



Chapter 399 of the Public Acts of 2023 – Implementation Guidance

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BEST **FOR**
ALL

We will set all students on a path to success.

ACADEMICS

ALL TENNESSEE STUDENTS WILL HAVE
ACCESS TO A HIGH-QUALITY EDUCATION,
NO MATTER WHERE THEY LIVE

STUDENT READINESS

TENNESSEE PUBLIC SCHOOLS WILL BE
EQUIPPED TO SERVE THE ACADEMIC
AND NON-ACADEMIC NEEDS OF ALL
STUDENTS IN THEIR CAREER PATHWAYS

EDUCATORS

TENNESSEE WILL SET A NEW PATH FOR
THE EDUCATION PROFESSION AND BE
THE TOP STATE IN WHICH TO BECOME AND
REMAIN A TEACHER AND LEADER FOR ALL

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- PC 399 is now codified at T.C.A. § 8-50-814 and 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. The department will reimburse an LEA in an amount equal to the leave paid by the LEA to the eligible employee.
- The department revised guidance in October.
- https://www.tn.gov/content/dam/tn/education/legal/PC399_Guidance_revised_Oct-2023.pdf

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- New language was added to assist in determining eligibility:
 - *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 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?*

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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 a local education agency and who has been employed full-time with a local education agency 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.

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3. Does an employee need to be employed for twelve months with the same LEA to qualify?
 - No, the law states that to be eligible an employee must “have been employed full-time with a local education agency for at least twelve (12) consecutive months.” It does not require employment for twelve months with the same LEA. If an employee has transitioned between LEAs during this period, they could still qualify for paid leave under PC 399. The LEA where the employee is currently working must provide the paid leave, even if the employee has not been with that LEA for twelve months. Please note that because charter school employees are not employed directly by an LEA, they would not be considered eligible employees under this law
4. Are eligible employees entitled to paid leave pursuant to PC 399 if the leave was taken prior to the effective date of the law? Will LEAs be reimbursed if they provide such leave?
 - No, PC 399 states that the law applies to leave taken on or after the effective date. Therefore, an employee is not entitled to paid leave under PC 399 taken prior to May 11, 2023, and LEAs will not be reimbursed for paid leave granted prior to May 11, 2023.

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5. If an employee has a qualifying event under PC 399 (birth, adoption, or stillbirth) prior to the effective date of the law, are they entitled to paid leave taken after the effective date of the law as long as it is taken within twelve months of the qualifying event?
 - Yes. PC 399 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 399 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 the law.
6. If an LEA employs a licensed individual on a ten- or eleven-month contract rather than twelve months, is the individual still eligible for paid leave under PC 399 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 PC 399.

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7. Will the department reimburse the LEA 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. Who is the department contact for further questions regarding the implementation of PC 399?
 - Maryanne Durski, CFO, is the department contact. She can be reached at Maryanne.Durski@tn.gov.

9. When will reimbursements be processed?
 - Expect reimbursement within 30 days of a completed request submission.

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- LEAs are encouraged to contact their local board attorney for specific legal advice but here are additional questions we have received:
- Can an employee return from leave early to serve as a substitute teacher and still get paid leave?
- What about twins and triplets?
- What date do we use for an adoption?
- What if the employee indicates they will not be returning after leave?
- Can an LEA offer to provide a lump sum payment to a teacher who already took unpaid leave before knowing about the law rather than them taking an additional 6 weeks of paid leave?
- Can an LEA pay an employee eligible for leave under the new law after the fact?

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What must LEAs provide for reimbursement?

ePlan Submission for Reimbursement



Employee and LEA Information - To be completed on the *Cover Page*

- Parental Leave Point of Contact Name
- Parental Leave Point of Contact Email
- Parental Leave Point of Contact Email
- Number of Individuals with Requested Leave

Leave Details - To be completed on the *Leave Details* page

- Eligible Employee Name
- License Type
- Employment History (Dates of Employment across relevant LEAs)
- Date of Qualifying Event
- Intermittent Leave Question
- Begin and End Dates of Paid Parental Leave
- Total Amount of Reimbursement Requested

ePlan Submission for Reimbursement



Quarter 1 Expanded Leave Details

Sumner County (830) Public District - FY 2024 - Parental Leave - Rev 0

This is the TEST site. Please be sure to complete your work in the LIVE site. Test Database refreshed Oct 26 2023 9:40AM.

Save And Go To ▶

Related Documents

Type	D
(Parental Leave) Q1 Adoption Decree or Birth Certificate ⓘ	N
(Parental Leave) Q1 License Information [Upload at least 1 document(s)] ⓘ	N
(Parental Leave) Q1 Payroll Register [Upload at least 1 document(s)] ⓘ	N



Thank you!

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