

STATE PUBLIC CHARTER SCHOOL AUTHORITY



**REQUEST FOR AMENDMENT TO CHARTER CONTRACT APPLICATION**

**GUIDANCE DOCUMENT**

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## Introduction

The mission of the State Public Charter School Authority (SPCSA) is to improve and influence public education in Nevada “by sponsoring public charter schools that prepare all students for college and career success and by modeling best practices in charter school sponsorship.” This mission includes assisting chartered public schools in making orderly enrollment, facility, financing and other changes to enable them to provide high-quality educational choices to students and their parents in Nevada.

Charter Amendments may be required as SPCSA public schools grow and progress. Schools may consider changes, additions or other improvements to their structure, facilities, legal relationships, school size or location(s). NRS 388A, NAC 388A and individual public school contracts list changes a school may consider. These changes require that the school request and receive approval of the SPCSA Board to a Request For Amendment (RFA) before proceeding, except in the case of an emergency. The school must submit the RFA to the SPCSA describing the intended change and provide documentation to support approval of that change. Approval by the SPCSA would be confirmed by an amendment to the school’s contract signed by a representative of the SPCSA board or the designee of the board.

The RFA application is provided by the SPCSA in fulfillment of its responsibility to develop a policy and procedure “for amending a written charter or charter contract and the criteria for determining whether a request for such an amendment will be approved....” NRS 388A.223. The RFA describes the “manner in which such procedures and criteria will differ if the sponsor determines that the amendment is material or strategically important.” NRS 388A.223.

The universal RFA application replaces all prior specific project RFA applications the SPCSA provided. It includes two sections. The first is a standard section which all RFA applicants must complete. It calls for general information about the school. The second section contains specific requests for supporting documentation to support the applicant’s request for specific contract amendments. Applicants need only submit one complete application for one or more amendments being recommended. That application should include supporting documentation for the general application section and specific supporting documentation for each specific amendment being requested.

## Eligibility Requirements

To be eligible for consideration of approval of a contract amendment a school must submit a complete and accurate RFA, in accordance with the requirements and directions stated herein prior to the deadlines stated herein. To be eligible to submit an amendment, the school must be in good standing in all three domains of the Authority’s academic, financial, and organizational performance frameworks and it must not be considered a low-performing school or otherwise ineligible according to any definition set forth in law or regulation. “All schools begin outside of the intervention ladder and are considered to be in Good Standing.” Charter School Performance Framework<sup>1</sup>. Schools with questions about their eligibility should contact SPCSA staff.

Ineligible schools may include, but are not limited to, those schools which operate an elementary, middle, or high school rated below the three star level; schools which operate an elementary, middle, or high school program that is a priority or focus school; schools which operate high schools with graduation

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<sup>1</sup> <http://charterschools.nv.gov/uploadedFiles/CharterSchoolsnvgov/content/Grocers/Performance%20Framework.pdf>

rates below 60 percent; schools with compliance issues, including participation warnings or penalties on the Nevada School Performance Framework; and schools with financial framework deficiencies.

A school which does not have at least one independent financial audit and one year of academic performance data in the Nevada system of accountability is ineligible to apply for an expansion amendment unless the school was approved by the Authority as an EMO replication of a high performing charter school in another state or the operator applied as a CMO applicant and has replicated a high performing charter school model from another state. In such cases, the school will be required to submit updated academic, financial, and organizational performance data in all three domains from the replicated EMO school or CMO school network. In the event that the Authority mandates a system-wide assessment to supplement the statewide test and provide for additional data in the event of a testing irregularity or a change in state testing provider, schools should expect that data from that assessment will outweigh data provided from a school's internal assessment system.

All applications and the actions being requested for approval must be in compliance with NRS 388A, NAC 388A and all other relevant federal laws and regulations and SPCSA policy.

Schools with questions about eligibility should contact SPCSA management.

## **Amendment Types**

NRS 388A, NAC 388A and individual chartered public school contracts list potential changes a school may consider making. The school must request and receive approval from the SPCSA Board of the Request For Amendment before the school may proceed with the intended change.

The following is a list of the RFA applications which are now being replaced by the universal RFA application. The approval for any material change considered for a school, including affecting facilities or operations, for which an express amendment was or was not earlier provided may now be handled through this single RFA application. Actions requiring an amendment to a charter school contract include those in the following list. Schools should contact the SPCSA if they are considering any change or addition to what was approved in their charter contract. For all RFAs, the General Section of the application must be completed according to the instructions herein. Specific RFA requirements for the below RFAs have specific requirements which must also be completed.

1. Add Distance Education
2. Add Dual-Credit Program
3. Change Mission and/or Vision
4. Eliminate a grade level or other educational services
5. EMOs: Entering, amending, renewing, terminating Charter Contract with an EMO
6. Enrollment: Expand Enrollment in **Existing** Grade Level(s) and Facilities
7. Enrollment: Expand Enrollment in **New** Grade Levels
8. Facilities: Acquire or Construct a new or additional Facility that will not affect approved enrollment
9. Facilities: Occupy new or additional facility
10. Facilities: Occupy a Temporary Facility
11. Facilities: Relocate or Consolidate Campuses
12. RFA: Transportation

13. Other changes requiring or not requiring approved RFAs:
- a. As described in NAC 388A.335 regarding a request for **an amendment not otherwise described**
    - i. If the governing body of a charter school wishes to amend its written charter or charter contract, as applicable, in **a way that is not described** in NAC 388A.310 to 388A.335.
    - ii. **Material amendments** to the written charter or charter contract, as applicable. If the sponsor determines that the proposed amendment is material, the governing body must obtain approval from the sponsor before the amendment becomes effective.
    - iii. **Nonmaterial amendment** to the written charter or charter contract, as applicable. If the sponsor determines that the proposed amendment is not material, the governing body is not required to obtain approval from the sponsor before the amendment becomes effective.
  - b. Other **non-amendment changes**. Pursuant to NAC 388A.340 the governing body of a charter school (1) shall notify the sponsor of the charter school not later than 10 days after the charter school makes any change to the mailing address, telephone number, facsimile number, articles of incorporation or bylaws of the charter school.

Applicants seeking more than one amendment may now use the RFA template and provide supporting documentation as requested in the general and applicable specific sections below.

The General Requirements Sections of the application describe general supporting documentation required for RFAs.

The Special Sections describe specific supporting documentation required for specific RFAs requested to enable specific changes being pursued by the school board.

For applicants seeking to make changes for which amendments are not listed above, contact SPCSA staff regarding what, if any, documentation may be required.

## Processing Schedule

RFA applications are processed according to the following schedule. Boards/Schools must submit their completed amendment request into the Charter Amendment section of Epicenter by 5:00 pm PT within the deadline schedule provided below for the relevant Spring or Fall application cycle.

If a below date falls on a federal or state officially recognized holiday, the submittal will be due no later than 5 p.m. Pacific Time on the first working day following said holiday.

## Deadlines

	Spring Cycle	Fall Cycle
Notice <sup>2</sup> of Intent to submit Request for Charter Amendment (RFA)	No Later Than: March 1	No Later Than: September 1
Request For Amendment (RFA)	Due between April 1 – 15	Due between October 1 – 15
Board Meeting for Possible Action	June board meeting	December board meeting

<sup>2</sup> Notice or Letter of Intent

(tentative and subject to change)		
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Charter school expansion (i.e., additional campuses and/or grade levels) requests **should be submitted** at least 9 months prior to the proposed implementation. For example, a school wishing to expand in the 2021-2022 school year should submit an amendment to Authority staff no later than the fall cycle of 2020.

## Application Process

1. The school board determines that an applicable change is or may be required. The board may direct a representative of the school to contact the SPCSA to explain the potential change and request guidance or may direct a representative to prepare and submit a Notice of Intent and RFA including supporting documentation according to the deadlines set forth above.
  - a. Pursuant to NAC 388A.305(1) the “governing body of a charter school shall hold a public meeting that complies with the provisions of chapter 241 of NRS before the governing body submits to the sponsor of the charter school a written request for an amendment to its written charter or charter contract, as applicable, pursuant to NRS 388A.276. The governing body of a charter school may not request such an amendment unless a majority of members of the governing body vote to approve making the request.”
2. Applicant submits a timely submitted notice.
3. SPCSA transmits a confirmation of receipt of the NOI and may contact the applicant with any questions or comments.
4. Applicant submits a timely submitted and Request for Amendment (RFA) including all applicable requested supporting documentation.
5. SPCSA transmits a confirmation of receipt of the RFA and may contact the applicant with any questions or comments.
6. SPCSA staff, and potentially external reviewers, begin the completeness check process. SPCSA Staff may contact the applicant for more information, for more clarity, or to let the applicant know their application is insufficiently complete and cannot be processed at this time without substantial improvements to completeness, clarification or other aspects.
7. Staff transmits to applicant confirmation of completeness or determination that the RFA application is substantially incomplete so that it will not be processed at this time.
8. Upon confirmation of completeness, SPCSA staff, and potentially external reviewers, begin the review process of the RFA. SPCSA Staff may contact the applicant for further clarification and with requests for additional information or to explain issues with the RFA.
9. Staff will discuss with applicant SPCSA staff’s likely recommendation based on staff’s review and analysis of the RFA submitted. Applicant may determine if it wishes to proceed.
10. Staff will schedule a Board meeting date during which to present applicant’s RFA along with staff’s recommendation.
11. If the Agency Board approves the RFA, then staff will
  - a. work with the applicant to make the amendment changes to the contract and to secure an updated, mutually executed contract, to enable the school to proceed to implement the terms of the amendment.
  - b. implement the process to monitor the fulfillment of any conditions of the amendment, pursuant to the amended contract.
12. In the alternative, pursuant to NAC 388A.305(2) and except “as otherwise provided in NAC 388A.310 to 388A.335, inclusive, if the governing body of a charter school requests an amendment to its written charter or charter contract, as applicable, pursuant to NRS 388A.276,

the sponsor of the charter school may authorize its staff to approve the amendment as the sponsor deems appropriate.” In such a case, staff will

- a. work with applicant to make the amendment changes to the contract and secure an updated, mutually executed contract,
- b. implement the process to monitor the fulfillment of any conditions of the amendment.

Applicants may contact the following SPCSA staff with any questions regarding this RFA Application.

1. Mike Dang, 702.486.8879, [mdang@spsca.nv.gov](mailto:mdang@spsca.nv.gov)
2. Danny Peltier, 775-687-9178, [dpeltier@spsca.nv.gov](mailto:dpeltier@spsca.nv.gov)
3. Mark Modrcin, 702-486-8271, [mmodrcin@spsca.nv.gov](mailto:mmodrcin@spsca.nv.gov)

## Application Instructions

### Specifications

1. It is the responsibility of the applicant to ensure that the content is complete, detailed, and easily understood and followed by reviewers; external experts; and parents, families, and the general public.
2. Application responses made in this file should **add no more than 50 pages to this** approximately 33 page “core” application (when not collapsed) for a total of up to 90 pages—in addition to all required appendices/attachments.
3. RFA submittals **must all be in an electronic format**. The RFA “core” application must be in a searchable pdf format. (Do not print it to hard copy and scan it.) Site, architectural and similar plans which can only forward may be in the pdf format submitted to the applicant by their consultant or professional.
4. **Use standard Microsoft Word fonts throughout to reduce pdf font conversion problems.**
5. You do not need to try to fix the Microsoft Word formatting in this application if the formatting doesn’t automatically generate the correct or best font or outline number/letter when you enter text. As long as you include your response in the proper section we will ignore a misplaced outline number/letter.
6. Leave the text of the questions in the document and add your responses following each question. This will facilitate reviews, document access (hyperlinked table of contents) and enable better public transparency.
7. Begin each major section (Executive Summary, Meeting the Need, Academic Plan, etc.) on a separate page.
8. All pages in the core application must remain consecutively numbered, as they are, in the footer and include the total number of pages, such as “Page 25 of 80.”
9. A RFA may not require all attachments described in this document. Place an “N/A” where appropriate—next to the respective “Attachment \_\_.” Do not leave them blank.
10. The name of each attachment, e.g. “Attachment 1,” etc. must be placed in the header of the first page and header/footer of remaining pages to facilitate review and navigation. Bookmarking individual sections and attachments in Acrobat is strongly encouraged to enhance readability and facilitate a thorough review.
11. Attachments may have independent page numbering.

12. The table of contents must identify the page number of each major section of the narrative and each required attachment—or simply respond within the MS Word version of this Application with its Table of Contents.
13. References and citations should be placed in the footer.
14. If a particular question does not apply to your team or application, simply respond with a statement explaining why the question is not applicable AND including the term “not applicable” or “N/A” within the sentence.
15. All questions, including those identified as “Not Applicable” and tables not utilized must be left in the document. Tables which are accompanied with directions permitting the school to modify the number of rows and to customize the designated content may be changed as indicated.
16. Any budget or numerically oriented sheets must be submitted in a working Microsoft Office Excel file in addition to a pdf attachment.
17. When submitting resumes and biographies of proposed new board members and staff, label each document with the individual’s affiliation with the proposed school (board member, principal, teacher, etc.) and combine the files into a single converted PDF document.
18. Review all elements of your request for completeness before submitting. Incomplete requests will not be accepted, and schools are not able to amend, revise, or supplement their request after it has been submitted unless the SPCSA, at its sole discretion, requests additional information or the SPCSA board votes to reject the request and the applicant chooses to resubmit a revised request at a later date.
19. Schools are strongly encouraged to maintain final Microsoft Word versions of all written materials. In the event that a school elects to resubmit a request with additional content and documentation, the school will be expected to use the Track Changes function to identify any additions or deletions to the application. Specific format requirements for such resubmissions will be furnished to applicants upon request.
20. Applicants are reminded that all requests for facilities or enrollment expansion amendments are public records and are posted on the SPCSA web site. Once a request is approved, it is expected that the complete charter application and the approved amendments will be posted on the school’s web site or will otherwise be made available via electronic means upon request from any member of the public. To ensure the broadest range of accessibility for public documents, the SPCSA strongly encourages applicants to consult the Accessibility Guidance offered by our peer authorizer, the Massachusetts Department of Elementary and Secondary Education: <http://www.doe.mass.edu/nmg/MakingAccessibleDocuments.pdf> and <http://www.doe.mass.edu/nmg/accessibility.html>.

Applicants **MUST** submit amendment requests electronically in Epicenter, the statewide document management center for school submissions to the State Public Charter School Authority. All documents, other than budget documents and data submissions better suited to Excel, must be submitted as PDF documents. All PDF documents, other than those individual pages containing signatures or facilities documentation, must be submitted as converted (not scanned) documents.

## **Attachments for Applications**

- 1) A letter (1-3 pages) approved and submitted by the governing body of the charter school clearly summarizing and explaining the RFA and the contract changes being requested, submitted with



documentation (meeting minutes) showing the request was approved and submitted by the governing board of the charter school following a public meeting held pursuant to chapter 241 of NRS.

- 2) Letters of Community Support/Partnership
  - a) May be scanned to PDF.
- 3) School and network leadership team job descriptions
- 4) Resumes for proposed school leader
  - a) For RFAs where a new school leader would be installed
- 5) Student achievement data with NSPF rankings
  - a) For the greater of the prior three, two, or one year(s), if available.
- 6) Competencies used for school leader selection
  - a) For RFAs where a new school leader would be installed
- 7) Regional Director resume or job description
  - a) Where applicable
- 8) CMO/Local Network organizational charts
  - a) Where CMOs/EMOs are or will be involved
- 9) New Board Member Information Sheets
  - a) For any current board members new since the opening or the last prior RFA
- 10) Incubation Year Planning Table
  - a) For expansions into new facilities
- 11) EMO agreement documentation
  - a) If school will contract with a non-profit or for-profit EMO for additional services or
  - b) This expansion will result in additional payments to an existing EMO
  - c) OR an assurance that the school is not contracting with an EMO
- 12) Operational execution plan
- 13) Budget narrative
  - a) Include a description of planned/projected changes to enrollments with resulting budget impacts to revenues and expenses.
- 14) Financial Plan
  - a) Submit working Excel model showing budgeted new/marginal/additional revenue and expense changes contemplated from proposed changes as well as impacts on surplus/deficits and statement of position
  - b) Include copy of most recent annual budget submitted
- 15) Local Network Budget
  - a) Where applicable
- 16) For schools which replicate an EMO or CMO model from another state which do not yet have Nevada performance data:
  - a) School performance data sheet and data from network's internal assessments demonstrating that the Nevada school is performing at a level similar to schools in other geographies.
  - b) Historical financial documents for the entity including
    - i) audited financial records for the entity and,
    - ii) if any of the schools operated by the management organization are technically separate entities,
      - (1) audited financials for each such school as well as any other campus by campus financial evaluations conducted by charter school authorizers.

- c) At least three years of school financial audits are required for any school operating for three years or longer. This may be provided in the format of your choosing.

17) School Data Worksheet

## Elements of Successful RFAs

Successful amendment requests demonstrate the following characteristics:

Domain	Criteria
<b>Organizational and Governance Accountability</b>	Strong Governing Team that Significantly Exceeds Statutory Minimum Criteria with Proven Track Record of Transparently and Accountably Governing a Multi-Million Dollar Public Entity
<b>Leadership</b>	School and Network Leaders with Exemplary Track Record of Academic and Operating Results with Similar Model/Population  Strong Operating Team with Proven Track Record of Transparently and Accountably Operating a Multi-Million Dollar Public Entity
<b>Academic Accountability</b>	Proven School Model With Proven Track Record of Producing 4/5 Star Results with Target Population
<b>Fiscal Accountability</b>	Strong School and Network Financial Model With Proven Track Record of Increasing Annual Fund Balances <sup>3</sup>  Track Record of Clean Audits
<b>Business Relationships</b>	Transparent and Appropriate Client/Vendor Relationship with Any Identified Service Providers

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<sup>3</sup> Such fund balance increases are intended to track free cash on hand, and should be exclusive of any capital refresh, expansion, or bond-mandated reserves budgeted for and maintained by the school.