

NEVADA STATE PUBLIC CHARTER SCHOOL AUTHORITY

June 28, 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 (until 2:30)
Melissa Mackedon
Sheila Moulton

In Carson City:

None

BOARD MEMBERS ABSENT:

Stavan Corbett

AUTHORITY STAFF PRESENT:

In Las Vegas:

Rebecca Feiden, Executive Director
Mark Modrcin, Director of Authorizing
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

AUDIENCE IN ATTENDANCE:

In Las Vegas:

(see attached sign-in sheet)

In Carson City:

(see attached sign-in sheet)

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

Richard Shade – Mr. Shade is the Director of Operations for Argent Preparatory Academy. He came to let the Board know that he has not been paid since June 10, 2019 and will not receive his final check on his last day of employment, June 30th. He implored the Board to address this. Chair Guinasso explained that he would follow up with Mr. Kern, Receiver for Argent, during his update on a later agenda item.

Lisa Coronado – Representative for the City of Henderson, she expressed her gratitude to Director Feiden for the community engagement surrounding the implementation of AB462 and the Academic Needs Assessment. She explained that the city relies on charters to relieve overcrowding at existing district schools in Henderson. She asked that overcrowding be included in the assessment criteria. She also asked that the City of Henderson continue to be included in these conversations as they develop and proposed using a weighted lottery in an effort to increase the diversity at Henderson schools while still addressing their overcrowding problem.

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

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

Agenda Item 4 – Charter Contract Amendment Applications

a. Quest Preparatory Academy

Director Modrcin spoke briefly on Quest Academy's request to consolidate two existing campuses into one. Quest is requesting an amendment to consolidate its Alexander Campus with its Northwest Campus and cease operations at the Alexander Campus. According to their application, Quest determined that the current two-campus model does not maximize the utility of its resources. After analyzing enrollment projections, staffing models, and facilities plans, Quest has determined that a campus consolidation is the best way to increase its organizational efficiency. SPCSA staff recommends that the Authority approve the request of Quest to consolidate its Alexander Campus with its Northwest Campus and cease operations at the Alexander Campus beginning in the 2019 – 2020 school year.

Member Kirner moved to approve Quest's amendment request. Member Luna seconded. The motion passed unanimously.

b. Beacon Academy of Nevada

Director Modrcin explained that Beacon Academy of Nevada is the only SPCSA-sponsored alternative school as approved by the Nevada Department of Education. BANV seeks an amendment to modify their charter to enroll students that are at least sixteen years of age. According to their application, during the 2018-2019 school year, BANV had eighteen students out of six hundred and twenty enrolled who were under the age of sixteen due to the criteria that must be met in order to qualify as an alternative education student. The students qualifying for BANV who are under the age of sixteen are under court supervision, expelled, suspended, have an IEP, or have other contributing factors. Being that so few students under the age of sixteen qualify for the school, BANV is requesting to change the minimum age of enrollment to students at least sixteen years of age. SPCSA staff recommends that the Authority approve the request of BANV to change the minimum age of enrollment for students to at least sixteen years of age.

Chair Guinasso asked if Staff or the school was aware of any potential problem Beacon may have with regard to the Alternative Performance Framework if this amendment were to be approved. They were not.

Member Mackedon moved to approve Beacon's amendment request. Member Luna seconded. The motion passed unanimously.

c. Leadership Academy of Nevada

Representatives from Leadership Academy of Nevada spoke at length about the circumstances surrounding their amendment request. LANV seeks an amendment to eliminate a contract with an Educational Management Organization. According to the amendment application, at the beginning of July 2018, the LANV Executive Director met with the Executive Committee and recommended that LANV not renew the contract with Williamsburg Learning at the end of the current contract, June 30, 2019. On July 23, 2018, a board meeting was held and the LANV Governing Board voted 4 – 3 to not renew the contract and to become an independent charter school, not using an EMO/CMO. If approved the amendment will go into effect for the 2019-2020 School Year. SPCSA staff recommends that the Authority approve the request of LANV to offer student instruction without a contract with Williamsburg Learning, with the condition that their final proposed distance education curriculum be approved by NDE before the beginning of the 2019 – 2020 school year.

Member Moulton moved to approve Leadership's amendment request, with the condition that their final proposed distance education curriculum be approved by NDE before the 19/20 school year. Member Mackedon seconded. The motion carried unanimously.

Agenda Item 5 – Schools Under Receivership

a. Discovery Charter School Quarterly Update

Last month, the board asked Receiver, John Haynal, to work with Staff to come up with a plan to wind down the receivership of Discovery Charter School. Mr. Haynal could not be at this meeting, but he sent a letter in which he listed potential board members for the new governing board for Discovery. Staff will be thoroughly vetting the applicants and will bring recommendations to the board next month. A school leader still needs to be identified, but Staff will update the board on this at the July meeting. Mr. Haynal plans to exit by August 1.

b. Argent Preparatory Academy Update

Josh Kern, Receiver for Argent, could not be at the meeting. Instead, Director Modrcin updated the Board on the progress that has occurred with regard to Argent's closure since the last meeting in May. He explained that Mr. Kern is trying to sell the property that is the last remaining asset for Argent to Carson Montessori. It is Staff's understanding that after this piece of property is sold, Mr. Kern will be able to pay the staff he has not yet been able to pay.

Chair Guinasso asked if Mr. Kern would let Argent staff know what is going on and what the delay is with regard to their payment. Chair Guinasso wants Mr. Kern to reassure the members of staff that he will fulfill his contractual obligations to them. Mr. Kern will update the Board more fully in July.

Agenda Item 6 – Nevada Virtual Academy

Mr. Herrick outlined what has happened since the May meeting with regard to Nevada Virtual Academy's renewed charter school contract. Members will recall that the board approved the renewed charter contract for NVA's middle and high school in November. The contract contains certain performance benchmarks the school has to meet in order to avoid consequences. The school has retained legal representation to litigate the terms of the contract. The school's position is that the performance benchmarks are not statutorily permitted. Mr. Herrick explained that the school has only two days to execute the contract. He explained that staff's position is that there is no reason for litigation until after the ratings are released in September, which will resolve whether the middle school receives a 2-star rating or a 3-star rating - and all indications point to the school achieving a 3-star rating.

Mr. Herrick went on to explain that on June 21, 2019, NVA filed a complaint challenging the conditions in the renewal contract. Of greatest concern for the school is the performance benchmarks contained therein. The SPCSA has 45 days to respond to the complaint. Then, on June 25, 2019, the NVA governing board held a meeting during which, according to the agenda, they were to review and approve the renewed contract. The action that the school took at that time was to adopt a resolution that, in the event there was no injunction, or if they did not prevail in court, that they would sign the contract under protest and continue to litigate it later. On June 26, 2019, NVA filed for injunctive relief to keep the school operating in the absence of an executed contract.

Mr. Herrick explained that the school not having a contract signed before June 30th would not be problematic for a couple of days – but that anything longer would not be good. He noted that there

are other entities involved – DSA payments from NDE, for example, would be impacted by the absence of a signed contract. The hearing is scheduled for July 9. NVA’s contingency has come to pass, but they have not indicated whether they have or will sign the contract. Mr. Herrick and Chair Guinasso will make themselves available through the weekend to give the school an opportunity to execute the new contract before the old contract expires.

Agenda Item 7 – SPCSA Performance Framework

a. Academic Performance Framework

Dr. Selcuk Ozdemir gave a presentation regarding the completed Academic Performance Framework. His PowerPoint can be found among the supporting materials for this agenda item.

Dr. Ozdemir gave a brief overview of the history of the development of the Academic Performance Framework. He explained that the team did significant stakeholder engagement in order to build a robust framework that accurately depicts the school’s academic performance but is also not redundant to the NSPF. The result is a framework that works in conjunction with the NSPF (60% of the school’s score is based on their NSPF rating) but also includes data relative to metrics not measured by the NSPF.

SPCSA schools will receive an index score from 1 – 100 for the Academic Performance Framework. Points are assigned to earned Measures according to the Point Attribution Tables (PATs). A school may also earn additional points for increasing their English Language Learners (ELL), Free or Reduced Lunch (FRL) or Individual Education Plan (IEP) enrollment. Schools demonstrating improvement of at least 25 percent, or more, over the prior year’s enrollment will earn 3 bonus points for the Diversity Indicator. A total index score is the sum of the number of points earned for all indicators (NSPF, Geographic Comparison, Diversity etc.). Each score range corresponds to an academic performance level (Exceeds Standards, Meets Standards, Does Not Meet Standards, Far Below Standards).

Zoned school index score and district index score will be compared with SPCSA schools. This comparison will allow us to analyze if the students are performing well on the state accountability (NSPF index score) compared to zoned schools and local district? If the SPCSA school receives a 5-Star rating from NSPF, it will automatically qualify for 25 points in the Geographical Comparison indicator. If the SPCSA school receives a 5-Star rating from NSPF, it will automatically be given 25 points. If the SPCSA school receives a 4-Star rating from NSPF, it will automatically earn 15 points and may qualify for additional points depending on comparison results.

If the SPCSA school serves statewide, a statewide comparison will be used for special populations enrollment. The significant increase in ELL, FRL and IEP enrollment measure is included in the SPCSA Academic Performance Framework as a bonus. Schools showing an annual increase 25% or more in ELL, FRL or IEP categories will receive three bonus points.

Member Moulton asked for clarification regarding whether the “zoned schools” portion works on the basis of x-amount of miles radius around the proposed point, or how that would work. Dr. Ozdemir and Director Modrcin explained that the zoned schools aspect of the APF will be based on established zoning boundaries within the district.

Member Kirner asked how this framework impacts virtual schools, as they serve students statewide. Dr. Ozdemir explained that schools serving students statewide would be compared to the statewide averages rather than the districtwide averages.

Member Moulton moved to adopt the proposed Academic Performance Framework. Member Kirner seconded. The motion carried unanimously.

b. Organizational Performance Framework

Mike Dang, Manager of Financial and Organizational Performance gave a short presentation on the development of the Organizational Performance Framework. Much of the work the team did was similar to the work being done on the Academic Performance Framework. There was a great deal of stakeholder engagement and working group roundtables. Mr. Dang's presentation as well as the documents for the Organizational Performance Framework can be found among the supporting materials for this agenda item.

The stated goals of the Organizational Performance Framework were to enable the SPCSA to fulfill its mission as authorizer and regulator, to fulfill NRS 388A.273 requirements for performance indicators, measures and metrics for the organization category, to fulfill public school obligations, provide transparent reporting, to convey SPCSA expectations of charter schools, and to streamline work for staff and schools. The team worked diligently to eliminate redundancies in procedures and reporting requirements.

Chair Guinasso asked whether the OPF addresses the issue of lack of training with regard to the governing bodies of the schools. Mr. Dang and Director Modrein explained the various ways in which this is addressed via the Site Evaluations that are being conducted.

Member Moulton asked to receive a copy of the Reporting Requirements Manual for her review.

Chair Guinasso highlighted the importance of good governance when it comes to the schools' boards. There was some discussion regarding more opportunities for board trainings, but there were no specifics yet. Chair Guinasso asked that Staff be working to address concerns regarding the training of governing boards.

Member Kirner moved to adopt the proposed Organizational Performance Framework. Member Moulton seconded. The motion carried unanimously.

Agenda Item 8 – Academic and Demographic Needs Assessment Update

Director Feiden gave a presentation regarding the Academic Needs Assessment. Her presentation can be found among the supporting materials for this agenda item. Assembly Bill 462 has several requirements – provide written notice to local school district and Department of any notices of intent, new school applications, amendment requests and approvals; conduct the Academic and Demographic Academic Needs Assessment to identify geographic areas within the state that are in need of high-quality school options by July 30, 2019 and use this tool to inform authorizing decisions going forward; submit initial Growth Management Plan by January 1, 2020; complete all site evaluations and provide a report to the Legislative Committee on Education by June 30,

2020. The timeline is tight for this turnaround, but the team has been working to build a robust needs assessment.

Prior to July 30 of this year, the SPCSA must prepare an evaluation of demographic information of pupils, the academic needs of pupils and the needs of any pupils who are at risk of dropping out of school. Going forward this evaluation will inform authorizing decisions and be updated annually. The SPCSA must also establish a plan to manage the growth of charter schools. The plan must include new charter schools as well as additional campuses, grade level expansion or other increased enrollment, and any likely charter renewals that the Authority will approve. The plan must additionally consider statewide pupil performance, including data for specific groups and subgroups, and the academic needs of students in geographic areas of the state.

Academic and Demographic Needs Assessment will be an evaluation of the demographic information of pupils - including the academic needs of pupils, and the needs of any pupils at risk of dropping out of school. The Growth Management Plan will reflect the SPCSA plans to manage the growth of charter schools and include projections for expansions in enrollment over the next five years. We will align anticipated growth to the needs reflected in the Academic and Demographic Needs Assessment. Taken together, the Needs Assessment and the Growth Management Plan will inform new school authorization priorities as well as changes to accountability practices that respond directly to the needs of Nevada students.

We have identified the necessary elements of the Growth Management Plan and will begin to develop it subsequent to approval of the Academic & Demographic Needs Assessment at the July board meeting. As required by AB 462, we must complete the Growth Management Plan by the end of this calendar year. We are on track with the production of the Academic & Demographic Needs Assessment and have shared our outline, proposed definitions, and associated implications for authorizing decisions with key district partners and the Department as required by AB 462.

SPCSA will continue stakeholder engagement regarding the Academic and Demographic Needs Assessment and finalize document for July meeting; at the July board meeting, SPCSA staff will present the final Academic and Demographic Needs Assessment for approval.

Member Luna expressed gratitude that this work is being done – during her tenure on the board, she has seen the rise of the sector and the increase in charters. She appreciates the explanation and the changes in the way the SPCSA will be authorizing schools going forward. Chair Guinasso reiterated that the goal is to provide a high-quality education to the students who need it the most.

The Board reviewed the Academic Needs Assessment document and expressed concern that the boundaries are too narrow but came to agree that the ability to update the plan annually alleviated that fear somewhat. Director Feiden explained that the final presentation on the Academic Needs Assessment would be conducted at the July meeting.

Agenda Item 9 – Growth Management Plan Overview

Director Feiden gave a short, high-level presentation regarding the Academic Needs Assessment. Her presentation can be found among the supporting materials for this agenda item.

The Growth Management Plan is another of the four components of AB462. This is meant to be a five-year plan, the growth of the SPCSA over that time period. The Growth Management Plan must include a five-year projection of anticipated SPCSA charter school launches and expansions; be responsive to needs of students in Nevada as reflected in the SPCSA's Academic and Demographic Needs Assessment; and be developed in collaboration with the Nevada Department of Education and the local school districts in which the charter schools seek to operate.

The plan must be submitted to the Department of Education and the Legislative Counsel Bureau by January 1, 2020; be presented to the Legislative Committee on Education by the SPCSA as soon as possible after the submission of the plan; and be subject to recommendations to the SPCSA by the Legislative Committee and Department of Education; be updated no less frequently than every other year.

Director Feiden explained that the working group anticipates involving some broader community outreach as they begin to do this work and build a plan. She has already reached out to the City of Henderson and they and other stakeholders are eager to participate.

This plan is going to be best built by utilizing the Academic & Demographic Needs Assessment findings to determine areas of the state and student populations in need of higher quality schools; conduct an internal review of current SPCSA portfolio of schools and provide 5-year projections for the launch, expansion, and renewal of new and existing SPCSA charter schools; and Engage the NDE and school districts in developing the plan, receive recommendations related to the plan from stakeholders.

Director Feiden stated it's important to be mindful of the SPCSA's schools in the wider context of education in the state of Nevada as well as identifying and attracting educational providers to the state. She explained that the Needs Assessment is more like looking backward and that the Growth Management Plan is an opportunity to look forward.

There will be a draft of the plan at the November meeting, with the intent to review and approve the plan in December for submission in January.

Member Kirner asked whether the Growth Plan was intended to substitute the Strategic Plan. Director Feiden explained that they are distinct, but they should work in conjunction and that the Growth Management Plan is part of the overall strategic plan. Member Kirner also expressed concern that the Growth Management Plan is dealing with items that are too rapidly-moving to be useful if not done frequently.

Mr. Herrick clarified that the agency is aware of schools opening up to three years ahead of time, but that the idea is to create a plan, but it is necessarily contingent on what happens between now and then and it can be revised and changed accordingly.

Agenda Item 10 – Legislative Session Review

Director Feiden gave a brief re-cap of the legislative session. Included with the attachments for this agenda item is a short fact sheet regarding some of the bills.

- a. Assembly Bill 78
 - The SPCSA’s Bill which moves the ASD schools under the sponsorship of the SPCSA. Further details have been outlined and summarized in the attached document.
- b. Assembly Bill 219
 - Doesn’t have implications for the board itself, it does for the schools. This will require the state to disaggregate ELL student data to be able to look at it closer. There is also a requirement that ELL students receive that assessment in any language that is published, in keeping with federal guidelines.
- c. Senate Bill 543
 - This is the funding formula bill. The bill will go into effect in the 21/22 school year. There is another legislative session between now and then, so it’s possible there will be some tweaks between now and then. In the interim, NDE is going to pay according to the old formula but also run side-by-side the numbers for how the schools would be paid under the new formula. This should help the public to see the comparison more clearly.
There is a commission that has been created to work on the technical details of the funding formula. They will start their work in the next couple of months. This will be important work and that body has the ability to make recommendations relative to the funding. Further information on this bill are included in the attachment with this agenda item.
- d. Assembly Bill 64
 - Only applies to students who enrolled in full-time distance education programs. Statewide schools serve kids all over the state. The per-pupil allocation varies from county to county. Under this bill, if a student lives in a district smaller than five thousand, the virtual school would be paid the statewide average DSA rate, and not the amount of the county’s DSA. This will not impact brick-and-mortar schools and will not impact schools located in counties with more than five thousand students.

At the conclusion of the agenda item, Chair Guinasso excused himself from the meeting at 2:37pm.

Agenda Item 11 – SPCSA Staff Reports

- a. Executive Director’s Report
 - Focus Groups
Director Feiden gave a brief update regarding the 12 focus groups she has held with school leaders and board chairs. While she will use most of the information she gathered to inform decisions going forward, Director Feiden wanted to highlight a some challenges and priorities identified by the schools. Schools

expressed that they have concerns surrounding funding and budgeting; finding, developing, and keeping high-quality staff; student safety.

Another topic of discussion was the schools' relationships with the SPCSA. Schools expressed that the SPCSA should do a better job of understanding the schools' individual needs and the unique context of each one. School leaders asked for open, ongoing dialogue and communication. They also asked for the Authority to provide clear expectations and, where appropriate, provide training so that schools can meet those expectations. There was a concern that the Authority be committed to mutual respect, transparency, and consistency in messaging as the Authority and schools work together to achieve common goals.

- Staffing Update

Director Feiden explained that the agency is currently working to fill two vacant positions on staff and will be able to hire for the three new positions authorized during the 2019 legislative session in October.

b. Finance and Operations

- 2019 Grants

The Finance and Operations team is working to wrap up the 2019 grant cycle to make sure schools receive the funding they need before the school year begins. In previous years, funding has been a laborious and lengthy process. We have typically not had a greenlight to spend money until November. This year, that should be complete by August. Schools will be now able to use those funds for the entire school year.

c. Authorizing

- Site Evaluations

Eighteen site evaluations have been completed and the respective reports for each evaluation has been completed as well. The team will be taking the summer to do a few things to recalibrate before fall. Authorizing and School Support will be working collaboratively to track action items and recommendations arising from site evaluations. Staff will also be reflecting on the process to-date and undergoing more training. The team has also sent a survey to the schools whose evaluations have been completed to solicit feedback about the process and opportunities to improve it. The finalized reports will be part of an update in July, when there will also be a more solidified SY19/20 evaluation schedule.

d. School Support

- School Visits

Lisa and Brian have conducted enrollment growth adjustment audits at five campuses and a pre-enrollment audit at one campus.

- NSPF Data Collection

Lisa and Sara are continually working to support schools with their data questions and reporting requirements.

- General Support

Agenda Item 12 – Long-Range Calendar

Director Feiden presented an updated long-range calendar to the board. The calendar is current and projects twelve months. It was updated to reflect AB462 initiatives and deadlines. Renewals and new school applications were added as well as an NSPF preview going into the fall, to prepare the board for when the NSPF ratings come out in September.

Member Moulton explained that she would be joining via phone for the July and August meetings.

Agenda Item 13 – Public Comment #2

Pat Hickey, CSAN Executive Director, thanked the board for their work and commended them for holding a pleasant meeting. He explained that his board performs exceptionally well in carrying out its duties and seems to understand the importance of governance and how vital it is. He thanked the SPCSA for the collaboration on the frameworks and explained that there may be some room for CSAN to be involved in governance trainings, orientation, etc. He also invited the Authority members to the conference in Las Vegas, held during the first week of July.

Agenda Item 14 – Adjournment

The meeting was adjourned at 3:20 pm.