

By: Cain

H.B. No. 3822

A BILL TO BE ENTITLED

AN ACT

relating to parental leave policies for certain public school classroom teachers.

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

SECTION 1. Subchapter I, Chapter 21, Education Code, is amended by adding Sections 21.416 and 21.417 to read as follows:

Sec. 21.416. PAID PARENTAL LEAVE FOR CERTAIN CLASSROOM TEACHERS. (a) In this section, "Family and Medical Leave Act" means the Family and Medical Leave Act of 1993 (29 U.S.C. Section 2601 et seq.).

(b) Each school district or open-enrollment charter school shall adopt a paid parental leave policy under which a classroom teacher who has been employed by the district or school for at least 12 months and worked at least 1,250 hours during the 12-month period preceding the beginning of leave under this section and who takes leave under the Family and Medical Leave Act is entitled to paid parental leave for the:

(1) birth of a child;

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

(3) adoption of a child.

(c) A paid parental leave policy described by Subsection (b) must provide that:

(1) a classroom teacher who takes leave under the Family and Medical Leave Act for the purpose of Subsection (b)(1) is

1 entitled to 40 days of paid leave during leave taken under the
2 Family and Medical Leave Act; and

3 (2) a classroom teacher who takes leave under the
4 Family and Medical Leave Act for the purpose of Subsection (b)(2),
5 (3), or (4) is entitled to 20 days of paid leave during leave taken
6 under the Family and Medical Leave Act.

7 (d) A classroom teacher is not required to use all available
8 paid vacation and sick leave before the classroom teacher is
9 entitled to take paid leave under this section.

10 (e) This section does not entitle a classroom teacher to any
11 leave in addition to leave taken under the Family and Medical Leave
12 Act.

13 (f) This section may not be construed to:

14 (1) create an employment right;

15 (2) confer a protected status; or

16 (3) create a cause of action against a school district
17 or open-enrollment charter school.

18 Sec. 21.417. PARENTAL LEAVE FOR CERTAIN CLASSROOM TEACHERS.

19 (a) Each school district or open-enrollment charter school shall
20 adopt a policy providing that a classroom teacher who has been
21 employed by the district for fewer than 12 months or who worked
22 fewer than 1,250 hours during the 12-month period preceding the
23 beginning of the leave under this section is eligible to take a
24 parental leave of absence not to exceed 12 weeks in accordance with
25 this section.

26 (b) The classroom teacher must first use all available and
27 applicable paid vacation and sick leave while taking the leave, and

1 the remainder of the leave is unpaid.

2 (c) The leave authorized by this section is limited to, and
3 begins on the date of, the birth of a natural child of the classroom
4 teacher or the adoption by or foster care placement with the
5 classroom teacher of a child younger than three years of age.

6 SECTION 2. Subchapter D, Chapter 48, Education Code, is
7 amended by adding Section 48.157 to read as follows:

8 Sec. 48.157. TEACHER FAMILIES ALLOTMENT. For each employee
9 who received paid parental leave under a policy adopted under
10 Sections 21.416 and 21.417 during the preceding school year, a
11 school district is entitled to an annual allotment equal to the
12 amount of the employee's compensation for the period for which the
13 employee received paid parental leave under that policy.

14 SECTION 3. This Act applies beginning with the 2025-2026
15 school year.

16 SECTION 4. As soon as practicable after the effective date
17 of this Act and not later than September 1, 2025, the board of
18 trustees of a school district or the governing body of an
19 open-enrollment charter school shall adopt the parental leave
20 policies required by Sections 21.416 and 21.417, Education Code, as
21 added by this Act.

22 SECTION 5. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2025.