

NEVADA STATE PUBLIC CHARTER SCHOOL AUTHORITY

April 19, 2019

Nevada Department of Education
700 East 5th Street
Board Room
Carson City, Nevada

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

MINUTES OF THE MEETING

BOARD MEMBERS PRESENT:

In Las Vegas:

Randy Kirner
Jeff Hinton
Nora Luna
Jason Guinasso

In Carson City:

Melissa Mackedon

BOARD MEMBERS ABSENT:

Stavan Corbett
Sheila Moulton

AUTHORITY STAFF PRESENT:

In Las Vegas:

Rebecca Feiden, Executive Director
Mark Modrcin, Director of Authorizing
Brian Scroggins, Deputy Director
Michael Dang, Management Analyst IV
Sandra Kinne, Education Programs Professional
Lisa Dzierbicki, Education Programs Professional
Ryan Herrick, General Counsel

In Carson City:

Danny Peltier, Management Analyst I
Selcuk Ozdemir, Education Programs Supervisor
Jennifer Bauer, Director of Finance and Operations
Aisheh Barghouti, Legal Assistant

AUDIENCE IN ATTENDANCE:

In Las Vegas:

(See attached Sign-in Sheet)

In Carson City:

Rebecca Phipps

Pat Hickey

Susan Nielsen

Chris McBride

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 at 9:00am with attendance as reflected above.

Agenda Item 2 – Public Comment

Ron Tetrick – Mr. Tetrick conducted an audit of charter schools' compliance with the Open Meeting Law and found that most schools were out of compliance in some way. He submitted 76 complaints to the Attorney General's Office against 29 charter schools, both district-sponsored and SPCSA-sponsored. He expressed his disappointment in the PowerPoint presentation prepared for OML training (later on this agenda). He stated he was disappointed in what he perceives as a lack of transparency on the part of the charter schools. He expressed his opinion that the charter schools and their management organizations are actively concealing the details of public meetings. He stated that he would continue to appear at these meetings until he receives the recordings he has requested, and he receives notification of the meetings he has requested.

Chair Guinasso encouraged Mr. Tetrick to reach out to SPCSA legal counsel, Ryan Herrick for help getting the documents and recordings he has requested.

Agenda Item 3 – Approval of the March 8, and March 11, 2019 Action Minutes.

Mr. Herrick noted that the March 8 meeting minutes were the minutes from the Executive Director interviews. He explained that these minutes would be a valuable resource to use when considering the Strategic Plan because many of the questions posed during the interviews deal directly with the same issues the Authority is working with legislators to address. Chair Guinasso agreed.

Member Kirner moved to approve the minutes of the March 8 and 11, 2019 Authority Board meetings. Member Luna seconded the motion. The motion carried unanimously.

Agenda Item 4 – SPCSA Executive Director

Chair Guinasso introduced the new Executive Director of the SPCSA, Rebecca Feiden. Director Feiden expressed her thanks to SPCSA staff members who picked up the extra workload of the vacant Executive Director position during the last several months.

Director Feiden explained that Nevada is poised to be the fastest-improving state in the nation with regard to education and that charter schools will play an important role in that. She shared her goals and initiatives for her first couple of months at the agency. Ms. Feiden explained that she will first be doing a lot of listening and asking questions in order to inform the agency's directions and priorities. She will be paying close attention to the legislative session to make sure staff is prepared to do the work that will need to be done after session ends. Finally, Director Feiden will be getting up-to-speed on agency projects and decision points.

Agenda Item 5 – SPCSA Staff Reports

1. Authorizing Team

Director Modrcin updated the board on his team's work:

- a. Elko Institute for Academic Achievement Relocation Update
 - i. The plan the school had for relocating into a vacant building in a shopping center has fallen through due to some misunderstandings with the contractors and the bank funding the project. Ultimately, the bank refused to fund the project with EIAA as a tenant. The construction company has moved on with another tenant and EIAA is looking into other options for their relocation in the 20/21 school year – including one building that was built as a school. They will update the board when they have more information.
- b. Performance Framework Update

Director Modrcin explained that having strongly-developed performance frameworks is critical to the Authority's work and in order for the bargain of school autonomy in exchange for accountability to work, it is essential to have those frameworks established and maintained to help enforce high performance standards in all SPCSA-sponsored schools.

 - i. Financial Performance Framework – Team is working through the implementation phase of the framework. They have expanded the rating process, so the board can see all the years of financial performance for the term of the contract. The team will provide an update in June.
 - ii. Academic Performance Framework – Dr. Selcuk Ozdemir gave a brief update on the status of the work on the Academic Performance Framework. The team has held two listening sessions and two working group meetings during which they discussed the indicators and measures

for the SPCSA Academic Performance Framework. They have another meeting in May.

- iii. Organizational Performance Framework – Mike Dang, Manager of Organizational and Financial Performance, explained that the team working through the Organizational Performance Framework is on roughly the same schedule as the Academic Performance Framework.

Chair Guinasso commented that this framework would be a good tool to use to see whether the schools have effective governance and provide an opportunity to send feedback to the schools regarding any training their governing boards may need. Mr. Dang agreed this is an important aspect of organizational performance and that it has already been incorporated into the framework.

Chair Guinasso asked what important things schools' boards need to be doing. Director Modrcin explained that boards need to be following the Open Meeting Law, making sure that they are properly constituted, and receiving some sort of annual training. Boards should also be conducting annual evaluations of the people who report to the board.

Chair Guinasso asked if there is anything the Authority Board can do to ensure that the schools' governing boards aren't just "rubber-stamped" boards and that they are actually faithfully executing their responsibilities. Director Modrcin explained that under the OPF it will be easier to monitor governing boards' compliance. He also noted that the stronger boards that he has seen often have subcommittees

- c. New Charter Applicant Update
 - i. The SPCSA received 20 notices of intent – which is above average. Staff has notified the three districts in which these schools would be located in order to take a proactive approach with the districts.
- d. Charter Amendment Applications Update
 - i. Staff presented a revised structure for this process last month. Staff has received nine requests for amendments and they will bring those recommendations to the board in June. They will also be reaching out to any district that may be impacted by an expansion amendment.
- e. Charter School Contract Renewal Update
 - i. Director Modrcin explained that all the renewed contracts have been updated and executed, save for Nevada Virtual Academy
- f. Revolving Loan Update
 - i. Staff will bring recommendations to the board next month, at the May meeting. SPCSA has received two applications to date.

2. School Support Team

- a. Assessment and Accountability Update
 - i. Sara and Lisa have been providing technical support to schools during testing season, monitoring Civil Rights Data Collection, the School Climate Survey, and the annual report of accountability data collection for NSPF.

- b. Conferences, Meetings, and Trainings Update
 - i. The team has attended several trainings recently and is planning to attend three upcoming conferences and trainings, including LRP in Orlando, Florida.
 - c. School Support Update
 - i. The team completed ten school visits earlier this month and has continued to provide support to schools.
- 3. Finance and Operations Team**
- a. April 4, 2019 Interim Finance Committee Hearing Update
 - i. The agency was not called to testify – there were no questions or concerns. The next update will be due August 1, 2019.
 - b. Budget Update
 - i. The committee had concerns about the reserve level. Agency staff has been working closely to inform the decision-makers regarding the reserve level. The budget will close on April 30, 2019. The agency will begin implementing the new budget on July 1, 2019.
- 4. Legal**
- a. Litigation Update: National Coalition for Public School Options vs. State Public Charter School Authority (19 OC 00050 1B)
 - i. In early March, the agency was sued by the National Coalition for Public School Options. Mr. Herrick has reached out to and is working with opposing counsel to come to a resolution in this matter.
 - b. Open Meeting Law Compliance
 - i. 76 complaints were filed with the Attorney General’s Office against several charter schools. The AG’s office typically receives roughly 45 complaints in a calendar year. Notifications recently went out to schools from the AG’s Office mandating that schools receive training on the Open Meeting Law (later on this agenda). The training on today’s agenda will satisfy that requirement. Mr. Herrick emphasized that the vast majority of the complaints against SPCSA-sponsored schools were procedural or technical in nature as opposed to substantive. Member Kirner asked if this might be something worth addressing during the annual CSAN conference in the fall. Mr. Herrick stated he would reach out to CSAN about providing training during the conference.

Agenda Item 6 – Nevada Connections Academy Update Regarding Dual Enrollment

Director Modrcin briefly addressed Nevada Connections Academy’s dual credit program which is required by law. Chair Guinasso asked whether it would be right to approve this program when NCA’s renewal is imminent and in question. He does not want there to be a situation in which families choose NCA because of the Jump Start program and then NCA closes. Mr. Herrick and Member Mackedon explained that this would not be the case, as the program is available at district schools as well.

The dual credit program at NCA will support NCA's mission to help each student maximize his or her potential and meet the highest performance standards through a uniquely individualized learning. Per the submitted application, the school will leverage current employees to support the execution of the dual credit program. These duties include: providing student applications to prospective individuals, reviewing and approving applications, monitoring student progress, providing supports for students, communicating and working with TMCC to confirm student enrollment and review invoices and payments. The NCA Governing Board will have oversight of the program. Under the proposed agreement, TMCC will develop and offer appropriate college courses for NCA students, work with NCA administrators to determine the needs of staff, providing unofficial transcripts to NCA at the end of each TMCC academic term and provide support to NCA students, including accommodations as may be necessary. According to the application, NCA will communicate which students are enrolled at TMCC. From there, TMCC will invoice NCA and shall charge, for online courses, the current per credit registration fee as well as other fees to be determined each school year. TMCC shall provide a 25% discount on the per credit registration fee for in-person courses. NCA will pay the costs associated with courses with any grant money that the school is able to utilize. Beyond that, students will be responsible for any costs, which is permissible under NRS 389.310. The proposed agreement between NCA and TMCC will commence on August 1, 2019 and run through June 30, 2020. Conditions for renewal will be based upon mutual agreement of the parties.

Dr. McBride, Superintendent of Nevada Connections Academy, explained that his initiative will help ensure the college and career readiness for their high school students – which has been an ongoing opportunity for growth for NCA.

Member Luna moved to approve the Dual Enrollment program at Nevada Connections Academy with the stipulated conditions. Member Hinton seconded. The motion carried unanimously.

Agenda Item 7 – Site Evaluations Update

Sandra Kinne, Education Programs Professional, updated the board on the progress Staff is making with regard to Site Evaluations. To-date, the team has completed thirteen site evaluations and will be completing five more evaluations before the end of the school year. As of today, the team has completed ten reports with a turnaround time of five to six weeks.

One positive trend the teams have noticed is that families and staff at the schools really value the culture of the schools. One opportunity for growth that the team is noticing at various schools is that board training is desperately needed across the portfolio. Staff identifies various needs during site evaluations and addresses them directly with schools. Schools are given a timeline during which they need to rectify outstanding issues – some are immediate, others are long-term.

Chair Guinasso congratulated Staff on the hard work they have done since becoming aware of the importance of completing the site evaluations. He commended the team for expediting the work and for helping the SPCSA to tell its story with the legislature.

Director Modrcin explained that there will be a draft schedule for the 19/20 school year before the board at the June meeting. Chair Guinasso asked if there was any way that schedule might be expedited. Director Modrcin explained that Staff will be looking at the process and assessing

whether there is room to change anything going forward. Ms. Kinne explained that there are many restrictions on when site evaluations can be conducted due to the school calendar.

Member Kirner asked what happens during the six weeks that it takes to complete a site evaluation report. Ms. Kinne gave a very detailed explanation of what happens during the typical site evaluation process [02:41:30].

Director Modrcin explained that the site evaluations will be used going forward to inform things like renewals and amendments.

Chair Guinasso asked how the SPCSA does a better job of explaining site evaluations to legislators. He thinks perhaps invite a legislator to see a site evaluation or have a meeting once a month with one of these legislators to keep them informed. Key stakeholders should become our key champions.

Director Feiden explained that AB462 contains some formal opportunities to have those conversations and there is definitely a need to address these concerns and Staff will be working with legislators to accomplish that.

Agenda Item 8 – Focus on Schools – Sierra Nevada Academy Charter School

Agenda item postponed to a later meeting due to unexpected illness.

Agenda Item 9 – Legislative Update

Assembly Bill 78, the SPCSA's bill, designates the SPCSA as the LEA for SPCSA-sponsored schools, gives the SPCSA plenary regulatory authority, includes some annual reporting requirements to NDE and also clarifies NDE's responsibility to evaluate all sponsors of charter schools in the state. The bill also adds two members to the Authority Board, to be appointed by the State Board of Education. The bill clarifies provisions related to providing Special Education services. Finally, the bill eliminates the Achievement School District and moves the ASD-sponsored schools over to the SPCSA.

Senate Bill 321 abolishes the ASD, so the ASD is going away either way. The only questions remaining are: Do the existing ASD schools and the two previously-approved applicants need to reapply for sponsorship under the SPCSA? Do they need new contracts? Will those schools remain their own LEAs? Mr. Herrick speculated that the schools will not need to reapply, that they will not need new contracts until later, and that the schools will likely lose their LEA status. These details have yet to be determined by the legislature, but Mr. Herrick and Director Feiden are working closely with legislators to work out the specifics.

Chair Guinasso explained that he would prefer for the ASD schools to have SPCSA contracts by 2020 in order to strengthen the SPCSA's oversight of those schools. Mr. Herrick assured Chair Guinasso that the schools will be held to the same standards as other SPCSA-sponsored schools and that there will still be an opportunity for the schools to appear before the Authority Board with Director Feiden, who was formerly head of the ASD and authorized all of the ASD schools.

Chair Guinasso reiterated that he would like an opportunity for the board to evaluate the ASD schools before entering into a contract with them. He asked what progress has been made on the “Fast Track” application model. Director Feiden explained that she and Director Modrcin have been working on that project and will be finalizing it. They are waiting to see what the language from the legislature actually looks like first.

Senate Bill 451 authorizes variable-length charter renewal contracts. This bill passed through the Senate and will go to the Assembly. It would allow the SPCSA to issue renewed contracts for 3-10 years instead of the standard 6-year terms. This would enable borderline schools to have a shorter contract and allow for a high-stakes review sooner after their renewal. Mr. Herrick acknowledged that a contract over 6 years would be rare but would perhaps be an option for consistently high-performing schools.

Senate Bill 441 allows for the separate regulation of virtual charter schools. The bill passed out of committee and will come to a vote next week. It allows for separate oversight of online charters, provides for regulations regarding enrollment into online charters, and authorizes a subcommittee of the SPCSA board to specifically oversee online charters. Chair Guinasso, CSAN, and legislators have worked in tandem on this bill in order to strengthen accountability for virtual schools and to better set them up on a path for success.

Assembly Bill 462 originally would have imposed a moratorium on the SPCSA opening new charter schools for a designated period. That portion of the bill has been removed and replaced with several reporting requirements. The bill requires that the initial site evaluations be complete by June 30, 2020. The SPCSA is permitted to seek an extension from the State Board of Education and must also submit a report to the Interim Education Committee. AB462 also clarifies responsibilities related to the SPCSA conducting a statewide Pupil Needs study. Legislators want to see the SPCSA working collaboratively with other educational stakeholders (NDE). The study is to be completed by January of 2020. Included in AB462 is also a requirement that the SPCSA notify districts of new notices of intent and expansion amendment applications. Finally, there is a requirement for the SPCSA to come up with a Growth Management Plan for Success that includes a 5-year projection related to strategic growth. This would be based on information gathered during the Needs Assessment which would help identify the areas of greatest need based on factors like academic performance and demographics.

Chair Guinasso asked to be updated on the legislative commitments at the next meeting and to show what has already been started with regard to these commitments.

Agenda Item 10 – SPCSA Growth Management Plan

Director Feiden explained that Mr. Herrick had already covered most of these points during the previous agenda item, but she wanted to reiterate a few things. The Authority has experienced significant growth over the past few years and is poised to continue growing. The Needs Assessment provides an opportunity to align the Growth Management Plan with the Authority’s Strategic Plan in a way that will make the Strategic Plan more robust. It also provides an opportunity to be more thoughtful and deliberate about where schools are going and what needs they are serving. The SPCSA will also be collaborating and involving stakeholders such as local

school districts, NDE, legislators, and community members in order to accomplish this work well.

Director Feiden expressed that the two important parts of this plan, to her, are in community engagement as well as building agency capacity in order to do this work and implement these plans with fidelity.

Chair Guinasso asked Director Feiden to update the board in May when she has had more time to work with the team to identify next-steps in this process. He also asked that there be a plan in place, possibly on the Long-Range Calendar, for the rollout of this plan and how board members can be involved and best help meet these objectives.

Agenda Item 11 – Open Meeting Law Presentation and Training

Mr. Herrick gave a presentation and training regarding the Open Meeting Law. The presentation begins at [04:03:00]. The SPCSA and the Attorney General's Office will follow up with schools regarding whether they have completed some form of training.

Mr. Herrick broke his presentation up into three parts: What happens before, during, and after an open meeting held in accordance with the Open Meeting Law.

First: The agenda. Would your neighbor who knows nothing about public charter schools be able to read the agenda and understand what is being discussed? This is what should be kept in mind when drafting an effective and compliant agenda. The agenda must contain so-called "magic language" as a matter of form: The date, time, and location of the meeting, the name of the person (and location) from whom meeting materials may be obtained, reasonable accommodations, and any time limits for public comment.

Supporting materials do not have to be posted within the same time constraints as the agenda, but they do have to be made publicly available (by request) at the same time as they are made available to board members.

The agenda must be posted no later than 9:00 am three business days prior to the public meeting. This posting must be done at: the principal place of the public body OR the location where the meeting is to be held, three other "prominent" places, public body's website, Official State of Nevada notice website: <https://notice.nv.gov>, and must provide a copy of the agenda to any member of the public who has requested notice.

Mr. Herrick encouraged schools to push out information pertaining to board meetings as part of their social media efforts.

Mr. Herrick also explained that subcommittee meetings are subject to the Open Meeting Law in the exact same way as board meetings are. If the subcommittee is going to advise the board about items on which the board will take action, those subcommittee meetings need to be properly agendized, recorded, have minutes, etc.

Next: How to hold a public meeting.

Reasonable time, location and accommodations: A lot of schools meet after school hours, but the further outside of business hours you go, the more it approaches an “unreasonable” time. The location needs to be somewhere where members of the public will feel welcome to attend. As far as reasonable accommodations, the meeting has to be held in such a way that as many members of the public who are anticipated to attend can be accommodated by the space in which the meeting is being held or broadcast.

For public comment, there must be at least two opportunities for the public to make comment about items on the agenda as well as items not on the agenda but that fall under the purview of the body. There are some limits that may be imposed upon public comment agenda items, but those must be done within reason. There is no responsibility to respond or action to be taken upon items brought up during public comment.

There should be publicly-available copies of the agenda and the supporting materials available at each meeting.

There has to be a quorum of members of the governing body in order to hold a meeting or take action.

Stick to the agenda: Boards need to stick to the items on the agenda. If something is discussed and not on the agenda, interested members of the public may not be aware.

Third: After the public meeting.

The meeting minutes must contain: the date, time, and location of the meeting, the members of the public body that were present or absent, the substance of any discussion by the public body, a record of each member’s vote, the substance of any public comment, must be available to the public within 30 business days, and must be approved at the next meeting or within 45 days (whichever is later). The recording or transcript must be made available to the public and must be retained for one year.

Finally: Exceptions, Violations, and Potential Changes

As stated earlier, committees and subcommittees are not exempt from the Open Meeting Law. Their meetings must be agendized, posted, have minutes and recordings, etc.

Violations of the OML typically result in unwinding any action taken at the public meeting during which the violation occurred (any vote would have to be voted on again).

Schools need to pay attention to what constitutes an emergency meeting under the Open Meeting Law. This does not mean schools who forgot to post the agenda can call an “emergency meeting” to circumvent the posting provision of the Open Meeting Law.

Social events and conferences are exempt from the Open Meeting Law.

Mr. Herrick’s PowerPoint Presentation can be found in the supporting materials for this agenda item.

Agenda Item 12 – Long-Range Calendar

Agenda item postponed to next meeting to give Director Feiden an opportunity to go over it and make any changes.

Agenda Item 13 – Public Comment #2

(None)

Agenda Item 14 – Adjournment

The meeting was adjourned at 3:20 pm.

State Public Charter School Authority

Board Meeting

Las Vegas

4-19-2019

Name	Representing	Email Address for SPCSA List serve
Ron Terriick		RonTerriick@gmail.com
R. Gouzien		
Bryn Richardson	Leadership Academy	bryon@lanv.org
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VISITOR'S CARD

**Nevada State Public Charter School Authority
Meeting**

Welcome... PLEASE PRINT LEGIBLY all information in full so that we may maintain accurate records.

Date 4/19/2019

Name Ron Tetrick

Title _____

Address 4432 Socrates St

North Las Vegas

Phone No. 702 978-2535

Representing _____

Subject Open Meeting law

- I Request To Speak
- I am a scheduled speaker
- I am a visitor

