

Senate Bill No. 243—Committee on Human
Resources and Facilities

CHAPTER.....

AN ACT relating to public schools; revising provisions governing the reemployment of employees of a charter school by a school district; and providing other matters properly relating thereto.

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

Section 1. NRS 386.595 is hereby amended to read as follows:

386.595 1. Except as otherwise provided in this subsection and subsections 2 and 3, the provisions of the collective bargaining agreement entered into by the board of trustees of the school district in which the charter school is located apply to the terms and conditions of employment of employees of the charter school. If a written charter is renewed, the employees of the charter school may, at the time of renewal, apply for recognition as a bargaining unit pursuant to NRS 288.160.

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

(a) Periods of preparation time for teachers, provided that the charter school allows at least the same amount of time for preparation as the school district;

(b) Times of day that a teacher may work;

(c) Number of hours that a teacher may work in 1 day;

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

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

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

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

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

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

6. ~~HH~~ *Except as otherwise provided in this subsection, if* the written charter of a charter school is revoked ~~HH~~ *or if a charter school ceases to operate as a charter school*, the employees of the charter school must be reassigned to employment within the school district in accordance with the *applicable* collective bargaining agreement. *A school district is not required to reassign an employee of a charter school pursuant to this subsection if the employee:*

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

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

7. The board of trustees of a school district that is a sponsor of a charter school shall grant a leave of absence, not to exceed 6 years, to any employee who is employed by the board of trustees who requests such a leave of absence to accept employment with the charter school. After the first school year in which an employee is on a leave of absence, he may return to his former teaching position with the board of trustees. After the third school year, an employee who is on a leave of absence may submit a written request to the board of trustees to return to a comparable teaching position with the board of trustees. After the sixth school year, an employee shall either submit a written request to return to a comparable teaching position or resign from the position for which his leave was granted. The board of trustees shall grant a written request to return to a comparable position pursuant to this subsection even if the return of the employee requires the board of trustees to reduce the existing work force of the school district. The board of trustees may require that a request to return to a teaching position submitted pursuant to this subsection be submitted at least 90 days before the employee would otherwise be required to report to duty.

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

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

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

11. For all employees of a charter school:

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

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

12. If the board of trustees of a school district in which a charter school is located manages a plan of group insurance for its employees, the

governing body of the charter school may negotiate with the board of trustees to participate in the same plan of group insurance that the board of trustees offers to its employees. If the employees of the charter school participate in the plan of group insurance managed by the board of trustees, the governing body of the charter school shall:

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

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

Sec. 2. This act becomes effective on July 1, 2001.