

What Tennessee's Public School Educators Need to Know About Paid Parental Leave

A new law in Tennessee provides public school educators and administrators across the state with 6 work weeks of paid parental leave for childbirth, stillbirth, or adoption. Read below to learn more about this law and how you may be able to take paid parental leave.

What does the paid parental leave law do?

Effective on May 11, 2023, the law provides eligible public school educators and administrators with **6 work weeks of paid parental leave** within **12 months** of the birth, stillbirth, or adoption of the employee's minor child. The law covers stillbirths that occur at least 20 weeks into a pregnancy, or when the fetus weighs at least 350 grams. Eligible employees will receive **100%** of their pay during their 6 work weeks of leave. An eligible employee may not receive more than 6 work weeks of paid leave within a 12-month period.

Who is eligible for paid parental leave?

Those eligible include **teachers, principals, supervisors, and other individuals required by law to hold a valid license of qualification for employment with a "local education agency" (LEA)**. Under Tennessee's law, an LEA means "any county, city, or special school district, unified school district, school district of any metropolitan form of government or any other school system established by law." Eligible employees must have worked **full-time** with an LEA for at least **12 months** before taking paid parental leave.

Do I need to give my employer notice of my plan to take paid parental leave?

Eligible employees are required to give their employers at least **30-days** notice of their intention to take paid parental leave. However, if an employee learns of their need to take paid parental leave less than 30 days in advance, the employee must inform their employer as soon as reasonably possible.

My partner/spouse is also an educator. Do they get 6 work weeks of paid parental leave as well?

Yes, both partners/spouses are eligible for 6 work weeks of paid parental leave **individually**. They are not required to take this paid parental leave at the same time, so long as they take leave within 12 months of their child's birth, stillbirth, or adoption.

Do I have to take paid parental leave all at once or can I take it intermittently?

Eligible educators and administrators are **not** required to take the 6 work weeks of paid parental leave all at once, so long as they take the leave within 12 months of their child's birth, stillbirth, or adoption.

How does paid parental leave interact with other types of leave like the FMLA?

Employers cannot require an eligible employee to use their sick, annual, or other leave when taking this paid parental leave. However, paid parental leave **does** count towards a covered employees' allotment under the

federal **Family and Medical Leave Act (FMLA)** and the **Tennessee Maternity leave law**.

Under federal law, covered employees may be FMLA eligible if they have (1) worked for a local education agency (including public school boards and public elementary and secondary schools regardless of the number of employees), (2) worked at their employer for at least 12 months, and (3) worked at least 1,250 hours in the year prior to needing leave. The FMLA provides up to 12 weeks of unpaid time off of work per year, which can be used either all at once, on a reduced schedule, or in small increments to care for your own serious health needs, including pregnancy and time off to bond with your new baby, for placement of a child for adoption or foster care, and other reasons without losing your job (or your health insurance, if you have it).

Additionally, employees who have worked full-time for their employer for at least 12 months can take up to **4 months of unpaid** leave for pregnancy, childbirth, breastfeeding, and adoption under the Tennessee Maternity leave law. This 4 months of leave may run at the same time as FMLA leave, so the total amount of leave for an eligible employee cannot exceed 16 weeks. Employees who give at least **3 months'** notice of their intention to take maternity leave are entitled to return to their same or a similar position with the same benefits and seniority. Employees can give less than 3 months' notice in the event of a medical emergency.

You may have additional rights under state and federal law.

What if I have more questions about the paid parental leave law?

You can contact your local school district for questions about their policies for taking paid parental leave. You can also reach out to A Better Balance's free and confidential legal helpline at 1-833-NEED-ABB.

For more information, contact A Better Balance's free legal helpline at 1-833-NEED-ABB or [visit us online.](#)

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The information contained in this document does not constitute legal advice. It is always advisable to consult with an attorney about your individual circumstances if you have questions or think your rights as a worker have been violated.