

CHAPTER.....

AN ACT relating to education; authorizing the board of trustees of a school district and the governing body of a charter school to request, for the 2011-2013 biennium, a waiver from the required minimum number of school days in a school year during an economic hardship; setting forth certain provisions governing a furlough program of employees of school districts and charter schools as the program relates to the Public Employees' Retirement System; expiring the provisions of this act; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, each school district is required to schedule and provide annually a minimum of 180 days of school in the schools of the school district and a charter school is required to schedule and provide at least as many days of instruction as are required of other public schools in the school district in which the charter school is located. (NRS 386.550, 388.090) For the 2011-2013 biennium, **section 6.5** of this bill authorizes the board of trustees of a school district and the governing body of a charter school to request a waiver of not more than 5 noninstructional days from the required minimum number of school days for a school year in that biennium during an economic hardship to avoid the layoff of teachers and other educational personnel employed by the school district or charter school. A request for a waiver must be reviewed by the Superintendent of Public Instruction and, if approved, transmitted to the Interim Finance Committee, which makes the final determination of whether to grant a waiver. For purposes of requesting a waiver from the required minimum school days, the circumstances in which an economic hardship exists for a school district or charter school are identical to the circumstances in which an economic hardship exists under existing law for a school district or charter school to request a waiver from the required minimum expenditures for textbooks, instructional supplies, instructional software and instructional hardware. (NRS 387.2065)

The 2009 Session of the Legislature enacted provisions requiring furlough leave of certain state employees and set forth provisions relating to the furlough program and the manner in which the program is carried out as it relates to the Public Employees' Retirement System. (Chapter 391, Statutes of Nevada 2009, p. 2160) **Section 7** of this bill sets forth the intent of the Legislature in the establishment of a program certified by the board of trustees of a school district or the governing body of a charter school whereby employees of school districts and charter schools who are members of the Public Employees' Retirement System and who take furlough leave due to extreme fiscal need be held harmless in the accumulation of retirement service credit and reported salary. **Section 7** further sets forth provisions concerning the furlough leave as it relates to the Public Employees' Retirement System in a manner similar to the furlough program of state employees.

Section 8 of this bill expires the provisions of this bill on June 30, 2013.



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

Sections 1-6. (Deleted by amendment.)

Sec. 6.5. 1. Notwithstanding the provisions of NRS 386.550, 388.090, 388.537 and 388.842, for the 2011-2013 biennium the board of trustees of a school district or the governing body of a charter school that experiences an economic hardship may submit a written request to the Superintendent of Public Instruction on a form prescribed by the Department of Education for a waiver of not more than 5 noninstructional days of the required minimum number of school days in a school year to avoid, during the economic hardship, the layoff of teachers and other educational personnel employed by the school district or charter school.

2. Upon receipt of a written request pursuant to subsection 1, the Superintendent of Public Instruction shall consider the request and determine whether an economic hardship exists for the school district or charter school and whether a waiver of the required number of school days is necessary to avoid, during the economic hardship, the layoff of teachers and other educational personnel employed by the school district or charter school. The Superintendent of Public Instruction may request additional information from the applicant in making the determination. If the Superintendent of Public Instruction determines that an economic hardship exists for the applicant and that a waiver of the required minimum number of school days is necessary to avoid, during the economic hardship, the layoff of teachers and other educational personnel employed by the applicant, the Superintendent shall forward the written request to the Interim Finance Committee, including the basis for the Superintendent's determination and any recommendations for the number of school days that may be waived, which must not exceed 5 noninstructional days.

3. Upon receipt of a written request from the Superintendent of Public Instruction pursuant to subsection 2, the Interim Finance Committee shall consider the request and determine whether an economic hardship exists for the school district or charter school and whether a waiver of the required minimum number of school days is necessary to avoid, during the economic hardship, the layoff of teachers and other educational personnel employed by the school district or charter school. The Interim Finance Committee may request additional information from the applicant in making the



determination. If the Interim Finance Committee grants a waiver, the Committee shall by resolution set forth:

- (a) The grounds for its determination; and
- (b) The number of school days that may be waived for the school year by the school district or charter school, which must not exceed 5 noninstructional days.

4. For the purposes of this section, an economic hardship exists for a school district or charter school if:

(a) Projections of revenue do not meet or exceed the revenue anticipated at the time the basic support guarantees are established for the fiscal year pursuant to NRS 387.122; or

(b) The school district or charter school incurs unforeseen expenses, including, without limitation, expenses related to a natural disaster.

5. A waiver granted pursuant to this section does not affect any right or remedy available pursuant to the provisions of chapter 288 of NRS, any obligation of the board of trustees of a school district or the governing body of a charter school pursuant to chapter 288 of NRS or any contract negotiated by the board of trustees of a school district or the governing body of a charter school pursuant to chapter 288 of NRS.

Sec. 7. 1. It is the intent of the Legislature that if the board of trustees of a school district or the governing body of a charter school certifies a furlough program whereby employees of the school district or charter school who are members of the Public Employees' Retirement System and who take furlough leave pursuant to the program due to extreme fiscal need be held harmless in the accumulation of retirement service credit and reported salary pursuant to chapter 286 of NRS.

2. If the board of trustees of a school district or the governing body of a charter school certifies a furlough program, the program must require that any furlough time taken by the employees of the school district or charter school:

- (a) Be noninstructional days or minutes, as applicable; and
- (b) Not exceed the number of professional development days or minutes and other noninstructional days or minutes which provide time for teachers before and after the school year and which the school district or charter school used for the 2010-2011 school year.

3. Except as otherwise required as a result of NRS 286.537 and notwithstanding the provisions of NRS 286.481, if an employee of a school district or charter school who participates in the Public Employees' Retirement System is required to take furlough leave pursuant to a furlough program certified by the board of trustees of



the school district or the governing body of the charter school, the employee is entitled to receive full service credit for the time taken as furlough leave in the same manner as service credit is computed pursuant to NRS 286.501 if:

(a) The employee does not take more than the equivalent of 96 hours of furlough leave in a school year; and

(b) The board of trustees of the school district or the governing body of the charter school certifies to the Public Employees' Retirement System that the school district or charter school is participating in a furlough program and that the furlough leave which is reported for the employee is taken in accordance with the requirements of that program.

4. In any month in which furlough leave is taken, an employee is entitled to receive full-time service credit in the same manner as service credit is computed pursuant to NRS 286.501 for the furlough leave in accordance with the normal workday for the employee. An employee who is less than full-time is entitled to service credit in the same manner as service credit is computed pursuant to NRS 286.501 and in the same manner and to the same extent as though the employee had worked the time taken as furlough leave.

5. When a member is on furlough leave pursuant to this section as certified by the board of trustees of the school district or the governing body of the charter school, the board of trustees or the governing body must:

(a) Include all information required by the Public Employees' Retirement System on the board of trustees' or governing body's regular monthly retirement report as provided in NRS 286.460; and

(b) Pay all required employer and employee contributions to the Public Employees' Retirement System based on the compensation that would have been paid to the member but for the member's participation in the program. The board of trustees of the school district and the governing body of the charter school may recover from the employee the amount of the employee contributions set forth in NRS 286.410.

6. Except as otherwise required by this section, the terms and conditions of any furlough program certified by the board of trustees of the school district or the governing body of a charter school must be negotiated pursuant to chapter 288 of NRS.

7. Service credit under a furlough program certified by the board of trustees of a school district or the governing body of a charter school must be computed according to the school year.

8. As used in this section, "member" has the meaning ascribed to it in NRS 286.050.



Sec. 7.5. The provisions of this act apply to the 2011-2012 school year and the 2012-2013 school year.

Sec. 8. This act becomes effective upon passage and approval and expires by limitation on June 30, 2013.

