

House Bill 37

By: Representatives Bruce of the 64th, Kaiser of the 59th, Ashe of the 56th, Lunsford of the 110th, 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
7 administrative fines; to provide for a remedy; to amend Article 1 of Chapter 1A of Title 20
8 of the Official Code of Georgia Annotated, relating to early care and learning generally, so
9 as to require day-care programs and preschool programs to provide written notice prior to
10 school conferences; to provide for a definition; to provide for written verification of
11 attendance; to amend Article 4A of Chapter 2 of Title 20 of the Official Code of Georgia
12 Annotated, relating to community involvement in education, so as to require local school
13 systems and private schools to provide written notice prior to school conferences; to provide
14 for a definition; to provide for written verification of attendance; to provide for related
15 matters; to repeal conflicting laws; and for 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

26 1993. An employee who does not have available leave should be able to take time away
 27 from work to attend to family health needs and the educational achievement of children
 28 while protecting his or her employment status. The General Assembly finds that providing
 29 a state statutory mechanism for establishing a minimum amount of leave time available to
 30 employees for eligible family purposes under certain circumstances improves retention of
 31 students in school, improves retention of employees, increases productivity, and
 32 strengthens families. Existing federal and state laws and regulations require parent
 33 participation in various school conferences, including, but not limited to, student support
 34 team meetings; Individualized Education Program (IEP) meetings as outlined in the federal
 35 Individuals with Disabilities Education Act; drop out prevention counseling; meetings to
 36 address discipline infractions and discipline hearings; meetings to address appropriate
 37 action for a chronic disciplinary problem student or if a student is not on grade level, does
 38 not pass the required annual state criterion-referenced assessments, or has repeated
 39 unexcused absences; or where the parent is subject to a juvenile court referral for failure
 40 to compel the child's attendance. The General Assembly further finds that parental
 41 involvement is a central strategy for improving performance under the federal No Child
 42 Left Behind Act, and that defeating persistent gaps in student achievement and engaging
 43 parents in involvement in their children's educational progression requires addressing the
 44 underlying reasons of why many working parents do not or are not able to attend school
 45 conferences. Therefore, the purpose of this Code section is to create scheduling flexibility
 46 when such options are not available to an employee.

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

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

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

54 (3) 'Elderly relative' means an adult 60 years of age or older related by blood or marriage
 55 to the employee.

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

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

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

59 (5) 'Employer' means an employer in the public or private sector in this state.

60 (6) 'School conference' means registration for enrollment in a day-care program,
 61 preschool, kindergarten program, or elementary or secondary school or a meeting about
 62 a child's academic achievement, behavior, performance, or support plan when such

63 meeting is initiated by either an educator or other school or program representative or the
64 parent and which is conducted at the child's school or day-care center.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

97 (h) To the extent an employee eligible for leave under this Code section is also eligible for
98 leave for such purposes under the federal Family and Medical Leave Act of 1993, such
99 employee shall take leave pursuant to the federal Family and Medical Leave Act of 1993.

100 Nothing in this Code section shall be construed to provide additional leave to an employee
 101 for the purposes contained in subsection (c) of this Code section if the employee is eligible
 102 for leave for such purposes under the federal Family and Medical Leave Act of 1993.

103 (i)(1) It shall be unlawful for any employer or the agent of such employer to discharge,
 104 discipline, or otherwise penalize an eligible employee because such employee requests
 105 or takes leave pursuant to this Code section. It shall be unlawful for any employer or the
 106 agent of such employer to threaten to take or to communicate an intention to take any
 107 action declared to be unlawful under this paragraph. Provided, however, that nothing in
 108 this paragraph shall be construed to impede or prevent an employer from discharging,
 109 disciplining, or otherwise penalizing an eligible employee for reasons unrelated to the
 110 provisions of this Code section.

111 (2) Any employer or the agent of such employer which is found by the department, after
 112 notice and an opportunity for a hearing, to have violated paragraph (1) of this subsection
 113 shall be subject to an administrative fine not to exceed \$100.00 for each separate
 114 violation. Any determination by the department that an employer or the agent of such
 115 employer which is found by the department, after notice and an opportunity for a hearing,
 116 to have violated paragraph (1) of this subsection shall be subject to appeal. Any hearing
 117 conducted pursuant to this Code section shall be conducted in accordance with Chapter
 118 13 of Title 50, the 'Georgia Administrative Procedure Act.'

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

123 **SECTION 3.**

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

127 "20-1A-18.

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

133 (b) An early care and education program shall provide written notice to parents and
 134 guardians at least three business days prior to a school conference to afford the parents and
 135 guardians the opportunity to arrange for and attend such school conference. This

136 subsection shall not be construed to relieve an early care and education program from
137 complying with any notice requirements that may be provided for in federal law or
138 regulations or other laws or regulations of this state.

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

142 **SECTION 4.**

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

146 "20-2-87.

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

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

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

161 **SECTION 5.**

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