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**ACTION MEMORANDUM**

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**TO:** SPCSA Authority Board  
**FROM:** Mark Modrcin, Director of Authorizing, SPCSA  
Danny Peltier, Management Analyst III, SPCSA  
**SUBJECT:** **Elko Institute for Academic Achievement – Charter Amendment Request to**  

- **Occupy a temporary facility and**
- **Reduction to enrollment**

**DATE:** March 3, 2023

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**Summary of Request and Recommendation**

Elko Institute for Academic Achievement (EIAA) has submitted an amendment application requesting that the State Public Charter School Authority (SPCSA) grant a Good Cause Exemption and approve the school to reduce its enrollment cap for 2022-2023 school year, defer occupying its permanent facility until January 2024, and occupy a temporary facility for grades 5<sup>th</sup> – 8<sup>th</sup> during the Fall of 2023.

SPCSA staff has reviewed the application and recommends that the Authority grant the Good Cause Exemption and conditionally approve the amendment request. A proposed motion can be found on page of 5 this memo.

**Background and Overview of the Amendment**

EIAA opened in the Fall of 2009 and is currently the only public charter school operating in Elko County. As of Validation Day 2022, EIAA had 197 students enrolled in grades K – 8. EIAA’s mission “is to provide students, K through 8<sup>th</sup> grades, with an education that is differentiated and addresses the academic ability in each subject area while ensuring high academic standards.”

By way of background, EIAA was approved by the Authority to relocate, and expand, its

campus at the January 28, 2022 SPCSA board meeting. The initial plan for EIAA was to construct a new facility on land that was purchased near Great Basin College. EIAA was unable to relocate its campus to the approved site and was recently presented with an opportunity to purchase a 32,000 square feet warehouse as an alternative<sup>1</sup>.

EIAA was also approved to expand its enrollment in existing grade levels served at the January 28, 2022 meeting. Specifically, the Authority granted approval for EIAA to expand its enrollment cap from 190 students to 396 students beginning in the 2023-24 school year.

According to the amendment application, EIAA is requesting to reduce its enrollment cap for the 2023-24 school year from 396 students to 308 students. The reason for this request is due to the fact that EIAA will be unable to occupy a permanent facility until January 2024. As such, since EIAA will be unable to occupy a permanent facility until January 2024, EIAA is requesting that the Authority approve the school to relocate to a permanent facility starting in January 2024.

EIAA is also requesting the Authority approve a plan to occupy a temporary facility for grades 5<sup>th</sup> – 8<sup>th</sup> for the Fall of 2023. According to the amendment application, in the fall of the 2023-24 school year would consist of grades K – 4<sup>th</sup> continuing to be served at EIAA's existing facility located at 1031 Railroad Street, Suite 107, Elko, NV, 89801. At the same time, grades 5<sup>th</sup> – 8<sup>th</sup> would be temporarily placed at the Boys and Girls Club at 782 Country Club Dr. Elko, NV 89801 for the period until which time the new facility would be completed.

EIAA's reasoning for the occupation of the temporary facility for 5<sup>th</sup> – 8<sup>th</sup> graders is twofold. The first being to increase enrollment in grades K – 4<sup>th</sup> which was approved by the Authority in January 2022. By moving the 5<sup>th</sup> – 8<sup>th</sup> grade students to the temporary facility in the Fall of 2023, it would free up space to grow the lower elementary school's enrollment. The second reason is that EIAA has been contacted by several local educators expressing their wish to work at EIAA and EIAA fears that if they are unable to begin their expansion in enrollment at the start of the 2023-24 school year, those teachers would find employment elsewhere.

According to the amendment application, EIAA has been in contact with the Boys and Girls Club and they have agreed to allow EIAA to use their facilities for the necessary timeline at a rate of \$5,000 per month. EIAA also stated in their amendment application that the Boys and Girls Club facility is already setup as working classrooms and there would be no need to modify any of these classrooms to accommodate the classrooms being proposed. It is also SPCSA staff's understanding that the facility has a Special Use Permit in place and that all zoning and permitting requirements have already been met.

Finally, EIAA believes that by the winter break of the 2023-24 school year, the permanent facility will be ready for occupation and as such, the school anticipates moving all students in grades K – 8<sup>th</sup> to this facility in time for the start of the second half of the school year. The enrollment at the permanent facility would be 308 students for the remainder of the 2023-24 school year, and EIAA would enroll to their final approved cap of 396 beginning in the 2024-25 school year.

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<sup>1</sup> EIAA request the Authority's approval to occupy this permanent facility at the Authority's May 2023 meeting

If approved, EIAA’s enrollment cap for the remainder of its current charter term would be:

<b>School Year</b>	<b>2022-23</b>	<b>2023-24</b>	<b>2024-25</b>	<b>2025-26</b>
Grade Levels	K-8	K-8	K-8	K-8
Enrollment	198	308	396	396

According to the amendment application, EIAA plans to recruit and enroll students in a similar manner as they have done in previous years and will communicate the plan regarding the temporary and permanent facility to families throughout the remainder of the 2022-23 school year. EIAA stated in their amendment application that the proposed relocation will only be less than a mile from the current location, therefore, EIAA will serve the same population of students across the Elko community. EIAA noted that over the past three years, there has been a substantial increase in its waitlist for all grades. According to the amendment application, there were 350 students on the waitlist at the time of the amendment submission. EIAA said they lost a group of students in the past due to sports and the ability to be on a school team at the district level. EIAA has since started club sports and after school team activities, such as robotics, where their students can compete. All of these programs will be available to all students whether they are at the temporary facility or at the existing facility according to the amendment application.

### **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. 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, SPCSA staff reviews the academic, financial and organizational performance of the applicant charter school. In the case of EIAA, SPCSA staff finds the school to be meeting academic, financial and organizational performance expectations for all campuses. While the EIAA elementary school was rated as 2-star on the most recent 2019-2019 NSPF, the elementary school was found to be exceeding the standards on the 2021-2022 SPCSA Academic Performance Framework, and if ratings were issued under the NSPF the school would be at least 4-stars. The middle school also was found to be exceeding standards on the 2021-2022 SPCSA Academic Performance Framework and has consistently been rated as 5-stars under the NSPF.

Additionally, the school earned 100 points (out of 100) under the SPCSA Organizational Performance Framework for the 2021 – 22 school year as approved by the Authority on December 16, 2022. As such, SPCSA staff finds the school to be ‘Meeting Standards.’ EIAA has also been found to ‘Meet the Standards’ on the most recent 2021 SPCSA Financial Performance Framework and the calculations for the 2022 SPCSA Financial Performance Framework shows

that the school is meeting standards in seven of the seven rated indicators.

SPCSA staff is supportive of the request by EIAA and recommends the Authority approve. While the relocation of grades 5<sup>th</sup> – 8<sup>th</sup> to a temporary facility for the Fall 2023 semester is unique, EIAA has presented a plan that is both reasonable and thoughtful. EIAA operates in a rural community and is presented with challenges, and circumstances, that schools in more urban areas do not face. SPCSA staff found the rationale regarding staffing to be especially compelling given the difficulties rural schools face in hiring, and retaining, high quality teachers.

SPCSA staff would reiterate that this amendment is strictly for the occupation of the temporary facility and a small reduction of the 2023-24 school year for EIAA. As stated previously, EIAA plans to submit a request to occupy the permanent facility for the Authority's May 19<sup>th</sup> meeting which will allow the school to finalize details regarding the move to that location. However, while the plan proposed by EIAA contemplates occupying the facility during only the fall of 2023, SPCSA staff would note that delays in facility construction have occurred in recent years for many charter school facility projects. With that in mind and out of an abundance of caution, SPCSA staff is recommending the Authority approve the occupation of the Boys and Girls Club for the period until which time the new facility would be completed. The agreement between EIAA and the Boys and Girls Club is based on a month-to-month term and the Boys and Girls Club will allow EIAA to operate out of their facility through the end of the 2023-24 school year if needed.

SPCSA staff also recommends the Authority waive the timeline for notification prescribed in subsection 1 of NRS 388A.450<sup>2</sup>. NRS 388A.450 requires a charter school to notify each household within a 2-mile radius of a proposed facility or enrollment expansion above 10% of the approved cap at least 45 days before the charter school begins accepting applications. As stated previously, due to multiple facility plan changes, evidence the school has provided that the community has been informed about the planned expansion, and the nature of expansion in a more rural community such as Elko, SPCSA staff finds good cause to waive this requirement with regard to the occupation of the temporary facility.

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<sup>2</sup> <https://www.leg.state.nv.us/nrs/NRS-388A.html#NRS388ASec450>

EIAA has presented a plan that SPCSA staff believes will work for both the school and families. SPCSA staff is confident of the success of EIAA to occupy both the existing facility in grades K – 4<sup>th</sup> and the Boys and Girls Club in grades 5<sup>th</sup> – 8<sup>th</sup> and the reduction to the 2023-24 enrollment cap as the school continues to work toward the completion of their long-term facility.

**Proposed Motion: Grant the Good Cause Exemption request and approve Elko Institute for Academic Achievement’s request to occupy a temporary facility located at the Boys and Girls Club at 782 Country Club Drive for the 2023-24 school year, or until a time in which the new facility is completed for grades 5<sup>th</sup> – 8<sup>th</sup>, continue use of the existing facility for the 2023-24 school year, or until a time in which the new facility is completed for grades K – 4<sup>th</sup> , reduce the 2023-24 enrollment cap from 396 students to 308 students, and waive the timeline for notification pursuant to NRS 388A.450 with the following condition.**

- **That the school complete the SPCSA pre-opening process for new schools and campuses for occupation of the temporary facility located at the Boys and Girls Club.**

If approved, the enrollment cap for EIAA will be as follows for the remainder of the charter term:

School Year	2022-23	2023-24	2024-25	2025-26
Grade Levels	K-8	K-8	K-8	K-8
Enrollment	198	316	396	396

The current, approved, enrollment cap for EIAA are as follows:

School Year	2022-23	2023-24	2024-25	2025-26
Grade Levels	K-8	K-8	K-8	K-8
Enrollment	198	396	396	396

**School Demographics change since 2017**

**EIAA**

Year	Enrollment	A	B	C	H	I	M	P	IEP	ELL	FRL
17-18	172	4.6%	0.5%	69.1%	19.1%	4.6%	1.1%	0.5%	9.3%	*	*
18-19	189	3.1%	3.1%	68.7%	18.5%	3.7%	2.1%	0.5%	9.5%	*	30.8%
19-20	198	3.5%	2.0%	65.6%	23.2%	0.5%	5.0%	-%	13.1%	*	30.8%
20-21	190	3.1%	2.1%	65.7%	16.3%	0.5%	12.1%	-%	15.2%	*	30.5%

21-22	196	2.5%	3.0%	59.1%	25.5%	0.5%	9.1%	0.0%	15.8%	*	41.8%
22-23	197	3.5%	4.0%	54.8%	26.9%	2.5%	8.1%	0.0%	17.7%	*	43.6%

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

### EIAA Financial Performance

Year	Rating
2019 – 2020	Meets the Standard
2020 – 2021	Meets the Standard

### EIAA Organizational Performance

Year	Rating
2019 – 2020	Meets the Standard
2020 – 2021	Meets the Standard
2021 – 2022	Meets the Standard

### EIAA Academic Performance

School Year	NSPF Rating
2021-22 Index Scores	Elementary: 78.3 Middle: 93.8
2020-21 <sup>3</sup>	Elementary: 2 Stars Middle: 5 Stars

<sup>3</sup> Due to COVID-19, the Nevada Department of Education (NDE) applied for and was granted a 2020 – 21 school year waiver from the US Department of Education for certain requirements established by the Every Student Succeeds Act (ESSA). Nevada statewide assessments were administered in the 2020 – 21 school year, but the NDE did not calculate Nevada School Performance Framework (NSPF) school ratings for the 2020 – 21 school year.

2019-20 <sup>4</sup>	Elementary: 2 Stars Middle: 5 Stars
2018-19	Elementary: 2 Stars Middle: 5 Stars
2017-18	Elementary: 3 Stars Middle: 5 Stars

**EIAA 2021-22 SPCSA Academic Performance Framework Results<sup>5</sup>**

<b>Campus</b>	<b>2021-22 SPCSA Academic Framework Score</b>	<b>2021-22 SPCSA Academic Framework Rating</b>
Elko Institute ES	84.9	EXCEEDS STANDARD
Elko Institute MS	96.2	EXCEEDS STANDARD

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<sup>4</sup> Due to COVID-19, the Nevada Department of Education (NDE) applied for and was granted a 2019 – 20 school year waiver from the US Department of Education for certain assessment, accountability, school identification, and reporting requirements established by the Every Student Succeeds Act (ESSA). Accordingly, for the 2019 – 20 school year, Nevada statewide assessments were not administered and the NDE did not calculate Nevada School Performance Framework (NSPF) school ratings.

<sup>5</sup> The Nevada Department of Education (NDE) calculated NSPF index scores for the 2021-22 school year but did not calculate corresponding star ratings (shown as N/A). 2021-22 NSPF details and rules can be found at: <http://nevadareportcard.nv.gov/DI/MoreDownload?filename=Nevada%20School%20Performance%20Framework%20Manual%202021-22%20School%20Year.pdf>