

119TH CONGRESS
1ST SESSION

S. _____

To establish eligibility requirements for covered educational employees under the Family and Medical Leave Act of 1993, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Ms. DUCKWORTH introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To establish eligibility requirements for covered educational employees under the Family and Medical Leave Act of 1993, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “ESP, Paraprofessional,
5 and Education Support Staff Family Leave Act”.

6 **SEC. 2. ELIGIBILITY FOR EDUCATION SUPPORT PROFES-**
7 **SIONALS AND SCHOOL SUPPORT STAFF.**

8 Section 101(2) of the Family and Medical Leave Act
9 of 1993 (29 U.S.C. 2611(2)) is amended by adding at the
10 end the following:

1 “(F) PARAPROFESSIONALS AND EDU-
2 CATION SUPPORT STAFF.—

3 “(i) DETERMINATION.—For purposes
4 of determining whether a covered edu-
5 cational employee meets the hours of serv-
6 ice requirement specified in subparagraph
7 (A)(ii), the covered educational employee
8 will be considered to meet the requirement
9 if the employee has worked a number of
10 hours equal to not less than 60 percent of
11 the applicable total monthly hours expected
12 for the employee’s job description and du-
13 ties, as assigned for the previous school
14 year.

15 “(ii) FILE.—Each employer of a cov-
16 ered educational employee shall maintain
17 on file with the Secretary (in accordance
18 with such regulations as the Secretary may
19 prescribe) information specifying the total
20 monthly hours expected for the employee’s
21 job description and duties for each school
22 year.

23 “(iii) DEFINITIONS.—In this subpara-
24 graph:

1 “(I) COVERED EDUCATIONAL EM-
2 PLOYEE.—The term ‘covered edu-
3 cational employee’ means a ‘para-
4 professional’ or an ‘education support
5 staff member’ employed by an edu-
6 cational agency or institution.

7 “(II) PARAPROFESSIONAL.—The
8 term ‘paraprofessional’ has the mean-
9 ing given the term in section
10 8101(37) of the Elementary and Sec-
11 ondary Education Act of 1965 (20
12 U.S.C. 7801(37)).

13 “(III) EDUCATION SUPPORT
14 STAFF.—The term ‘education support
15 staff member’ (also known as a ‘clas-
16 sified school employee’, ‘education
17 support professional’, or ‘ESP’)
18 means an employee of an educational
19 agency or institution who provides
20 clerical and administrative services,
21 transportation services, food and nu-
22 trition services, custodial and mainte-
23 nance services, health and student
24 services, technical services, or services
25 related to skilled trades.

1 “(IV) EDUCATIONAL AGENCY OR
2 INSTITUTION.—The term ‘educational
3 agency or institution’ has the meaning
4 given the term in section 444(a)(3) of
5 the General Education Provisions Act
6 (20 U.S.C. 1232g(a)(3)).”.

7 **SEC. 3. ENTITLEMENT TO LEAVE.**

8 Section 102(a) of the Family and Medical Leave Act
9 of 1993 (29 U.S.C. 2612(a)) is amended by adding at the
10 end the following:

11 “(6) CALCULATION OF LEAVE FOR COVERED
12 EDUCATIONAL EMPLOYEES.—The Secretary shall
13 provide methods for calculating the leave described
14 in paragraph (1) with respect to covered educational
15 employees, in accordance with section 108, as appli-
16 cable.”.