88R3022 BDP-D

By:  Johnson S.B. No. 350

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

(1)  birth of a child;

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

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

(4)  adoption of a child.

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

(1)  must provide:

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

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

(2)  must require that:

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

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

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

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

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

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

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

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

(4)  any recommendations for legislative or other action.

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

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

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

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

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