (a) Each school
9 district or open-enrollment charter school shall adopt a paid
10 parental leave policy under which a full-time employee of the
11 district or school is entitled to paid parental leave following
12 the:

13 (1) birth of a child;

14 (2) birth of a child by the employee's spouse;

15 (3) birth of a child by a gestational surrogate; or

16 (4) adoption of a child.

17 (b) A paid parental leave policy described by Subsection
18 (a):

19 (1) must provide:

20 (A) eight consecutive weeks of paid parental
21 leave for an employee who is the primary caregiver of the child; or

22 (B) four consecutive weeks of paid parental leave
23 for an employee who is the spouse of the primary caregiver of the
24 child;

1 (2) must require that:

2 (A) an employee be employed on a full-time basis
3 by the school district or open-enrollment charter school for at
4 least 12 months before becoming eligible for paid parental leave;

5 (B) an employee's eligibility for paid parental
6 leave expires on the six-month anniversary of the date of the
7 child's birth or placement with the employee; and

8 (C) an employee who has been granted paid
9 parental leave under the policy take the leave concurrently with
10 leave for which the employee is eligible under the federal Family
11 and Medical Leave Act of 1993 (29 U.S.C. Section 2601 et seq.); and

12 (3) may not require an employee to first use all
13 available and applicable paid vacation and sick leave before taking
14 paid parental leave under the policy.

15 (c) Not later than November 1 of each even-numbered year,
16 the agency shall prepare and submit to the legislature a report on
17 paid parental leave provided under a policy required by this
18 section. The report must include:

19 (1) the number of employees who took paid parental
20 leave under a policy required by this section during the preceding
21 two years, disaggregated by school district and open-enrollment
22 charter school;

23 (2) the costs of providing paid parental leave under a
24 policy required by this section during the preceding two years;

25 (3) projections regarding future participation in and
26 costs of paid parental leave provided under a policy required by
27 this section; and

1 (4) any recommendations for legislative or other
2 action.

3 SECTION 2. Subchapter D, Chapter 48, Education Code, is
4 amended by adding Section 48.158 to read as follows:

5 Sec. 48.158. HEALTHY FAMILIES ALLOTMENT. For each employee
6 who received paid parental leave under a policy required by Section
7 22.0035 during the preceding school year, a school district is
8 entitled to an annual allotment equal to the amount of the
9 employee's compensation for the period for which the employee
10 received paid parental leave under that policy.

11 SECTION 3. As soon as practicable after the effective date
12 of this Act and not later than September 1, 2023, the board of
13 trustees of a school district or the governing body of an
14 open-enrollment charter school shall adopt the paid parental leave
15 policy required by Section 22.0035, Education Code, as added by
16 this Act.

17 SECTION 4. (a) Except as provided by Subsection (b) of this
18 section, this Act takes effect immediately if it receives a vote of
19 two-thirds of all the members elected to each house, as provided by
20 Section 39, Article III, Texas Constitution. If this Act does not
21 receive the vote necessary for immediate effect, this Act takes
22 effect September 1, 2023.

23 (b) Section 48.158, Education Code, as added by this Act,
24 takes effect September 1, 2024.