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Source

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Chapter No.

58

AN ACT

Relating to reemployment of retired teachers, to eligibility for major medical insurance coverage for beneficiaries of the teachers' retirement system, and to teacher certificates; and providing for an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

THE ACT FOLLOWS ON PAGE 1

Approved by the Governor: June 29, 2001

Actual Effective Date: Section 11 takes effect June 30, 2001; sections 5, 7, and 9 take effect July 1, 2005; remainder of Act takes effect July 1, 2001

AN ACT

1 Relating to reemployment of retired teachers, to eligibility for major medical insurance
2 coverage for beneficiaries of the teachers' retirement system, and to teacher certificates; and
3 providing for an effective date.

4

5 * Section 1. AS 14.20.010 is amended to read:

6

7 **Sec. 14.20.010. Teacher certificate required.** A person may not be
8 employed as a teacher in the public schools of the state unless that person possesses a
9 valid teacher certificate except that a person who has made application to the
10 department for a teacher certificate, including a preliminary teacher certificate
11 under AS 14.20.015, or renewal of a teacher certificate that has not been acted upon
12 by the department may be employed as a teacher in the public schools of the state until
13 the department has taken action on the application, but in no case may employment
14 without a certificate last longer than three months.

* Sec. 2. AS 14.20 is amended by adding new sections to read:

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1 **Sec. 14.20.015. Recognition of certificates of out-of-state teachers.** (a) The
2 department shall issue a preliminary teacher certificate to an out-of-state teacher who
3 meets the requirements of this section. To be eligible for a preliminary teacher
4 certificate, a person shall

5 (1) have received at least a baccalaureate degree from an institution of
6 higher education accredited by a recognized regional accrediting association or
7 approved by the commissioner;

8 (2) hold a valid teacher certificate issued by another state;

9 (3) have submitted fingerprints to the department to be used for a
10 criminal history background check and been found by the department to be suitable for
11 employment as a teacher under AS 14.20.020(f);

12 (4) have paid the fee required by the department under
13 AS 14.20.020(c).

14 (b) An out-of-state teacher who has been issued a preliminary teacher
15 certificate under this section shall pass the competency examination designated by the
16 board under AS 14.20.020(i) within one year after the date the preliminary teacher
17 certificate was issued. If the teacher does not pass the examination, the department
18 shall immediately revoke the teacher's preliminary teacher certificate.

19 (c) The preliminary teacher certificate issued under this section must contain
20 the same endorsements as those on the current valid teacher certificate issued by the
21 other state.

22 (d) A teacher holding a preliminary teacher certificate issued under this
23 section may be employed to provide instructional services for a school district or
24 regional educational attendance area only if the teacher certificate issued by the other
25 state is valid at the time the teacher commences to provide instructional services for
26 the school district or regional educational attendance area.

27 (e) Employment under a preliminary teacher certificate shall be considered in
28 determining whether a teacher qualifies for tenure under AS 14.20.150. However, a
29 teacher may not be granted tenure unless the teacher holds a teacher certificate issued
30 under AS 14.20.020.

31 (f) A preliminary teacher certificate and any endorsements issued under this

1 section are valid for three years and may not be renewed. The department may not
2 issue a provisional certificate or a temporary certificate to a teacher who has held a
3 preliminary teacher certificate.

4 **Sec. 14.20.017. Grace period for issuance of regular teacher certificates to**
5 **previously certificated teachers.** (a) The department shall issue a teacher certificate
6 as described in AS 14.20.020, subject to revocation, to a teacher who meets the
7 requirements of this section. To be eligible for a revocable teacher certificate under
8 this section, a person shall

9 (1) have held a valid teacher certificate issued under AS 14.20.020 that
10 expired more than 12 months before the teacher applied for a certificate under this
11 section;

12 (2) have paid the fee required by the department under
13 AS 14.20.020(c).

14 (b) A revocable teacher certificate issued under this section is valid for one
15 year, during which the teacher shall complete any requirements for the issuance of a
16 regular teacher certificate under AS 14.20.020 that the teacher has not already met.
17 The department shall expedite the procedures required of teachers holding revocable
18 teacher certificates who are seeking certification under AS 14.20.020.

19 (c) A teacher holding a revocable teacher certificate under this section who
20 previously passed the competency examination designated by the board under
21 AS 14.20.020(i) is not required to retake the examination before being eligible for a
22 regular certificate under AS 14.20.020. A teacher holding a revocable teacher
23 certificate who did not previously take or pass the competency examination shall take
24 and pass the examination within one year after the date the revocable teacher
25 certificate was issued. If the teacher does not pass the examination, the department
26 shall immediately revoke the revocable teacher certificate.

27 (d) A teacher holding a revocable teacher certificate under this section may
28 not receive a teacher certificate issued under AS 14.20.020 until the teacher submits
29 fingerprints to the department to be used for a criminal history background check and
30 the teacher has been found by the department to be suitable for employment as a
31 teacher under AS 14.20.020(f).

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1 (e) The revocable teacher certificate issued under this section must contain the
2 same endorsements as those on the teacher's expired teacher certificate.

3 (f) Employment on the basis of a revocable teacher certificate issued under
4 this section shall be considered in determining whether a teacher qualifies for tenure
5 under AS 14.20.150.

6 (g) A revocable teacher certificate and any endorsements issued under this
7 section are valid for one year and may not be renewed under this section. The
8 department may not issue a provisional certificate or a temporary certificate to a
9 teacher who has held a teacher certificate issued under this section.

10 * **Sec. 3.** AS 14.20 is amended by adding a new section to read:

11 **Sec. 14.20.135. Employment of retired teachers because of shortages.** (a)

12 A school district or regional educational attendance area that has or anticipates having
13 a shortage of teachers qualified to teach in a particular discipline or specialty may, by
14 resolution, adopt a policy that permits the employment of retired teachers who are
15 qualified to teach in the discipline or specialty in accordance with this section. The
16 policy must describe the circumstances that constitute the shortage. If a shortage of
17 teachers exists as described in the policy, the district or attendance area shall notify the
18 administrator of the teachers' retirement system (AS 14.25) that it is hiring retired
19 teachers under this section.

20 (b) A teacher who retired under AS 14.25.110(a) and is subsequently
21 reemployed under this section may, within 30 days after the date of reemployment,
22 elect to continue receiving retirement benefit payments under AS 14.25 during the
23 period of reemployment by filing a waiver of coverage as set out in AS 14.25.043(b).

24 (c) A school district or regional educational attendance area may not employ a
25 teacher, principal, or administrator who participated in a retirement incentive program
26 under ch. 26, SLA 1986, ch. 89, SLA 1989, ch. 65, SLA 1996, ch. 4, FSSLA 1996, or
27 ch. 92, SLA 1997, under this section.

28 (d) A retired teacher employed under this section is not eligible to acquire,
29 maintain, or reacquire tenure under AS 14.20.150.

30 * **Sec. 4.** AS 14.25.040(a) is amended to read:

31 (a) Unless a teacher or member has elected to participate in the optional

1 university retirement program under AS 14.40.661 - 14.40.799 or has filed an
2 election under AS 14.25.043(b), a teacher or member contracting for service with a
3 participating employer is subject to this chapter.

4 * Sec. 5. AS 14.25.040(a) is amended to read:

5 (a) Unless a teacher or member has elected to participate in the optional
6 university retirement program under AS 14.40.661 - 14.40.799 [OR HAS FILED AN
7 ELECTION UNDER AS 14.25.043(b)], a teacher or member contracting for service
8 with a participating employer is subject to this chapter.

9 * Sec. 6. AS 14.25.043 is amended to read:

10 **Sec. 14.25.043. Reemployment of retired members.** (a) If a retired member
11 again becomes an active member, benefit payments may not be made during the
12 period of reemployment unless the teacher makes an election under (b) of this
13 section. The retirement benefit must be suspended for the entire school year if the
14 teacher is reemployed as an active teacher for a period equivalent to a year of service.
15 During the period of reemployment, the member is subject to AS 14.25.050 and
16 deductions from the member's salary will be made in accordance with AS 14.25.050.

17 (b) A school district or regional educational attendance area that has
18 adopted a policy that permits the employment of retired teachers in accordance
19 with AS 14.20.135 shall notify the administrator that it is hiring retired teachers
20 under AS 14.20.135. A teacher who retired under AS 14.25.110(a) and
21 subsequently becomes an active member under a policy adopted in accordance
22 with AS 14.20.135 may, within 30 days of the date of reemployment, elect to
23 continue receiving benefit payments during the period of reemployment by filing
24 a waiver of coverage with the administrator on a form provided by the
25 administrator. An election under this subsection waives coverage for the period
26 of reemployment and is irrevocable during the period of reemployment.
27 Deductions from the member's salary may not be made under AS 14.25.050
28 during the period of reemployment, and the member may not receive credited
29 service for the period of reemployment. A member who participated in a
30 retirement incentive program under ch. 26, SLA 1986, ch. 89, SLA 1989, ch. 65,
31 SLA 1996, ch. 4, FSSLA 1996, or ch. 92, SLA 1997, is not eligible to make an

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1 **election under this subsection.**

2 (e) Upon subsequent retirement, the retired member is entitled to receive an
3 additional benefit based on the credited service and the average base salary during the
4 period of reemployment in accordance with AS 14.25.110. If the initial benefit
5 payments to which the retired member is eligible have been actuarially reduced
6 because the member retired early under AS 14.25.110(b), the member shall also
7 receive an incremental benefit based on the amount of the actuarial reduction imposed
8 by AS 14.25.110(j) on the first benefit and the length of time that the employee was
9 reemployed and not receiving retirement benefits. The amount of the incremental
10 benefit is equal to the difference between the normal retirement benefit to which the
11 member would have been entitled had the member taken a normal retirement and the
12 early retirement benefit that the member has been receiving based on the member's
13 initial period of employment multiplied by the total number of months that the
14 member did not receive retirement benefits because of reemployment and that amount
15 actuarially adjusted to be paid over the expected lifetime of the member.

16 * Sec. 7. AS 14.25.043(a) is amended to read:

17 (a) If a retired member again becomes an active member, benefit payments
18 may not be made during the period of reemployment [UNLESS THE TEACHER
19 MAKES AN ELECTION UNDER (b) OF THIS SECTION]. The retirement benefit
20 must be suspended for the entire school year if the teacher is reemployed as an active
21 teacher for a period equivalent to a year of service. During the period of
22 reemployment, [THE MEMBER IS SUBJECT TO AS 14.25.050 AND] deductions
23 from the member's salary will be made in accordance with AS 14.25.050.

24 * Sec. 8. AS 14.25.168(d) is amended to read:

25 (d) A benefit recipient may elect major medical insurance coverage in
26 accordance with regulations and under the following conditions:

27 (1) a person who has less than 25 years of membership service and
28 who is younger than 60 years of age must pay an amount equal to the full monthly
29 group premium for retiree major medical insurance coverage;

30 (2) [A PERSON WHO IS AT LEAST 60 YEARS OF AGE BUT IS
31 YOUNGER THAN 65 YEARS OF AGE MUST PAY AN AMOUNT EQUAL TO

1 ONE-HALF OF THE FULL MONTHLY GROUP PREMIUM FOR RETIREE
2 MAJOR MEDICAL INSURANCE COVERAGE;

3 (3)] a disabled member, a disabled member who is appointed to
4 normal retirement, [OR] a person 60 [65] years of age or older, or a person who has
5 at least 25 years of membership service is not required to make premium payments.

6 * Sec. 9. AS 14.20.135 and AS 14.25.043(b) are repealed July 1, 2005.

7 * Sec. 10. The uncodified law of the State of Alaska is amended by adding a new section to
8 read:

9 REPORT TO LEGISLATURE. Annually, beginning in 2002 and ending in 2006, the
10 administrator of the teachers' retirement system shall report to the legislature by the 30th day
11 of the regular legislative session concerning the effect of this Act on the retirement system.

12 * Sec. 11. The uncodified law of the State of Alaska is amended by adding a new section to
13 read:

14 REGULATIONS FOR RETIRED TEACHERS. Notwithstanding sec. 14 of this Act,
15 the Alaska Teachers' Retirement Board may immediately proceed to adopt regulations
16 necessary to implement changes made by secs. 4, 6, and 8 of this Act. The regulations take
17 effect under AS 14.25.022, but not before July 1, 2001.

18 * Sec. 12. Section 11 of this Act takes effect immediately under AS 01.10.070(c).

19 * Sec. 13. Sections 5, 7, and 9 of this Act take effect July 1, 2005.

20 * Sec. 14. Except as provided in secs. 12 and 13 of this Act, this Act takes effect July 1,
21 2001.