

2016 -- H 7983

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO EDUCATION - TEACHING AFTER RETIREMENT

Introduced By: Representatives Shekarchi, O'Brien, Amore, Casey, and Serpa

Date Introduced: March 23, 2016

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

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

1 July 1, 2002, unless the employer has made a good faith effort each school year to fill the position  
2 with a nonretired employee without success, and certifies in writing that it has done so to the  
3 employees' retirement system, and to the bargaining agents of all education unions with whom the  
4 employer has collective bargaining agreements.

5 (c) Any retired teacher or athletic coach may be employed pursuant to subsections (a)  
6 and (b) of this section, but in no event shall employment exceed ninety (90) days.

7 (d) The calculation of the ninety (90) day period in any one school year shall be  
8 determined by either of the following methods:

9 (1) Three (3) hours shall constitute a half day and the number of half days shall be  
10 limited to one hundred eighty (180) half days which shall be the equivalent of ninety (90) full  
11 days; or

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

16 (e) Any retired member of the employees retirement system of Rhode Island under title  
17 36 or 45, who is certified as a substitute teacher, may substitute as a teacher at state schools and  
18 in the public schools of this state for a period of no more than ninety (90) days in any one school  
19 year without any forfeiture of or reduction in the retirement benefits and allowances the substitute  
20 teacher is receiving or may receive as a retiree under any title. The other provisions of  
21 subsections (b) through (d) of this section shall also be deemed to apply.

22 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 - TEACHING AFTER RETIREMENT

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1           This act would allow retired members of the state retirement system who are certified as  
2 substitute teachers to substitute teach not more than ninety (90) days a year without reduction in  
3 retirement benefits.

4           This act would take effect upon passage.

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