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**ACTION MEMORANDUM**

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**TO:** SPCSA Board  
**FROM:** Mark Modrcin, Director of Authorizing, SPCSA  
Danny Peltier, Management Analyst III, SPCSA  
**SUBJECT:** **Battle Born Academy – Charter Amendment Request to**  
- **Continue occupancy at its current, year 1 facility, for the 2023 – 24 school year;**  
- **Reduced Enrollment in Existing Approved Grade Levels for 2023-2024 and the remainder of the charter term; and**  
- **Adjust Grade Levels Beginning in Year 2 to already-approved grades.**  
**DATE:** December 16, 2022

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**Summary of Request and Recommendation**

Battle Born Academy (BBA) has submitted an amendment application requesting that the State Public Charter School Authority (SPCSA) approve:

- Continued occupancy at its current, year 1 facility, for the 2023 – 24 school year;
- Reduced Enrollment in Existing Approved Grade Levels for 2023-2024 and the remainder of the charter term; and
- Adjust Grade Levels Beginning in Year 2 to already-approved grades.

SPCSA staff has reviewed the application and recommends that the Authority approve the three requests. A proposed motion can be found on page 4 of this memo.

**Background and Overview of the Amendment**

Battle Born Academy was authorized at the Authority board meeting on April 23, 2021 and opened in the fall of 2022. As of Validation Day 2022, BBA had 144 students enrolled in grades

Kindergarten, 1<sup>st</sup>, 5<sup>th</sup>, and 6<sup>th</sup>. BBA’s mission is, “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. BBA’s vision is students are the change makers in our community, leading Nevada toward a future they create.”

According to the amendment application, BBA seeks to continue operations at its approved facility through the end of the 2023-2024 school year, or a one-year extension from prior Authority approval. BBA also is requesting a reduction in its 2022-2023 approved enrollment cap and additional reductions of the enrollment caps for the remainder of the charter term. As submitted, the school seeks to decrease its full scale enrollment cap from 540 to 430 students during the final year of the current charter term. BBA also seeks to adjust its grade levels beginning in Year 2 of operation.

*Continued Operation at the Approved Temporary Facility*

BBA was approved to operate at a temporary facility at the April 15, 2022 SPCSA board meeting. The temporary facility is located at 4131 E. Bonanza Road. Currently, BBA is subleasing the facility from Equipo Academy. According to the amendment application, BBA has been working toward the acquisition of a long-term facility in conjunction with its development partner – Charter School Development Corporation (CSDC). Due to the ongoing nature of COVID-19, including increases in supply chain timelines, rising costs across all construction, and the lengthening of the permitting process with both city and county officials, CSDC informed BBA in early February 2022 that it would not be able to deliver a long-term facility for the 2022-2023 school year. The request to operate at the 4131 E Bonanza Road facility for the 2022-2023 school year was approved at the SPCSA Board meeting on April 15, 2022. BBA is requesting to continue operating at this same facility for the 2023-2024 school year as well because, according to the amendment application, the facility meets the needs of both the school and families, the cost of the facility will allow BBA to maintain positive financial status and operate the school meaningfully. Additionally, occupying the current site for a second year will allow BBA to find and develop a long-term property for purchase with its current developer, Red Hook Capital Partners.

*Reduce Enrollment in Existing Approved Grade Levels for 2023-2024 and for the remaining years of the charter term*

BBA is also requesting a reduction of its approved enrollment cap for the 2022-2023 school year and the remainder of the charter term. BBA seeks to reduce its 2022-2023 enrollment cap from 240 students to 140 students. According to the amendment application, BBA initially opened with grades K-1 and 5-6. The split in grades was very useful for its project-based programming model, which operates with student leadership, mentorship, and opportunities for cross-grade collaboration. It was also originally modeled after other schools that had taken similar approaches with success. However, according to the amendment application, BBA consistently found that some prospective families who were otherwise interested in BBA did not choose the school because they had students in the interim grades that were not provided by the school.

BBA noted it had interviewed and surveyed families who chose not to enroll and the number one reason was not having grades 2-4 in 2022-2023.

BBA seeks to adjust its enrollment cap and if approved, the caps for the charter term would be:

School Year	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28
Grades	K-1, 5-6	K-7	K-8	K-8	K-8	K-8
Total Enrollment	140	300	330	360	390	430

*Adjust Grade Levels Beginning in Year 2*

As previously noted, in response to survey results from families, BBA is requesting to adjust its grade level offering beginning in Year 2 of operation. BBA was approved as a slow growth charter school and planned to offer kindergarten and 1<sup>st</sup>, and 5<sup>th</sup> and 6<sup>th</sup> in year one. The initial plan as presented in the school’s charter application was to add 2<sup>nd</sup> and 7<sup>th</sup> grades in Year 2, 3<sup>rd</sup> and 5<sup>th</sup> grades in Year 3, thereby offering the full grade span, K through 8<sup>th</sup> grade starting Year 4 of operations (2025-2026). While there were some benefits of the split grade approach, BBA has since concluded that the drawbacks outweigh the benefits. According to the amendment application, BBA felt that one of the key reasons for this requested change was being under-enrolled for the 2022-2023 school year as a result of the split grade level configuration. Hence, BBA is also requesting approval to adjust its grade level offerings beginning in Year 2 to include all grades between K – 7 and add grade 8 in 2024-2025. It should be noted BBA was originally approved to offer grades K – 8 at full-scale. Through this amendment, BBA is requesting to offer these grades earlier, meaning that the school would offer all planned grade levels in 2024-2025 instead of 2025-2026.

**Legal Authority**

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. When determining whether to approve an amendment request, the sponsor considers the charter school’s compliance with applicable local, state and federal laws and regulations and evidence relating to the academics, finance and organization of the charter school. (See NAC 388A.400(8) and NRS 388A.276).

**Analysis and Staff Recommendation**

When reviewing an amendment application for RFA eligibility, SPCSA staff reviews the academic, financial and organizational performance of the applicant charter school. BBA is in its first year of operation and has not been rated academically, financially, or organizationally, however, staff finds no current issues that would impact the eligibility of this amendment request. In light this, SPCSA staff finds that BBA’s amendment request as eligible to be approved.

SPCSA staff has reviewed each of BBA's requests and recommends approval of each. First, as previously highlighted in the April 2022 recommendation memo, SPCSA staff observed several newly approved schools encountering facility challenges primarily caused by effects of the COVID-19 pandemic. BBA is no exception to this reality. SPCSA staff was encouraged by the work of the BBA leadership and board then to quickly identify a temporary facility that appeared to allow the school to open successfully for the upcoming school year<sup>1</sup>. SPCSA staff appreciates BBA's thoughtfulness and rationale for seeking continued operations at the temporary facility for a second year in order to allow the school time to fully seek out and develop a permanent facility in tie for the start of the 2024-2025 school year.

Staff is also in support of the reductions to the 2022-2023 and future enrollment caps in order for BBA to remain in compliance with its charter contract. SPCSA staff is also in support of BBA's request to offer grades K – 7 in Year 2 and K – 8 in Year 3 as well. As previously mentioned before in this memo, BBA was approved to operate as a K – 8 school at full-scale. The proposed changes contemplated in the submitted amendment simply seek to offer some of these grades earlier than originally anticipated, and to not fundamentally change the overall mission of the charter school. This proposal intends to reduce barriers to enrollment and will allow for greater long-term stability for the school. SPCSA staff also reviewed BBA's plans to recruit and enroll students and found them to be reasonable and adequate. According to the amendment application, BBA has hired a full-time Student Recruitment Coordinator, and continues targeted canvassing in the zip codes the school intends to primarily serve. BBA also provided of recruitment strategies as part of the amendment which include, but are not limited to, information sessions for interested families; partnerships with early childhood centers, the East Las Vegas Community Center, the Discovery Museum, and the East LV library; leveraging word-of-mouth endorsements from current families; and other outreach events to generate interest in BBA.

SPCSA staff is confident that additional grade levels can be offered beginning in Year 2 of operations and would allow BBA to be better positioned to reach enrollment targets in subsequent years. SPCSA staff does note that the submitted budget, while viable, does rely on significant grant funding, but believes these dollars will come to fruition given the current demographics of the school and planned outreach for future years. For these reasons, SPCSA staff recommends the approval of BBA's three requests.

**Proposed Motion: Approve Battle Born Academy's request to**

- **Reduce the 2022-2023 and 2023-2024 enrollment caps to 140 and 300 respectively;**
- **Adjust grade levels offered to grades K – 7 in Year 2 (2023 – 2024) and grades K – 8 in Year 3 of operations (2024 – 2025); and**
- **Allow for continued occupancy of the temporary facility located at 4131 E. Bonanza Road through the 2023-2024 school year.**

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<sup>1</sup> [April 15, 2022, SPCSA staff recommendation memo.](#)

If approved, the enrollment caps for Battle Born Academy would be as follows for the remainder of the current charter term:

School Year	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28
Grades	K-1, 5-6	K-7	K-8	K-8	K-8	K-8
Total Enrollment	140	300	330	360	390	430

The current enrollment caps for Battle Born Academy are:

School Year	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28
Grades	K-1, 5-6	K-2, 5-7	K-3, 5-8	K-8	K-8	K-8
Total Enrollment	240	360	480	540	540	540

**School Demographic Change since 2022 – Battle Born Academy**

Year	Enrollment	A	B	C	H	I	M	P	IEP	ELL	FRL
22-23	144	0.0%	18.0%	14.5%	65.9%	0.0%	1.3%	0.0%	15.2%	45.8%	83.3%

- A - Asian
- B - Black
- C - Caucasian
- H - Hispanic
- I - American Indian/Alaskan Native
- M - Two or more races
- P - Pacific Islander
- IEP - Individualized Education Plan -A student with a disability/special education student
- ELL - English Language Learner
- FRL - A student who qualifies for Free or Reduced-Price Lunch
- \* - Suppressed data due to n-count

**Battle Born Academy Financial Performance – Not Rated**

**Battle Born Academy Organizational Performance – Not Rated**

**Battle Born Academy Academic Performance – Not Rated**