



Las Américas ASPIRA Academy SCHOOL POLICIES

Policy Title: LAAA Paid Parental Leave	Date Adopted: 03/28/2019
Policy #: 4001	Date Revised: 02/26/2025
Purpose: To provide guidelines under which full-time and part-time employees may exercise their right to take paid leave upon the birth or adoption of a child pursuant to Section 1333 of Title 14 of the Delaware Code (“Section 1333”).	
Scope: This policy applies to full-time and eligible part-time employees who meet certain requirements.	

I. Definitions

- A. **Eligible employee** means a full-time or part-time employee in a leave-eligible position, who is not a casual/seasonal employee employed by a reorganized school district, charter school, or vocational school district for at least 12 consecutive months or 52 weeks and have worked at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave.
- B. **12 weeks of paid leave** means 12 workweeks. The fact that a holiday may occur within a week of paid leave has no effect in that the week counts as a week of paid leave. If, however, an employee is not expected to work for an entire week (e.g. school closing for Winter Holiday, Spring Break, or Summer Break), the week does not count against the employee’s paid leave entitlement.
- C. **The School** refers to Las Américas ASPIRA Academy Charter School.
- D. **The Board** refers to ASPIRA of Delaware Charter Operations, Inc. (ADCO).
- E. **Intermittent leave** is leave taken in separate blocks of time due to a single qualifying reason. If an employee works less than 12 months in a year, paid leave taken for a period ending at the end of a school year and resuming at the beginning of the following school year, is leave taken consecutively rather than intermittently.
- F. **Reduced leave schedule** is a leave schedule that reduces an employee’s usual number of working hours per workweek, or per workday.
- G. **Paid leave** refers to the paid leave taken pursuant to Section 1333(a).
- H. **Parent** means legal parent as evidenced by birth certificate, adoption documents, court order, or other legal documents.
- I. **Child** refers to a “son” or “daughter who is a biological, adopted, step or foster child, a legal ward, or a child of a person standing “in loco parentis” under age 18 or older and incapable of self-care because of a mental or physical disability at the time that leave under the FMLA is to commence.
- J. **Multiple births/adoptions** means more than one child is born from the same pregnancy, or more than 1 child adopted through the same adoption process, or on the same date.

- K. **In loco parentis** refers to standing in place of a parent. The FMLA regulations define in loco parentis as including those with day-to-day responsibilities to care for and financially support a child.
- L. **FMLA** refers to the Family Medical Leave Act.
- M. **STD** refers to Short Term Disability. A State program that entitles employees enrolled in the Disability Insurance Program (DIP) with partial income replacement for up to 182 calendar days should the employee become disabled due to a covered accident, sickness or pregnancy.
- N. **Written Notice** means written notice to the School's Human Resources Department.

II. Paid Leave Entitlement

- A. A full-time or part-time eligible employee employed by a reorganized school district, charter school or vocational school district for at least 12 consecutive months immediately prior to the date of the birth or adoption shall be entitled to 12 weeks of paid leave upon the birth of a child of the employee, or upon adoption by the employee of a child. For eligible employees who are employed part-time, the maximum number of daily hours the employee is eligible to receive will be determined on a pro-rata basis. The birth of a child, or adoption of a child, must occur on or after April 1, 2019. Multiple births/adoptions do not increase the length of paid leave. An employee's entitlement to paid leave is determined on the date of the birth of a child, or adoption of a child.
- B. Paid leave is for the purpose of caring for and bonding with the child. If the employee is not caring for and bonding with the child, the employee is not eligible for paid leave. If, for whatever reason, the child is no longer in the care of the employee, the paid leave shall terminate.
- C. The entitlement to paid leave shall expire at the end of the 12-month period beginning on the date of the birth or adoption, creating the entitlement to paid leave. If, for example, an employee entitled to paid leave takes 6 weeks of paid leave during this 12-month period, there will be no entitlement to take the remaining 6 weeks of paid leave subsequent to the expiration of the 12-month period following the birth or adoption creating the entitlement to paid leave. If an employee receiving paid leave terminates employment prior to the end of the 12-month period, there shall be no payment for unused paid leave.
- D. Parental leave cannot be taken on an intermittent basis, or be used to create a reduced leave schedule. Paid leave must be taken for a continuous block of time up to a maximum of 12 weeks with the exception of the first 2 weeks at the start of the school year, approved upon discretion of the Head of School when it's decided that this decision is in the best interest of students and/or the school community. Parental leave shall be charged as full day regardless of the daily number of hours used, worked or necessary to supplement STD benefits. Prior to the start of the first leave period, employees will provide plans or notes to ensure operational continuity. These would include such things as classroom lesson plans, identification of likely temporary functional replacements, etc.
- E. If two School employees are eligible for paid leave for the same birth or adoption, each of the employees is eligible for 12 weeks of paid leave

beginning with the date of birth or adoption. Paid leave for the employees ends at the expiration of the 12-month period starting on the date of the birth or adoption.

- F. An employee may not use accrued sick leave, annual leave, or other leave in lieu of Parental Leave for the birth, adoption or foster placement of a child or to extend their parental leave upon its exhaustion.
- G. Parental leave is not payable for less than one workday of covered leave.

III. Right to Use Accumulated Sick Leave

- A. Employees who are not eligible for paid leave may use accumulated sick leave upon the birth or adoption of a child pursuant to Section 1333(c). Employees eligible for paid leave cannot use accumulated sick leave to extend paid leave upon the birth or adoption of a child beyond the 12 weeks of paid leave provided by Section 1333(a), unless otherwise approved by the School's Governing Board.
- B. The right to use accumulated sick leave pursuant to Section 1333(c) is without regard to length of employment.

IV. Impact on FMLA Leave Entitlement and STD

The use of paid leave, or the use of accumulated sick leave under § 1333(c), shall run concurrently with FMLA leave, and STD. If, for example, a full-time employee uses 12 weeks of paid leave, the use of the 12 weeks of paid leave will also result in the use of 12 weeks of FMLA leave. When the use of paid leave runs concurrently with STD, STD shall pay 75% of the employee's salary, and paid leave shall pay 25% of the employee's salary.

V. Notice and Certification

- A. If an employee intends to take paid leave upon the birth of the employee's child, the employee shall provide the School written notice of intent to take paid leave at least 30 days' in advance of the expected date of birth. If an employee intends to take paid leave based upon the adoption of a child, the employee must provide written notice of intent to take paid leave at least 30 days' in advance of the adoption if the date of the adoption is foreseeable. If the date of the adoption is not foreseeable, the employee shall provide the School written notice of the date of adoption as soon as practicable.
- B. If an employee requests paid leave based upon the birth or adoption of a child, the employee shall provide documentation of the birth or adoption within 30 days of the birth or adoption, or as soon as documentation is available. The name of a legal parent must appear on the birth certificate, a legal document establishing paternity, or a legal document establishing adoption. Situations where a legal document cannot be provided at the time of birth or adoption, or within a reasonable time thereafter, will be considered on a case-by-case basis. Legal documents considered include a report of birth, a birth certificate, and an adoption order. The documents provided shall show the date of the birth or adoption age of the adopted child, and name of the parent(s). An

employee's stepchild is not the child of the employee, unless the employee adopts the stepchild.

VI. Amendment or Repeal of Section 1333

The Board reserves the right to revise or rescind this policy. If Section 1333 is amended, the policy will be revised to conform the policy to the amendment. If Section 1333 is repealed, this policy is null and void.

VII. Termination

No state agency, board, department, reorganized school district, charter school, vocational school district or other employing officer or agency of this State may alter or terminate the benefits of or terminate the employment of any full-time employee as a result of taking leave pursuant to this section.

VIII. Effective Date

This policy was initially adopted on March 28, 2019 and took effect on April 1, 2019. The revised policy will take effect on February 26, 2025.