

2020 -- S 2250

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LC003852  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

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A N A C T

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

Introduced By: Senators Lombardi, Satchell, Ciccone, Picard, and Lynch Prata

Date Introduced: February 04, 2020

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

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

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

7 (c) Each school committee and the board of regents shall protect and save harmless any  
8 teacher or any supervisor, employee whose position directly involves work with students, or  
9 administrator from financial loss and expense, including payment of expenses reasonably  
10 incurred for medical or other service, necessary as a result of an assault upon the teacher,  
11 supervisor, employee whose position directly involves work with students, or administrator while  
12 the person was acting in the discharge of his or her duties within the scope of his or her  
13 employment or under the direction of the school committee or the board of regents, which  
14 expenses are not paid by the individual teacher's, supervisor's, employee's or administrator's  
15 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, or administrator  
20 was discharging his or her duties within the scope of his or her employment or under the direction  
21 of the school committee or the board of regents, or for a court appearance in connection with the  
22 assault, shall continue to receive his or her full salary, while so absent, except that the amount of  
23 any workers' compensation award may be deducted from his or her salary payments during the  
24 absence. The time of the absence shall not be charged against the teacher's, supervisor's,  
25 employee's, 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  
27 section and who receives a disability therefrom, which renders them unable to fully perform their  
28 normal 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.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
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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  
3 compensation for certain injuries received by school employees whose position involves work  
4 with students.

5           This act would take effect upon passage.

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