

2023 -- H 5040 AS AMENDED

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LC000448
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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. 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.**

5 (a) Any teacher or athletic coach certified pursuant to chapter 11.1 of this title, who has
6 retired under the provisions of any law of this state, may substitute as a teacher at state schools and
7 in the public schools of this state for a period of no more than ninety (90) days in any one school
8 year without any forfeiture of, or reduction in, the retirement benefits and allowances the teacher
9 is receiving, or may receive, as a retired teacher. [Provided, that commencing on \(effective date of](#)
10 [act\) and up to and including June 30, 2025, this period shall be extended to a period of no more](#)
11 [than one hundred twenty \(120\) days in any one school year.](#) Notice of the employment shall be
12 sent monthly to the state retirement board by the school committee employing the teacher and by
13 the employer and by the retired teacher at the end of each teaching assignment.

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

1 (effective date of act) and up to and including June 30, 2025, this period shall be extended to a
2 period of no more than one hundred twenty (120) days in any one school year. Notice of the
3 employment shall be sent monthly to the state retirement board by the employer and by the retired
4 teacher. Provided, however, that no employment may be offered to a retiree subject to this section
5 after July 1, 2002, unless the employer has made a good-faith effort each school year to fill the
6 position with a nonretired employee without success, and certifies, in writing, that it has done so to
7 the employees' retirement system and to the bargaining agents of all education unions with whom
8 the employer has collective-bargaining agreements.

9 (c) Any retired teacher or athletic coach may be employed pursuant to subsections (a) and
10 (b), but in no event shall employment exceed ninety (90) days. Provided, that commencing on
11 (effective date of act) and up to and including June 30, 2025, this period shall be extended to a
12 period of no more than one hundred twenty (120) days in any one school year.

13 (d) The calculation of the ninety-day (90) or one hundred twenty-day (120) period in any
14 one school year shall be determined by either of the following methods:

15 (1) Three (3) hours shall constitute a half day and the number of half days shall be limited
16 to one hundred eighty (180) half days, which shall be the equivalent of ninety (90) full days; but in
17 no case shall the total number of half and full days exceed one hundred twenty (120) days; or

18 (2) Each period per day shall constitute one-fifth ($\frac{1}{5}$) of a teaching day. Any teacher hired
19 to teach two (2) periods per day shall be deemed to have worked seventy-two (72) full days per
20 year. The computation is two-fifths times one hundred eighty ($\frac{2}{5} \times 180$) school days per year, which
21 shall be equivalent to seventy-two (72) full days per year.

22 (e) Any retired member of the employees retirement system of Rhode Island under title 36
23 or 45, who is certified as a substitute teacher, may substitute as a teacher at state schools and in the
24 public schools of this state for a period of no more than ninety (90) days in any one school year
25 without any forfeiture of, or reduction in, the retirement benefits and allowances the substitute
26 teacher is receiving, or may receive, as a retiree under any title. Provided, that commencing on
27 (effective date of act) and up to and including June 30, 2025, this period shall be extended to a
28 period of no more than one hundred twenty (120) days in any one school year. The other provisions
29 of subsections (b) through (d) shall also be deemed to apply.

30 (f) The one hundred twenty (120) day period provided by this section shall cease and return
31 to a ninety (90) day period after June 30, 2025.

32 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 -- TEACHERS' RETIREMENT

- 1 This act would permit retired teachers to substitute teach in a school for up to one hundred
2 twenty (120) days in a school year, without any loss, forfeiture, or reduction in retirement benefits.
3 This extended time period would be from the effective date of passage of this act until June 30,
4 2025.
5 This act would take effect upon passage.

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