

BRIAN SANDOVAL
Governor

STATE OF NEVADA

PATRICK GAVIN
Executive Director



STATE PUBLIC CHARTER SCHOOL AUTHORITY

1749 North Stewart Street Suite 40
Carson City, Nevada 89706-2543
(775) 687 - 9174 · Fax: (775) 687 - 9113

TO: Jaimarie Dagdagan, Program Analyst, LCB Fiscal Analysis Division
FROM: Patrick Gavin, Executive Director
SUBJECT: State Public Charter School Authority (SPCSA) – Follow-up from the April 11, 2018, Interim Finance Committee meeting
DATE: April 26, 2018

- 1) During the IFC meeting, the SPCSA indicated it performed support site visits on 34 school campuses as of February 20, 2018, and indicated that these visits are different from evaluative site visits.
 - a) Please describe the functions performed by the SPCSA on support site visits versus evaluative site visits. **The SPCSA provides on-site technical assistance in areas identified for additional support during site support visits. These include, but are not limited to, grant application completion, pre-kindergarten expansion program implementation, special education consultation, discussion on English Language Learner services, and on-site review of expenditures made with federal funds. These supports are delivered based on needs identified by the Education Program Professionals assigned to each school and campus. These activities are based on the local educational agency functions that the SPCSA has traditionally performed for schools based on past guidance from the Nevada Department of Education (NDE).**

In contrast, the evaluative site visits that the SPCSA Board adopted were intended to be a key component of the SPCSA’s authorizing function. The components of a legally defensible evaluative site visit are not yet determined so it would be entirely speculative to provide an inclusive description. In other jurisdictions throughout the nation, site visits include, but are not limited to, one hour of observation in every class room; focus groups with parents, students, staff, and members of the governing body; observation of one or more board meetings; review of school-based documentation; and some form of an attempt to determine if the school is following through with its mission, vision, and policies. Historically there has been dissention

among the SPCSA Board members regarding the level of necessary scrutiny utilized during site visits, evidence required, and the legal defensibility.

- b) Please indicate the position titles of staff performing support site visits as well as those performing evaluative site visits. **The support site visits are conducted by the Deputy Director and his team of two Education Program Professionals. At the present time, the SPCSA does not envision evaluative site visits being performed by agency staff. Unless the SPCSA Board elects to amend the charter contract to remove the site visit requirement, the SPCSA anticipates utilizing agency staff in the Authorizing Team to manage and oversee the evaluative site visits performed by contracted, external resources with specific knowledge of charter school academic and instructional models including the content areas being taught in the charter schools. This would occur after site visit protocol is developed and approved by the SPCSA Board and regulations incorporating the protocol and rubrics are adopted by NDE.**
- 2) Based on the letter of intent (LOI) response and communications with Fiscal staff, the SPCSA has not performed the required site visits on any of its 58 charter school campuses since FY 2013.
- a) Please clarify whether the site visits referenced in the LOI response are support site visits or evaluative site visits. **The site visits referenced in the LOI response are evaluative site visits.**
 - b) Please provide the ramifications of not being able to perform site visits for the SPCSA's sponsored charter schools. **As previously provided in an email dated March 19, 2018, a school could use the lack of at least one formal site visit as grounds to contest a non-renewal of the charter contract or a decision to terminate the charter contract. To further expand upon this response, a school could also argue before a court that a site visit that was not conducted in an objective and impartial manner or that it was not based on a defensible protocol, framework, and any required regulations.**
 - c) Please provide the anticipated date all required site visits will be completed. **The SPCSA does not have an anticipated completion date for all evaluative site visits because there are many steps that must first be completed to develop defensible protocol and rubrics prior to commencing the visits, including the adoption of regulations by NDE codifying the site visit protocol and rubrics. As the LCB is aware, the SPCSA has limited rulemaking authority. To the extent that the LCB determines the new frameworks, protocols, and rubrics warrant regulations as defined in NRS 233B.038 beyond the existing contractual terms, the SPCSA will need to collaborate with NDE and LCB to incorporate the SPCSA Board-approved frameworks, protocols, and rubrics adopted. There are several of critical path items that are outside of the direct control of the SPCSA, yet the entities that have the authority to implement have other competing responsibilities and priorities. However, the support site visits, as indicated during testimony at the IFC meeting, to all the campuses should be complete by the end of June, excepting any exigent circumstances or scheduling issues in consideration of schools that are conducting testing at this time.**

- 3) Testimony provided indicated the SPCSA is currently recruiting for a Management Analyst position, which is a new position approved by the 2017 Legislature to monitor and evaluate the organizational performance of charter schools. In addition, the Education Programs Supervisor position responsible for monitoring and evaluating the academic performance of charter schools was not hired until March 5, 2018.
 - a) Please indicate how the SPCSA is currently measuring a charter school's progress in meeting the organizational and academic performance requirements. **The SPCSA is currently measuring organizational performance in a reactive manner based on verified complaints. Academic performance is currently assessed using the results of the Nevada School Performance Framework (NSPF). The results of this monitoring are reported to the SPCSA Board; from this information, the Board may choose to issue notices of concern, breach, or intent to terminate/revoke at its discretion.**
 - b) Please indicate why the SPCSA continues to approve new charter school contracts when it has not fulfilled its obligation to conduct site visits of existing charter schools and has not ensured that existing charter school contracts are meeting required performance measures. **State law and regulation do not provide for the with-holding of approval of new charter applications that demonstrate the ability to operate a high-quality school, regardless of the SPCSA's capacity to conduct site visits. Existing law precludes a sponsor from using an evaluation of its capacity to serve as a justification for capping charter approvals, denying applications, or denying the expansion of existing schools. Moreover, failure to approve a charter application or failure to act on a charter application is grounds for an appeal to a district court. It is important to note that the SPCSA is not tasked with ensuring schools meet performance measures, rather the SPCSA recommends sanctions to the SPCSA Board for action based on low performance under the framework. Even if agency staff were to recommend denial of an application or an expansion amendment, the SPCSA Board members have demonstrated the willingness to deviate from staff recommendations related to approval or denial of applications and amendments and have revised or dismissed recommended approval conditions that would have limited growth or expansion.**
- 4) Regulation R131-16AP, which was adopted by the Legislative Commission on December 19, 2017, provides new audit guidance that would require revisions or updates to the SPCSA's academic and organizational performance framework.
 - a) Please provide the anticipated date the academic and organizational performance framework will be updated. **NDE elected to make additional revisions to the NSPF for elementary, middle, and high school this past year based on both laws passed during the Legislative session and additional feedback from schools and districts. Notably, some of these changes will necessitate approval from the US Department of Education. As the NSPF and its component data is a primary driver of the academic framework, these unforeseen delays have had a trickle-down effect on the SPCSA Board's consideration of revisions to the academic framework and any**

subsequent rulemaking process by NDE. Regarding the organizational performance framework, the SPCSA does not have an anticipated date completion date for the update because the newly required audit guide is not yet developed. The committee has only recently conducted its first few meetings toward this effort. At the present time, it appears that NDE will proceed with a phased approach to implementation, which will necessitate a more gradual roll-out of the organizational framework. Additional context on that process is provided below.

- b) Please provide the impact to the SPCSA’s performance framework and charter school site visit protocol as a result of the new audit guidance set forth in Regulation R131-16AP. **Based on concerns raised by the other sponsors of charter schools, NDE has already determined that some elements of the regulation, including the compliance questionnaires required under Section 5(b)(4) of Section 19, will not be included in the audit guide or audit materials until next year. As those questionnaires were intended to provide an independent evaluation of the charter school’s compliance with applicable laws and regulations, this delay in implementation will likely result in a delayed or transitional implementation of the organizational framework. The SPCSA’s assumption is that the day to day monitoring would result in appropriate findings from the school’s auditor and SPCSA revised performance framework would provide for follow up on the findings. The previous regulations delegated this role to the schools’ auditors. However, the auditors have historically not performed this work because of lack of guidance in the form of an audit guide and questionnaires. In lieu of making independent determinations, they have relied on assurances from the schools during the audit.**

cc: Mark Krmpotic, Senate Fiscal Analyst, Legislative Counsel Bureau
Cindy Jones, Assembly Fiscal Analyst, Legislative Counsel Bureau
Alex Haartz, Principal Deputy Fiscal Analyst, Legislative Counsel Bureau
Sarah Coffman, Principal Deputy Fiscal Analyst, Legislative Counsel Bureau
Julie Waller, Senior Program Analyst, Legislative Counsel Bureau
Jennifer Bauer, Director of Finance and Operations, State Public Charter School Authority
Tiffany Greenameyer, Executive Branch Budget Officer, Governor’s Finance Office