



STATE PUBLIC CHARTER SCHOOL AUTHORITY

1749 North Stewart Street Suite 40  
Carson City, Nevada 89706-2543  
(775)687-9174 • Fax (775)687-9113

2080 East Flamingo Road Suite 230  
Las Vegas, Nevada 89119-5164  
(702)486-8895 • Fax (702)486-5543

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**BRIEFING MEMORANDUM**

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**TO:** SPCSA Board  
**FROM:** Rebecca Feiden, Executive Director  
**SUBJECT:** Agenda Item No. 12: Nevada Virtual Academy  
**DATE:** July 24, 2020

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The Nevada State Public Charter School Authority Staff is recommending that the Authority resolve the pending litigation initiated by Nevada Virtual Academy (“NVVA”) against the SPCSA in regard to NVVA’s 2019 renewed charter school contract on the terms and conditions outlined in this memorandum. This resolution would include dismissal of the pending litigation, with prejudice, and the SPCSA and NVVA entering into an amended charter contract as further detailed below.

**Dismissal of Pending Litigation**

The pending litigation (Case No. A-19-797195-W; Eighth Judicial District Court, Clark County) would be dismissed with prejudice, with each party to pay their own costs and attorneys’ fees.

**Approval of an Amended Charter Contract**

Approval by the Authority of a five (5) year amended charter contract for NVVA’s middle and high schools. Note that NVVA’s current charter school contract runs from July 1, 2019 through June 30, 2025. The amended charter contract would run from July 1, 2019 through June 30, 2024, and includes the following terms and conditions:

1. Charter Term:

The term of the amended charter contract would be for a five-year term, beginning on July 1, 2019 and ending June 30, 2024. Note that one school year has elapsed under NVVA’s current charter school contract, meaning that the school would have four school years remaining under the amended charter contract – the 2020-2021, 2021-2022, 2022-2023, and 2023-2024 school years – and pursuant to the amended charter contract NVVA would apply for renewal of its amended charter contract during the fall of 2023. The charter term can be found in Section 1.3 of the amended charter contract.

2. Enrollment:

NVVA's 2019 charter school contract set a maximum enrollment for NVVA's middle and high schools of 1,790 students. The amended charter contract increases the maximum enrollment to 2,100 students. The amended charter contract also revises the maximum number of students in each grade level. This information can be found in Section 2.3 of the amended charter contract.

3. Removal of Previously-Included Terms:

NVVA's 2019 charter school contract provided that NVVA's middle and/or high school would close at the end of the school year in any year that NVVA's middle and/or high schools received two consecutive years of one- or two-star ratings under the Nevada's Department of Education's Nevada School Performance Framework ("NSPF"). The amended charter contract removes these provisions. These provisions were previously set forth in Section 7.5 of NVVA's renewed charter school contract.

A copy of the proposed amended charter contract is included along with the supporting materials for this agenda item, and is subject to approval of NVVA's governing body.

**Proposed Motion: Accept SPCSA staffs' recommendation, and approve the draft settlement agreement and amended charter contract.**