

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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HOUSE BILL 271

Short Title: Job Sharing for School Counselors. (Public)

Sponsors: Representatives Glazier, Warner, Lucas, Insko (Primary Sponsors); G. Allen, Bordsen, Carney, Dickson, Goodwin, Lewis, Sauls, and Warren.

Referred to: Education.

March 6, 2003

A BILL TO BE ENTITLED
AN ACT TO FACILITATE JOB SHARING BY PUBLIC SCHOOL GUIDANCE
COUNSELORS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-302.2 reads as rewritten:

"§ 115C-302.2. Job sharing by classroom ~~teachers~~teachers and guidance counselors.

(a) The General Assembly finds that there is a shortage of qualified classroom teachers available in certain areas of certification, grade levels, and geographical areas of the ~~State~~State and that there is a shortage of qualified guidance counselors in certain geographical areas of the State. The elimination of administrative and fiscal limitations on job-sharing arrangements would make teaching an attractive option for well-qualified classroom teachers and guidance counselors who do not wish to work full time.

(b) A "classroom teacher in a job-sharing position" is a person who:

- (1) Is employed by a local board of education as a public school teacher for fifty percent (50%) of the teacher workweek, as defined by that local board of education;
- (2) Is paid on the teacher salary schedule;
- (3) Spends at least seventy percent (70%) of his or her work time in classroom instruction; and
- (4) Is sharing a teacher position with one other employee of that local board of education who meets the requirements of subdivisions (1) through (3) of this subsection.

The term does not include certified instructional support personnel or certified school services personnel such as guidance counselors, media coordinators, psychologists, social workers, audiologists, speech and language pathologists, and nurses.

1 (b1) A "guidance counselor in a job-sharing position" is a person who:

2 (1) Is employed by a local board of education as a guidance counselor for
3 fifty percent (50%) of the guidance counselor workweek, as defined by
4 that local board of education;

5 (2) Is paid on the teacher salary schedule; and

6 (3) Is sharing a guidance counselor position with one other employee of
7 that local board of education who meets the requirements of
8 subdivisions (1) and (2) of this subsection.

9 (c) The State Board of Education shall adopt rules to facilitate job sharing by
10 classroom ~~teachers.~~ teachers and guidance counselors. These rules shall provide that a
11 classroom teacher or a guidance counselor in a job-sharing position shall receive paid
12 legal holidays, annual vacation leave, sick leave, and personal leave on a pro rata basis.
13 Such ~~a teacher~~ an employee shall also receive service credit under the Teachers' and
14 State Employees' Retirement System as provided in G.S. 135-4(b) and insurance
15 benefits as provided in Article 3 of Chapter 135 of the General Statutes. (2002-174, s.
16 1.)"

17 **SECTION 2.** G.S. 135-1(25), as rewritten by Section 1 of S.L. 2002-110,
18 reads as rewritten:

19 "(25) "Teacher" shall mean any teacher, helping teacher, classroom teacher
20 in a job-sharing position as defined in G.S. 115C-302.2(b) except for a
21 beneficiary in that position, guidance counselor in a job-sharing
22 position as defined in G.S. 115C-302.2(b2) except for a beneficiary in
23 that position, librarian, principal, supervisor, superintendent of public
24 schools or any full-time employee, city or county, superintendent of
25 public instruction, or any full-time employee of Department of Public
26 Instruction, president, dean or teacher, or any full-time employee in
27 any educational institution supported by and under the control of the
28 State: Provided, that the term "teacher" shall not include any part-time,
29 temporary, or substitute teacher or employee except for a classroom
30 teacher in a job-sharing ~~position,~~ position or a guidance counselor in a
31 job-sharing position and shall not include those participating in an
32 optional retirement program provided for in G.S. 135-5.1 or G.S.
33 135-5.4. In all cases of doubt, the Board of Trustees, hereinbefore
34 defined, shall determine whether any person is a teacher as defined in
35 this Chapter. On and after August 1, 2001, a person who is a
36 nonimmigrant alien and who otherwise meets the requirements of this
37 subdivision shall not be excluded from the definition of "teacher"
38 solely because the person holds a temporary or time-limited visa.
39 Notwithstanding the foregoing, the term "teacher" shall not include
40 any nonimmigrant alien employed in elementary or secondary public
41 schools (whether employed in a full-time, part-time, temporary,
42 permanent, or substitute teacher position) and participating in an
43 exchange visitor program designated by the United States Department
44 of State pursuant to 22 C.F.R. Part 62."

1 **SECTION 3.** G.S. 135-4(b) reads as rewritten:

2 "(b) The Board of Trustees shall fix and determine by appropriate rules and
3 regulations how much service in any year is equivalent to one year of service, but in no
4 case shall more than one year of service be creditable for all services in one year.
5 Service rendered for the regular school year in any district shall be equivalent to one
6 year's service. Service rendered by a classroom teacher in a job-sharing position or a
7 guidance counselor in a job-sharing position shall be credited at the rate of one-half year
8 for each regular school year of employment.

9 **SECTION 4.** G.S. 135-40.2(a2) reads as rewritten:

10 "(a2) A classroom teacher in a job-sharing position as defined in G.S.
11 115C-302.2(b) or a guidance counselor in a job-sharing position as defined in G.S.
12 115C-302.2(b1) shall be eligible for coverage under the Plan, on a partially contributory
13 basis, subject to the provisions of G.S. 135-40.3. If these employees elect to participate
14 in the Plan, the employing unit shall pay fifty percent (50%) of the Plan's total
15 noncontributory premiums. Individual employees shall pay the balance of the total
16 noncontributory premiums not paid by the employing unit."

17 **SECTION 5.** Nothing in this act shall be construed to require local school
18 administrative units to place part-time employees in job-sharing positions or to hire
19 employees in job-sharing positions.

20 **SECTION 6.** Sections 1 through 4 of this act become effective January 1,
21 2004. The remainder of this act is effective when it becomes law.