

Introduced: 2/18/87  
Referred: Health, Education and Social  
Services and Judiciary

5-0558A

1 IN THE SENATE BY JOSEPHSON AND KELLY

2 SENATE BILL NO. 135

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act limiting recruitment and employment of teach-  
7 ers who are not residents of the state."

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

9 \* Section 1. FINDINGS. The legislature finds that

10 (1) there are great numbers of qualified Alaskans who have  
11 teaching certificates but cannot find employment in the state as teachers;  
12 and

13 (2) there is a trend in the state to reduce the number of class-  
14 room teachers, which will increase the number of unemployed or underem-  
15 ployed Alaskan teachers.

16 \* Sec. 2. AS 14.20 is amended by adding a new section to read:

17 Sec. 14.20.115. EMPLOYMENT OF NONRESIDENT TEACHERS. (a) An  
18 employer may not recruit or hire a teacher who is not a state resident  
19 unless the employer certifies to the commissioner of education and the  
20 commissioner approves the recruitment or hiring after finding that

21 (1) the employer has advertised the position in at least  
22 one newspaper published in each judicial district in the state at  
23 least once a week for four weeks;

24 (2) either no state residents have applied for the position  
25 or if a state resident has applied for the position, the applicant  
26 does not have the particular skills necessary for that position; and

27 (3) the district has made a bona fide effort to fill the  
28 position with a state resident.

29 (b) An employer may recruit and hire a teacher who is a state

1 resident but who is living outside the state. In determining whether  
2 the teacher is a state resident, the employer may consider evidence of  
3 receipt of a permanent fund dividend under AS 43.23, registration to  
4 vote in this state, qualification for a postsecondary loan under  
5 AS 14.43, or other reliable evidence.

6 (c) A resident teacher may bring suit to enjoin the employer  
7 from hiring a nonresident and for damages if the teacher

8 (1) applied for a position that has been offered to a  
9 nonresident;

10 (2) is qualified to perform the particular duties of the  
11 position; and

12 (3) was not offered the position.

13 (d) A teachers' bargaining organization may bring suit on behalf  
14 of a resident teacher who is qualified to bring an individual suit  
15 under (c) of this section.

16 (e) In a suit brought under (c) or (d) of this section, the  
17 district has the burden of establishing compliance with this section.

18 \* Sec. 3. AS 14.20.115 is repealed June 30, 1992.