

2020 -- H 7196

LC003521

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE - CAUSES OF ACTION

Introduced By: Representatives Jacquard, Amore, Craven, Shekarchi, and Ruggiero

Date Introduced: January 22, 2020

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 9-1-31 of the General Laws in Chapter 9-1 entitled "Causes of
2 Action" is hereby amended to read as follows:

3 ~~9-1-31. Public school teachers, supervisors, and administrators -- Immunity from~~
4 ~~liability -- Compensation for certain injuries -- Duty upon school committees and board of~~
5 ~~regents. Public school teachers, supervisors, employees whose position directly involves~~
6 ~~work with students and administrators -- Immunity from liability -- Compensation for~~
7 ~~certain injuries -- Duty upon school committees and board of regents.~~

8 (a) Each school committee and the board of regents shall protect and save harmless

9 (1) any public school teacher

10 (2) any supervisor, administrator, or licensed professional employee

11 (3) any employee whose position requires a certificate from the department of education
12 or board of regents for elementary and secondary education

13 (4) any employee whose position directly involves work with students

14 (5) any employee of the board of regents

15 from financial loss and expense, including legal fees and costs, if any, arising out of any
16 claim, demand, or suit for actions resulting in accidental bodily injury to or death of any person,
17 or in accidental damage to or destruction of property, within or without the school building, or
18 any other acts, including but not limited to infringement of any person's civil rights, resulting in
19 any injury, which acts are not wanton, reckless, malicious, or grossly negligent, as determined by

1 a court of competent jurisdiction, provided the teacher, supervisor, or administrator, at the time of
2 the acts resulting in the injury, death, damages, or destruction, was acting in the discharge of his
3 or her duties or within the scope of his or her employment or under the direction of the school
4 committee or the board of regents.

5 (b) For the purpose of this section, the term "teacher" shall include any student teacher
6 doing practice teaching under the direction of a teacher employed by a school committee or the
7 board of regents.

8 (c) Each school committee and the board of regents shall protect and save harmless any
9 teacher ~~or any~~, supervisor, [employee whose position directly involves work with students](#) or
10 administrator from financial loss and expense, including payment of expenses reasonably
11 incurred for medical or other service, necessary as a result of an assault upon the teacher,
12 supervisor, or administrator while the person was acting in the discharge of his or her duties
13 within the scope of his or her employment or under the direction of the school committee or the
14 board of regents, which expenses are not paid by the individual teacher's, supervisor's, or
15 administrator's workers' compensation.

16 (d) Any teacher, supervisor, [employee whose position directly involves work with](#)
17 [students](#) or administrator absent from his or her employment as a result of injury sustained during
18 an assault upon the teacher, supervisor, [employee whose position directly involves work with](#)
19 [students](#) or administrator that occurred while the teacher, supervisor, [employee whose position](#)
20 [directly involves work with students](#) or administrator was discharging his or her duties within the
21 scope of his or her employment or under the direction of the school committee or the board of
22 regents, or for a court appearance in connection with the assault, shall continue to receive his or
23 her full salary, while so absent, except that the amount of any workers' compensation award may
24 be deducted from his or her salary payments during the absence. The time of the absence shall not
25 be charged against the teacher's, supervisor's, [employee's whose position directly involves work](#)
26 [with students](#) or administrator's sick leave, vacation time, or personal leave days.

27 (e) A person so injured in accordance with subdivision (d) above and who receives a
28 disability therefrom, which renders them unable to fully perform their normal duties, shall, if the
29 disability continues for a period of one year, apply to the Rhode Island employees retirement
30 system for appropriate benefits for which that person is entitled.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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- 1 This act would add immunity from liability and provide compensation for certain injuries
- 2 for employees whose position within school directly involves work with students.
- 3 This act would take effect upon passage.

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