



## NEVADA STATE PUBLIC CHARTER SCHOOL AUTHORITY

August 14, 2020

In compliance with the Governor's Emergency Directives related to COVID-19, the August 14, 2020 Meeting of the State Public Charter School Authority was conducted virtually and livestreamed.

### MINUTES OF THE MEETING

#### **BOARD MEMBERS PRESENT (via video):**

Member Lee Farris  
Member Tamika Shauntee Rosales  
Member Don Soifer  
Member Holmes-Sutton  
Member Mallory Cyr  
Member Sami Randolph  
Member Sheila Moulton  
Vice Chair Randy Kirner  
Chair Melissa Mackedon

#### **AUTHORITY STAFF PRESENT (via video):**

Rebecca Feiden, Executive Director  
Ryan Herrick, General Counsel  
Mark Modrcin, Director of Authorizing  
Danny Peltier, Management Analyst I

#### **AUDIENCE IN ATTENDANCE (via phone):**

Oren Johnson  
Lewis Furland  
Donna Gusbari  
Alicia Johnson  
Gabe Shirey  
KJ Castro  
Candace Suddle  
Melissa Galver  
Veronica Siminowski  
Rachel Taytro  
Rachelle Hulet  
Jake Wiskerschen  
Danielle Cherry  
Chalene Lemons  
Adam Kramer  
Jay Schuler  
Dr. Andi Morency  
Kasey Smith  
Lynley Johns  
David Blodgett  
Nicole Foster  
Jasper Isenberg  
Tiffany Carmona  
Daniel Hansen  
Mike Wurm  
Jessica Egger  
Annie Chadwick  
Dr. Nicolette Smith  
Carol Davis  
Jennifer Vanderwault

## **Agenda Item 1 – Call to Order, Roll Call, and Pledge of Allegiance [00:00:39]**

Chair Mackedon called the meeting to order at 9:01am, with attendance reflected above.

## **Agenda Item 2 – Public Comment #1 [00:01:30]**

1. Oren Johnson, parent of student at Doral Academy of Northern Nevada, spoke in opposition of agenda item 4.
2. Lewis Furland teacher at Pinecrest Academy of Northern Nevada, spoke in opposition of agenda item 4.

Member Randolph joined the meeting at 9:06am.

3. Donna Gusbari, parent of student at Doral Academy of Northern Nevada, spoke in opposition of agenda item 4.
4. Alicia Johnson, parent of two children at Doral Academy of Northern Nevada, spoke in opposition of agenda item 4.
5. Gabe Shirey, Founder and Executive Director at Signature Preparatory, spoke in opposition of agenda item 4.
6. KJ Castro, parent of student at Doral Academy of Northern Nevada, spoke in opposition of agenda item 4.
7. Candace Suddle, parent of student and school nurse at Doral Academy of Northern Nevada, spoke in opposition of agenda item 4.
8. Melissa Galver, parent of student and PTO president at Doral Academy of Northern Nevada, spoke in opposition of agenda item 4.
9. Veronica Siminowski, DANN parent of student at Doral Academy of Northern Nevada, spoke in opposition of agenda item 4.
10. Rachel Taytro, parent of student and Vice Chair on the Foundation Board at Doral Academy of Northern Nevada, spoke in opposition of agenda item 4.
11. Rachelle Hulet, Interim Managing Director at Amplus Academy, spoke in support of agenda item 4.
12. Jake Wiskerschen, spoke in his capacity as a mandated reporter for the past 16 years and current health professional, in opposition of agenda item 4.
13. Danielle Cherry, at Doral Academy of Northern Nevada, spoke in opposition of agenda item 4.
14. Victor Salcido spoke on behalf of himself in opposition of agenda item 4.
15. Chalene Lemons, President of Pinecrest Academy of Northern Nevada Parent Teacher Organization spoke in opposition of agenda item 4.
16. Adam Kramer, Vice Chair of the Board of Directors at Doral Academy Northern Nevada, spoke in opposition of agenda item 4.
17. Jay Schuler, Board of Director of Nevada Chapter of the National Coalition for Public School Options Options and father of online learners, spoke in opposition of caps on virtual schools.
18. Dr. Andi Morency, Principal and Executive Director at Honors Academy of Literature, spoke in opposition of agenda item 4.
19. Kasey Smith, Assistant Principal at Pinecrest Academy Northern Nevada, spoke in opposition of agenda item 4.
20. Lynley Johns, parent of students and member on the Foundation Board at Doral Academy of Northern Nevada, spoke in opposition of agenda item 4.
21. David Blodgett, School Leader at NV Prep Charter School, spoke in support of agenda item 4.
22. Nicole Foster from Doral Academy of Northern Nevada, spoke in opposition of agenda item 4.
23. Jasper Isenberg, Public School Education at Doral Academy of Northern Nevada, spoke in opposition of agenda item 4.
24. Tiffany Carmona, Treasurer of the Board of Directors, and parent of student at Doral Academy of Northern Nevada, spoke in opposition of agenda item 4.

25. Daniel Hansen, parent at students Doral Academy of Northern Nevada and physician, spoke in opposition of agenda item 4.
26. Mike Wurm, Member of the Board of Directors and Director of the Boys and Girls Club at Truckee, spoke in opposition of agenda item 4.
27. Jessica Egger, parent of students and i-Ready Coordinator and Treasure on the PTO Board at Doral Academy of Northern Nevada, spoke in opposition of agenda item 4.
28. Annie Chadwick, School Counselor at Doral Academy of Northern Nevada, spoke in opposition of agenda item 4.
29. Dr. Nicolette Smith, Assistant Principal at Doral Academy of Northern Nevada, spoke in opposition of agenda item 4.
30. Carol Davis, Behavior Specialist at Pinecrest Academy of Northern Nevada, spoke in opposition of agenda item 4.
31. Jennifer Vanderwault, staff and parent at Doral Academy of Northern Nevada, spoke in opposition of agenda item 4.

A 5-minute convenience break was taken.

Ryan Herrick, General Counsel, said public comment was submitted via SPCSA public comment email address and provided to the board members as well as posted on the SPCSA website with the board materials. The vast majority were in opposition to Executive Director Feiden's recommendation as it relates to agenda item #4.

Public comment submitted via email:

1. Kristine Enrile wrote in opposition of agenda item #4.
2. Erin Villaneva wrote in opposition of agenda item #4.
3. Katherine Payne wrote in opposition of agenda item #4.
4. Teresa Benitez wrote in opposition of agenda item #4.
5. Ignacio Prado wrote in favor of agenda item #4.
6. Melissa Gabler wrote in opposition of agenda item #4.
7. Emily Heldman wrote in opposition of agenda item #4.
8. Assemblywoman Jill Tolles wrote in opposition of agenda item #4.
9. Liz Kiggins wrote in opposition of agenda item #4.
10. Charlotte Blake wrote in opposition of agenda item #4.
11. Julie Confer wrote in opposition of agenda item #4.
12. Deidre Blanton wrote in opposition of agenda item #4.
13. Kristine Enrile wrote in opposition of agenda item #4.
14. Kasey Smith wrote in opposition of agenda item #4.
15. Todd and Tricia Wright wrote in opposition of agenda item #4.
16. Sundae Eyer wrote in opposition of agenda item #4.
17. Danielle Cherry wrote in opposition of agenda item #4.
18. Chalene Lemmons wrote in opposition of agenda item #4.
19. Jessica Egger wrote in opposition of agenda item #4.

See August 28, 2020 meeting materials for content.

The Authority moved to agenda item 4.

### **Agenda Item 3 – OML [03:32:05]**

Ryan Herrick, General Counsel, reported that the emergency directive that came out last week extended the open meeting law allowing virtual board meetings. He wanted to flag for this body and for schools that while this was on a month-by-month basis, it is now extended through the declared State of Emergency.

#### **Agenda Item 4 – Reopening Plans and In-Person Learning for 2020-2021 School Year [01:45:16]**

Executive Director Feiden said the pandemic has created an unprecedented circumstance across communities and while they know how critical it is to get students back to school buildings, and hearing much of that this morning in public comment, she knows they are also working hard to keep students, their families and educators safe. It is those two priorities she knows are top of mind for the SPCSA, their schools and school leaders and with that she makes the recommendation today to adopt the COVID-19 In-Person Learning Guidance to establish the conditions in which charter schools may provide in person instruction.

In early August, the Governor released a new county level mitigation approach that is tied to specific public health criteria. With this new information, on August 5th, she recommended that all SPCSA-sponsored charter schools opening prior to August 24th, begin under a distance education model to allow time to review the new plan and the new data released under it. On August 7th, the first set of data was released and after numerous conversations with the Governor's Office, the Department of Education and public health officials, she believes that clear guidance for their schools is critical. While schools should be empowered, the conditions in which schools should open in person in an unprecedented pandemic, should be directly tied to the public health conditions and data. This guidance would tie the in-person instruction in schools to the county level mitigation approach established by the Governor's Office in early August. Under the Governor's approach, counties with increased level of COVID-19 transmission are subject to heightened mitigations levels. Similarly, her recommendation would require those schools located in counties with heightened mitigation, to impose primarily distance education with limited in-person instruction. While those schools that are in counties that are not subject to heightened mitigation and are at baseline mitigation, will be permitted but not required to operate in-person so long as they comply with prevailing guidance and directives.

In addition, the recommendation provides for unique circumstances in two ways. First, there may be unique circumstances at a school or county that may call for an exemption to specific distance learning requirements. A second unique circumstance may call for more restrictions. She provided examples of the circumstances and walked through the details of her recommendation that ties with the criteria set forth by the approach made by Governor's Office. See supporting materials for the recommendation and the Governor's document *Road to Recovery: Moving to a New Normal*. She opened it up to the Authority for questions.

Member Soifer asked in her recommendation, if she could speak to the 25% threshold, particularly about how the charter school leaders did not feel the 25% was high enough to address their highest risk students, how open would she be to open it up to a guide rather than a rule.

Executive Director Feiden replied that the 25% came from the Governor's document *Road to Recovery: Moving to a New Normal*. She said the exception she provided is intended for unique circumstances.

Member Soifer brought up the autonomy and asked her to speak to her process in number 2) *Except with written approval of an exemption*, and what that process might look like, how long it would take and the plan to engaging with schools should this pass, and what the schools could expect.

Executive Director Feiden replied that she would work to move that process as quickly as possible, working collaboratively to discuss and come to an agreement with the schools and have them document what is agreed to. She gave some examples of what some extenuating factors would look like in order to attain written approval of exemption.

Member Cyr asked about the public comment regarding the data given around the numbers from zip codes and if further clarification could be provided around whether or not zip codes or cities would be a piece of information used in asking for an exception.

Executive Director Feiden replied that zip codes could be an example but it would have to be some compelling data, the schools are not necessarily only kids in that neighborhood and they draw from many zip codes.

Member Randolph asked about the validity of movement, and the data published by the state on a weekly basis and what that looks like.

Executive Director Feiden replied that the criteria lead to a mitigation level. She has intentionally tied the COVID-19 In-Person Learning Guidance to the mitigation level rather than the criteria, as those are expected to be more stable. The idea is that the data determine the mitigation level, the mitigation level is established by the COVID-19 task force and that is what our schools would be responding to. In terms of the communication, the COVID-19 task force is a public body that meets Thursdays and SPCSA staff expect to notify schools every week of what the results of that are and what that means for their schools.

Member Kirner brought up the topic of autonomy and how the SPCSA should entrust the board of directors around their schools to make the appropriate decisions for their schools based upon local circumstances. He said he would prefer to see the recommendation as a perimeter rather than a mandate.

Executive Director Feiden replied that the state is moving away from phases and trying to take a county-level approach because different parts of our county are seeing the impacts of this differently. In terms of the autonomy, she believes firmly in protecting the autonomy of our schools and entrusting the board of directors who were tasked with creating reopening plans that contemplate distance learning and in-person instruction but were not provided guidance of when either of those were appropriate to be implemented and that is what the recommendation would do today. In terms of reconsidering this to be a recommendation rather than a mandate, the reasons around why she believes it should be mandated is because some schools won't follow a recommendation and the recommendation would serve the SPCSA however it doesn't put the SPCSA on the hook and provide them with the responsibility.

Further discussion ensued between the Authority and Executive Director Feiden regarding the recommendation and exceptions that could be made to schools.

Chair Mackedon asked the board members to indicate whether they feel Executive Director Feiden's COVID-19 In-Person Learning Guidance should be a recommendation or a mandate.

Member Moulton: Recommendation.

Vice Chair Kirner: Recommendation.

Member Farris: Mandate.

Member Cyr: Mandate.

Member Holmes-Sutton: Mandate.

Member Soifer said he does not see either options as a fits all. He may suggest adding language bolstering that this is a consultative process.

Chair Mackedon: Mandate.

There was further conversation related to the language of the proposal related to Member Soifer's comment suggesting bolstering this being a consultative process.

Member Soifer suggested adding the following new language: Directs SPCSA Executive Director to open a fast-response process to consider appeals by schools and authorizes the Executive Director to approve and enact individual school plans informed by consultations with schools.

Further discussion ensued between the Authority regarding the language.

Member Moulton moved to changing the language to reflect should operate under distance education rather than shall.

*MOTION: Member Moulton moved to accept the recommendation made by Executive Director Feiden, changing the language to reflect should operate under distance education rather than shall. Member Randolph seconded.*

*Member Farris: No.*

*Member Shaunte Rosales: Yes.*

*Member Soifer: No.*

*Member Holmes-Sutton: No.*

*Member Cyr: No.*

*Member Randolph: Yes.*

*Member Moulton: Yes.*

*Vice Chair Kirner: Yes.*

*Chair Mackedon: No.*

*Motion did not carry 4-5.*

*MOTION: Member Soifer moved to direct SPCSA Executive Director to open a fast-response process to consider appeals by schools and authorizes the Executive Director to approve and enact individual school plans informed by consultations with schools.*

Further discussion ensued between the Authority and Executive Director Feiden regarding the motion and the recommendation.

*Member Farris: Yes.*

*Member Shaunte Rosales: Yes.*

*Member Soifer: Yes.*

*Member Holmes-Sutton: Yes.*

*Member Cyr: Yes.*

*Member Randolph: No.*

*Member Moulton: No.*

*Vice Chair Kirner: No.*

*Chair Mackedon: Yes.*

*The motion carried 6-3.*

Chair Mackedon moved back to agenda item #3.

#### **Agenda Item 5 – Public Comment [03:32:58]**

No public comment.

#### **Agenda Item 6 – Adjournment [03:34:31]**

The meeting was adjourned at 12:34pm.