

EXEMPT
(REPRINTED WITH ADOPTED AMENDMENTS)
FIRST REPRINT

A.B. 348

ASSEMBLY BILL NO. 348—ASSEMBLYMEN MCCLAIN, BUCKLEY, CARPENTER, DE BRAGA, SEGERBLUM, BERMAN, DINI, MANENDO, WILLIAMS, LEE, THOMAS, PRICE, OHRENSCHALL, GIBBONS, VON TOBEL, COLLINS, PARKS, KOIVISTO, ARBERRY, GIUNCHIGLIANI, FREEMAN, CHOWNING, ANDERSON, GUSTAVSON, LESLIE, CLABORN, BEERS, NOLAN, BROWER, HETTRICK, HUMKE, PERKINS, EVANS, PARNELL, MORTENSON, BACHE, CEGAVSKE, NEIGHBORS, GOLDWATER, MARVEL, TIFFANY AND ANGLE

MARCH 1, 1999

JOINT SPONSORS: SENATORS PORTER, TITUS, O'CONNELL, WASHINGTON, WIENER, AMODEI, CARE, CARLTON, COFFIN, JACOBSEN, JAMES, MATHEWS, MCGINNESS, NEAL, O'DONNELL, RAGGIO, RAWSON, RHOADS, SCHNEIDER, SHAFFER AND TOWNSEND

Referred to Concurrent Committees on Education
and Ways and Means

SUMMARY—Revises provisions governing compensation of certain employees of charter schools.
(BDR 34-1410)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: Contains Appropriation not included in
Executive Budget.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~from omitted material~~ is material to be omitted.

AN ACT relating to charter schools; revising provisions governing the compensation of certain employees of charter schools; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE
AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** NRS 386.595 is hereby amended to read as follows:
- 2 386.595 1. Except as otherwise provided in this subsection and
- 3 ~~{subsection 2,}~~ ***subsections 2 and 3,*** the provisions of the collective
- 4 bargaining agreement entered into by the board of trustees of the school

1 district in which the charter school is located apply to the terms and
2 conditions of employment of employees of the charter school. If a written
3 charter is renewed, the employees of the charter school may, at the time of
4 renewal, apply for recognition as a bargaining unit pursuant to NRS
5 288.160.

6 2. *A charter school is exempt from the specific provisions of the
7 collective bargaining agreement that controls the:*

8 (a) *Times of day that a teacher may work;*

9 (b) *Number of hours that a teacher may work in 1 day;*

10 (c) *Number of hours and days that a teacher may work in 1 week; and*

11 (d) *Number of hours and days that a teacher may work in 1 year.*

12 *If a teacher works more than the number of hours or days prescribed in
13 the collective bargaining agreement, the teacher must be compensated
14 for the additional hours or days in an amount calculated by prorating the
15 salary for the teacher that is set forth in the collective bargaining
16 agreement.*

17 3. A teacher or a governing body of a charter school may request that
18 the board of trustees of the school district and other persons who entered
19 into the collective bargaining agreement grant a waiver from specific
20 provisions of the collective bargaining agreement for the teacher or
21 governing body.

22 ~~13.1~~ 4. All employees of a charter school shall be deemed public
23 employees.

24 ~~14.1~~ 5. The governing body of a charter school may make all
25 employment decisions with regard to its employees pursuant to NRS
26 391.311 to 391.3197, inclusive, unless the applicable collective bargaining
27 agreement contains separate provisions relating to the discipline of licensed
28 employees of a school.

29 ~~15.1~~ 6. If the written charter of a charter school is revoked, the
30 employees of the charter school must be reassigned to employment within
31 the school district in accordance with the collective bargaining agreement.

32 ~~16.1~~ 7. The board of trustees of a school district that is a sponsor of a
33 charter school shall grant a leave of absence, not to exceed 6 years, to any
34 employee who is employed by the board of trustees who requests such a
35 leave of absence to accept employment with the charter school. After the
36 first school year in which an employee is on a leave of absence, he may
37 return to his former teaching position with the board of trustees. After the
38 third school year, an employee who is on a leave of absence may submit a
39 written request to the board of trustees to return to a comparable teaching
40 position with the board of trustees. After the sixth school year, an employee
41 shall either submit a written request to return to a comparable teaching
42 position or resign from the position for which his leave was granted. The
43 board of trustees shall grant a written request to return to a comparable

1 position pursuant to this subsection even if the return of the employee
2 requires the board of trustees to reduce the existing work force of the
3 school district. The board of trustees may require that a request to return to
4 a teaching position submitted pursuant to this subsection be submitted at
5 least 90 days before the employee would otherwise be required to report to
6 duty.

7 ~~17.1~~ 8. An employee who is on a leave of absence from a school
8 district pursuant to this section shall contribute to and be eligible for all
9 benefits for which he would otherwise be entitled, including, without
10 limitation, participation in the public employees' retirement system and
11 accrual of time for the purposes of leave and retirement. The time during
12 which such an employee is on leave of absence and employed in a charter
13 school does not count toward the acquisition of permanent status with the
14 school district.

15 ~~18.1~~ 9. Upon the return of a teacher to employment in the school
16 district, he is entitled to the same level of retirement, salary and any other
17 benefits to which he would otherwise be entitled if he had not taken a leave
18 of absence to teach in a charter school.

19 ~~19.1~~ 10. An employee of a charter school who is not on a leave of
20 absence from a school district is eligible for all benefits for which he would
21 be eligible for employment in a public school, including, without limitation,
22 participation in the public employees' retirement system.

23 ~~110.1~~ 11. For all employees of a charter school:

24 (a) The compensation that a teacher or other school employee would
25 have received if he were employed by the school district must be used to
26 determine the appropriate levels of contribution required of the employee
27 and employer for purposes of the public employees' retirement system.

28 (b) The compensation that is paid to a teacher or other school employee
29 that exceeds the compensation that he would have received if he were
30 employed by the school district must not be included for the purposes of
31 calculating future retirement benefits of the employee.

32 **Sec. 2.** This act becomes effective on July 1, 1999.