

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001**

**H**

**1**

**HOUSE BILL 1724**

Short Title: Retirement/Tenure/Teacher Exchange Programs. (Public)

---

Sponsors: Representative Hackney.

---

Referred to: Education.

---

June 13, 2002

1                                   A BILL TO BE ENTITLED  
2 AN ACT TO CLARIFY THE STATUS OF TEACHERS PARTICIPATING IN  
3 FOREIGN EXCHANGE PROGRAMS FOR PURPOSES OF RETIREMENT AND  
4 TENURE.

5 The General Assembly of North Carolina enacts:

6           **SECTION 1.** G.S. 135-1(25) reads as rewritten:

7           "(25) "Teacher" shall mean any teacher, helping teacher, librarian, principal,  
8 supervisor, superintendent of public schools or any full-time  
9 employee, city or county, superintendent of public instruction, or any  
10 full-time employee of Department of Public Instruction, president,  
11 dean or teacher, or any full-time employee in any educational  
12 institution supported by and under the control of the State: Provided,  
13 that the term "teacher" shall not include any part-time, temporary, or  
14 substitute teacher or employee, and shall not include those  
15 participating in an optional retirement program provided for in G.S.  
16 135-5.1. In all cases of doubt, the Board of Trustees, hereinafter  
17 [hereinbefore] defined, shall determine whether any person is a teacher  
18 as defined in this Chapter. On and after August 1, 2001, a person who  
19 is a nonimmigrant alien and who otherwise meets the requirements of  
20 this subdivision shall not be excluded from the definition of "teacher"  
21 solely because the person holds a temporary or time-limited visa. For  
22 purposes of Article 1 of this Chapter only, nonimmigrant alien teachers  
23 participating in an exchange visitor program administered by the  
24 United States Department of State who teach in elementary or  
25 secondary public schools shall be considered temporary teachers."

26           **SECTION 2.** G.S. 115C-325(a) is amended by adding a new subdivision to

27 read:

28           "(4b) "Exchange teacher" means a nonimmigrant alien teacher, whether  
29 otherwise full-time, part-time, temporary, permanent, or substitute

1                    participating in an exchange visitor program administered by the  
2                    United States Department of State."

3                    **SECTION 3.** G.S. 115C-325(c) is amended by adding a new subdivision as  
4 follows:

5                    "(6) Status of Exchange Teachers. – Notwithstanding any other provision  
6                    of this Chapter, exchange teachers shall not be eligible to obtain career  
7                    status. However, except to the extent necessary to give full effect to  
8                    this subdivision, exchange teachers shall be treated as full-time,  
9                    permanent teachers for purposes of determining salary and eligibility  
10                   to receive employment benefits other than retirement, including  
11                   vacation, personal leave, annual leave, and sick leave."

12                   **SECTION 4.** This act becomes effective July 1, 2002.