

SENATE BILL NO. 50

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY SENATOR FISCHER

Introduced: 1/21/91

Referred: HESS and Judiciary

A BILL**FOR AN ACT ENTITLED**

1 "An Act limiting recruitment and employment of school administrators and teachers."

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

3 * Section 1. FINDINGS. The legislature finds that there are great numbers of qualified Alaskans
4 who have teaching certificates but cannot find employment in the state as teachers or school
5 administrators.

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

7 Sec. 14.20.115. EMPLOYMENT OF NONRESIDENT TEACHERS AND ADMINIS-
8 TRATORS. (a) An employer may not recruit or hire a teacher or administrator who is not a
9 state resident unless the employer certifies to the commissioner of education and the
10 commissioner approves the recruitment or hiring after finding that

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

13 (2) either no state residents have applied for the position or if a state resident has
14 applied for the position, the applicant does not have the certification and particular skills

1 necessary for that position; and

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

3 (b) An employer may recruit and hire a teacher or administrator who is a state resident
4 but who is living outside the state. In determining whether the person is a state resident, the
5 employer may consider evidence of receipt of a permanent fund dividend under AS 43.23,
6 registration to vote in this state, qualification for a postsecondary loan under AS 14.43, or other
7 reliable evidence.

8 (c) A resident teacher or administrator may bring suit to enjoin the employer from hiring
9 a nonresident and for damages if the teacher or administrator

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

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

12 (3) was not offered the position.

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

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

17 * Sec. 3. AS 14.20.130 is amended to read:

18 Sec. 14.20.130. EMPLOYMENT OF TEACHERS AND ADMINISTRATORS. An
19 employer may, after January 1, issue contracts for the following school year to employees
20 regularly qualified in accordance with the regulations of the department. The contract [FOR A
21 SUPERINTENDENT MAY BE FOR MORE THAN ONE SCHOOL YEAR BUT] may not
22 exceed one [THREE CONSECUTIVE] school year [YEARS].