

119TH CONGRESS
1ST SESSION

S. 2738

To establish eligibility requirements for covered educational employees under the Family and Medical Leave Act of 1993, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 9, 2025

Ms. DUCKWORTH (for herself, Mr. DURBIN, Mr. MARKEY, Mr. COONS, Mrs. GILLIBRAND, and Ms. KLOBUCHAR) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To establish eligibility requirements for covered educational employees 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “ESP, Paraprofessional,
5 and Education Support Staff Family Leave Act”.

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

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

6 “(F) PARAPROFESSIONALS AND EDU-
 7 CATION SUPPORT STAFF.—

8 “(i) DETERMINATION.—For purposes
 9 of determining whether a covered edu-
 10 cational employee meets the hours of serv-
 11 ice requirement specified in subparagraph
 12 (A)(ii), the covered educational employee
 13 will be considered to meet the requirement
 14 if the employee has worked a number of
 15 hours equal to not less than 60 percent of
 16 the applicable total monthly hours expected
 17 for the employee’s job description and du-
 18 ties, as assigned for the previous school
 19 year.

20 “(ii) FILE.—Each employer of a cov-
 21 ered educational employee shall maintain
 22 on file with the Secretary (in accordance
 23 with such regulations as the Secretary may
 24 prescribe) information specifying the total
 25 monthly hours expected for the employee’s

1 job description and duties for each school
2 year.

3 “(iii) DEFINITIONS.—In this subpara-
4 graph:

5 “(I) COVERED EDUCATIONAL EM-
6 PLOYEE.—The term ‘covered edu-
7 cational employee’ means a ‘para-
8 professional’ or an ‘education support
9 staff member’ employed by an edu-
10 cational agency or institution.

11 “(II) PARAPROFESSIONAL.—The
12 term ‘paraprofessional’ has the mean-
13 ing given the term in section
14 8101(37) of the Elementary and Sec-
15 ondary Education Act of 1965 (20
16 U.S.C. 7801(37)).

17 “(III) EDUCATION SUPPORT
18 STAFF.—The term ‘education support
19 staff member’ (also known as a ‘clas-
20 sified school employee’, ‘education
21 support professional’, or ‘ESP’)
22 means an employee of an educational
23 agency or institution who provides
24 clerical and administrative services,
25 transportation services, food and nu-

trition services, custodial and maintenance services, health and student services, technical services, or services related to skilled trades.

“(IV) EDUCATIONAL AGENCY OR INSTITUTION.—The term ‘educational agency or institution’ has the meaning given the term in section 444(a)(3) of the General Education Provisions Act (20 U.S.C. 1232g(a)(3)).”.

SEC. 3. ENTITLEMENT TO LEAVE.

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

“(6) CALCULATION OF LEAVE FOR COVERED EDUCATIONAL EMPLOYEES.—The Secretary shall provide methods for calculating the leave described in paragraph (1) with respect to covered educational employees, in accordance with section 108, as applicable.”.

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