

SB

135

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

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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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 : CS SB 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 | | | | | | |
| TOTAL OPERATING | 0 | 0 | 0 | 0 | 0 | 0 |

| | | | | | | |
|---------|---|---|---|---|---|---|
| CAPITAL | 0 | 0 | 0 | 0 | 0 | 0 |
|---------|---|---|---|---|---|---|

| | | | | | | |
|---------|--|--|--|--|--|--|
| REVENUE | | | | | | |
|---------|--|--|--|--|--|--|

FUNDING : (Thousands of Dollars)

| | | | | | | |
|---------------|---|---|---|---|---|---|
| GENERAL FUND | 0 | 0 | 0 | 0 | 0 | 0 |
| FEDERAL FUNDS | | | | | | |
| OTHER | | | | | | |
| TOTAL | | | | | | |

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~~ : Senator G. Finkle Date : _____
 Agency : _____

Distribution (by Agency preparing fiscal note):

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



NEA-ALASKA

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March 10, 1987

To: Senator Paul Fischer, Chair
Members, Senate HESS Committee

Re: Senate Bill No. 135; "An Act limiting recruitment and employment of teachers who are not residents of the State."

NEA-Alaska supports the concepts contained in SB 135. We do make some suggestions for change to the proposed legislation.

As a result of declining revenues, school districts are looking closely at personnel cost containment as a means of reducing overall expenses. This may lead to reductions in the employee work force beyond that which can be achieved by natural attrition.

As the number of unemployed certificated teachers increases it is appropriate that employers be required to utilize the pool of teachers who have been non-retained for reasons other than cause before being permitted to recruit and hire through customary and regular procedures and from outside.

Further, we encourage the Committee to expand the purpose and intent as stated in Section 2 at line 16, page 1, by making the legislation applicable to nonresident administrators as well as teachers.

Finally, at line 26, page 1, we propose that the term "certification" be substituted for the words "particular skills necessary."

Thank you for your consideration.

Respectfully submitted,

Robert Manners
Executive Secretary

BM48/dl