

2023 -- H 5040 SUBSTITUTE A

LC000448/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO EDUCATION -- TEACHERS' RETIREMENT

Introduced By: Representatives O'Brien, Biah, Slater, Serpa, Carson, Corvese, Azzinaro,
Kazarian, Spears, and DeSimone

Date Introduced: January 11, 2023

Referred To: House Finance

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 **16-16-24.2. Substitute teaching and post-retirement employment related to statewide**
5 **staffing.**

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 exceed the ninety (90) day cap on post-retirement employment upon:

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

12 (2) Retired teachers, administrators, and staff members being asked to exceed the ninety
13 (90) day cap on post-retirement employment possess the skills, training, and knowledge necessary
14 to help address teacher and administrative staffing shortages; and

15 (3) The local education authority has notified the state retirement board that it has
16 determined that exceeding the ninety (90) day cap on post-retirement employment is necessary to
17 help address teacher and administrative staffing shortages.

18 Provided, however, that no employment may be offered to a retiree subject to this section
19 unless the employer has made a good-faith effort each school year to fill the position with a

1 nonretired employee without success, and certifies, in writing, that it has done so to the employees'
2 retirement system and to the bargaining agents of all education unions with whom the employer
3 has collective bargaining agreements.

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

7 (c) Unless extended by the general assembly, this section shall sunset on June 20, 2024.

8 SECTION 2. This act shall take effect upon passage and sunset on June 20, 2024.

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

1 This act would add a section which allows substitute teachers and post-retirement
2 employees to exceed the ninety (90) day cap on post-retirement employment if certain conditions
3 are met.

4 This act would take effect upon passage and sunset on June 20, 2024.

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