

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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SENATE BILL 1249*

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

Sponsors: Senators Kinnaird; Malone and Queen.

Referred to: Pensions & Retirement and Aging.

May 24, 2004

A BILL TO BE ENTITLED
AN ACT TO MAKE A TECHNICAL CORRECTION TO THE LAW CLARIFYING
THE STATUS OF TEACHERS PARTICIPATING IN FOREIGN EXCHANGE
PROGRAMS FOR PURPOSES OF RETIREMENT AND TENURE.

The General Assembly of North Carolina enacts:

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

"(25) "Teacher" shall mean any teacher, helping teacher, classroom teacher in a job-sharing position as defined in G.S. 115C-302.2(b) except for a beneficiary in that position, librarian, principal, supervisor, superintendent of public schools or any full-time employee, city or county, superintendent of public instruction, or any full-time employee of Department of Public Instruction, president, dean or teacher, or any full-time employee in any educational institution supported by and under the control of the State: Provided, that the term "teacher" shall not include any part-time, temporary, or substitute teacher or employee except for a classroom teacher in a job-sharing position, and shall not include those participating in an optional retirement program provided for in G.S. 135-5.1 or G.S. 135-5.4. In all cases of doubt, the Board of Trustees, hereinbefore defined, shall determine whether any person is a teacher as defined in this Chapter. On and after August 1, 2001, a person who is a nonimmigrant alien and who otherwise meets the requirements of this subdivision shall not be excluded from the definition of "teacher" solely because the person holds a temporary or time-limited visa. Notwithstanding the foregoing, the term "teacher" shall not include any nonimmigrant alien employed in elementary or secondary public schools (whether employed in a full-time, part-time, temporary, permanent, or substitute teacher position) and participating in an exchange visitor program designated by the United States Department of State pursuant to 22 C.F.R. Part ~~62~~ 62 or by the United

1 States Department of Homeland Security pursuant to 8 C.F.R. Part
2 214.2(q)."

3 **SECTION 2.** G.S. 115C-325(a)(4b) reads as rewritten:

4 "(4b) "Exchange teacher" means a nonimmigrant alien teacher participating
5 in an exchange visitor program designated by the United States
6 Department of State pursuant to 22 C.F.R. Part ~~62~~ 62 or by the United
7 States Department of Homeland Security pursuant to 8 C.F.R. Part
8 214.2(q)."

9 **SECTION 3.** This act becomes effective July 1, 2004.