

(REPRINTED WITH ADOPTED AMENDMENTS)
FIRST REPRINT S.B. 399

SENATE BILL NO. 399—SENATOR CARE

MARCH 19, 2001

Referred to Committee on Human Resources and Facilities

SUMMARY—Revises provisions governing charter schools. (BDR 34-859)

FISCAL NOTE: Effect on Local Government: Yes.
 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 education; prohibiting boards of trustees of school districts and employees of school districts from soliciting or accepting gifts or money from a committee to form a charter school and the governing body, officers or employees of a charter school; revising provisions relating to the employment of teachers of a charter school; revising other provisions relating to charter schools; providing a penalty; 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.** Chapter 386 of NRS is hereby amended by adding thereto a
2 new section to read as follows:

3 1. *Unless otherwise authorized by specific statute, it is unlawful for a*
4 *member of the board of trustees of a school district or an employee of a*
5 *school district to solicit or accept any gift or payment of money on his*
6 *own behalf or on behalf of the school district or for any other purpose*
7 *from a member of a committee to form a charter school, the governing*
8 *body of a charter school, or any officer or employee of a charter school.*

9 2. *This section does not prohibit the payment of a salary or other*
10 *compensation or income to a member of the board of trustees or an*
11 *employee of a school district for services provided in accordance with a*
12 *contract made pursuant to NRS 386.560.*

13 3. *A person who violates subsection 1 shall be punished for a*
14 *misdemeanor.*

15 **Secs. 2-6.** (Deleted by amendment.)

16 **Sec. 7.** NRS 386.590 is hereby amended to read as follows:

17 386.590 1. Except as otherwise provided in this subsection, at least
18 70 percent of the teachers who provide instruction at a charter school must
19 be licensed teachers. If a charter school is a vocational school, the charter
20 school shall, to the extent practicable, ensure that at least 70 percent of the
21 teachers who provide instruction at the school are licensed teachers, but in



1 no event may more than 50 percent of the teachers who provide instruction
2 at the school be unlicensed teachers.

3 2. A governing body of a charter school shall employ:

4 (a) If the charter school offers instruction in kindergarten or grade 1, 2,
5 3, 4 or 5, a licensed teacher to teach pupils who are enrolled in those
6 grades.

7 (b) If the charter school offers instruction in grade 6, 7, 8, 9, 10, 11 or
8 12, a licensed teacher to teach pupils who are enrolled in those grades for
9 the following courses of study:

10 (1) English, including reading, composition and writing;

11 (2) Mathematics;

12 (3) Science; and

13 (4) Social studies, which includes only the subjects of history,
14 geography, economics and government.

15 (c) In addition to the requirements of paragraphs (a) and (b):

16 (1) If a charter school specializes in arts and humanities, physical
17 education or health education, a licensed teacher to teach those courses of
18 study.

19 (2) If a charter school specializes in the construction industry or other
20 building industry, licensed teachers to teach courses of study relating to the
21 industry if those teachers are employed full time.

22 (3) If a charter school specializes in the construction industry or other
23 building industry and the school offers courses of study in computer
24 education, technology or business, licensed teachers to teach those courses
25 of study if those teachers are employed full time.

26 *It is unlawful for the governing body of a charter school to employ any*
27 *teacher pursuant to this subsection who is not legally qualified to teach*
28 *all the grades that the teacher is engaged to teach.*

29 3. A charter school may employ a person who is not licensed pursuant
30 to the provisions of chapter 391 of NRS to teach a course of study for
31 which a licensed teacher is not required pursuant to subsection 2 if the
32 person has:

33 (a) A degree, a license or a certificate in the field for which he is
34 employed to teach at the charter school; and

35 (b) At least 2 years of experience in that field.

36 4. A charter school may employ such administrators for the school as
37 it deems necessary. A person employed as an administrator must possess:

38 (a) A master's degree in school administration, public administration or
39 business administration; or

40 (b) If the person has at least 5 years of experience in administration, a
41 baccalaureate degree.

42 5. A charter school shall not employ a person pursuant to this section if
43 his license to teach or provide other educational services has been revoked
44 or suspended in this state or another state.

45 *6. On or before November 15 of each year, a charter school shall*
46 *submit to the department, in a form prescribed by the superintendent of*
47 *public instruction, the following information for each licensed employee*
48 *who is employed by the governing body on October 1 of that year:*

49 (a) *The amount of salary of the employee; and*



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1 *(b) The designated assignment, as that term is defined by the*
2 *department, of the employee.*

3 **Sec. 8.** (Deleted by amendment.)

4 **Sec. 9.** NRS 386.600 is hereby amended to read as follows:

5 386.600 1. On or before November 15 of each year, the governing
6 body of each charter school shall submit to the sponsor of the charter
7 school, the superintendent of public instruction, *the governor* and the
8 director of the legislative counsel bureau for transmission to the majority
9 leader of the senate and the speaker of the assembly a report that includes:

10 (a) A written description of the progress of the charter school in
11 achieving the mission and goals of the charter school set forth in its
12 application.

13 (b) For each licensed employee and nonlicensed teacher employed by
14 the charter school on October 1 of that year:

15 (1) The amount of salary of the employee; and

16 (2) The designated assignment, as that term is defined by the
17 department, of the employee.

18 (c) For each fund maintained by the charter school, including, without
19 limitation, the general fund of the charter school and any special revenue
20 fund which receives state money, the total number and salaries of licensed
21 and nonlicensed persons whose salaries are paid from the fund and who are
22 employed by the governing body in full-time positions or in part-time
23 positions added together to represent full-time positions. Information must
24 be provided for the current school year based upon the final budget of the
25 charter school, including any amendments and augmentations thereto, and
26 for the preceding school year. An employee must be categorized as filling
27 an instructional, administrative, instructional support or other position.

28 (d) The count of pupils who are enrolled in a charter school in:

29 (1) Kindergarten;

30 (2) Grades 1 to 12, inclusive; and

31 (3) Special education pursuant to NRS 388.440 to 388.520, inclusive.

32 (e) The actual expenditures of the charter school in the fiscal year
33 immediately preceding the report.

34 (f) The proposed expenditures of the charter school for the current fiscal
35 year.

36 (g) The salary schedule for licensed employees and nonlicensed
37 teachers in the current school year and a statement of whether salary
38 negotiations for the current school year have been completed. If salary
39 negotiations have not been completed at the time the salary schedule is
40 submitted, the governing body shall submit a supplemental report to the
41 superintendent of public instruction upon completion of negotiations.

42 (h) The number of employees eligible for health insurance within the
43 charter school for the current and preceding fiscal years and the amount
44 paid for health insurance for each such employee during those years.

45 (i) The rates for fringe benefits, excluding health insurance, paid by the
46 charter school for its licensed employees in the preceding and current fiscal
47 years.



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1 (j) The amount paid for extra duties, supervision of extracurricular
2 activities and supplemental pay, and the number of employees receiving
3 that pay in the preceding and current fiscal years.

4 2. On or before November 25 of each year, the superintendent of
5 public instruction shall submit to the *governor, the* department of
6 administration and the fiscal analysis division of the legislative counsel
7 bureau, in a format approved by the director of the department of
8 administration, a compilation of the reports made by each governing body
9 pursuant to subsection 1.

10 3. The superintendent of public instruction shall, in the compilation
11 required by subsection 2, reconcile the revenues and expenditures of the
12 charter schools with the apportionment received by those schools from the
13 state distributive school account for the preceding year.

14 **Secs. 10-29.** (Deleted by amendment.)

15 **Sec. 30.** NRS 391.170 is hereby amended to read as follows:

16 391.170 1. Except as otherwise provided in subsection 2, a teacher or
17 other employee for whom a license is required is not entitled to receive any
18 portion of public money for schools as compensation for services rendered
19 unless:

20 (a) He is legally employed by the board of trustees of the school district
21 *or the governing body of the charter school* in which he is teaching or
22 performing other educational functions.

23 (b) He has a license authorizing him to teach or perform other
24 educational functions at the level and in the field for which he is employed,
25 issued in accordance with law and in full force at the time the services are
26 rendered.

27 2. The provisions of subsection 1 do not prohibit the payment of public
28 money to teachers or other employees who are employed by a charter
29 school *for a whom a license is not required* pursuant to the provisions of
30 NRS 386.590 . ~~and 386.595.~~

31 **Sec. 31.** NRS 391.31965 is hereby amended to read as follows:

32 391.31965 Any postprobationary employee of a school district of
33 Nevada who is employed by another school district *or charter school* must
34 be allowed to continue as a postprobationary employee and must not be
35 required to serve the probationary period required by subsection 1 of NRS
36 391.3197.

37 **Secs. 32-35.** (Deleted by amendment.)

38 **Sec. 36.** NRS 288.060 is hereby amended to read as follows:

39 288.060 "Local government employer" means any political
40 subdivision of this state or any public or quasi-public corporation
41 organized under the laws of this state and includes, without limitation,
42 counties, cities, unincorporated towns, *charter schools*, school districts,
43 hospital districts, irrigation districts and other special districts.

44 **Secs. 37-39.** (Deleted by amendment.)

45 **Sec. 40.** The amendatory provisions of this act do not apply to
46 offenses committed before July 1, 2001.

47 **Sec. 41.** (Deleted by amendment.)



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1 **Sec. 42.** This act becomes effective on July 1, 2001.

