

2025 -- H 5322 SUBSTITUTE A

LC001139/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

A N A C T

RELATING TO EDUCATION -- TEACHERS' RETIREMENT

Introduced By: Representatives O'Brien, Dawson, McNamara, Slater, Diaz, Solomon,  
Kazarian, J. Brien, Hull, and J. Lombardi

Date Introduced: February 05, 2025

Referred To: House Finance

It is enacted by the General Assembly as follows:

SECTION 1. Chapter 16-16 of the General Laws entitled "Teachers' Retirement [See Title 16 Chapter 97 — The Rhode Island Board of Education Act]" is hereby amended by adding thereto the following section:

**16-16-24.3. Substitute teaching and post-retirement teachers.**

(a) Notwithstanding any public or general law, or rule or regulation to the contrary, and except as provided in subsection (c) of this section, any teacher member who has retired under the provisions of Title 16 ("education") may exceed the ninety-day (90) cap on post-retirement employment and work up to one hundred eighty (180) days during a school year upon:

(1) A determination by the local education authority ("LEA") that there exists a specialized need, within the authority, to fill positions on a temporary basis, that may require the LEA to employ retired teachers and exceed the ninety-day (90) cap on post-retirement employment;

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

(3) The local education authority has notified the state retirement board that it has determined that exceeding the ninety-day (90) cap on post-retirement employment is necessary to help address teacher staffing shortages. Provided, however:

(i) No employment may be offered to a retiree subject to this section unless the employer has made a good-faith effort each school year to fill the position with a nonretired employee without

1 success, and certifies, in writing, that it has done so to the employees' retirement system and to the  
2 bargaining agents of all education unions with whom the employer has collective bargaining  
3 agreements;

4 (ii) The LEA provides in its notice to the state retirement board and the bargaining agents  
5 the total number of certified teacher positions within the LEA, including the number of teacher  
6 positions filled and the number of teacher positions the LEA is seeking to fill; and

7 (iii) The total number of retired teachers an LEA may hire under the provisions of this  
8 section may not exceed five percent (5%) of the total number of certified teacher positions reported  
9 to the state retirement board by the LEA pursuant to subsection (a)(3)(ii) of this section.

10 (b) Any teacher member who has retired under the provisions of title 16, and has been  
11 employed or re-employed under the provisions of this section, shall not be entitled to additional  
12 service credits for such employment, and the teacher member shall not be responsible for any  
13 contribution to the pension system as a result of the employment; provided, however, the local  
14 educational authority shall make the employer contribution for the teacher member as if the district  
15 had hired a new teacher member.

16 (c) A teacher retired under the provisions of title 16 shall be subject to a ninety-day (90)  
17 cap on post-retirement employment during the period of one year after the date of that teacher's  
18 retirement. Thereafter, that teacher shall be eligible to exceed the ninety-day (90) day cap on post-  
19 retirement as provided in subsection (a) of this section.

20 (d) The provisions of this section shall apply retroactively to June 20, 2025, and shall sunset  
21 one year from enactment or on August 1, 2026, whichever shall occur first.

22 SECTION 2. This act shall take effect upon passage and shall be retroactive to June 20,  
23 2025.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
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1           This act would allow retired teachers to substitute in excess of ninety (90) days and up to  
2   one hundred eighty (180) days in a single school year, in certain instances. A teacher retired under  
3   the provisions of title 16 (“education”) on and after July 1, 2025, would be subject to a ninety-day  
4   (90) cap on post-retirement employment during the period of one year after the date of that teacher’s  
5   retirement. Thereafter, that teacher would be eligible to exceed the ninety-day (90) day cap on post-  
6   retirement. The act also provides the LEA must provide the state retirement board with certain  
7   information about their total number of teacher positions when asking to be able to employ retired  
8   teachers.

9           This act would take effect upon passage and would be retroactive to June 20, 2025.

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