

Leave (Title 17)

Applicability

Except as specifically provided (See: Statutes Providing for Leave in SSD), this policy applies only to teachers in Special School District (SSD), including the Louisiana Special Schools (LSS)—the Louisiana Schools for the Deaf and Visually Impaired (LSDVI) and the Louisiana Special Education Center (LSEC)—and Special School Programs (SSP). For purposes of this policy, “teacher” means any certified employee who holds a teacher’s certificate and whose legal employment requires certification under regulations of the Board of Elementary and Secondary Education (BESE) or of any certification authority established by law.

Except as specifically provided, leave for other unclassified employees will be governed by the current Executive Order governing leave for unclassified state employees and any applicable Louisiana Department of Education (DOE) or school policy.

Leave for classified employees shall be governed by Civil Service Rules and applicable policy.

Statutes Providing for Leave in SSD

In accordance with applicable statutes (La. R.S. 17:43, et seq.), the following leave types may be available to the following employees:

Sabbatical leave may be available to teachers, social workers, guidance counselors, school nurses, audiologists, educational diagnosticians, speech-language pathologists, and school psychologists. La. R.S. 17:46.

Leave of absence without pay, for up to one year, may be available to regularly employed teachers or other employees. La. R.S. 17:46(P).

Sick/emergency and personal leave may be available to teachers. La. R.S. 17:47.

Leave may be available to secretaries, paraprofessionals, school aides, teachers, or superintendents who are injured or disabled while acting in their official capacity as a result of assault or battery. La. R.S. 17:47(C).

Leave may be available to secretaries, paraprofessionals, school aides, teachers, or superintendents who are injured or disabled while acting in their official capacity as a result of physical contact with a student or others while providing physical assistance to a student to prevent danger or risk of injury to the student or others.” La. R.S. 17:47(C).

Extended sick leave may be available to teachers. La. R.S. 17:47(D).

Maternity leave may be available to regularly employed women teachers. La. R.S. 17:48. If available, sabbatical leave, extended sick leave, sick/emergency and personal leave, or annual leave may be used as paid leave during maternity leave.

Military leave may be available to regularly employed teachers serving in the military service or in the armed forces of the United States. La. R.S. 17:49.

SSD employees who enter the Deferred Retirement Option Plan (DROP) through the Teachers Retirement System of Louisiana (TRSL) or the Louisiana School Employees Retirement System (LaSERS) may elect to receive payment for up to twenty-five days of unused sick leave upon entering DROP, rather than upon final separation from service. La. R.S. 17:425.1.

Leave Records

Leave records are required and will be maintained in accordance with the Time and Attendance Policy and the applicable DOE or LSS Leave Policy.

Leave Usage

The minimum charge to leave shall be in increments of not less than one-half (.5) hour, or thirty (30) minutes. An absence, or accumulated absences, of 20 to 30 minutes will be charged as one-half hour of leave.

For teachers who work less than year-round, sick/emergency leave shall be credited effective the first day the teacher reports for duty and begins work pursuant to the school calendar. For teachers who work year-round, both sick/emergency and annual leave shall be credited effective the first day of the fiscal year. Although leave may be entered into the payroll system before the beginning of the school or fiscal year, a teacher may not use leave credited for the new year until the teacher reports for duty and begins work on or after the effective date stated in this provision.

Sick/Emergency Leave

Sick/emergency leave is granted as follows:

Months Worked Per School Year	Total Days Accrued
9 months	10
10 months	11
11 months	12
12 months	13

SSD will not duplicate sick/emergency leave already received for the school year when teachers transfer from another Louisiana school or school district during the school year and have received sick/emergency leave while employed by the former school or district.

Sick/emergency leave for teachers who do not begin work at the beginning of a school year shall be prorated in accordance with La. R.S. 17:47(A). Teachers who work 10 months will be credited with 1 day in addition to the number of days specified in La. R.S. 17:47(A). Teachers who work 11 months will be credited with 2 days in addition to the number of days specified in La. R.S. 17:47(A).

Teachers who work forty hours a week, year-round, will earn leave in accordance with the current Executive Order governing leave for unclassified state employees.

- A maximum of two days of the sick/emergency leave per school year shall be granted for a teacher's urgent personal reasons. A teacher requesting personal leave shall give the supervisor notice at least twenty-four hours before taking the leave.
- Unused sick/emergency leave shall be carried forward from year to year. There is no limit on the amount of sick/emergency leave a teacher may accumulate during employment. Two days of personal leave are available each year; unused personal leave will be carried forward as sick/emergency leave.
- Paid leave will be granted for emergencies only if the emergency was beyond the teacher's control and could not reasonably be handled outside of the teacher's work hours.
- Supervisors have the discretion to require a health care provider's statement or other documentation of the necessity for the use of sick/emergency leave.
- A teacher who is absent for six or more consecutive days because of personal illness shall be required to provide a health care provider's statement certifying the illness, as soon as reasonably possible.
- A teacher who takes sick/emergency leave during statewide testing, facility accreditation, mandatory training or other periods for which the SSD Superintendent has provided advance notice that annual leave will not be granted shall be required to provide a health care provider's statement or other documentation of the necessity for the use of sick/emergency leave.
- If a teacher does not have sufficient sick/emergency leave to cover an absence, the payroll system will not automatically "roll" to annual leave. Unless the supervisor has approved another type of leave, the time administrator must enter "leave without pay."
- For teachers who earn annual leave, approved leave for emergency purposes may be deducted from the teacher's annual or sick/emergency leave balance, at the teacher's option.
- Upon the retirement or death prior to retirement of any teacher in TRSL or LASERS, up to 25 days of accumulated sick leave shall be paid to the teacher or the teacher's heirs at the teacher's hourly rate of pay at the time of retirement or death prior to retirement.
 - This is a one-time payment. If a teacher chooses to receive this payment upon entering DROP, a second payment will not be made later, when the teacher separates from service through retirement or death.

- If a teacher is reemployed within five (5) years of separation, all unused accrued sick/emergency leave that was cancelled upon separation shall be re-credited.
- If a teacher transfers to another Louisiana public school system, sick/emergency leave shall be transferred in accordance with applicable law.

Annual Leave

Teachers who work 12 months shall earn annual leave according to the following schedule:

Years of Certified Service in LA Public School Systems	Days Earned per Month
0 – 3	1
3 – 5	1.25
5 – 10	1.5
10 – 15	1.75
15 +	2

Annual leave will be credited at the beginning of the school or fiscal year, when sick/emergency leave is credited. For teachers who do not work at the beginning of a school or fiscal year, the amount of annual leave credited will be based on the number of full months remaining in the school or fiscal year.

Teachers who work forty hours a week, year-round, will earn leave in accordance with the current Executive Order governing leave for unclassified state employees.

- Annual leave must be requested in advance, and granting annual leave is within the supervisor’s discretion.
- Use of annual leave is governed by DOE or LSS policy, unless otherwise specified in this policy.
- Teachers may be required to use annual leave when in the administrative judgment of the SSD Superintendent it would be in the best interests of SSD.
 - If teachers are required to take annual leave for facility closures, teachers who do not have annual leave accrued may be required to take leave without pay.
- Annual leave will not be granted during statewide testing, facility accreditation, mandatory training or other periods for which the SSD Superintendent has provided advance notice that annual leave will not be granted, except in emergency situations as determined by the appointing authority.
- Upon separation from state service, teachers will be paid for their accrued, unused annual leave, in full hour increments, up to 300 hours, unless the separation was a dismissal for theft of agency funds or property.

- A teacher who is paid for unused annual leave upon separation and who reenters the state service within 300 work hours may be required to repay all or part of the amount paid, and will receive leave credit for the amount of annual leave repaid.

Family and Medical Leave Act (FMLA)

Leave rules are subject to exceptions for employees on Family Medical Leave Act (FMLA) leave, as set forth in the law and the Family and Medical Leave Act Policy.

Compensatory Leave

Compensatory Leave may be granted with prior approval, in accordance with the Overtime Policy.

Exigent Leave

The SSD Superintendent may place a teacher on paid exigent leave when in the best interest of SSD.

Leave for Tardiness

Teachers will be placed on leave for tardiness. Teachers may be placed on leave without pay for tardiness if tardiness has caused loss of time from official class duties, after tardiness has occurred on more than two occasions during the school year, and the accumulated tardy time is more than one hour. Until that threshold is reached, teachers may be placed on accrued paid leave. The placement on paid leave does not preclude the supervisor from pursuing disciplinary or other corrective action for repeated tardiness.

Leave Without Pay (LWOP)

A teacher who has paid leave available may be placed on leave without pay for any unapproved absence from duty during the teacher's assigned work schedule. The following are a few examples of when leave without pay may be appropriate:

- Tardiness, as detailed above
- When a teacher fails to report for duty or secure approved leave in advance
- When a teacher fails to produce required documentation to support a leave request

Placing a teacher on LWOP is not a disciplinary action and does not preclude disciplinary action.

A teacher on LWOP may be responsible for the employer portion of health and life insurance (unless on approved FMLA). Other benefits may also be affected during a period of LWOP, including retirement, payroll deductions, etc.

A teacher may not choose to use LWOP when paid leave is available, except as provided by law or in this policy.

Leave of Absence Without Pay (Statutory)

The SSD Superintendent may grant leaves of absence without pay to regularly employed teachers or other employees, for periods not exceeding one year, upon a written request, when in the discretion of the Superintendent such leave is in the best interests of the special school. The granting of such leave shall not affect any tenure rights which the applicant may have acquired prior thereto.

Special Leave

Leave may be available to SSD teachers, without loss of pay or accrued paid leave, in accordance with the terms of DOE or school policy, in the following circumstances. For the sake of efficiency and consistency, employees governed by this policy will follow the details established in applicable DOE or LSS policy. For example, if the applicable policy clarifies that voting leave is for up to two hours, employees who are governed by this policy may receive up to two hours of voting leave.

- The teacher is attending the funeral, burial, or last rites of a spouse, parent, step-parent, child, step-child, brother, step-brother, sister, step-sister, mother-in-law, father-in-law, grandparent, or grandchild.
- The teacher must be absent to vote in a primary, general, or special election.
- The teacher is called for jury duty.
 - A teacher who is released from jury duty before the end of the teacher's regular workday must return to work.
- The teacher is summoned to appear as a witness.
 - This leave type is not available when the teacher is a plaintiff or defendant in the case, or when the teacher is summoned as a witness as a result of employment other than State employment.
- The appointing authority determines the teacher is prevented by an act of God from performing duty.
- The appointing authority determines that because of local conditions or celebrations it is impracticable for the teacher to work at the regular work domicile or an alternative work site.
- The teacher is called to active military duty, up to fifteen (15) days per calendar year.
- The teacher is taking a required examination pertinent to the teacher's employment.
- The teacher is performing emergency civilian duty in relation to national defense.
- The teacher is ordered to report for pre-induction physical examination incident to possible entry into the military forces of the United States.
- The teacher is a member of the National Guard and is ordered to active duty incident to local emergency, act of God, civil or criminal insurrection, civil or criminal disobedience, or similar occurrences of an extraordinary and emergent nature which threatens or affects the peace or property of the people.
- The teacher is a current member of a Civil Air Patrol and incident to such membership is ordered to perform duty with troops or participate in field exercises or training, except that such leave shall not exceed 15 working days in any one calendar year and shall not be used for unit meetings or training conducted during such meetings.
- The teacher is participating as a Trained Disaster Volunteer in an American Red Cross relief service in Louisiana, in response to a Level III or higher disaster, up to fifteen (15) days per calendar year.

The teacher may be required to submit documentation to support a leave request.

Leave for Assault, Battery, or Physical Contact

An eligible employee who is injured or disabled while acting in his official capacity as a result of assault or battery by any student or person shall receive sick leave for up to one calendar year without reduction in pay or accrued leave days or accrual of sick leave days while disabled as a result of such assault or battery. The employee shall be required to present a sworn statement from a physician certifying the injury and disability.

An eligible employee who is injured or disabled while acting in his official capacity as a result of physical contact with a student or others while providing physical assistance to a student to prevent danger or risk of injury to the student or others shall receive sick leave for a period of up to one calendar year without reduction in pay or accrued leave days or accrual of sick leave days while injured or disabled as a result of rendering such assistance. The employee shall be required to present a sworn statement from a physician certifying the injury or disability.

Each physician's statement shall be submitted in the form of a sworn statement which shall be subject to the provisions of La. R.S. 14:125.

La. R.S. 17:47(C) details additional terms and conditions of this leave.

An employee who is injured or disabled while acting in his official capacity shall be entitled to weekly wage benefits under workers' compensation and/or to sick leave benefits under the provisions of La. R.S. 17:47, at the employee's option. In no event shall such benefits exceed the total amount of the regular salary the employee was receiving at the time the injury or disability occurred.

Statutory Extended Sick Leave

The SSD Superintendent shall permit each teacher to take up to ninety days of extended sick leave in each six-year period of employment which may be used for personal illness or illness of a spouse, parent, or child when the teacher has no remaining regular sick leave balance. Each time a teacher requests extended sick leave, the teacher must submit a statement from a licensed physician certifying that the leave is medically necessary for the teacher or that an illness of the teacher's spouse, parent, or child is serious and requires the teacher's presence. The medical certification must be provided before the extended sick leave will be paid, and no later than three days after the teacher's return to work.

A teacher may not work while on extended sick leave, unless the teacher is working not more than twenty hours a week in a job the teacher worked for not less than one hundred twenty days before the beginning of any period of extended sick leave, and the physician who certified the medical necessity for the extended sick leave also certifies that the work does not impair the purpose for which the extended sick leave is required. A teacher who violates this provision may be required to re-pay SSD for the costs of the extended sick leave.

Teachers shall be paid 65% of their salary while on extended sick leave.

La. R.S. 17:47(D) details additional terms and conditions of extended sick leave.

Sabbatical Leave

Sabbatical leave may be available to fully certified, tenured teachers. For purposes of sabbatical leave, this includes social workers, guidance counselors, school nurses, audiologists, educational diagnosticians, speech-language pathologists, and school psychologists who hold valid ancillary certificates issued by DOE and who have served in SSD for the number of years required for probationary teachers to attain tenure. Only school nurses who are in the unclassified service and who hold a Type A, Type B, or Type C certificate may be eligible for sabbatical leave.

Sabbatical leave may be granted for the purpose of professional or cultural improvement or medical leave for the two semesters immediately following any twelve or more consecutive semesters of active service in the district, or for one semester immediately following any six or more consecutive semesters of service.

The number of teachers on sabbatical leave cannot exceed ten percent of the number of teachers employed in the special school. For purposes of sabbatical leave, LSDVI, LSEC, and SSP are considered separate schools.

While on sabbatical leave, teachers shall be paid 65% of their salary at the time the sabbatical leave began. Teachers on sabbatical will be granted regular salary increases. Sabbatical leave shall count as active service for retirement.

At LSDVI, sabbatical leave may be taken in the fall semester or the spring semester, and will begin on the first day the teacher is required to report to work for the semester.

At LSEC and SSP, a semester is either three consecutive six-weeks grading periods or two consecutive nine-weeks grading periods, based on the school calendar, and sabbatical leave will begin on the first day the teacher is required to report to work for the grading period.

If a teacher becomes sick during a semester and begins sabbatical leave during a semester, that semester will count as a semester of sabbatical leave. Remember, regular sick leave and extended sick leave are also available. If, for any other reason, a teacher wishes to begin sabbatical after a semester begins or return from sabbatical before a semester ends, the SSD Superintendent may allow it, upon the recommendation of the Director or Regional Coordinator, in the best interest of our students. In these cases, any part of a semester taken as sabbatical leave will count as a semester of sabbatical leave.

Conditions of Sabbatical Leave

Teachers on medical sabbatical may not work during sabbatical, unless authorized by the SSD Superintendent, according to the conditions listed in La. R.S. 17:46.

Teachers on sabbatical for professional or cultural improvement must pursue study or travel, according to the requirements in La. R.S. 17:46.

No teacher on sabbatical may work for any public or private elementary or secondary school in Louisiana or in any other state.

Within thirty days of the beginning of each semester of sabbatical, and within thirty days after the end of the sabbatical, the teacher must give the SSD Superintendent a report, as required by La. R.S. 17:46.

A teacher who fails to comply with the conditions set forth in this policy and in La. R.S. 17:46 may have the sabbatical leave terminated at any time, unless the teacher is unable to comply with the conditions for reasons that would have prevented the teacher from working, if the teacher were not on sabbatical leave.

A teacher who is granted sabbatical leave shall sign an agreement or contract with the SSD Superintendent stipulating that, as a condition of sabbatical leave and in order to be eligible for compensation during sabbatical, the teacher will return to service for one semester for each semester of sabbatical leave. A teacher who fails to return to service for one semester for each semester of sabbatical leave shall forfeit all compensation received during the leave period unless two physicians certify that the teacher suffers from incapacitating illness. The SSD Superintendent may grant other exceptions on a case-by-case basis only when in the best interest of the educational program, such as when allowing a teacher to retire or resign without returning to work would provide continuity in the educational program by preventing another teacher from being laid off or moved to another facility in the event of a facility/program closure or budget cuts.

Applying for Sabbatical Leave

Applications for sabbatical leave shall be made on an approved *Sabbatical Leave Request Form*, which is available from Human Resources. Applications shall specify all of the following: (a) the period for which leave is requested, (b) whether leave is requested for the purpose of professional or cultural improvement, or for the purpose of medical leave, (c) the precise manner, insofar as possible, in which such leave, if granted, will be spent, (d) the semesters spent in active service in the school from which leave is requested, and (e) the applicant's date of birth. The application shall contain a statement, signed by the applicant, that the applicant agrees to comply with the provisions of La. R.S. 17:46. Every application for medical sabbatical shall be accompanied by a statement from a licensed physician certifying that the leave is medically necessary. The physician's statement shall be submitted in the form of a sworn statement which shall be subject to the provisions of La. R.S. 14:125.

Applications shall be sent to the SSD Superintendent by registered or certified mail at least sixty days before the beginning of the semester for which leave is requested. If a teacher has become sick during a semester and requests medical leave for the purpose of recuperating, the application may be mailed thirty days before the date upon which the requested leave is to begin.

La. R.S. 17:46 details additional terms and conditions of sabbatical leave.

Compliance

Leave is a benefit of employment. Employees who fail to comply with this policy or statutory leave requirements may be placed on leave without pay and may be subject to disciplinary or other corrective action, or termination. Employees should report suspected violations or abuse of this policy to the appropriate Human Resources Director or Administrator for review.

Exceptions to this policy must be approved in writing by the SSD Superintendent.