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State Public Charter School Authority*

REC'D & FILED
2016 DEC 21 AM 10:58
SUSAN HERRIWETHER
V. Alegria CLERK
BY _____ DEPUTY

7 **IN THE FIRST JUDICIAL DISTRICT COURT**
8 **OF THE STATE OF NEVADA IN AND FOR CARSON CITY**

9 NEVADA CONNECTIONS ACADEMY,

10 Plaintiff,

CASE NO. 16 OC 001941 B

11 vs.

DEPT. NO. I

12 STATE OF NEVADA, ex rel., STATE
PUBLIC CHARTER SCHOOL
13 AUTHORITY, a political subdivision of
the STATE OF NEVADA, and PATRICK
14 GAVIN, in his official capacity as
Executive Director of the STATE
15 PUBLIC CHARTER SCHOOL
AUTHORITY,

16 Respondents.
17 _____

18 **REPLY TO PLAINTIFF'S OPPOSITION TO**
19 **DEFENDANT STATE OF NEVADA'S MOTION TO DISMISS**

20 This is the first of two separate lawsuits filed against the State Public Charter
21 School Authority ("Authority") by Nevada Connections Academy ("NCA"). This complaint
22 concerns only the Authority's contingent approval of an NCA graduation rate
23 improvement plan at the Authority's meeting on July 29, 2016 ("July Meeting").
24 Subsequent action at the Authority's meeting on September 23, 2016 has been challenged
25 in Case No. 16 OC 2491 B. Though NCA claims that it intends to amend its complaint to
26 add causal links between the July Meeting and subsequent Authority actions and also to
27 explain this Court's "jurisdiction under the statute," no amendment request has been filed
28

1 as of the date of this filing.¹ Thus, this action concerns only the Authority's action taken
2 at the July Meeting.

3 **A. Legal Standard**

4 When deciding a Motion to Dismiss, all allegations pled must be accepted as true.
5 *Bergmann v. Boyce*, 109 Nev. 670, 674-75, 856 P.2d 560 (1993). Dismissal is appropriate
6 when the allegations in the complaint are insufficient to establish the elements of a claim
7 for relief. *Stockmeier v. Nevada Dept. of Corrections Psychological Review Panel*, 124 Nev.
8 313, 316, 183 P.3d 133, 135 (2008). "[T]o survive dismissal, a complaint must contain
9 some 'set of facts, which, if true, would entitle [the plaintiff] to relief' " *Buzz Stew LLC v.*
10 *City of N. Las Vegas*, 124 Nev. 224, 228 (2008). The Authority moved for dismissal
11 pursuant to Nevada Rules of Civil Procedure (NRCP) 12(b)(5) for failure to state a claim
12 for which relief can be granted.

13 **B. NCA is not Entitled to Declaratory Relief**

14 NCA has not submitted a request to amend its complaint pursuant to NRCP 15(a).
15 NCA cannot amend its complaint through an opposition to a motion to dismiss to submit
16 new allegations and creative legal theories to this Court. "Declaratory relief is available
17 only if: (1) a justiciable controversy exists between persons with adverse interests, (2) the
18 party seeking declaratory relief has a legally protectable interest in the controversy, and
19 (3) the issue is ripe for judicial determination."²

20 NCA's complaint alleges that the Authority attempted to force NCA to convert its
21 charter to a contract and requests that this Court find that action void for a violation of
22 Chapter 241 of the Nevada Revised Statutes ("NRS") as required by NRS 241.036.³
23 However, the public record clearly demonstrates those claims as false. The only relevant
24 Authority action at the July Meeting did not force NCA to commit to a charter contract.⁴

25
26 ¹ Opposition page 10, footnote 8 and page 11, footnote 9. NCA has not yet sought
permission from this Court to amend as required by Nevada Rule of Civil Procedure 15(a).

27 ² *Knittle v. Progressive Casualty Ins. Co.*, 112 Nev. 8, 10, 908 P.2d 724, 725 (1996).

28 ³ Complaint, paragraphs 23-26.

⁴ Exhibit 2, Authority's, Minutes for Meeting on July 29, 2016, Item No. 13
"Member Mackedon moved to recommend the approval of these goals contingent upon the

1 The Authority's action was clear: approval of the properly agendized consideration of
2 NCA's graduation rate improvement plan was conditioned upon the negotiation of a
3 mutually agreeable charter contract. This condition is specifically authorized by
4 NRS 388A.276, "A sponsor may require, as a condition of granting a request for an
5 amendment to a governing body that has been granted a written charter, such a
6 governing body to agree to the revocation of the written charter and to enter into a
7 charter contract."

8 The only ramification of failure to convert to a charter contract would be the failure
9 of the contingent approval. As no contract was agreed to, the graduation rate
10 improvement plan approval failed as well. Thus NCA's request to have this Court
11 determine that the Authority's action at the July Meeting was void is unnecessary
12 because the action failed when the condition precedent failed. NCA's attempts to add
13 allegations and create new legal theories simply underscore the inadequacy of the
14 complaint and the necessity of dismissal. The request to void the Authority's action is not
15 ripe because the complained of action is specifically authorized by statute and NCA
16 cannot show any probable harm from that action. Thus, the Declaratory Relief Cause of
17 Action should be dismissed as not ripe for review.

18 **C. Petition for Judicial Review Should Be Dismissed as the Action Was**
19 **not a Contested Case**

20 NCA admits that NRS 233B.130 does not provide this Court jurisdiction to review
21 the Authority's decision at the July Meeting.⁵ Instead, NCA claims that this Court's
22 authority for judicial review comes not from NRS 233B.130, but from
23 NRS 233B.135(3)(e).⁶ However, NCA does not provide any legal support for its
24 reinterpretation of the Administrative Procedure Act ("APA"), instead promising
25

26 school entering into a charter contract which contains terms agreeable to both parties.
27 Member Corbett seconded the motion. The motion carried unanimously."

28 ⁵ Opposition, page 1, line 25-26 ". . . this Court has jurisdiction to review the
Authority's final decision under NRS 233B.135(3)(e)."

⁶ Opposition, page 11, line 8-10.

1 (notwithstanding the lack of approval from this Court) to file an amended complaint to
2 add a statement outlining this Court's jurisdiction under the statute.⁷ It is well
3 established in Nevada that "[c]ourts have no inherent appellate jurisdiction over official
4 acts of administrative agencies except where the legislature has made some statutory
5 provision for judicial review."⁸ "Pursuant to the [APA] ..., not every administrative
6 decision is reviewable."⁹ Instead, only those decisions falling within the APA's terms and
7 challenged according to the APA's procedures invoke the district court's jurisdiction.¹⁰
8 NCA attempts to defeat the Motion to Dismiss through a radical new legal theory that
9 would allow NRS 233B.135 to confer jurisdiction and would no longer limit judicial review
10 to contested cases, final decisions or presumably to those affected by those decisions.
11 Unfortunately, NCA declines to explain this new legal theory stating only that it will file
12 an amended complaint outlining jurisdiction. This is inadequate, "[T]o survive dismissal,
13 a complaint must contain some 'set of facts, which, if true, would entitle [the plaintiff] to
14 relief."¹¹ NCA provides no facts that entitle it judicial review of the Authority's decision
15 at the July Meeting. NCA does not even provide the gossamer threads of whimsy,
16 speculation, and conjecture that have been deemed inadequate in this State for years.¹²
17 They simply note for the court that they will amend the complaint to include gossamer
18 threads at a later point in time.

19 **D. The Requested Writ Is Improper as it does not Allege the Authority**
20 **Failed to Perform a Specific Duty**

21 NCA's complaint requests a writ "directing the Authority to proceed in a lawful
22 manner and allow NCA to continue operations in accordance with Nevada law under its
23 existing charter and subject to the Authority's continuing jurisdiction."¹³ NCA's

24 ⁷ Opposition Page 11, footnote 9.

25 ⁸ Washoe County v. Otto 128 Nev. Adv. Op. 40 (2012).

26 ⁹ Private Inv. Licensing Bd. v. Atherley, 98 Nev. 514, 515, 654 P.2d 1019, 1019
(1982).

27 ¹⁰ *Id.*

28 ¹¹ Buzz Stew LLC v. City of N. Las Vegas, 124 Nev. 224, 228 (2008).

¹² Collins v. Union Fed. Savings & Loan (99 Nev. 284 (1983)).

¹³ Complaint, page 6, paragraph 3 of prayer.

1 opposition requests a different writ again without seeking amendment to its complaint.
2 Both are inappropriate as the complaint contains no allegation that the Authority failed
3 to perform a specific duty. NCA cannot complain that the contingent approval is a
4 violation of statute as it is specifically authorized by NRS 388A.276. Thus, NCA's defense
5 of its extraordinary request for a writ is an accusation that the Authority failed to follow
6 the NRS Section 241. However, the remedy for a failure to follow NRS 241, clearly stated
7 by NRS 241.036, is the voiding of any action taken in violation of that Chapter.

8 The Authority's actions at the July Meeting were properly agendized.¹⁴ However,
9 assuming *arguendo* that they were not, NRS 241.036 requires the court's render void any
10 action taken in violation of the Chapter. In either event, a writ is not proper.

11 **E. NCA's Additional Requests in Its Opposition are unsupported by**
12 **Legal Authority Irrelevant to This Motion**

13 NCA attempts to put forth entirely new allegations and legal theories in its
14 Opposition to the Motion to Dismiss. It seemingly requests this Court to set aside the
15 Authority's decision at the July Meeting, and instead substitute its own decision for the
16 Authority's by rewriting the Authority action to approve NCA's graduation rate
17 improvement plan without the conditions that the Authority placed on NCA.¹⁵ There is
18 no statutory support for NCA's request that this Court modify the Authority's decision.¹⁶
19 Additionally, this request is completely absent from NCA's complaint, which asks only
20 that the Court render the Authority's action at the July Meeting void.

21 ///
22 ///
23 ///
24 ///

25 ¹⁴ Exhibit 1, Authority's Agenda for Meeting on July 29, 2016, Item No. 13 showing
26 the graduation rate improvement plan will be considered, and Exhibit 2, Authority's
27 Minutes for Meeting on July 29, 2016, Item No. 13 showing a contingent approval of that
28 plan as authorized by NRS 388A.276.

¹⁵ Opposition page 8, lines 6-8 and page 9, line 18-22.

¹⁶ NRS 233B.135 is clear that the court may remand or affirm the final decision or
set it aside. It does not allow modification of the decision.

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CONCLUSION

At the time of filing this reply, NCA remains open and operational pursuant to the same written charter it has operated under since 2013.¹⁷ Despite NCA's perpetual failure to graduate its students, no action has been taken by the Authority Board to affect the legal rights or obligations of NCA at this time. NCA's claim for declaratory relief is not ripe, because the voiding of the motion at the July Meeting would not affect the school. NCA's request for judicial review should be dismissed as the item was not a contested case. NCA's request for writ relief should be denied as no omission of duty on the part of the Authority has been alleged. Nothing in the dismissal of this lawsuit would prevent or prejudice a later petition should the Authority take some action against the school's charter based on its failure to graduate its students. Therefore, the Complaint, Petition for Judicial Review and Writ of Mandate should be dismissed.

DATED this 21st day of December, 2016.

ADAM PAUL LAXALT
Attorney General

By:


GREGORY D. OTT
Deputy Attorney General

¹⁷ The hearing to consider NCA's efforts to correct its graduation rate deficiencies under NRS 388A.330 is scheduled for January 27, 2017 pursuant to stipulation of the parties.

1 **CERTIFICATE OF SERVICE**

2 I certify that I am an employee of the State of Nevada, Office of the Attorney
3 General, and that on this 21st day of December, 2016, I electronically filed the foregoing
4 **REPLY TO PLAINTIFF’S OPPOSITION TO DEFENDANT STATE OF NEVADA’S**
5 **MOTION TO DISMISS**, with the Clerk of the Court and deposited for service by way of
6 the United States Postal Service to:

7 Nevada Connections Academy
8 555 Double Eagle Ct., #2000,
9 Reno, NV 89521

10 And by electronic mail to:

11 Laura K. Granier
12 Davis Graham & Stubbs, LLP
13 50 W Liberty St., Ste. 950
14 Reno, NV 89501
15 Laura.granier@dgsllaw.com

16 Patrick Gavin, Executive Director
17 State Public Charter School Authority
18 1749 North Stewart St., Ste. 40
19 Carson City, NV 89706-2543
20 pgavin@spsca.nv.gov

21 /s/ Marissa Houk
22 Marissa Houk, Employee of the State of
23 Nevada, Office of the Attorney General
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Attorney General's Office
100 N. Carson Street
Carson City, Nevada 89701-4717

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AFFIRMATION PURSUANT TO NRS 293B.030

The undersigned does hereby affirm that the preceding document does not contain the personal information of any person.

DATED this 21st day of December, 2016.

/s/ Gregory D. Ott
GREGORY D. OTT
Deputy Attorney General
*Attorneys for the State of Nevada,
State Public Charter School Authority*

Attorney General's Office
100 N. Carson Street
Carson City, Nevada 89701-4717

EXHIBIT INDEX

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Exhibit	Description	Number of Pages
1	State Public Charter School Authority, Agenda for Meeting on July 29, 2016	3
2	State Public Charter School Authority, Minutes for Meeting on July 29, 2016	5

Attorney General's Office
100 N. Carson Street
Carson City, Nevada 89701-4717

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EXHIBIT 1

EXHIBIT 1

PUBLIC NOTICE

Note: This public notice has been posted at the office of the State Public Charter School Authority and the offices of the Department of Education in Carson City and Las Vegas. Notice of this meeting was posted at the Nevada State Library, Nevada Legislature and the Carson City Library. Notice of this meeting was posted on the Internet through the State Public Charter School Authority website at <http://charterschools.nv.gov/> and <https://notice.nv.gov/>. Those interested in viewing the meeting online may do so at <https://leg.state.nv.us/App/Calendar/A/>

NEVADA STATE PUBLIC CHARTER SCHOOL AUTHORITY

REGULAR MEETING

Friday, July 29, 2016

9:00 a.m.

Locations: Legislature *and* Grant Sawyer Building
 401 South Carson Street 555 East Washington
 Room 2135 Room 4412
 Carson City, Nevada Las Vegas, Nevada

Note: Members of the Authority may participate in the meeting via telephone conference call. Members of the Authority may call into the meeting site to participate. Members of the public are invited to be present.

Reasonable efforts will be made for members of the public who are disabled and require special accommodations or assistance at the meeting. Please call the Authority Assistant at (775) 687-9174 at least five business days in advance so that arrangements can be made.

REGULAR MEETING**Friday, July 29, 2016
9:00 a.m.****-AGENDA-**

The public is hereby notified that the Nevada State Public Charter School Authority reserves the right to take agenda items out of posted order, with the exception of public hearings, and items may be pulled or removed from the agenda at any time and items may be combined for consideration. A time for public comment is provided at the beginning and at the conclusion of the meeting. The Authority Chair reserves the right to call on individuals from the audience or to allow for public comment at any time. Individuals providing testimony should fill out a Visitor Card, which will be numbered in order received by the Authority Assistant. Time Limit: A time limit (three minutes) will be imposed by the Authority Chair on public testimony in order to afford all members of the public who wish to comment an opportunity to do so within the timeframe available to the Authority.

Call to order; Roll Call; Pledge of Allegiance (Adam Johnson, SPCSA Chair)

1. Public Comment #1
Public Comment will be taken during this agenda item regarding any item appearing on the agenda. No action may be taken on a matter discussed under this item until the matter is included on an agenda as an item on which action may be taken. The secretary of the State Public Charter School Authority Board will impose a time limit of three minutes. Public Comment #2 will provide an opportunity for public comment on any matter within the Authority's jurisdiction, control or advisory power.
2. Approval of the June 24, 2016 SPCSA Action Minutes (Adam Johnson, Chair, SPCSA)
(Information/Discussion/Action)
3. Approval of Consent Approval
Information concerning the following consent agenda items has been provided to Board members for study prior to the meeting. Unless a Board member has a question concerning a particular item and asks that it be withdrawn from the consent list, items are approved through one action.
(Adam Johnson, Chair, SPCSA) **(Information/Discussion/Action)**
 - Possible Approval of the ACT Aspire Contract
 - Possible Approval of the Charter Application Timeline
4. Update and discussion of the NACSA agency recommendations(Patrick Gavin, Executive Director, SPCSA) **(Information/Discussion/Action)**
5. Consideration and possible action on the America Leadership Academy charter application (Patrick Gavin, Executive Director, SPCSA) **(Information/Discussion/Action)**
6. Consideration and possible action on the Nevada Academy of Sciences and Arts charter application (Patrick Gavin, Executive Director, SPCSA) **(Information/Discussion/Action)**
7. Consideration and possible action of the Nevada State High School Meadowood charter application (Patrick Gavin, Executive Director, SPCSA) **(Information/Discussion/Action)**
8. Consideration and possible action on the Nevada State High School Sunrise charter application (Patrick Gavin, Executive Director, SPCSA) **(Information/Discussion/Action)**
9. Consideration and possible action on Coral Academy of Science Expansion Amendment application (Brian Scroggins, Deputy Director, SPCSA) **(Information/Discussion/Action)**

10. Consideration and possible action on the Somerset Academy amendment request (Brian Scroggins, Deputy Director, SPCSA) *(Information/Discussion/Action)*
11. Consideration and possible action of the Founders Academy charter contract amendment request to add one or more Educational Management Organizations (Patrick Gavin, Executive Director, SPCSA) *(Information/Discussion/Action)*
12. Quest Academy and Silver State Charter School receiver update (Josh Kern, The Ten Square Group) *(Information/Discussion/Action)*
13. Update and possible action regarding staff discussions with Nevada Connections Academy regarding school's plan for improvement. The Board will receive an update on and may discuss the status of discussions between SPCSA staff and School officials and attorneys regarding the school's efforts to develop a plan of improvement. The Board may register approval or disapproval of the plan or direct staff to take further action or require adjustments to the plan. (Greg Ott, Deputy Attorney General; Patrick Gavin, Executive Director SPCSA, Representatives of Nevada Connections Academy) *(Information/Discussion/Action)*
14. Update and possible action regarding staff discussions with Beacon Academy regarding school's plan for improvement. The Board will receive an update on and may discuss the status of discussions between SPCSA staff and School officials and attorneys regarding the school's efforts to develop a plan of improvement. The Board may register approval or disapproval of the plan or require adjustments to the plan. (Greg Ott, Deputy Attorney General; Patrick Gavin, Executive Director SPCSA, Representatives of Nevada Connections Academy) *(Information/Discussion/Action)*
15. Update, discussion and possible action regarding the State Public Charter School Authority's Strategic Plan (Patrick Gavin, Executive Director, SPCSA) *(Information/Discussion/Action)*
16. Authorization for the Agency to budget and charge up to 2 percent to support NACSA business findings and ongoing discussions regarding Agency budget request (Patrick Gavin, Executive Director, SPCSA) *(Information/Discussion/Action)*
17. Public Comment #2
Public comment will be taken during this agenda item on any matter within the State Public Charter School Authority Board's jurisdiction, control, or advisory power. No action may be taken on a matter raised under this item until the matter is included on an agenda as an item on which action may be taken. The secretary of the State Public Charter School Authority Board will impose a time limit of three minutes.
18. Adjournment *(Action)*

EXHIBIT 2

Attorney General's Office
100 N. Carson Street
Carson City, Nevada 89701-4717

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EXHIBIT 2

NEVADA STATE PUBLIC CHARTER SCHOOL AUTHORITY

July 29, 2016

Legislative Building
Room 2135
Carson City, Nevada

And

Grant Sawyer Building
Room 4400
Las Vegas, Nevada

MINUTES OF THE MEETING

BOARD MEMBERS PRESENT:

In Las Vegas:

Adam Johnson
Melissa Mackedon
Nora Luna
Jacob Snow
Stavan Corbett

In Carson City:

Kathleen Conaboy

Teleconference:

Jason Guinasso

BOARD MEMBERS ABSENT

None

AUTHORITY STAFF PRESENT:

In Las Vegas:

Robert Whitney, Deputy Attorney General
Patrick Gavin, Director, State Public Charter School Authority
Brian Scroggins, Deputy Director, State Public Charter School Authority
Nya Berry, Education Program Professional, State Public Charter School Authority
Joan Jurgensen, Education Program Professional, State Public Charter School Authority

In Carson City:

Danny Peltier, Management Analyst I, State Public Charter School Authority
Tanya Osborne, Administrative Assistant, State Public Charter School Authority

LEGAL STAFF PRESENT:

In Las Vegas:

Greg Ott, Deputy Attorney General
Robert Whitney, Deputy Attorney General

AUDIENCE IN ATTENDANCE:

In Las Vegas:

Attendance Sheet Attached

In Carson City:

Attendance Sheet Attached

CALL TO ORDER; ROLL CALL; PLEDGE OF ALLEGIANCE; APPROVAL OF AGENDA

Agenda Item 1 – Public Comment

Chris Orme an attorney at Hutchison and Steffen spoke about representing a company called Tower Distribution Center, which is the landlord for Quest Academy. Noah Stevens talked about Coral Academy of Science and will be the principal the new school Centennial Hills Campus. Tamara Hammer spoke as a parent at Coral Academy of Science and would love to see an expansion. Zachary Hammer is a student at Coral Academy and enjoys going to school there. Ben Salkowe spoke as the principal of Equipo Academy and wanted to share some information about the school. Yolanda Flores, principal at Coral Academy, Sandy Ridge Campus to talk about being thankful for consideration on the expansion.

Member Mackedon moved for a flexible agenda. Member Luna seconded the motion. The motion carried unanimously.

Agenda Item 11 – Consideration and possible action of the Founders Academy charter contract amendment request to add one or more Educational Management Organizations.

Director Gavin spoke about what defines an educational management organization as for-profit business, organization or other entity that provides services related to the operation and management of charter schools and achievement charter schools.

Member Guinasso moved to table this agenda item to the next scheduled meeting. Member Conaboy seconded the motion. The motion carried unanimously.

Agenda Item 4 – Update and discussion of the NACSA agency recommendations

Elisa Westapher the Director of Authorizer Development and Larry Stanton with NACSA spoke about the visit with staff and talked about the strategic plan for SPCSA.

Member Mackedon moved to approve NACSA's recommendation regarding staffing changes including those specifically required by statute and direct staff to appeal to the governor's office for consideration of these investments in the agency budget question. Member Conaboy seconded the motion. The motion carried unanimously.

Agenda Item 16 – Authorization for the Agency to budget and charge up to 2 percent to support NACSA business findings and ongoing discussions regarding Agency budget request.

Director Gavin talked about the agency budget.

Member Luna moved to approve and go ahead and authorize the agency to budget and charge up to 2 percent to support NACSA's business findings. Member Snow seconded the motion. The motion carried unanimously.

Agenda Items 5 – Consideration and possible action on the America Leadership Academy charter application

Eric Makli Scholer, Megan Curtis and Melissa Hartman all board members spoke for American Leadership Academy and opening the school.

Member Mackedon moved to approve with conditions to be addressed prior to the execution of the charter contract. Member Snow seconded the motion. The motion carried unanimously.

Agenda Item 6 - Consideration and possible action on the Nevada Academy of Sciences and Arts charter application.

Director Gavin has asked for denial from the board.

Chair Johnson made a motion that the Authority follow staff recommendation for denial. Member Luna seconded the motion. The motion carried unanimously.

Agenda Item 7 – Consideration and possible action of the Nevada State High School Meadowood charter application.

Director Gavin spoke in approving with conditions to be addressed with staff.

Member Mackedon moved to approve the application under the condition that items discussed are worked out with staff prior to executing the contract. Member Snow seconded the motion. The motion carried unanimously.

Agenda Item 8 – Consideration and possible action on the Nevada State High School Sunrise charter application.

Director Gavin spoke in approving with conditions to be addressed with staff.

Member Mackedon moved to approve the campus with conditions being met and approved by staff before executing the contract. Member Conaboy seconded the motion. The motion carried unanimously.

Agenda Item 9 – Consideration and possible action on Coral Academy of Science Expansion Amendment application.

Director Gavin would like to recommend approval of amendment.

Member Mackedon moved to approve staff's recommendation, approve with conditions. Member Snow seconded the motion. The motion carried unanimously.

Agenda Item 10 – Consideration and possible action on the Somerset Academy amendment request.

Director Gavin would like to approve the amendment.

Member Snow moved to follow staff's recommendation for approval subject to any conditions. Member Conaboy seconded the motion. The motion carried unanimously.

Agenda Item 12 – Quest Academy and Silver State Charter School receiver update.

Josh Kern spoke about Quest Academy and Silver State Charter School receiver and a brief update on both schools.

Agenda Item 13 – Update and possible action regarding staff discussions with Nevada Connections Academy regarding school's plan for improvement. The Board will receive an update on and may discuss the status of discussions between SPCSA staff and School officials and attorneys regarding the school's efforts to develop a plan of improvement. The Board may register approval or disapproval of the plan or direct staff to take further action or require adjustments to the plan.

Director Gavin spoke about a plan that was presented by the school, updated metrics and measurements for each year of the next several years.

Member Mackedon moved to recommend the approval of these goals contingent upon the school entering into a charter contract which contains terms agreeable to both parties. Member Corbett seconded the motion. The motion carried unanimously.

Agenda Item 14 - Update and possible action regarding staff discussions with Beacon Academy regarding school's plan for improvement. The Board will receive an update on and may discuss the status of discussions between SPCSA staff and School officials and attorneys regarding the school's efforts to develop a plan of improvement. The Board may register approval or disapproval of the plan or require adjustments to the plan.

Director Gavin spoke about the staff report related to Beacon's graduation rate improvement plan.

Member Luna moved that we approve staff's recommendation as stated. Member Corbett seconded the motion. The motion carried unanimously.

Agenda Item 3 - Approval of Consent Approval

Information concerning the following consent agenda items has been provided to Board members for study prior to the meeting. Unless a Board member has a question concerning a particular item and asks that it be withdrawn from the consent list, items are approved through one action.

(Adam Johnson, Chair, SPCSA) **(Information/Discussion/Action)**

- Possible Approval of the ACT Aspire Contract
- Possible Approval of the Charter Application Timeline

Director Gavin spoke regarding the consent approval.

Member Mackedon moved to approve the consent agenda items. Member Conaboy seconded the motion. The motion carried unanimously.

Agenda Item 2 – Approval of the June 24, 2016 SPCSA Action Minutes

Member Mackedon moved to approve the minutes from the June 24, 2016 SPCSA Action minutes. Member Corbett seconded the motion. The motion carried unanimously.

Agenda Item 15 - Update, discussion and possible action regarding the State Public Charter School Authority's Strategic Plan

Director Gavin spoke about the strategic plan and the goals for 2020.

Member Mackedon moved to approve goal number one. Member Luna seconded the motion. The motion carried unanimously.

Agenda Item 17 – Public Comment #2

None

Chair Johnson adjourned the meeting at: 2:45.