

SB

135

SENATE COMMITTEE REPORT

FURTHER:

4/10/87

DATE TURNED INTO OFFICE \_\_\_\_\_

Mr. President:

FINANCE

Committee considered SB 135

limiting the recruitment and employment of teachers who are not residents of the state.

and recommended:

[ ] replace with CS FOR \_\_\_\_\_ ) [ ] same title
[ ] or adopt \_\_\_\_\_ CS FOR \_\_\_\_\_ ) [ ] new title

[ ] attached amendment(s) and

[ ] do pass

[ ] do not pass

[ ] no recommendation

[ ] individual recommendations

[ ] further referral to \_\_\_\_\_

[ ] letter of intent adopted \_\_\_\_\_

Committee [ ] attached or [ ] adopted fiscal note(s)

[ ] new [ ] updated or [ ] previous
[ ] zero [ ] fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

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Chairman signature and recommendation

[ ] Committee Backup Attached

COMMITTEE REPORT

SENATE RULES COMMITTEE

4/3/87

*in reference*  
*[Signature]*

Date \_\_\_\_\_

Mr. President

The Committee on Rules considered SB 135

limiting recruitment and employment of teachers who are not residents of the state.

and recommended it be placed on the \_\_\_\_\_ Calendar  
[ ] with attached amendment(s).

[ ] replace with CS for \_\_\_\_\_ [ ] same title  
[ ] new title

[ ] and attached a Letter of Intent

[ ] new fiscal note

MEMBERS SIGNING FOR PLACEMENT  
ON THE CALENDAR

MEMBERS HAVING OTHER  
RECOMMENDATIONS

\_\_\_\_\_  
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\_\_\_\_\_  
CHAIRMAN

SENATE COMMITTEE REPORT

FURTHER:

*Roller*

DATE TURNED INTO OFFICE

4/2/87

Mr. President:

JUDICIARY

Committee considered

SB 135

limiting recruitment and employment of teachers who are not residents of the state.

and recommended:

replace with CS FOR SB 135 (JUD) )  same title  
 or adopt \_\_\_\_\_ CS FOR \_\_\_\_\_ )  new title

attached amendment(s) and

do pass

do not pass

no recommendation

individual recommendations

further referral to \_\_\_\_\_

letter of intent adopted \_\_\_\_\_

Committee  attached or  adopted fiscal note(s)

new  updated or  previous  
 zero  fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

*Rich Hallford*  
*Walt Raskin*  
*Curtis Sturgis*  
*Joe Jones*  
\_\_\_\_\_  
\_\_\_\_\_  
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*Richard Jones*  
Chairman signature and recommendation

Committee Backup Attached

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of 3/6/87 5-DAY NOTICE  
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER: JUDICIARY

\*\*FISCAL NOTE(S) ATTACHED 1 \*\*  
IN ACCORDANCE WITH AS 24.08.035  
(see below)

DATE TURNED INTO OFFICE 3/13/87

Mr. President:

HESS Committee considered SB 135

limiting recruitment and employment of teachers who are not residents of the state.

and recommended:

- replace with CS CS SB 135 (HESS)  same title
- attached amendment(s) and  new title
- do <sup>majority</sup> pass
- do not pass
- no recommendation
- individual recommendations
- further referral to \_\_\_\_\_
- letter of intent adopted and attached

\*\* Committee  attached or  adopted fiscal note(s)  
 zero  fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

Rich Halford  
[Signature]  
 \_\_\_\_\_  
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Paul Frick Do Pass  
Chairman signature and recommendation

Committee Backup Attached

Original sponsors: Josephson and Kelly

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 CS FOR SENATE BILL NO. 135 (Judiciary)

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 school  
7 administrators and teachers."

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 or school administrators; 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 AND ADMINIS-  
18 TRATORS. (a) An employer may not recruit or hire a teacher or admin-  
19 istrator who is not a state resident unless the employer certifies to  
20 the commissioner of education and the commissioner approves the re-  
21 cruitment or hiring after finding that

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

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

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

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

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

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

13 (2) is qualified to perform the particular duties and  
14 possesses the particular skills necessary for the position; and

15 (3) was not offered the position.

16 (d) A bargaining organization may bring suit on behalf of a  
17 resident teacher or administrator who is qualified to bring an indi-  
18 vidual suit under (c) of this section.

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

21 \* Sec. 3. AS 14.20.130 is amended to read:

22 Sec. 14.20.130. EMPLOYMENT OF TEACHERS AND ADMINISTRATORS. An  
23 employer may, after January 1, issue contracts for the following  
24 school year to employees regularly qualified in accordance with the  
25 regulations of the department. The contract for a superintendent who  
26 has served as superintendent in the district for less than two years  
27 may not exceed one school year. The contract for a superintendent who  
28 has served as superintendent in the district for at least two years  
29 may be for more than one school year but may not exceed three

1 consecutive school years.

2 \* Sec. 4. AS 14.20.115 is repealed June 30, 1992.  
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Original sponsors: Josephson and Kelly

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

2 CS FOR SENATE BILL NO. 135 (HESS)  
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 school  
7 administrators and teachers."

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 or school administrators; 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 AND ADMINIS-  
18 TRATORS. (a) An employer may not recruit or hire a teacher or admin-  
19 istrator who is not a state resident unless the employer certifies to  
20 the commissioner of education and the commissioner approves the re-  
21 cruitment or hiring after finding that

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

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

29 (3) the district has made a bona fide effort to fill the  
S

1 position with a state resident.

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

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

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

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

15 (3) was not offered the position.

16 (d) A bargaining organization may bring suit on behalf of a  
17 resident teacher or administrator who is qualified to bring an indi-  
18 vidual suit under (c) of this section.

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

21 \* Sec. 3. AS 14.20.130 is amended to read:

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

28 \* Sec. 4. AS 14.20.115 is repealed June 30, 1992.

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  
S

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.

# STATE OF ALASKA 1987 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : \_\_\_\_\_

**REQUEST**

Bill/Resolution No. : CS SB 135 (HESS)  
 Title : "An Act limiting recruitment  
 and employment of school administrators  
 and teachers."  
 Sponsor : \_\_\_\_\_  
 Requestor : \_\_\_\_\_  
 Date of Request : \_\_\_\_\_

**FISCAL DETAIL**

Agency Affected : CSSBMT HESS  
 BRU : 3-16-87  
 \_\_\_\_\_  
 Components : \_\_\_\_\_  
 \_\_\_\_\_

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE						
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**FUNDING : (Thousands of Dollars)**

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**POSITIONS :**

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

**ANALYSIS :** Attach a separate page if necessary

Prepared by : Senate HESS Phone : 465-3762  
 Division : \_\_\_\_\_ Date : 3/13/87

Approved by Commissioner : Senora G. Frank Date : \_\_\_\_\_  
 Agency : \_\_\_\_\_

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

ALASKA STATE LEGISLATURE

... 15TH Legislature 1ST... Session

SENATE BILL..... NO. 135...

By JOSEPHSON, KELLY.....

"An Act limiting recruitment and employment of teachers who are not residents of the state."

Introduced in the Senate ..2/18.., 1987.

HISTORY IN THE SENATE

1987

Read first time and referred to Committee on

2 18

HESS AND JUDICIARY

3 16

Reported back with recommendation that *Hess replace w/CS, new title, 3 do pass, 3000 fiscal, to Judiciary. Sub. replace w/CS (and) rec'd title, 5 to pass & rules forwarded*

4 3

Read second time and

4 10

Read third time and

PASS Effective Date  
Yeas Yeas  
Nays Nays  
Absent Absent  
Excused Excused

Reconsideration

PASS Effective Date  
Yeas Yeas  
Nays Nays  
Absent Absent  
Excused Excused

Reported correctly engrossed  
Signed by President  
Sent to House

SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19

Read first time and referred to Committee on

Reported back with recommendation that

Read second time and

Read third time and

PASS Effective Date  
Yeas Yeas  
Nays Nays  
Absent Absent  
Excused Excused

Reconsideration

PASS Effective Date  
Yeas Yeas  
Nays Nays  
Absent Absent  
Excused Excused

Reported correctly engrossed  
Signed by Speaker  
Returned to Senate

CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19

Received from House

To enrolling

Reported correctly enrolled

Sent to Governor

..... by Governor

Filed with Lt. Governor

Chapter No. ....

RECEIVED MAR 2 1988

5-0558X ✓  
Cramer  
3/2/88

Original sponsors: Josephson and Kelly

1 IN THE SENATE BY THE FINANCE COMMITTEE

2 CS FOR SENATE BILL NO. 135 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act limiting recruitment and employment of school  
7 administrators and teachers."

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 or school administrators; 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 AND ADMINIS-  
18 TRATORS. (a) An employer may not recruit or hire a teacher or admin-  
19 istrator who is not a state resident unless the employer certifies to  
20 the commissioner of education and the commissioner approves the re-  
21 cruitment or hiring after

22 (1) finding that

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

26 (B) either no state residents have applied for the  
27 position or if a state resident has applied for the position, the  
28 applicant does not have the certification and particular skills  
29 necessary for that position; and

1 (C) the district has made a bona fide effort to fill  
2 the position with a state resident; or

3 (2) finding that the district is facing an unexpected  
4 emergency because

5 (A) a teacher has unexpectedly resigned, departed  
6 during the school year, or requested to be released from contrac-  
7 tual obligations during the school year; and

8 (B) the employer does not know of a qualified state  
9 resident who is available to fill the vacancy.

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

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

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

21 (2) is qualified to perform the particular duties and  
22 possesses the particular skills necessary for the position; and

23 (3) was not offered the position.

24 (d) A bargaining organization may bring suit on behalf of a  
25 resident teacher or administrator who is qualified to bring an indi-  
26 vidual suit under (c) of this section.

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

29 \* Sec. 3. AS 14.20.130 is amended to read:

1           Sec. 14.20.130. EMPLOYMENT OF TEACHERS AND ADMINISTRATORS. An  
2 employer may, after January 1, issue contracts for the following  
3 school year to employees regularly qualified in accordance with the  
4 regulations of the department. The contract for a superintendent who  
5 has served as superintendent in the district for less than two years  
6 may not exceed one school year. The contract for a superintendent who  
7 has served as superintendent in the district for at least two years  
8 may be for more than one school year but may not exceed three consecu-  
9 tive school years.

10 \* Sec. 4. AS 14.20.115 is repealed June 30, 1992.

**FISCAL NOTE**

**REQUEST:**

Revision Date: \_\_\_\_\_ Agency Affected: Dept. of Education  
 Title: Act limiting recruitment and employment of administrators and teachers BRU: \_\_\_\_\_  
 Sponsor: Josephson and Kelly Components: \_\_\_\_\_  
 Requestor: Senate Finance Committee

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

CAPITAL						
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REVENUE						
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**FUNDING: (Thousands of Dollars)**

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**POSITIONS:**

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: \_\_\_\_\_ Phone: 465-4958  
 Division: Senator Rick Halford, Co-chairman Date: March 4, 1988  
Senate Finance Committee

Approved by Commissioner: \_\_\_\_\_ Date: \_\_\_\_\_  
 Agency: \_\_\_\_\_

Distribution (by preparer):  
 Legislative Finance  
 Legislative Sponsor  
 Requestor  
 Office of Management and Budget  
 Impacted Agency(ies)

**FISCAL NOTE**

**REQUEST:**

Revision Date: \_\_\_\_\_  
Title: recruitment and employment  
of administrators and teachers  
Sponsor: Josephson  
Requestor: Senate Finance

Agency Affected: Education  
BRU: \_\_\_\_\_  
Components: \_\_\_\_\_

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>		0	0	0	0	0

<b>CAPITAL</b>						
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<b>REVENUE</b>						
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**FUNDING: (Thousands of Dollars)**

GENERAL FUND		0	0	0	0	0
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS : (Attach a separate page if necessary)**

The bill has no fiscal impact on this department.

Prepared by: Steve Hole  
Division: Commissioner's Office

Phone: 465-2800  
Date: 2-19-88

Approved by Commissioner: William G. Demmert  
Agency: Department of Education

Date: 2-19-88

**Distribution (by preparer):**

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

**RECEIVED**  
FEB 23 1988

LEGISLATIVE FINANCE

**STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE**

**REQUEST:** \_\_\_\_\_

Bill Version: SB-135  
Publish Date: \_\_\_\_\_

Revision Date: \_\_\_\_\_  
Title: ...limiting recruitment and  
employment of teachers...  
Sponsor: Senator Josephson  
Requestor: Senate HESS

Agency Affected: Education  
BRU: \_\_\_\_\_  
Components: \_\_\_\_\_

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>		0	0	0	0	0
<b>CAPITAL</b>						
<b>REVENUE</b>						

**FUNDING: (Thousands of Dollars)**

GENERAL FUND		0	0	0	0	0
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS :** (Attach a separate page if necessary)

The bill has no fiscal impact on this department.

Prepared by: Steve Hole *Steve Hole*  
Division: Commissioner's Office

Phone: 465-2800  
Date: March 13, 1987

Approved by Commissioner: for Marshall L. Lind  
Agency: Education

Date: March 13, 1987

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary

**RECEIVED**  
MAR 16 1987

LEGISLATIVE FINANCE



*Stina → Valerie*

Administrative  
& Support Offices  
P.O. Box 00309  
Nenana, Alaska 99760

Fred L. Lau  
Superintendent  
(907) 832-5594

March 11, 1988

Senator Johne Binkley  
Senate  
P.O. Box V  
Juneau, Alaska 99811

Dear Senator Binkley,

Please accept this letter in opposition to CSSB 135. Specifically we are opposed for the following reasons:

1. The bill makes the assumption that if a resident teacher holds a certificate and meets the "paper" qualifications for a position that they are in fact capable of doing a good job in the classroom. The fact is, there are many Alaska residents who hold certificates and who have "particular skills" on paper for a position but have in fact been non-retained or dismissed by another district for incompetence. Are we to go to court everytime an incompetent Alaska resident teacher is rejected by a district. I think so because it places the burden of proof on the district and allows a bargaining organization to bring suit even if the individual teacher does not want to.
2. There is no way to determine if a teacher possesses the "particular skills necessary" short of going to court each time and allowing the court to decide. A very costly and time consuming approach. Perhaps we could just have the courts screen all applicants up front and save us the time and money for individual law suits.
3. The cost involved in advertising in a "newspaper published in each judicial district in the state" at least once a week for four weeks is very costly. Because qualifications are normally also listed in an advertisement, ads can run up to \$300 per posting.
4. Limiting the right of the local School Board to determine the length of the Superintendents Contract until that person has been in the district for two years definitely takes away the Boards local control.

*back up  
SB 135*

From my standpoint, this is definitely a union directed piece of legislation with only one purpose in mind, that of employing union members whether or not they are qualified. My job as a School Superintendent is to hire the most qualified teachers I can find whether they are residents or non-residents. Initially our efforts are directed at the resident population and we will continue to do this, but our hands should not be tied to just this pool of teachers. Without the leeway to search everywhere we would be doing a disservice to our children.

Thank you for considering my comments.

Sincerely,

A handwritten signature in cursive script, appearing to read "Fred L. Lau".

Fred L. Lau  
Superintendent

FLL/clh



# EDITAROD

**Area School District**

RECEIVED MAR 14 1988

*Jina → Valerie*

POST OFFICE BOX 90 - McGRATH, ALASKA 99627- (907)524-3033

March 11, 1988

Senator John Binkley, Co-Chairman  
Senate Finance Committee  
P. O. Box V  
Juneau, Alaska 99811

Dear Senator Binkley:

S.B. 135 will soon be under consideration by your committee and we would like to express our opposition to this proposed legislation.

We do not oppose the practice of recruiting and hiring Alaska teachers and administrators. The Iditarod Area School District has always attempted to hire Alaskans and has given a preference for Alaska rural teaching experience.

What we do oppose is legislation intended to solve a problem (if there really is one) that could be resolved by some other method other than placing an additional administrative burden on school districts. Our district has developed hiring procedures and an Affirmative Action Plan that must be followed. We would also be agreeable to adopting written policies that were approved by the Commissioner or State Board of Education on preferential hiring.

We also question how serious the problem really is since we do not have a surplus of teachers in rural Alaska, and we rarely have applicants for our position openings from Anchorage or other urban centers. We honestly believe that if a qualified teacher with good references wanted a teaching position and was willing to move to a small community in rural Alaska without all of the amenities of urban life, they would have no problem finding one.

Are some of the unemployed teachers and administrators S.B. 135 would assist people who would otherwise not be hired because they lack the teaching excellence that we look for in our applicants? We don't look forward to being required by law to hire a person just because they are an Alaska resident with a teaching certificate. It would be a good bill for attorneys and I am sure there will be a lot of lawsuits.

Respectfully Yours,



Terry Chase  
Admin. Assistant/  
Facilities Coordinator



Sarah Hanuske-Hamilton  
Superintendent



# IDITAROD Area School District

POST OFFICE BOX 90 - McGRATH, ALASKA 99627- (907)524-303:

May 20, 1987

## POSITION OPENINGS

### POSITIONS:

Special Education Teacher - Grayling, Holy Cross, McGrath, Shageluk  
Elementary Teacher (primary grades) - Nikolai, McGrath, Shageluk  
Elementary Teacher - Holy Cross  
Upper Elementary Teacher - McGrath  
Secondary Teacher - Generalist - Shageluk  
Secondary Teacher - Language Arts - Holy Cross  
Principal-Teacher/Secondary - Takotna  
Voc. Ed./Generalist - Holy Cross

### LOCATION:

As indicated above.

### QUALIFICATIONS:

Type A Teacher's Certificate; requires past successful teaching experience; Alaska rural teaching experience preferred. Administrative coursework and experience preferred on principal-teacher opening.

### LENGTH OF CONTRACT:

190 day contract for new employees.

### SALARY:

\$28,300 to \$53,771 depending upon experience and education. Salary schedule pending ratification by Iditarod Education Association and IASD Board.

### CLOSING DATE:

June 1, 1987

### SELECTION:

June 19, 1987

### APPLY TO:

Submit a letter of intent and resume to Isabelle Harrington, Personnel Officer, Iditarod Area School District, Box 90, McGrath, Alaska 99627. Please do not call.

All finalists will be interviewed by IASD administrators and/or members of the appropriate Advisory School Board.

Persons who have previously applied for positions with IASD should verify their application is on file.

APPLICATIONS FROM MINORITIES ARE ENCOURAGED  
IASD IS AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER

For Use as an  
Administrative Guideline  
by those specifically <sup>designated</sup> ~~selected~~ to help  
HIRING PROCEDURES  
in IASD personnel selection matters.

\* Notification of position openings and notification of the possibility of new positions being available will be set to district staff. Qualified tenured staff will be offered the opportunity to interview prior to advertizing out of district. Qualified non-tenured staff will be offered the same opportunity following the tenured staff. Should qualified district staff be selected for positions, these positions will not be advertized out of district.

Position openings and/or new positions will be identified no later than one month following the issue of intent to contract forms to the professional staff. The superintendent may delegate the development of job descriptions in conformance with district standards and requirements.

New positions may be recommended during the school year, however, most of the professional position needs should be identified in the spring of the year prior to the year of employment.

\* Position openings which occur during the year due to the resignation of a district employee may be filled using applications which have been solicited and screened by the district during the annual recruitment period. These applicants will meet the district's hiring requirements and affirmative action requirements.

2. New positions will be submitted to the IASD School Board for approval. The Board will review the job descriptions for new positions following a personnel office review to assure that the job description meets district, state and federal requirements.
3. Following Board approval, appropriate job descriptions and notification of position openings will be sent to the personnel office by the program coordinator.
4. Criteria for selecting applicants and the screening procedure for each position will be established prior to advertizing the position. Criteria and procedures for screening applications will include the following:
  - a. Initial application criteria and screening
  - b. Phone and reference check
  - c. Interview criteria and process
  - d. Second screening process
  - e. Affirmative action recommendation

5. Personnel office staff will develop the job vacancy announcement using the job description, district requirements/format, and, as appropriate, local needs and requirements.
6. The personnel office will advertize all position vacancies as required by the district and state agencies. All certified positions will be advertized a minimum of ten (10) working days.

\* { Items that must be listed in the vacancy announcement must include the following: date notice was posted or advertized, position opening, qualifications of the position, salary, closing date, contact person and the following statement: IASD IS AN EQUAL OPPORTUNITY-AFFIRMATIVE ACTION EMPLOYER. If in a particular field where the percentage of minorities or women are deficient, the following phrase needs to be added: APPLICATIONS FROM MINORITIES AND WOMEN ARE ENCOURAGED.

\* { Positions that are advertized out-of-district should be sent to a Bethel, Fairbanks, and Anchorage newspaper for advertizing along with agencies that are specified in the Affirmative Action plan. *All in Alaska*

District profile and application will be mailed to applicants.

7. All applications will be filed in the personnel office. Personnel staff will collect the applications and establish files for applicants up to the closing date. All applications received prior to the initial screening will be considered. Unsolicited applications or inquiries will not be considered.

The Superintendent will delegate the job of screening applicants to the appropriate staff members.

8. Applications will be screened for the minimum requirements based on the job description. Applicants that do not meet the minimum requirements will be eliminated and will be sent written notification. If none of the applicants meet the minimum requirements, readvertize. Applicants will then be selected based on the specific needs for the job based on local requests.
9. Applicants who have been selected for the second screening stage will be contacted to assure their current job status and interest in the position.

Applicants' references will be checked using the job position criteria and telephone interviews will be conducted with the applicants using questions based on the job position

criteria. Applicants may be eliminated based on an unsatisfactory reference check. When this occurs, the applicant will be eliminated and will be sent a letter of notification.

\* { Following the telephone interview which is to be conducted by two to three staff members, applicants will be selected for on-site interviews or will be eliminated from consideration based on the interview criteria. If an applicant is eliminated she/he will receive a letter of notification. If none of the applicants meet the minimum requirements, readvertise. Written notification will be mailed to applicants from the personnel office.

10. { On-site interviews will be scheduled with the finalists for positions. If an on-site interview cannot be arranged, the selection committee may offer an applicant the opportunity for a telephone conference interview.

\* { *Advisory School Board*  
Persons applying for teaching positions will interview with the local ~~CSE~~ and a district staff member. Interview questions will be based on the job position criteria. *ASBS*  
~~CSE's~~ may add local requirements based on the needs of the school. These requirements will be included in the job announcement and will be considered during the screening process.

Persons applying for central office or district level positions will interview with a selection committee of at least three people. The selection committee may include the Superintendent or designee, a Board member, a teacher, a member of one of the District's communities and members of the central office staff. The supervisor for the position under consideration will act as chairperson for the selection committee unless otherwise selected by the Superintendent.

11. { \* The selection committee will make a recommendation for hire based on the applicants on-site interview, the applicant's qualifications and the district's affirmative action goals. If applicants are equally qualified, the selection will be made based on the district's affirmative action goals.

12. The applicant selected for the position will be contacted and offered a contract. Following acceptance, the other finalists will be sent written notification. Should the applicant decline the contract, the other finalists will be considered for the position.

13. The applicant selected will be issued a contract within five days of acceptance of the position.

14. The applicant will be contacted for any other information needed by the personnel office.

15. The returned, signed contract will be presented to the Board for approval. Recommendations for hire will be accompanied by completed application forms, transcripts of college credits, teacher placement files, reference forms and other supportive documents.



# NEA-ALASKA

AFFILIATED WITH THE NATIONAL EDUCATION ASSOCIATION

## ANCHORAGE REGIONAL OFFICE

1411 W 33RD AVENUE  
ANCHORAGE, ALASKA 99503  
(907) 274-0536

## JUNEAU OFFICE

105 MUNICIPAL WAY, SUITE 302  
JUNEAU, ALASKA 99801  
(907) 586-3090

## FAIRBANKS REGIONAL OFFICE

2118 CUSHMAN STREET  
FAIRBANKS, ALASKA 99701  
(907) 456-4435

February 26, 1988

To: Senators Halford & Binkely, Co-Chairs  
Members, Senate Finance Committee

Re: SB 135; "An Act limiting recruitment and  
employment of school administrators  
and teachers."

NEA-Alaska supports and encourages passage of CS for SB 135 (Judiciary) including the proposed amendments and changes as suggested by Senator Josephson.

It is our opinion that this kind of legislation is an affirmative statement about the need for and importance of certificated Alaskans being afforded the opportunity to be employed in our public schools.

The burden on employers to make a good faith effort in their job recruitment procedures is most reasonable. Further, this legislation does not preclude from hiring outside the state when it can be demonstrated qualified state residents are either not available or not interested in a particular position.

Local autonomy and prerogative should not be devoid of responsibility and accountability.

It is also our opinion that this legislation will bring increased emphasis and focus to the need to emphasize teaching as an attractive career option for our youth and to enhance the quality and opportunity within our teacher preparation programs.

While the Placement Service of the University does a commendable job in its effort to assist both employers and employees, it is appropriate that there be other means of advertisement and access to information relative to job vacancies.

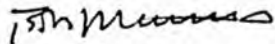
On occasion, members have expressed concern to us about the cost of the University service, its convenience relative to having to go to Fairbanks on occasion for certain

interviews, whether or not their credentials were being forwarded to all school districts with openings in the areas of their certification, and whether or not they were receiving complete information from the Placement Service on available positions.

The publication and notice requirements of this legislation would serve to diminish some of these concerns and increase the awareness relative to the vacancies as they exist.

Thank you for your consideration of our concerns.

Respectfully submitted,



Bob Manners  
Executive Secretary

cc: Senator Josephson, Senator Kelly

z25feb2

# ALASKA STATE SENATE

JOE P. JOSEPHSON  
DISTRICT H ANCHORAGE  
3111 C STREET, SUITE 550  
ANCHORAGE, ALASKA 99503  
(907) 561-7611



WHILE IN JUNEAU  
P.O. BOX V  
JUNEAU, ALASKA 99811  
(907) 465-4525

February 25, 1988  
Senate Finance

## CS SB 135 (Jud): -- Limiting Hire of Nonresident Teachers

### What would CSSB 135 do?:

- Nonresident teachers or administrators could not be recruited or hired unless the three criteria set out in Section 2 were satisfied.
- Evidence that the three criteria have been met would have to be presented to the Commissioner of Education, requiring approval prior to nonresident recruitment/hire.
- State residents temporarily living outside the State could be recruited/hired.
- Standards are set forth by which an aggrieved teacher/administrator would bring suit to prevent nonresident hire.
- Standing is given to a bargaining unit to bring suit on behalf of a resident teacher/administrator.
- School districts bear the burden of compliance with this law.
- In renewing contracts for superintendents, limitations would be placed on the length of renewal contracts, based on tenure.

### Financial impact:

- Department of Education has submitted a zero fiscal note.
- Regarding the potential burden this bill would place on school districts having to show compliance in any nonresident hire, it seems appropriate to assign that burden to school districts. For a district in good faith, the financial burden is virtually nil; indeed, a district will save money otherwise spent on outside recruitment travel.

RECEIVED MAR 1 1988



ALASKA ASSOCIATION OF ELEMENTARY SCHOOL PRINCIPALS  
ALASKA ASSOCIATION OF SECONDARY SCHOOL PRINCIPALS  
ALASKA ASSOCIATION OF SCHOOL ADMINISTRATORS

• ALASKA COUNCIL OF SCHOOL ADMINISTRATORS •  
328 Fourth St., Suite #211 Juneau, Alaska 99801 586-9702

February 26, 1988

The Honorable Rick Halford  
Co-Chairman Senate Finance Committee  
Pouch V  
Juneau, AK 99811

RE: SB 135 Alaska Teacher Hire

Dear Senator Halford:

The Alaskan Council of School Administrators opposes SB135 for the following reasons:

- (a) As the superintendent from the North Slope Borough testified, it is already a standard practice for the large majority of districts to hire Alaskans.
- (b) Of the 615 vacancies listed for the 1987-88 school year 484 (79%) employed were residents of Alaska.
- (c) In this time of teacher shortage, there has been a 40% drop in placement candidates at the Alaskan Teacher Placement Center.
- (d) SB 135 does not allow the protection to districts to carry out their responsibility of hiring the most qualified candidate without threat of litigation by an individual or union.
- (e) Districts are already strapped with the due process of law, and tenure when dealing with an incompetent teacher. They should have some protection in the hiring practices to determine competence or incompetence of a certified teacher regardless of residence.

In summary, school districts must be allowed, without restriction, to use their judgement to hire the most qualified teacher to fill every classroom in the State.

Sincerely,

Stephen T. McPhetres  
Executive Director

STM:clc

cc: Members of Senate Finance Committee