



STATE PUBLIC CHARTER SCHOOL AUTHORITY

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

2080 East Flamingo Road Suite 230  
Las Vegas, Nevada 89119-5164  
(702) 486-8895 · Fax (702) 486-5543

---

**ACTION MEMORANDUM**

---

**TO:** SPCSA Board  
**FROM:** Mark Modrcin, Director of Authorizing  
Mike Dang, Management Analyst IV  
**SUBJECT:** **Battle Born Academy**  
**Request to Temporarily Locate at New Facility for the 2022 – 23 School Year**  
**DATE:** April 15, 2022

---

**Summary of Request and Recommendation**

Battle Born Academy is requesting that the State Public Charter School Authority (SPCSA) grant a Good Cause Exemption request and approve the school to temporarily locate at a facility located at 4201 E. Bonanza Road Las Vegas, NV 89110 for the 2022 – 23 school year. Battle Born Academy was authorized at the Authority board meeting on April 23, 2021, with plans to locate in the 89101, 89104 or 89106 zip codes. The school identified and secured a facility within the 89101 zip code and still plans to permanently locate in this facility but has run into facility challenges which have required the school to pursue temporary facility options for its first year of operations. According to the amendment submission, Battle Born Academy states that the ongoing nature of the COVID-19 pandemic, including increases in supply chain timelines, rising costs across all construction, and the lengthening of the permitting process with both city and county officials led to the school's identified facility becoming untenable for the 2022 – 23 school year. Since that time, the school has worked to identify alternative locations and identified the proposed facility at 4201 E. Bonanza as the best option due to its proximity to the school's targeted zip codes, the minimal required permitting that needs to occur prior to the start of the upcoming academic year, the available space within the facility, as well as the cost to the school.

SPCSA staff has reviewed the application and recommends that the Authority grant the school's request for a Good Cause Exemption and approve the school's amendment proposal, with conditions as outlined within this memo.

**Background**

Battle Born Academy, which has a mission to "cultivate a community of joyful students who lead their own learning, care for themselves and their community, and actively contribute to a better world," was conditionally approved in April of 2021 to open in the 2022 – 23 school year. Battle Born Academy plans to open this fall with Kindergarten, 1<sup>st</sup>, 5<sup>th</sup> and 6<sup>th</sup> grades serving 240 students, with approval to grow to grades Kindergarten

through 8<sup>th</sup> grade by the 2024 – 25 school year, serving 540 students at full-scale. The school projects that 95% of its students will qualify for free or reduced-price lunch, 42% to be English language learners, and 11% to be students with disabilities. As approved last year, the primary zip codes the school intends to serve are 89101, 89104 and 89106. The permanent site is currently planned to be at 2800 Walnut Avenue Las Vegas, NV 89101.

Additionally, on December 3, 2021, the Authority approved the school's request for a Revolving Loan in the amount of \$124,000, which is to be used to assist the school in establishing a solid financial position and to build a healthy cash reserve for operational purposes, including the Charter School Programs (CSP) grant which has been awarded to the school.

According to the amendment application, Battle Born Academy is seeking approval for a temporary facility primarily as a result of the ongoing COVID-19 pandemic and the facility delays it has caused. However, the proposed facility to be used for the 2022 – 23 school year was chosen for four primary reasons. First, the amendment application states there is no functional difference between the identified temporary facility at 4201 E. Bonanza and the original site as they are truly in the same community. The locations are less than two miles apart, and according to the amendment, the school's ongoing recruitment and work with families will not be significantly impacted. Second, the amendment indicates that the permitting, construction, and occupancy needs at the proposed temporary facility are very minimal as it was recently acquired by Equipo Academy. As such, the amendment goes on to say that Battle Born Academy would sublease the facility, along with the parking lot, from Equipo Academy for the upcoming school year. Additionally, Equipo Academy was approved for a Special Use Permit in December of 2021, and Battle Born Academy believes it will be able to add a primary school use to that permit fairly easily with the support of city staff as there is no required construction. Third, the amendment notes that the facility will meet all of the school's needs in terms of space, and will not limit the school's enrollment. According to the amendment, all other viable facilities would have necessitated a significant reduction in enrollment for the school, but that is not the case for the proposed location. Finally, the amendment explains that the cost of the facility will allow the school to maintain a strong financial position and operate meaningfully toward its mission and goals.

Because this proposed facility is located outside of the previously approved zip codes, Battle Born Academy is seeking approval to locate in a new zip code temporarily for the 2022 – 23 school year only. As previously noted, the temporary facility is located in close proximity to the school's identified permanent location.

### **Legal Authority and Requirements Related to Amendment Requests**

Existing charter schools that are sponsored by the SPCSA may submit a charter school contract amendment application to the SPCSA – which is reviewed by SPCSA staff and presented for SPCSA Board action – in order to, among other things, increase enrollment, add grade levels above and beyond what the charter school is approved to serve, or add a new campus. Only those existing charter schools that are meeting expectations in regard to academics (under both the Department of Education's Nevada School Performance Framework -- the "Star Ratings" -- and the SPCSA's Academic Performance Framework), are compliant in regard to the SPCSA's Organizational Framework, and are fiscally sound may be approved for expansion. Furthermore, the academic, organizational, and financial performance of other charter schools that contract with the same Charter Management Organization or Educational Management organization is taken into account when reviewing an expansion application.<sup>1</sup> However, Battle Born Academy does not contract with a CMO or EMO.

At this time, SPCSA staff finds that Battle Born Academy is meeting expectations. While the school has yet to open, and does not have available performance data, it has demonstrated progress throughout the SPCSA Pre-Opening process.

---

<sup>1</sup> There are limited exceptions to these eligibility requirements for those charter schools that have been approved by the State Board of Education and the SPCSA Board to be rated under Nevada's Alternative Performance Framework.

## Analysis, Summary and Recommendation

Overall, SPCSA staff has observed several newly approved schools encountering facility challenges primarily caused by the ongoing COVID-19 pandemic. Battle Born Academy is no exception to this reality. However, SPCSA staff is encouraged by the work of the Battle Born Academy leadership and board over the last several months to quickly identify a temporary facility that appears to allow the school to open successfully for the upcoming school year. As previously noted, the space will allow the school to maintain its enrollment numbers for the 2022 – 23 school year and will not eliminate any key programmatic elements of the academic program. Additionally, the facility appears to be financially affordable for the school.

For these reasons, SPCSA staff recommends that the Authority approve Battle Born Academy’s request to temporarily locate in the facility at 4201 E. Bonanza Road for the 2022 – 23 school year.

### Proposed Motion:

**Grant Battle Born Academy a Good Cause Exemption and approve the requests of the school to temporarily locate in a new facility at 4201 E. Bonanza Road Las Vegas, NV 89110 for the 2022 – 23 school year only, with the following conditions:**

- **That Battle Born Academy provide SPCSA staff with a copy of a fully executed lease on or before June 1, 2022;**
- **That the school present evidence of the appropriate permitting for the facility no later than 30 days prior to the start of the 2022 – 23 school year as required by [NRS 388A.360](#); and**
- **That the school complete the remaining requirements of the SPCSA Pre-Opening process.**

The enrollment cap and grade levels for Battle Born Academy will continue to be as follows for the charter term:

	2022 – 23	2023 – 24	2024 – 25	2025 – 26	2026 – 27	2027 - 28
Enrollment Cap	240	360	480	540	540	540
Grade Levels	K – 1; 5 – 6	K – 2; 5 – 7	K – 3; 5 – 8	K – 8	K – 8	K – 8