

BRIAN SANDOVAL
Governor

STATE OF NEVADA

JASON GUINASSO
Authority Chair



MELISSA MACKEDON
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STATE PUBLIC CHARTER SCHOOL AUTHORITY

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Via Electronic Mail

October 12, 2017

The Honorable Brian Sandoval
Governor of the State of Nevada
State Capitol Building
101 North Carson Street
Carson City, NV 89701

Dear Governor Sandoval:

The purpose of this letter is to provide you with the State Public Charter School Authority Board's (herein after "Authority Board") recommendations for your appointment of an Executive Director and to explain our rationale behind our recommendations.

On October 10, 2017, the Authority Board convened a public meeting to discuss compliance with Section 16 of AB 49, which was passed during the 79th Legislative Session and signed into law by you on June 9, 2017. Among other changes to charter school policy, AB49 changed the mechanism for the appointment of the Executive Director.

Previously, the law provided that the Executive Director was an official appointed by the Authority Board who served for a three-year term. There was no provision for the removal or dismissal of the Executive Director. Under Section 16 of AB49, the Legislature changed this mechanism by amending NRS 388A.190 (currently uncodified) to provide that the Executive Director is appointed by the Governor from a list of three names provided by the Authority Board. The law also now provides that the Executive Director serves at the pleasure of the Governor. The position remains in the state's unclassified service. Under this new structure, the process for appointment and the appointing authority for the Executive Director position is now identical to that of the State Superintendent of Public Instruction.

The Authority Board appointed the current Executive Director, Patrick Gavin, for the remainder of former Director Canavero's term in the summer of 2014. The Authority then appointed the current Executive Director for a new three-year term following the expiration of that first term. The current term for the Executive Director expired at the end of September of this year. If the law had not changed, the Authority Board would have had the opportunity to reappoint Director Gavin to another three-year term. I, as Chair, would have supported his reappointment based on the Authority Board's positive evaluations of the Executive Director and my own belief that he has performed exceptionally well as the Executive Director of the Authority during a time of transformative change in charter law

and the resulting exponential growth in charter schools within the Authority's portfolio since his appointment.

However, Pursuant to Section 16 of AB49, the Authority is required to submit a list of three names to the Governor for consideration. To be eligible for appointment to the office of Executive Director of the State Public Charter School Authority, a person must:

- (a) Be at least 21 years of age at the time of appointment; and
- (b) Possess a demonstrated understanding of charter schools and a commitment to using charter schools to strengthen public education in this State.

Each of the four candidates the Authority Board considered for appointment satisfied the forgoing minimum requirements. However, as I explained during the public meeting, the candidates who the Authority Board discussed and considered were not asked to submit applications, undergo interviews or to submit to any formal process. In fact, none of the candidates, except Director Gavin, were even asked if they were interested in serving as Executive Director of the Authority.

While I understand that the lack of a formal selection process may be cause for concern, the Authority Board's discussion of the matter reflects a desire to express that we did not engage in a formal selection process because we unequivocally support Director Gavin and we strongly recommend that you use your appointment authority to retain him as Executive Director. If the Authority Board was permitted to do so by law, I would have favored the submission of only a single name for your consideration and that name would have been Executive Director Gavin.

Notwithstanding our strong support for Director Gavin, the Authority Board recognizes it has an obligation under the law to provide you with three candidates for consideration. The Authority Board understands that you have the discretion to accept our recommendation to retain Director Gavin, select one of the other candidates we have recommended to you, or reject all three candidates we have recommended to you and direct the Authority Board to engage in a formal selection process resulting in three new recommendations. In this regard, the Authority Board will of course respect, honor and support whatever decision you make.

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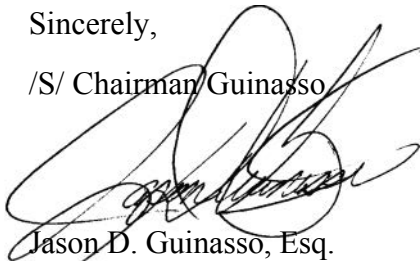
In accordance with the foregoing background and explanation of the Authority Board's rationale in reaching its conclusions, the Authority Board is pleased to unanimously recommend the following three candidates for the appointment to Executive Director of the State Public Charter School Authority:

1. Patrick Gavin
2. Brett Barley
3. Jana Wilcox Lavin

Thank you for your consideration of the Authority Board's recommendation. If you have any questions about the candidates we have recommended to you or the lack of a formal process resulting in our recommendations to you, I am available to answer any questions you may have.

Sincerely,

/S/ Chairman Guinasso

A handwritten signature in black ink, appearing to read 'Jason D. Guinasso', is written over the typed name and title.

Jason D. Guinasso, Esq.
Chairman, State Public Charter School Authority

[JG]/[jg]

cc: Patrick Gavin, Executive Director, State Public Charter School Authority