

118TH CONGRESS
1ST SESSION

H. R. 770

To establish eligibility requirements for education support professionals and school support staff under the Family and Medical Leave Act of 1993, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 2, 2023

Mr. CASTEN (for himself, Mr. FITZPATRICK, Mr. ALLRED, Ms. BARRAGÁN, Ms. BONAMICI, Ms. BUSH, Mr. CARSON, Ms. CRAIG, Ms. CROCKETT, Ms. DEAN of Pennsylvania, Ms. DELAURO, Mr. DESAULNIER, Mr. FOSTER, Mr. GARCÍA of Illinois, Mr. GOMEZ, Mr. GRIJALVA, Mrs. HAYES, Ms. NORTON, Ms. HOULAHAN, Mr. HUFFMAN, Mr. LYNCH, Mr. MCGOVERN, Mr. NADLER, Ms. PINGREE, Mr. POCAN, Ms. SALINAS, Ms. SÁNCHEZ, Ms. SLOTKIN, Mr. SMITH of Washington, Ms. TITUS, Mr. TRONE, Ms. VELÁZQUEZ, Ms. WILLIAMS of Georgia, and Ms. WILSON of Florida) introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committees on Oversight and Accountability, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish eligibility requirements for education support professionals and school support staff 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “ESP Family Leave
3 Act”.

4 **SEC. 2. ELIGIBILITY FOR EDUCATION SUPPORT PROFES-**
5 **SIONALS AND SCHOOL SUPPORT STAFF.**

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

9 “(F) EDUCATION SUPPORT PROFES-
10 SIONALS AND SCHOOL SUPPORT STAFF.—

11 “(i) DETERMINATION.—For purposes
12 of determining whether an employee who is
13 an education support professional meets
14 the hours of service requirement specified
15 in subparagraph (A)(ii), the employee will
16 be considered to meet the requirement if
17 the employee has worked a number of
18 hours equal to not less than 60 percent of
19 the applicable total monthly hours expected
20 for the employee’s job description and du-
21 ties, as assigned for the previous school
22 year.

23 “(ii) FILE.—Each employer of an
24 education support professional shall main-
25 tain on file with the Secretary (in accord-
26 ance with such regulations as the Sec-

retary may prescribe) information specifying the total monthly hours expected for the employee's job description and duties for each school year.

“(iii) DEFINITIONS.—In this subparagraph:

“(I) EDUCATION SUPPORT PROFESSIONAL.—The term ‘education support professional’ (who may also be known as ‘school support staff’) means an employee employed by an employer, as defined in paragraph (4), whose work takes place primarily within a public school or public institution of higher education, which may include—

“(aa) paraeducators that provide instructional and non-instructional support;

“(bb) secretarial, clerical, and administrative support staff;

“(cc) custodians and maintenance service workers that provide building and grounds maintenance and repair;

1 “(dd) skilled trade workers
2 that provide services in schools,
3 such as electricians, carpenters,
4 and workers who operate machin-
5 ery;

6 “(ee) workers who provide
7 food service, including prepara-
8 tion and serving of food;

9 “(ff) workers who provide
10 school transportation and deliv-
11 ery services;

12 “(gg) computer, audiovisual,
13 and language technical support
14 staff;

15 “(hh) security staff;

16 “(ii) nursing, health, and
17 therapy support staff, who may
18 also provide community, family,
19 parent and welfare services; and

20 “(jj) other staff that may
21 serve public education students.

22 “(II) EMPLOYER.—The term
23 ‘employer’ includes a public school or
24 public institution of higher education

1 that meets the definition of employer
2 in paragraph (4).

3 “(III) PUBLIC SCHOOL.—The
4 term ‘public school’ means a school
5 that is maintained at public expense
6 for the education of the children of a
7 community or district and that con-
8 stitutes a part of a system of free
9 public education commonly including
10 primary and secondary schools, in-
11 cluding special education cooperatives,
12 alternative schools, and other similar
13 facilities.

14 “(IV) PUBLIC INSTITUTION OF
15 HIGHER EDUCATION.—The term ‘pub-
16 lic institution of higher education’
17 means an institution of higher edu-
18 cation, as defined in section 101 of
19 the Higher Education Act of 1965 (20
20 U.S.C. 1001), that is funded, at least
21 partly, by State taxpayers.”.

22 **SEC. 3. ENTITLEMENT TO LEAVE.**

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

1 “(6) CALCULATION OF LEAVE FOR EDUCATION
2 SUPPORT PROFESSIONALS.—The Secretary may pro-
3 vide a method for calculating the leave described in
4 paragraph (1) with respect to employees described in
5 section 101(2)(F).”.

○