

2023 -- H 5564 SUBSTITUTE A

LC001125/SUB A/2

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE - PROCEDURE GENERALLY --
CAUSES OF ACTION

Introduced By: Representatives Craven, O'Brien, and Dawson

Date Introduced: February 15, 2023

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, administrators and employees whose position~~
6 ~~directly involves work with students — Immunity from liability — Compensation for certain~~
7 ~~injuries — Duty upon school committees and board of regents.~~

8 (a) Each school committee and the board of regents shall protect and save harmless ~~(1)~~ any
9 public school teacher, ~~(2)~~ any supervisor, administrator, or licensed professional employee, ~~(3)~~ any
10 employee whose position requires a certificate from the department of education or board of regents
11 for elementary and secondary education, ~~(4)~~ any employee whose position directly involves work
12 with students, and ~~(5)~~ any employee of the board of regents from financial loss and expense,
13 including legal fees and costs, if any, arising out of any claim, demand, or suit for actions resulting
14 in accidental bodily injury to or death of any person, or in accidental damage to or destruction of
15 property, within or without the school building, or any other acts, including but not limited to
16 infringement of any person's civil rights, resulting in any injury, which acts are not wanton,
17 reckless, malicious, or grossly negligent, as determined by a court of competent jurisdiction,
18 provided the teacher, supervisor, or administrator, at the time of the acts resulting in the injury,

1 death, damages, or destruction, was acting in the discharge of his or her duties or within the scope
2 of his or her employment or under the direction of the school committee or the board of regents.

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

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

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

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

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

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

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- 1 This act would provide immunity from liability for school employees whose position
- 2 involves work with students for accidental injury or damage. The act further provides compensation
- 3 for certain injuries received by school employees whose position involves work with students.
- 4 This act would take effect upon passage.

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