



Charter School Association of Nevada

Charter School Association of Nevada Statement on A.B. 154:

Under existing Nevada law, charter schools are exempt from the requirement to pay prevailing wage rates on their new school construction projects. Under provisions of A.B. 154--charter schools would no longer be exempt for "construction, alteration, repair, remodeling or reconstruction of an improvement or property of or by a charter school."

The Charter School Association of Nevada (CSAN) is opposed to A.B. 154.

Charter Schools do not receive facilities funding from state sources. Construction for charter schools [when new schools are built] are done by private funding sources with contracts being signed between private parties. Because no state funding is utilized in the building of charters--they are NOT "public works projects." To require private builders to pay prevailing wage for a non-public works project is simply unfair and wrong.

Support for our position: In 2015, the New York Supreme Court (NY Charter School Association v. Commissioner of Labor, Case: 210 WL 4065431) affirmed an earlier appellate court ruling that "[said] Charter School, and therefore their contractors, are not required to pay prevailing wages."

In California in 2009, the Department of Industrial Relations ruled in a case brought by SMWIA Local Union # 206, that, "construction contracts for new charter schools are between private parties." The issue is whether construction of a new charter school is "paid for in whole or part out of public funds." They are not.

The Guinn Center for Policy Priorities in its May 6, 2016 study; "Need for More Funding is Apparent," stated, "Charter schools do not have access to facilities funds, [Nevada] lawmakers should consider the growing need for sufficient facilities funding for charter schools."

According to the final Nevada SAGE Commission Report in 2016, "The average capital revenue sources received by school districts in Fiscal Year 2015 was \$1,288 per pupil." Again, charter schools do not receive any of those funds.

CSAN, representing charter schools in Nevada, will always be willing to bare our fair share of supporting better educational outcomes for students and their families. Fair share is fine, but it's not fair to place the burden of expanding the "pieces of the pie" that build schools--when charter schools at this point in time, are not receiving any funding for capital construction.

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