

April 8, 2022

School Employee Assault Bill Heard

The Senate Judiciary hearing on Thursday, April 7 included testimony on [S2525](#), a bill by Senator Frank Lombardi. His bill would include Teacher Assistants and other school employees who work directly with students in statutory protection of pay and benefits when an employee is out of work due to an on-the-job injury caused by an assault. Frank Flynn, RIFTHP President, testified in support of the bill. In his testimony, Flynn described the importance of protecting the income of workers absent from work because of an assault. The current law protects the pay and benefits of teachers, principals, and administrators from loss of pay due to an assault, but not Teacher Assistants and other support staff working with students.

Flynn said *“It is inequitable to exclude a significant number of frontline education employees from the assault statute with respect to salary and benefits. Teacher Assistants, secretaries, and other employees, who are compensated at considerably lower rate than teachers and administrators should not have to lose pay when out of work due to an injury caused by an assault”*.

He also told the Committee that many public-school systems have developed in-district programs to service students with significant behavioral or emotional needs staffed by teacher assistants or personal care attendants to work with the teachers in the classrooms as part of their IEP. These workers should be protected if they are assaulted on the job.

Flynn also testified that while school assaults are not frequent, they do happen, and that the bill is needed to correct an oversight that excluded one group of workers from the assault statute. He also stated, *“Anyone who is physically injured by an assault in the workplace should not be financially harmed as well.”* Flynn was the only witness to provide testimony on the bill. The Committee voted to hold the bill for further study.

RIFTHP Supports Substance Abuse Funding Hike

The House Finance Committee took testimony on the FY 2023 budget for the Department of Behavioral Health, Developmental Disabilities and Hospitals (BHDDH) on Thursday April 7. The Agency funds several programs of interest to RIFTHP, including substance abuse drug prevention programs.

The RIFTHP represents 61 Student Assistance Counselors working in 70 Rhode Island secondary schools running drug prevention and intervention programs. The staff work for a private non-profit agency funded through school district payments and state funding. The state funding consists of federal grants processed through the state budget, and no state tax revenue is used to support the programs. RIFTHP

lobbyist James Parisi wrote a [letter](#) urging the committee to increase state funding for the student assistance program. In his letter, Parisi informed the committee that the significant pay gap between Student Assistance Counselors and public-school professionals is causing staffing problems. While many want drug prevention programs to expand to all schools, the agency staffing the programs will not be able to fill the positions until the compensation levels are adjusted.

Senate Labor Committee Highlights

The RIFTHP offered written testimony in support of two bills heard in the Senate Labor Committee on Wednesday April 6. The RIFTHP submitted a letter in support of [S2409](#) by Senate Majority Leader Michael McCaffrey. The bill would ensure that the salary of state workers would continue after the expiration of a collective bargaining agreement. The bill is similar to legislation enacted to teachers and municipal workers three years ago. In his [letter](#), RIFTHP lobbyist James Parisi asked that all public employees who do not have a system of contract resolution by binding arbitration on all issues should be protected with enactment of contract continuation legislation. The Senate Labor Committee voted to approve the bill, along with several other similar public employee contract continuation bills.

The RIFTHP also provided written support of legislation by Senator Samuel Bell that would authorize public employee strikes except for public safety employees covered by binding arbitration on all issues. The bill is [S2152](#). In his [letter](#), Parisi reminded the committee that contract continuation legislation is undergoing a legal challenge that, if successful, calls the question of an alternative means of resolving contract disputes. The Committee voted to hold the bill for further study.

BILLS ON THE MOVE

The following bills have recently passed one chamber of the General Assembly and have moved to the other chamber for consideration:

Constitutional Amendment - Right to Adequate Education

[S 2095](#), which was introduced by Senator Picard, passed the Senate on 3/15/2022 with a vote of 36 yeas, 0 nays, and 2 members not voting.

This amendment to the Constitution of the State, if approved, would provide that it would be the paramount duty of the general assembly, the department of education, and other government agencies to provide Rhode Island residents with equal opportunities to receive an education that is adequate, equitable and meaningful effective January 1, 2023.

Rhode Island Early Educator Investment Act

[S 2235](#) which was introduced by Senator Cano, passed the Senate on 4/7/2022 with a vote of 32 yeas, 4 nays, and 2 members not voting 2.

This bill would require the children's cabinet, to develop and implement a strategic plan to retain early childhood educators by creating a cross-departmental target wage scale of early educators and that of a similarly qualified public school teaching staff or individuals with similar credentials. The children's cabinet to would be required to consider matters such as scholarships in early childhood education,

wage supplements or stipends, apprenticeships. The children's cabinet would report findings to the governor and the general assembly by December 1, 2022. It would also require the department of human services to create and maintain a childcare and early educator registry.

State Employee Cultural Competency Training

[S 2236](#) which was introduced by Senator Cano, passed the Senate on 3/15/2022 with a votes of 32 yeas, 4 nays, and 2 members not voting.

This bill would require the office of diversity, equity and opportunity (ODEO) to create and for all state and municipal employees to receive annual training in cultural competency. It would define "cultural competency" as an understanding of how institutions and individuals can respectfully respond to people from all different backgrounds such as race, language, economic, gender, veterans and disabilities.

Physical Therapy in a School Setting

[S 2328](#) which was introduced by Senator Gallo, passed the Senate on 3/15/2022 with a votes of 36 yeas, 0 nays, and 2 members not voting.

This bill would authorize a licensed physical therapist to perform physical therapy services to a student while in school without a prescription or referral, in accordance with the student's IEP or IFSP.

Speech Language Pathology Service - Student Eligibility

[H 7273](#) which was introduced by Representative McNamara, passed the House on 4/5/2022 with a vote of 65 yeas, 0 nays, and 10 members not voting.

This act would provide that for purposes of providing special education services to students with disabilities, "special education" would include speech-language pathology services for students, and the provision of speech-language pathology services would not cease or be terminated solely because the child has attained nine (9) years of age or greater.

BILL INTRODUCTIONS

Training School Admissions

([S 2382](#), Valverde, Senate Judiciary)

([H 7461](#), Kislak, House Judiciary)

These bills would prohibit the family court from detaining any juvenile or committing any juvenile, fourteen (14) years of age or younger, to the training school, for any offense unless the offense alleged or for which the juvenile is found responsible, is one that constitutes a capital offense and the court determines that there is no other reasonable placement location to ensure the safety of the juvenile and the general public.

Threats of Mass Violence - Education Institutions

([S 2395](#), Burke, Senate Judiciary)

([H 7308](#), Noret, House Judiciary)

These bills would make threats of mass violence and false reports of threats to any educational, religious institution, social, civic or fraternal associations a misdemeanor and would allow the court to set

reasonable conditions of release of the defendant in order to ensure the safety of the community.

Commissioners of Education - Advice and Consent

(S 2402, Gallo, Senate Judiciary)

(H 7586, O'Brien, House State Government & Elections)

These bills would require that the secretary of the executive office of health and human services (EOHHS), the secretary of commerce of the commerce corporation and the commissioners of elementary and secondary education and postsecondary education be appointed subject to the approval of the Senate. Senate approval would also be required for most temporary appointments to these positions.

State Employee Contract Continuation

(S 2409, McCaffrey, Senate Labor)

This bill would require that if state employee unions are engaged in contract negotiations and/or utilizing the dispute resolution process to adopt a successor contract, all the terms and conditions in the existing collective bargaining agreement, shall continue to remain in effect, even after its expiration.

Teachers' Survivor Benefits - Former Spouse Divorced

(S 2413, Ruggiero, Senate Labor)

(H 6627, Fellela, House Finance)

These bills would, for purposes of teachers' retirement benefits, amend the definition of "former spouse divorced" to include someone who was married to a deceased member for ten (10) or more years and the deceased member was required by court order to contribute support to the person post-divorce and would include the classification of "former spouse divorced" in the spouse and domestic partner's benefits statute.

State Employee Teleworking Program

(S 2415, Mack, Senate Labor)

This bill would require all executive branch agencies and departments to establish and administer a teleworking program to allow their employees to work at a different location, rather than their ordinary principal work location.

Adult Education Strategic Plan

(S 2437, Seveney, Senate Education)

(H 7637, Cortvriend, House Finance)

These bills would modernize, expand access and provide additional funds to adult education programs in the state, create a strategic plan for adult education and establish learning, intake and assessment centers.

Rights Of Students Act

(S 2438, Morgan, Senate Education)

This bill would create the "Rights of Students Act" to provide protections for students and parents against discrimination on the basis of a religious viewpoint or religious expression.

Charter School Lottery Process

(S 2439, Zurier, Senate Education)

This bill would amend the charter school lottery admission process and would provide for a detailed, weighted lottery process. The weighted lottery would be an “opt-out” process whereby parents or guardians could notify the school district that their student attends or the department of education that they do not wish their student to be part of the weighted lottery process. The act would allow exceptions to be made from the weighted lottery process for certain charter schools created with the purpose of offering specialized training and education in specific fields of study or targeting at-risk groups, as approved by the commissioner.

Funding Incentive for School Mental Health Professionals

(S 2440, Cano, Senate Education)

This bill would provide that the permanent foundation educational aid program would provide state funding for school-based mental health services pursuant to specified conditions.