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Revises provisions governing charter schools and distance education programs.
(BDR 34-642)

Senate Bill 33 includes:

1. An amendment proposed by Keith Rheault of the Nevada Department of Education to Section 3 on page 4 of the bill, primarily at line 10, to replace wording that allows the charter school to determine if a person's conviction is unrelated to their prospective employment and instead require that the State Superintendent of Public instruction make that determination. This would make the process parallel to the procedure for traditional public schools.
2. Al Bellister of the NSEA has submitted a proposed amendment adding to existing wording in Section 2, for nonlicensed employees of charter schools to create a process for submission of fingerprints, for forwarding of records to the state Superintendent of Public Instruction, and the provision of any needed information to make a determination as to whether a person's conviction is unrelated to their prospective employment. Due to this new addition to Section 2, he proposed deleting Section 3 (thus restoring it to its current language). The purpose of the amendment is to make the procedure parallel to that followed for unlicensed personnel in traditional public schools
3. Dottie Merrill of the Washoe County School District proposes an amendment to substitute "on or before the last day of the first school month of the school year" [count day] for the date October 1, listed in § 6(3) and § 7(4) (a copy of her proposal is attached). The purpose is to ensure that written agreements would not be received prior to count day to avoid double counting for apportionment purposes in both the district and distance education program. The amendment was agreed to by Senator Raggio and endorsed by the Nevada Department of Education
4. Al Bellister of NSEA recommends deleting Section 8 of the bill (allows a community college or university instructor to serve as a teacher in an approved school district distance education program.

Fiscal Note: The measure includes a fiscal note prepared by the Nevada Department of Education associated with Section 4 of the bill in the amount of \$180,000 for the first year of the biennium and \$360,000 in the second year.



Nevada State
Education Association

Memorandum

Senator Raggio
Senator Rawson

Terry L. Hickman
President

Barbara Clark
Vice President

Linda Gingras
Secretary/Treasurer

Ruben Murillo, Jr.
NEA Director

Sandy Curtis
NEA Director

Kenneth B. Lange
Executive Director

From: Al Bellister
NSEA

Re: Suggested language for S.B. 33

Date: February 20, 2003

Section 2 of S.B. 33 would add a new section to Chapter 386 of NRS, requiring that every applicant for employment with a charter school, except a person licensed by the Superintendent of Public Instruction, submit to the governing body of the charter school a set of his fingerprints and a form of authorization permitting the governing body to forward the fingerprints to the FBI and the Nevada criminal records repository. This language parallels the existing provisions of NRS 391.100(3), applicable to school districts, which imposes a similar requirement on unlicensed persons who apply for employment with a school district.

Section 3 of the bill would amend NRS 386.590 to allow the governing body of a charter school to employ a "teacher or administrator" whose records check comes back "positive" (my term) if the governing body determines that the applicant's conviction "is unrelated to the position with the charter school for which the applicant applied."

Several members of the committee expressed concern that the governing bodies of the charter schools may apply differing standards in this regard. NSEA offered a proposed amendment to address those concerns. Therefore we offer language under which the Superintendent of Public Instruction, rather than the governing body of the charter school, would make this determination so that the standard is more or less uniform across the state.

I would delete the proposed amendment to NRS 386.590 (section 3 of the bill), which becomes superfluous under the attached language, and substitute the attached for the new language being added by section 2 of the bill. See Exhibit A hereto.

Let me know if you have any questions or concerns. Thanks.

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Senate Bill No. 33
Proposed New Language for Section 2.

Sec. 2. Chapter 386 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Every applicant for employment with a charter school, except a licensed teacher or other person licensed by the Superintendent of Public Instruction, must, as a condition of employment, submit to the governing body of the charter school a full set of his fingerprints and written permission authorizing the governing body to forward the fingerprints to the Federal Bureau of Investigation and the Central Repository for Nevada Records of Criminal History for their reports on the criminal history of the applicant.*

2. *If the reports on the criminal history of the applicant indicate that he has been convicted of a felony or an offense involving moral turpitude, and the governing body of the charter school does not disqualify the applicant on that basis from further consideration for employment, the governing body shall forward a complete copy of the reports to the State Superintendent of Public Instruction.*

3. *The Superintendent of Public Instruction or his designee shall promptly review the reports, determine whether the conviction is related or unrelated to the position for which the applicant has applied, and give written notice of his determination to the applicant and the governing body of the charter school. The applicant and the governing body shall provide the Superintendent with any information he deems necessary to make this determination. If the Superintendent or his designee determines that the conviction is related to the position for which the applicant has applied, the governing body shall not employ the applicant. If the conviction is determined to be unrelated to the position for which the applicant has applied, the governing body may employ the applicant.*

**PROPOSED FRIENDLY AMENDMENT
Senate Bill 33
Washoe County School District
Dotty Merrill
February 12, 2003**

Page 8, Section 6 (3), lines 14-20

- 14 On or before October 1 of each year**
- 20 or before October 1 or February 1 of each year. . . .**

Page 9, Section 7 (4), lines 24

- 24 On or before October 1. . . .**

**To be amended by omitting October 1 and inserting
on or before the last day of the first school month of the
school year**