

NEVADA STATE PUBLIC CHARTER SCHOOL AUTHORITY

May 14, 2018

Capitol Building
101 North Carson St.
Old Assembly Chambers
Carson City, Nevada

Nevada Department of Education
9890 South Maryland Parkway
2nd Floor Board Room
Las Vegas, Nevada

MINUTES OF THE MEETING

BOARD MEMBERS PRESENT:

In Las Vegas:

Jason Guinasso
Jeff Hinton
Nora Luna
Melissa Mackedon

In Carson City:

None

Teleconference:

Sheila Moulton

BOARD MEMBERS ABSENT:

Stavan Corbett

AUTHORITY STAFF PRESENT:

In Las Vegas:

Patrick Gavin, Executive Director
Mark Modrcin, Director of Authorizing
Brian Scroggins, Deputy Director

In Carson City:

Jennifer Bauer, Director of Finance and
Operations
Duffy Chagoya, Accountant II
Tanya Osborne, Administrative Assistant III
Danny Peltier, Management Analyst I

LEGAL STAFF PRESENT:

In Las Vegas:

Ryan Herrick, General Counsel, State Public Charter School Authority
Robert Whitney, General Counsel

In Carson City:

Aisheh Quiroz, Legal Assistant, State Public Charter School Authority

AUDIENCE IN ATTENDANCE:

In Las Vegas:

Caleb Berry
Shannon Berry
Betheny Farmer
Ben Gerhardt
Eileen Gilligan
R. Gourrier
Yolanda Hamilton
Kim Hammond
Katrina Hashimoto
Kara Hendricks
Maria Horta
Bruce Johnston
Geanitta Jones
Ragan Jones
Spencer Jones
Corey Kennedy
Karen Kreutzer
Samantha Morris
Tyler Morris

John P.
Joy Pearson
Bridget Phillips
Judy Piccininni
Ignacio Prado
Lisa Racine
Kerry Roberts
Mark Sarssolm
Sebastian
Debbie Tomasetti
Julianna Turley
Michele Voelking
Elias Wahl
Elissa Wahl
Marti Zavalza
Tina Zavalza
Faith Zeleniak

In Carson City:

None

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

Agenda Item 1 – Call to Order, Roll Call, and Pledge of Allegiance

Chairman Guinasso called the meeting to order at 9:00am with attendance as reflected above.

Agenda Item 2 – Public Comment

Kara Hendricks – Counsel for Nevada Virtual Academy – She held that the Board made procedural errors at its April 27th, 2018 by a.) meeting on a different date than specified in the Notice of Intent to Terminate that was sent to NVA, b.) OML violations related to the April 27th meeting regarding the content of the video recording and the Board moving the meeting to a different room, and c.) there was not a conclusion of the vote of the Authority Board on moving Agenda items 5 and 6 to May 14th. Ms. Hendricks questioned the legality of the entire proceedings with NVA and requested that the Board end the proceedings forthwith. She said the school has concerns about the fairness of the proceedings with regard to NVA.

Caleb Berry – 2014 NVA Grad – Spoke on behalf of NVA and defended their teaching model.

Tyler Morris – Read father's (Bill Morris) letter asserting that SPCSA was unprofessional in its presentation at the 4/27 meeting, accuses the Authority of not having a conscience or following procedures and being too adversarial in their dealings with NVA.

Shannon Berry – “Learning Coach” for 5 years, she has three children who have attended or are attending NVA. Her family values the flexibility and ability of NVA to accommodate her daughter's health issues resulting from Cystic Fibrosis.

Tina Zavaltza – She has two children currently attending NVA, and asserted that she, and not the Authority, knows what is best for her children and requested the right to school choice

Lisa Racine – Has four children who have attended or are attending NVA. She is grateful for NVA because the school for which they are zoned has a lot of problems (test scores, violence, etc.) and her children are doing better at NVA.

Maria Horta – Her daughter attends NVA and is disabled. She spoke on behalf of other parents who were unable to attend the meeting due to scheduling conflicts, and accused the Board and Authority of being inexperienced in the field of Education.

Agenda Item 3 – Approval of the April 27, 2018 Action Minutes

Member Mackedon moved to approve the minutes from the previous meeting, Member Luna seconded. The motion carried unanimously.

Agenda Item 4 – Focus on Schools: Doral Academy Preparatory School

Staff gave a summary of Doral Academy's program. Doral Administration presented a brief history of the school, explained aspects of their internal evaluation system, and highlighted particularly high-performing academic programs. Member Guinasso asked them to share with the Board what is working well in regard to accountability with their data-driven model so that the Board or Authority might share that information or those strategies with lower-performing schools. Chairman Guinasso mentioned that he is interested in compiling a “Ten Best Practices of High-Performing Schools” list by the end of the year and thanked Doral for their contribution. Doral Administration then presented the Board with framed artwork from their students.

Agenda Item 5 – Nevada Virtual Academy

Chairman Guinasso asked legal staff to respond to Ms. Hendricks's comments during Agenda Item 2 regarding OML procedural errors. Messrs. Whitney and Herrick found these claims to be without merit. Particularly, it was determined that the roughly ten minutes of the April 27th meeting that was not recorded was outside of the control of The Board and The Authority. An attempt to record the proceedings was made in good faith and therefore does not violate the OML. In regard to the room change argument Ms. Hendricks mentioned, because there was no substantive action taken, there is no violation of OML. Legal counsel advised the Board to continue with the proceedings as planned.

Chairman Guinasso asked Staff to recap their findings from the last meeting. Staff's recommendation is to reject NVA's improvement plan as presented, Mark Modrcin cited several deficiencies in the proposed plan and Staff does not have confidence that this plan will result in a turnaround in the school's performance. Staff stated that several aspects of the proposed plan are too vague, lack clearly-detailed proposed procedures, and lack evidence that they will produce positive results. *See Staff's Memo in attached supporting documents.*

Chairman Guinasso asked for clarification of Staff's and the State's expectations for elementary schools in the state of Nevada. Mr. Modrcin explained the expectations (proficiency, growth). Chairman Guinasso asked about attendance as it relates to a school's star rating. Patrick Gavin responded about the attendance levels and spoke about the different elements of the star-rating, and explained that attendance is a relatively low percentage of the overall score. Chairman Guinasso continued to question Staff about various aspects of their report regarding historic underperformance during NVA's Renewal process. Members Luna and Mackedon spoke on the subject of the renewal hearing – for which they were present – and expressed their frustration at NVA's administration for recycling the same plans (such as change in leadership) that have yielded no results. Director Gavin explained the abundance of second chances the SPCSA and Board have given NVA and expressed the Authority's disappointment in the lack of improvement in NVA's performance, in spite of these opportunities to improve.

Kara Hendricks, counsel for NVA, again questioned the legality of the proceedings, suggested that the Authority has an inherent bias against NVA and that terminating NVA's charter is a forgone conclusion for the Authority. She asked the Board to keep an open mind as they evaluate NVA's presentation of their proposed improvement plan.

Members of NVA's Administration spoke at length about their proposed improvement plan and reiterated some of the highlights from their presentation at the April 27th meeting.

Members Luna and Moulton commented briefly about the proceedings and both support the motion to agree with Staff's recommendation.

Member Mackedon moved to agree with Staff's recommendation to reject the proposed cure. Member Luna seconded the motion. Vote to accept Staff's recommendation to reject Nevada Virtual Academy's proposed cure carried unanimously.

Agenda Item 6 – Nevada Virtual Academy

Ryan Herrick, general counsel for SPCSA, spoke regarding a proposed June 25th Public Hearing to determine whether to terminate NVA's charter.

Mr. Herrick and Ms. Hendricks will submit a proposed order regarding the framework of the hearing.

Chairman Guinasso moved to accept Staff's recommendation and set June 25, 2018 as the date of the hearing to determine whether termination of Nevada Virtual Academy's charter contract is appropriate or any other remedies related thereto. Further, Mr. Herrick will present a proposed order with a process and a procedure for marking exhibits, taking evidence, receiving briefing, and for the process and procedure for the hearing itself – submitted to Chairman Guinasso by

5:00 pm on Friday, May 19, 2018, who will address and resolve any disputes about the proposal via phone conference with Mr. Herrick and Ms. Hendricks. Member Mackedon seconded the motion. Vote carried unanimously.

Agenda Item 7 – SPCSA Staff Report

Charter Amendment application update. Staff received and is reviewing nine amendment applications during the application window (closed April 15, 2018). The schools which have applied are:

1. American Preparatory Academy
2. Discovery Charter School
3. Leadership Academy of Nevada
4. Nevada State High School
5. SLAM
6. Pinecrest Academy of Nevada
7. Mater Academy
8. Somerset Academy
9. Doral Academy

Agenda Item 8 – Action items from the January 26, 2018 SPCSA Board Meeting

The board re-voted on the following items from the January 26th meeting due to a minor OML violation. Board members were permitted to change their original votes.

- Approval of the October 23-25, 2017 and December 8, 2017 Action Minutes.

Member Mackedon moved to approve the minutes for the October 23-25, 2017 and December 8, 2017 meeting. Member Hinton seconded. The motion carried unanimously.

- Kern v. CSP-Bridger Ave., LLC, et al. (District Court Case No. A-16-736281-B – Clark County). Staff's recommendation to intervene in the pending litigation in order to address CSP-Bridger's pending motion requesting court oversight in regard to the Quest Preparatory Academy receivership.

Member Mackedon moved to approve staff recommendation that the State Public Charter School Authority intervene in the pending CSP litigation for the limited purpose of addressing CSP request for judicial oversight. Member Luna seconded the motion. The motion carried unanimously.

- The Honors Academy of Literature Charter Contract Renewal Request.

Member Mackedon moved to approve the Honors Academy of Literature Charter contract renewal request with staff's recommendations. Member Member Hinton seconded the motion. The motioned carried unanimously.

- Pinecrest Academy of Nevada’s Charter Contract Renewal Request.

Member Luna moved to renew the contract renewal request by Pinecrest Academy of Nevada with conditions. Member Hinton seconded the motion. The motion carried unanimously.

- Pinecrest Academy of Nevada’s Charter Contract Amendment Request (Expansion / New Campus)

Member Luna motioned the Pinecrest Academy of Nevada may open a new school for 2019- 2020 with recommendations and conditions that staff has placed. Member Mackedon seconded the motion. The motion carried unanimously.

- Learning Bridge Charter School’s Charter Contract Amendment Request (Relocation)

Member Mackedon made a motion to approve Learning Bridges amendment request to relocate its facility as outlined in staff’s recommendation. Member Luna seconded the motion. The motion carried unanimously.

- Legacy Traditional School Charter Contract Amendment Request – Southwest and Cadence Campuses (Expansion / New Campus). – *Chairman Guinasso excused himself from the room for this vote because of a conflict of interest with his law firm.*

Member Luna made a motion to approve the opening of Legacy Traditional School – Southwest campus to open for the 2019-2020 school year, and allow for an increase in enrollment at the Legacy Traditional School Cadence campus. As a condition of this approval, the Board resolved that Legacy Traditional School may not submit any further amendment requests until such time as the Department of Education issues its ratings pursuant to the Statewide System of Accountability (“Star Ratings”) for the 2018-2019 school year, at which time the Board may consider inviting Legacy Traditional School to submit further amendment requests. Member Hinton seconded the motion. The motion carried unanimously.

Agenda Item 9 – Nevada Connections Academy

Superintendent of Nevada Connections Academy Chris McBride spoke on behalf of NCA and their progress to-date. Mr. McBride expounded on programs NCA has put in place to ensure the success of their students and discussed how these programs have positively impacted the school’s standing.

Agenda Item 10 – SPCSA Financial Framework

Duffy Chagoya spoke on the Financial Framework results for FY17.

Agenda Item 11 – SPCSA Revolving Loan Applications

Mark Modrcin spoke on recent revolving loan applications. Applicants included Futuro Academy, Nevada Preparatory Charter School, and Nevada Rise Academy.

The Board granted all three requests; there was no discussion.

Member Mackedon motioned to grant Futuro Academy a \$67,000 loan, Nevada Prep a \$70,000 loan, and Nevada Rise \$70,000. Member Luna seconded. The motion carried unanimously.

Agenda Item 12 – Authority Board Meetings Facilities Update

Board and Staff discussed at length the possible facilities to be used for future meetings and the legal requirements thereof.

Agenda Item 13 – Long-Range Board Calendar

Board discussed the long-range calendar and possibility of prioritizing items on future agendas to accommodate all members and to be mindful of the amount of time, effort, and expense that goes into meetings and hearings.

In light of the Board's decision to move forward with termination proceedings for Nevada Virtual Academy, the decision was made to have a separate hearing on June 25th in addition to the regularly scheduled Board Meeting on June 28th.

Agenda Item 14 – Public Comment

None.

Agenda Item 15 – Adjournment