

STATE OF NEVADA

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STATE PUBLIC CHARTER SCHOOL AUTHORITY

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BRIEFING MEMORANDUM

TO: SPCSA Board
FROM: Patrick Gavin
SUBJECT: Agenda Item 5—Discovery Charter School Request to Convert from Written Charter to a New Six Year Charter Contract
DATE: April 28, 2017

Background:

Current statute does not prescribe a process, timeline, format, or contents for the renewal or conversion of a written charter to a charter contract at the end of a six year charter terms. There are currently no regulations in place which govern such conversions or renewals and the Authority does not have the power to adopt regulations related to such renewals under [NRS 388A.168\(2\)](#) or elsewhere. Consequently, language related to such processes was not included in [R089-16A](#), which governs charter applications, charter amendments, and the renewal of charter contracts. The Authority adopted those regulations on November 14, 2016 and they were approved by the Legislative Commission on December 21, 2016.

The Authority recognized the need to provide schools with some guidance related to process and timeline for requests to convert a written charter to a charter contract through a renewal application. To that end, the Authority adopted a review process and timeline on January 4, 2016 and reaffirmed that process at its October 21, 2016 meeting, adopting a bifurcated process for considering such conversion renewal decisions. The Authority has provided for schools which are designated as high performing to be eligible for expedited renewal. Under that system, eligible schools are invited to submit a letter requesting expedited renewal based on previously published data. Based on current academic performance, several schools were eligible for expedited renewal in 2016-17:

- Oasis Academy
- Imagine School at Mountain View
- Somerset Academy

All three schools were awarded expedited renewals and are transitioning to charter contracts for their next six year term.

Discovery Charter School's (Discovery's") written charter also expires this year, but its academic performance was not sufficiently high achieving to merit expedited renewal. Discovery submitted an application by the deadline set by the Authority. That application is included in the support materials for this item.

Recommendation:

Based on advice from counsel, staff has followed the process laid out in R089-16A, notwithstanding the lack of specific applicability of those renewal regulations to the process of converting a written charter to a charter contract at the end of a six year term. Staff recommends that the application for conversion of the written charter of Discover Charter School to a charter contract (the "renewal application") be denied for the purpose of reconstituting the governing body of the charter school pursuant to NRS 388A.330 in accordance with Section 10(11)(d) of R089-16A.

The basis for this recommendation is the school's academic performance during the current charter term. Pursuant to the state's commitments to the federal government under the Public Charter School Program and Section 10(11)(b) of R089-16A, sponsors, including the Authority, shall "not give any one factor more weight than the academic performance of pupils" in evaluating an application for renewal. Discovery Charter School was determined by the Department of Education to be in the bottom five percent of all elementary and middle schools during the 2015-2016 accountability year. This most recent determination by the Department of Education follows multiple years of underperformance by Discovery Charter School, as the school's elementary school program was ranked at the two star level during the two most recent ratings of the Nevada School Performance Framework (2012-13 and 2013-14 accountability years). All of these facts are reflected in the renewal application Discovery submitted in February.

Consequently, the Executive Director is recommending that the written charter of Discovery Charter School not be converted to a charter contract at the end of this charter term due to the school's consistently poor track record of academic performance. Instead, staff recommends that under section 10(11)(d), the Authority deny the renewal "for the purpose of reconstituting the governing body of the charter school pursuant to NRS 388A.330 and assigning the charter contract to a charter management organization or a new governing body which may include, without limitation, the governing body of another charter school or a governing body assembled by the Executive Director."

If the Authority votes to deny the renewal for the purpose of reconstitution under a new governing body, the Executive Director will, not later than May 1, 2017, issue a [Request for Proposals](#) (RFP) to invite either a new grassroots committee or the governing body of an existing school or charter management organization to assume the governance of the school effective on or before July 1, 2017. The RFP will require the new governing body, if selected, to retain a third party evaluator approved by the Authority to evaluate the academic program and suggest academic, organizational, and financial plan changes, which may include but are not limited to enhancements to the existing project-based learning program or the submission of a charter amendment to make more material changes to the academic program. In the event that a new, qualified governing body cannot be identified by June 16, 2017, the Executive Director would request that the Authority exercise its authority pursuant to R089-16A(10)(13) to reclassify the denial to a denial for the purpose of closing the charter school at its June 23, 2017 meeting.

Consistent with Section 10(7) of R089-16A, staff invited the school to submit a written response to the Authority, which may include supporting affidavits, exhibits, any other documentary evidence and a written legal argument. The school was also given the option to request that the materials it

had previously submitted in response to the Notice of Intent be considered as the response to the written notice that was shared with the school on April 24, 2017 and that Staff would not oppose a request from the school for additional time to prepare a response.. In the event the school did seek a continuance, any additional written information was to be submitted into the Response to Non-Renewal submission task in Epicenter by no later than 5 pm on Monday, May 1, 2017.