

2017 -- H 5329

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

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A N A C T

RELATING TO EDUCATION -- TEACHERS' RETIREMENT

Introduced By: Representatives Serpa, Amore, Canario, Hearn, and O`Grady

Date Introduced: February 01, 2017

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 16-16-24 of the General Laws in Chapter 16-16 entitled "Teachers'
2 Retirement [See Title 16 Chapter 97 - The Rhode Island Board of Education Act]" is hereby
3 amended to read as follows:

4 **16-16-24. Substitute teaching and employment after retirement.**

5 (a) Any teacher or athletic coach certified pursuant to chapter 11.1 of this title, who has
6 retired under the provisions of any law of this state, may substitute as a teacher at state schools
7 and in the public schools of this state for a period of no more than ~~ninety (90)~~ one hundred twenty
8 (120) days in any one school year without any forfeiture of, or reduction in, the retirement
9 benefits and allowances the teacher is receiving, or may receive, as a retired teacher. Notice of the
10 employment shall be sent monthly to the state retirement board by the school committee
11 employing the teacher and by the employer and by the retired teacher at the end of each teaching
12 assignment.

13 (b) Any teacher or athletic coach certified pursuant to chapter 11.1 of this title, who has
14 retired under the provisions of any law of this state, may be employed to fill a vacant position
15 (including, but not limited to, employment as a tutor, mentor principal, or mentor assistant
16 principal) by any state school or public school of this state for a period of no more than ~~ninety~~
17 ~~(90)~~ one hundred twenty (120) days in any one school year without any forfeiture of, or reduction
18 in, the retirement benefits and allowances he or she is receiving, or may receive, as a retiree.
19 Notice of the employment shall be sent monthly to the state retirement board by the employer and

1 by the retired teacher. Provided, however, that no employment may be offered to a retiree subject
2 to this section after July 1, 2002, unless the employer has made a good-faith effort each school
3 year to fill the position with a nonretired employee without success, and certifies, in writing, that
4 it has done so to the employees' retirement system and to the bargaining agents of all education
5 unions with whom the employer has collective-bargaining agreements.

6 (c) Any retired teacher or athletic coach may be employed pursuant to subsections (a) and
7 (b), but in no event shall employment exceed ~~ninety (90)~~ one hundred twenty (120) days.

8 (d) The calculation of the ~~ninety-day (90)~~ one hundred twenty (120) day period in any
9 one school year shall be determined by either of the following methods:

10 (1) Three (3) hours shall constitute a half day and the number of half days shall be limited
11 to ~~one hundred eighty (180)~~ two hundred forty (240) half days, which shall be the equivalent of
12 ~~ninety (90)~~ one hundred twenty (120) full days; or

13 (2) Each period per day shall constitute one-fifth (1/5) of a teaching day. Any teacher
14 hired to teach two (2) periods per day shall be deemed to have worked ~~seventy-two (72)~~ ninety-
15 six (96) full days per year. The computation is two-fifths times ~~one hundred eighty~~ two hundred
16 forty (2/5 x ~~180~~ 240) school days per year, which shall be equivalent to ~~seventy-two (72)~~ ninety-
17 six (96) full days per year.

18 (e) Any retired member of the employees retirement system of Rhode Island under title
19 36 or 45, who is certified as a substitute teacher, may substitute as a teacher at state schools and
20 in the public schools of this state for a period of no more than ~~ninety (90)~~ one hundred twenty
21 (120) days in any one school year without any forfeiture of, or reduction in, the retirement
22 benefits and allowances the substitute teacher is receiving, or may receive, as a retiree under any
23 title. The other provisions of subsections (b) through (d) shall also be deemed to apply.

24 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO EDUCATION -- TEACHERS' RETIREMENT

1 This act would allow any teacher or athletic coach, who has retired to substitute at state
2 schools and public schools for a period of no more than one hundred twenty (120) days in one
3 school year without forfeiture or reduction of retirement benefits.

4 This act would take effect upon passage.

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