

**NEVADA STATE PUBLIC CHARTER SCHOOL AUTHORITY**

**December 14, 2018**

Nevada Department of Education  
700 East 5<sup>th</sup> Street  
Board Room  
Carson City, Nevada

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

**MINUTES OF THE MEETING**

**BOARD MEMBERS PRESENT:**

**In Las Vegas:**

Jason Guinasso  
Randy Kirner  
Sheila Moulton  
Jeff Hinton  
Nora Luna

**In Carson City:**

Melissa Mackedon

**BOARD MEMBERS ABSENT:**

Stavan Corbett

**AUTHORITY STAFF PRESENT:**

**In Las Vegas:**

Mark Modrcin, Director of Authorizing  
Brian Scroggins, Deputy Director  
Michael Dang, Management Analyst IV

**In Carson City:**

Danny Peltier, Management Analyst I  
Selcuk Ozdemir, Education Programs Supervisor  
Jennifer Bauer, Director of Finance and Operations

**LEGAL STAFF PRESENT:**

**In Las Vegas:**

(none)

**In Carson City:**

Ryan Herrick, General Counsel, State Public Charter School Authority  
Aisheh Quiroz, Legal Assistant, State Public Charter School Authority

**AUDIENCE IN ATTENDANCE:**

**In Las Vegas:**

(See attached Sign-in Sheet)

**In Carson City:**

Rebecca Phipps

**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**

Steve Canavero gave public comment regarding the SPCSA's LEA status. He says he is encouraged by the LEA strategy that has been created. He is encouraged by the separation between the legal and operational discussions. He stated that what he saw in the presentation wasn't a legal discussion, as it's pretty clear legally – the legal question is solved, but now the operational work can begin. He was struck by what a deeply operational process it is. He came to encourage the SPCSA as we evolve. NDE is here to support us and figure out the operational intricacies.

Acting Executive Director Scroggins read a letter from Ash Mirchandani, speaking in support of Nevada Strong Academy. That letter is attached to these minutes.

David Gardner spoke in support of Nevada Strong Academy. As a father and former SPCSA Board member, he strongly advocated for NSA to be permitted to submit a letter of intent outside of the prescribed window. He stated that this school is exactly the kind of school we want in Nevada. He wishes the school had been here five years ago and strongly supports it.

**Agenda Item 3 – Approval of the November 30, 2018 Action Minutes.**

Given the short turnaround time between the November 30 and December 14 meetings, Chair Guinasso wanted to stress, on the record, that the November 30, 2018 minutes are more of a summary than full minutes. Anyone interested in a full account of what occurred at the November 30, 2018 meeting may consult the recorded video. Additionally, it was noted that the minutes contained an error. During the Public Comment agenda item at the November 30 meeting, Chair Guinasso stated that Ben Salkowe had submitted written public comment, but he did not read it aloud (as stated in the minutes). Mr. Salkowe's written comments were added as an attachment to the November 30, 2018 meeting minutes.

Member Moulton made a motion to approve the minutes from the November 30, 2018 meeting minutes, with the above considerations. Member Kirner seconded the motion. The motion carried unanimously.

**Agenda Item 4 – SPCSA Staff Reports****1. Authorizing Team**

Director Modrcin updated the board on his team's work.

- a. Staff is currently undergoing training in preparation for Site Evaluations.
- b. Staff is in the final stages of formalizing feedback to the summer cycle applicants who withdrew their applications. Staff is encouraging the schools to reapply and will give feedback on areas of the applications that need improvement.
- c. The Department has issued the graduation rates for the Class of 2018 – and there is good news. There will be a formal presentation with a more substantive dive into the details by Dr. Selcuk Ozdemir at the January meeting.

**2. School Support Team**

- a. Acting Director Scroggins updated the board regarding the recent IFC Hearing during which members of staff as well as Chair Guinasso appeared before the Interim Finance Committee to address some concerns and misunderstandings from the previous Interim Finance Committee meeting in October. Chair Guinasso stressed that his takeaways are that the Site Evaluations are of the utmost importance to the IFC and that it's the Board that is accountable for what happens or doesn't happen – not Staff. He stressed that the Board needs to be fully-informed going forward and that their credibility is at stake. The Board will be expecting more transparency and more information from Staff than has been shared previously.
- b. Acting Director Scroggins met with NASS and represented the SPCSA – which is often seen as its own district. They discussed issues such as finances and lobbying.
- c. There is discussion taking place regarding revamping the Nevada Plan, which will have implications for the funding for charter schools. Schools are encouraged to

engage in these talks and to try to keep themselves informed on what is happening in the legislature.

- d. Acting Director Scroggins and others have started a Charter School Safety Committee to help support Charter Schools as they navigate making improvements to their safety protocol. The idea is not to tell the schools what to do or how to implement their plans, but rather to offer them support and various expertise to assist them in creating and implementing their own safety plans. As part of this safety initiative, the SPCSA is currently in the process of seeking grant funding to send representatives from our schools to the Nevada Emergency Preparedness Summit at the El Dorado in Reno in February.

### **3. Finance and Operations Team**

- a. Jennifer Bauer, Director of Finance and Operations, gave the board a brief overview of the subawards and grants. Member Moulton asked if Ms. Bauer would submit something in writing, as her presentation contained a lot of specific dollar amounts and the board should have those available for their reference. Ms. Bauer stated she would put something together. The Board had several questions regarding the financial implications of the SPCSA's evolving LEA status. Ms. Bauer stated that the statutes are unclear as far as what "limited LEA" means or what the specific situations are to which that applies. Member Moulton and Chair Guinasso asked for further clarification on the grant funding and how they are processed and dispersed. Chair Guinasso directed staff to present on the topic at a future meeting. Ms. Bauer asked that someone from NDE's finance department be present to give better information on that.

### **4. Legal**

- a. Mr. Herrick updated the board regarding renewed contracts. Staff has issued letters to the schools stating that their renewal has been approved by the Board. Mr. Herrick is drafting the renewed contracts and they will be sent out to schools in the coming weeks.

### **Agenda Item 5 – Executive Director Recruitment Process**

Mr. Herrick updated the board on the progress Staff has made in the process of filling the position of Executive Director. The job has been posted and Staff has received eighteen applications. The posting will close on January 4<sup>th</sup>, at which point Staff will compile the resumes and cover letters that have been received and will present them for the Board's consideration at the January 18 meeting. The plan is to conduct interviews at the February meeting.

Member Kirner asked that we hold a special meeting instead of trying to do the candidate interviews rather than trying to do them during a regularly-scheduled meeting. Member Moulton and Chair Guinasso concurred.

No action was taken on this item.

### **Agenda Item 6 – Best Practices Presentation**

Sandra Kinne, Education Programs Professional, gave a short presentation on the key takeaways from the schools that were identified as being high-performing and were featured over the course of 2018 during our “Focus on Schools” agenda items. Ms. Kinne’s presentation can be found among the supporting materials for this agenda item.

### **Agenda Item 7 – Fund Our Future**

Chair Guinasso introduced this topic and encouraged the Board to consider joining this coalition. Representatives from the Fund Our Future coalition gave a presentation on school funding in the state of Nevada. They explained that Nevada’s system of funding education is significantly outdated and desperately needs to be revamped and updated. Their presentation can be found among the supporting materials for this meeting. The Board discussed whether or not it would be appropriate to publicly join this coalition and it was ultimately determined that it is not appropriate for the Board to join as a body, but that individuals on the Board may do so if they are so inclined and that the Board wants to be kept informed on the progress the coalition is making throughout the legislative session.

No action was taken on this item.

### **Agenda Item 8 – SPCSA Performance Framework – Organizational Component**

Director Modrcin gave a presentation on the Organizational Framework component of the SPCSA Performance Framework. He explained what a Performance Framework is and how it helps the SPCSA in our oversight responsibility, and the ways in which it influences the accountability piece of the “charter school bargain” (autonomy in exchange for accountability). Director Modrcin’s presentation can be found among the supporting materials for this agenda item.

Chair Guinasso asked if there might be a way to incentivize schools going above-and-beyond their statutory obligations – for example serving free/reduced lunch or providing transportation – under the Organizational Framework. He noted that these two things are significant barriers to access to charter schools and we should be rewarding schools who are working to increase accessibility. Director Modrcin agreed that there is potential to work out an incentive structure but cautioned that we don’t want to infringe upon individual schools’ autonomy.

There have been several discussions among Staff, with and before the Board, as well as various other stakeholders regarding the Legal Compliance Questionnaire schools were asked to complete over the summer. The Legal Compliance Questionnaire has been found to be too duplicative and cumbersome to be useful for either the SPCSA or the schools themselves. However, the information is important to have. Staff has identified several aspects of the Legal Compliance Questionnaire that could fold nicely into a robust Organizational Framework. Several things could be submitted in Epicenter and spot-checked during Site Evaluations.

Mike Dang outlined several findings regarding the Legal Compliance Questionnaire – included as part of the previously-mentioned presentation and part of the supporting materials for this agenda item.

Chair Guinasso confirmed asked if it would be feasible to shorten the timeline for the completion of the Organizational Framework to March rather than May. Director Modrcin stated that a shorter timeline is not feasible with the amount of work Staff is already doing.

Chair Guinasso asked Acting Director Scroggins to set up a meeting with the two heads of the education committees prior to the start of the legislative session to brief them on our frameworks and the process we are going through in revamping the components.

### **Agenda Item 9 – Nevada Virtual Academy Elementary School Closure update**

Director Modrcin briefly reminded the board of the status of NVA's work toward closing the elementary school. Dr. Yolanda Hamilton spoke on the elementary school closure timeline of important events which have to be done throughout the closure process. They will provide families with the surrounding schools' lottery timelines. After everything is done, Dr. Hamilton will submit a final report to the board. In January and February, they will hold an online session on how the school year will end. There will also be information regarding alternative schools for currently enrolled K-4 students. NVA wants to ensure that the transfer of all student records goes smoothly and has appointed an internal "enrollment team" to oversee that process.

Member Moulton asked who would be on the enrollment team. Dr. Hamilton answered that there is existing staff whose day-to-day responsibility is enrollment and that is the team who will be dealing with the transfer of student records to the appropriate entities.

Ryan Herrick, SPCSA General Counsel, asked Dr. Hamilton what measures have been taken to inform families of the impending closure of NVA's elementary school and what the reaction has been. Dr. Hamilton explained that she has monthly communications with families and that at the beginning of the year she will be reaching out regarding transitioning and next-steps for the elementary school families.

Member Hinton asked whether the student files to be transferred are physical or digital files and expressed concern that they might be lost along the way during the transition. Doctor Hamilton answered that because the school is not closing entirely, they will retain student records according to statute. She explained that they have both digital files housed in Infinite Campus as well as physical files.

### **Agenda Item 10 – Nevada Strong Academy**

Nevada Strong Academy has submitted a request to the Board to permit them to submit their letter of intent to submit a new charter school application outside the statutorily prescribed window. Staff is recommending that the Board reject this request.

Mr. Herrick gave a brief overview of the legal problems with granting this request. The Board has the ability to waive the letter of intent window, but not the 120-day process. This would put the school – which hopes to open in Fall of '19 – into July or August before they would be approved. This is a problem for a number of practical reasons. These things combined with Director Modrcin's concerns from an Authorizing perspective have led Staff to the conclusion that this request should be rejected and that the school should submit their letter of intent during the next cycle and wait a year to open.

Director Modrcin highlighted the Authorizing team's concerns with the possible approval of this request. The windows are put in place to help the team plan ahead and make the necessary arrangements to do a thorough review of each application. Adding another application this late in the cycle would be problematic. Director Modrcin outlined specific weaknesses in Nevada Strong's Committee to Form – including the change in makeup and the lack of an established EMO. He noted that the applicants missed the letter of intent window because they were busy applying for sponsorship under the Achievement School District and Staff views this as a little bit of Authorizer shopping. The SPCSA does not want to be the “sponsor of last resort”.

Member Kirner asked for clarification on the problems that granting this request would impose upon Staff. Director Modrcin explained that one of the biggest problems for him personally would be in finding qualified external reviewers in such a short time in addition to the reasons he cited earlier. Director Modrcin noted that his primary concern, however, is the impact of a rushed opening on the children the school will serve.

Chair Guinasso explained the reasons the Board wanted to have these windows in the first place. They wanted to manage workload and also ensure that they were making quality decisions and having a robust review of the applications. He asked the school to explain their position and why they believe that, as noted in the letter that was submitted, not permitting the school to open would not be in the best interest of the students they are going to serve.

Mark Gardberg, legal representation for Nevada Strong Academy, stated that the NSA withdrew its application to the Achievement School District after one member of their board backed out the night before they were to apply to the ASD. They are focused on the population they want to serve – low-income, high ELL – and that they are confident their application will be accepted based on the merits. Anette Dawson Owens explained to the Board that the board they have assembled is the best in the state and that they have over 150 years of experience in education and that they just want to be given a chance to try.

Members Hinton and Kirner stated that they believe this school is the kind of school we want to support because they want to serve an underserved population.

Member Moulton asked that the school please submit in the next cycle, then made a motion.

Member Moulton moved to accept Staff's recommendation to reject Nevada Strong Academy's request to submit their letter of intent outside of the window. Member Luna seconded. The motion carried unanimously.

### **Agenda Item 11 – Local Education Agency (LEA) Update**

Chair Guinasso stressed that the LEA question is the most important one that he has seen during his tenure on the Authority Board. He highlighted the importance of the work being done and how heavily it impacts Staff, the Board, and our schools. Chair Guinasso addressed the Board and Staff regarding the magnitude and the significance of the work before us. He also stressed the importance of working closely with NDE on this matter.

Adam Hawf and Dr. Justin Gardner have been contracted by the SPCSA to outline a process for adopting the LEA responsibilities gave a presentation on their work to-date. Adam Hawf and Dr.

Justin Gardner each gave a presentation regarding what it would take for the SPCSA to become an effective LEA, and these presentations are included as supporting materials for this agenda item.

The point that was made over and over again was that the current staff at the SPCSA does not have the capacity to do the amount of work it is going to take to be an effective LEA for all of our schools. The contractors recommended a significant increase in staff in order to begin doing this work but gave a lengthy (years-long) runway to get things up and running. Given the lack of adequate staffing at the SPCSA, Mr. Hawf strongly recommends working in tandem with NDE. They also stressed that it will be imperative to communicate clearly with schools and to be transparent throughout this process. Mr. Hawf cautioned that the rollout needs to be lengthy because it will be a great deal of work involved.

Member Moulton asked whether the Authority Board retains liability if the schools become their own LEA. Mr. Hawf answered that there would be less liability, but that there would still be some liability.

Member Mackedon asked for clarification on the potential cost of taking on the LEA responsibilities. Mr. Hawf recommended taking sponsorship fees of no less than 2%.

Director Modrcin asked what measures the Authority could use to determine whether schools have the capacity to become their own LEA. Ultimately, the Authority would be better at assessing the schools' capacity to undertake this process after a capacity-building and educating period.

Dr. Gardner's presentation took a closer look at the grants management and the grants funding streams. He also stressed the need to increase staff significantly in order to carry out these added responsibilities.

Member Mackedon stated that she has so many questions, she wouldn't know where to begin. She explained that this is going to be an enormous burden on schools and Staff and supported a long runway in order to build capacity and to have informational sessions explaining what will be expected of schools.

Chair Guinasso asked if Member Mackedon would be the Board point of contact in going forward with the contract work. As a school leader who is a member of this board as well as a member of CSAN, she is well-positioned and has a unique perspective that would be an invaluable asset.

### **Agenda Item 12 – SPCSA Budget Update**

Jennifer Bauer gave a brief presentation regarding the SPCSA's Budget Request for the 2019-2020 biennium. She gave a brief overview of the budget process as well as highlighted some of the enhancement requests the agency has made. Ms. Bauer's memo and the agency's budget request can be found in the supporting materials for this agenda item.

Several Board members raised the concern that the new positions that were requested in the budget are not sufficient to meet the need that was just outlined by Mr. Hawf and Dr. Gardner.



Ms. Bauer stated that there was a very short turnaround time and there was not time to revise these requests before submitting them. She noted that there are mechanisms in place to do a late request and Chair Guinasso instructed Acting Director Scroggins and Ms. Bauer to pursue that.

Chair Guinasso asked for a presentation on the Governor Recommends Budget in January, as that information will be made available shortly before the January board meeting.

Chair Guinasso also stated that in the future, the board should be given an opportunity to go over the proposed budget request prior to it being submitted. This would help increase Board understanding as well as transparency throughout the process. It would also give the Board an opportunity to participate in policy discussions relative to the budget.

### **Agenda Item 13 – 2019 Legislative Session Update**

Acting Director Scroggins updated the Board on Assembly Bill 78 – the SPCSA’s Bill Draft Request. Staff will revise the BDR with Dr. Canavero’s assistance.

Chair Guinasso stated that the BDR will be discussed in further detail during the January meeting.

### **Agenda Item 14 – Elko Institute of Academic Achievement Amendment Request**

Elko Institute of Academic Achievement submitted a request to amend its charter to allow for the relocation of its campus without increasing enrollment or grade levels (2019-20 school year).

Director Modrcin gave a short presentation on the move by EIAA to a new building, which is located in a mall.

EIAA Principal Ashley Perkins, Vice Principal Lori Lynch, Board Member Layla Miguel, and David Fanua, Vice President of Construction and Development at Meridian Pacific, the landlord of the new property, traveled to Las Vegas to discuss this relocation with the Authority Board.

The new site will help address several concerns the school has. Chiefly, student safety is a concern at their current location due to the multiple points of access to the campus combined with a relatively high itinerant population in that area. The new location addresses this concern by minimizing points of access to the school. The new location will also allow EIAA to grow in the future – two classrooms per grade level, potentially – and the landlord has agreed to leave the space for EIAA to grow without charging the school until they are actually occupying it. Mr. Fanua stated that it is mutually beneficial to have the charter school located in a mall because while it meets the many needs of EIAA, it also brings in potential customers who would otherwise not be there twice a day, five days a week.

Member Moulton moved to approve Staff’s recommendation to allow the Elko Institute of Academic Achievement the amendment request as submitted with the conditions Staff has put in place. Member Kirner seconded the motion. The motion carried unanimously.

**Agenda Item 15 – Doral Academy of Nevada Amendment Request (Bond)**

Mr. Dang spoke regarding both Doral Academy and Somerset Academy’s requests to amend their charters to allow them to bond. Mr. Dang stated that both schools are performing well academically, that Doral is strong financially, and that Somerset – while they missed the mark during the 2016-2017 financial performance review – are in good standing and the bond will help them save a substantial amount of money in the coming years. Staff recommends approving both amendment requests.

Member Moulton moved to approve Doral Academy of Nevada’s request to amend its charter for a bond.

Member Luna seconded. The motion carried unanimously.

**Agenda Item 16 – Somerset Academy Amendment Request (Bond)**

Member Moulton moved to approve Somerset Academy’s request to amend its charter for a bond.

Member Luna seconded. The motion carried unanimously.

**Agenda Item 17 – Somerset Academy Amendment Request**

Mr. Dang spoke briefly on the schools’ requests to amend their charters to allow bus transportation of their students. Mr. Dang and Director Modrcin thanked NDE for their input and assistance. Colin Bringham, of Academica, assured the Board that the schools are committed and have no problem with the conditions set forth by Staff. Staff recommends approving these amendment requests.

Member Moulton moved to approve Somerset Academy’s request to amend its charter to allow the transportation of students using buses owned by Somerset.

Member Luna seconded. The motion carried unanimously.

**Agenda Item 18 – Pinecrest Academy Amendment Request**

Member Moulton moved to approve Pinecrest Academy’s request to amend its charter to allow the transportation of students using buses owned by Pinecrest.

Member Luna seconded. The motion carried unanimously.

**Agenda Item 19 – Sports Leadership and Management Academy**

Member Moulton moved to authorize SLAM Academy’s request to amend its charter to allow the transportation of students using buses owned by SLAM.

Member Kirner seconded. The motion carried unanimously.

**Agenda Item 20 – Long-Range Calendar**

The Board discussed when to schedule the interviews for the Executive Director position. Staff is looking at the end of February or early March. Member Moulton expressed concern that this leaves the SPCSA without an Executive Director for a long time.

Mr. Peltier will schedule the meeting and let the Board know what is available.

For the next meeting, add the financial discussion with Ms. Bauer. We will also discuss our legislative agenda and designate members to attend the legislative session.

Chair Guinasso asked Staff to put the Long-Range Calendar toward the top of the agenda in January.

**Agenda Item 21 – Public Comment #2**

None.

**Agenda Item 22 – Adjournment**

The meeting was adjourned.

**From:** [Brian Scroggins](#)  
**To:** [Danny Peltier](#)  
**Subject:** Fw: Extension Request - Nevada Strong Academy  
**Date:** Monday, December 17, 2018 1:03:48 PM  
**Attachments:** [Outlook-Nevada Sta.png](#)

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Danny,

Here is the written Public Comment from Friday for Ash Mirchandani.

Thanks,



**Nevada State Public  
Charter School  
Authority**

**Brian Scroggins | Deputy Director**

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**From:** Ash Mirchandani <ash@mbgholdings.com>  
**Sent:** Friday, December 14, 2018 10:54 AM  
**To:** Brian Scroggins  
**Subject:** Re: Extension Request - Nevada Strong Academy

Thank you Brian. Lets catch up soon.

On Dec 14, 2018, at 10:43 AM, Brian Scroggins <[bscroggins@spsca.nv.gov](mailto:bscroggins@spsca.nv.gov)> wrote:

Ash,

I read your comments to the Board and audience during the Public Comment period this morning as part of the record. Thanks for submitting you comments.

Brian



**Brian Scroggins | Deputy Director**

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**From:** Ash Mirchandani <[ash@mbgholdings.com](mailto:ash@mbgholdings.com)>

**Sent:** Thursday, December 13, 2018 6:16:48 PM

**To:** Brian Scroggins; [jdgnevadaspcs@gmail.com](mailto:jdgnevadaspcs@gmail.com)

**Cc:** Annette Owens

**Subject:** Extension Request - Nevada Strong Academy

Good Evening, Interim Executive Director Scroggins and Chair Guinasso:

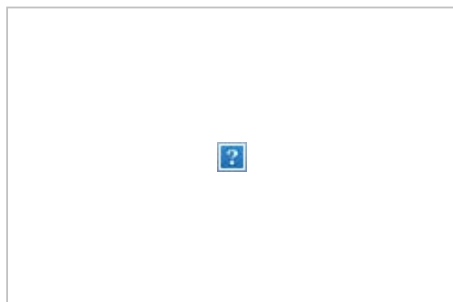
I'm writing today to strongly support the extension request made by Ms. Owens relative to her Charter School Application. I have known Ms. Owens for a few years and know that she cares deeply on education matters and bringing quality education to Nevada. The fact that she was able to engage Dr Tamin and bring his successful programs to Nevada is a huge win for our State. Not granting this extension will delay this for a year and a half and will be a disservice to the students that should benefit as soon as possible from this novel program.

I hope and urge you and the entire board to grant Ms. Owens this extension and thereby help Nevada get the stellar education programs that Dr. Tamin has so successfully launched in Texas sooner than later.

Thank you for your time and indulgence.

Sincerely,

ASH MIRCHANDANI  
M GROUP [mbgholdings.com](http://mbgholdings.com)



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Asian Political Alliance [asiansinpolitics.org](http://asiansinpolitics.org)

Asians For Public Service [apsnv.org](http://apsnv.org)

Nevada Capital Investment Corporation [nevadatreasurer.gov/NCIC](http://nevadatreasurer.gov/NCIC)

United Citizens Foundation - [ucfNV.org](http://ucfNV.org)  
4485 South Buffalo Drive Las Vegas NV 89147  
P 702-280-7203 | F 702-933-1041

# State Public Charter School Authority

## Board Meeting

Las Vegas

12-14-2018

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David Gardner	—	gardnerlawlu@gmail.com
Cindy Wright	NUNVA	Cwright@K12.com
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