87S30136 JES-D

By:  Goodwin H.B. No. 92

A BILL TO BE ENTITLED

AN ACT

relating to personal leave provided for a public school teacher who must isolate due to exposure to or testing positive for certain diseases.

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

SECTION 1.  Section 22.003(c-1), Education Code, is amended to read as follows:

(c-1)  Any informational handbook a school district provides to employees in an electronic or paper form or makes available by posting on the district website must include notification of an employee's rights under Subsection (b) and Section 22.0031 in the relevant section of the handbook. Any form used by a school district through which an employee may request leave under this section must include assault leave under Subsection (b) and disaster leave under Section 22.0031 as options [~~an option~~].

SECTION 2.  Subchapter A, Chapter 22, Education Code, is amended by adding Section 22.0031 to read as follows:

Sec. 22.0031.  DISASTER LEAVE FOR CLASSROOM TEACHERS. (a) In addition to all other days of leave provided by Section 22.003 or by the school district, a classroom teacher employed by a school district who:

(1)  is subject to federal, state, or local regulations requiring isolation due to exposure to or testing positive for the coronavirus disease (COVID-19) or another disease that is the basis for a disaster declared by the governor under Section 418.014, Government Code, and is unable to perform the employee's job duties remotely, including because the teacher is experiencing symptoms of the disease, is entitled to not less than the number of days of leave for compensation necessary to comply with an order to isolate following the exposure to the disease or positive test result; or

(2)  tests positive for a disease described by Subdivision (1) but who is not subject to an order to isolate, is entitled to not less than the number of days of leave for compensation necessary to meet guidelines for isolation following a positive test result for that disease established by the Centers for Disease Control and Prevention or by a state or local health authority.

(b)  Days of leave taken under this section may not be deducted from accrued personal leave or leave that the employee is entitled to under the Family and Medical Leave Act of 1993 (29 U.S.C. Section 2601 et seq.).

(c)  The commissioner shall reimburse each school district for the costs incurred by the district to provide a substitute teacher or otherwise replace a classroom teacher who takes disaster leave under this section.

(d)  In providing reimbursement under Subsection (c), the commissioner shall prioritize money received by the agency under the American Rescue Plan Act of 2021 (Pub. L. No. 117-2, reprinted in note, 20 U.S.C. Section 3401).

(e)  A school district shall reimburse a classroom teacher who used personal leave between August 1, 2021, and February 1, 2022, the number of days of leave required to be taken by that teacher to isolate following exposure to or a positive test result for the coronavirus disease (COVID-19).

(f)  The commissioner shall reimburse each school district the costs incurred between August 1, 2021, and February 1, 2022, to provide a substitute teacher or otherwise replace a classroom teacher who was required to take leave to isolate following exposure to or a positive test result for the coronavirus disease (COVID-19). In providing reimbursement under this subsection, the commissioner shall prioritize money received by the agency under the American Rescue Plan Act of 2021 (Pub. L. No. 117-2, reprinted in note, 20 U.S.C. Section 3401).

(g)  Subsections (d), (e), and (f) and this subsection expire January 1, 2023.

SECTION 3.  This Act takes effect February 1, 2022.