

House Bill 901

By: Representatives Bruce of the 64th, Kaiser of the 59th, Lunsford of the 110th, Hembree of the 67th, Mosby of the 90th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 34 of the Official Code of Georgia Annotated, relating to
2 general provisions relative to labor and industrial relations, so as to enact the "Parent
3 Protection Act"; to provide for leave for employees to attend school conferences and medical
4 appointments; to provide for legislative findings and intent; to provide for definitions; to
5 provide for conditions to take leave; to provide for annual notification; to provide for
6 statutory construction; to provide that retaliatory actions are unlawful; to provide for a
7 remedy; to amend Article 1 of Chapter 1A of Title 20 of the Official Code of Georgia
8 Annotated, relating to early care and learning generally, so as to require day-care programs
9 and preschool programs to provide written notice prior to school conferences; to provide for
10 a definition; to provide for written verification of attendance; to amend Article 4A of Chapter
11 2 of Title 20 of the Official Code of Georgia Annotated, relating to community involvement
12 in education, so as to require local school systems and private schools to provide written
13 notice prior to school conferences; to provide for a definition; to provide for written
14 verification of attendance; to provide for related matters; to repeal conflicting laws; and for
15 other purposes.

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

17 **SECTION 1.**

18 This Act shall be known and may be cited as the "Parent Protection Act."

19 **SECTION 2.**

20 Chapter 1 of Title 34 of the Official Code of Georgia Annotated, relating to general
21 provisions relative to labor and industrial relations, is amended by adding a new Code section
22 to read as follows:

23 "34-1-8.

24 (a) The General Assembly finds that employees often have important family and medical
25 needs that do not qualify for leave under the federal Family and Medical Leave Act of

1 1993. An employee who does not have available leave should be able to take time away
2 from work to attend to family health needs and the educational achievement of children
3 while protecting his or her employment status. The General Assembly finds that providing
4 a state statutory mechanism for establishing a minimum amount of leave time available to
5 employees for eligible family purposes under certain circumstances improves retention of
6 students in school, improves retention of employees, increases productivity, and
7 strengthens families. Existing federal and state laws and regulations require parent
8 participation in various school conferences, including, but not limited to, student support
9 team meetings; Individualized Education Program (IEP) meetings as outlined in the federal
10 Individuals with Disabilities Education Act; drop out prevention counseling; meetings to
11 address discipline infractions and discipline hearings; meetings to address appropriate
12 action for a chronic disciplinary problem student or if a student is not on grade level, does
13 not pass the required annual state criterion-referenced assessments, or has repeated
14 unexcused absences; or where the parent is subject to a juvenile court referral for failure
15 to compel the child's attendance. The General Assembly further finds that parental
16 involvement is a central strategy for improving performance under the federal No Child
17 Left Behind Act, and that defeating persistent gaps in student achievement and engaging
18 parents in involvement in their children's educational progression requires addressing the
19 underlying reasons of why many working parents do not or are not able to attend school
20 conferences. Therefore, the purpose of this Code section is to create scheduling flexibility
21 when such options are not available to an employee.

22 (b) As used in this Code section, the term:

23 (1) 'Available leave' means annual leave, personal leave, sick leave, compensatory leave,
24 or other similar leave provided by an employer which an employee may use to attend
25 school conferences, medical appointments of the employee or the employee's family
26 members, or similar activities.

27 (2) 'Child' means any minor child living with the employee, a child related by blood or
28 marriage, or the employee's legal ward.

29 (3) 'Elderly relative' means an adult 60 years of age or older related by blood or marriage
30 to the employee who may require care or assistance from the employee in making
31 arrangements for housing, meals, banking services, and other similar activities.

32 (4) 'Eligible employee' means an individual who:

33 (A) Has been employed by an employer for at least six consecutive months; and

34 (B) Has 24 hours or less of available leave as of July 1 of any given calendar year.

35 (5) 'Employer' means an employer in the private sector in this state.

36 (6) 'School conference' means registration for enrollment in a day-care program,
37 preschool, kindergarten program, or elementary or secondary school or a meeting about

1 a child's academic achievement, behavior, performance, or support plan when such
2 meeting is initiated by either an educator or other school or program representative or the
3 parent and which is conducted at the child's school or day-care center.

4 (c) Subject to the requirements of subsection (e) of this Code section, an eligible employee
5 shall be entitled to a total of 24 hours of leave, paid or unpaid in accordance with
6 subsection (d) of this Code section, during any 12 month period for one or more of the
7 following:

8 (1) To attend a medical appointment for the employee or the employee's spouse or child;

9 (2) To accompany an elderly relative to a medical appointment; or

10 (3) To attend a school conference for a child of the employee

11 when the appointment or school conference cannot reasonably be scheduled during the
12 employee's nonwork hours.

13 (d) Leave granted under subsection (c) of this Code section may consist of unpaid leave,
14 and nothing in this Code section shall be construed to require such leave be paid; provided,
15 however, that an eligible employee shall be permitted to utilize any accrued available leave
16 for leave taken pursuant to subsection (c).

17 (e) Any leave granted pursuant to subsection (c) of this Code section shall be subject to
18 the following conditions:

19 (A) An eligible employee requesting leave under subsection (c) of this Code section shall
20 provide reasonable notice to the employer prior to the absence and make reasonable effort
21 to plan the absence so as not to unduly disrupt the operations of the employer;

22 (B) An employer may require a written request at least 48 hours before the planned
23 absence;

24 (C) An employer with three or fewer employees at the same location may reasonably
25 limit the number of employees allowed to take a planned absence on the same calendar
26 day;

27 (D) An employer may require the eligible employee to provide written verification of an
28 appointment or school conference, such as a written note from a physician or
29 documentation signed by a school or day-care administrator or teacher attending the
30 conference; and

31 (E) An employer may require eligible employees to take leave in increments of no less
32 than two hours.

33 (f) An employer shall annually notify its employees of their eligibility to request leave
34 under this Code section by posting such notice or issuing a memoranda to all employees.

35 (g) Nothing in this Code section shall be construed to limit the amount of leave time an
36 employer may offer for eligible activities.

1 (h) To the extent an employee eligible for leave under this Code section is also eligible for
 2 leave for such purposes under the federal Family and Medical Leave Act of 1993, such
 3 employee shall take leave pursuant to the federal Family and Medical Leave Act of 1993.
 4 Nothing in this Code section shall be construed to provide additional leave to an employee
 5 for the purposes contained in subsection (c) of this Code section if the employee is eligible
 6 for leave for such purposes under the federal Family and Medical Leave Act of 1993.

7 (i)(1) It shall be unlawful for any employer or the agent of such employer to discharge,
 8 discipline, or otherwise penalize an eligible employee because such employee requests or
 9 takes leave pursuant to this Code section. It shall be unlawful for any employer or the
 10 agent of such employer to threaten to take or to communicate an intention to take any
 11 action declared to be unlawful under this paragraph.

12 (2) Any employer or agent of such employer who violates paragraph (1) of this
 13 subsection shall be liable to the injured employee for all actual damages incurred by such
 14 employee and for reasonable attorney's fees incurred by such employee in asserting a
 15 successful claim under this subsection."

16 SECTION 3.

17 Article 1 of Chapter 1A of Title 20 of the Official Code of Georgia Annotated, relating to
 18 early care and learning generally, is amended by adding a new Code section to read as
 19 follows:

20 "20-1A-18.

21 (a) As used in this Code section, 'school conference' means registration for enrollment in
 22 an early care and education program or a meeting about a child's academic achievement,
 23 behavior, performance, or support plan when such meeting is initiated by either an educator
 24 or other school or program representative or the parent and which is conducted at the
 25 child's school or program site.

26 (b) An early care and education program shall provide written notice to parents and
 27 guardians at least three business days prior to a school conference to afford the parents and
 28 guardians the opportunity to arrange for and attend such school conference. This
 29 subsection shall not be construed to relieve an early care and education program from
 30 complying with any notice requirements that may be provided for in federal law or
 31 regulations or other laws or regulations of this state.

32 (c) If requested by a parent or guardian, an administrator or teacher participating in the
 33 school conference shall provide written verification of the parent or guardian's attendance
 34 at such school conference to provide to the parent or guardian's employer."

SECTION 4.

Article 4A of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to community involvement in education, is amended by adding a new Code section to read as follows:

"20-2-87.

(a) As used in this Code section, 'school conference' means registration for enrollment in a public or private kindergarten program or elementary or secondary school or a meeting about a child's academic achievement, behavior, performance, or support plan when such meeting is initiated by either an educator or other school or program representative or the parent and which is conducted at the child's school or program site.

(b) A local school system or private school shall provide written notice to parents and guardians at least three business days prior to a school conference to afford the parents and guardians the opportunity to arrange for and attend such school conference. This subsection shall not be construed to relieve a local school system or private school from complying with any notice requirements that may be provided for in federal law or regulations or other laws or regulations of this state.

(c) If requested by a parent or guardian, an administrator or teacher participating in the school conference shall provide written verification of the parent or guardian's attendance at such school conference to provide to the parent or guardian's employer."

SECTION 5.

All laws and parts of laws in conflict with this Act are repealed.