

2022 -- S 2560

LC005440

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATING TO EDUCATION -- TEACHERS' RETIREMENT

Introduced By: Senator Stephen R. Archambault

Date Introduced: March 04, 2022

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 16-16 of the General Laws entitled "Teachers' Retirement [See Title
2 16 Chapter 97 - The Rhode Island Board of Education Act]" is hereby amended by adding thereto
3 the following section:

4 **16-16-24.1. Substitute teaching and post-retirement employment related to COVID-**
5 **19.**

6 (a) Notwithstanding any public or general law, or rule or regulation to the contrary, any
7 teacher, administrator or staff member, who has retired under the provisions of title 16, 36, or 45
8 may, as part of the public health crisis caused by COVID-19, exceed the ninety (90) day cap on
9 post-retirement employment upon:

10 (1) A determination by the local education authority that there exists a specialized need,
11 within their authority, to fill positions on a temporary basis, that may exceed the ninety (90) day
12 cap on post-retirement employment;

13 (2) There exists a good faith basis that those retired teachers, administrators and staff
14 members being asked to exceed the ninety (90) day cap on post-retirement employment, possess
15 the skills, training and knowledge necessary to help address the public health crisis, caused by
16 COVID-19; and

17 (3) The local education authority has notified the state retirement board, that it has
18 determined that exceeding the ninety (90) day cap on post-retirement employment, is necessary to
19 help address the public health crisis caused by COVID-19.

1 (b) Any teacher, administrator or staff member who has retired under the provisions of title
2 16, 36, or 45 and has been employed or re-employed, under the provisions of this section shall not
3 be entitled to additional service credits for such employment.

4 (c) Unless extended by the general assembly, this section shall sunset upon the conclusion
5 of the 2021-2022 school year.

6 SECTION 2. Chapter 36-10 of the General Laws entitled "Retirement System -
7 Contributions and Benefits" is hereby amended by adding thereto the following section:

8 **36-10-36.1. Post-retirement employment related to COVID-19.**

9 (a) Notwithstanding any public or general law, or rule or regulation to the contrary any
10 teacher, administrator or staff member who has retired under the provisions of title 16, 36, or 45
11 may, as part of the public health crisis caused by COVID-19, exceed the seventy-five (75) day cap
12 on post-retirement employment upon:

13 (1) A determination by the local education authority that there exists a specialized need
14 within their authority, to fill positions on a temporary basis, that may exceed the seventy-five (75)
15 day cap on post-retirement employment; and

16 (2) There exists a good faith basis that those retired teachers, administrators and staff
17 members being asked to exceed the seventy-five (75) day cap on post-retirement employment,
18 possess the skills, training and knowledge necessary to help address the public health crisis caused
19 by COVID-19; and

20 (3) The local education authority has notified the state retirement board that it has
21 determined that exceeding the seventy-five (75) day cap on post-retirement employment is
22 necessary to help address the public health crisis caused by COVID-19.

23 (b) Any teacher, administrator or staff member who has retired under the provisions of title
24 16, 36, or 45 and has been employed or re-employed, under the provisions of this section shall not
25 be entitled to additional service credits for such employment.

26 (c) Unless extended by the general assembly, this section shall sunset upon the conclusion
27 of the 2021-2022 school year.

28 SECTION 3. Chapter 45-21 of the General Laws entitled "Retirement of Municipal
29 Employees" is hereby amended by adding thereto the following section:

30 **45-21-54.1. Reemployment of retired members related to COVID-19.**

31 (a) Notwithstanding any public or general law, or rule or regulation to the contrary, any
32 teacher, administrator or staff member who has retired under the provisions of title 16, 36, or 45
33 may, as part of the public health crisis caused by COVID-19, exceed the seventy-five (75) day cap
34 on post-retirement employment upon:

1 (1) A determination by the local education authority that there exists a specialized need,
2 within their authority, to fill positions on a temporary basis, that may exceed the seventy-five (75)
3 day cap on post-retirement employment; and

4 (2) There exists a good faith basis that those retired teachers, administrators and staff
5 members being asked to exceed the seventy-five (75) day cap on post-retirement employment
6 possess the skills, training and knowledge necessary to help address the public health crisis caused
7 by COVID-19; and

8 (3) The local education authority has notified the state retirement board that it has
9 determined that exceeding the seventy-five (75) day cap on post-retirement employment is
10 necessary to help address the public health crisis caused by COVID-19.

11 (b) Any teacher, administrator or staff member who has retired under the provisions of title
12 16, 36, or 45 and has been employed or re-employed under the provisions of this section shall not
13 be entitled to additional service credits for such employment.

14 (c) Unless extended by the general assembly, this section shall sunset upon the conclusion
15 the 2021-2022 school year.

16 SECTION 4. Chapter 31-22 of the General Laws entitled "Miscellaneous Rules" is hereby
17 amended by adding thereto the following section:

18 **31-22-11.6.1. Child care vehicles and school extracurricular vehicles - COVID-19.**

19 (a) Notwithstanding § 31-31-11.6, or any general law, rule or regulation to the contrary,
20 effective upon the effective date of this section, due to the public health crisis caused by COVID-
21 19, the requirement of using designated types of vehicles for specified routes as contained in § 31-
22 22-11.6(a)(2)(i) is hereby suspended, for student transportation providers ("Providers") retained by
23 or via the Rhode Island department of education ("RIDE") to provide student transportation
24 services. For such routes, retained providers may utilize:

25 (1) School buses, as defined in § 31-1-3(aa);

26 (2) Pupil transportation vehicles, as defined in § 31-22.1-1;

27 (3) School extra-curricular vehicles as defined in § 31-22-11.6(a)(2)(ii);

28 (4) Child care vehicles as defined in § 31-22-11.6(a)(2)(iii); and

29 (5) Family child care home vehicles as defined in § 31-22-11.6(a)(2)(iv).

30 (b) Vehicles authorized pursuant to subsection (a) of this section to transport students shall
31 also be in compliance with the applicable laws, rules and regulations related to student
32 transportation vehicles and shall:

33 (1) Carry a sign on the school bus visible from the front and back of the vehicle containing
34 the lettering required by § 31-20-11;

1 (2) Be equipped with Type I Class A turn signal lamps, which shall have a four (4) way
2 hazard warning signal switch to cause simultaneous flashing of the turn signal lamps which may
3 be activated when the vehicle is approaching a stop to load or discharge school students and when
4 needed as a vehicular traffic hazard warning. Each vehicle shall also be equipped with front and
5 rear alternating flashing school bus red signal lamps, which shall remain flashing when school
6 pupils are entering or leaving the vehicle; and

7 (3) Be equipped with one pair of adequate chock blocks and three (3) flares in compliance
8 with United States Motor Vehicle D.O.T. Safety Standard No. 125.

9 (c) The prohibition against school extracurricular vehicles from having amber or red
10 flashing lights as contained in 280-RICR-30-15-8.5(B)(I) is hereby suspended.

11 (d) Retained providers may utilize student transportation vehicles currently registered in
12 Massachusetts or Connecticut to provide student transportation services in Rhode Island; provided
13 that:

14 (1) Each student transportation vehicle has current, valid Massachusetts or Connecticut
15 registration and inspection stickers;

16 (2) Each student transportation vehicle is covered by an insurance policy meeting the
17 requirements of § 31-22-10.1;

18 (3) The Rhode Island department of education has verified compliance of subsections
19 (d)(1) and (d)(2) of this section; and

20 (4) The retained provider complies with the registration requirement for each student
21 transportation vehicle pursuant to § 31-7-2 by the sunset date of this section.

22 (e) The license requirements contained in §§ 31-10-5, 31-22.1-3(10), and 31-22-
23 11.6(b)(10) are hereby suspended for drivers currently licensed in Massachusetts or Connecticut to
24 operate student transportation vehicles and employed by retained providers pursuant to subsection
25 (a) of this section and furthermore, the provider driver may operate student transportation vehicles
26 appropriate for their licensure; provided that:

27 (1) As applicable, the provider driver possesses a current, valid Massachusetts or
28 Connecticut commercial driver's license with a "P" and "S" endorsement and a current, valid
29 Massachusetts school bus certificate if licensed in Massachusetts.

30 (2) As applicable, the provider driver possesses a current, valid Massachusetts or
31 Connecticut driver's license that is the equivalent of a Rhode Island license with the appropriate
32 endorsement(s) allowing the transportation of school children.

33 (3) RIDE has verified compliance with subsections (e)(1) and (e)(2) of this section.

34 (4) As applicable, the provider driver obtains a school bus certificate governed by 280-

1 RICR-30-05-2 prior to the sunset of this section.

2 (5) As applicable, the provider driver obtains a pupil transportation certificate governed by
3 280-RICR-30-05-5 prior to the sunset of this section.

4 (6) The provider driver complies with license requirements under §§ 31-10-5, 31-22.1-
5 3(10), and 31-22-11.6(b)(10) prior to the date of sunset of this section.

6 (f) Unless extended by the general assembly this section shall sunset upon the conclusion
7 of the 2021-2022 school year.

8 SECTION 5. Chapter 5-34 of the General Laws entitled "Nurses" is hereby amended by
9 adding thereto the following section:

10 **5-34-31.1. Practices and persons exempt - COVID-19.**

11 (a) Notwithstanding the provisions of § 5-34-31, or any general law, rule or regulation to
12 the contrary, upon the effective date of this section, due to the public health crisis caused by
13 COVID-19, the exemption in § 5-34-31(2) relating to the practice of nursing "pending the results
14 of the licensing examinations following that graduation" is hereby suspended for registered nurse
15 graduates; provided that, the registered nurse graduates shall:

16 (1) Apply and receive a temporary graduate nursing license that is valid for a period not
17 exceeding ninety (90) days;

18 (2) Work under the supervision of licensed registered nurses; and

19 (3) Comply with other applicable requirements.

20 (b) The Rhode Island department of health shall promulgate and enforce any rules and
21 regulations necessary to implement this section.

22 (c) Unless extended by the general assembly, this section shall sunset on June 30, 2022.

23 SECTION 6. 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 temporarily suspend the cap on the amount of days retired educators can
2 work without penalty and would suspend certain requirements related to the transportation of pupils
3 both of which would sunset at the end of the 2021-2022 school year. This act would also ease the
4 work requirements for registered nurse graduates pending licensure and would sunset on June 30,
5 2022.

6 This act would take effect upon passage.

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