

Family Leave for the Birth or Placement of Child Guidance Revised June 2024

T.C.A. § 8-50-814, mandates local education agencies (LEAs) grant licensed employees of the LEA six paid workweeks after a birth or stillbirth of the employee's child or employee's adoption of a newly placed minor child.

Effective May 1, 2024, Chapter 875 of the Public Acts of 2024 (PC 875) requires public charter schools, instead of only LEAs, to grant licensed employees six paid workweeks after a birth or stillbirth of the employee's child or employee's adoption of a newly placed minor child.

The Tennessee Department of Education (department) will reimburse an LEA or public charter school in an amount equal to the leave paid by the LEA or public charter school to the eligible employee.

Paid Parental Leave Reimbursement Request Process

To receive reimbursement, LEAs and public charter schools must submit a reimbursement request via ePlan that includes the following information:

Employee and LEA information

- Name of the LEA or public charter school
- Name of Eligible Employee
- Employee ID Number
- Type of License
- Is a license required by law for the employee's position? (Yes/No)
- License Number (Including Expiration Date)

Leave Details

- Employment History (Dates of Employment across relevant LEAs)
- Date of Qualifying Event
- Dates of Paid Parental Leave
- Proof of Payment (Payroll Register)
- Total Amount of Reimbursement Requested
- Is supporting documentation included? (Yes/No)

Frequently Asked Questions and Guidance

To determine if an employee is eligible for paid leave under the law, the answer to both of the following questions must be "yes:"

1. At the time of the qualifying event (birth, adoption, or stillbirth) has the employee been employed by an LEA or public charter school full-time for 12 consecutive months?

2. During the consecutive 12 months of full-time employment, was the employee in a position that required him/her by law or rule to have a valid license for that position?

LEAs and public charter schools are encouraged to contact their local board attorney for specific legal advice. However, the following are answers to general questions the department has received regarding the implementation of this new law.

1. Are only licensed educators eligible to receive paid leave under this law?

No, the law doesn't restrict the type of license for eligibility. Thus, it's not confined to licensed educators. The law defines an eligible employee as "a teacher, principal, supervisor, or other individual required by law to hold a valid license of qualification for employment in public schools of this state and who has been employed full-time with a local education agency or public charter school for at least twelve (12) consecutive months." Consequently, other licensed professionals such as nurses, school bus drivers, and other employees could be eligible if holding a valid license is a prerequisite for their employment. Please note that the license must be required by a state or federal law or rule.

2. If an employee is teaching on a permit, rather than an educator license, is the employee eligible for paid leave under this law?

No, a permit is a temporary emergency credential and is not considered a valid license of qualification for employment for purposes of this law. An employee in a teaching position must hold an educator license to be eligible for paid leave.

3. Does an employee need to be employed for twelve months with the same LEA or public charter school to qualify?

No, the law states that to be eligible an employee must "have been employed full-time with a local education agency or public charter school for at least twelve (12) consecutive months." It does not require employment for twelve months with the same LEA or public charter school. If an employee has transitioned between LEAs or public charter schools during this period, they could still qualify for paid leave under T.C.A. § 8-50-814 as amended by PC 875. The LEA or public charter school where the employee is currently working must provide the paid leave, even if the employee has not been with that LEA or public charter school for twelve months.

4. Are eligible public charter school employees entitled to paid leave pursuant to T.C.A. § 8-50-814 as amended by PC 875 if the leave was taken prior to the effective date of the PC 875? Will public charter schools be reimbursed if they provide such leave?

No, PC 875 provides that the law applies to leave taken on or after the effective date. Therefore, an eligible charter school employee is not entitled to paid leave under T.C.A. § 8-50-814 as amended by PC 875 taken prior to May 1, 2024, and public charter schools will not be reimbursed for paid leave granted prior to May 1, 2024.

5. If an eligible charter school employee has a qualifying event under T.C.A. § 8-50-814 as amended by PC 875 (birth, adoption, or stillbirth) prior to the effective date of PC 875, are they entitled to paid

leave taken after the effective date of PC 875 as long as it is taken within twelve months of the qualifying event?

Yes. T.C.A. § 8-50-814 as amended by PC 875 authorizes paid leave as long as it is used within twelve months of the birth or stillbirth of the employee's child or the employee's adoption of a newly placed minor child. PC 875 states the law applies to leave taken on or after the effective date of the law and does not require the qualifying event to occur on or after the effective date of PC 875.

6. If an LEA or public charter school employs a licensed individual on a ten- or eleven-month contract rather than twelve months, is the individual still eligible for paid leave under T.C.A. § 8-50-814 as amended by PC 875 if they are otherwise eligible?

Yes, just because a licensed employee is not required to work during the summer does not mean they are not continuously employed for purposes of eligibility for leave under T.C.A. § 8-50-814 as amended by PC 875.

7. Will the department reimburse the LEA or public charter school for the eligible employee's net pay or gross pay?

The department will reimburse the gross pay of the employee plus the employer share of benefits.

8. When will reimbursements be processed?

Expect reimbursement within 30 days of a completed request submission.

For further questions, please contact Department CFO Maryanne Durski at Maryanne.Durski@tn.gov.