



STATE PUBLIC CHARTER SCHOOL AUTHORITY

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BRIEFING MEMORANDUM

TO: SPCSA Board
FROM: Patrick Gavin, Executive Director
SUBJECT: Agenda Item 4: Consent Agenda— American Preparatory Academy Request for Approval to Relocate a Facility Pursuant to Section 1.7.4 of the Charter Contract
DATE: August 26, 2016

Legal Context:

In addition to the requirements set forth in regulation for amending a written charter or a charter contract to acquire and occupy a new or additional facility can be found in [NAC 386.3265](#) and [NAC 386.3266](#), Section 1.7.4 of the [Charter Contract](#) executed by American Preparatory Academy requires that the school obtain approval to relocate facilities:

The Charter School's relocation to different Facilities shall constitute a material amendment of this Charter Contract and shall not become effective and the Charter School shall not take action or implement the change requested in the amendment until the amendment is approved, in writing, by the Authority.¹

Summary of Request:

On August 22, 2016, American Preparatory Academy submitted a [request](#) to amend its charter contract to relocate or consolidate campuses and a revised [budget](#) and [organizational chart](#) for the combined facility. This request follows on a [decision](#) the school made at its February 11, 2016 governing body [meeting](#) to discontinue occupancy of its founding facility, the Oakey Campus, located at [6000 W Oakey Blvd, Las Vegas, NV 89146](#), and combine that facility with the Patrick Campus, located at [8377 West Patrick Lane, Las Vegas, NV 89113](#). APA has provided a [letter of transmittal](#) from APA governing body chair Lee Iglody dated August 22, 2016. The letter included an [agenda](#) and [draft minutes](#) for the meeting where the amendment request was approved by the

¹ [Charter School Contract between State Public Charter School Authority and American Preparatory Academy—Las Vegas](#), May 17, 2014., page 9.

school's governing body. Additionally, the school has provided some, but not all, of the documentation required pursuant to NAC 386.3265:

- A [floor plan](#) of the facility, including a notation of the size of the facility which is set forth in square feet
- [Contact information](#), including the name and address of the owner of the facility
- [Evidence](#) which demonstrates that the governing body of the charter school has communicated with the Division of Industrial Relations of the Department of Business and Industry regarding compliance with the federal Occupational Safety and Health Act of 1970, as amended
- A copy of the [lease](#) for the expanded facility
- A copy of the [first](#) and [second](#) certificates of occupancy for both portions of the facility

Recommendation:

Staff recommends approval contingent upon submission of the following updated items, required by [NAC 386.3265](#):

- Documents which indicate that the expanded facility has been inspected and meets the requirements of any applicable building codes, codes for the prevention of fire, and codes pertaining to safety, health and sanitation
- Documentation which demonstrates that the governing body of the charter school has obtained the insurance required by NAC 386.215 for the expanded facility.

Staff further requests delegated authority to grant additional technical amendments and approvals upon receipt of this documentation and any other items required under NAC to occupy the facility. This approval is consistent with the mechanism the Authority Board uses to permit the incorporation of pre-opening requirements for new schools into the charter contract without the delay and complexity attendant to additional board review.