

**NEVADA STATE PUBLIC CHARTER SCHOOL AUTHORITY**

**September 28, 2018**

Nevada Department of Education  
700 East 5<sup>th</sup> Street  
Board Room  
Carson City, Nevada

Nevada Department of Education  
9890 South Maryland Parkway  
2<sup>nd</sup> Floor Board Room  
Las Vegas, Nevada

**MINUTES OF THE MEETING**

**BOARD MEMBERS PRESENT:**

**In Las Vegas:**

Jason Guinasso  
Melissa Mackedon  
Jeff Hinton  
Sheila Moulton  
Nora Luna

**In Carson City:**

None

**BOARD MEMBERS ABSENT:**

Randy Kirner

**AUTHORITY STAFF PRESENT:**

**In Las Vegas:**

Patrick Gavin, Executive Director  
Mark Modrcin, Director of Authorizing  
Brian Scroggins, Deputy Director  
Selcuk Ozdemir, Education Programs Supervisor  
Michael Dang, Management Analyst IV

**In Carson City:**

Danny Peltier, Management Analyst I

**LEGAL STAFF PRESENT:**

**In Las Vegas:**

Ryan Herrick, General Counsel, State Public Charter School Authority

**In Carson City:**

Aisheh Quiroz, Legal Assistant, State Public Charter School Authority

**AUDIENCE IN ATTENDANCE:**

**In Las Vegas:**

Nick S.  
Taft Morley  
John Solarczyk  
Ryan Reeves  
Africa Sanchez  
Jessica Barr  
Ben Salkowe  
Heidi Arbuch  
Yolanda Flores  
Bridget Peevy  
Crystal Thiriot  
Adam A.  
Omer Arikan  
Colin Bringhurst  
Ercan Aydogdu  
Tambre Tondryk  
Carrie Buck  
Trevor Goodsell  
Andrea Damore  
Matt Avsar  
An Tran  
Nicholas Tripician  
Lola Brooks  
R. Gourrier  
Dan Tafoya  
Candis Cope  
John Hawk

**In Carson City:**

Amanda Safford  
Prim Walters

**CALL TO ORDER; ROLL CALL; PLEDGE OF ALLEGIANCE; APPROVAL OF AGENDA**

**Agenda Item 1 – Call to Order, Roll Call, and Pledge of Allegiance**

Chairman Guinasso called the meeting to order, after a brief delay due to technical problems, with attendance as reflected above.

**Agenda Item 2 – Public Comment**

**Agenda Item 3 – Approval of the August 24, 2018 Action Minutes.**

Member Corbett arrived during this agenda item.

Member Moulton moved to approve the August 24 minutes. Member Hinton seconded. The motion carried unanimously.

**Agenda Item 4 – Brian Scroggins, Deputy Director of the SPCSA, recognized for receiving the the “2018 Volunteer of the Year” Award.**

Member Luna arrived during this agenda item.

Chair Guinasso commended Deputy Director Scroggins for his work within the Las Vegas community in the days following the events of October 1, 2017. Mr. Scroggins was asked to be part of an Incident Command Team following the shooting. He directed spiritual care and assisted in the opening of the Vegas Strong Resiliency Center.

Mr. Scroggins spoke briefly on the importance of being active in the community. He reflected that his position in the community as well as in the SPCSA has enabled him to better support schools and students.

**Agenda Item 5 – Financial Performance Framework Update.**

Management Analyst IV, Mike Dang, briefly updated the Board regarding Staff’s progress on the Financial Performance Framework. Mr. Dang reminded the Board what transpired at the August 24, 2018 meeting (see the August 24, 2018 meeting minutes). He then explained what Staff has accomplished to-date: re-engaged with experts and peer Authorizers from around the country regarding how to best improve the existing Financial Performance Framework. Staff continues to review information from various states. Staff has modified the data collection method by including six years of measures rather than only one year. It also more clearly distinguishes between the operating and capital activity.

National expert, Jim Ford, who appeared at the last meeting, reviewed the progress on the Financial Performance Framework and was pleased with the modifications. He commended Staff for addressing the concerns of stakeholders and experts. He stated that the process Staff has used to improve the Framework might be something to look at as far as industry Best Practices. He also said he might share it at NACSA.

Staff is preparing a recommendation to present to the Board at the November 2, 2018 meeting with possible action taking place at the November 30, 2018 meeting. However, Mr. Dang suggested that the Board might wish to defer action on the subject until after the schools’ annual

audits are done (December 1, 2018). Staff is planning to use both Frameworks to be able to compare and contrast the two methods to better inform the Board's decision.

**Agenda Item 6 – Legal Compliance Questionnaire.**

(Due to scheduling conflicts with outside experts, this agenda item was taken out of order)

Director Gavin invited experts to give comment regarding this agenda item. He explained that the Legal Compliance Questionnaire is part of the accountability measures for the schools' Organizational Framework. He explained that this was intended to be a "soft rollout" and that the schools' auditors were meant to fill out what they could but acknowledged that that could have been better communicated.

Chair Guinasso stated that he believes something like requiring auditors to complete a checklist regarding our schools is a policy issue that should have been brought before the Board. He expressed frustration that he did not know about the questionnaire existed until the schools and auditors came to the last meeting and expressed their concerns about it. He asked Director Gavin why he decided to send out this questionnaire on his own and inquired whether he discussed the "Legal Compliance Questionnaire" with General Counsel or CPAs or School Leaders prior to sending it out to the schools. He asked what authority Director Gavin has to act on this matter. Chair Guinasso stated that he went to the statutes and looked at the Executive Director authority versus the Board authority. NRS 388a.196 clearly defines the duties of the Executive Director but does not give him the authority to make policy changes without Board approval. He agreed that the Questionnaire is important, but that the respective responsibilities of the Board and the Executive Director need to be clearly laid out for everyone. He asked Mr. Herrick to give a presentation regarding this matter at a subsequent Board meeting.

Director Gavin stated that the Questionnaire was intended to ensure compliance with policy that the Board has already approved. He then explained that the Executive Director is subject to Legislative Letters of Intent as part of a larger monitoring system. Chair Guinasso asked what this Legislative Letter of Intent is, as he has not seen it but has heard about it several times. He stated that if we had issued a Notice to one of our schools and they did not share that information with their governing body, the Authority Board would be upset. Similarly, Legislation would be upset to know that the Executive Director did not share the Legislative Letter of Intent with the Board. He expressed that he would like to see the letter and address any deficiencies in the Authority's performance as a Board. He asked Staff to agendize this item.

Director Gavin asked the guests to introduce themselves and give some of their background information.

Kiumars Arzani is a retired teacher, past Charter school operator, managing partner at CSMC, which offers back office support for schools in California, and Nevada.

Don Soifer is from Nevada Action for School Options, also a past, current, and recovering Authorizer.

DeAnna Rowe is the Executive Director of BASIS Charter School in Arizona, and former Executive Director of the Arizona State Board for Charter Schools.

Mr. Soifer spoke first and explained that the best practice he has seen implemented was a collaborative task force process. He expressed that he looks forward to seeing a collaborative effort to improve and implement the Compliance Questionnaire.

Mr. Arzani stated that he had done the same audit at his school for several years and appreciated that it gives the schools an opportunity to see where their deficiencies are in the area of compliance. He also highlighted the extraordinary cost of implementing such a substantial audit but noted that he considered it worth the money.

Ms. Rowe explained that developing oversight and accountability is a challenge for authorizers and that including stakeholders in the development of this procedure is critical. When Arizona developed their Compliance Questionnaire, they solicited input from stakeholders as well as auditors regarding the financial components of the questions.

Director Gavin asked that there be an ongoing conversation about improving the Organizational Framework for our schools.

Mr. Soifer reiterated the idea that a collaborative effort with the schools and advised having a discussion on ways to meet the federal requirements in a manner that satisfies all parties.

Chair Guinasso asked that the Compliance Questionnaire be re-tooled with input from stakeholders, in much the same way as the Financial Performance Framework has been reworked.

Chair Guinasso opened up public comment for this agenda item.

Trevor Goodsell of Academica asked that the implementation of the Questionnaire be delayed a year due to the way it is written. It needs to be written in a way that does not ask the auditors to complete and sign something they are not comfortable signing.

Director Gavin explained that he has a meeting planned with accountants and hopes to discuss the Questionnaire with them. He stated that schools should try to complete the questionnaire as much as possible.

Chair Guinasso asked that schools complete as much as possible on the questionnaire but asked that they make notes of what is and isn't possible for them to answer. He stated that the

questionnaire is not mandatory at this time. He asked staff to come up with a plan or a process to improve the compliance questionnaire and report back at a later meeting.

**Agenda Item 7 – Legacy Traditional School – US Department of Education, Office of Civil Rights Complaint Resolution**

Director Gavin updated the Board regarding the OCR complaint against Legacy Traditional School. The school's uniform policy, particularly regarding hair, was found to conflict with the cultural practices of two of their students. The students' parents filed a complaint with the Office of Civil Rights. Legacy has cooperated with the OCR, has updated their uniform policy, and has held training for staff members.

Candy Farthing, Legacy Traditional Superintendent, who was not present at the time the complaint was made, assured the Board that Legacy has updated its policy and procedures in light of the complaint and communication from the OCR.

Member Hinton read a statement he prepared for this agenda item. His comments are included as an attachment with these minutes.

Member Corbett spoke about the importance of diversifying our portfolio. He asked that the diversity conversation be placed on the Long-Range Calendar, though he mentioned that the request has been made before and the conversation has yet to happen.

General Counsel, Ryan Herrick, addressed the Board's concern that this problem might be more systemic across the portfolio. Mr. Herrick informed the Board that SPCSA Staff is increasing the amount of oversight regarding discriminatory practices at our schools. Staff is preparing a presentation about these changes for the November meeting.

Staff wants to respect the autonomy of our schools, but not when it comes to discriminatory practices.

Member Luna brought up a point regarding accessibility for parents who are speakers of foreign languages. Schools are required to make reasonable accommodations to ensure meaningful access to services, but often there is no trained interpreter present when one is needed.

Director Gavin pointed out that diversity has been a problem since he was hired, in 2014. He answered that finding trained interpreters is a problem not just for our schools, but for all schools and districts.

Chair Guinasso echoed others' concerns that diversity has been talked about for years but has yet to be addressed. He suggested putting some kind of diversity benchmarks in place to track our progress. He asked that this topic be placed on the Long-Range calendar.

Vice Chair Mackedon pointed out that schools already face a great deal of scrutiny for discriminatory practices and she didn't want the Board to get the impression that there is no accountability happening in regard to these matters.

### **Agenda Item 8 – Nevada School Performance Framework (“NSPF”) Ratings**

- a. Dr. Selcuk Ozdemir gave a brief overview of the NSPF ratings for SPCSA-sponsored schools. His presentation is included in the supporting documents for the September 28, 2018 Board meeting.
- b. NSPF Ratings and Staff recommendations:
  1. Notices of Commendation. Staff recommended that letters of commendation be issued to high-performing SPCSA-sponsored charter schools and those schools that are returning to good standing.
    - a. American Preparatory Academy (middle school)
    - b. Coral Academy of Science Las Vegas (Sandy Ridge)
    - c. Doral Academy of Nevada (Red Rock)
    - d. Doral Academy of Nevada (Cactus)
    - e. Doral Academy of Northern Nevada
    - f. Oasis Academy
    - g. Pinecrest Academy of Nevada (Cadence)
    - h. Pinecrest Academy of Nevada (Horizon)
    - i. Pinecrest Academy of Nevada (Inspirada)
    - j. Pinecrest Academy of Nevada (St. Rose)

Member Mackedon Motioned to accept Staff's recommendation that the above schools be issued Notices of Commendation for earning 5-star ratings under the NSPF for 2018. Member Corbett seconded. The motion carried unanimously.

- k. Equipo Academy
- l. Mater Academy of Nevada (Mountain Vista)
- m. Silver Sands Montessori
- n. Discovery Charter School

Member Moulton moved to accept Staff's recommendation to return the above schools to good standing due to their improved academic performance. Member Mackedon seconded the motion. The motion carried unanimously.

2. Notices of Concern. Staff recommends that the following charter schools be issued Notices of Concern due to receiving a one-or-two-star rating and/or a participation warning or penalty.
  - a. Mater Academy of Northern Nevada
    - i. Principal Prim Walters spoke briefly regarding steps she and her Staff are taking to improve Mater North's performance next year. They have teamed up with Mater Las Vegas and are working toward

- a more rigorous plan to improve and close gaps. She has asked for grant money for Staff development for Staff to travel to high-performing Mater schools in Las Vegas and Florida.
- ii. Member Moulton moved to accept the recommendation of Staff to issue a Notice of Concern to Mater Academy of Northern Nevada. Member Luna seconded. The motion carried unanimously.
- b. Mater Academy of Nevada (Bonanza)
- i. Lead Principal Renee Fairless, spoke on the measures she and her Staff are taking to improve Bonanza Campus. She echoed what Ms. Walters said about reaching out the greater Mater family for ideas on improvement. They are going to double up on Math and ELA and have more tutoring opportunities available to students.
  - ii. Dan Triana, Board Member of Mater Academy, also spoke on behalf of Mater Academy.
  - iii. Member Moulton moved to accept the recommendation of Staff to issue a Notice of Concern to Mater Academy of Nevada. Member Corbett Seconded. The motion carried unanimously.
- c. Freedom Classical Academy (f.k.a American Leadership Academy)
- i. Jeremy Christensen, Executive Director of Freedom Classical Academy, spoke on the steps he and his Staff are taking to improve the performance of FCA students. This is their second year of operation and they serve a diverse population. He has struggled with Staffing but is confident that his Staff is now better suited to serve the students they have.
  - ii. Member Moulton moved to accept the recommendation of Staff to issue a Notice of Concern to Freedom Classical Academy. Member Mackedon seconded. The motion carried unanimously.
- d. Leadership Academy of Nevada
- i. Bryon Richardson, Executive Director of Leadership Academy of Nevada, summarized Leadership Academy's past performance ratings and brought the Board up-to-debate. Mr. Richardson explained that Leadership intends to change EMO providers because their current EMO does not support the changes they want to make to their academic program. The school's governing Board has decided not to renew its contract with their EMO when their contract expires on June 30<sup>th</sup> of 2019. The school is actively working to develop a new curriculum and learning model that is more aligned with Nevada standards.
  - ii. Member Moulton moved to accept the recommendation of Staff to issue a Notice of Concern to Leadership Academy of Nevada. Member Mackedon seconded. The motion carried unanimously.
- e. Learning Bridge Charter School



Dr. Ozdemir explained that schools that had not met the 95% participation requirement for the 16-17 school year received a Participation Warning as part of their NSPF report. On the second year that the school fails to meet the participation requirement, they will see a reduction of up to nine index points from their Academic Achievement score on their NSPF report. The 17-18 school year was the first year the penalty has been implemented. Schools that fail to meet the requirement for a third year face a reduction of up to 25 index points next year.

Ben Salkowe, principal of Equipo Academy, spoke regarding the warning his school received last year. He stated that the warning was buried on the last page of the document and not prominent enough.

Member Mackedon pointed out that the data validation process was significantly more transparent this year than it was last year and that there is no reason to rely on last year's data, as this year's data contained several errors. She said it would be unfair to remove the affected schools from good standing on the basis of the participation penalty because the process was not transparent or well-implemented.

Chair Guinasso explained that Member Mackedon's point was what made him want to address the participation penalty schools separately from the Notice of Concern schools. He reminded the Board that Notices have consequences for the schools, such as if a school is trying to get a loan or submit an amendment request. The school not being in good standing has far-reaching implications that are disproportional to the offense.

Mr. Salkowe spoke on behalf of Equipo Academy and explained the problem his school faced with meeting the participation requirement. It came down to one student (7% of that subgroup at Equipo, giving them a 93% participation rate for that subgroup) who transferred into Equipo in the middle of the year.

Ercan Ayogdu, Executive Director of Coral Academy, Las Vegas, explained that his school also had a subgroup problem. One former student was coded incorrectly, and another student's parents refused to let their child take the test. Member Mackedon agreed that parental refusal can be a significant problem when it comes to satisfying the participation requirement across the subgroups.

Bryon Richardson, principal of Leadership Academy, explained that it is a challenge meeting the participation requirement as a virtual school. He also stated that his school only has 150 kids in the middle school, so any students missing the test can significantly impact the participation rate. He echoed Mr. Salkowe's earlier point regarding the inadequacy of the warning the schools received last year.

Chair Guinasso asked Mr. Herrick whether the Board may choose to issue something less than a Notice of Concern to the schools who received a participation warning or penalty. He asked if they might instead issue letters to the schools explaining the warning and penalty and the consequences of continuing to fail to meet the requirement.

Mr. Herrick cautioned that the schools need to understand the severity of the consequences they could face next year but agreed that the Board can choose to send a letter instead of issuing a formal Notice of Concern.

Chair Guinasso reiterated that he believes issuing Notices of Concern to these schools for receiving a participation warning or penalty is too heavy-handed an approach.

Member Luna commented that the Board can't have a double standard for different schools in the portfolio. She stated that these are the standards the Board has set, and it's unfair *not* to issue Notices of Concern when schools don't meet that standard.

Chair Guinasso again stated that he did not want to take action at this meeting that would remove these schools from good standing and have them face even further consequences.

Chair Guinasso moved that rather than approve Staff's recommendation to issue Notices of Concern to Equipo Academy, Leadership Academy, and Coral Academy Las Vegas, Nevada Virtual Academy and Nevada Connections Academy who failed to meet the participation requirement, that the Board instead issue an informal letter putting those schools on notice that they have not met the participation requirement and the consequences related thereto. Member Corbett seconded the motion. The motion carried with a vote of 5 to 1, with Member Luna voting no.

3. Notices of Breach

- a. Staff recommends that a Notice of Breach be issued to Founders Academy for receiving a two-star rating.
  - i. Principal Ronald Fick spoke on behalf of Founders Academy. He explained that Founders is working to better align their model with Nevada Standards in order to boost their students' success and NSPF rating.
  - ii. Member Mackedon moved to accept the recommendation of Staff to issue a Notice of Breach to Founders Academy of Las Vegas. Member Moulton seconded. The motion carried unanimously.

4. Other Action

- a. Nevada Connections Academy. Elementary, middle, and high schools each received a one-star rating under the NSPF. Staff recommends issuing a notice of continuing breach with regard to the elementary school, a notice of concern regarding the middle school, and a notice of concern regarding the high school. Chair Guinasso expressed his disappointment with the school's performance and their ongoing struggle to meet the standard the SPCSA expects. He reiterated that NCA is not on a trajectory that will enable it to be renewed next year.
  - i. Member Mackedon moved to accept Staff's recommendation to issue a notice of ongoing breach to NCA's elementary school, a notice of concern to its elementary school, and a notice of concern to its high school. Member Hinton seconded. The motion carried unanimously.
- b. Nevada Virtual Academy. NVA did not meet the benchmarks set forth in the stipulated agreement, and consequently its elementary school will be closing at the end of this school year. Kara Hendricks, counsel for NVA, spoke on

the school's behalf and reiterated their commitment to honor the stipulated agreement and working to improve the remaining grade levels.

- i. Member Mackedon moved to accept Staff's recommendation to notify Nevada Virtual Academy regarding its failure to meet or exceed the benchmarks outlined in the stipulated agreement in regard to its elementary school and issue a Notice of Concern to its middle school in regard to its academic underperformance. Member Moulton seconded. The motion carried unanimously.

### **Agenda Item 9 – ACT Aspire**

Pat Hickey, Executive Director of CSAN, spoke regarding the ACT Aspire. He asked Renee Fairless, Bridget Phillips, and Candy Farthing to give the school leaders' perspective on the issue.

Ms. Farthing, of Legacy Traditional School, briefly addressed the history of the ACT Aspire and acknowledged that schools need to have some way to measure accountability even when there is an SBAC testing error that causes schools not to receive a star rating. Ms. Farthing noted, however, that now that the SBAC is being properly implemented it is worth taking a look at some of the challenges schools are facing in administering the ACT Aspire.

Ms. Phillips, of Doral Academy, gave insight into some of the strengths as well as challenges schools face with the ACT Aspire. One strength is that it helps prepare students for college and careers. A challenge is that it does not align at all with Common Core, so there is a disconnect between what is being taught and what is being assessed. Additionally, there are differences in how the test is administered (timed vs. untimed) which does not facilitate accurate assessment.

Ms. Fairless, of Mater Academy, shared the concern that schools are spending the majority of their time either preparing for or taking standardized tests. The ACT Aspire adds more layers to this already cumbersome endeavor. She also noted that when there are so many tests that do not align with one another, it is challenging to provide adequate instruction for students to succeed in all of these different tests. She asked that the Authority consider the value of each of these assessments and determine whether it is necessary to continue administering them if they are not serving students' and schools' best interests.

Ms. Phillips offered some solutions. One was to administer the test to high school students in tenth grade. Another solution might be to use current data from the NSPF to assess schools for accountability purposes.

Chair Guinasso thanked the school leaders for their input. He asked Director Gavin whether the ACT Aspire is being used for accountability by the SPCSA.

Director Gavin stated that the ACT Aspire is intended as insurance. Chair Guinasso asked if the data from the ACT Aspire is being used for anything. It is not.

Chair Guinasso asked for the ACT Aspire action item to be agendaized for a future meeting.

### **Agenda Item 10 – Long-Range Board Calendar**

This agenda item was continued to the next meeting.

**Agenda Item 11 – Public Comment #2**

None.

**Agenda Item 12 – Adjournment**

The meeting was adjourned at 4:40 pm

Jeffrey A. Hinton Ed.S, NBPTS  
Board Member SPCSA  
09/28/2018

Chairman Guinasso, members of the board and SPCSA staff, I know that we have many agenda items today, several of which will focus on the success of the schools in this board's portfolio so I will keep my comments brief, I have prepared a written statement because I want my remarks to be absolutely clear to all stakeholders. As a 17 year educator in the CCSD and current classroom teacher, Nevada Teacher of the Year and member of this board I understand the importance of student achievement, I've dedicated my professional life to that end, I also understand the need for all of Nevada's public schools, both traditional and charter, to educate our students to the best of our ability without regard to race, religion, gender, sexual orientation, gender identity, culture or heritage. That is why I was alarmed to see Legacy Traditional School involved in a US Department of Education, Office of Civil Rights complaint, and while that complaint was resolved and Legacy Traditional School is now compliant with federal law, I can't help but wonder if this was an isolated issue or does it point to a larger problem within Nevada's public charter school community, and more importantly how can we know?

At the CSAN conference last week Dr. Nancy Brune, Executive Director of the Guinn Center for Policy Priorities, pointed out that Nevada's public charter schools need to diversify to more accurately reflect Nevada's student population. This has been an ongoing concern for this Board, I understand that this is a multi-faceted problem that is contingent upon on many variables, however, in my opinion, this goal can only be reached if this Board is absolutely clear that discrimination in any form will not be tolerated by any school in this Board's portfolio. Families are not going to send their students to schools where they do not feel welcome and respected.

I understand that public charter schools, in keeping with the original mission of educational innovation, have autonomy in their selection of curriculum, pedagogy and governance, but they absolutely do not have the autonomy to discriminate. If the intention of the SPCSA is to make sure that every student in Nevada has access to a high quality education than we must be very clear in our position that discrimination in any form will not be tolerated.

Thank you