

(REPRINTED WITH ADOPTED AMENDMENTS)
FIRST REPRINT **S.B. 243**

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.

~

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; 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.
18 If a teacher works more than the number of hours or days prescribed in the
19 collective bargaining agreement, the teacher must be compensated for the



1 additional hours or days in an amount calculated by prorating the salary for
2 the teacher that is set forth in the collective bargaining agreement.

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

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

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

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

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

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

27 7. The board of trustees of a school district that is a sponsor of a
28 charter school shall grant a leave of absence, not to exceed 6 years, to any
29 employee who is employed by the board of trustees who requests such a
30 leave of absence to accept employment with the charter school. ~~{After the~~
31 ~~first school year in which an employee is on a leave of absence, he may~~
32 ~~return to his former teaching position with the board of trustees. After the~~
33 ~~third school year, an~~ *An* employee who is on a leave of absence *to teach*
34 *in a charter school* may submit a written request to the board of trustees *of*
35 *the school district that sponsors the charter school* to return to a
36 comparable teaching position *for which he is qualified* with the board of
37 trustees. After the sixth school year, an employee shall either submit a
38 written request to return to a comparable teaching position *for which he is*
39 *qualified* or resign from the position for which his leave was granted. ~~{The~~
40 ~~board of trustees shall grant a written request to return to a comparable~~
41 ~~position pursuant to this subsection even if the return of the employee~~
42 ~~requires the board of trustees to reduce the existing work force of the~~
43 ~~school district.}~~ The board of trustees may require that a request to return to
44 a teaching position submitted pursuant to this subsection be submitted at
45 least 90 days before the employee would otherwise be required to report to
46 duty.

47 8. An employee who is on a leave of absence from a school district
48 pursuant to this section shall contribute to and be eligible for all benefits
49 for which he would otherwise be entitled, including, without limitation,



1 participation in the public employees' retirement system and accrual of
2 time for the purposes of leave and retirement. The time during which such
3 an employee is on leave of absence and employed in a charter school does
4 not count toward the acquisition of permanent status with the school
5 district.

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

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

14 11. For all employees of a charter school:

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

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

23 12. If the board of trustees of a school district in which a charter
24 school is located manages a plan of group insurance for its employees, the
25 governing body of the charter school may negotiate with the board of
26 trustees to participate in the same plan of group insurance that the board of
27 trustees offers to its employees. If the employees of the charter school
28 participate in the plan of group insurance managed by the board of trustees,
29 the governing body of the charter school shall:

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

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

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

