

SENATE BILL NO. 243—COMMITTEE ON HUMAN
RESOURCES AND FACILITIES

(ON BEHALF OF CLARK COUNTY SCHOOL DISTRICT)

FEBRUARY 26, 2001

Referred to Committee on Human Resources and Facilities

SUMMARY—Makes various changes concerning charter schools. (BDR 34-348)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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

AN ACT relating to public schools; revising provisions governing the reemployment of employees of a charter school by a school district; providing that a certain percentage of the apportionment to a charter school from the state distributive school account must be set aside and paid to the school district that sponsors the charter school for certain administrative costs; 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 subsections 2 and 3, the provisions of the collective bargaining agreement
4 entered into by the board of trustees of the school district in which the
5 charter school is located apply to the terms and conditions of employment
6 of employees of the charter school. If a written charter is renewed, the
7 employees of the charter school may, at the time of renewal, apply for
8 recognition as a bargaining unit pursuant to NRS 288.160.
9 2. A charter school is exempt from the specific provisions of the
10 collective bargaining agreement that controls the:
11 (a) Periods of preparation time for teachers, provided that the charter
12 school allows at least the same amount of time for preparation as the
13 school district;
14 (b) Times of day that a teacher may work;
15 (c) Number of hours that a teacher may work in 1 day;
16 (d) Number of hours and days that a teacher may work in 1 week; and
17 (e) Number of hours and days that a teacher may work in 1 year.



1 If a teacher works more than the number of hours or days prescribed in the
2 collective bargaining agreement, the teacher must be compensated for the
3 additional hours or days in an amount calculated by prorating the salary for
4 the teacher that is set forth in the collective bargaining agreement.

5 3. A teacher or a governing body of a charter school may request that
6 the board of trustees of the school district and other persons who entered
7 into the collective bargaining agreement grant a waiver from specific
8 provisions of the collective bargaining agreement for the teacher or
9 governing body.

10 4. All employees of a charter school shall be deemed public
11 employees.

12 5. The governing body of a charter school may make all employment
13 decisions with regard to its employees pursuant to NRS 391.311 to
14 391.3197, inclusive, unless the applicable collective bargaining agreement
15 contains separate provisions relating to the discipline of licensed
16 employees of a school.

17 6. ~~HH~~ *Except as otherwise provided in this subsection, if* the written
18 charter of a charter school is revoked ~~HH~~ *or if a charter school ceases to*
19 *operate as a charter school*, the employees of the charter school must be
20 reassigned to employment within the school district in accordance with the
21 collective bargaining agreement. *A school district shall, as soon as*
22 *practicable, reassign a teacher pursuant to this subsection if a position is*
23 *available for which the teacher is appropriately licensed, regardless of*
24 *whether the teacher requests the reassignment at the beginning of the*
25 *contract year for the school district or during the school year. A school*
26 *district is not required to reassign an employee of a charter school*
27 *pursuant to this subsection if the employee:*

28 (a) *Was not granted a leave of absence by the school district to teach*
29 *at the charter school pursuant to subsection 7; or*

30 (b) *Was granted a leave of absence by the school district and did not*
31 *submit a written request to return to employment with the school district*
32 *in accordance with subsection 7.*

33 7. The board of trustees of a school district that is a sponsor of a
34 charter school shall grant a leave of absence, not to exceed 6 years, to any
35 employee who is employed by the board of trustees who requests such a
36 leave of absence to accept employment with the charter school. ~~After the~~
37 ~~first school year in which an employee is on a leave of absence, he may~~
38 ~~return to his former teaching position with the board of trustees. After the~~
39 ~~third school year, an~~ *An* employee who is on a leave of absence *to teach*
40 *in a charter school* may submit a written request to the board of trustees *of*
41 *the school district that sponsors the charter school* to return to a
42 comparable teaching position *for which he is qualified* with the board of
43 trustees. After the sixth school year, an employee shall either submit a
44 written request to return to a comparable teaching position *for which he is*
45 *qualified* or resign from the position for which his leave was granted. ~~The~~
46 ~~board of trustees shall grant a written request to return to a comparable~~
47 ~~position pursuant to this subsection even if the return of the employee~~
48 ~~requires the board of trustees to reduce the existing work force of the~~
49 ~~school district.~~ The board of trustees may require that a request to return to



1 a teaching position submitted pursuant to this subsection be submitted at
2 least 90 days before the employee would otherwise be required to report to
3 duty.

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

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

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

20 11. For all employees of a charter school:

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

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

29 12. If the board of trustees of a school district in which a charter
30 school is located manages a plan of group insurance for its employees, the
31 governing body of the charter school may negotiate with the board of
32 trustees to participate in the same plan of group insurance that the board of
33 trustees offers to its employees. If the employees of the charter school
34 participate in the plan of group insurance managed by the board of trustees,
35 the governing body of the charter school shall:

36 (a) Ensure that the premiums for that insurance are paid to the board of
37 trustees; and

38 (b) Provide, upon the request of the board of trustees, all information
39 that is necessary for the board of trustees to provide the group insurance to
40 the employees of the charter school.

41 **Sec. 2.** NRS 387.124 is hereby amended to read as follows:

42 387.124 Except as otherwise provided in NRS 387.528:

43 1. On or before August 1, November 1, February 1 and May 1 of each
44 year, the superintendent of public instruction shall, except as otherwise
45 provided in subsections 2 and 3, apportion the state distributive school
46 account in the state general fund among the several county school districts
47 and charter schools in amounts approximating one-fourth of their
48 respective yearly apportionments less any amount set aside as a reserve.
49 The apportionment to a school district, computed on a yearly basis, equals



1 the difference between the basic support and the local funds available
2 pursuant to NRS 387.1235, minus all the funds attributable to pupils who
3 reside in the county but attend a charter school. *If a school district
4 sponsors a charter school, the amount of the apportionment to the school
5 district must be increased in accordance with subsection 4.* No
6 apportionment may be made to a school district if the amount of the local
7 funds exceeds the amount of basic support. The apportionment to a charter
8 school, computed on a yearly basis, is equal to the sum of the basic support
9 per pupil in the county in which the pupil resides plus the amount of local
10 funds available per pupil pursuant to NRS 387.1235 and all other funds
11 available for public schools in the county in which the pupil resides ~~+~~
12 *minus the amount set aside pursuant to subsection 4.* If the
13 apportionment per pupil to a charter school is more than the amount to be
14 apportioned to the school district in which a pupil who is enrolled in the
15 charter school resides, the school district in which the pupil resides shall
16 pay the difference directly to the charter school.

17 2. The governing body of a charter school may submit a written
18 request to the superintendent of public instruction to receive, in the first
19 year of operation of the charter school, an apportionment 30 days before
20 the apportionment is required to be made pursuant to subsection 1. Upon
21 receipt of such a request, the superintendent of public instruction may
22 make the apportionment 30 days before the apportionment is required to be
23 made. A charter school may receive all four apportionments in advance in
24 its first year of operation.

25 3. If the state controller finds that such an action is needed to maintain
26 the balance in the state general fund at a level sufficient to pay the other
27 appropriations from it, he may pay out the apportionments monthly, each
28 approximately one-twelfth of the yearly apportionment less any amount set
29 aside as a reserve. If such action is needed, the state controller shall submit
30 a report to the department of administration and the fiscal analysis division
31 of the legislative counsel bureau documenting reasons for the action.

32 4. *Each time that an apportionment is paid to a charter school
33 pursuant to this section, 3 percent of the amount of that apportionment
34 must be set aside and included in the apportionment that is paid to the
35 school district which sponsors the charter school for the administrative
36 costs associated with sponsoring the charter school.*

37 **Sec. 3.** NRS 387.1243 is hereby amended to read as follows:

38 387.1243 1. The first apportionment based on an estimated number
39 of pupils and special education program units and succeeding
40 apportionments are subject to adjustment from time to time as the need
41 therefor may appear.

42 2. The apportionments to a school district may be adjusted during a
43 fiscal year by the department of education, upon approval by the *state*
44 board of examiners and the interim finance committee, if the department of
45 taxation and the county assessor in the county in which the school district
46 is located certify to the department of education that the school district will
47 not receive the tax levied pursuant to subsection 1 of NRS 387.195 on
48 property of the Federal Government located within the county if:



1 (a) The leasehold interest, possessory interest, beneficial interest or
2 beneficial use of the property is subject to taxation pursuant to NRS
3 361.157 and 361.159 and one or more lessees or users of the property are
4 delinquent in paying the tax; and

5 (b) The total amount of tax owed but not paid for the fiscal year by any
6 such lessees and users is at least 5 percent of the proceeds that the school
7 district would have received from the tax levied pursuant to subsection 1 of
8 NRS 387.195.

9 If a lessee or user pays the tax owed after the school district's
10 apportionment has been increased in accordance with the provisions of this
11 subsection to compensate for the tax owed, the school district shall repay to
12 the *state* distributive school account in the state general fund an amount
13 equal to the tax received from the lessee or user for the year in which the
14 school district received an increased apportionment, not to exceed the
15 increase in apportionments made to the school district pursuant to this
16 subsection.

17 3. On or before August 1 of each year, the board of trustees of a school
18 district shall provide to the department, in a format prescribed by the
19 department, the count of pupils calculated pursuant to subparagraph (6) of
20 paragraph (a) of subsection 1 of NRS 387.1233 who completed at least one
21 semester during the immediately preceding school year. The count of
22 pupils submitted to the department must be included in the final adjustment
23 computed pursuant to subsection 4.

24 4. A final adjustment for each school district and charter school must
25 be computed as soon as practicable following the close of the school year,
26 but not later than August 25. The final computation must be based upon the
27 actual counts of pupils required to be made for the computation of basic
28 support and the limits upon the support of special education programs,
29 except that for any year when the total enrollment of pupils and children in
30 a school district or a charter school located within the school district
31 described in paragraphs (a), (b), (c) and (d) of subsection 1 of NRS
32 387.123 is greater on the last day of any school month of the school district
33 after the second school month of the school district and the increase in
34 enrollment shows at least:

35 (a) A 3 percent gain, basic support as computed from first month
36 enrollment for the school district or charter school must be increased by 2
37 percent.

38 (b) A 6 percent gain, basic support as computed from first month
39 enrollment for the school district or charter school must be increased by an
40 additional 2 percent.

41 5. If the final computation of apportionment for any school district or
42 charter school exceeds the actual amount paid to the school district or
43 charter school during the school year, the additional amount due must be
44 paid before September 1. If the final computation of apportionment for any
45 school district or charter school is less than the actual amount paid to the
46 school district or charter school during the school year, the difference must
47 be repaid to the state distributive school account in the state general fund
48 by the school district or charter school before September 25. *For the*
49 *purposes of this subsection, the "actual amount paid":*



1 (a) *With respect to a charter school, shall be deemed to include the*
2 *amount set aside from the apportionment to the charter school pursuant*
3 *to subsection 4 of NRS 387.124.*

4 (b) *With respect to a school district that sponsors a charter school,*
5 *shall be deemed not to include the amount paid to the school district*
6 *pursuant to subsection 4 of NRS 387.124.*

7 **Sec. 4.** This act becomes effective on July 1, 2001.

