

**LOCAL EDUCATION AGENCY EMPLOYEE PAID LEAVE**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Melissa G. Ballard**

Senate Sponsor: Ann Millner

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**LONG TITLE**

**General Description:**

This bill creates a grant program for a local education agency (LEA) that has a parental leave policy which meets certain criteria.

**Highlighted Provisions:**

This bill:

- ▶ defines relevant terms;
- ▶ outlines the criteria of a qualifying parental leave policy; and
- ▶ requires the state board makes rules for grants to an LEA with a qualifying policy.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a special effective date.

**Utah Code Sections Affected:**

AMENDS:

**63I-2-253 (Superseded 07/01/24)**, as last amended by Laws of Utah 2023, Chapters 7, 21, 33, 142, 167, 168, 380, 383, and 467

**63I-2-253 (Effective 07/01/24)**, as last amended by Laws of Utah 2023, Chapters 7, 21, 33, 142, 167, 168, 310, 380, 383, and 467

ENACTS:

**53F-5-222**, Utah Code Annotated 1953



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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **53F-5-222** is enacted to read:

**53F-5-222. Grant for Parental leave or Postpartum recovery leave policy.**

(1) As used in this section:

(a) "Parental leave" means leave hours an LEA provides to a parental leave eligible employee.

(b) "Parental leave eligible employee" means an LEA employee who accrues paid leave benefits in accordance with the LEA's leave policies and is:

(i) a birth parent as defined in Section [78B-6-103](#);

(ii) legally adopting a minor child, unless the individual is the spouse of the pre-existing parent;

(iii) the intended parent of a child born under a validated gestational agreement in accordance with Title 78B, Chapter 15, Part 8, Gestational Agreement; or

(iv) appointed the legal guardian of a minor child or incapacitated adult.

(c) "Postpartum recovery leave" means leave hours a state employer provides to a postpartum recovery leave eligible employee to recover from childbirth.

(d) "Postpartum recovery leave eligible employee" means an employee:

(i) whom an LEA employs as a general education or special education teacher;

(ii) who accrues paid leave benefits in accordance with the LEA's leave policies; and

(iii) who gives birth to a child.

(e) "Qualified employee" means:

(i) a parental leave eligible employee; or

(ii) a postpartum recovery leave eligible employee.

(f) "Retaliatory action" means to do any of the following to an employee:

(i) dismiss the employee;

(ii) reduce the employee's compensation;

(iii) fail to increase the employee's compensation by an amount that the employee is otherwise entitled to or was promised;

(iv) fail to promote the employee if the employee would have otherwise been promoted; or

- 59 (v) threaten to take an action described in Subsections (1)(f)(i) through (iv).
- 60 (2) An LEA may:
- 61 (a) develop leave policies that:
- 62 (i) provides for the use and administration of parental leave and postpartum recovery  
63 leave under this section in a manner that is not more restrictive than the parental and  
64 postpartum recovery leave available to state employees under Section [63A-17-511](#);
- 65 (ii) provides the following types of paid leave:
- 66 (A) for a parental leave eligible employee, at least three work weeks of paid parental  
67 leave for:
- 68 (I) the birth of the parental leave eligible employee's child;
- 69 (II) the adoption of a minor child; or
- 70 (III) the appointment of legal guardianship of a minor child or incapacitated adult; and
- 71 (B) for a postpartum recovery leave eligible employee, at least three work weeks of  
72 paid postpartum recovery leave for recovery from childbirth;
- 73 (iii) allow a qualified employee who is part-time or who works in excess of a 40-hour  
74 work week or the equivalent of a 40-hour work week to use the amount of parental leave or  
75 postpartum recovery leave available to the qualified employee under this section on a pro rata  
76 basis; and
- 77 (iv) provides a mechanism for leave sharing where practicable; and
- 78 (b) provide each employee written information regarding:
- 79 (i) a qualified employee's right to use parental leave or postpartum recovery leave  
80 under this section; and
- 81 (ii) the availability of and process for using or contributing to the LEA's leave sharing  
82 mechanism described in Subsection (2)(a)(iv) if the LEA has created a leave sharing  
83 mechanism.
- 84 (3) Subject to legislative appropriations and in accordance with Title 63G, Chapter 3,  
85 Utah Administrative Rulemaking Act, the state board shall make rules establishing a funding  
86 formula to award grants to an LEA with a parental leave policy containing the elements  
87 described in:
- 88 (a) Subsections (2)(a)(i) through (iii) and (2)(b)(i); and
- 89 (b) Subsections (2)(a)(iv) and (2)(b)(ii).

90 (4) An LEA shall use a grant awarded under Subsection (3) to offset expenses related  
91 to the LEA's parental leave policy including the hiring of a substitute teacher.

92 (5) Nothing in this section prohibits or otherwise limits an LEA's coordination with  
93 another LEA to share approaches or policies designed to fulfill the requirements of this section.

94 Section 2. Section **63I-2-253 (Superseded 07/01/24)** is amended to read:

95 **63I-2-253 (Superseded 07/01/24). Repeal dates: Titles 53 through 53G.**

96 (1) Section 53-1-118 is repealed on July 1, 2024.

97 (2) Section 53-1-120 is repealed on July 1, 2024.

98 (3) Section 53-7-109 is repealed on July 1, 2024.

99 (4) Section 53-22-104 is repealed December 31, 2023.

100 (5) Section 53B-6-105.7 is repealed July 1, 2024.

101 (6) Section 53B-7-707 regarding performance metrics for technical colleges is repealed  
102 July 1, 2023.

103 (7) Section 53B-8-114 is repealed July 1, 2024.

104 (8) The following provisions, regarding the Regents' scholarship program, are repealed  
105 on July 1, 2023:

106 (a) in Subsection 53B-8-105(12), the language that states, "or any scholarship  
107 established under Sections 53B-8-202 through 53B-8-205";

108 (b) Section 53B-8-202;

109 (c) Section 53B-8-203;

110 (d) Section 53B-8-204; and

111 (e) Section 53B-8-205.

112 (9) Section 53B-10-101 is repealed on July 1, 2027.

113 (10) Subsection 53E-1-201(1)(s) regarding the report by the Educational Interpretation  
114 and Translation Services Procurement Advisory Council is repealed July 1, 2024.

115 (11) Section 53E-1-202.2, regarding a Public Education Appropriations Subcommittee  
116 evaluation and recommendations, is repealed January 1, 2024.

117 (12) Section 53F-2-209, regarding local education agency budgetary flexibility, is  
118 repealed July 1, 2024.

119 (13) Subsection 53F-2-314(4), relating to a one-time expenditure between the at-risk  
120 WPU add-on funding and previous at-risk funding, is repealed January 1, 2024.

121 (14) Section [53F-2-524](#), regarding teacher bonuses for extra work assignments, is  
122 repealed July 1, 2024.

123 (15) Section [53F-5-221](#), regarding a management of energy and water pilot program, is  
124 repealed July 1, 2028.

125 (16) Section [53F-5-222](#), grant for parental leave or postpartum recovery leave policy, is  
126 repealed July 1, 2027.

127 [~~16~~] (17) Section [53F-9-401](#) is repealed on July 1, 2024.

128 [~~17~~] (18) Section [53F-9-403](#) is repealed on July 1, 2024.

129 [~~18~~] (19) On July 1, 2023, when making changes in this section, the Office of  
130 Legislative Research and General Counsel shall, in addition to the office's authority under  
131 Section [36-12-12](#), make corrections necessary to ensure that sections and subsections identified  
132 in this section are complete sentences and accurately reflect the office's perception of the  
133 Legislature's intent.

134 Section 3. Section **63I-2-253 (Effective 07/01/24)** is amended to read:

135 **63I-2-253 (Effective 07/01/24). Repeal dates: Titles 53 through 53G.**

136 (1) Subsection [53-1-104](#)(1)(b), regarding the Air Ambulance Committee, is repealed  
137 July 1, 2024.

138 (2) Section [53-1-118](#) is repealed on July 1, 2024.

139 (3) Section [53-1-120](#) is repealed on July 1, 2024.

140 (4) Section [53-2d-107](#), regarding the Air Ambulance Committee, is repealed July 1,  
141 2024.

142 (5) In relation to the Air Ambulance Committee, on July 1, 2024, Subsection  
143 [53-2d-702](#)(1)(a) is amended to read:

144 "(a) provide the patient or the patient's representative with the following information  
145 before contacting an air medical transport provider:

146 (i) which health insurers in the state the air medical transport provider contracts with;

147 (ii) if sufficient data is available, the average charge for air medical transport services  
148 for a patient who is uninsured or out of network; and

149 (iii) whether the air medical transport provider balance bills a patient for any charge not  
150 paid by the patient's health insurer; and".

151 (6) Section [53-7-109](#) is repealed on July 1, 2024.

- 152 (7) Section [53-22-104](#) is repealed December 31, 2023.
- 153 (8) Section [53B-6-105.7](#) is repealed July 1, 2024.
- 154 (9) Section [53B-7-707](#) regarding performance metrics for technical colleges is repealed  
155 July 1, 2023.
- 156 (10) Section [53B-8-114](#) is repealed July 1, 2024.
- 157 (11) The following provisions, regarding the Regents' scholarship program, are  
158 repealed on July 1, 2023:
  - 159 (a) in Subsection [53B-8-105](#)(12), the language that states, "or any scholarship  
160 established under Sections [53B-8-202](#) through [53B-8-205](#)";
  - 161 (b) Section [53B-8-202](#);
  - 162 (c) Section [53B-8-203](#);
  - 163 (d) Section [53B-8-204](#); and
  - 164 (e) Section [53B-8-205](#).
- 165 (12) Section [53B-10-101](#) is repealed on July 1, 2027.
- 166 (13) Subsection [53E-1-201](#)(1)(s) regarding the report by the Educational Interpretation  
167 and Translation Services Procurement Advisory Council is repealed July 1, 2024.
- 168 (14) Section [53E-1-202.2](#), regarding a Public Education Appropriations Subcommittee  
169 evaluation and recommendations, is repealed January 1, 2024.
- 170 (15) Section [53F-2-209](#), regarding local education agency budgetary flexibility, is  
171 repealed July 1, 2024.
- 172 (16) Subsection [53F-2-314](#)(4), relating to a one-time expenditure between the at-risk  
173 WPU add-on funding and previous at-risk funding, is repealed January 1, 2024.
- 174 (17) Section [53F-2-524](#), regarding teacher bonuses for extra work assignments, is  
175 repealed July 1, 2024.
- 176 (18) Section [53F-5-221](#), regarding a management of energy and water pilot program, is  
177 repealed July 1, 2028.
- 178 (19) Section [53F-5-222](#), grant for parental leave or postpartum recovery leave policy, is  
179 repealed July 1, 2027.
- 180 [~~(19)~~] (20) Section [53F-9-401](#) is repealed on July 1, 2024.
- 181 [~~(20)~~] (21) Section [53F-9-403](#) is repealed on July 1, 2024.
- 182 [~~(21)~~] (22) On July 1, 2023, when making changes in this section, the Office of

183 Legislative Research and General Counsel shall, in addition to the office's authority under  
184 Section [36-12-12](#), make corrections necessary to ensure that sections and subsections identified  
185 in this section are complete sentences and accurately reflect the office's perception of the  
186 Legislature's intent.

187 Section 4. **Effective date.**

188 (1) Except as provided in Subsection (2), this bill takes effect on May 1, 2024.

189 (2) The actions affecting Section [63I-2-253](#) take effect on July 1, 2024.